

# APPROVED MEETING MINUTES

REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, DECEMBER 12, 2011  
7: 00 p.m.

1. CONVENE: 7:05 P.M.
2. FLAG SALUTE: Board Member Autorino
3. ROLL CALL: Present: President Ezzy Ashcraft, Vice-President Autorino, Board members Burton, Henneberry, Kohlstrand, and Zuppan.

Absent: None

## 4. MINUTES:

Minutes from the Regular meeting of April 25, 2011.

Motion to approve the minutes by Board member Autorino approved, seconded by Board member Kohlstrand, and approved 5-0.

Minutes from the Regular meeting of October 10, 2011.

Amendments to minutes made by Board member Zuppan regarding page 6 of 12, 5th paragraph from the bottom where the business operated without a license. Her understanding was staff would follow up with the business owner in order to make sure there were no other outstanding penalties and that was not noted in October's minutes.

President Ezzy Ashcraft explained that she already calendared that to come back for review, but asked Board member Zuppan if she would like to propose an additional sentence or clause.

Board member Zuppan stated that the sentence should include a follow up order regarding the issue.

President Ezzy Ashcraft stated that the amendment would be noted.

Board member Zuppan made comments on page 8 of 12, the 2nd paragraph regarding her problem with inconsistencies about the applicant's statements. She did not want it to be confused about the closing time.

President Ezzy Ashcraft confirmed the amendment to revise the first sentence of the 2nd paragraph in order to clarify the inconsistencies of the applicant's statements.

Board member Zuppan further commented on about page 9 of 12, the 2nd paragraph.

She stated that her proposal was not for conditions to be removed. She believed the permit should come back for review and then conditions could be verified or evaluated, but not be removed.

President Ezzy Ashcraft, asked whether to strike those comments or remove them altogether.

Board member Zuppan stated that she would like the word “removed” replaced with the word “evaluated.”

Board member Zuppan made comments to page 10 of 12, the 2nd paragraph regarding the parking requirements. She meant that parking should be lowered not raised.

President Ezzy Ashcraft confirmed that the initial comments should be amended to say reduced rather than increased.

Board member Zuppan stated yes and parking should be reduced below 200.

President Ezzy Ashcraft called for additional amendments to the minutes.

President Ezzy Ashcraft called a motion to approve the minutes as amended. Motion to approve by Zuppan, 2nd by Burton and 4-0, 1 abstention (.

Minutes from the Regular meeting of October 24. 2011. (pending)

Minutes from the Regular meeting of November 28. 2011. (pending)

## **5. AGENDA CHANGES AND DISCUSSION:**

President Ezzy Ashcraft spoke to the Planning Service Manager Andrew Thomas and discussed moving Item 9-C, status report to the proposed update to the public art program, to the consent calendar. Decision was made to keep it on the regular agenda.

## **6. STAFF COMMUNICATIONS:**

### **Written Report**

#### **6-A Future Agendas**

Andrew Thomas, Planning Services Manager, provided an overview of upcoming projects.

## **7. ORAL COMMUNICATIONS:**

**None**

## 8. CONSENT CALENDAR:

**None**

## 9. REGULAR AGENDA ITEMS:

**9-A. PLN11-0315- Wendell Stewart - 219 Santa Clara Avenue.** Design Review of a single-family residence requesting to stucco over existing wood siding and shingles on residence.

Margaret Kavanaugh-Lynch, Planning Services Manager, presented the staff report, provided a brief summary of the City's design review guidelines and the issues of interpreting the guideline's language in relation to the project. She further explained to the Board members that there was a fine line in interpreting the language outlining the fact that buildings with original wood siding should not have stucco applied in an attempt to modernize the building. Thus, she came before the Board to review this sentence.

President Ezzy Ashcraft called for Board questions or comments.

Board member Kohlstrand asked whether the proposal is to retain the shingles at the very peak of the roof and place the stucco on the bottom, and would the shutters be retained on the house.

Ms. Kavanaugh-Lynch stated that the homeowner could explain the process once he is called to speak. However, she stated most of the building would be covered in stucco.

Board member Autorino stated that his perception of the design review guidelines was meant to prevent old Victorian homes from being covered with stucco.

