

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, NOVEMBER 13, 2017

1. CONVENE

Board Member Sullivan convened the meeting at 7:02pm

2. FLAG SALUTE

Board Member Burton led the flag salute.

3. ROLL CALL

Present: Board Members Sullivan, Burton, Curtis, Knox White, Teague.

Absent: President Mitchell, Board Member Köster.

4. AGENDA CHANGES AND DISCUSSION

None

5. ORAL COMMUNICATIONS

Bob Naber gave a presentation outlining the loss of Bay Area boatyards. He said we need to protect the elevator for houseboats and save Alameda's working waterfront.

6. CONSENT CALENDAR

None

7. REGULAR AGENDA ITEMS

7-A 2017-4924

North Housing Zoning Amendment -A public hearing to consider a draft resolution recommending that the City Council approve a Zoning Map Amendment to remove the "G" Special Government Combining District overlay from the property to be conveyed to CP VI Admirals Cove, LLC, Habitat for Humanity, and the Alameda Housing Authority, which may result in maintaining, modifying, or removing the existing site-specific Reuse Plan housing limit. The property is generally located between Singleton Avenue, Mosley Avenue and Bette Street. The proposed rezoning is categorically exempt from further environmental review pursuant to CEQA Guidelines - 15305 Minor Alterations to Land Use Limitations

Board Member Burton recused himself from the item due to a business relationship with his employer and the developer.

Staff Member Thomas introduced the item and gave a presentation. The staff report and attachments can be found at:

<https://alameda.legistar.com/LegislationDetail.aspx?ID=3202387&GUID=8EC4E816-95B9-4908-A47E-0727482B74ED&FullText=1>

Greg Pasquali, Carmel Partners, gave a presentation on their plans for the site and outstanding questions of their purchase.

Victoria Johnson, Alameda Housing Authority, said that the Housing Authority managed 1400 units at this site during the 40s, 50s, and 60s. She said their board supports lifting the cap help make sure they can bring a viable project forward on their portion of the site in the future.

Board Member Teague asked if the 2009 reuse plan is advisory or mandatory.

Staff Member Potter explained the components of the reuse plan. She said they were required to prepare the plan in order for the Navy to convey the property. She said the plan did not envision adaptive reuse and are trying to fit that use into the plan. She said the Navy would call the reuse plan aspirational.

Staff Member Thomas said they have to make sure the project that moves forward must comply with the environmental requirements.

Board Member Teague asked if the Legally Binding Agreement would have to be amended if the Housing Authority exceeded the number of units originally envisioned.

Staff Member Potter said they would not.

Board Member Knox White asked who would be responsible for the upgrade of sewer and stormwater systems if they are not replaced with one of these projects.

Staff Member Thomas said they would have to establish a process for evaluating and upgrading the systems. He said the City's sewer main is off site, has capacity, and they can treat the project like one big sewer lateral system. He said there is a lot of testing still to be done and they need to plan for at least 435 units.

Board Member Sullivan asked when the Housing Authority and Habitat sites would move forward.

Ms. Johnson said that they will need a partner to move forward with the affordable components and cannot be certain when that will happen.

Board Member Sullivan asked if they could leave the cap in place and revisit it when the next Regional Housing Needs Allocation is given, or when the Housing Authority has a plan to consider.

Staff Member Thomas said that they could absolutely do that.

Board Member Curtis asked if all the properties would be conveyed when Carmel closes.

Staff Member Thomas said that it will happen in stages.

Board Member Köster asked if the Habitat parcel will be under the Housing Authority.

Ms. Johnson said that the Habitat parcel will go through a separate process and be conveyed through HUD. She said they are keeping Habitat included in every step of their process.

Board Member Köster asked if the Housing Authority planned to reuse any of the existing structures.

Ms. Johnson said they have deemed reuse infeasible due to the inaccessibility of the units, lead and asbestos issues, and the large unit size which do not meet the needs of their users.

Board Member Teague asked if Habitat would be rehabbing units or building new.

Ms. Johnson said that either is permitted, but that no two acre parcel contains 30 units.

Board Member Sullivan opened the public hearing.

Bob Naber asked if the entire 12.33 acre parcel for homeless accommodation would be used for that purpose, which he said seemed like a lot.

Dorothy Freeman said that Alameda Citizens Task Force strongly supports retaining the 435 unit cap. She said it is premature to anticipate future proposals or housing element requirements. She said the city has approved more market rate housing than is required.

