

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, MARCH 8, 2021

1. CONVENE

President Alan Teague convened the meeting at 7:00 p.m.

This meeting was via Zoom.

2. FLAG SALUTE

President Teague led the flag salute.

3. ROLL CALL

Present: Board Members Curtis, Hom, Rothenberg, Cisneros, Ruiz, Saheba, and Teague.
Absent: None.

4. AGENDA CHANGES AND DISCUSSION

President Teague acknowledged that it was International Women's Day and wanted to praise the amazing work of the women on the board and staff.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

None.

7. REGULAR AGENDA ITEMS

7-A 2021-708

Planning Board Study Session: Proposed Process and Schedule to Update the City's General Plan Housing Element for 2023 to 2031.

Andrew Thomas, Director of Planning, Building, and Transportation, introduced the item and gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=4812300&GUID=E88C245E-5470-4D5D-B5C5-AD33A529315F&FullText=1>.

President Teague opened the public comments.

There were no public comments.

President Teague closed public comments and opened the board's clarifying questions and comments.

Board Member Rona Rothenberg said it was a very thorough and explanatory report. She suggested it would enhance the report to have a small graph on page 2 and explained how it could make the information more clear. She also wanted clarification about the inclusionary ordinance where in-lieu fees were discussed. She also suggested adding a bullet on page 16 to inform the public that staff had contacted the state about not making the numbers.

Board Member Xiomara Cisneros asked when was the last time they had done an Impact Fee Nexus Study.

Director Thomas said it was about 5 years ago when they did their current Impact Fee. They had updated a portion in the last couple of years for the Open Space piece of the Impact Fee. The larger issue they need to address over the coming months is they need to look at all the Impact Fees together. He spoke about the delicate balance of trying to impose costs on projects to cover public projects and how those fees impact many different things.

Board Member Teresa Ruiz wanted clarification on the next RHNA (Regional Housing Needs Allocation) allotment since there were two different numbers in the report.

Director Thomas explained that the current draft number was 5,350 and how the number had been changing over time. He said that it would be finalized this summer and they would correct and update the report.

Board Member Ruiz also commented on the inclusionary housing and wanted to know if they currently allow offsite inclusionary housing since it could be an economic way to offset affordable housing requirements.

Director Thomas said they do currently allow that under the code. He explained what the code allows and past projects that had done that. He also explained variations that had been allowed.

Board Member Ruiz suggested they refine the zoning to code to encourage this more it could make affordable housing more feasible. She also pointed out that Density Bonus had gone up to 50% from the 35% that was noted.

Director Thomas said that was correct and the report would be updated.

Board Member Ruiz also thought that on page 15 they should refine the Universal Ordinance to achieve the goal without becoming a burden. Also, they should better define Group Housing such as Co-Living.

Director Thomas said from the staff's perspective they agree. He added that recognizing in the zoning code and making sure through the housing element process with HCD (Housing and Community Development) they could count those units.

Board Member Ruiz suggested allowing upzoning of the existing dated multifamily projects and gave examples and the benefits of doing so.

Director Thomas said that was a very interesting idea to pursue.

Vice President Asheshh Saheba wanted to know what was the likelihood of these approved housing projects moving forward.

Director Thomas said they recommend not putting any project on the list unless they feel confident that it would happen. He explained how they work with projects that had been "stuck" for one reason or another.

Vice President Saheba commented on the Senior Assisted Living and was happy it was being counted. He wanted to know if Memory Care was also counted in the residential count.

Director Thomas said that staff is working with HCD to know what would be counted as a unit. He spoke about past work they had done with HCD and that there would be changes to the code to allow assisted livings to count.

Board Member Ron Curtis asked how the math worked out to show the percent of housing they were responsible for.

Director Thomas explained how they arrived at that amount and also discussed RHNA's methodology.

Board Member Curtis was concerned about any action they take that would subsidize these units at the cost of the taxpayers. He wanted to know if the board or City Council had the authority to do that without a vote from the community.

Director Thomas said yes they did. Under State Law, they are called Development Impact Fees. There was a strict approach for how a city could adopt fees on new development, it's not a requirement but more of an option. City Council could adopt them or not, and they could resend or adjust them.

Board Member Curtis said this should be done above board so everyone can see it.

Board Member Hanson Hom was in support of redefining the definitions around senior housing under the current zoning code. He discussed adjusting the percentages around

Density Bonus and was in favor of having that discussion. He asked if Alameda had a Commercial Linkage Fee and suggested doing a Nexus Study on it.

Director Thomas said yes Alameda had one.

Board Member Hom wanted to know if these projects could take advantage of the Density Bonus and if so, whether these units be counted towards the City's Regional Housing Needs Allocation (RHNA).

