

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, DECEMBER 13, 2021

1. CONVENE

President Asheshh Saheba convened the meeting at 7:00 p.m.

2. FLAG SALUTE

Vice President Teresa Ruiz led the flag salute.

3. ROLL CALL

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

Absent: None.

4. AGENDA CHANGES AND DISCUSSION

Vice President Ruiz made a motion to move item 7-C to the first of the Regular Agenda Items. Board Member Curtis and Teague seconded the motion. A roll call vote was taken and the motion passed 7-0.

President Saheba acknowledged the sad passing of Alameda County Supervisor Wilma Chan who was killed when she was struck by a motorist in Alameda.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

6-A 2021-1539

2022 Planning Board Regular Meeting Schedule.

The schedule can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5350543&GUID=B6514AD0-1B04-4450-922E-A1DEE50AADC2>.

Board Member Alan Teague made a motion to approve the schedule and Board Member Rona Rothenberg. A roll call vote was taken and the motion passed 7-0.

7. REGULAR AGENDA ITEMS

7-C 2021-1559

Public Hearing to Consider Amendments to the Bayport/Alameda Landing Master Plan and Alameda Landing Waterfront Residential Planned Development at 2800 Fifth Street (PLN21-0457) to eliminate a requirement for a minimum of 5,000 square feet of

commercial services space adjacent to the Alameda Landing Waterfront Park on Fifth Street.

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=5350551&GUID=D9C80E17-3993-45F1-B10B-8E17EA1EB02E&FullText=1>.

Bill Sadler, Development Director of Pulte Homes, also gave a presentation.

President Saheba opened the board clarifying questions.

Board Member Ron Curtis wanted confirmation that the increase of units was to 362.

Director Thomas said that was correct.

Board Member Teague confirmed that the term “commercial” was broader than “retail”. He asked if there were sections they could strike out since it would be giving the developer a lot more time. He wanted to know the estimated timeline.

Director Thomas explained the idea behind the original condition. He said that the staff did not want to stop the project as they did Design Review. He then explained the reasoning behind the revised condition.

Mr. Sadler discussed the timeline for the development for when they would reach building 330.

Board Member Rona Rothenberg disclosed that she had emailed Mr. Sadler. She asked about the Master Plan and wanted to know if Mr. Sadler had weighed the benefits of a “commercial” designation.

Director Thomas explained the history of the original Master Plan and what was needed to support the types of uses that would be there.

Staff Member Tai added there had been conversations about the benefits of a Community Commercial Space.

Board Member Ruiz disclosed that she too had reached out to Mr. Sadler before the meeting. She said that they had discussed that the townhome models yield more units and if he would consider modifying the ground floor single-family units. She also wanted to know what was the most efficient and financially feasible.

Mr. Sadler explained that what they had designed was already approved and permitted. Any changes could delay completion but he was all for putting the right home on this property. He gave a cost and time rundown for the options.

Board Member Xiomara Cisneros asked about sales for the development. She also wanted an update on the public water shuttle.

Mr. Sadler said sales were going well and very steady.

Director Thomas gave an update on the funding and development of the water shuttle service.

Board Member Hanson Hom wanted to know if there was a Community Space planned or would Mr. Sadler consider one. He also asked what would happen if the City Council decided to maintain the Commercial Space designation. He also asked if they were open to including low incoming housing in the mix.

Mr. Sadler said he would need to look into that since they were already in the process with the DRE (Department of Real Estate) with an approved budget. He then discussed how the designation and how having low-income housing would affect their work.

President Saheba asked about the construction of the boardwalk and the park. He wanted to see things come together in a linked fashion.

Director Thomas discussed the requirements for those constructions. Mr. Sadler discussed what was delaying those items.

Board Member Hom was concerned about financing and wanted to make sure any changes would not negatively affect Mr. Sadler.

Mr. Sadler discussed what he would need to do with certain changes.

President Saheba opened public comments.

