

APPROVED MINUTES  
REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, NOVEMBER 23, 2020

1. CONVENE

President Alan Teague convened the meeting at 7:06 p.m.

*This meeting was via Zoom.*

2. FLAG SALUTE

Board Member Ron Curtis led the flag salute.

3. ROLL CALL

Present: Board Members Curtis, Hom, Rothenberg, Cisneros, Ruiz, Saheba, and Teague.  
Absent: None.

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATIONS

Keith Wiseson wanted to address the landscaping for the Cross Alameda Trail and when it would be completed. He said it looked overrun with weeds.

6. CONSENT CALENDAR

**6-A 2020-8481**

*2021 Planning Board Regular Meeting Schedule*

Attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4697560&GUID=2D1C0706-10A7-43DA-90A8-54213A80AE52>.

**Board Member Curtis made a motion to approve the Consent Calendar be approved as submitted and Board Member Ruiz seconded. A roll call vote was taken and the motion was approved 7-0.**

7. REGULAR AGENDA ITEMS

**7-A 2020-8511**

*PLN19-0448 - Development Plan, Density Bonus, and Tentative Map - 2607 - 2619 Santa Clara Avenue & 1514 - 1518 Broadway - Applicant: Branagh Land Inc. Public Hearing to consider Development Plan, Density Bonus, and Tentative Map applications to allow construction of nine in-fill townhome dwellings within an existing residential development, and to subdivide the existing 1.29-acre property into twelve (12) lots. The property is located within the R-5-PD, General Residential-Planned Development zoning district and*

*partly within the R-4-PD, Neighborhood Residential-Planned Development zoning district. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15332, In-fill Development.*

Henry Dong, Planner III, introduced the item. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4697565&GUID=7EF1181B-C2B5-42BF-91A9-2F40AF1F1DB1&FullText=1>.

Stefan Schnitzler, the applicant, gave a presentation.

Board Member Xiomara Cisneros asked about Mr. Schnitzler's response to a public comment he had received.

Mr. Schnitzler said they had received a comment from one of the existing residents in Building 3. Her primary concern was the height of the parking structure.

Mike Branaugh, the applicant, said they had spoken with the resident and had explained more about the design.

President Teague opened the board's clarifying questions.

Board Member Hanson Hom asked if there had been a Shade Study done and wanted to know if they would typically require a Shade Study for a project like this.

Mr. Schnitzler said they had not done a Shade Study.

Staff Member Dong explained when they would require a Shade Study.

Board Member Hom asked how much qualifying open space met the zoning standard and wanted to know if staff analyzed that. He wanted clarification on the private open space that doesn't meet the requirements.

Staff Member Dong said it was primarily the common open space that would meet the requirements. He then explained about private open space requirements and why this project can't make that requirement.

Board Member Hom asked about the care and maintenance responsibility for the parking lot under the HOA.

Mr. Schnitzler answered that the 9 units would bear the brunt of the maintenance of the common area on lot 12 that's accessible to the other residents of the existing project. He also explained what would happen when the units sold.

Board Member Hom asked for clarification on the design of the parking garage.

Mr. Schnitzler described the garage.

Board Member Hom wanted to make sure that the furthest unit complies with fire access standards.

Staff Member Dong answered yes the Fire Department had reviewed the plan.

Andrew Thomas, Director of Planning, Building, and Transportation, said after the last meeting the first thing they did was meet with the Fire Department to discuss the layout.

Vice President Asheshh Saheba wanted to disclose that he had met with the applicants the week before who gave him more insight on the project. He had a follow-up question on the ADA space and wanted to know if that was required by code.

Mr. Schnitzler said when they pulled the garages from the single-family home that triggered the need for an ADA space.

Vice President Saheba wanted to know if there would be natural light in the parking structure.

Mr. Schnitzler said they are open to ideas and can address that at the Design Review.

Board Member Cisneros wanted the applicant to speak to the resident's privacy concerns.

Mr. Schnitzler said they assured the resident that the likelihood of light pollution from the townhomes would be low and that the parking structure would not block her view. Also, she would prefer that no windows on the parking structure facing her unit.

Board Member Cisneros asked staff to speak to what transportation services were being offered since they were asking to waive parking requirements.

Director Thomas explained the Easy Pass program and what benefits homeowners would receive with the TMA.

Board Member Teresa Ruiz asked about waivers on the private open space and asked if they were also asking for waivers for the existing parcels as well.

Mr. Schnitzler explained why they were asking for the waivers and who would have access to the common open space.

Board Member Ruiz wanted to make sure that if these parcels are sold that they would still have access to the common open space.

