

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -AUGUST 5, 2008- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:38 p.m.  
Councilmember deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Matarrese, Tam and  
Mayor Johnson - 4.

Absent: Councilmember Gilmore - 1.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(08-321) Presentation by East Bay Municipal Utility District  
(EBMUD) Representative Doug Linney regarding drought.

Doug Linney, EBMUD Ward 5 Representative, discussed the current  
water shortage.

Mayor Johnson inquired whether Homeowner Associations are on board  
with water conservations measures.

Mr. Linney responded all Associations have been encouraged to get  
in contact with EBMUD because they have better opportunities to  
save more water.

Councilmember deHaan stated recycled water from the Davis plant is  
used at the Golf Course; inquired when landscaping grade recycled  
water would be available.

Mr. Linney responded there are plans for recycled water to go to  
Alameda Point, but he is not aware of plans to go to the Golf  
Course; that he has asked staff to look into the complaints about  
the water causing some salinity; staff ensures him that they are  
working on the matter and the issue can be solved without bringing  
in water from the other plant.

Vice Mayor Tam stated EBMUD requested Public Works staff to cease  
using fire hydrants for street sweeping purposes, which is an  
essential service to meet water quality requirements; inquired  
whether there is a way to allow Public Works to get recycled water  
at the Golf Course instead of having the trucks get water near the  
Bay Bridge; further inquired whether an interim measure could be  
put in place until the matter is resolved.

Mr. Linney responded that he would be happy to work with the City

and EMBUD to find a solution.

Councilmember Matarrese inquired whether EBMUD would be providing a scorecard on whether the City is meeting a goal similar to waste and electricity savings.

Mr. Linney responded the idea is interesting and he would look into the matter.

Mayor Johnson stated there are questions about whether recycled water can be used on the City's par 3 course; Council was informed that the proximity to residential areas prohibits the use of recycled water; people have heard different answers.

Mr. Linney stated that he would get an answer.

Councilmember deHaan noted an adjacent playing field could use recycled water, too.

Vice Mayor Tam stated the City Manager contacted EBMUD recycling staff and learned that the quality of water would require an extra level of treatment that currently does not exist; the proximity to residential homes requires potable water to be used for public health reasons.

Mr. Linney stated it might be possible to make improvements.

Mayor Johnson stated golfers need to be informed of the correct answer.

(08-322) Presentation by the Library Foundation regarding public art at the new Main Library.

Luzanne Engh, Alameda Free Library Foundation President, gave a Power Point presentation.

#### CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Gilmore - 1.] [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*08-323) Minutes of the Special and Regular City Council Meetings held on July 1, 2008; and the Special City Council Meeting, Special Joint City Council and Public Utilities Board Meeting, and Regular City Council Meeting held on July 15, 2008. Approved.

(\*08-324) Ratified bills in the amount of \$9,112.893.30.

(\*08-325) Recommendation to award Contract in the amount of \$511,680, including contingencies, to Golden Bay Construction, Inc. for repair of Portland cement concrete sidewalk, curb, gutter, driveway, and minor street patching, Fiscal Year 2008-2009, Phase 9, No. P.W. 05-08-13. Accepted.

(\*08-326) Recommendation to award Contract in the amount of \$211,543, including contingencies, to D&D Pipelines, Inc. for Woodstock storm drain improvements, No. P.W. 06-08-18. Accepted.

(\*08-327) Recommendation to adopt Plans and Specifications and authorize Call for Bids for pruning of City trees for Fiscal Year ending June 30, 2009, No. P.W. 07-08-20. Accepted.

#### REGULAR AGENDA ITEMS

(\*08-328) Resolution No. 14254, "Appointing Leslie Krongold as a Member of the Commission on Disability Issues." Adopted; and

(\*08-328A) Resolution No. 14255, "Appointing Donna Milgram as a Member of the Economic Development Commission (Community-at-Large Seat)." Adopted.

Councilmember Matarrese moved adoption of the resolutions.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Gilmore - 1.]

The City Clerk administered the Oath of Office and presented Ms. Krongold and Ms. Milgram with certificates of appointment.