Betsy Mathieson said she hoped that this would be an opportunity for something new. She discussed the benefit of having waterfront commercial activity and gave examples. She thought that would be more beneficial to tenants.

Jay Garfinkle was unsure of the details and wanted to make sure there was adequate parking for the water shuttle. He felt that someone was back peddling on this and this was something that should have been addressed months ago.

Shella Neba, a resident of Bay 37, discussed the crime she had experienced since moving to Alameda. She was concerned that having an empty lot next to them would cause more crime. She was strongly in favor of turning the lot into residential units.

Zac Bowling was very much in favor of either residential or mixed-use for this area. He liked the idea of having walkable services nearby.

Amy Wooldridge, Director of Alameda Recreation and Parks, discussed what had been envisioned for the space.

President Saheba closed public comment and opened board discussion.

Board Member Teague saw the value of keeping it as Commercial/Community Use Space. He did want to add housing wherever they could but in this instance, it should be kept a Commercial Use space. He did add that there could be potential Commercial/Mixed Use and he was willing to give the developer more time.

Board Member Horn believed it was premature at this time to remove the Commercial designation. He also agreed with the developer that retail would be challenging at this location. He discussed the benefit of a Community Space for the area, he liked the ideas given by Director Wooldridge. At this point, he was not supportive of the change to Residential.

Board Member Cisneros wanted to better understand the need to extend the approvals for this.

Director Thomas explained the requirements and when they would need to come in for a review.

Vice President Ruiz was concerned that if they had a commercial space it would remain empty. She was in support of revising it to Residential but wanted to get the maximum unit out of the development. She discussed how to modify the units to get that.

Board Member Curtis agreed with Vice President Ruiz and thought a vacant commercial space would detract from the project. He thought the best use of the property was to get 5 units on it.

Board Member Rothenberg was concerned that the aspirational aspect of a community space was quality programming. She discussed the merits and issues of both designations. She also discussed giving the developer more time.

President Saheba believed this piece of property was critical to the Master Plan. He believed that the developer needed to get creative with the space such as some of the

ideas suggested by Director Wooldridge. He was supportive of giving the developer more time.

Board Member Teague made a motion to approve to strike out the sentence of timing for Design Review and to give the developer more time to consider Community Space or Mixed-Use. The developer would work with City Staff to consider other alternative uses for the space. Board Member Cisneros seconded the motion. A roll call vote was taken and the motion passed 7-0.

7-A 2021-1557

Public hearing to consider amending Alameda Municipal Code Chapter 30 (Development Regulations) Section 30-4.1, R-1, One-Family Residence District, and 30-2 Definitions to bring the R-1 regulations into compliance with State Law and implement Senate Bill 9. The proposed text amendments are exempt from the requirements of CEQA pursuant to SB 9, which states that an action by a local agency to adopt an ordinance to implement the provisions of SB 9 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

Director Thomas gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=5350549&GUID=5DFA302F-F982-470B-8DF6-0F0CD8DA2061&FullText=1>.

President Saheba opened the board clarifying questions.

Board Member Hom asked if there was language that addressed the maximum of 4 units allowed. He also had questions about the 1200sqft maximums and if someone wanted to go above that limit. He also had questions about setbacks and wanted clarification on what an Urgency Ordinance meant. He also wanted the staff's opinion on what "condo standards" meant.

Board Member Teague discussed what the current ADU law allowed and what language they could add to make it clearer.

Director Thomas explained the process if someone wanted a larger unit. He also explained the need and process for an Urgency Ordinance.

Both Director Thomas and Staff Member Tia discussed how "condo standards" were interpreted by the staff and the law.

Board Member Rothenberg wanted to know how this would apply to historic buildings, the rule about renting and managing setbacks.

Director Thomas explained how state law addressed setbacks and that staff would be working on a Short Term Rental Ordinance.

Staff Member Tai explained how historic buildings would be handled.

