

APPROVED MINUTES  
REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, JUNE 28, 2021

1. CONVENE

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

*This meeting was via zoom.*

2. FLAG SALUTE

Board Member Hanson Hom led the flag salute.

3. ROLL CALL

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

Absent: Vice President Asheshh Saheba.

4. AGENDA CHANGES AND DISCUSSION

President Teague suggested postponing agenda item **7-A 2021-1043 Board Elections** to either the last meeting of July or even the first meeting in September. This was due to board members being absent and to have whoever the Mayor and City Council appointed present.

Allen Tai, City Planner, confirmed the elections for July 26th, which would be after the second City Council meeting.

No board member objected to postponing the board elections.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

None.

7. REGULAR AGENDA ITEMS

**7-B 2021-1047**

*PLN20-0541 - 910 Centennial Avenue - Administrative Variance and Design Review - Applicant: Amornrit Pudkeepamrongrit. Public hearing to consider a Call for Review of the Zoning Administrator's approval of an Administrative Variance and Design Review to allow the construction of a new 1,907 square foot two-story single-family home. Due to the narrow 22-foot lot width, a variance is necessary to allow a 3-foot side yard setback on the east side and a 1-foot setback on the west side where 5-foot setbacks are required, and to allow the new home to be constructed with the same 14-foot 6-inch front yard setback as the existing detached garage that exists onsite where a 20-foot setback is required. General Plan: Medium-Density Residential. Zoning: R-2, Two-Family Residence District. CEQA Determination: Exempt per CEQA Guidelines Section 15303 - New Construction of Small Structures and 15305 - Minor Alterations in Land Use Limitations.*

*None of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply*

Deirdre McCartney, Permit Technician III, Planning Building and Transportation, introduced the item and gave the staff report. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4989274&GUID=450ACD54-DA3A-49DD-AB51-22F4A7BD76BB&FullText=1>.

President Teague opened board questions.

Board Member Ron Curtis asked if by setting back the second story they had opened up then the view from the second story for the house next door.

Staff Member McCartney said the existing garage massing, roof height, and roof style were being rebuilt in the same footprint. The two-story portion of the house would then start past the house at 908 Centennial.

Board Member Curtis asked so essentially the view coming out of the upper story windows of the house at 980 Centennial would be the same as what it is right now. No additional blocking of light or destruction of the view other than what they were looking at originally.

Staff Member McCartney if you were to look straight out the window then yes. If you were to look at an angle you would see the two-story portion of the house.

Board Member Curtis asked if she thought a one-foot setback from 908 and the look of that housing looming on them destroyed the ambiance of that room.

Staff Member McCartney explained that the two-story portion of the house stepped back three feet from the house, they varied it to make room for windows.

Staff Member Tai clarified the view from different points and explained that the garage would have the same footprint as the existing garage.

Board Member Hom asked if the parking also served the adjacent multi-family home. He wanted to know if there was a requirement for that parcel to maintain parking so they could eliminate the garage and still be compliant with the City's zoning standards.

Staff Member McCartney said they were not required to maintain any parking. The new garage would provide two spaces for the new home only.

Board Member Hom clarified if the adjacent units were currently using the two-car garage for tenant parking.

Staff Member McCartney said some of the neighbors had indicated they were using the driveway to park two cars.

Board Member Hom wanted to know who was currently using the garage. He also wanted to know if the owner owned the adjacent parcel. He hoped the applicant could clarify how the parking was being used.

Staff Member McCartney said she did not know and that the owner could answer.  
Staff Member Tai said the owner did own the adjacent lot.

Board Member Hom then asked about comments about the avocado tree. He wanted to know who owned the tree since there was a condition to remove it and to plant replacement trees.

Staff Member Tai explained how there had been an agreement between the neighbors to replace the tree at the Zoning Administrator Hearing. This was a civil matter and not something the city had jurisdiction over.

Board Member Hom clarified that the adjacent owner had verbally agreed to the removal of the avocado tree and to have replacement trees.

Staff Member Tai said that was correct.

Board Member Hom asked about the one-foot setback and that there were no eaves within two feet but a gutter near the property line. He wanted to know if that was allowed by building code.

Staff Member McCartney said she believed it was because of an exception.