Doug Biggs, Alameda Point Collaborative, said that in January they did a homeless count and there were over 200 homeless people in Alameda. He said there is never too much land available for housing homeless people. He said that you cannot remove the G overlay without removing the cap. He said reinstating the cap would severely limit their ability to provide the much needed affordable housing.

Diana Maiden Aiken said she supports removing the G overlay but does not support raising the cap without a plan in place. She asked what the timeline and requirements would be for the Housing Authority to tear down the buildings and move forward with their project.

Mark Vis, Alameda Landing resident, said they understood that they would need to welcome new neighbors on this site. He asked what traffic requirements would be in place for future projects here. He said lifting the cap could result in severe impacts on the

neighborhood and quality of life. He said the board should remove the G overlay and reinstitute the cap and move forward to develop a plan that works for everyone.

Kirk Bean, Alameda Landing resident, said he is concerned with lifting the cap. He said it makes no sense to remove the cap without a plan in place. He said giving priority to people who work within the city might help alleviate the traffic and commute problems in the city.

Bruce McBride, Alameda Point resident, said he walks the circumference of the island every month. He said he is concerned about the goose pond near Bette St. He said he hopes that flyway is preserved with any construction that moves forward.

Deni Adaniya, Board Member of Building Futures with Women and Children, said Alameda desperately needs housing. She said 36,000 applications were submitted to the Housing Authority for 400 section 8 vouchers in 2015. She said 11,000 applications were submitted for 32 units at Stargell Commons. She said the cap severely limits the ability to provide badly needed affordable housing. She said few developers would be willing to submit plans for a project without knowing what the zoning will be.

Miriam Delagrange, Building Futures, raised concerns about the infrastructure obligations of the for profit developer. She said the developer should be providing the backbone infrastructure and roadways. She said she was worried about fire access and cost of construction for the affordable housing.

Rob Rich, Building Futures, said North Housing is a tremendous opportunity. He supported removing the G overlay without reinstating the cap. He said the backbone infrastructure should be provided by the market rate developer.

Damian Mason, CASA, said he is concerned about stormwater retention efforts at the site. He said the Housing Authority should consider a co-housing method.

Lois Pryor, Renewed Hope, said she liked that the rehabbed units will be more affordable to rent than new construction. She said we should not re-apply the unit cap when the G overlay is removed.

Laura Thomas, Renewed Hope, said the cap should not be reinstated. She said the cap was illegal to begin with because the parcels were in the housing element. She said APC and the Housing Authority need the flexibility in order to provide the low income housing.

Courtney Shepler, Alameda Landing resident, said the residents there might support a change in the cap in the future when there is a plan to consider. She said the 435 unit cap is already a large number of units. She supported leaving the cap in place for the time being.

David Kim, Alameda Landing resident, said he was concerned at the impacts that lifting the cap would have on the neighborhood.

Bill Smith said the board should remove the Government overlay and then respect the underlying zoning of the North Housing site. He said the housing would help attract businesses and jobs to the west end. He said the units there could help support improved transit service. He urged the board to not reimpose the cap.

Rasheed Shabazz said he researched the Housing Authority projects during WWII and studying how they were segregated. He said the property previously housed 1,368 units, a school, grocery store, and transit service. He told the history of segregated residents there in the 1960s that faced eviction and cannot speak up for affordable housing today. He supported removing the G overlay and not reinstating the cap.

Board Member Sullivan closed the public hearing.

Board Member Teague said the amendment to the NAS Reuse plan is out of date. He said the density bonus could allow about 588 units on the property. He said rent control would make the rehab project very expensive to tear down and rebuild. He said he will be in favor of removing the G overlay and not reinstituting a cap.

Board Member Köster said he does not want to limit our future options, but said it is difficult no knowing what the plans would be. He said he is excited to see Habitat for Humanity come to Alameda.

Board Member Curtis said he is in favor of the Carmel project. He said he is in favor of reinstating the cap. He said he is concerned with the safety of the egress and ingress for future residents with 30 units to the acre without a plan to consider.

Board Member Knox White said we need to give some certainty on the zoning for the site. He said he would be interested in conditioning the removal of the cap on a use permit process. He said he would like to recommend lifting the G overlay conditioned on an MOU being signed by the developer on what infrastructure costs are needed.

Board Member Sullivan said she supports removing the G overlay. She said she is concerned about the amount of housing. She said she would like to see the cap reinstated until we know what the state is requiring and what the plan would be.

Board Member Teague said he would be willing to do a modified cap where 146 units went to Carmel Partners, 30 to Habitat, and the remaining 259 to the Housing Authority parcel. He said he does not think we could separate the cap from the removal of the G overlay.

