

DRAFT MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
MONDAY, MARCH 14, 2022

1. CONVENE

President Asheshh Saheba convened the *meeting at 7:00 p.m.

**Pursuant to Assembly Bill 361, codified at Government Code Section 54953, Planning Board members can attend the meeting via teleconference.*

2. FLAG SALUTE

Board Member Alan Teague led the flag salute.

3. ROLL CALL

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

Absent: None.

*Board Members Cisneros and Hom arrived after roll call.

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATIONS

None.

6. CONSENT CALENDAR

None.

7. REGULAR AGENDA ITEMS

7-A 2022-1832

A Public Hearing to Review and Comment on 1) General Plan and Housing Element Annual Report, 2) the Draft Housing Element Update Zoning Code Amendments Related to the R-1 through R-6 Residential Zoning Districts, and 3) Zoning Code Amendments Related to Design Review exemptions as required by State law and to streamline the review of special needs housing projects

Andrew Thomas, Director of Planning Building and Transportation, introduced the item and gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5518152&GUID=5B2535F9-8F4E-4AAC-82A6-BC2933C32815&FullText=1>.

President Saheba opened the board clarifying questions.

Board Member Teague wanted to know the how No Net Loss requirements in the state statutes applied, and specifically the repercussions for the City when it takes action that results in a net loss in housing units. He also wanted to understand the timing of when a net loss determination is made. He asked the City's Attorney's office for guidance on these changes since State law would be overriding the City's Charter.

Director Thomas explained the implications and repercussions of No Net Loss, and that the City would be required to rezone land to make up for any lost housing capacity. He further explained that if the City acts on a rezoning or development project that results in a loss of housing capacity, then it is at the time of the action when the City must make findings on making up for the lost capacity. Director Thomas also explained the state laws are putting greater weight on the Housing Element Annual Report and that it is best for cities to avoid net loss situations.

Celena Chen, Chief Planning Counsel, discussed the multiple staff reports available to the public that discussed state law. She added that the Planning Board could make a request for guidance and the City Attorney's office would provide a confidential memorandum and analysis in response.

Board Member Teague then made a request for formal guidance.

Board Member Rona Rothenberg asked about and discussed the Alameda Architecture Preservation Society's (AAPS) letter discussing upzoning and density bonus. She also had questions about the changes in building codes and design standards.

Director Thomas explained the State Density Bonus Law and how the law was structured. He then clarified the building separation requirements in the building and zoning codes.

Vice President Teresa Ruiz agreed with Board Member Teague about addressing the changes they were proposing in relation to Article 26. She wanted this addressed directly to correct any misinformation that was out in the public. She also asked Director Thomas to explain in detail what the repercussions would be for not complying with the Regional Housing Needs Allocation (RHNA). She also asked about the ADU count and how City staff project projected 60 units annually.

Director Thomas discussed in general what was required from cities in California and what it meant to be out of compliance with state law. Director Thomas emphasized that the City could immediately be sued and would be ineligible for any sort of grant funding, which often requires having a state-certified Housing Element. He then responded that the 60 ADUs annually is a projection based on the number of ADUs built within the past three years; a number which could be adjusted based on production this calendar year.

Board Member Ron Curtis discussed his concern about traffic generated by the number of new housing units in the RHNA. He wanted to know if a traffic study had been done showing the effect on emergency response vehicles.

Director Thomas discussed the work that was being done with the Police and Fire Departments, mainly redesigning roads and rethinking how roadways can be enhanced to be safer and more efficient for all users.

Board Member Xiomara Cisneros asked about the City's inclusionary zoning requirements and how whether it contributed to more affordable housing.

Director Thomas discussed that the citywide requirement for affordable housing was 15% and at Alameda Point it was 25%. He explained more about the feasibility for more affordable housing at Alameda Point.

Board Member Hanson Hom asked about the benefits of the Overlay Districts compared to amending the development standards in the base zoning districts. He wanted staff to clarify the density standards being proposed for the R-3 – R-6 zones. Board Member Hom was also curious if staff knew more about preliminary reactions from Housing & Community Development (HCD) on the direction of the zoning amendments to accommodate the RHNA goal.

Director Thomas noted a minor correction to the Staff Report. The information Board Member Hom was looking for was on page 6 of the Annual Report, and he explained those changes regarding density. Director Thomas also summarized conversations with HCD and noted that the City can no longer prohibit multifamily housing.

Brian McGuire, Staff Planner, also offered information about the overlay districts.

President Saheba wanted to know how the numbers for assisted living counted toward the RHNA. He also had questions about open space requirements proposed in the transit overlay.

Director Thomas said as long as assisted living units served as primary housing for a housing need, then HCD should be able to count them towards the RHNA. He then went into detail about open space area requirements in the transit overlay district.