The owner explained the agreement that had been reached with the tenant next door, the property owner did not care or wanted to be involved. He explained the person using the garage for storage was a family member.

Board Member Hom thought it would be best to work these things out with the property owner. He understood it was a civil matter.

Board Member Ruiz wanted dimensional clarification on sheet A2.1, would the building be in the same location and would it be smaller.

The project designer, Mr. Pukdeedamrongrit, explained the setbacks and that the width would be smaller. He then explained the setbacks in other places.

Board Member Ruiz then asked about sheet 3.3, detail number 2. She wanted to know what those windows look into.

Mr. Pukdeedamrongrit explained that the windows would bring light into the hallway and that you would look over the shed of the property at 1216 9th street.

Board Member Rothenberg wondered if the staff or applicant could give better references for waiving current standards that did not apply to existing non-conforming buildings.  
Staff Member Tai explained current setbacks and what would still apply to this home. He also explained different districts and what those requirements were and why. For variances, they look at physical constraints and that the property owner was not getting any special privileges. The neighborhood has similarly narrow lots, but those homes were built before the current zoning standards were adopted.

Board Member Rothenberg said they were making a case by referencing buildings that were built under prior standards, and they were building under current standards. They are stricter for a reason.

Staff Member Tai pointed what the zoning code allowed for non-conforming houses.

Staff Member McCartney gave the example of the new ADU regulations and what they can now allow.

Board Member Rothenberg said the nature of an ADU and the nature of a new two-story home in an existing lot were two different cases.

President Teague asked if the garage were to be 8 inches narrower would that make the garage unusable. He thought there was enough space.

Mr. Pukdeedamrongrit said they could do that.

Board Member Hom asked for the designer to address the building code question about the roof eave and the rain gutter being within two feet of the property line.

Mr. Pukdeedamrongrit said as far as he understood the only mention was for the overhead and the eave, not the gutter.

Board Member Hom clarified that the rain gutter was not considered a roof overhang.

President Teague opened public comments.

Zac Bowling said he was in support of this project. He addressed how the restraints in the current design code made it difficult to build anything like what we have today. He felt that the setback requirements were done more for density control than for safety. He believed the current project was a better use of the space than just for cars.

Roberta Hough, a neighbor, said the project was too big and the setbacks too small. She had fire safety concerns and said she felt better after speaking to Fire Chief Hearn. She believed that the Fire Chief should always be included in the process of approving such variances. She also gave her concerns about mildew for the property.

Philp Fegoni, the owner, thanked everyone for their time and discussed the history of the project. He said his family had owned the property for 100 years and that his younger sister would be living in the new home which would be next to her daughter's home. He stated that over the years they had done everything they could to design a property that met all the requirements. He and his family were not looking for any special treatments and that the setbacks they were asking for had been granted to other homes in the neighborhood.

President Teague closed public comment and opened board discussion.

Board Member Curtis thanked everyone for the presentation. He felt that all of his questions and concerns had been answered and he could vote for this.

Board Member Cisneros felt that after reading the staff report the project had met the fire safety concerns. She also appreciated the public comment about more coordination with the Fire Department. She was also satisfied with how the neighbor's privacy concerns were being addressed and supported the project.

Board Member Hom said it was a narrow lot and that the findings for the variance could be made, so that was not the issue. He still questioned why it was either five feet or one-foot setback, nothing in between. He wondered if there could be a discussion about more of a setback that could be provided. He also brought up President Teague's comment on the garage and reducing it by 12 inches to make room for a crawl space and to help maintain the rain gutters. He also questioned if the back wall on the second story could be set back more as well. He agreed there were justifications for the variance and it was just a matter of if there could be more of a setback. He added again that for the removal of the tree, the applicant should reach out to the owner since he did not believe the tenant had the right to approve the removal of the tree. He understood it was a difficult issue and a civil matter.

Board Member Ruiz believed the variance was warranted. She concurred with the Historic Advisory Board's comments about needing to review the siding examples and to make the garage treatment more architecturally pleasing. She felt that she could approve this project.

Board Member Rothenberg restated her concerns about ensuring when they develop these properties, to meet their General Plan, they don't overdevelop in every lot by virtue of variances. She said they did have an impact on the health, safety, and welfare of the public. The codes were strict for a reason and hoped the applicant could endeavor to make some adjustments to improve the overall massing of the building. She said with all the comments and conditions they had discussed she was prepared to join in an approval.

