

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, MAY 24, 2021

1. CONVENE

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

2. FLAG SALUTE

Board Member Rona Rothenberg led the flag salute.

3. ROLL CALL

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

Absent: President Teague

4. AGENDA CHANGES AND DISCUSSION

The agenda was revised on May 17, 2021, at 1:15 pm to continue item 7B to June 14, 2021. The applicant had requested this continuation.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

6-A 2021-948

Make a Determination that the Proposed Fiscal Year 2021-22 and 2022-2023 Capital Budget is Consistent with the General Plan. CEQA Determination: Not a Project.

Attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4953599&GUID=8C6E3E0F-4CF9-4325-9399-DDAC067D1905&FullText=1>.

Vice President Saheba opened public comment.

Carmen Reid addressed that the budget included 1.4 million dollars for painting the Big Whites at Alameda Point and this item had been discussed at a City Council meeting where the City Manager stated he would get back to the Council with more details. She asked that this specific line item be removed until it had been reviewed by the City Manager. She wanted to know more about how many homes this included and when was the last time these homes were painted. She felt that this was a very excessive expense.

Andrew Thomas, Director of Planning, Building, and Transportation, explained what the board's role was. They simply had to confirm the staff's findings that the Capital Improvement Program was consistent with the General Plan. The City Council's role was to approve the budget. The preservation of the 17 historic homes was consistent with the

General Plan. The speaker's questions were great and would be for the City Council to answer.

Someone messaged the board. Why is there a specific dollar amount?

Director Thomas answered that was what a Capital Improvement Plan was. The budget was for public improvements and the Big Whites are city-owned.

Board Member Rothenberg made a motion to determine that the Proposed Fiscal Year 2021-22 and 2022-23 Capital Budget was consistent with the General Plan, and Board Member Ron Curtis seconded the motion. A roll call vote was taken and the motion passed 6-0, with President Teague absent.

7. REGULAR AGENDA ITEMS

7-A 2021- 949

Public Hearing to Consider a Resolution Recommending City Council Approval of the Amended Encinal Terminals Tidelands Exchange Master Plan and Density Bonus Application and Draft Development Agreement 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 Focused 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 Teresa Ruiz recused herself from this agenda item.

Director Thomas introduced the item and gave the history of this project. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4953600&GUID=EC35A194-D9D6-41C6-A373-FAFEA4E5AF41&FullText=1>.

Mike O'Hara, Director of Land at Tim Lewis Communities, also gave a presentation that discussed the changes to the parking requirements and the Master Plan.

Vice President Saheba opened public comment.

Carmen Reid gave her support for the two parking spaces as Mr. O'Hara had suggested. She thought it was important to consider that as density increases people will have additional vehicles. Also, families would have family members and guests staying or visiting.

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

Board Member Xiomara Cisneros wanted to know how long the conversation about parking (1.5 spaces vs. 2 for the townhomes) had been going on between the City and the applicant.

Director Thomas said over the last 8 years this conversation had been going on. He discussed how they had gotten into this situation because he and Mr. O'Hara had read the text differently.

Mr. O'Hara agreed with that.

Board Member Hansom Hom wanted clarification on the difference between what City Staff recommended versus what the applicant proposed for parking.

Director Thomas said that the Master Plan limited the number of townhomes to 200 of the 589, the other 389 were multifamily units. When he did the math that meant the difference between what the applicant wanted and what the staff suggested was 100 spaces. This was assuming they build all 200 townhomes.

Board Member Hom then wanted to know if the staff thought it was an accurate statement that the applicant made that this project was in line with other projects at Alameda Point. Also, were there any characteristics of this project that could argue for a lower parking standard.

Director Thomas answered that the way the city staff had been thinking about parking was a constantly evolving process. The process had changed over the last 8 years alone. He discussed the many parking studies and data they had gathered and how Climate Change had affected how they thought about parking. He discussed the history of approvals and how each project was different. He acknowledged that they would soon be coming before the Board with a Parking Ordinance. To answer the question directly, under Mr. O'Hara's plan it would be 1.7 spaces and under the staff's recommendation, it was 1.5, if you assume the project would build all 200 townhomes.

Board Member Hom asked if the 1.5 standard would include guest parking places.

Director Thomas clarified that these would just be private parking spaces. The Master Plan also required that there be 200 guest and visitor spaces since they were hoping there would also be a Marina as well.

Mr. O'Hara added that when you look at a project you have to look at it in its entirety and all the things that go with it. He said they were committed to many traffic control measures and were building a water taxi dock. If you broaden the lens a bit you can see the mitigating factors.