Board Member Curtis said that he could support that compromise which would allow approximately 17 units per acre for the Housing Authority, 20 units per acre with a density bonus.

Board Member Sullivan said she is concerned that limiting the Carmel property to 146 units would be unfairly limiting them given their older housing stock and what other properties in the city are doing.

Mr. Pasquali said he is not in a position to support or reject any positions relating to a cap, but that their business plan is for 146 units.

Board Member Köster said he preferred Board Member Knox White's approach to the cap, giving the flexibility for a future Planning Board and Council to go above the cap.

Board Member Knox White made a motion to recommend that the City Council remove the G overlay, maintain the cap for the entire project but allow the cap to be raised to the full amount allowed by the zoning with a conditional use permit, and that the lifting of the G overlay be conditioned to a signing of an MOU relating to infrastructure requirements between the various property owners. Board Member Köster seconded the motion.

Board Member Curtis asked the developer if the questions regarding their obligations towards utilities have been resolved.

Mr. Pasquali said they have done a lot of work with staff on the issue. He said the most important issue for them is defining what the obligations for backbone infrastructure are. He said that he thinks they will get there.

Board Member Teague asked how the maker of the motion would distribute the cap between the different properties.

Board Member Knox White said that he would apply the cap evenly per acre.

Board Member Curtis said we should let the developer work out the infrastructure issues with the staff and not complicating things with additional requirements. He said the issues are the removal of the cap and the G overlay.

Board Member Teague asked if the Housing Authority would be able to bid projects with extra density under the proposed conditional use method in the motion.

Staff Member Thomas said that he envisions the process for the use permit to be done concurrently with a site plan application. He said the cap would be lifted, but that anything over 15 units per acre would require an additional level of review.

Board Member Teague pointed out that the use permit would only need the approval of the Planning Board, subject to Council review.

Board Member Curtis asked that the motion be split up to have separate votes on the removal of the G overlay, the requirement to have an MOU, and the cap.

Board Member Knox White said he wanted to lift the G overlay with the MOU because that is the one place where the City can really have any leverage. He said he could amend his motion to recommend Council consider whether the infrastructure costs have been adequately considered before removing the G overlay.

Staff Member Thomas summarized the motion on the table as: recommending the G overlay be lifted and that Council consider the infrastructure costs before making the change.

Board Member Sullivan added that it would be one motion and that the cap would be lifted with the use permit process in place to be addressed concurrently with any future application, split evenly by acreage.

The motion carried 5-0.

Board Member Sullivan declared a five minute recess.

7-B 2017-4925

Public Hearing to Consider Zoning Amendments to Conditionally Permit Specific Types of Cannabis Businesses in Certain Zoning Districts

Staff Member Potter gave a presentation. The staff report and attachments can be found at: <http://alameda.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=6626>

Board Member Knox White asked how the staff recommendation differs from what the majority of the Council already has given as direction.

Staff Member Potter said staff incorporated Council feedback and also added the R&D location for Marina Village to the ordinance.

Board Member Curtis asked what law would say regarding personal usage.

Staff Member Potter said they would be amending the ordinance to reflect state law and that they would be banning outdoor cultivation for personal use.

Board Member Curtis asked what protection neighbors would have from second hand smoke.

Staff Member Potter said that they have a complaint based system of enforcement.

Board Member Köster asked if only medicinal dispensaries would be permitted in Alameda even though recreational use is being legalized statewide.

Staff Member Potter said that is correct, only medical dispensaries would be permitted.

Board Member Köster asked how deliveries would be regulated.

Staff Member Potter said that delivery operators from off the island would be required to obtain a business license in Alameda.

Board Member Köster asked if the restrictions would hinder the ability to raise tax revenues from cannabis businesses.

Staff Member Potter said the Council wanted to phase in legalization and evaluate how things go.

Board Member Teague asked if the Pinball Museum was considered a youth center.

Staff Member Potter said it was not because it does not predominantly cater to minors.

Board Member Teague asked for clarifications of certain definitions that differed between the respective ordinances, including nursery, planting, and cultivation questions.

Assistant City Attorney John Le attempted to offer technical clarifications. He said he would try and offer clarifying language.

Board Member Teague asked how the board would make the special findings needed for the business permits.

Staff attorney explained that the issues could be reviewed in the renewal process.

Board Member Burton pointed out the inconsistent language around the six permitted plants in different portions of the ordinance.

Board Member Sullivan asked if the nursery would be supplying seedling plants to Alameda residents.

