

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, MARCH 22, 2021

1. CONVENE

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

This meeting was via zoom.

2. FLAG SALUTE

Board Member Xiomara Cisneros 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

None.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

None.

7. REGULAR AGENDA ITEMS

7-A 2021-758

PLN20-0538 - 1214 Peach Street - Design Review - Applicant: Van Dang. A Public Hearing to consider a Call for Review of the Planning Director's approval of a Design Review application to legalize work without permits related to Code Enforcement Case No. X21-0009. The work consists of raising an existing single family house by approximately one foot to create ceiling height for a new accessory dwelling unit in the basement. The scope of work also includes exterior siding restoration, the addition of shingle siding at the front gable, a new octagonal vent under the gable of the front façade, and replacement of the stair railing at the front porch. General Plan: Low-Density Residential. Zoning: R-1, One-Family Residence District. CEQA Determination: Design review approval for a permitted use is not subject to CEQA pursuant to McCorkle Eastside Neighborhood Group v. City of St. Helena (2018) 31 Cal.App.5th 80.

Allen Tai, City Planner, introduced Deirdre McCartney, Permit Technician III, who gave the presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4836618&GUID=656EB0C4-18FB-44DB-A96A-57B354633F2C&FullText=1>.

President Teague opened the board's clarifying questions.

Board Member Teresa Ruiz wanted to know if the asbestos in the siding had been properly abated.

Staff Member McCartney said she could not answer that but they had been cited by Code Enforcement and had gotten a building permit to remove the asbestos siding. She had not seen any of that documentation.

Board Member Ruiz asked for clarification from staff that the Board is strictly reviewing the design and facade changes and not the asbestos removal.

Staff Member McCartney said that was correct.

Board Member Ruiz wanted clarification on detail on page 1-A3, she wanted to know where it was being cut.

Staff Member McCartney said it was a framing detail, she was unsure where that detail was cut. She would have to get back to Board Member Ruiz on this item. She was hoping the applicant could answer the question but they were not in attendance.

Vice President Asheshh Saheba asked about the replacement railing for the stair and that the report said wood but in the drawings it indicated iron.

Staff Member McCartney said the applicant assumed that they would be replacing it with another iron rail but as part of the Condition of Approval for Design Review that it needed to be a wood railing with a newel post. The applicant had not updated the drawings yet.

Vice President Saheba clarified that the drawings were out of date from what the recommendations were.

Staff Member McCartney said that was correct, they had not yet updated their plans.

Vice President Saheba asked if the applicant was aware of what type of railing was being required and wanted to know the department's thought process on asking for a wood railing.

Staff Member McCartney said they were following AAPS's (Alameda Architectural Preservation Society) recommendation that it should be a wood railing.

Staff Member Tai pointed out that this was a standard practice and that for the Residential Design guidelines they would call for wood railings in a building of this age.

Vice President Saheba asked if the design for the railing would be reviewed at a later time.

Staff Member Tai said that was correct.

Board Member Hanson Hom brought up the letter from AAPS and asked if they were proposing any changes on the side and rear elevation.

Staff Member McCartney said they had a permit in 2019 to remove a shed roof that didn't go with the architecture of the house and replaced it with a gable roof. They had also replaced windows and siding on the other side of the building under other permits.

Board Member Hom asked about sheet A-2, there was a projection of a "bay window" and wanted to know if that was new.

Staff Member McCartney said it was shown as existing.

Board Member Hom asked if the pilaster in the entrance porch area was being retained or if it was new.

Staff Member McCartney said it looked new.

Board Member Hom said it was not reflected in the sketch, he did not have a problem with it but was just curious.

Board Member Ron Curtis had no questions but said he believed that the detail was a framing detail of the exterior wall from the foundation up supporting the house above the basement.

Board Member Cisneros wanted clarification if the house was empty or if it was owner-occupied.

Staff Member McCartney said the owners were the contractor and the designer and they did not live in the house.

Board Member Rona Rothenberg asked since this was a code enforcement case then what was the basis for considering the design review application to legalize without permits. What was the exact status of the non-conforming permit work on the foundation?

Staff Member McCartney said it was mostly finished. Once they had finished the scope of work they were told that was when they needed to come in for a Design Review. Then they will need to get new permits or revise their existing permits to reflect the additional work they had done.

Board Member Rothenberg said she was unable to find the ordinance that described what work was permitted and which work was not in the city of Alameda under its adoption of the California Business and Professions Code. She was curious about structural and seismic work since that work has to be stamped by a licensed architect or engineer.

Staff Member McCartney said yes the foundation is structural work and added that the Permit Center has a handout on who may prepare permits and it deals with the California Residential Code. For wood-frame structures not more than three stories and a basement, you do not have to be licensed to do the plans. She added that they also have handouts on foundation designs, and if you follow those prescriptive details you can get a permit.

President Teague asked if the permit for replacing the windows covered all of the double-hung windows.

