

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, JUNE 8, 2020

1. CONVENE

President Curtis convened the meeting at 7:01 p.m.

This was a virtual meeting.

2. FLAG SALUTE

Board Member Teresa Ruiz led the flag salute

3. ROLL CALL

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

Absent: Board Member Hanson Hom

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

6-A 2020-8030

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)

Staff's presentation and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4547655&GUID=AAF691FE-5082-4AEB-B6B7-2B7157BB6277&FullText=1>.

Board Member Alan Teague made a motion to approve the consent item and Board Member Ruiz seconded. President Curtis took a roll call vote and the item passed 6-0, one abstention due to absence.

7. REGULAR AGENDA ITEMS

7-A 2020-8022

Board Elections

President Curtis stated these will be for the Board Elections starting July 1, 2020, and ending June 30, 2021, and then opened the nominations for Vice President first.

Board Member Teague nominated Board Member Jeff Cavanaugh for Vice President, Board Member Ruiz seconded.

Allan Tai, City Planner, said that in the past when they have done elections they have had a full board present. Since Board Member Hom was absent he questioned if they should be discussing elections.

Andrew Thomas, Director of Planning, Building, and Transportation questioned if the board had to be fully constituted to do the elections.

Board Member Teague believed that not every member had to be in the room.

Director Thomas then said they could continue the discussion for now but that they had to have the elections before Board Member Cavanaugh left.

President Curtis said he wanted to have the elections that evening and if there were any objections they could reopen it at the next meeting.

Board Member Teague was also in favor of having the elections that evening.

President Curtis repeated the motion made that Board Member Teague had nominated Board Member Cavanaugh for Vice President and that Board Member Ruiz had seconded.

Board Member Cavanaugh did not accept the nomination due to the fact that he would be moving out of Alameda at the end of the month. He thanked everyone on the board and the staff for their time and how much he appreciated his time on the board.

President Curtis said that Board Member Cavanaugh had made a "hell of a" contribution and he would be missed. He then opened the board to other nominations.

Board Member Rona Rothenberg nominated Board Member Asheshh Saheba for Vice President and Board Member Teague seconded.

President Curtis took a roll call vote and the nomination passed 6-0, with one abstention due to absence, Board Member Saheba became the new Vice President.

President Curtis nominated, with a great deal of pleasure, Board Member Teague for President, Board Member Cavanaugh seconded.

President Curtis took a roll call vote and the nomination passed 6-0, with one abstention due to absence, Board Member Teague became the new President.

7-B 2020-8031

PLN20-0047 - Appeal of Design Review Approval - 1245 McKay Avenue - Applicant: Alameda Point Collaborative, Inc. Public Hearing to Consider an Appeal of Design

Review Approval No. PLN20-0047 to Allow the Rehabilitation of an Approximately 50,517-Square Foot Existing Building

President Curtis wanted it to be noted that the board had received close to 60 emails from the public on this item.

Henry Dong, City Planner III, gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4547656&GUID=8C81987D-D5BF-4CE2-9E3B-2C1CAF67D800&FullText=1>.

Board Member Teague asked when the building was built.

Staff Member Dong replied the building was built in 1942.

Board Member Teague wanted to know if the Building Official determined that this alteration counted as a demolition under the Historical Preservation Ordinance.

Staff Member Dong said that the Building Official had seen the plans for this project and determined that demolition does not trigger any Certificate of Approval requirements.

Board Member Teague asked about the wording in finding number one and wanted clarification that there was no requirement that the physical improvements need to be compatible with the building's existing architectural style.

Director Thomas said that is correct, it's not a required finding, it could be an argument. The board was welcome to rephrase that sentence if they thought it needed to be made more accurate about the proposed design.

Board Member Teague said that under the zoning AP is very general and wanted to know the difference between a convalescent, nursing, and a rest home.

Director Thomas answered the definitions are very similar, the zoning code does not make very clear distinctions between the three. The use of the building is consistent with the intended use under the zoning. The Council specifically rezoned this property for this use.

Board Member Teague wanted clarification that all three are permitted uses (convalescent, nursing, and rest home) and are covered under the zoning.

Allen Tai, City Planner, said yes they are all permitted uses.

Board Member Rothenberg wanted clarification on the staff's report on Environmental Review, did they intend to include in the design review comments and resolution the reference about them continuing at their own risk.

Celena Chen, City Planning Counsel, answered they added that sentence to explain to the board that just because the appeal is pending the staff can still consider the approval.

Board Member Ruiz wanted more information on the difference between convalescent vs. senior home.

Director Thomas answered there is not a strong difference in the zoning code. The zoning is consistent with the use, that's all that matters.

Board Member Ruiz said they were not defined in the zoning codes. Senior home is the only one defined and only wanted if there was any other information she was not seeing.

President Curtis asked Board Member Ruiz if she wanted to go deeper into the definitions.

Board Member Ruiz said that Director Thomas had answered her question.

President Curtis opened the public comments.

John Healy, the Appellant, addressed the board with the reason for the appeal stating numerous concerns from himself and others. His appeal and letter to the City can be found at <http://alameda.legistar.com/gateway.aspx?M=F&ID=1bc6e2fc-3978-422b-b5ad-4920d3b74810.pdf>.

Doug Biggs, the Applicant, then addressed the board in support of the Staff Report and spoke about the concerns brought forward by Mr. Healy. He asked that the board uphold the original decision and to reject the appeal.

The following public comments were read into the record.

Rosalind Fortuna, a resident of Alameda, spoke in favor of the appeal. She said she did not believe that the facility had the correct zoning and is very concerned with traffic and parking issues a facility like this could bring into the neighborhood. She said that Alameda is the wrong town for a service of this type and asked that the board protect Crab Cove.