Board Member Teague had questions about ADUs being allowed with SB-9 and what Alameda would allow. He had questions about information in the Turner Center Report and how he was interpreting it. He then discussed hypothetical situations and what could possibly be allowed. He also had questions about the square footage, setbacks, and Efficiency Units.

Heather Colman, the consultant, explained that the report was written before the law was finalized.

Director Thomas went into detail about what could hypothetically be allowed with SB-9. He also explained which sections and standards Alameda could decide what they wanted to allow.

Staff Member Tai discussed Efficiency Units.

Vice President Ruiz asked about what standards would be coming up that needed approval. She also questioned how they reached the 5000 sq ft lot area.

Director Thomas explained that these zoning changes were the Objective Zoning Standards. He explained the thought process behind the 5000 sq ft lot size.

President Saheba opened public comment.

Zac Bowling discussed the work he had done to champion SB-9.

Jay Garfinkle wanted the Planning Board to recommend to the City Council to enact an Emergency Ordinance to make sure anyone who applies for SB-9 would be subject to the same standards and conditions.

Chris Buckley, Alameda Architecture Preservation Society (AAPS), discussed a letter the society had sent.

Betsy Mathieson agreed with the comments and the concerns brought up by the AAPS.

Margaret Hall also supported the recommendations and changes to the text brought up by the AAPS.

Hank Hernandez, Alameda Tiny Homes, wanted to know what the options were for people who already had an ADU on their property.

President Saheba closed public comment and opened board discussion.

Vice President Ruiz was concerned with the speed with which this was going through and thought it needed further review. She recommend making the text more in line with state law.

Board Member Teague was in favor of moving this forward but with substantial changes and he agreed with Vice President Ruiz that the text should be more in line with SB-9. He also recommended that the use needed to be very clear, this was just for Residential Use. He discussed the other changes he would make to move this forward.

Board Member Hom agreed with most of Board Member Teague's comments. He did recommend that how many units were allowed on a lot be clarified. He also agreed about the language being as close to the law as possible.

Board Member Cisneros wanted to know what would happen if they took no action.

Director Thomas explained the process if the council did not adopt anything in January.

Board Member Curtis said he could not accept the part of the Resolution dealing with Home Occupations, he believed that those should have Use Permit. He also believed that neighbors should have a say in what goes into their neighborhoods.

President Saheba continued the conversation about the 1200 sq ft parameter. He was in support of eliminating the 1200 sq ft threshold to allow for more flexibility.

There was a discussion about appropriate Permitted Usage and street access for the parcel.

Board Member Teague made a motion to recommend to the City Council that they adopt the resolution regarding SB-9, excluding all of the changes related to "Permitted Usage" and the changes to definitions. They must clarify the use of the words "alteration" and "demolition". They should replace the section referring to Alameda's specific Rental Code with the language from SB-9. They would also clarify which Permitted Usage was considered Residential and Non-residential. The access to the split lot needed to be a combined pedestrian and vehicle access. They would not modify Alameda's ADU ordinance and leave it as is. Also, setbacks must be clarified and in compliance. The building of a 1 family dwelling is a minimum of 800 sq. ft to equal in size to the other unit and the 1600 sq. ft limit be the limit as to the existing unit. Board Member Curtis seconded the motion. A roll call vote was taken and the motion passed 6-1 with Board Member Hom voting against.

7-B 2021-1558

Objective Design Review Standards for One- and Two-Family Dwellings. Public hearing to consider Objective Design Review Standards for development allowed under Senate Bill 9. Adoption of the Objective Standards is exempt from CEQA pursuant to CEQA

Guidelines Sections 15061(b)(3), the common-sense exception that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and Section 15183, projects consistent with a community plan, general plan or zoning.

Staff Member Tai introduced the item and gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5350550&GUID=9D2BEDDA-018E-402D-94E8-0632FCF09D70&FullText=1>.

President Saheba opened the board clarifying questions.

Board Member Hom asked for clarification on the Housing Accountability Act and if there was a change in the process of review for Single Family Homes once they adopt these new Design Standards.