(\*08-329) Public Hearing to consider an appeal of the Planning Board's denial of a variance and Major Design Review to build first and second-story covered decks at the rear of an existing four-unit apartment building located at 2243 Santa Clara Avenue within the R-6, Hotel Residential Zoning District; and

(\*08-329A) Resolution No. 14256, "Overturning the Planning Board's Decision to Deny Major Design Review and Variance (PLN07-0020) Allowing the Construction of a Two-Story Covered Deck Located Seven Feet and Three Inches from the Rear Property Line at 2243 Santa Clara Avenue." Adopted.

The Planning Services Manager gave a brief presentation.

Mayor Johnson opened the Public Hearing.

Proponent: Ed Hirshberg, Appellant.

There being no further speakers, Mayor Johnson closed the public portion of the Hearing.

Mayor Johnson inquired whether decks are required now, to which the Appellant responded in the affirmative.

Mayor Johnson inquired whether the proposed decks conform to the new code.

The Appellant responded the size of the back yard is not quite in conformance and current code would require a deck for all four units.

Councilmember deHaan inquired how tenants access the yard currently.

The Appellant responded tenants walk through the Elk's property; the yard is not used very much; the decks would improve access.

Councilmember deHaan inquired whether tenants in the other two units would be able to use the remaining portion of the yard, to which the Appellant responded in the affirmative.

Councilmember Matarrese inquired whether the privilege has been extended to other properties, to which the Planning Services Manager responded that he is aware of one other instance, a single-family dwelling with an unusually shaped lot.

Mayor Johnson inquired about the nature of the opposition to the decks.

The Planning Services Manager responded the Planning Board was concerned about future uses anticipated for the adjacent area.

In response to Mayor Johnson's inquiry about whether the adjacent property use would occur, the Planning Services Manager stated staff believes so, but nothing has been submitted.

Vice Mayor Tam inquired how the decks would infringe upon the neighbors.

The Planning Services Manager stated the noise created from the adjacent building might disturb people using the decks.

Councilmember Matarrese inquired whether the same noise issue would apply with use of the backyard as it is now, to which the Planning

Services Manager responded staff came to the same conclusion.

Mayor Johnson read the findings; stated the project is positive for the tenants; there are currently no negatives for the neighbor; inquired why staff recommended approval of the variance.

The Planning Services Manager responded the project site would be brought more into compliance with the zoning code; stated the common area would be reduced, but would still have 300 square feet of open space.

In response to Councilmember deHaan's inquiry regarding the lot line, the Appellant stated seven feet three inches would be remaining.

Vice Mayor Tam moved adoption of the resolution to uphold the Appeal and grant the variance.

Councilmember Matarrese seconded the motion which carried by the following voice vote: Ayes: Councilmembers Matarrese, Tam and Mayor Johnson - 3. Noes: Councilmember deHaan - 1. [Absent: Councilmember Gilmore - 1.]

Councilmember deHaan stated that he does not support the motion because the small strip left is totally inadequate.

(08-330) Recommendation to adopt the Alameda Free Library Strategic Plan, 2009-2014, and authorize staff to begin Neighborhood Library Short Term Improvements.

Ruth Metz, Ruth Metz Associates, and Kathy Page, Page & Morris LLC, gave a Power Point presentation.

Vice Mayor Tam stated the final document and process should be used as a model for other City facilities and assets; inquired whether or not the \$2.5 million set aside is sufficient for the extreme makeover.

The Library Director responded the \$2.5 million would be used for the building work and interior remodeling; stated the library support groups have pledged to pay for new furnishings.

Vice Mayor Tam stated the main library is one of the City's first LEED certified buildings; inquired whether the seal from the Green Building Counsel would be hung at the library.

The Library Director responded staff hopes to obtain the seal; stated the certification process is moving forward.

Mayor Johnson requested that the Council be provided updates on the status of certification; stated the matter should be wrapped up and finalized.

In response to Councilmember Matarrese's inquiry regarding the timeline, the Library Director stated the Request for Proposals (RFP) process should take four months.

Councilmember Matarrese noted that the library service is not free; stated the survey indicated that people value the service and are willing to pay for it; requested that the information on the LEED certification include the estimated certification date.

Councilmember deHaan stated \$16 million would be needed in the future; hopefully, \$2.5 million would cover costs including the electrical and heating systems; inquired whether there would be State level grants.

The Library Director responded the Strategic Plan puts the City in a better position than most should there be a State construction bond.

Ms. Page stated that her calculations are that less than half of the funding would be needed for the makeover; the infrastructure and Americans with Disabilities Act requirements are the big unknowns; another city had to install sprinkler systems, which added costs; encouraged Council to go forward with an RFP as quickly as possible.