Mr. Schnitzler said they would and there would be a stand-alone access agreement.

Board Member Rona Rothenberg wanted an explanation of the nature of the entitlements.

Director Thomas explained the reasoning for the entitlements and what state law allows.

Board Member Rothenberg asked about the parking garage and if it had followed the codes and guidelines for setbacks and safety since it was right on the property line.

Director Thomas said in residential districts you can have residential garages right on the property line provided the walls meet the fire code. He also explained all the codes they followed in planning for the parking garage.

Board Member Curtis wanted to know how the parking structure works and how long it would take to get cars out.

Mr. Schnitzler answered there is a dedicated platform for each resident and each owner will have a key fob that will bring the car down. He then explained how long it should take to get a car out.

Board Member Curtis wanted to know if the driveway was still the main source for egress and ingress.

Mr. Schnitzler said yes it was and talked about how they were demarcating pedestrians and vehicle areas.

President Teague asked about the existing development agreement and wanted to have a condition that terminates it so there is no confusion.

Director Thomas said from the staff's perspective that was a great idea.

President Teague asked about how trash removal was going to be done.

Mr. Schnitzler explained how trash bins would be collected.

President Teague asked how waiving the minimum lot size and width preclude the project from being developed at the density being requested.

Mr. Schnitzler said they wouldn't be able to proceed.

President Teague asked staff how long before a first final map approval.

Director Thomas said it was about 6 months after the tentative map and explained the process.

President Teague asked if the landscape maintenance agreement was part of the HOA and if it would be paid for by the HOA

Mr. Schnitzler said it was just for the common open space, landscaping for lot 12, and would be paid for by the HOA.

President Teague asked about the TDM and why it was only being offered to the townhomes.

Director Thomas said usually it's only for HOAs or businesses that sign up.

President Teague asked about parking requirements and the existing units.

Director Thomas said they do not typically ask existing units to have the new parking requirements.

Board Member Hom asked about the difference in setbacks in different units.

Mr. Schnitzler explained what influenced that design choice.

Board Member Ruiz pointed out that it looked like they were excluding the common opened space between the new townhomes and to the other residents.

Mr. Schnitzler said they would not enforce it.

Board Member Curtis asked about subdividing the units and portioning costs, his concern being what keeps the adjacent units inline in terms of maintenance.

Mr. Schnitzler felt that for this project to work each building needs to be on its lot to subsidize the cost. The adjacent buildings will maintain the maintenance they have now.

President Teague opened the public comments.

Aneesa Dominguez, a resident, is very concerned by the proposed "vending machine" style of a parking garage. She believed the style doesn't fit the neighborhood and is worried about the amount of traffic it would cause. She also would like to see some common open space for the existing units.

President Teague closed the public comments and opened the board discussion.

Board Member Hom had some issues with this project including all the waivers that were requested. He believed if this project was approved the design review would be very important. He wanted to see an analysis of privacy issues, shading impact, and getting some views from the existing homes to the project. He struggled with all the exceptions but understood the zoning and the right of the applicant to receive the Density Bonus.

Vice President Saheba agreed with Board Member Hom that with how this project is situated within the site it will have a higher sensitivity around the design review.

Board Member Cisneros liked the updated design from 4 single-family homes to 9 townhomes, she believed it was much improved. She agreed the design review would be very important and liked the idea of doing frosted windows and making the common space open for the existing residents.

Board Member Ruiz also believed this was an improved project. She agreed with her fellow board members on the open space. For the design review, she wanted the applicant to consider introducing an upper floor open space. For the universal accessibility waiver, she was not ready to address that and wanted to table that item. She believed there was not enough information for the board to make a decision.

Director Thomas said they could make the findings for this concession at the design review but it would still be under the Density Bonus Law.

Board Member Curtis was very proud of the redesign but was disappointed at the egress and ingress on the driveway coming from Broadway and felt it wasn't safe for pedestrians and made it difficult for emergencies. He said due to these issues he was unable to support this project at this time.

Board Member Rothenberg did think this was an improved project subject to the comments and conditions that had been suggested. She agreed the development of the architecture and the landscaping could be better developed using 3-D imaging such as a model. The architecture should match the neighborhood. Subject to the conditions that are recommended she could support this project.

President Teague wanted to see the change in terms of clarifying the final map as well as the building permit timing. Also, on page 15 the landscape maintenance being part of the CC&R and paid for by the HOA. He wanted to know if the board could defer the agreement on the concession.

Celena Chen, City Attorney, explained what the developer is entitled to under the State Density Bonus Law. She felt that the city should grant the concession and not defer the decision for later.