President Teague had looked over the history of the lot to see what had originally been there. He believed in the case for the variance, the conditions had been met. His idea for the garage was because of the house located directly next to the garage and mirroring the setback that the house had on the garage would allow a sufficient area between them to allow for airflow. This was something he would like to see but was not a requirement. He was in favor of this project. He asked counsel about verbiage around the removal of the avocado tree and wanted to know if they needed to clarify anything.

Celena Chen, Staff Counsel - City Attorney, said they did not have to specify permitting the removal of the tree. This was a civil matter that needed to be worked out between neighbors.

Staff Member Tai asked for a specific dimension in regards to the increased setback for the side yard that had been requested by Board Member Hom.

Board Member Hom suggested a two-foot setback, which would not include the roof gutter. He wanted to confirm with the applicant that the one-foot reduction in the garage would not compromise the ability to park two cars in the garage.

President Teague suggested at least 8 inches and ideally 12 inches.

**Board Member Hom made a motion to approve the application for the variance with the condition that the applicant work with the city staff to find a way to increase the side yard setback for the garage area (8-12 inches) and Board Member Curtis seconded the motion. A roll call vote was taken and the motion passed 6-0, with Vice President Saheba being absent.**

#### **7-C 2021-1049**

*PLN19-0237 - Design Review - 1929 Webster Street - Applicant: Daniel Cukierman. Public hearing to consider a Design Review to allow the construction of a new 6,210 square foot commercial building, intended for a restaurant and tavern, on a vacant commercial property adjacent to the Cross Alameda Trail. This Design Review for the building comes after the Planning Board approved a Use Permit for the tavern use, outdoor seating, and extended hours of operation and Parking Variance in 2020. The site is located within the C-C, Community Commercial District. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-fill Development*

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

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4989275&GUID=A4037EA5-20E6-43D5-AF9B-F06526C3BECA&FullText=1>.

Erik Waterman, the architect for the project, also gave a presentation that discussed the building design.

Daniel Cukierman, the owner of the project, discussed what they wanted to achieve with this space.

President Teague opened the board clarifying questions.

Board Member Curtis thought it was a great design. He asked if the structural design had taken into consideration the wind load and the shear factor of the canopy. The wind could really get up in that area of town, that was his only concern.

Mr. Cukierman said that was a concern for him as well and it would be discussed with the structural engineer.

Mr. Waterman said it had been factored in.

Board Member Hom inquired about concerns brought up by the manager of the Rodeway Inn about noise issues coming from the second-floor deck area. He asked if there was going to be a solid wall along the property line of the Southside public area; he wanted to know how the noise was going to be mitigated.

Mr. Waterman said the front portion would be solid and it would be below the height of the Rodeway Inn. The Rodeway Inn was a solid wall there and there would be no activity above the roofline of the Inn.

Board Member Ruiz thanked them for the presentation. She wanted to know from an operational standpoint how the loading and unloading would be handled, such as where the loading truck would be parked and how deliveries would work.

Mr. Cukierman explained since they couldn't have a curb cutout there was still space in front of the bus stop for a truck to pull in and load and unload.

Board Member Ruiz asked about the previous suggestion of shared parking and wanted to know if anyone had reached out to the Walgreens or Starbucks across the street.

Mr. Cukierman said he had not tried to contact those corporations but he had tried to reach out to the Rodeway Inn but kept getting a voice message that said the inbox had not been set up yet.

Board Member Rothenberg thanked everyone. She wanted clarification about the dates on the drawings, the drawings that they received were dated March 12th and the presentation, the visuals they had shared, was dated June 28th.

Mr. Waterman clarified that the plans and elevations were the same as what was in the documents, nothing had changed.

Board Member Rothenberg asked about the Dark Sky Ordinance and wanted to make sure it was sufficient as it was stated in the resolution. She wanted to make sure that the condition did not have to be detailed in any more specificity than it already was. She had a similar question and concern in regard to obtaining an encroachment permit for the work that was going to be done at the curb. Other than these concerns she thought it was a wonderful project.