Ms. Kavanaugh-Lynch responded by saying that staff struggled with the guidelines especially since there was a movement within the City years ago to modernize the appearance of homes. Staff believes given the look of the house with the other neighboring homes on the street that the stucco will not modernize the house.

Vice President Autorino asked staff if the wood shingles on this house could be rehabbed and if they could not, would the replacement of the shingles and siding be considered modernization?

Ms. Kavanaugh-Lynch stated not exactly since as long as the design treatment and materials are compatible with the house and the neighborhood.

Vice President Autorino replied that there are two opposed ideas: (1) The home must be compatible with neighborhood, thus stucco would be compatible with the neighborhood and (2) The design guidelines state that owners cannot modernize their homes.

Ms. Kavanaugh-Lynch stated yes, but the homeowner cannot modernize their home using stucco. Therefore, there is a challenge with the design review in the City of Alameda. If  
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homeowners were to replace their wood siding with aluminum siding that would be acceptable, but homeowners cannot apply stucco.

President Ezzy Ashcraft called for public comment.

Wendell Stewart, 219 Santa Clara Avenue property owner, said the siding is dry rotten and cannot be refurbished, but must be replaced. Furthermore, he went on to say two neighbors whose houses are identical to his were allowed by the City to replace their wood siding with Sears Vinyl Siding.

Board member Kohlstrand asked Mr. Stewart if the stucco would go all the way up to the peak and would he retain the shutters.

Mr. Stewart explained the stucco would go all the way up to the peak and he would replace the shutters with new waterproof shutters that closely match the old ones. Also, the molding will closely match the existing molding.

Sonia Christensen Stewart, 219 Santa Clara Avenue property owner, presented the history of their project to the Board. She explained that the present condition of the house requires constant maintenance and there were occasional leaks through the paneling during the rainy seasons. She and her husband conducted a lot of research and reviewed vinyl siding and stucco, and the findings revealed stucco was the best option.

Ruth Smiler, 221 Santa Clara property owner, explained to the Board that her house contains stucco and she moved to the property a little over one year ago. According to a house inspector that was hired, her house was always made of stucco. She further explained that many houses within the neighborhood are similar in style and they have stucco material so she supports the project.

Board member Burton, explained that he visited the neighborhood and found the majority of the houses contain stucco. Therefore, he believes the design guideline's clause to modernize the house using stucco does not explain the project coming before the Board.

Board member Kohlstrand, Vice President Autorino, and Board member Zuppan agreed with Board member Burton.

President Ezzy Ashcraft commented on her dissection of the sentence regarding the stucco, original wood siding, and shingles. She believed that the sentence includes "should not," which is suggestive language and the word "modernize" is a relative concept, meaning World War II dwellings would not necessarily be considered historical. She also explained that it would be hard to know which houses are in its original state and which houses contain stucco so, she supports project.

Board member Autorino called to approve the design review, Board member Zuppan 2nd the motion and approved 5-0.

to the Housing Element of the General Plan pursuant to State Law and Government Code regulations. The Housing Element provides a seven year plan to address the housing needs of current and future Alameda citizens. The Planning Board will hold a public workshop to review and discuss revisions to the Draft Housing Element that may be necessary to comply with State of California requirements.

Andrew Thomas, Planning Services Manager, provided a brief Power Point presentation about the Draft Housing Element under the City of Alameda's General Plan. He also outlined the public process and the upcoming schedule to finalize the document.

Jennifer Gastelum, Service Lead for Pacific Municipal Consultants, worked on and certified 41 housing elements in her career. She presented the remaining Power Point presentation, which explained the California Department of Housing and Community Development's (HCD) 8-page response to the City of Alameda's Draft Housing Element document. The HCD's comments were separated into three categories: 1) Land Inventory; 2) Constraints and 3) State Law Updates.

President Ezzy Ashcraft asked staff to define zoning and allocating land for emergency shelters.

Jennifer Gastelum, explained that emergency shelters were defined for the homeless not for natural disasters.

Andrew Thomas explained that he had two requests from the Board. He first wanted to make sure they understood what staff and the Planning Board were diving into regarding the schedule and public process. He also, explained that staff is looking for strategies to make this process as successful as possible.

