

APPROVED MINUTES  
SPECIAL MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, AUGUST 17, 2020

1. CONVENE

President Alan Teague convened the meeting at 7:06 p.m.

*This was a virtual meeting.*

2. FLAG SALUTE

Board Member Hanson Hom led the flag salute.

3. ROLL CALL

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

Absent: None.

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATIONS

Nancy Shemick, a resident of Marina Village, wanted to talk about her concerns and questions about Marina Village Inn being turned into a home by the county to house homeless and at-risk individuals. She applauded the need for such a place but wanted to make sure it was managed well. She said that many people would be affected if this place did not have guidelines that had to follow.

Thomas Charron, a resident of Marina Village, echoed the comments made by Ms. Shemick. He wanted to make sure the county acquired a use permit and wanted the planning board to give them advice on how to make sure the county handles this home correctly.

Tiffany Lorenz who represents the association for Pacific Marina wanted to make a statement that there are CC&Rs for the shared parking lot and common area. She wanted to make sure that the city was aware in case the sale of a hotel goes through.

Steve Meckfessel, the managing investor of Marina Village Yacht Harbor, wanted to echo the earlier comments. He believed it was a good and much-needed plan but wanted to make sure they followed the CC&Rs and general Good Neighbor policies.

Bob Mischak wanted to reiterate what everyone else was saying. He wanted to make sure that the public was aware of any design reviews and they followed CC&Rs.

Benjamin Yamanaka, GM of Oakland Yacht Club, wanted to make sure the City of Alameda would make sure the county was doing the proper procedures of this project.

Andrew Thomas, Director of Planning, Building, and Transportation, said that staff had recently heard about the county's plan to purchase the building. The staff also agreed with the speakers. This is a plan that can be done well and will be a benefit to the community. They will act at the conduit between the county and the city.

Board Member Rona Rothenberg encouraged the speakers to give the same input at the public meeting at the Board of Supervisors Chambers. If the county buys this location there will be a public meeting.

Director Thomas said that when they hear about the public hearing they will share that date.

6. CONSENT CALENDAR  
None.

7. REGULAR AGENDA ITEMS  
**7-A 2020-8212**

*PLN20-0099 - North Housing Development Plan and Tentative Map - 501 Mosley Avenue - Applicant: Alameda Housing Authority. The Planning Board will hold a public hearing to consider a development plan, density bonus, street naming, and tentative map applications (PLN20-0099) for the development of up to 586 housing units on approximately 12.19 gross acres of vacant land located at 501 Mosley Avenue. The site is located within the R-4-PD-MF, Neighborhood Residential Planned Development District with Multifamily Residential overlay. The proposal is eligible for streamlined ministerial review and is statutorily exempt from further environmental review pursuant to California Government Code Section 65913.4*

Allen Tai, City Planner, introduced the item and gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=4608402&GUID=34E6CDBC-0F5C-4E4B-9B30-064501B32570&FullText=1>.

Danielle Thoe, Alameda Housing Authority, also gave a presentation about this item.

Board Member Teresa Ruiz asked the staff about where the five-story buildings would be since she did not see any in the plans.

Staff Member Tai said they were referencing the ability to go five-story.

Board Member Ruiz asked if there would be a pedestrian walkway on the West side of Bette Street, there was a bike path but no sidewalk.

Ms. Thoe said no that will be a mixed-use path for both bikes and pedestrians.

Board Member Ruiz asked how many bike parking spaces there will be per unit.

Ms. Thoe answered since they are creating bike space per square feet that it's difficult to answer how many per unit. She felt confident they would have enough. She said a rough

math answer using the square footage would be half a bike parking space per one and two bedrooms apartments and one whole bike parking space per larger apartments.

Board Member Tai said that demographic will also have a play in the need for bicycle parking.

Board Member Ron Curtis had questions about rules and CC&Rs on parking and what storage of large vehicles (RVs) that will be made available for tenants.