Susan Hauser, representing The League of Women Voters of Alameda, said that the board should deny the appeal of the approved design for a senior convalescent home at 1245 McKay Ave. She said as staff illustrated in their response Mr. Healy's appeal is irrelevant to the ministerial design review.

Harvey Rosenthal spoke against the facility at 1245 McKay. He believed that local politicians who supported this project were misinformed about who would benefit at this facility and feels that this is a classic "bait and switch". He said that Alameda has already done its part to help the homeless and took issue that the homeless from Oakland would be sent to Alameda. He also said that the land needs a full environmental analysis under CEQA due to possible toxic contamination.

Tova Fry wanted to express her total support for the design review approval for the 1245 McKay Point Collaborative project. She said that the people of Alameda had already spoken in support of this project when they voted in the special election to move this forward, the people of Alameda who are opposed to this project have cost the city of Alameda enough money already. She asked that the board move this project forward without further delay.

Laura Gamble wanted to express her support for the staff recommendation that the Planning Board deny this bad faith appeal. Please uphold Design Review approval PLN20-0047.

Zac Bowling asked that the board please deny the "NIMBY" appeal on these terms.

Other public comments can be found at:
<http://alameda.legistar.com/gateway.aspx?M=F&ID=c981955d-c12d-4bce-a8d7-414ade119c1f.pdf>.

President Curtis closed public comments.

Board Member Teague asked Staff Counsel Chen about compliance for the three findings that must be made for design review and wanted to know if any of the legal opinions that were stated in the comments were at all applicable.

Staff Counsel Chen said that none of the issues raised in the comments involved the design review findings that are required for design review approval.

Board Member Teague thanked everyone for their submitting comments both pro and con and wanted everyone to feel comfortable expressing their opinions freely without vilifying anyone. He then addressed the AP zoning, historical ordinance, neighborhood overall design findings and believed everything was well addressed. For the proposed resolution he did disagree with the one phrase and would strike it from the resolution, in terms of it mirroring the existing architecture, because it does not do that. However, that is not required for the board to make this finding. He believed the proposed design, structure, and exterior materials are visually compatible with the surrounding development. He was absolutely in support of denying the appeal and approving the design review with the one modification in the first finding.

Board Member Cavanaugh concurred with Board Member Teague.

Board Member Saheba believed the architecture is a value add and thanked the applicant for getting the project to this point.

Board Member Rothenberg concurred with the comments of her fellow board members and believed that the applicant had met all the codes and guidelines in the conditions of approval. On this basis, she would be inclined to deny the appeal and support the project.

Board Member Ruiz asked Staff Counsel Chen if it was the board's or building department's purview to comment or require resolution on the hazardous material remediation.

Staff Counsel Chen answered that the resolutions are covered in the conditions of approval.

Board Member Ruiz asked for more legal clarification about what was the board's purview and the applicant's state licensing and future budget.

Staff Counsel Chen answered that in order to operate they have to have a state license and as for future budget, no that's not under design review.

Board Member Ruiz asked about objective standards and since it had not to be adopted by the City Council, asked if it impinges the Board's ability to approve a project.

Staff Counsel Chen said no.

Board Member Ruiz then said that she would support the project moving forward and would deny the appeal.

President Curtis thanked everyone for reporting on the issues and for putting their input in. He believed that the applicant had done a good job of meeting the criteria for design review and would vote to deny the appeal and let the project continue.

Board Member Teague made a motion to approve the draft resolution, denying the appeal and approving the design review application to allow the rehabilitation of the building for adaptive reuse as a senior living convalescent home. With the change in finding number one that the phrase "and the proposed physical improvements to the building are architecturally compatible with the building's existing architectural style" be struck. Board Member Ruiz seconded. President Curtis took a roll call vote and the motion passed 6-0, one abstention due to absence.

8. MINUTES

8-A 2020-8027

Draft Meeting Minutes – February 24, 2020.

Board Member Teague asked that under section 8 it be changed to "Board Member Teague said he apologized for".

Board Member Rothenberg made a motion to approve the minutes, Board Member Cavanaugh seconded. President Curtis took a roll call vote and the minutes passed 5-0, two abstentions, Board Member Hom due absence and Board Member Saheba due to being absent at the time of the February 24, 2020 meeting.

9. STAFF COMMUNICATIONS

9-A 2020- 8023

Planning, Building and Transportation Department Recent Actions and Decisions

Staff Member Tai said they only have two staff level activities, design review for a deck demolition with second story addition, and a Certificate of approval of the demolition of a carport.

Additional information can be found

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4546225&GUID=12CA0F2C-8794-4A9F-83E0-4F743630FA5A&FullText=1>.

9-B 2020- 8024

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

Director Thomas said they would have a meeting on June 22, 2020. This would be Board Member Cavanaugh's last meeting and there would be a resolution for him. They would also address the city-wide commercial use permit in response to Covid 19. Also, there would be two use permits for cannabis dispensaries.

Board Member Teague asked if there would be a design review as well.

Staff Member Tai said it was just a use permit.

10. WRITTEN COMMUNICATIONS
None.

11. BOARD COMMUNICATIONS

Board Member Teague said the next City Council meeting would hear an appeal to the alterations to the universal design the Board had done.

Board Member Cavanaugh wanted to know if they would be meeting in person at the next meeting.

Director Thomas believed the next few meetings would be virtual.

12. ORAL COMMUNICATIONS
None.

13. ADJOURNMENT
President Curtis adjourned the meeting at 8:07 p.m.