Staff Member Tai addressed the Dark Sky Ordinance and said it required lighting to be downward pointed and for fixtures to be shielded. He added that staff felt that this project could meet those standards, they were being pointed out in the conditions to make sure they were addressed at the final building plans. He also stated that the revised resolution that was introduced at the beginning of this item had language that addressed the issues around the encroachment permit.

President Teague asked if the Dark Sky Ordinance would also apply to the lighting under the trellises.

Staff Member Tai said it would.

President Teague's concern was for the lighting on the first page that had a lovely circle of lights that looked like it was radiating in all directions.

Mr. Waterman added that they would shield that, it would be in all directions except up.

President Teague opened public comments.

Zac Bowling said how much he liked this project. He liked that it would create a community around a tavern-like meeting place. He also liked that since it was on the western side of Webster it gave something for the Bay Port residents and the new neighbors at Alameda Point a place to walk to. He loved that it was next to the Cross Alameda Trail and the bus line which would help discourage car use. He added that any new growth on Webster was better for Alameda.

Kiran Patel, General Manager and one of the owners of the Rodeway Inn, said he was still concerned about the noise since the tavern was still scheduled to be open until 2 am. He discussed how noise travels and that the vibrations of the noise were a concern as well. He was also concerned about parking since the tavern would not have its own parking lot. He worried that the tavern's patrons would end up parking there anyway and his staff would spend their time as parking attendants. He was not sure what number Mr. Cukierman had used but he was easily reachable by phone and was more than happy to discuss the parking issue with him.

Mr. Patel and Mr. Cukierman verified phone numbers.

President Teague asked that they coordinate that offline, he then closed public comment and opened board discussion and potential action.

Board Member Curtis said it was a good-looking project and a good gateway for Alameda. He felt that his concerns about parking, patronage, and timing had been answered. He said this was a tremendous addition for Alameda and the Webster Street area and he would vote for this.

Board Member Cisneros was sympathetic to the neighbor and their concerns about noise. She fully supported this project and wanted to move forward with it and hoped the applicant could work with the neighbor on those concerns.

Board Member Hom brought up that at the approval of the Use Permit there had been a condition added that allowed the Planning Board and or city staff to review the Use Permit after 12 months to see if there were any noise issues. He hoped that condition would result in the applicant being responsible and making sure any noise issues don't get out of hand. He thought the revised design was very positive, he thought the sloped roof had a dramatic look and gave a nice entry element as people exited the Webster Tube. He appreciated the life this project would bring to that area of Webster.

Board Member Ruiz knew this was a design review and that the Use Permit had already been approved; however, she was extremely disappointed that the applicant had made no concerted effort to reach out to neighbors about the parking issue. She pointed out that the applicant had had six months to do so and questioned if the applicant was in good faith trying to push the project forward. She did acknowledge that this was not what was being discussed at hand, they were only reviewing the architecture. She assured the applicant that the Use Permit would be reviewed after they had been in operation.

Board Member Rothenberg appreciated all the comments and input and concurred with them. She said if it was as nice as their Oakland location, which she had been to, it would be a welcomed addition to Alameda. Provided of course they take into account all the good neighbor comments and conditions that had been discussed.



President Teague thanked the staff, the designer and the applicant, and all the public comments. He liked the design of the building but was extremely disappointed in the design of the fence. He thought the fence design was half a step above a chain-link fence and believed they could have done much better and could be something complementary to the building. He was going to support the project but urged the applicant to revise the fence to be something that was a value add to both the Cross Alameda Trail and this great establishment.

Board Member Rothenberg asked if there could be an opportunity for the owner and the design team to work with the City of Alameda Arts Commission to incorporate its art program into the fence. She felt that this would be a way to take care of President Teague's concern and to add value to the trail, the community, the establishment, and the entrance of the city.

Staff Member Tai clarified the conditions of the use permit approved several months ago. They did not allow any outdoor entertainment, amplified sound, or electronic displays. The use permit also had to be compliant with the Noise Ordinance. For parking, there had been a condition that this project would join the Alameda TMA (Transportation Management Association) which would provide EZ passes to full and part-time employees. Lastly, the use permit required that the applicant would come back for renewal after 12 months. Then in regards to public art for the fence, he reminded the board that this project was subject to the city's Public Art Ordinance and the applicant would need to choose between on-site public art or paying the in-lieu fee.