President Saheba opened public comment.

Zac Bowling thought that for Options 1 and 2, it did not have to be an either or. He further explained how that might work. He encourage more housing in the high resource density areas. He discouraged downzoning since it could lead the City into legal trouble.

Karen Bey spoke about Affordable Housing. She was concerned that by putting all the Affordable Housing at Alameda Point the City was making the same mistake again. She instead encouraged that the goal should be to make Alameda Point a high resource area with job and retail opportunities. She spoke about growing up in the projects and having a sense of hopelessness and not wanting that to happen at Alameda Point.

Christopher Buckley, member of AAPS, discussed a letter sent in by the AAPS. He felt blindsided by the changes in the RHNA numbers and how that affected the numbers that AAPS had worked on. AAPS still believed that the proposed upzoning was unnecessary and he discussed the negatives about Density Bonus.

Josh Geyer discussed upzoning around high density transit corridors and that the City shouldn't be thinking either/or and try a bit of everything. He discussed neighborhoods that should be upzoned.

Alex Spehr discussed her confusion with the historical elements. She felt that it was more geared to just building heights and not actually preserving historical buildings. She discussed ways to preserve history while still building new structures.

Drew Dara Abrams gave his support to the changes to the R1-R6 zoning districts that the staff had proposed. He also thought that the changes to the Design Review regulations really focused on the important items and not the unnecessary ways that projects could get held up.

Dolores Kelleher, member of AAPS, gave her support of a letter that was sent by the society and items that Mr. Buckley had already discussed. She discussed her concerns around upzoning and changing zoning in general.

Rev. Sophia DeWitt, Program Director for East Bay Housing, gave her support of staff's recommendation for the proposed changes to the R1-R6 zoning. She also stressed that all the Affordable Housing should not be grouped together and the whole island of Alameda needed to support Affordable Housing.

President Saheba closed public comment and opened board discussion.

Board Member Teague pointed out wording that needed to be clearer to be more in line with state law. He also gave his thoughts on definitions that needed to be broader. He also gave his thoughts on the Transit Overlays and how they were dealing with the RHNA. He also discussed the difference between overlays and changing the zoning. He then stated that he was uncomfortable with voting to allow multifamily in an R Zone with Article 26 still in the books.

Board Member Cisneros was not against overlay zoning but would prefer to make changes directly in the zoning. She would also appreciate any guidance from the City Attorney's

Office on the legal concerns raised by Board Member Teague. She discussed the importance of having important and social issues addressed in the Zoning Code.

Board Member Hom liked the concept of an overlay district, and he believed it could be used to further address affordable housing needs. He shared his comments on the definitions for Shared Living.

Vice President Ruiz discussed the housing shortage and how Alameda needed to increase the housing stock. She believed that revising the Zoning Code would be more straight forward and be a more equitable way to provide housing compared to overlay districts targeting specific sites. She cautioned against increasing the density too fast to prevent overcrowding. She then discussed definitions that she thought could be broader. She had questions about SB-9 compared to the ADU ordinance.

Director Thomas explained those differences. He then discussed the thought process behind the definitions.

Board Member Rothenberg discussed a hybrid of the two plans, she echoed points made by Board Member Cisneros and Vice President Ruiz. She also discussed references to the Building Codes and Design Standards.

President Saheba thought that the overlay districts were a valuable way to look at density. He then noted that there are commercial areas in Bay Farm and other parts of the that were underutilized and could be explored for more housing.

Director Thomas thanked everyone and discussed next steps. He also discussed the changes that staff would be making. At the next Planning Meeting staff would bring back the discussion about Park and Webster Street. He said they could expect the Final Draft of the Housing Element on 4/1.

8. MINUTES

None.

9. STAFF COMMUNICATIONS

9-A 2022-1801

Planning, Building and Transportation Department Recent Actions and Decisions

Recent actions and decisions can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=5518150&GUID=C14CFFC3-B16F-40B3-BD78-F6D9295C125E&FullText=1>.

No item was pulled for a review.

9-B 2022-1802

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

Director Thomas covered this at the end of item 7-A.

10. WRITTEN COMMUNICATIONS

None

11. BOARD COMMUNICATIONS

President Saheba would miss the Planning Meeting in two weeks.

Vice-President Ruiz also had a conflict in two weeks. She then asked when they would go back to in person meetings.

Director Thomas said they were waiting to see when City Council would return to in person meetings. He added that staff was looking into ways to have hybrid meetings so that members of the community could still participate remotely.

Board Member Cisneros also noted that she would be out 4/11.

12. ORAL COMMUNICATIONS

None.

13. ADJOURNMENT

President Saheba adjourned the meeting at 9:56 p.m.