Staff Member Tai discussed the changes and that they would not affect the process. These changes were mainly addressing SB-9.

Board Member Rothenberg thought the checklist format was very user-friendly. She made suggestions on how to make setbacks easier to understand and to use matching materials when appropriate.

Staff Member Tai addressed massing and setbacks. He then discussed that a judgment call was very important when choosing materials.

Vice President Ruiz asked about existing garages that were in undesirable conditions and wanted to know if they could be added to or altered. She also wanted to know about garage doors that were in the back of the house, it wasn't viewable so why worry about it. She also had questions concerning upper story additions.

Staff Member Tai discussed SB-9 units that had parking and what the intent was for garages facing away from the street was. He then discussed upper story additions and how numbers were arrived at.

Board Member Teague asked about dropping the third bullet, he found it made things very unclear. He wanted to know if this was based on the Multi-Family Objective Standards.

Staff Member Tai said they could drop that item. He discussed when they did carry some of the standards over and what was different.

President Saheba opened public comment.

Zac Bowling liked the Objective Design Standard that the staff had come up with. He discussed how these were easy to work within and thanked staff for their work on this.

Chris Buckley, AAPS, discussed a letter the society had sent. He agreed that taking out the third bullet would help. He also gave suggestions for improving the standards and the process. He also pointed out that the society had sent a markup showing where the language was unclear.

Betsy Mathieson endorsed the AAPS's letter and agreed with Mr. Buckley's comments and concerns.

President Saheba closed public comment and opened board discussion.

President Saheba wanted to know if there were any concerns about this item getting disjointed with the previous item, SB-9. He did agree that some of the text needed to be cleaned up and the diagrams refined.

Staff Member Tai did not see any issues but having a set of standards adopted by the new year would be helpful.

Board Member Cisneros was concerned that this might be too prescriptive and wondered if they could add room for flexibility.

Vice President Ruiz was hesitant to rush this through and recommended possibly bringing this back. She gave suggestions on clarifying language around carport/detached garages. She also gave suggestions on language around windows and upper story additions.

Board Member Teague discussed how this could keep evolving at future meetings and the importance of getting something approved tonight.

Board Member Hom was comfortable moving this forward with some of the amendments suggested by his fellow board members and they could be refined down the road.

Board Member Curtis made a motion to approve the Objective Design Review Standards with the removal of the third bullet point as recommended. Board Member Hom seconded the motion. A roll call vote was taken and the motion passed 6-1 with Vice President Ruiz voting against.

8. MINUTES

8-A 2021-1540

Draft Meeting Minutes – September 27, 2021

8-B 2021-1541

Draft Meeting Minutes - October 11, 2021

8-C 2021-1542

Draft Meeting Minutes - October 25, 2021

Due to the late hour and the need to take public comment the approval of these minutes was postponed to a future meeting.

9. STAFF COMMUNICATIONS

9-A 2021-1555

Planning, Building and Transportation Department Recent Actions and Decisions

Recent actions and decisions can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5350547&GUID=05FCDEED-FD2C-449E-BCE8-42DA3BA038A5&FullText=1>.

No board members wanted to pull any item for review.

9-B 2021-1556

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

Staff Member Tai announced that at the January meeting the plan was to bring more discussions about the Housing Element Update. There would also be a review of the Use Permit of the Clubhouse Bar.

9-C 2021-1560

End of Year Planning Board and Planning Department Accomplishments

Director Thomas thanked the board for all the work they had done over the past year and discussed the activities and accomplishments of the Building Department.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

President Saheba wished everyone a Happy Holiday and thanked them for all their hard work over the last year.

12. ORAL COMMUNICATIONS

Betsy Mathieson was happy that Director Thomas's cold was subsiding.

Board Member Curtis took a moment to thank the staff and everyone for their hard work. The rest of the board agreed with him!

13. ADJOURNMENT

President Saheba adjourned the meeting at 11:09 p.m.