Staff Member McCartney said yes.

President Teague asked if it covered the attic vent.

Staff Member McCartney said no, they will have to add that to their permit.

President Teague clarified that this house was not on the Historic Study List.

Staff Member Tai said that was correct.

Board Member Hom asked when they originally intended to do an ADU (Accessory Dwelling Unit).

Staff Member McCartney said they originally got a permit to do foundation work in 2018 and explained the permit history of the building.

Staff Member Tai added that in 2019 is when they did the shed roof work.

Board Member Hom clarified that staff was not aware that they planned to do an ADU in the basement.

Staff Member Tai said that was correct and discussed the changes to ADU laws in 2020 that made it easier to have an ADU.

Board Member Hom asked where the entrance to the ADU would be located.

Staff Member McCartney said she believed it would be on the side of the house but she did not have the ADU plans.

President Teague opened public comments.

Chris Buckley with the AAPS said that removing the asbestos shingles was a design improvement. He pointed out a design inconsistency where the plans said the siding would be restored but that no longer seemed to be the case. He wanted an example of the new siding to be submitted as part of the review. He discussed how this project was an example of work exceeding the scope of work and ambiguous work description. He urged that the applicant should keep original design elements when possible, AAPS was unsure why the attic window needed to be changed to the octagonal design.

President Teague closed public comment.

President Teague asked about the date discrepancy on the plans from the Approval Letter.

Staff Member McCartney said she had asked for more information on the plans.

President Teague clarified that the Approval Letter that they had received in the packet was not what they were moving to approve, it was what was originally published that was called for a review.

Staff Member Tai said that was correct.

President Teague opened the board discussion.

Board Member Ruiz said she was extremely discouraged by the constant violation from the applicant on planning and building permits. She agreed with AAPS that these drawings had been very poorly assembled, it had made her question the quality of the final product. She did note however that these were construction details that the building department would have to review and approve and was outside the purview of the Planning Board. She did not see an issue with changing the attic vent to an octagonal design. She had concerns about the final material board since it looked like the applicant was not replacing in-kind materials. She did see why the building needed to be elevated and even with these concerns, she would not withhold her approval.

Vice President Saheba said he was very disappointed that the applicant did not come to the review. That was his only comment.

Board Member Hom said he did not have a problem with what was being proposed but it was vague on a lot of the details. He thought that raising the building was still in keeping the character of the home and for an ADU it made a lot of sense. He agreed with AAPS that there needed to be more clarity on what was being retained and what was new. He did not have an objection with the octagonal roof vent or switching out the siding. He agreed with the staff that it needed to be a wood railing and would approve this Design Review with some clarifying conditions.

Board Member Curtis agreed with his colleagues and would support this. He too was disappointed that the applicant was not present.

Board Member Cisneros did not have any issues and looked forward to the applicant incorporating these comments once it got to the Building Permit phase.

President Teague was also disappointed in the plans. He was in favor of directing staff to have the applicant clean up their plans, he was not comfortable approving the provided plans. He was not against this plan but the plans needed to be complete and describe what they are doing.

Staff Member Tai summarized the comments from the board. The applicant needed to submit revised plans and include specific details such as existing and proposed siding. As well as the restoration of the brackets and details about the stairs and railing (plans should reflect wood) and a color materials board.

Board Member Hom added that there should also be an elevation showing the modification for the entrance to the ADU. He added that he only brought that up from a Design Review perspective that there was respect for the existing architecture of the house and not related to the ADU use at all.

Staff Member Tia said that for information purposes, they could ask the applicant to include that. He also informed the board that in cases with code enforcement when a lot of the work was already done the goal was to quickly move the project through the Design Review stage and into the Building Permit stage. Many of the details are worked through during inspections. He did agree that the plans and the details could be better.

Board Member Ruiz made a motion to approve the project with the conditions listed to staff. The applicant needed to submit revised plans and include specific details such as existing and proposed siding. As well as the restoration of the brackets and details about the stairs (plans should reflect wood) and railing and a color materials board. Board Member Curtis seconded the motion and a roll call vote was taken. The motion passed 7-0.

7-B 2021-759

Review and Comment on the General Plan Schedule of Planning Board Public Hearings.

Andrew Thomas, Director of Planning, Building, and Transportation, gave a presentation. The staff report can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4836619&GUID=DB91DBAE-82C0-45DB-ACAB-C542D5931F49&FullText=1>.

President Teague opened public comments.

There were no public speakers.

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

Board Member Ruiz wanted to confirm that the schedule he presented was in line with the staff report.

Director Thomas said yes, he had written the staff report and could confirm the dates were the same. He added that he thought they could get through the process with 2-3 hearings, it all depended on how much they wanted to work the General Plan before they made a recommendation.

Board Member Ruiz said her main concern was the public engagement process. She wondered if it was now possible to hold an in-person hearing since more people were getting vaccinated.