President Ezzy Ashcraft responded that many people attending the meeting have not read the staff report, thus she asked staff to give an example of multi-family housing in the Alameda.

Mr. Thomas explained that in the staff report under attachment 3, there are many examples of multi-family buildings that the public can recognize, which would help educate and inform the public. He went on to give an example of the density found at the 221 Clinton Avenue. The building contains 7-units of multi-family rental housing built many years ago. He found that illustrating various housing types and densities within the staff report shows HCD that the City has made land available for residential density.

President Ezzy Ashcraft called for Board member questions or comments and there none.

President Ezzy Ashcraft called for public comment.

Joy Chin-Malloy, Alameda resident for 32 years, stated that she has four children and none of her children feel they are welcomed into the City. Her youngest child would like to live in the City, and he has moved his family into her home. However, her neighbors

took objection to her family moving in. The issue is her son and family would like to live here, but they cannot afford housing here.

Bill Smith, Vice President of Renewed Hope Housing Advocates, would like to thank the Board members and staff for starting this long overdue project, the public and Lauren Do of Blogging Bayport Alameda. He went on to say that there are many benefits with getting the project started because there is a real need for low-income and seniors housing. Also, he advocated for funding open space and transit related projects, which assist housing developments. He informed the Board that completing the Housing Element will allow the City to qualify for more money, especially affordable housing. Furthermore, he stated that supplying housing will attract businesses and the housing element is part of being a responsible environmental community in terms of energy consumption. He would like to see the plan approved so the City has a chance to see how it works and be able remove the obstacles. So, he would like for the Board and staff to find ways to accelerate the public process and move the first hearing up to February from March.

Diane Lichtenstein, Vice President of HOMES, congratulated the Planning Board and staff for their report and advancing planning throughout the year. The Alameda Housing Element will be a huge advantage for the City and will provide housing opportunities for individuals and families who cannot afford market rate housing.

Helen Sause, member of HOMES, applauded the staff and the process to achieve HCD approval of the Alameda Housing Element. She first explained that the housing element is critical for the City to receive state funding and for the City to avoid lawsuits. Secondly, she hoped that density will be a non-issue as the City and public move along with the process. She also wanted to see building diversity rather than monolithic suburban style residential housing. Lastly, she believed this housing element will give the City a chance for a variety of housing types. Alameda has successfully provided housing opportunities for low and moderate residents and workers and this is an important aspect and opportunity.

Doug Biggs, resident of Alameda and member of HOMES, thanked staff for getting the process started and assembling a good team that knows how to get housing built. He stated that building housing is the main objective and setting aside land and inclusionary housing for income types. He appealed to staff and the Board to use this process to showcase City pride and exhibit the City's accomplishments.

Jon Spangler, Alameda resident, commended the Board and staff for moving the housing element forward and filling a long-term gap within the general plan. He believes the lack of compliance is important for the city's funding plus legal liability. He stated that the City must take care of its responsibilities from the state's standpoint and he reaffirmed Doug's statement regarding City pride. He also noted that the City must accomplish more than what they have done in the past (aesthetically speaking) before Measure A was passed. He explained the need for higher density residential developments in the City in order to keep people out of their cars and utilize public transit services.

Lois Pryor, member of Renewed Hope Housing Advocates, stated she was really gratified that the City is taking on this difficult task and encouraged the City to have businesses move

here in order to level the job/housing balance. She also asked the City to provide homes for all residents and to have the housing element done in a timely manner so housing can be built within a reasonable timeframe.

Lynette Lee, Member of renewed Hope and former executive director for a non-profit organization that built and managed 1,400 affordable housing units. She asked the Board members to take a bold approach to get the housing element approved by considering higher densities of more than 30 units per acre. She went on to say that for the next meeting, she will bring pictures of affordable housing developments of 60 units and more to show the Board and staff how affordable housing can be attractive and complement the neighborhood. She also brought up the demise of California's Redevelopment Agencies and how the agency's revenue was critical to constructing affordable housing.