Ms. Thoe spoke about what determined their parking ratios and what research they did with other similar sites. They will also enforce rules for oversized vehicles and will have a set of rules for guest parking.

Staff Member Tai clarified that as an SB35 eligible project that is within a half-mile of public transit and under state law they are preempted from requiring any off-site parking.

Board Member Hom asked if this site would be 100% rental housing.

Ms. Thoe said the Housing Authority site would be 100% rental units that is the type of housing they are permitted to develop, fund, and manage.

Board Member Hom asked about the Density Bonus law and other ways the applicant could have asked for the bike parking waiver.

Staff Member Tai said yes the applicant has other options within the law.

Board Member Hom asked what type of bike facilities they are anticipating.

Staff Member Tai talked about the type of bike parking they would be offering. Possibilities for short term biking would be racks and long term would be bike cages.

Ms. Thoe clarified that the only waiver they are asking for is in regards to the long term secured bike parking.

Board Member Hom asked about what on-street bike access improvements they would be offering.

Staff Member Tai spoke about the multi-use bike trail on Bette St that is already in use. Vice President Asheshh Saheba asked about the waiver request and if the city was setting a precedent.

Staff Member Tai said the translation to square footage might be a first, but since the standard affects the number of units they can build the city should grant that waiver.

Director Thomas added that staff is redrafting the parking ordinance, with an amendment about bike parking.

President Teague opened the public comments.

Jay Garfinkle was confused as to why they were having this hearing when things are not very clear as to what the applicant is exactly planning to do. He was very concerned that pedestrians would be sharing a bike path and that very little thought had been put into where people would store their RVs.

William Smith stated how excited he is about this project, and said the city needs 100% low-income housing. He was also very pleased with the covered parking and believed the bike waivers were fine. He enthusiastically added that there should be more housing like this.

Josh Geyer called in to support this project and how great it was for the environment, social responsibility, and the overall betterment of Alameda.

President Teague closed the public comments.

Board Member Hom wanted clarification on what plans and what future plans they would be approving.

Staff Member Tai explained what they would be approving tonight and what future plans they would have.

Board Member Hom wanted to know if there would be an opportunity for the public to comment during the ministerial review of the design review.

Staff Member Tai answered no, there will be an opportunity for public comment but under the definition of ministerial review, the city does not rely on the public comment to tweak the process.

Vanessa Cooper, Alameda Housing Authority, said they would be happy to include their neighbors in their planning process as they go forward.

Ms. Thoe pointed out that the public was encouraged to go to the Housing Authority's website to sign up for emails about the project.

Board Member Ruiz asked about the three variances they have been asked to make, she did not understand the logic of the plan.

Staff Member Tai clarified that for automobile parking the requirement for this project is zero and then explained the staff's recommendation on bike parking.

Board Member Ruiz stated that they could increase the bike parking and not need a waiver.

Staff Member Tai said that the Housing Authority had done a study and it showed that giving each unit two bike parking spots did not work.

Ms. Thoe seconded what Staff Member Tai had said, their calculations showed what they could do.

Board Member Curtis asked about what was the purpose of the planning board on this project.

Staff Member Tai answered that the board had to take action, they have to approve a development plan. He then explained what state law demands of a project like this.

Director Thomas pointed out this is the city's first SB35 project and the thought process about how staff had presented it to the board. He went into detail about what the board's options were going forward.

Board Member Hom wanted more information on the 80% lot coverage and what thought went into the design.

Director Thomas pointed out locations in Alameda that were similar.

President Teague thanked the staff and the Housing Authority for their presentations. He was disappointed that the applicant did not present directly their concessions that were granted by state law. It would have been much shorter and less frustrating.