Director Thomas said on that particular issue there were projects where a certain amount has been approved, then there were the areas they were upzoning and HCD says you have to have a realistic amount. Alameda Point for example there was a Navy Financial Cap, and they would max out the amount under that cap.

Board Member Hom wanted to know when they might hear back from HCD.

Director Thomas said he hoped to hear back from them in a month or so.

President Teague suggested having four "buckets", the fourth bucket would represent the MF (multifamily) overlay which is the most politically charged item. He added that they should explore all the possible code changes to see what the potential number of units that would allow in terms of infill. He was surprised to see Coast Guard Island on the list because he didn't think that HCD would ever count that.

Director Thomas agreed and said it was only on the list to remind the staff to call the Coast Guard and see if they had any plans to build housing. If they do plan on building housing they would work with HCD to count that housing.

President Teague commended Board Member Hom for bringing up the 1% of the 15% Inclusionary Housing was too small and it needs to be at least 2%. He spoke on other possible opportunities to encourage housing and added that the subcommittee (President Teague, Board Members Hom, and Cisneros) would be meeting later this month.

Director Thomas said that the staff would be reaching out to the subcommittee to schedule a meeting. He gave a rundown on the issues they would be working on first.

7-B 2021-715

Public Hearing to Consider Resolutions Recommending Approval of a Tidelands Exchange and a Resolution Recommending Approval of the Amended Encinal Terminals Master Plan for the Redevelopment of the Encinal Terminals Properties (072-0382-001, 072-0382-002, and 072-0383-003) and City Tidelands Property (APN 072-0382-009) located at 1521 Buena Vista Avenue. A Supplemental Environmental Impact Report for the Tidelands Exchange and Master Plan was prepared and certified in 2017, in conformance with the California Environmental Quality Act.

Board Member Ruiz recused herself from this agenda item.

Director Thomas gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=4812302&GUID=89F5F1F0-A3C5-48E5-8599-A69FF4FB5452&FullText=1>.

Mike O'Hara, the developer's representative, also gave a presentation that explained the history and the vision of the project. He then made himself available to answer questions.

President Teague opened the board's clarifying questions.

Board Member Rothenberg asked for a recount of the City Council's action in December 2017 that resulted in an impasse with the City Council unable to get the votes to pass this project. She wanted to know how to make sure the impasse didn't happen again.

Director Thomas explained that in 2017 there was no motion to approve the exchange, there was no support. There were also no consequences for not doing it. Now there is a very real public benefit for doing this project, this will help the city get to the required amount of housing units.

Board Member Rothenberg asked about the funding for the maintenance of the open spaces and areas and wanted to know if there was a net amount of assessments that will cover those public areas and had it been quantified.

Director Thomas said that it had not been quantified by the city yet. He pointed out that Chapter 4: Process, lays out the sequence of steps they would take. Early in the process city staff would work with counsel and put together the assessment district, and then they would be voted in.

Board Member Rothenberg asked about the Sierra's Club letter addressing marine impact. The EIR (Environmental Impact Statement) was already certified and the report states that there would be no additional or more severe environmental impact. She asked if it was certain that the issues raised by the Sierra's Club letter would not invoke any additional actions.

Director Thomas clarified for the record that the EIR report was certified in 2017 for the development of this site with a Tidelands Exchange. The plan they are looking at now is the same as it was in 2017 and there was no evidence that there would be any additional impact.

Board Member Cisneros asked to hear more about the mitigations for sea-level rise.

Director Thomas explained that the project was designed to provide for 36 inches of sea-level rise. He also spoke on the requirement (for all waterfront projects) that they also

design the project so it could be adapted in 10 or 20 years to accommodate the sea-level rise and that it must include some financial mechanism.

Board Member Cisneros also wanted to know about the mitigation for other environmental concerns.

Director Thomas spoke about how California and the Bay Area have a series of Regulatory Permits that any project working near the water has to adhere to.

Board Member Curtis wanted to disclose that he had met with Mr. O'Hara before to discuss this project.

Board Member Hom also wanted to disclose that he had met with the applicant. He also wanted to talk about the Sierra's Club letter about land use and questioned that it might be part of the development agreement.

Director Thomas said it certainly could be, it's a request for money for De-Pave Park, a great project on the other side of the island. It's a decision for the City Council and they have to decide if it's affordable, to make this a request of the developer. These demands could make the project infeasible.

Board Member Curtis wanted to state that the biggest enemy of this project is time, time was costing the developers money.

Mr. O'Hara wanted to point out the misinformation that reducing the amount of wharf area was a "windfall" to the project. He talked about how they were scrapping for viability and they now know more than they knew back then from the Engineering Review Board.