Laura Thomas, President of Renewed Hope Housing Advocates, explained that the organization was formed in 1999 to fight for rehabbing the former navy housing parcel called East Housing. She stated that the former Planning Board did not welcome their organization's East Housing proposal. So, she asked staff and the Board to create residential opportunities for all income levels, working people, and families. She commended the staff and Board for taking up the housing element finally because the Board must show leadership as well as accelerate the timeline.

President Ezzy Ashcraft called for Board member comments and questions.

President Ezzy Ashcraft called on Board member Henneberry to make comments on affordable housing and housing for working families.

Board member Henneberry stated that his day job represents mainly grocery store and butcher union members so workers housing is a critical issue. He felt that being able to live where one works comes up within the redevelopment agency and this should be addressed in the housing element.

Board member Zuppan noticed that the illustrations don't show the parking impacts. She also stated that since current public transit service is so volatile in Alameda County, the staff and Planning Board should discuss issues regarding traffic impacts, parking, and public transportation within the housing element. She asked Andrew Thomas to post the presentation on the City's website. Finally, she was curious about the idea of having to have 16 units altogether. She felt it was important to spread affordable housing throughout neighborhoods rather than having them clumped in one dense location.

Mr. Thomas responded by saying that parking concerns are a legitimate concern. Moreover, he pointed out that staff has to look at the parking requirements at the chosen sites. He went on to explain that early this year or end of last year the Planning Board and community completed a comprehensive review of parking requirements for all uses including residences on Park and Webster Streets. He also stated that he would post the presentation on the web absolutely. Lastly, he wanted to point out that the 16 unit requirement made by HCD doesn't mean that affordable housing has to be put on one site in projects of 16 units or more. HCD defines large sites or by definition, sites

that are large enough to accommodate at least 16 units are zoned at a certain density so the land can facilitate a range of housing types.

President Ezzy Ashcraft raised an issue regarding residential development and its proximity to transportation, parking, and density.

Mr. Thomas stated the initial list of sites is to get everyone thinking about the functionality. As staff goes through the process internally and reviews the sites with the public, then staff will be able to look at the whole list of sites in order to ask for recommendations. He reaffirmed the notion that access to public transit is part of the criteria for selecting sites, especially for higher density multi-family and senior housing types.

Board member Kohlstrand stated that the Metropolitan Transportation Commission is implementing the One Bay Area Grant Program where funding is contingent on certain strategies related to smart growth, adopting a housing element, including affordable housing, constructing complete streets and a few more. The grant program is being reviewed at the regional level under designated priority development areas. Therefore, cities and counties are not sure if transit money is going where development is going.

Vice President Autorino asked staff what level of difficulty does Measure A introduce to this process.

Mr. Thomas responded by saying that Measure A raises some level of difficulty, but it is an insurmountable hurdle. Measure A is the citywide requirement, which says that multi-family housing should not be built and that runs into the face of state law. However, the City of Alameda does build multi-family housing, through density bonuses and other ways. As a community, we are building good projects and will continue this effort. He explained that the current zoning ordinance says maximum density of 21 units per acre and density bonuses of 29 units per acre are allowed and the City will waive the multi-family prohibition. Although, technically the City doesn't permit multi-family housing, the City will waive the rule on specific sites and density bonuses create considerable density.

Vice President Autorino reaffirmed the statement that the City recognized the obstacles created by Measure A, but understood the process of going around the measure to create residential density. He also commented about the project timeline and whether it could be expedited without jeopardizing other priority projects.

Mr. Thomas stated the faster we move along the better. The way staff laid the timeline out staff can't get all the responses drafted before the first meeting in March. He explained that he wants a good comprehensive set of opinions and once staff receives the first draft, the Planning Board and residents control the pace entirely.

Vice President Autorino stated it is very important to do things right and not over commit staff's time.



Mr. Thomas replied that he is confident that staff will get the comments and complete the package for the first meeting in March.

Board member Kohlstrand commended on the handout and she stated that it is important for the public to understand the density levels within Alameda and different types of development that occur outside of Alameda. She agreed with those who believe the process should move along quickly and she urged staff to engage with all community groups. She also asked staff if they identified locations for mobile homes.

Jennifer Gastelum, replied that if there are mobile homes allowed in the City's zoning ordinance then staff would look into it. There is a list of things such as residential care facilities, second units, transitional housing, and more which staff must check off.