**Board Member Rothenberg made a motion to approve the development plan and density bonus application to construct up to 586 residential units subject to the terms in the draft without exception and the tentative maps as well, Board Member Hom seconded. President Teague asked for a roll call vote and the motion passed 6-0.**

#### **7-B 2020-8213**

*PLN20-0160 - Use Permit and Design Review - 2416 Lincoln Ave - Applicant: Burch Greene on behalf of Alameda NUG Shop. Public Hearing to consider a Use Permit to allow the operation of a Cannabis Retail dispensary within the existing commercial building at 2416 Lincoln Avenue for the on-site sale of Cannabis and Cannabis Products. The project also includes various exterior alterations to the building that require Design Review. The project is located within the C-C-T (Community Commercial, Theatre Combining) Zoning District. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 - Existing Facilities and 15183 - Projects Consistent with General Plan and Zoning.*

David Sablan, Planner II, gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4608423&GUID=EB3218F2-023C-45DD-9A82-B046AA01D323&FullText=1>.

Dr. John Oram, President of NUG Inc., the applicant, gave a video presentation about NUG INC s business model and plans for Alameda NUG Shop.

Vice President Saheba wanted clarification on where the outdoor lighting would be, he had not seen it on the plans.

Burch Greene, the design engineer for the applicant, said there was no lighting design included in the application since none were requested at this time. He said that when they

submit the electrical engineered plans they will provide both interior and exterior lighting designs.

Vice President Saheba asked about where the landscaping would be located.

Mr. Greene pointed out the landscaping on the design.

Board Member Rothenberg wanted clarification on the hours of operation.

Dr. Oram clarified that they had applied for 9 am to 10 pm but that staff had recommended 9 am to 9 pm. The recommended time was acceptable to him.

Board Member Rothenberg wanted clarification from the staff on the prohibited distance from Edison Elementary and the Public Library on Oak St from the dispensary.

Staff Member Sablan said that the Free Library is not considered part of the sensitive use and Edison Elementary was around 1200 to 1300 foot range, past the protected area.

Board Member Rothenberg wanted to know if the Good Neighbor Policy for the dispensary was consistent with the other dispensaries that have been approved.

Staff Member Sablan answered yes.

Board Member Ruiz asked about the fence on the south side of the building and if it would be fully enclosed.

Mr. Greene answered if the city wants it they can make that fence fully enclosed.

Board Member Ruiz asked if the applicant was opposed to extending the landscaping down to the southern property and fully enclosing the site.

Mr. Greene said the applicant was not opposed.

Board Member Curtis wanted to know about the staff's recommendation about the operational hours.

Staff Member Sablan said it was because of uniformity with other dispensaries.

Board Member Curtis believed this was "micro-managing" the business by the city. If there was no objection and it was allowed by the ordinance, he believed the hours should be set by the business owner.

Vice President Saheba asked what the purpose of the area of P5 and why the landscaping was designed the way it was.

Mr. Greene said the width of the landscape area was a recommendation by staff and gave his thoughts about the parking area saying he was very open to other ideas from the board.

Board Member Hom asked about what parking demands their facility would generate.

Dr. Oram talked about their Sacramento and San Leandro facilities and what the parking demands are generally like. He believed that the parking availability proposed for the Alameda location would serve their purposes.

President Teague wanted to know why one tree was not required for the number of parking spaces.

Staff Member Sablan said this was a requirement and it can be added to the list of conditions.

President Teague wanted to know what they will do to prevent people from smoking in the bathroom.

Dr. Oram said that they, of course, will have smoke detectors throughout the building but mainly it will be employees' presence on the store floor.

President Teague asked about their statement "not being allowed to smoke in the neighborhood" and what neighborhood meant to them and how they planned to enforce that.

Dr. Oram said security guards will monitor the area around the building.

President Teague asked about the rear and right elevations.

Mr. Greene said they did not provide rear or right elevation. He informed the board that the right elevation will have 3 windows that are being infilled, they are along a narrow alley and not very visible for public view. Also, the rear elevation has a garage being knocked down and a new wall will be visible and there are no windows on that wall.