Board Member Hom added that though he would support the motion he wanted the applicant to think about the design, he thought it needed to fit with the neighborhood more.

President Teague added that when the applicant came before the board for design review the packet had to be complete.

**Board Member Ruiz made a motion to approve the Density Bonus application with these conditions. Change Condition 6 to add timing for the building permits, remove the restriction “southeast corner” in Condition 14 to allow the existing residents access to all the common open space, add wording in Condition 15 to allow the cost of the maintenance to be on the HOA and to direct the applicant to terminate the existing development agreement. Board Member Rothenberg seconded the motion, a roll call vote was taken and the motion passed 6-1 with Board Member Curtis voting against.**

**Board Member Ruiz made a motion to recommend to the City Council to approve the tentative map. Board Member Cisneros seconded the motion and a roll call vote was taken and the motion passed 6-1 with Board Member Curtis voting against.**

#### **7-B 2020-8512**

*PLN19-0237 - Use Permit, Parking Waiver, and Design Review - 1929 Webster Street - Applicant: Daniel Cukierman. Public hearing to consider a Use Permit and Parking Waiver to allow the operation of a tavern with outdoor seating and extended hours until 12:00 AM, but without off-street parking, on an approximately 8,081 square-foot parcel at 1929 Webster Street adjacent to the Cross Alameda Trail. Additionally, the Planning Board will conduct a study session on the Design Review for a proposed 6,210 square foot commercial building. The site is located within the C-C, Community Commercial Zoning District. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines Section 15332, In-fill Development.*

David Sablan, Planner III, gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4697566&GUID=B26D1E8E-EC22-463C-AF43-3DE617F395BE&FullText=1>.

Daniel Cukierman, the applicant, gave a presentation talking about the project, his background work, and his vision for the project.

Erik Waterman, the applicant, gave a walkthrough of the proposed project.

Staff Member Tai clarified the staff recommendation.

President Teague opened the board’s clarifying questions.

Board Member Hom asked what level of occupancy are you expecting for this restaurant and how would they accommodate the parking.

Mr. Cukierman said they would be encouraging biking, walking, and rideshares. They chose this location because of the bike path, and there is a bus stop nearby.

Board Member Hom asked the applicant if they had considered an incentive program.

Mr. Cukierman answered they had not and that people tend to not drive anyway since they would be drinking. He said it could be a possibility when they first open to get people used to not wanting to drive to the location.

Board Member Hom asked if they had looked into shared parking with nearby locations.

Mr. Cukierman said they had not.

Vice President Saheba asked how they generated the number of bike spaces they were providing.

Mr. Cukierman said they had a TDM analysis done by a third party and that was the number they reported.

Vice President Saheba asked since they called this a “green project” what sustainability features would they be proposing for this project.

Mr. Cukierman said they would be using reclaimed wood but that most of the green details would come with engineering and next steps.

Mr. Waterman added that they would want to make this project as efficient as possible. They would push the green features as much as possible, they had just not gotten to that development of the project yet.

Vice President Saheba asked if the connections to the Cross Alameda Trail had been approved yet.

Staff Member Sablan answered that specifics hadn’t been approved but that Public Works is a part of the Design Review and it’s not going to be a problem.

Board Member Cisneros asked for clarification on granting a variance.

President Teague explained the criteria for granting a variance.

Director Thomas added by explaining the ways to reduce parking requirements.



Board Member Cisneros asked if they had considered having a designated Uber or Lyft drop off space.

Mr. Cukierman said they had considered that but did not think there was enough space for it, but it could work.

Board Member Cisneros asked if there would be noise outside.

Mr. Cukierman said the idea would be to have speakers outside but at a low level, people wouldn't have to yell over each other.

Board Member Cisneros asked if the extended hours were needed.

Mr. Cukierman said they had put a lot of thought and research into the hours. It is their business hours but also later hours allow people to trickle out instead of forcing people to leave all at once.

Board Member Ruiz asked about the hours of operation and wanted clarification since she had seen both Midnight and 2 am listed.

Staff Member Sablan said the staff report was wrong and Mr. Cukierman clarified that the requested hours of operation was to go to 2 am.

Board Member Ruiz asked about deliveries and if they would start at 7 am.

Mr. Cukierman said that deliveries would start at normal business hours and that most deliveries would arrive between 10 am and 4 pm.

Board Member Ruiz wanted elaboration on where the service vehicles would be making their deliveries due to the size of the space.

Mr. Cukierman and Mr. Waterman pointed out the service area on the site plan and assured the board the trail would not be blocked.