Director Thomas did not believe they could plan on in-person meetings until at least July. It all depended on county health orders. He added that they had a larger and broader input than he had expected. He then discussed all the different ways they had reached out to individuals and groups.

Board Member Ruiz saw no issue with the schedule but suggested keeping an open mind and amend as necessary.

Vice President Saheba asked about the EIR (Environmental Impact Report) and its connection to the General Plan, he thought it might be better to split those two up. Let the public understand more about where the EIR lands and then based on that, it would affect how the General Plan would be formulated.

Director Thomas thought that was very interesting, he suggested that for the next meeting they could focus on the Draft EIR, not the General Plan.

Vice President Saheba said he felt confident that the staff had coupled together what the General Plan was doing based on the EIR parameters. The EIR would present all the data so there would be a better understanding of why those decisions were made for the General Plan.

Board Member Hom thought that the process that was outlined made a lot of sense, was realistic and sensible. He commented that it was important to have a public hearing on the EIR early in the process and would help inform the General Plan. He also thought what would be helpful for the board was to have an outline of the major policy changes since the last General Plan. He added what information he wanted to see for the Housing Element.

Director Thomas said that staff had everything well documented since everything had been done online over the last year. They had plenty of information to make the board's job easier. He said they could provide hard copies and summaries of all changes, there had been many changes to the General Plan. He discussed what information they had on the Land Use/Housing Element Connection, it was more detailed now.

Board Member Curtis thought the schedule was very well laid out and also agreed that the EIR should be discussed first.

Board Member Cisneros asked about the deadline for Public Comments and wondered if there would be enough time to review all the comments after the May 17th deadline.

Director Thomas said it was more of a request to have all the public comments by May 17th, the public could comment on the General Plan right up until the close of the very last hearing.

Board Member Cisneros said her question was more for the comment review period for the EIR.

Director Thomas said it was the same thing, it would start around April 1st with a 45-day comment period. They would have a public hearing before the 45 days the public comment period ends. Then staff would collect all the letters received and the staff would write responses to everything. Not until all of this had happened would the staff be able to write up the Final EIR.

Board Member Cisneros said that was helpful. She added that she was fine with how the schedule was outlined but she could be persuaded to agree with Vice President Saheba about have the EIR first but wanted to hear from her fellow board members.

Board Member Rothenberg said the comments and questions of her fellow board members captured her response very well. She agreed with Vice President Saheba on the sequencing, the EIR should capture the scheduled implications of the impact. She also had questions about what the critical path would be for when the City Council certifies the EIR after which the approval of the General Plan since once you certify the EIR there is a 30 day statute of limitations. She was concerned about what projects would be impacted by changes in the Land Use under the General Plan.

Director Thomas clarified that the General Plan is for 20 years and what it was a plan for. The EIR evaluates what effect the housing and job growth would have on the city. He explained more about the schedule and that the EIR has to be certified first before anything else could be done.

Board Member Rothenberg said as long as the Housing Element that follows was captured quantitatively and qualitatively in both the EIR and the General Plan that would be reassuring.

Director Thomas agreed.

President Teague thanked Director Thomas and the staff for putting this all together. He agreed with Vice President Saheba of isolating the Draft EIR from the General Plan in a given meeting. He thought a redline version would be helpful but not if everything changed.

Director Thomas said he believed they did everything in redline and could make that available. He said they had mainly been working on summaries and cross-references.

President Teague asked about the Housing Element Sub Committee.

Director Thomas said they were waiting to hear back from the state and then go to council. They are going to have to do multi-family overlays and depending on what the council says then they could start. The Sub Committee would be very important.

8. MINUTES

8-A 2021-757

Draft Meeting Minutes – February 22, 2021

Board Member Rothenberg corrected her comments on item 7-A, she wanted to add “she described and enumerated diverse houses of worship across faiths as a form of inclusive programs”. Then for item 7-B, she wanted to add to her comment “she suggested that the Climate Action and Resiliency Plan be referenced as appropriate in appropriate sections and include General Plan Climate Action goals”.

Board Member Curtis wanted to change his comment on item 7-A, second to the last paragraph, it should say “the reconfiguration on Park and Webster St *and* its impact”.

Board Member Ruiz made a motion to approve the minutes as amended and Board Member Cisneros seconded the motion. A roll call vote was taken and the minutes passed 7-0.

9. STAFF COMMUNICATIONS

9-A 2021-755

Planning, Building and Transportation Department Recent Actions and Decisions

Actions and Decisions can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4836615&GUID=45D028A6-062C-4262-A0BE-FBD69F6CF936&FullText=1>.

No board member wanted to pull any item for review.

9-B 2021-756

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

There was nothing at this time.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

President Teague wanted to express his and the board's deep sorrow for the occurrences in Colorado and Atlanta. Hopefully, they can find a way through these times.

12. ORAL COMMUNICATIONS

None.

13. ADJOURNMENT

President Teague adjourned the meeting at 8:37 p.m.