President Teague opened the public comments.

Madlen Saddik, President and CEO of Alameda's Chamber of Commerce, said that NUG Inc was one of their members and they were very impressed by the business model of Alameda Nug Shop. She was also impressed by the level of investment in the community the applicant was making and urged the board to approve this use permit.

Cathay Weber, Director of Downtown Business Association, wanted to express her support of Alameda Nug Shop and is excited for the business they will bring to downtown Alameda.

Barbara Mooney, the owner of Daisy's, seconded Board Member Curtis's thoughts on the hours. She also talked about all the good things Alameda Nug Shop was bringing to Alameda and urged the board to approve.

Linda (Tik) Thurston, Alameda Meals on Wheels, wanted to urge the board to approve the use permit for Alameda Nug Shop. Alameda Wheels on Meals will be the primary recipient of Alameda Nug Shop's community benefit fund, they are anticipating the donation to be

in the tens of thousands annually. These significant donations will allow Meals on Wheels to continue to support the local community.

Kevin Leong, a resident and a part of the Board of Directors for Alameda Meals on Wheels, wanted to voice his support for the Alameda Nug Shop.

Audra Wright, a resident, is excited to see the Alameda Nug beautify the neighborhood. She believed the changes to the building will be a tasteful improvement.

Peter Kahl, the owner of Speisekammer, expressed how supportive he is of Alameda Nug Shop and is happy to see this building in use.

Ron Mooney was in full support of this project and urged to let the operational hours go until 10 pm.

Enrico Myer took issue with the choice of the location for the dispensary and thought it was too close to the Public Library. He was also concerned with having a cannabis store in his neighborhood.

Cloe Slyvia wanted to know how the Good Neighbor Policy would be enforced and what the penalties would be if they did not enforce them.

Via text - the residents at 2426 Lincoln Ave are against the project. They believed the operational hours from 9 am to 9 pm 7 days a week was very concerning.

Mary Grace Bosco said that the quality of life for the 10 families that live at 2426 would be impacted if this cannabis dispensary is allowed to go to 10 pm. She then suggested the Alameda Nug Shop be relocated to the soon to be vacant Walgreens on Park St.

President Teague closed the public comments.

Board Members Rothenberg suggested that the project be approved subject to a few revisions. On the design review, a tree needs to be added and crosswalk signage needs to be added. For the condition of approval, they need to be enumerated in regards to the Good Neighbor Policy and the resolution and include a restriction that parking is for customers only. She also agreed that the hours should be extended to 9 am to 10 pm.

Board Member Curtis agreed with what Board Member Rothenberg stated. He felt very strongly about letting the business stay open until 10 pm.

Board Member Ruiz echoed Board Member Rothenberg's comments. She wanted to add a condition to extend the fence from the western property to the southern property.

Vice President Saheba wanted to echo the comments that had already been stated. He wanted to add two conditions: that the staff review the lighting plan and to maximize the landscaping to reduce the amount of asphalt.

President Teague thanked everyone for their time. He was absolutely in favor of this use permit and of letting the operational hours be extended to 10 pm. He was very disappointed in the plans for the design review. They were incomplete due to no lighting



plan, landscaping was incomplete, fence and tree needed to be shown, and where windows are being changed is missing. He wanted to continue the design review section for them to revise the plans, then the board could approve at the next meeting. However, he would support if the rest of the board was ready to move forward because he believed it was an excellent project.