Board Member Ruiz urged the applicant to evaluate the current curb cut and to make the trail area as nice and welcoming as possible.

Board Member Curtis wanted the applicant to be aware of noise levels and a Senior Living home being close by.

Mr. Cukierman assured the board of their track record of being considerate of neighbors, they want to add value to the area and not be a nuisance.

Board Member Curtis asked the applicant if they thought their business would be a success with the lack of parking, between 10 pm and 2 am.

Mr. Cukierman answered they are not dependent on those hours. He further explained how this restaurant would succeed.

Board Member Rothenberg asked about the comments made by the manager of The Roadway Inn saying patrons had been parking in his lot.

Mr. Cukierman said he would work with The Roadway Inn and try and make sure his customers don't park in their lot. It is out of their control but they would post signage.

Board Member Rothenberg asked the staff about the final design review and if they should leave it to the Planning Director instead of having the board see it again.

Allen Tai, City Planner, answered of course the board can see the design again but the staff feels confident that the applicant will have everything for the staff to approve the design review.

Director Thomas added it was completely the board's decision.

President Teague asked the applicant when they would have their final design ready for review.

Mr. Waterman said he hopes to have something in the next two months.

President Teague asked about the variances, the Administrative Variance did not cover a reduction in parking.

Director Thomas said they would do a Planning Board Variance and could be done at the same time as the design review.

President Teague wanted to make sure no delays affected the project.

Mr. Cukierman added that the project was conditional on getting the parking reductions.

Director Thomas felt strongly the timeline would work.

Board Member Hom asked the staff if 2 am had been a standard closing time for bars and restaurants and suggested adding a condition to review hours of operation down the road.

Director Thomas said there are other bars and restaurants in Alameda open that late and believed that if it was managed well it would work. This is why the noise ordinance is referenced in the Use Permit, it can be modified if necessary.

President Teague asked the applicant if it were possible to close the second-floor outdoor area earlier.

Mr. Cukierman explained the challenges and why that would not work.

President Teague opened up public comments.

Keith Wiseman, a resident, was very concerned about the noise and did not see the issue closing at 10 pm and mentioned other popular restaurants and bars that close at 10 pm. He was also concerned with delivery trucks and buses causing a bottleneck situation on Webster St and felt that there had to be parking made available.

Janet Sow, a resident, had concerns about safety and parking. She felt strongly that there should be parking for the patrons and felt that that corner was very busy. She also pointed out other senior citizens' housing that would be affected by the noise.

President Teague closed public comments and opened board discussions.

Board Member Hom felt fine about the noise and 2 am closing time with the condition that it be brought back for review if there are issues. He also felt that there was an insufficient design detail for him to feel confident delegating the design review to the staff.

Vice President Saheba would like to see this project come back for design review and suggested to refine the trellis and extend it out toward Webster St. He also pushed for as many sustainable features as they could do.

Board Member Cisneros is happy that WABA (West Alameda Business Association) is in support of this project, and she also supports this project. She did strongly feel that the applicant should have a rideshare drop off space.

Board Member Ruiz believes the use permit is appropriate for this site but she does have concerns about the 2 am closing time. She agrees with the staff's last-minute assessment, she could not approve parking reduction but could support a variance when it comes in. She also agreed that the design should come before the board for design review.

Board Member Curtis agreed the design should come before the board for design review and that after a year the noise level should be evaluated and brought back for review. For the hours of operation, it depends on the demands and if the extended time is needed that is up to the proprietor. He believed this was a good project and supported it.

Board Member Rothenberg agreed with the general comments and conditions that had been noted and with the urgency that the parking variance coming back at the December meeting. She also wanted the board to do the design review and second Vice President

Saheba's call for 'green' aspects in the design. She also suggested incorporating some public art with the project. She fully supported the project.

President Teague would be fully in support of a parking variance and agreed the hours of operations be reviewed in one year. He also wanted to see the design review coming back to the board.

**Board Member Hom made a motion to approve the use permit but not with the parking exception. The design review would be coming back to the planning board for review with the understanding that it would be coming back with the application for the variance. The hours of operation would be allowed for 2 am with the condition that the noise issue would be reviewed in a year. The applicant is encouraged to review the curb cuts for a possible drop off space. Board Member Curtis seconded the motion and a roll call vote was taken, the motion passed 7-0.**

