

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
WEDNESDAY- -OCTOBER 7, 2015- -7:00 P.M.

Mayor Spencer convened the meeting at 7:00 p.m. and led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers Daysog, Ezzy Ashcraft, Matarrese, Oddie and Mayor Spencer – 5.

Absent: None.

REGULAR AGENDA ITEMS

(15-604) Recommendation to Adopt an Advisory Motion Regarding the General Plan and Zoning Designations for the Property Located at 200 Packet Landing Road (Site of the Existing Harbor Bay Club).

The City Planner gave a brief presentation and stated each group would have 30 minutes to make a presentation to the Council.

Mayor Spencer inquired whether a coin toss was done to determine which of the groups would do their presentation first.

The City Planner responded in the negative; stated the groups agreed on the order; Harbor Bay Island Associates (HBIA) would present first and Harbor Bay Neighbors (HBN) will present second.

The Interim City Manager inquired whether Councilmembers could ask clarifying questions before the presentations, to which Mayor Spencer responded in the negative; stated she would prefer the groups to make presentations first.

Marshall Wallace, HBIA Attorney, gave a brief presentation including a video.

Sanford Marshall, Bay Club Company and Alameda resident, made brief comments in support of HBIA and the new health club.

Mayor Spencer inquired how much time was left, to which the Assistant City Clerk responded 12 minutes.

Ann Moore, Alameda resident and business owner in Harbor Bay Club, made brief comments regarding the health services offered at the club; expressed support for HBIA and the new club.

Barry Parker, Alameda, discussed the swim programs and deteriorating pool maintenance in Alameda; stated a new club pool would be beneficial for all swim programs.

Eric Schuler, Alameda, expressed support for a new club which advocates youth sports and kid's programs.

Dirk Kincannon, Alameda, expressed support for a new club with upgraded amenities, especially increased fitness space; urged Council to support the new club.

Mayor Spencer inquired how much time was left, to which the Assistant City Clerk responded seven minutes.

David Courtland, Alameda, expressed support for a new club with updated tennis courts.

Mr. Wallace thanked Council for listening to the HBIA supporters and concluded the presentation; discussed the zoning of Packet Landing site; encouraged Council to move forward with a new club on North Loop Road.

Mayor Spencer inquired about the online posting status of the City Planner's presentation, to which the Interim Assistant City Manager responded the presentation is available on the front page of the City website under "News".

Mayor Spencer stated that she appreciated each side being professional and courteous to each other.

Tim Coffey, HBN, made brief comments in opposition to the residential development plans of HBIA; stated HBN supports that changing the General Plan has no basis; provided a brief Powerpoint presentation.

Richard Vaterlaus, ACME Architect Group, stated the existing club could be successfully remodeled and expanded in its current location; there is no need to rezone.

Susan Blank, Alameda, expressed concern regarding school overcrowding with a new residential development; stated Bay Farm Island schools are at capacity and cannot accommodate any more students; urged Council to vote no to rezoning.

Jeff Johnson, Alameda, stated his daughter attends the after school program at the Harbor Bay Club; urged Council to maintain the zoning.

Paul Medved, Alameda, stated Alameda needs better aquatic facilities; adding one or two new pools at the current club site is feasible; urged Council to reaffirm the club's current zoning.

Richard Nordyke, Alameda, expressed support for youth tennis programs; stated the Harbor Bay Club's 19 lighted tennis courts is a great facility which could host tournaments.

Kathy Leong, Alameda, stated keeping the club access to the waterfront is important for

public welfare; urged Council to keep the current zoning.

Marie Kane, Bay Isle Point Homeowners Association (HOA), stated changing the zoning would undermine the tone of the neighborhood and decrease property values; urged the Council to honor and uphold the General Plan.

Luke Sims, Centre Court HOA, expressed support for upholding the General Plan; stated that neighboring property owners never approached the HOA to informally discuss the issue is appalling.

Mary Anderson, Clipper Cove HOA, stated the zoning issue is about integrity; urged the Council to keep its commitments and act honorably.

John Valva, Bay Isle Point HOA, stated traffic consultants are not needed; more homes means more traffic; urged Council to respect the desires of the 362 voting homeowners by reaffirming the existing General Plan.

Mr. Coffey concluded the presentation; stated the General Plan is in the best interest of the community; urged Council to support the staff recommendation for no changes to the General Plan.