Proponents: Honora Murphy, Alameda; Karen Butter, Library Board Member; Luzanne Engh, Alameda Free Library Foundation.

Mayor Johnson inquired whether a prioritized list has been prepared in the event the \$2.5 million is not sufficient, to which the Library Director responded not enough is known about the structural and system issues.

Mayor Johnson suggested that the staff recommendation be modified to include language about beginning to develop a plan that would come back to Council for review; stated the Council would need to set priorities.

Councilmember Matarrese stated the City should not over invest in the West End library building since it is not the future West End library; the plan for what would be executed to meet the short term goal should come back to Council; that he would like an analysis of funding streams, with the ability to extend Measure O being among

the options.

Councilmember Matarrese moved approval of adopting the Alameda Free Library Strategic Plan and authorizing staff to initiate working on short-term improvements to the neighborhood libraries and bring the [implementation] plan back to Council for authorization to start.

Vice Mayor Tam seconded the motion.

Under discussion, Vice Mayor Tam stated there is no deadline for use of Measure O money.

Councilmember Matarrese stated Measure O has a finite period of time; more revenue could be generated if the City asks for an extension from the voters.

Vice Mayor Tam inquired whether the RFP process would help generate estimates and establish various improvements that Council would review and prioritize, to which the Library Director responded in the affirmative.

Mayor Johnson inquired what would be asked in the RFP, such as interior or structural work.

Ms. Page responded the list of short-term recommendations would be used as the basis for the RFP; stated the City could pick and choose the items.

The Library Director responded the RFP would be for an architectural firm with structural engineering, some historical preservation and interior space planning experience in libraries.

Mayor Johnson inquired whether the RFP would include interior and structural improvements.

Ms. Page responded the short-term goals involve very little structural changes.

Mayor Johnson inquired whether the electrical and HVAC system are included in the short term goals, to which Ms. Page responded in the affirmative; stated said items are mechanical systems.

The Library Director stated the shell of the buildings would not change.

Mayor Johnson inquired whether priorities would be set before going out with the RFP.

Ms. Page responded priorities should be set after costs are submitted.

Councilmember deHaan requested that the motion be restated.

Councilmember Matarrese restated the motion: to adopt the Strategic Plan, authorize staff to go forward with the RFP and bring it back to Council.

Vice Mayor Tam stated that her second stands.

On the call for the question, the motion carried by unanimous voice vote - 4. [Absent: Councilmember Gilmore - 1.]

(08-331) Resolution No. 14257, "Opposing Fiscally Irresponsible State Budget Decisions That Would Divert Local Government, Redevelopment, and Transportation Funds." Adopted.

The Deputy City Manager gave a brief presentation.

Mayor Johnson stated that she does not like the term "borrow"; inquired whether the resolution could be amended to "divert".

The Deputy City Manager responded in the affirmative.

Opponents: Gretchen Lipow, Alameda; David Howard, Action Alameda.

Following Ms. Lipow's comments, Councilmember deHaan inquired whether the City is not addressing Assembly Bill 1781, to which the Deputy City Manager responded in the affirmative.

Mayor Johnson inquired whether the language could also include opposition to taking funds from school districts.

The Deputy City Manager responded the Council is on record asking the State not to take school district resources.

Councilmember Matarrese moved adoption of the resolution, with the revised language to replace "borrow" with "divert".

Councilmember deHaan seconded the motion, which carried by unanimous voice vote -4. [Absent: Councilmember Gilmore - 1.]

(08-332) Resolution No 14258, "Providing, as Official City Reference Documents, the Alameda County Residential Green Building Guidelines for New Home Construction, Home Remodeling, and Multifamily Residential Development; the U.S. Green Building Council's LEED Rating Systems for New Commercial Construction and



Remodeling; and Bay-Friendly Landscape Guidelines, and Recommending Their Use in the City of Alameda." Adopted.

The Supervising Planner gave a brief presentation.

Councilmember Matarrese inquired when the municipal code would be changed to make green building requirements mandatory.

The Supervising Planner responded the requirements have been adopted for municipal projects; stated the Chief Building Official is reviewing the State green building code to determine if the City can adopt it early; otherwise, the City might follow Alameda County's checklist process; the matter should come to Council before the end of the year.