### **7-C 2020-8513**

*PLN19-0601 - Adoption of a Mitigated Negative Declaration & Mitigation Monitoring and Reporting Program and Use Permit - Alameda Municipal Power Solar Facility - Doolittle Landfill site (Doolittle Drive and Harbor Bay Parkway) - Applicant: Alameda Municipal Power. Public hearing to consider adoption of a Mitigated Negative Declaration & Mitigation Monitoring and Reporting Program and Use Permit to allow the construction and operation of a 2.0-megawatt photovoltaic solar facility on an 11-acre portion of the 33.2-acre Doolittle Landfill site located northwest of the intersection of Doolittle Drive and Harbor Bay Parkway. The property is zoned M-2, General Industrial Zoning, and is designated as Parks and Public Open Space in the General Plan. An Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared to analyze the environmental effects of the project in compliance with the California Environmental Quality Act (CEQA).*

Staff Member Dong gave an overview of this project, staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4697567&GUID=0E85FF7C-F717-43E8-823D-544B19DF6C2D&FullText=1>.

Alan Harbottle, a Senior Energy Analyst for Alameda Municipal Power, gave a brief talk about the project.

President Teague opened the board clarifying questions.

Board Member Hom asked what public noticing had been done.

Staff Member Dong said they did the standard 300-foot noticing requirement.

Board Member Hom asked about the recommendation in the study to add some plants for screening but he did not see that in the conditions of approval.

Mr. Harbottle said that it was not possible to plant trees in the landfill but where there are existing trees they could add more.

Board Member Hom wanted to know if anyone had looked into if the glare would affect residents at the subdivision next to the yacht club.

Mr. Harbottle said the panels would be tilted and no glare would affect them.

Vice President Saheba wanted to know if a section on the plans where the grading looked steep would be re-graded.

Mr. Harbottle said there are no major plans for regrading at this point.

Board Member Cisneros asked about what would happen after 2045 and if they are planning on maintaining the solar panels.

Mr. Harbottle said they have not contemplated continuing past the 25 years, and are planning for an open space at the end of this project.

Board Member Cisneros asked if the sea-level rise was a concern.

Mr. Harbottle said that was not a concern for this area.

Board Member Ruiz asked about additional equipment and its location to feed the power back into the grid.

Mr. Harbottle explained where the equipment would go.

President Curtis asked how they were dealing with the landfill sinking and differential settlement.

Mr. Harbottle explained what the plans were and how the Structural Engineer was working with these issues.

President Teague asked if a temporary snow fence had been considered to block the glare.

Mr. Harbottle said no they had not.

President Teague wanted to know if the letters from the Environment Hazardous Waste group and Cal Trans had been addressed.

Staff Member Hong said yes.

There were no public comments.

President Teague opened the board discussion.

**Board Member Hom made a motion to approve the Adoption of a Mitigated Negative Declaration & Mitigation Monitoring and Reporting Program. Board Member Curtis seconded the motion and a roll call vote was taken. The motion passed 7-0.**

**Board Member Hom made a motion to approve the Use Permit for a solar farm facility with the condition to provide supplemental vegetation to provide visual screening to reduce glare at the OP1 viewpoint. Board Member Rothenberg seconded the motion and a roll call vote was taken. The motion passed 7-0.**

## **8. MINUTES**

### **8-A 2020-8501**

*Draft Meeting Minutes – August 17, 2020*

Board Member Ruiz felt that her questions on page 5 had been oversimplified and wanted that reflected in the minutes.

**Board Member Curtis made a motion to approve the minutes as corrected. Board Member Hom seconded the motion and a roll call vote was taken. The motion passed 6-0, Board Member Cisneros sustained.**

### **8-B 2020-8502**

*Draft Meeting Minutes – September 14, 2020*

Board Member Curtis wanted the wording changed on the last paragraph of page 6.

**Board Member Rothenberg made a motion to approve the minutes as corrected. Board Member Ruiz seconded the motion and a roll call vote was taken. The motion passed 6-0, Board Member Cisneros sustained.**

## **9. STAFF COMMUNICATIONS**

### **9-A 2020-8503**

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

No board members wanted to pull any items.

### **9-B 2020-8504**

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

Staff Member Tai said that the December 14th meeting would be another General Plan Workshop, the theme would be "Mobility". They would also bring back the variance for the Webster Street project.

10. WRITTEN COMMUNICATIONS

None.

11. BOARD COMMUNICATIONS

President Teague asked his fellow board members if they liked the random order of being asked for their questions and discussion.

Board Member Curtis said yes and others agreed.

Board Member Ruiz asked the staff if Alameda is doing reviews of surplus land, Assembly Bill - 1486.

Staff Member Tai said that a different department handles the city's real estate. Staff can provide further information offline.

12. ORAL COMMUNICATIONS

None.

13. ADJOURNMENT

President Curtis adjourned the meeting at 10:48 p.m.