**Board Member Ruiz made a motion to approve the project with these conditions: adding one tree in the parking area (in the south area near possible bike parking), marking the driveway with signage, establishing a 10 pm closure time, restricting the onsite parking to the public, extending the fence along the left property line, and will ask staff to review the lighting plan in detail and maximizing the landscaping. These conditions will be approved by staff and put on the list of approval that will be sent out to the board for review, at which point this item could be pulled for general review. The motion was seconded by Board Member Hom and President Teague called for a roll call vote and the motion passed 6-0**

#### **7-C 2020-8216**

*PLN16-0587- Design Review, Use Permit, and Parking Reduction - 1820 Park Street - Applicant: Angie Klein for Mehdi Ravan. Public Hearing to consider Design Review, Use Permit, and Parking Reduction to allow the construction of an approximately 2,723-square-foot three-story addition to an existing 1,750-square-foot one-story commercial building at 1820 Park Street. The mixed use building will be approximately 34-feet tall and include office use on the ground floor with office and one residential unit above. The site is within the North Park Street - Gateway District. The project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 - Existing Facilities.*

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

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4608730&GUID=6023BF49-D9C9-4F64-B946-552B57BA40E4&FullText=1>.

Board Member Curtis asked what considerations had gone into the proposed number of parking spaces.

Staff Member Dong said that staff mainly considered the policies in the ordinance and the general plan. Since the applicant had joined the TMA (Transportation Management Association) their employees and tenants would be given AC Transit passes.

Board Member Curtis questioned where customers would park.

Staff Member Dong said that the building is near public transportation and the applicant would provide bike parking as well.

Board Member Hom asked if the use permit would allow an office space on the second floor to be converted into another residential unit.

Staff Member Dong said due to Measure A requirements there is only enough square footage for one residential unit.

Board Member Hom asked if the third-floor balcony would affect any neighbor's privacy.

Staff Member Dong answered it was surrounded by commercial property.

Board Member Hom asked if staff had a sample of the brick they are planning to use and suggested that materials be submitted for review.

Staff Member Dong said they do not and they could add that to the list of conditions.

Board Member Ruiz asked if there was going to be a wall on the second-floor balcony to separate the residential use from the office space.

Staff Member Dong said as of now the applicant is planning on having that be a shared balcony, so no wall.

Board Member Ruiz asked about what the operation for waste collection for the building was going to be like.

Staff Member Dong explained what the applicant would do and that it would be picked up on Park St.

Board Member Rothenberg wanted clarification on the intended use of the building.

Mehdi Ravan, the applicant, said the downstairs would be for public use with the office spaces and the second floor would be a private rental.

Board Member Rothenberg pointed out the disabled spaces she saw on the plans and questioned how disabled individuals would access the second floor without an elevator.

Mr. Ravan answered yes the downstairs offices have ADA accessible restrooms but when they did the design they did not add an elevator.

Vice President Saheba asked what type of soffit was being used on the building.

Mr. Raven said the brick would have the same look as the brick used at the Walgreens and was not sure what type of soffit was being used.

Vice President Saheba asked what base material was being used.

Staff Member Dong answered it was a cast stone base.

President Teague wanted to know how many employees they would have and how many people would have transit passes.

Mr. Raven said they would have one employee who would check people in the open office space area. They would offer transit passes to all of their customers.

President Teague asked how they choose the color of the stucco on the back of the building.

Mr. Raven said they choose it to match their neighbors' color.

President Teague at this time asked his fellow board members if they would continue past 11 pm.

**Board Member Curtis made a motion to defer the last item due to time but to take up the minutes and item number 9. Board Member Rothenberg seconded and it passed 6-0.**

President Teague opened the public comments.

President Teague closed public comments.

Board Member Rothenberg suggested the project had merit for approval subject to complete drawings with all the elements for a design review including complete code summary and confirmation that the publicly used spaces comply with Title 24 and city ordinance, they are accessible to the disabled.

Board Member Hom wanted staff to review the actual materials that would be used. He also questioned if the staff was comfortable letting the applicant offer TDM requirements to their customers.

Staff Member Tai offered solutions that they could offer.

Vice President Saheba wanted to leave it to the applicant what they offer their customers in concern with the transit passes.

Board Member Curtis said he could not support the project, the design is great but he believed it would put too much of a demand for parking in the area.