Councilmember Matarrese stated that he would like to ensure there is a due date for when binding code changes would be implemented; that he would like the changes to be adopted fairly soon; the climate would not get any better the longer the City waits; there were comments at Peet's LEED gold certification award ceremony that meeting the requirements did not contribute that much cost and was not that difficult to do; the City should be more aggressive; there should be a target date for adopting binding code changes.

Mayor Johnson stated the matter is especially important for new construction; perhaps existing buildings and remodeling could be separate from new construction; the City should be able to move forward with new construction on a shorter timeframe; any new construction in Alameda should be subject to the new ordinance.

Councilmember Matarrese stated there are LEED items that need to be done out of necessity now, such as diverting renovation or site clearing materials from landfill and using renewed and reused materials; there is a distinction between new construction and renovation; binding, not optional, code provisions need to be put in place.

Councilmember deHaan inquired whether there are new requirements that move toward LEED compliance.

The Supervising Planner responded in the affirmative; stated the City has a debris ordinance that requires 50% diversion; the goal amount was increased to 75%; the landscape ordinance includes water conservation measures; that she does not have the schedule for bringing items forward.

Councilmember Matarrese stated setting target dates is very important; then, priority decisions can be made about how to use

resources to meet the dates.

Councilmember deHaan stated the matter is coming to Council; the ICLEI committee [Climate Protection Task Force] would be coming to Council with recommendations that would get the City to that point [adoption of binding green requirements]; inquired when the ICLEI report would come to Council.

The Supervising Planner responded the ICLEI report was folded into the City's Local Action Plan.

Councilmember Matarrese stated the effort he is discussing is adoption of codes that were recommended by the ICLEI committee.

The Supervising Planner stated one of the priorities in the Local Action Plan is the sustainable design and green building standards, which Planning is working on.

Mayor Johnson inquired whether there are model ordinances; stated priority should be given to adopting regulations for new home construction, new multi-family residential development and new commercial construction; any new construction should be built with the new standards; remodels and landscaping can be dealt with later; brand new construction should be built to the [green building] standards.

Councilmember Matarrese stated the matter is fairly urgent because there is potential for new commercial and residential construction in the foreseeable future; requirements should be locked down sooner to have builders adjust accordingly.

Councilmember deHaan stated Planning is going through the exercise to bring something forward.

Councilmember Matarrese stated that he wants a date.

Mayor Johnson inquired whether the matter is being considered by the Building Official or Planning Board.

The Supervising Planner responded the Building Official is looking at the Building Standards adopted [by the State] on July 17; stated the standards are voluntary at the State level; the City would be making the regulations mandatory; Building Codes do not go to the Planning Board; mandatory checklists added to the Zoning Ordinance would go to the Planning Board.

Mayor Johnson inquired whether StopWaste has model ordinances.

The Supervising Planner responded in the negative; stated StopWaste does not have anything mandatory, but has the voluntary standards that are being considered tonight.

Mayor Johnson inquired how the State code and StopWaste's model of voluntary guidelines differ.

The Supervising Planner responded the State code looks at building efficiency; stated currently, Title 24 requires certain energy standards to be met; the new regulations increase Title 24; LEED and Build It Green are checklist approaches that look at the entire site, including landscaping and transit as well as construction; 15% above Title 24 is one requirement, however, the approach is more holistic.

Mayor Johnson stated the Council could set a timeframe for a report back from the Building Official.

Councilmember Matarrese stated the report should include an estimated date for implementation.

Mayor Johnson inquired what timeframe should be set.

Councilmember Matarrese stated the Building Official should have a month to conduct a review; the review should tell Council the differences between the State's standards and the City's standards and the target date for going from optional to mandatory.

Councilmember deHaan inquired whether the direction is the motion.

Councilmember Matarrese responded the direction is the motion along with adoption of the resolution.

Mayor Johnson stated the direction should include prioritizing new construction.

Councilmember Matarrese agreed to include said direction in the motion.

Councilmember deHaan inquired whether a month is adequate time.

The Acting City Manager responded a month is an adequate amount of time for the Building Official to inform Council how long the full review would take; stated the full review might be completed in a month.

Councilmember Matarrese stated Council should be informed if there is difference.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Gilmore - 1.]

Councilmember deHaan noted that drought resistant landscaping at Haight School is outstanding.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

(08-333) Consideration of Mayor's nomination for appointment to the Transportation Commission.

Mayor Johnson nominated Jane. Q. Lee.