In response to Mayor Spencer's inquiry, the City Attorney stated tonight's discussion is to hear the Council's thoughts regarding the appropriateness of the current General Plan and zoning of Packet Landing Road; Council is not here to talk about the appropriateness, or whether there should be approval, of a new club; the status of the application for North Loop Road should not be discussed; the Council can evaluate and review the General Plan and zoning regarding any location in the City, but because of the controversy of the item, allowing the Council to hear feedback from the community and the developers seemed appropriate; Council could weigh-in in an advisory manner; there is nothing before the Council tonight which allows the Council to change the zoning at the Packet Landing site.

Mayor Spencer encouraged each Councilmember to be cautious when making comments; stated it is unusual for Council to be asked to entertain thoughts about changing zoning; considering a specific property and future uses is inappropriate.

Councilmember Ezzy Ashcraft stated although there are other attorneys sitting on the dais, only the City Attorney can advise the Council; stated Alameda is about neighbors and friends and nothing should divide the community; she prefers to move forward with discussion and be allowed to ask staff clarifying questions.

Councilmember Oddie concurred with Mayor Spencer and her concerns about commenting with caution; inquired whether or not the role of Council tonight is advisory.

The City Planner responded in the affirmative; stated Council cannot change the General Plan tonight; the Council could express its position on the situation, advise or

pass a motion about keeping the General Plan the same.

Councilmember Oddie inquired whether the Packet Landing location is currently zoned for commercial recreation, to which the City Planner responded in the affirmative.

In response to Councilmember Oddie's inquiry for land uses of the Packet Landing property, the City Planner stated there are two designations: the General Plan designation, which is broad, and the zoning designation, which is more concise; the Planning Board has to determine whether the use is consistent with both designations for any proposal that comes forward; any business which charges a fee, membership, or subscription for recreation activities is considered commercial recreation, such as health clubs, rock climbing, tennis clubs, and marinas; a combination of recreation with a commercial use such as a hotel and conference center with a spa, similar to the Claremont Hotel in Oakland, is consistent with commercial recreation; RV parking and a campground were included in the General Plan as commercial recreation in the 1990's; the specifics of the proposal have to be reviewed; ultimately the Planning Board and Council have to be able to make the finding to determine whether a proposal is consistent with the General Plan and zoning designations.

In response to Councilmember Oddie's inquiry, the City Planner stated the latest zoning change was in 2012 related to the Housing Element; a number of properties were changed, along with the General Plan and zoning designations, to conform to State law; there is a zoning change application for a Webster Street business to move a line from residential to commercial; the General Plan land use element has to be regularly reviewed; it is not uncommon for the City to change zoning, even for properties which previously had zoning changes.

Councilmember Oddie inquired when the morning and afternoon peak for traffic is at the Packing Landing site, to which the City Planner responded 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

Councilmember Oddie stated a speaker noted there were 1,300 to 1,500 cars passing during the peak hours; inquired what the actual number of vehicles is, to which the City Planner responded staff analysis conducted for the Environmental Impact Report (EIR) determined 77 cars during the morning peak and 154 cars in the afternoon.

Councilmember Oddie stated there is a regional housing crisis; inquired where the shortages are in Alameda and the region.

The City Planner responded the regional housing need for 2015 through 2023 is 1,723 housing units; the region is short on lower cost affordable housing; Alameda is producing market rate housing.

Councilmember Oddie inquired whether there is an ability to require affordable housing on Harbor Bay, to which the City Planner responded in the negative; stated the City entered a 20-year development agreement with HBIA in 1989; the 2003 15% affordable

housing zoning change does not apply to Harbor Bay.

Councilmember Oddie stated there is a shortage in senior, affordable, and moderate-income housing; inquired whether the type of housing that could be built based under the current development agreement would be said type of housing.

The City Planner responded in the negative; stated all the residential is built out on Harbor Bay; the only way more residential can occur is if Council changes the zoning and the housing type would be market rate, single-family housing.

Councilmember Oddie inquired whether the property owner could be forced to remodel the existing club, to which the City Planner responded in the negative.

Councilmember Oddie inquired whether the Council can impose anything on the current property owner at the current site of 200 Packet Landing Road, to which the City Planner responded very little; stated there is an existing land use, General Plan, and zoning; if the property owner requests to modify the club on the existing site, Council has some discretion on how the application is approved or denied but cannot impose conditions to remodel; it is a private business.