Board Member Hom wanted clarification on some aspects of the Master Plan. He asked about the palm trees that were planned for public improvement, however, palm trees were not allowed under the guidelines.

Director Thomas said that the final design review would have to come back to the Planning Board for all those design elements.

Board Member Hom questioned why the cross-sections of public access are lacking street lighting. He did not see a lighting plan with the fixtures mentioned. He also questioned the outline of the phasing of public improvements.

Director Thomas said they are trying to create some flexibility in the sequence of those improvements.

Board Member Hom wanted clarification in the Master Plan that the Alaska Basin District would set aside land for Marina parking. He also wanted to know if there would be a

requirement that the Affordable Housing would be distributed throughout the four districts or would they be concentrated in one area.

Director Thomas said they had left the option open to concentrate the Affordable Housing if they wanted to bring in a partner. He spoke more about the benefits of having a partnership.

Board Member Hom asked if the Affordable Housing Agreement would be part of the design review process that comes before the board.

Director Thomas said that the Affordable Housing Agreement is approved between the City Manager and the project applicant but they need to know those things when they do the design review.

President Teague asked about the 2018 plan and wanted to know why the imagery wasn't matching what was on the slides. The "No Exchange" plan did not match what they had been looking at.

Mr. O'Hara explained the differences between the 2018 plan from the current one. Most of the difference was due to how much of the wharf could be saved and what else changed after working with BCDC (Bay Conservation and Development Commission).

Director Thomas also explained how all of these changes affected approval from each group.

President Teague and Board Member Cisneros disclosed that they had met with the applicant as well.

President Teague opened the public comment.

Laura Thomas, Renewed Hope Housing Advocates, wanted to express her support for the Amended Master Plan for the Encinal Terminal Development with the Tidelands Exchange. She spoke of her disappointment of this not passing in 2017 and believed that the Sierra Club was not on the side of development or housing. She said this was a terrific opportunity to address traffic issues since there would be water transportation offered and it was going to provide badly needed housing for low-income families. She hoped the City Council would be smarter this time.

Vickie Sedlack, a resident of Alameda, urged the board to approve this project. She saw this as an exciting project that would help Alameda make its RHNA number. She was also excited by the waterfront access this would bring to the public and would allow for water transportation.

Peter Anderson, the owner of Grand Marina, said even though this project could potentially create a competitor for him he still wanted to support this project. He said the wharf was

badly in need of attention and repair and this project was badly needed. He offered to take anyone from the Sierra Club on a tour to show them how bad the wharf was and he was concerned if nothing happened the wharf would end up in the estuary.

Kelly Lux, Chair of the Alameda Chamber of Commerce, gave her support to the Encinal Terminal. The Chamber of Commerce strongly supported the Tidelands Exchange which made the Master Plan possible because it would make a significant improvement to the land to allow the project to be built. It also brings in badly needed housing and adds wonderful public waterfront open space for all to enjoy. They were also in full support of the housing plan provided. She strongly encouraged the city to move forward with this project.

Patricia Lamborn wanted to support the Sierra Club's letter. She asked that the board move this decision back to the elected leaders of the City Council. She also brought up the request for the developer to donate 2 million dollars for De-Pave Park. She and the Sierra Club believed what the developer was offering were things they would get anyway and the developer was not doing enough to deal with sea-level rise.

Jim Oddie was in favor of this project. He offered some suggestions on how to make it more attractive to the City Council. He suggested making the finances more transparent and adopting the Sierra Club's request for 2 million dollars for De-Pave Park. He urged the board to do something different or this project would be stalled again.

President Teague closed public comments.

President Teague opened board discussion and comments on the Tideland Exchange.

Board Member Rothenberg said it was a conditional and meritorious plan which would enable the development.

Board Member Cisneros agreed with the previous comments in support.

Vice President Saheba was in support of the Tideland Exchange as well.

Board Member Curtis was also in support of the exchange. He commented on the 2 million dollars proposal, he said that would add too much money to the selling price of the units and the true benefits to the city was going forward with the project.

Board Member Hom believed the Tideland Exchange was a positive direction for the use of this piece of property. He was also in support even without the 2 million dollar contribution or any contribution.

President Teague thanked the staff, the applicant, and the citizens for speaking on this issue. He believed that any negotiations with the developer for anything extra was a City

Council item and was in full support of moving this to the City Council. He recommended changing the word “reconsider” to “negotiate” since no action had been taken.

Board Member Rothenberg made a motion to recommend to the City Council to approve the Tidelands Exchange with the word change of “reconsider” to “negotiate” and Board Member Curtis seconded the motion. A roll call vote was taken and the motion passed 6-0, Board Member Ruiz had recused herself.

President Teague opened board discussion and comments on The Master Plan.