Staff Member Potter explained that it would be a wholesale nursery, not for sale to the public.

Board Member Sullivan asked if the onsite consumption would require air scrubbers be used by the operators.

Staff Member Potter said the ordinance gives staff the ability to regulate that issue, but they are not yet at that point.

Board Member Sullivan said she has concerns about possible locations for dispensaries, and places where youth congregate.

Staff Member Potter said the Council went with the state definition of sensitive uses.

Board Member Sullivan asked how the determinations were made on how many manufacturing and testing plants were needed.

Staff Member Potter said they used testimony, Council desire to phase in, and industry estimates for population need.

Board Member Curtis asked if the language protecting neighbors could be emphasized for both commercial and personal use.

Staff Member Potter said those issues are captured in the ordinance.

Board Member Sullivan opened the public hearing.

Mark Hersman, resident, said he was planning to apply to open one of the dispensaries. He asked that other zones, such as light manufacturing, be opened up for possible location of dispensaries. He said large shopping center landlords would likely not rent to cannabis businesses due to banking policies.

Cathie Warner said her company is a lab testing business and they want to locate in Alameda. She said starting January 1st, cannabis testing would become mandatory. She said the testing industry is important and will be growing. She said they have found good laboratory space in Marina Village and Harbor Bay Business Park.

Rasheed Shabazz asked how the ordinance defined its being equitable.

Board Member Sullivan closed the public hearing.

Staff Member Potter said the zoning maps were equitably distributed, but this was not referring to a potential equity component for communities disproportionately affected by the war on drugs.

Board Member Teague made a motion to approve the zoning with modifications: section c permitted uses number three, strike the second sentence; section h, reference the regulatory ordinance as the guiding light for operational radius; special findings, strike the entire section and let the findings happen under the regulatory ordinance. Board Member Knox White seconded the motion.

Staff Member Potter said that staff would provide the information and maps needed for the one mile radius finding. She said rather than striking the last sentence in section c-3, they would prefer to insert “except as provided for in the previous sentence, cannabis shall not include.”

Board Member Knox White asked if this language should be added to another location where this is defined differently.

Staff Member Potter said that this only applies to the nursery item.

Staff attorney explained the two definitions and said they could make the language consistent.

Board Member Teague said he is okay with the proposed “except as provided...” language being added in order to clarify the zoning ordinance. He said the one mile rule would be very complicated and needs to be clarified.

Staff Member Potter said they would be going through an RFP selection process and would not be first come, first served.

Board Member Knox White suggested moving the first special finding to the same location all other distances are addressed.

Board Member Teague said he would support that change.

Board Member Curtis said he thinks staff did a good job.

Board Member Burton suggested amending the two descriptions of the six plant limit to be consistent.

Board Members Teague and Knox White accepted the amendment.

Board Member Teague summarized the motion: In the cultivation section: add “except as required” above the second sentence; special findings section is struck entirely; 1 mile radius moved to be under operational section; clarification of language regarding the six plant limit.

The motion carried 6-0.

8. MINUTES

8-A 2017-4919

Draft Meeting Minutes - September 25, 2017

Board Member Curtis made a motion to approve the minutes. Board Member Burton seconded the motion. The motion passed 4-0-2 (Köster, Knox White).

8-B 2017-4920

Draft Meeting Minutes - October 9, 2017

Staff Member Thomas said he wanted to bring the minutes back in order to correct and expand on some of the discussion.

Board Member Curtis asked that the tape be reviewed to better represent his comments.

9. STAFF COMMUNICATIONS

9-A 2017-4921

Zoning Administrator and Design Review Recent Actions and Decisions

Staff Member Thomas gave a brief report. The staff report and plans can be found at:
<https://alameda.legistar.com/LegislationDetail.aspx?ID=3202385&GUID=9B203DAE-E336-4F44-BA8C-6D81697C3900&FullText=1>

9-B 2017-4923

Future Public Meetings and Upcoming Community Development
Department Projects

Staff Member Thomas said they would like to cancel the next meeting. The schedule can be found at:
<https://alameda.legistar.com/LegislationDetail.aspx?ID=3202386&GUID=5755945F-E10D-49CB-A07B-F3B961C867BD>

10. WRITTEN COMMUNICATIONS

None

11. BOARD COMMUNICATIONS

Board Member Teague asked that the staff reports list which meeting is being referred to when referencing historical actions.

12. ORAL COMMUNICATIONS

None

13. ADJOURNMENT

Board Member Sullivan adjourned the meeting at 10:42pm.