Board Member Rothenberg wanted to know why they weren't setting the bar for future projects that hadn't been in process as long as this one had been. This development had been in process for a long time and this was a new term of development, it would be an act of good faith.

Director Thomas said that was a fair approach considering how far this developer had come. He didn't want to recommend the Master Plan with what the developer wanted and then in 3 weeks come back with a Parking Ordinance that said something completely different for everyone else.

Board Member Rothenberg asked about terms in the agreement that spoke to the developer's commitment to the phasing requirements and timing and state and local approvals. Would this need to go to the State's Public Works Board? Also, there was the term for "labor agreement", which has merit but can add time to any project. She wanted to know if these two items had been addressed.

Director Thomas said they do not need to go before the State's Public Works Board, but they would need to go to the State's Land Commission. They would need approval from the City Council, property owner (Mr. O'Hara and his team), and the State's Land Commission to do this project.

Vice President Saheba asked if there was a difference in requirements for bicycle parking for the townhomes versus the multifamily units.

Director Thomas said there were very detailed requirements for bicycle parking for both the townhomes and the multifamily units.

Board Member Hom asked if the development agreement complied with the phasing plan, he had not seen any of the phasing language.

Director Thomas discussed they worked with outside consultants familiar with the State Land Commission. The Master Plan had very clear language that outlined the timeline and phasing.

Board Member Hom asked what was the term for or the ordinance requirement for Affordable Housing.

Director Thomas said it was typically 55 years for the Affordable Housing Units, the deed-restricted units. They had set it up that it would continue with each sale. The 10 moderate units were 5 years. This was a program they had never done before. He explained how the terms were applied.

Board Member Hom asked if the developer had gone over and above what objective design guidelines had called for.

Director Thomas said he thought they were. When the project comes through it had to meet the objective design standard. They had added to the Master Plan additional standards that were site-specific.

Vice President opened the board's comments and discussion.

Board Member Cisneros thought they should revisit the 100% visitability requirements to make sure that the townhomes were able to meet this. She saw 3 reasons why they should recommend this item to the council. It is simply a great project, it would help with their housing element and so much had been invested in this and if it were to fail it would make future projects more precarious. For the parking, she didn't believe that higher density meant more parking. She appreciated the staff's intention with having maximum parking rules and she agreed with Board Member Rothenberg's comment about having a standard moving forward.

Board Member Curtis agreed with his colleagues on this. He addressed that this development had been on the books for a long time. He agreed with Board Member Rothenberg that they should set a parking standard going forward but they should grandfather this with the parking spaces the applicant had requested. He was concerned any change or roadblock would delay the project further and increase the cost for everyone involved including future buyers. He recommended to grandfather the parking that was requested and to approve the Development Agreement with the modification to parking.

Board Member Hom appreciated the applicant and the staff for working together to improve the Master Plan document. Overall he was very supportive of the project and agreed with his fellow board members in regards to the parking. He thought that asking the applicant to change the parking was too late in the game so to speak but he appreciated the staff being more aggressive in limiting parking.

Board Member Rothenberg concurred with her fellow board members and acknowledged the changes in the Master Plan that had improved and enhanced the project. She supported the project and believed it had a tremendous public benefit all around.

Vice President Saheba also appreciated the improvements to the Master Plan. It made sense for the direction that they wanted to go in with the Housing Element. Also, for the parking situation, he agreed with his fellow board members. He discussed the many ways that they should be looking at multifamily and townhome parking differently.

Board Member Hom made a motion to recommend that the City Council approve the Amended Encinal Terminals Tidelands Exchange Master Plan and Density Bonus Application and Draft Development Agreement for the Redevelopment of the Encinal Terminals Properties, deleting the condition to require adjusting the parking ratio to 1.5. The motion was seconded by Board Member Curtis. A roll call

vote was taken and the motion passed 5-0, with President Teague absent and Board Member Ruiz abstaining.

7-C 2021-952

Proposed Citywide Text Amendments to the City of Alameda Zoning Ordinance (AMC Chapter 30) to Modify Public Art Requirements. Applicant: City of Alameda. Public hearing to consider proposed amendments to Alameda Municipal Code Chapter 30. The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15061(b)(3) and 15303.

Allen Tai, City Planner, introduced this item. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4953602&GUID=220E7191-C62C-46D0-8164-B6777391577D&FullText=1>.

Amanda Gehrke, Development Manager with Community Development, gave a presentation discussing the changes and feedback since this item was first introduced at the April 26, 2021, Planning Board Meeting.

Vice President Saheba opened the board's clarifying questions.