(08-334) Mayor Johnson requested that the Fire and Police Departments provide a report describing the type of calls they respond to which are outside their scope and recommendations for appropriate fees; said report should be presented under Council Referrals at the next City Council meeting; stated the Fire Department responds to calls for elevator problems within commercial buildings and people locked out of their houses; she is surprised that fees for such calls were not included when revenue enhancing recommendations were made.

(08-335) Councilmember Matarrese stated that he and Vice Mayor Tam participated in a structured bicycle ride around the City on Saturday; the event was presented by Bike Alameda.

(08-336) Mayor Johnson stated that Alameda could be getting three or four new Coast Guard cutters; current cutters are forty years old.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:07 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

Agenda for meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND  
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING  
TUESDAY- -AUGUST 5, 2008- -7:25 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 10:08 p.m.

ROLL CALL - Present: Councilmembers/Commissioners deHaan, Matarrese, Tam, and Mayor/Chair Johnson - 5.

Absent: Councilmember/Commissioner Gilmore - 1.

MINUTES

(08-41 CIC) Minutes of the Special Community Improvement Commission Meeting held on July 15, 2008. Approved.

Vice Mayor/Commissioner Tam moved approval of the minutes.

Councilmember/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember/Commissioner Gilmore - 1.]

AGENDA ITEM

(08-319 CC/08-42 CIC) Recommendation to approve Affordable Housing Agreement with Warmington Homes for the Grand Marina Project.

The Development Services Director gave a presentation.

Councilmember/Commissioner Matarrese inquired whether the City has an Affordable Housing Agreement with Warmington, to which the Development Services Director responded in the negative.

Councilmember/Commissioner Matarrese inquired whether Warming has committed to building 10 units at Grand Marina.

The Development Services Director stated the Agreement is being considered tonight and has to be approved before Warmington can pull building permits.

The Development Services Director continued her presentation.

Mayor/Chair Johnson stated tonight the Council/Commission is considering an Agreement that would allow a project at Island High as an option; inquired what public input opportunities would exist

should the Agreement move forward.

The Development Services Director responded Warmington would respond to community input, follow the normal process, and work toward a project that the School Board and Planning Board would be comfortable with; if Warmington does not build on the site, the CIC, working with School District, would go through the same public process; if the Alameda Unified School District (AUSD) and the CIC do the project, there would be less opportunity to construct moderate income units on the site because both the CIC and AUSD money and tax credits support low and very low income, but not moderate units; the Guyton Agreement restricts both AUSD's housing dollars and most of the CIC's housing dollars.

Mayor/Chair Johnson inquired whether approval of a project is not before the Council/Commission tonight, but that the Agreement, which does not give any entitlements to any particular project, is being considered.

The Development Services Director responded in the affirmative.

Councilmember/Commissioner deHaan stated the City had an Agreement with Warmington for Veteran's housing; inquired how many units were constructed.

The Development Services Director responded the 39 units at Operation Dignity were part of the Catellus project.

Councilmember/Commissioner deHaan inquired how much money Catellus put into the project.

The Development Services Director responded Catellus was not obligated to money into the project; stated the project was an obligation of the CIC under the Development Agreement.

Councilmember/Commissioner deHaan inquired where the funding came from.

The Development Services Director responded the deal was leveraged with Multifamily Housing Program (MHP) funds and tax credits; stated about 20% of the equity contribution came from the CIC; the CIC removed the units and was obligated to replace the units under the law; the entire transaction assigned certain costs to the public; Catellus loaned funds to the CIC.

Councilmember/Commissioner deHaan inquired how much Warmington would invest in the project.

The Development Services Director responded the amount would depend on the number of units; stated an appraisal was done in the last six months; lump sum lease payments, which total approximately \$1 million, would be paid by Warmington; there would be a [funding] gap depending on the number of units.

Councilmember/Commissioner deHaan inquired whether the houses that would be constructed would be market rate if the [affordable] houses are moved out of the development, to which the Development Services Director responded in the affirmative.

Councilmember/Commissioner deHaan inquired whether the money that the developer would make [off of additional market rate houses] would be a wash with the money that would go into the Island High site.

The Development Services Director responded it would depend upon the number of units; stated the more units that are put on the Island High site, the less cost per unit.