Board member Kohlstrand asked if the state published a ratio outlining the number of homeless shelters required to serve a city's total population.

Jennifer Gastelum, replied that there isn't a state wide ratio, but staff has come up with a number by meeting with local homeless advocates. The state generally wants to see how many acres of land are made available for a shelter.

Board member Kohlstrand asked whether the housing element evaluates the City's jobs/housing balance and integrates an economic development strategy.

Mr. Thomas responded to Linette Lee's density per acre statement, which forces the City to find lots of acreage. He further explained that the City is opting to create higher density in select parcels in order for some of the sites identified as residential to be zoned as commercial.

Board member Kohlstrand asked staff about zoning Alameda Point.

Mr. Thomas replied that the HCD made changes to state law where cities that overpromise land for residential purposes will be penalized. Therefore, if the City overpromises residential inventory the supply that was not made available for residential use will roll over to the next evaluation cycle. Thus, staff has not rezoned Alameda Point for cycle 2007-2014 for this reason.

Board member Burton stated that the 29 units per acre threshold for density bonuses should be modified.

Mr. Thomas clarified by explaining that the state does not consider the City's density bonus ordinance as a measure of density because the density bonus is a discretionary process. So, staff will zone select sites from the total 25 identified sites and allow the maximum number of units to be built on the parcel.

Board member Burton stated that the City must have the conversation to amend Measure A in order to permit the maximum 30 units per acre and construct multi-family

housing. This means the City must have a transparent conversation with the community and that would include public workshops in order to have community buy-in.

Mr. Thomas stated that staff has conducted workshops throughout the years, but the issue is how to get a wide range of residents to participate. In the past, the Going Forward Community Workshop posed great success and was relatively affordable.

Board member Burton asked about development parking requirements and transit usage paralleling residential density. He implored staff and the Board to consider building a variety of housing for all income levels.

President Ezzy Ashcraft welcomed the public's feedback. She asked Linette Lee to send Andrew Thomas examples of high-density developments before the next meeting in order to incorporate the illustrations into the staff report. She also requested that staff and the Board continue the conversation about the jobs to housing balance. She mentioned that public participation was called out as one of the deficiencies in the HCD comment report at the bottom of page 7, paragraph D. Therefore, workbooks and online responses using the Moving Forward Workshop template should be used and staff should consider taking workshops on the road. The City should also capitalize on the need for smaller square foot housing, which was reported by the Home Builder's Association and create aesthetically pleasing multifamily housing that works for all income levels. Finally, the Board must review and modify, if necessary, the proposed process and sequence described within this report.

President Ezzy Ashcraft called for a motion to approve the Alameda Housing Element process as described.

Board member Henneberry approves the motion, 2nd by Board member Kohlstrand, but caveat to have some consideration on public outreach, and approved 5-0.

**9-C.** Hold a Public Hearing to hear a Status Report on the Proposed Update to the Public Art Program and Review and Accept the Annual Report for the Public Art Fund as Required by the Public Art Ordinance TIME [2:24:53]

Laura Ajello, Planner II for the Public Art Commission, spoke about the annual report for the public art fund. The Planning Board is filling the role for the Public Art Commission and the meeting is to allow the public to speak about the City's public art and the overall process.

Vice President Autorino stated that the City would spend \$35,000, which was approved by council last year to have a consultant review the Public Art Commission's process. There are three or four elements that the consultant will review and he wants to know what to expect from the findings.

Laura Ajello, explained that the City wants a public art policy that works, and the current policy is not working. The Public Art Commission did not meet in fiscal years 2009/2010 and the last art project was created for Warmington Homes in Grand Marina in 2008.

She stated that developers are not contributing to the fund, given the economic climate and the Public Art Commission has not received any funding. So, with the City Manager's urging, staff wants to create an art policy that works.

Vice President Autorino asked if the consultant would work with staff to either restructure or eliminate the public arts committee and how funds should be spent going forward.

Laura Ajello, replied that the study would allow staff to setup a system to maximize the use of funds and how to generate of funds.

Board member Kohlstrand stated that \$35,000 isn't a large sum for a large study, and since the City hasn't had public art since 2008, we're not generating enough funds from large developments. She then asked if developments are required to provide art on site and/or pay in-lieu fees.