Councilmember Oddie inquired whether there was any public promise or trust that requires the owner to not shut down the club, to which the City Planner responded in the negative.

Councilmember Oddie stated the purpose of the meeting is to better understand both sides; he is not ready to consider the option of evaluating the land for potential residential; changing the zoning would not meet the needs of residents at this point; affordable housing should be the focus; affirming the desirability of commercial land use is the easy vote but sends a confusing message and may give false hope for another vote on a different topic; concurred with Mayor Spencer to proceed with caution on the issue.

Councilmember Ezzy Ashcraft inquired whether the commercial recreation zoning designation is the same as open space designation, to which the City Planner responded in the negative; stated the General Plan has a separate open space zoning designation which includes public parks, habitat restoration and wildlife refuge areas; residents can go to an open space and not have to pay a fee.

Councilmember Ezzy Ashcraft's inquired whether a hotel project similar to Oakland's Claremont Hotel would still undergo an environmental analysis if the zoning remains commercial recreation, to which the City Planner responded in the affirmative; stated any development anywhere in the City would undergo environmental analysis; the Harbor Bay site's key environmental impacts would include traffic and transportation, which generates other impacts, such as air quality.

Councilmember Ezzy Ashcraft stated HBIA's 10-minute video seemed to be marketing

the proposed new club; inquired what is the connection of the video to the agenda item regarding 200 Packet Landing Road.

Mr. Wallace responded the video is setting context; stated HBIA is very proud of the accomplishments over the last 40 years and HBIA intends to pursue the new club on North Loop Road; the best uses which are consistent with the commercial recreation zoning will be considered for the Packet Landing Road site; concurred with the Mayor that approaching the issue with caution is prudent; stated the predecessor Mayor and City Manager urged HBIA to pursue a hotel/conference use for the Packet Landing Road site.

Councilmember Ezzy Ashcraft inquired whether HBIA is overlooking the current Mayor and administration, to which Mr. Wallace responded in the negative; stated he was just explaining where the hotel/conference idea came from.

Councilmember Ezzy Ashcraft stated that she does not find any criteria or compelling reason that would cause her to support a change in the zoning designation; she is concerned with the regional housing shortage as it impacts Alameda; Harbor Bay was well planned 40 years ago by Ron Cowan, including the Harbor Bay Club that residents currently enjoy; the General Plan and zoning designations serve their intended purpose well and she supports the advisory motion.

Vice Mayor Matarrese stated that he has not heard anything to keep him from affirming the current zoning; it is not an easy vote; the development works with the zoning; he is ready to affirm the desirability of the commercial recreation land use tonight.

Councilmember Daysog stated the proponents for the alternative have not satisfied the burden to prove their case, due to their presentation's marketing focus on the North Loop Road site and not getting the ball rolling on the rezoning of Packet Landing Road; Mr. Coffey and his supporters have made a definitive case in defense of the status quo; that he supports maintaining the current General Plan and zoning designations for 200 Packet Landing Road.

Mayor Spencer stated that she does not plan to add anything further; property owners throughout the City are good neighbors; treating each other with respect and considering each other's needs is important for the community.

Councilmember Oddie stated that he wants to make it clear that Council cannot change the zoning tonight, regardless of the vote; the zoning of Packet Landing Road will remain the same whether Council votes to continue evaluating residential uses or affirms the desirability of commercial recreation zoning; voting to affirm has no teeth; he does not want to create false expectations because nothing the Council does today guarantees the current use of 200 Packet Landing Road will continue; he would like to see the community get together to talk about the best use of the site if the current use is extinguished; he prefers the option to do nothing and is leaning toward abstaining; not changing the zoning does not mean the property could not have some other use; he is

concerned the use could be made worse than housing or the status quo.

Councilmember Ezzy Ashcraft stated that she is a firm believer in dialogue; the tough conversations are the ones that tend to yield the most; suggested each group talk to each other informally; everyone wants what is best for a healthy community.

Vice Mayor Matarrese moved approval of affirming the desirability of the commercial recreation use of 200 Packet Landing Road.

Councilmember Daysog seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Ezzy Ashcraft, Daysog, Matarrese and Oddie – 4. Abstentions: Mayor Spencer – 1.

CITY MANAGER COMMUNICATIONS

None.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Spencer adjourned the meeting at 9:33 p.m.

Respectfully submitted,

Irma Glidden
Assistant City Clerk

The agenda for this meeting was posted in accordance with the Sunshine Ordinance.