Councilmember/Commissioner deHaan inquired what percentage set aside would have to be for sale and what percentage would have to be rental units, to which the Development Services Director responded specific percentages of for sale units and rental units are not required.

Councilmember/Commissioner Matarrese inquired whether the decision tonight is not how many units or how much units would cost, rather the Council/Commission is simply deciding whether all 10 units would be at the project site, whether the developer could consider other sites for five units and whether nine units would be required if five units are off site.

The Development Services Director responded in the affirmative; stated if the units are constructed at the Island High site, there is an outside limit of 36 units.

Councilmember/Commissioner Matarrese inquired where the number [36 units] came from.

The Development Services Director responded the number uses the Guyton exception to get as many units as possible; stated a Measure A compliant project would be between 16 and 18 units.

Councilmember/Commissioner Matarrese stated Warmington needs to have an Affordable Housing Agreement for the Grand Marina project



to go forward; inquired whether the Agreement would not have to include language about where the off site units would be placed.

The Development Services Director responded the Planning Board acknowledged that if Island High, which was previously identified in the Housing Element, was the off site location, it would be an okay location because it meets other requirements.

Councilmember/Commissioner Matarrese inquired whether the nine units could be built at Island High without going up to the maximum number of units, to which the Development Services Director responded in the affirmative.

Councilmember/Commissioner Matarrese inquired whether Warmington would simply be concerned with building nine units somewhere other than the Grand Marina site, to which the Development Services Director responded in the affirmative.

Councilmember/Commissioner Matarrese inquired whether the City could authorize the Affordable Housing Agreement to either require ten units on site or allow five units off site as long as four additional units would be constructed.

The Development Services Director responded said explanation stops short of allowing future credit for additional units; stated if additional units are not going to be constructed, the [Island High] site should be retained by the CIC and AUSD for construction of 16 to 18 units.

Councilmember Matarrese stated that he is trying to separate out what happens with the off site units; the developer needs to know whether five or ten units would be on site [Grand Marina] in order to get the project started; the City is requiring nine units if five units are moved off site; questioned why the Agreement could not stop there to get the project going; then, the Island High site or any other site would go through the routine, normal planning process; 36 units is an absurd number for the [Island High] site; the site could carry multiple family units; teachers and School District employees would have first shot at the units; a project should not be predicated on putting as many units as possible on the site, which is not the City's approach; the City's approach has always been to develop a quality product, such as Shinsei Gardens and the Breakers; that he would like to cut the Agreement down to what is needed to get the Grand Marina project started; then, the process could work for the Island High site or any site where the units might end up.

Mayor/Chair Johnson stated that the normal process would be followed whatever site is selected.

The Development Services Director stated the Agreement would have to be amended to give Warmington credit if additional units are constructed.

Councilmember/Commissioner Matarrese stated the credit question is within the envelope; the Agreement should address the number of units; where the [off site] units would end up is another matter.

Mayor/Chair Johnson stated Councilmember Matarrese is not saying the Agreement should stop at nine units, rather the matter should be left up to the future process; the Developer could raise the issue once a site is selected; the [off site] location is not needed to move the Grand Marina project forward.

The Development Services Director stated the Agreement would have to be amended if the Developer came back to get credit for a project over nine units.

Mayor/Chair Johnson stated the Agreement would not have to be amended; there could be a separate Agreement to give credit towards a different project.

Councilmember/Commissioner deHaan stated the City is going through the Coast Guard housing process which will be no less than 284 houses that could easily be in the affordable range; inquired whether said houses could be included.

The Development Services Director responded that she has no idea what said number would be; stated providing accommodations to formerly homeless people is a federal government requirement; it is a whole different product type and is a federal disposition process.

The Acting City Manager responded the site is a homeless site, not an affordable housing site under the McKinney Act.

Councilmember/Commissioner deHaan inquired whether none of the units could be used [for affordable housing], to which the Acting City Manager responded not for inclusionary needs, but there are other sites that potentially could be used.

Councilmember/Commissioner deHaan stated other developers would ask to move units off site if the Agreement is approved; the additional units would land somewhere.

The Acting City Manager stated there are other relatively small sites in the Housing Element that could be landing sites.

Mayor/Chair Johnson opened the public comment period.

Proponents (In favor of staff recommendation): William Schaff, AUSD School Board President; Mark Rowson, Warmington Homes; Doug Davis, AEB Partners; Michael John Torrey, Alameda; Andy McKinley.