President Teague clarified with the staff that the board didn’t need to approve the Master Plan that evening for the plans to move forward in terms of the Tidelands Exchange.

Director Thomas said that was correct and that the staff planned to be back with a Development Agreement for a Planning Board review.

Board Member Rothenberg discussed how Master Plans are living documents and they form over time. She believed this Master Plan stood on its merit and content but could benefit from being improved and more informative in areas. She pointed out there could be aspirational goals set that had been brought up by the public. She gave examples of how that would work and pointed out places where other references could be noted.

Board Member Cisneros appreciated the comments made by Board Member Rothenberg. She felt that the Master Plan was very comprehensive but did encourage the applicant to consider and incorporate some of the other comments made by the public. She also saw that the 2 million dollar request was for City Council to negotiate, she did note that she believed the request was a bit unfair.

Vice President Saheba believed the Master Plan was much improved and agreed with Board Member Rothenberg’s comment about the Master Plan being a living document. He also gave examples of areas that could be made clearer. He had some thoughts on how to make the parking more mindful.

Board Member Curtis believed his colleagues had already beautifully articulated the critiques of this plan and he had nothing else to add.

Board Member Hom was in support of the Master Plan and thought it was much improved from the 2018 plan. He commented on public access and how this project would provide access on 3 sides which is much more public access than you would see in regular waterfront projects. He also commended that the developer was committed to maintaining public access, which was a big plus. He was also ready to adopt the Master Plan now with a few amendments. He suggested revising the sketches, adding plans for the lighting in public access areas and ways to improve parking.

President Teague talked about the original Master Plan from December 2017 that was 80 pages compared to the current one which was only 40 pages. He said many areas were not elaborated on enough. He suggested looking through and seeing where more information could be added, the information is there so it needs to be included. He wanted the Master Plan to be more complete, but if the rest of the board was ready to approve he would. He wanted to see the Master Plan come back with the Development Agreement.

Board Member Rothenberg asked the board and the staff if the City Council would expect to have the approval of the Tidelands Exchange and the Master Plan come as a unit. She thought it could be detrimental to the consideration of the Tidelands Exchange to not have the Master Plan come with it at the same time.

Director Thomas said that the staff planned to be at the City Council hearing with all the documents together. He added that they could certainly bring the Master Plan back with these changes when they come with the Development Agreement to the Planning Board. That would not slow up the process.

Board Member Curtis wanted to make sure that not having an approved Master Plan would not affect the City Council's decision on the Tidelands Exchange.

Director Thomas assured Board Member Curtis that staff would bring the resolution of Tidelands Exchange to the council when they brought everything else. They would not go to the council with only a piece of the puzzle.

Board Member Curtis also wanted to make sure once this was approved it would come back to the Planning Board for final Design Review.

Director Thomas said yes, items such as lighting, palm trees, the configuration of blocks, and use of the launch. All of that is part of the Design Review in the final process, but having a well-thought-out Master Plan would make all of that more clear.

President Teague asked if this would slow up how long it took the Development Agreement to come before the board.

Director Thomas did not see any of the comments or suggestions as slowing down the process.

Board Member Hom made a motion to defer the approval of the Master Plan and have it come back to the Planning Board with the Development Agreement with the amendments and clarifications that had been discussed. Vice President Saheba seconded the motion. A roll call vote was taken and the motion passed 6-0, Board Member Ruiz had recused herself.

Director Thomas reviewed his notes to make sure he had all the concerns to revise the Master Plan. He noted the palm trees and landscaping, the lighting issue, look at the references regarding the Bay Trail, getting a better timeline, improve the language around the launch and the use, take another look at the parking, refine the scale of the blocks, and look at the 4 setbacks.

Board Member Hom suggested looking at elevations.

8. MINUTES

8-A 2021-713

Draft Meeting Minutes – February 8, 2021

Board Member Curtis gave a correction on page 2 for his statement and provided better wording.

Board Member Hom made a motion to approve the minutes with this correction and Board Member Curtis seconded the motion. A roll call vote was taken and the minutes passed 7-0.

9. STAFF COMMUNICATIONS

9-A 2021-705

Planning, Building and Transportation Department Recent Actions and Decisions

Recent items can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4812298&GUID=4560C896-44DB-4E7A-9F73-FE2C940E2B1D&FullText=1>.

No board members wanted to pull any of the items for review.

9-B 2021-706

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

Allen Tai, City Planner, said that at the next meeting on March 22 the staff would be bringing the project at Peach St back that had been called for a review. The staff was also planning on giving an update of the General Plan update process.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

None.

12. ORAL COMMUNICATIONS

None.

13. ADJOURNMENT

President Teague adjourned the meeting at 9:51 p.m.