Laura Ajello, stated that there is an option for developers to contribute to the public art fund in-lieu of having a project on their own site. The last contribution was for a Summer House, which contributed \$7,500 to the commission's fund last fiscal year. The last public art project was built by Perforce Software on Blanding Avenue.

Board member Kohlstrand asked if Perforce Software paid for the art piece directly.

Laura Ajello, exclaimed yes they did and the project went to the Public Art Commission for approval.

Board member Kohlstrand, asked if Perforce Software paid an in-lieu fee.

Laura Ajello, answered no, the policy is either to pay to construct an art piece onsite or pay the amount you would have paid for the art piece to the Public Art Commission. She also noted that if the developer doesn't spend enough money on the public art then they would have to pay the difference in-lieu. In this case, Perforce Software went above the requirement.

Board member Kohlstrand questioned the public art program's performance and the Board's position going forward.

Laura Ajello, replied that in order to keep the public art program-going staff is looking for feedback from the Board and the public. One suggestion is to buy art from local artists and display them in city buildings. Another option is to lower the cap of \$150,000 or lower the threshold from 1/4 million so developers can easily contribute.

President Ezzy Ashcraft asked if VF Outdoor, Inc. at Harbor Bay Business Park paid into a public art fund.

Laura Ajello, explained that Harbor Bay was developed before 2003 and at that time the public art fund was not created, so they are not accountable.

Mr. Thomas stated that developers pay into a public art fund if it is written into the development agreements.

Board member Burton stated that staff should reach out to a wide variety of the art community. He questioned whether the Public Art Commission should make investments into one gateway project or foster the arts in some creative way by supporting local artists that benefit the community.

Board member Zuppan asked staff if they looked into public-private partnerships. She found that in nearly every meeting, especially with the business community there is strong support for gateway work.

Laura Ajello, stated that option would be considered.

President Ezzy Ashcraft, called for public comment.

Jon Spangler, Alameda resident, stated that in 2008 he discovered former Mayor Beverly Johnson failed to appoint enough members to the Transportation Commission which did not create a quorum and he soon found out that the Public Art Commission had a lack of appointment. The consequence was lack of progress and discussion by a body that was literally non-existent. He trusts that this expenditure will help get things back on track.

Carol Gottstein, Alameda resident, has friends who are artists and who would like to be more involved in this process, but they don't know how to do that. They don't realize that public art projects are presented before the Planning Board. Otherwise, they would have been here. She requested that the City provide more outreach to local artists so they can become more involved.

Laura Ajello, responded that staff conducted out reach to art community and had a workshop last September. She explained that the artists wanted to identify more of their peers to get public comment. She also retains artists' contacts information and sends meeting notices and appeals for public comment to bring forth before the Board.

Vice President Autorino asked about the \$21,000 received from Perforce Software.

Laura Ajello, stated the \$21,000 from Perforce is a running tally from the inception of the public art program. From the last fiscal year, there were no expenditures and the only revenue received was from interest and Summer House's \$7,500 in-lieu contribution. The others date back from 2003 so it's difficult to read this.

Vice President Autorino stated that *he* understood this; he questioned whether the Board was comfortable enough to approve the study to the City Council.

Laura Ajello, stated if you look at last year's report, included in the attachment to the Board this is a boilerplate report produced by finance and this format hasn't changed.

Board member Kohlstrand asked if the account balance was correct,

Laura Ajello, *responded* yes it comes from our finance department.

President Ezzy-Ashcraft stated no motion was necessary to move forward.

10. WRITTEN COMMUNICATIONS:

Board member Zuppan asked the Board to come back to review the design guidelines at some point and examine specific areas that are frustrating or difficult for staff.

Mr. Thomas replied that would be an excellent idea and staff talks about that all the time.

Board member Kohlstrand wanted to acknowledge Jean Sweeney's contribution over the years. She passed away last week or so and she did so much for the City and spent lots of hours at the Planning Board.

11. BOARD COMMUNICATIONS:

Board members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Board may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or, through the chair, direct staff to place a request to agendize a matter of business on a future agenda.

12. ADJOURNMENT:      9:49    PM