President Teague liked the project but said it would be easier if it was just a standard office space. He did not believe they had crossed the bar for reducing the parking demands. He said the applicant had in no way meet the criteria for reducing the parking requirement.

Staff Member Tai pointed out the zoning for the area is the North Park Street Gateway District and that the intent was that buildings be brought up to the street, losing some parking. He also gave an option that staff would work with the applicant after project approval on finalizing TDM details.

Director Thomas gave a third option of coming back with a zoning code amendment. He said the way the zone is now it makes it very difficult to build on Park St.

President Teague was open to updating the zoning code but felt it was his duty to follow what the municipal code says now.

Director Thomas felt confident that a business could educate their customers on how to arrive and the best public transit to use and hoped that was enough of a TDM option to satisfy the board.

Board Member Curtis asked how changing the code helps the lack of parking.

Director Thomas spoke about all the successful places on Park St without parking and if limiting parking encourages public transit so be it. He mentioned the city's Climate Action Plan that specifically said the city needs to stop generating traffic and the greenhouse gasses caused by people driving all the time.

President Teague reminded everyone that tonight's discussion was not about parking and pushed for a vote on the item.

**Board Member Rothenberg made a motion to approve the item subject to complete drawings with all the elements for a design review. It must include making sure the residential space is only a residential space, staff must review that the publicly used spaces comply with Title 24 and city ordinance, and staff must review the materials being used. Board Member Hom seconded the motion, President Teague took a roll call vote and the motion passed 4-2, with President Teague and Board Member Curtis opposed.**

Item **7-D 2020-8220** was continued to the next meeting due to time.

8. MINUTES

**8-A 2020-8210**

*Draft Meeting Minutes – March 9, 2020*

President Teague wanted to clarify his wording on the motion for the Waterfront, the wording "we know more now" is about the palm trees that were planned.

**Board Member Rothenberg made a motion to approve the minutes. Board Member Curtis seconded the motion. The motion passed 6-0.**

9. STAFF COMMUNICATIONS

**9-A 2020-8222**

*Planning, Building and Transportation Department Recent Actions and Decisions*

Staff Member Tai said they had a staff-level decision about tree removal, garage removal, and a design review for one commercial building at Southshore.

**9-B 2020-8221**

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

Director Thomas said that at the next meeting they will start a series on the General Plan. The City has gone live with a new General Plan website. The website has some surveys and upcoming workshops. They will also organize the meetings for the next 4 months. Also, the staff is working on different zoning amendments and will have those out soon.

Board Member Rothenberg voiced her interest in the Climate Action and Resiliency Plan and wanted to be included with staff on the draft. She also wanted to include an expert she knew in the discussion.

Director Thomas said yes there would be a workshop on this and the board could take part and they would welcome an expert in the discussion.

10. WRITTEN COMMUNICATIONS  
None.

11. BOARD COMMUNICATIONS  
President Teague asked staff to bring back small pieces of revisions to the zoning code. One zoning code in particular is making it easier for people to build housing. He added that he does not want the staff to bring them ministerial review items for the board to rubber stamp. He felt it was a frustrating use of the board's time, the board agreed with him.

Board Member Ruiz asked staff to please make sure submittals are complete. She struggled with the cannabis club and the 7-C item, they were good projects but they had a lot of missing information. She felt that the applicant wasn't prepared to answer questions and wanted the staff to prep the applicant more.

Director Thomas said he completely understood.

Vice President Saheba suggested that any applicant's presentation is given a time limit.

Director Thomas said that past planning boards have established those types of limits and to also consider a limit on staff's presentations.

12. ORAL COMMUNICATIONS

Jay Garfinkle wanted to address the process of how the City Council and Planning Board does things. He was concerned that with the meetings being so long and the applicants and the board getting so much time there was very little public engagement. He believed there was a better way to involve and inform the public.

13. ADJOURNMENT  
President Teague adjourned the meeting at 11:19 p.m.