Board Member Curtis asked Board Member Rothenberg if she wanted to make the public art a condition or to leave it as is.

Board Member Rothenberg decided to leave it as it was.

President Teague suggested making it a condition that the developer works with the staff to determine the feasibility of using the public art aspect of the project to improve the aesthetic quality of the fence. This was a condition that had no criteria, it was merely suggestive.

**Board Member Curtis made a motion to approve the project subject to the conditions laid out in the resolution and for the developer to work with city staff to determine the feasibility of using public art to improve the aesthetic quality of the fence. Board Member Rothenberg seconded the motion. A roll call vote was taken and the motion passed 6-0, with Vice President Saheba being absent.**

#### **7-D 2021-1054**

*Public Hearing to Consider Draft Amendments to Alameda Municipal Code Section 30-7 Off-Street Parking and Loading Space Regulations to improve environmental quality in Alameda and implement the City of Alameda Climate Action and Resiliency Plan and Transportation Choices Plan. The proposed amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b) (3), where it can be shown with certainty that the proposed amendments will not have a significant effect on the environment.*

Brian McGuire, Transportation Planner, introduced the item and gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=4989276&GUID=6F102F46-7E61-46F6-9093-1417174C DFA3&FullText=1>.

President Teague opened public comment.

Zac Bowling said he liked this. He asked that the 30 AMP requirement be bumped up to 40, given the new car requirements. He wanted language added to the Electric Vehicle (EV) charging station section about using standard space J1772 charging standards to make sure proprietary charge stations were not used specifically and cause boxing out. He also gave specific recommendations for EV-ready plugs.

Denyse Trepanier, Board President for Bike Walk Alameda, applauded the staff for this parking policy draft. She felt that it was forward-thinking but also not radical or extreme. She discussed how other cities were also correcting this land-use mistake and had gotten rid of their parking minimums. She also discussed a similar bill (AB-1401) that was making its way through the state's legislature and if it got stalled it would be important to have this work moving forward. She also discussed the radically changing climate and how this policy was an important step for the changes we need to be making.

Drew Dara-Abrams discussed how removing parking requirements could make affordable housing more possible. Anything that could help lower the cost of new housing was worth pursuing. Bundled with all the other opportunities for mode shift, smarter TDM policies, and getting people on e-bikes could add up to a gradual shift away from cars being the dominant way of transportation. He appreciated the city moving forward with this and gave his support.

President Teague closed public comments and opened board commentary.

Board Member Curtis believed the staff did a good job on a very detailed plan and appreciated the well-thought-out presentation. He however thought about the Law of Unintended Consequences. He was concerned about off-street parking and the upzoning that was planned to make the RHNA numbers. With the upzoning, there would be multiple dwellings and without adequate parking provided they would be taking parking away from existing neighborhoods that were already crowded, neighborhoods that were built under the existing parking requirements. He felt that they needed to take a hard look at how they were going to implement this ordinance. He also addressed the marketing aspect, by making a maximum number of parking units this allowed the developer to make none if they chose to, which would not be a good thing. He believed there should be more options for the developer to decide what type of parking they would need. He also discussed when a bike trip was not feasible and urged for moderation and to think about the needs of everyone.

Board Member Cisneros was very excited about this. She also discussed AB-1401 and the importance of this policy should that bill not pass. She wanted there to be some discussion on further eliminating parking requirements close to public transit such as the ferry or a bus line.

Board Member Hom appreciated the staff's work on this and the public comments. He thought the direction they were going for with parking maximums, unbundling the parking, and emphasizing bike parking made a lot of sense and a positive direction. He echoed some of the concerns brought up by Board Member Curtis, he did however think that developers would push for more parking and thought the parking maximums were a good direction. He wanted to see data that supported the rationale for the proposed reduction in parking standards when this ordinance would come before them. With the concern about unbundling parking, he discussed ways that HOAs or property managers could encourage tenants not to park their cars in the streets excessively. For bicycle parking, he wanted to see definitions for long-term parking vs short-term parking. He felt that the staff report had done a good job of clarifying other questions that he had.