Board Member Rothenberg asked about the condition, item 2-B page 5, that had to do with the exemption for waving the requirement when you have 100% Affordable Housing. She wanted to know if they had rethought the merit for not having that exception or of qualifying it. She gave an example of the provision she was thinking, "only if the inclusion of art is an economic impediment to the project development to conform the exception and the intent of your art program with the goals of the General Plan for inclusivity, equity, and the appropriate sharing of resources".

Staff Member Tai said when this provision was added to the Public Art Ordinance some years ago the emphasis was to respond to the cost of housing and not to put a burden on affordable housing. That was why the staff did not look at qualifying that exemption but the board could raise that question to the City Council.

Vice President Saheba opened public comments.

There were no public speakers.

Vice President Saheba closed public comments and opened the board's discussion.

Board Member Cisneros was in support of moving this forward and appreciated Board Member's Rothenberg comments and concerns on equity. She was curious to know what other cities had done in this situation and wondered if there were other creative ways to provide public art to 100% Affordable Housing.

Board Member Curtis thought the changes were implemented nicely and he supported the resolution.

Board Member Hom appreciated how the staff listened to their comments. He understood why the exemption for 100% Affordable Housing was there and wanted to make sure it was clear that the exemption was only for 100% Affordable Housing.

Board Member Rothenberg supported the resolution as it was drafted. She wanted to see a revision to item 2-B Page 5 with something like the language she had provided earlier. She thought this was overall meritorious and should advance.

Board Member Ruiz thanked the staff for revising the resolution. In regards to Board Member Rothenberg's concern, she saw the point but it's extremely difficult to fund 100%, Affordable Housing projects. Any fee that did not go directly into the construction of the project would be an economic hardship. She did not think that adding any of the suggested language was necessary and was ready to support the resolution as it was written.

Vice President Saheba echoed his fellow board member's comments and was happy to see sections that had been debated were refined. He understood the tricky situation of keeping things equitable when it came to Affordable Housing and wanted to keep thinking of ways to keep things equitable whenever they could. Overall he thought the rework was commendable and it was now successful.

Board Member Ruiz understood Board Member Rothenberg's recommendation but she would rather have that as a consideration for the council to review than as an amendment to the resolution.

Board Member Rothenberg agreed that was a good suggestion.

Board Member Cisneros clarified her statement about using the in-lieu fee. She had meant that when the developer paid a fee-in-lieu of doing public art that could be used for Affordable Housing public art.

Board Member Hom echoed that was what he had meant as well.

Board Member Ruiz said that was what they wanted the council to consider. To consider expanding the usage of the in-lieu fee fund, not just for the maintenance of existing artwork but for the implementation of public art in 100% Affordable Housing projects.

Board Member Ruiz made a motion to recommend to the City Council the adoption of the resolution with the consideration of the equity language for Affordable Housing. Board Member Cisneros seconded the motion. A roll call vote was taken and the motion passed 6-0, with President Teague absent.

7-D 2021-953

Public Hearing to Consider Recommending the City Council Adopt an Ordinance to Amend Alameda Municipal Code Chapter XXIV (Public Health) to Impose a Citywide Prohibition of Gasoline-Powered Leaf Blowers, Effective January 1, 2024. The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty that the proposed ban on gasoline-powered leaf blowers will not have a significant effect on the environment. No further environmental review is needed.

Staff Member Tai introduced this item. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=4953603&GUID=6B959E97-9FE0-4BBE-B9F2-C96E85FC51B6&FullText=1>.

Vice President Saheba opened the board's clarifying questions.

Board Member Ruiz wanted to know why they were not also addressing the noise pollution component.

Staff Member Tai said that could be a point for discussion. They focused on this work because the California Air Resource Board (CARB) had specified this as an action item to reduce Greenhouse Gas Emissions. If the board and the council believed that the noise should be front and center then they would need to redraft the ordinance. He explained the further changes and details they would need to address if they focused on the noise aspect of gas-powered leaf blowers.

Board Member Cisneros asked if electric leaf blowers were quieter.

Staff Member Tai said that was not the case.

Board Member Hom asked if the city was currently using electric leaf blowers.

Director Thomas said that the Parks Department was in the process of converting over to electric leaf blowers. However, some contractors who work for Public Works were still using gas.

Staff Member Tai added that landscapers prefer gas-powered leaf blowers since they were much more powerful. The electric leaf blowers tend to be less powerful and less durable.

Board Member Rothenberg pointed out that the staff report used data from the CARB report from 2000. She wanted to know if the staff had looked at any other updated statistics.