Opponents (Not in favor of staff recommendation): Markus Roskothen, Alameda; Mary Burson, Alameda (submitted comments); Patricia Paul, Alameda; Janice Miles, Alameda; Brian Kernan, Alameda; Sandra Schuitema, Alameda; Mary Hogan, Alameda; Melanie Wartenberg, Alameda (submitted petition); Kate Smith, Alameda; Malyea Chop, Alameda; Erik Miller, Alameda; Andy Olveir, Alameda; Adam Garfinkle, Alameda; Anne Baer, Alameda; Nancy Clarke, Alameda; Sarah Tbin, Alameda; Kurt Libby, Alameda (submitted comments); Joseph Yon, Alameda (submitted comments); Karen McCloud, Alameda; Taiko Roskothen, Alameda; Billie Banford, Alameda; David Howard, Alameda; Scott Meyerson, Alameda; Amy Parker, Alameda; Nancy Manos, Alameda; Tom Antholzner, Alameda; Donna Layburn, Alameda; Doree Miles, Alameda; Patricia Geraghty, Alameda; Gerry Torres, Alameda; Gerald Yamasaki, Alameda; Nanetee Burdick, Alameda; Christopher Buckley, Alameda (submitted letter); Anna Lee, Alameda; Trish Spencer, Alameda.

\* \* \*

(08-320 CC/08-43 CIC) Following Gerry Torres's comments, Councilmember/Commission Matarrese moved approval of continuing the meeting past midnight.

Councilmember/Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember / Commissioner Gilmore - 1.]

\* \* \*

There being no further speakers, Mayor/Chair Johnson closed the public comment period.

Councilmember/Commissioner deHaan stated the City set a 60% homeownership goal; the recommendation tonight is out of character; the Planning Board and Economic Development Commission (EDC) have always wanted to have a balanced community; that he would support keeping the inclusionary housing within the development.

Councilmember/Commissioner Matarrese stated there are two goals: 1)

provide affordable housing homeownership opportunities, which would be accomplished by including ten units at the Grand Marina development; 2) allowing the Island High site to be developed into affordable housing for teachers and AUSD employees, which is a worthwhile project that needs to be included in the North of Lincoln Street plan; there needs to be a discussion about the most effective way to provide affordable housing, which might include condominium conversions; that he would like the Island High project to be separate and follow its own process; that he would like to move the Warmington project forward.

Councilmember/Commissioner Matarrese moved approval of adopting an Affordable Housing Agreement which includes the ten units on site as inclusionary as was defined in the site plan.

Vice Mayor/Commissioner Tam inquired whether the motion is that all affordable and moderate units remain on the [Grand Marina] site, to which Councilmember/Commissioner Matarrese responded in the affirmative.

Vice Mayor/Commissioner Tam seconded the motion.

Under discussion, Vice Mayor/Commissioner Tam stated one neighborhood's requirements should not be shifted to another neighborhood; other developers would begin to make the same request if the City started allowing affordable unit to be built off site; State MHP funds are available for rental units; inquired whether the Warmington project could subsidize five rental units on the Grand Marina site without using MHP funds.

The Development Services Director responded that she could not unequivocally state that the funds could not be used; stated the parameters to qualify for MHP funds are that there be an on-site manager and that the project meets certain conditions; competitively, the projects have to rank against other projects across the State; nobody has seen success with small projects; other requirements with MHP funds and tax credits are amenities, such as community centers and computers.

Vice Mayor/Commissioner Tam inquired whether the Developer could turn units into rentals to meet the low-income requirement even without access to MHP funds.

The Development Services Director stated the inclusionary ordinance allows it [construction of rental units]; that she does not know whether or not the developer would manage five units.

Councilmember/Commissioner Matarrese stated the City still maintains the goal of increasing homeownership; the School District surplused Island High to create very affordable rental units as a tool for recruiting teachers and employees; there is opportunity to do a lot of great things, such as meeting green standards and creating a transit village; dropping the highest number of units on the community, rather than talking about what should be there, is not in the context of what the School District and City have talked about for years.

Mayor/Chair Johnson stated that she agrees that the Council needs to visit the issue of the best way to provide affordable housing separately; the Economic Development Commission should review the issue and make recommendations to Council.

On the call for the question, the motion carried by unanimous voice vote - 4. [Absent: Councilmember/Commissioner Gilmore - 1.]

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 12:20 a.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.