Board Member Ruiz applauded the staff for putting forth this thorough draft. She asked if the intent for this was to be more stringent than the Building Code.

Staff Member McGuire said the goal was for the Zoning Code to be more demanding than the California Green Building Code. The Zoning Code could be a little less technical than the building code has to be.

Staff Member Ruiz said it would be good to mention how they would regulate or allow parking stackers since by nature they would not meet the space requirements mentioned so some provision would be helpful. She then asked about a paragraph on page 1 that defined how to count floor area, she had noticed this was in the old ordinance and did not think it was significant now and was confusing. She could not think of an example of how it would result in a significant impact on the count and questioned if it was even needed.

Staff Member McGuire agreed it had been carried over from the existing ordinance.

Andrew Thomas, Director of Planning, Building, and Transportation, discussed how if a developer needed to go above the maximum there was a process in place.

Board Member Ruiz said it made sense if applied to a minimum standard but not for a maximum standard. She also addressed the concerns around parking turnover and suggested provisions around short-term parking as well in mixed-use developments.

Staff Member McGuire clarified that she was talking about private property.

Board Member Ruiz said yes she was talking about private property and gave the example of a mixed-use development that was coming in.

Staff Member McGuire said one of the benefits of eliminating the minimums was whatever space they ended up within a project, that meets the TDM threshold, they could then put a condition on the project. The condition would allow them to manage the space more strategically to accommodate short term parking and loading needs.

Board Member Rothenberg asked that they check carefully for inherent conflicts in the code, she gave the example of what was in Chapter 11. If you put in disabled spots then you have to have a commensurate number of EV-ready spots. She said defining EV ready was really important. She clarified that in her experience EV ready was different than

powered. She also discussed transportation demand management and asked for consideration for residential parking permits.

President Teague said he was all about the cost of housing, keeping it down, and making it easier for developers to build projects. He liked the idea of getting rid of all parking requirements, he had even pushed Habitat to have less parking for their affordable housing and they would not go for it. Habitat said they needed parking which brought up the equitable aspect. Income and age were also a factor, someone in their 70s or 80s may be able to drive but not be able to use other forms of transportation and not qualify to be disabled. He wanted to look at the impact on equity with this change and he absolutely believed they needed to make this change. He discussed how many projects that he had seen, other than the Habitat ones, had wanted to reduce their parking. He agreed that whatever it takes to make your project successful was fine but they would need to make sure they built the right number of disabled spots. He was concerned the new parking maximum would also lower the disabled spots. He wanted to explore completely removing parking requirements other than for disabled spots.

Staff Member McGuire clarified that the draft amendment they were reviewing did eliminate parking minimums. If an applicant wanted to build no parking the code would allow that.

President Teague said unless their project needed more than the minimum then they would have to come before the Planning Board and ask for it. He said he wanted it more simplified, no maximum and no minimum.

Board Member Curtis wanted to reinforce some of what President Teague had said about the controls with the parking in regards to the development. The first one was that the developer was going to build as many units as they possibly could which would take parking down. The other one was, even if they thought parking would help sell the unit they still have the control because they have to have so many low-cost units. The market takes it up and the low-cost housing takes it down and the developer was the one who had everything on the line. So if you don't have minimums or maximums the developer would police that.

President Teague thanked the board for all of their comments and acknowledged that his comments were probably the most radical ones. He believed getting rid of minimums was good and it needed to be addressed in some way.

## **8. MINUTES**

### **8-A 2021-1048**

*Draft Meeting Minutes – May 10, 2012*

Board Member Ruiz wanted her comments on page 3 where she referred to Portland's Fareless Square to be expanded on, she thought her comments had been oversimplified.

Board Member Hom wanted a comment of his about the mixed-use districts to be rewritten and clarified, it had not clearly expressed his thoughts.

President Teague wanted his closing thoughts for item 7-A to be rewritten, he felt that the paragraph did not represent what he said well. He also wanted Director Thomas's comment afterward to reflect that he had agreed with President Teague.

**Board Member Hom made a motion to approve the minutes with these corrections. Board Member Curtis seconded the motion. A roll call vote was taken and the motion passed 5-0 with Vice President Saheba being absent and Board Member Cisneros abstaining since she had not been present at the meeting.**

9. STAFF COMMUNICATIONS

**9-A 2021-1044**

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

Actions and Decisions can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4989271&GUID=B49CD28E-2E70-4209-B781-A730CD94B234&FullText=1>.