Staff Member Tai said the CARB report from 1999 was still the most creditable technical document that many other cities were still using.

Board Member Curtis stated that the new Echos (brand of leaf blowers) were certified by the State of California and had an emission control device on them.

Vice President Saheba opened public comments.

Carmen Reid expressed her support for the ban of gas leaf blowers and she cautioned against any harsh punishment enforcement or fines. She encouraged community education such as partnering with recycling services, schools, and businesses to get the word out. She wanted to see this ordinance enacted sooner rather than later.

Vice President Saheba closed public comments and opened the board's discussion.

Board Member Cisneros appreciated the comment about starting this sooner rather than later. She wondered why to wait until 2024 but she acknowledged that implementation could be hard. She said it was unfortunate that electric leaf blowers were not quieter but due to all the reasons outlined for the good of the environment, she supported this moving forward.

Board Member Curtis supported this ordinance and even pointed out that many local hardware stores were no longer selling gas-powered leaf blowers.

Board Member Hom also supported this ordinance. He liked that this implemented one of the action items in the Climate Action Plan and the two-year phasing period would be good. This would give people time to adequately transition and to figure out how to enforce.

Board Member Rothenberg concurred with her fellow board members. She added that she had never seen the merit of these devices. The overall intent of the ordinance was great and it had her support.

Board Member Ruiz echoed her fellow board member comments and was in full support of this ordinance.

Vice President Saheba agreed that this needed to happen. He stated that we are in a climate crisis and did not understand waiting 2 and a half years to implement this ordinance. He would be in favor of bringing this up a year to 2023. Enforcement can take time but that should not be the reason to wait.

Board Member Curtis agreed with Vice President Saheba on implementing this quickly but pointed out that many contractors had a substantial investment in their equipment. He thought that people would need more time than just a year to adapt.

Board Member Ruiz clarified that this was not part of the Zoning Ordinance, they were just recommending it to the City Council for adoption.

Staff Member Tai said that was correct.

Board Member Ruiz asked if this could be something they could survey before going to the council. She did not want to be in a situation where the city would be in breach of contract with any companies or individuals who had contracts with the city. This would help the council make a more informed decision.

Vice President Saheba was confused if it would be a breach or an amendment to the contracts.

Board Member Ruiz said amendment was a better term.

Board Member Cisneros appreciated the compromise suggested by Board Member Ruiz and was interested in seeing the findings. She was inclined to support the staff's recommendation but also wanted to see if they could potentially survey their landscaping companies for the council's consideration.

Board Member Hom gave the compromise of July 1, 2023, which would split the difference. It would give 2 years of a transition period.

Board Member Curtis said he would buy that.

Vice President Saheba said he was comfortable with that as well. If the public wanted to voice their thoughts he encouraged them to go to the City Council meeting when this item came up.

Staff Member Tai said he heard the board loud and clear about the considerations on the timing. When this ordinance goes before the council, the staff would make it clear that the Planning Board was considerate of the effectiveness date. He would also pull information about city contracts with city landscapers, it would be difficult to understand what corporations or smaller landscapers may have existing contracts. He also added that the recommended timeframe included time for outreach and education.

Board Member Curtis agreed with Board Member Cisneros that the concern was more on smaller landscapers. He thought that extra time would give smaller companies time to change out their equipment.

Board Member Hom made a motion to recommend to the City Council to adopt the ordinance with an earlier effective date of July 1, 2023 subject to the staff doing more research on the potential impact. Board Member Ruiz seconded the motion. A roll call vote was taken and the motion passed 6-0, with President Teague absent.

8. MINUTES

None.

9. STAFF COMMUNICATIONS

9-A 2021-954

Planning, Building and Transportation Department Recent Actions and Decisions

Recent Actions and Decisions can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4953604&GUID=4A502FB2-5671-4EC5-9710-7CE98CFB706D&FullText=1>.

9-B 2021-955

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

Staff Member Tai informed the board that their next meeting in June would be a joint meeting with the Historical Advisory Board. They would hold a workshop on the General Plan, discuss the Housing Element, and the General Plan EIR.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

Board Member Cisneros shared that she and Board Member Ruiz volunteer for the Urban Land Institute. They would be hosting a summit next week "Housing the Bay" and recommended the event to her fellow board members.

Board Member Rothenberg asked about the correct protocol for submitting comments about the General Plan and the EIR as a citizen.

Staff Member Tai said any comments can be sent to the staff.

12. ORAL COMMUNICATIONS

None.

13. ADJOURNMENT

Vice President Saheba adjourned the meeting at 8:52 p.m.