No board member wanted to pull any item for review.

**9-B 2021-1045**

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

Staff Member Tai announced that the next meeting would be Monday, July 12th. At that meeting, two use permits related to commercial outdoor use, one on Park St. and one on Webster St., will be considered. There would also be a General Plan update.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

Board Member Ruiz informed everyone that she would be absent at the next meeting.

Board Member Curtis asked the staff if they would have meetings in August.

Staff Member Tai said none were planned at this time.

Board Member Hom asked Director Thomas about the Housing Element Subcommittee meeting invite for the second week of July, he was concerned he had missed it.

Director Thomas said he was unsure and would check on that, he believed it was on July 15th that they had agreed to meet. He said they would follow up on that and checked that President Teague was back then.

President Teague confirmed he was back then. He then asked about confidentiality with the Google Doc edits and he did not have a link yet to the Google Docs.

Director Thomas assured him they hadn't posted that yet and they would post those closer to the 15th.

President Teague asked for clarification about the last City Council Meeting. The recommendation was not what he expected.

Director Thomas explained the resolution on the Housing Element and the staff report had shown what they had done and had the language that had been removed. The staff thought it was an important decision by the Planning Board but it was the crux of the matter for the council as to why the issue was particularly difficult for the city. They had a conflict and the City Council was going to have to decide between state law and the charter. The staff report described the language that was taken out and why it was taken out. Then the Planning Board's version was also attached as well. He thought it was odd that the Planning Board's version was shown as a strikeout format, which was not how they usually did it. The item would be going to the council on July 6th.

President Teague said unfortunately that did not answer his question, he felt that the board's time had been wasted. He added that the information in the staff report did not capture all of the reasoning of why they voted the way that they did. He thought there could have been a separate resolution that covered section 26 because there were very strong reasons as to why that language was struck beyond the legality reasons. He felt that when they passed a resolution that recommended that the City Council should do something he expected them to receive what the board said. There could have been a separate resolution that just covered Article 26, which should be covered by the City Attorney in terms of the legal opinion of if it did or did not preempt state law partially or fully.

Director Thomas apologized that he felt they had wasted their time, he added that staff did not feel that it was a waste of time at all. The Planning Board held a hearing that provided an opportunity to hear from the public to learn and talk about these issues and the role of the Planning Board. They had told the council exactly what the board had recommended. He said explained that just because the Planning Board took a different position from the staff on whether Measure A is preempted by state law it didn't mean that staff would automatically change their position.

President Teague said he understood all that, but the City Council could have taken an action on two different resolutions. The one the board recommended and the one that the staff recommended, as a separate item. He recommended that the City Council divide the issue when they heard it and then deal with both of them separately. He said another reason why it was done this way was to attempt to get 4 votes from the City Council, on the resolution that included the Tidelands Exchange and the Multi-Family Overlay because it did not approach the preemption aspect of section 26.

Board Member Curtis felt there were two sides to the picture. He thought in talking to certain council members about this they were looking to see all sides of the issue. He also thought it was strange to have the strikeout version of the resolution as well. If the council was looking to see all pros and cons of the issue then having the information from both sides would stimulate a more vigorous debate. He saw both points and the middle ground was that the council needed all of this information. He saw there was no harm done and did not feel that it was a waste of time.

President Teague appreciated Board Member Curtis's comments and appreciated Director Thomas' point of view.

Director Thomas apologized again that the staff report had not accurately reflected the Planning Board's rationale and discussion. That was part of their job, to accurately reflect and transmit their deliberations to the council.

President Teague was concerned it would not pass since it needed 4 votes to pass with the Tideland Exchange portion.

Director Thomas said the resolution could pass with 3 votes. He felt that the resolution had a 50/50 chance either way. He believed it was going to be a super-charged conversation.

President Teague suggested conveying to the council to update the definition of multifamily exclude 4 units and less and to use rounding up from 2000 square feet as a means to improve the density in all neighborhoods.

12. ORAL COMMUNICATIONS  
None.

13. ADJOURNMENT  
President Teague adjourned the meeting at 9:35 p.m.