

July 26, 2017

Jennifer Ott
Chief Operating Officer – Alameda Point
City of Alameda
2263 Santa Clara Avenue, Room 120
Alameda, CA 94501

RE: Alameda Point - Rebuilding the Existing Supportive Housing (RESHAP) Density Bonus Waiver Application/Findings

Dear Ms. Ott,

This letter serves as Alameda Point Collaborative (APC), Building Futures with Women and Children (BFWC), Operation Dignity (OD), and MidPen Housing Corporation's (MidPen) (collectively the "Collaborating Partners") formal Density Bonus Application requesting a Multifamily Waiver under the Density Bonus Ordinance to allow the construction of the Rebuilding of the Existing Supportive Housing (RESHAP) on approximately 9.7 acres at Alameda Point. This letter outlines how our specific Request for a Multifamily Waiver meets the development standards waiver requirements under the Density Bonus Ordinance.

The Collaborating Partners are seeking a 35% density bonus and waiver of Article 26 of the City Charter and Alameda Municipal Code ("AMC") section 30-53 under the Density Bonus Ordinance enacted pursuant to the Density Bonus Law (Cal. Gov't Code §§ 65915 *et. seq.*), which requires local jurisdictions to grant incentives, concessions and waivers to developers seeking to construct low-income housing (Cal. Gov't Code §§ 65915(d) and 65915(e)). Where a developer meets the threshold requirements, the requested incentive, concession or waiver must be granted unless certain findings, supported by substantial evidence, show harm resulting from the waiver.

The state Density Bonus Law is codified in the City under AMC Section 30-17. Under AMC Section 30.17.12, a developer seeking a density bonus and waiver of a City development standard that physically precludes construction (such as the City's restriction on multifamily development) must (1) file a Density Bonus Application consistent with the provisions of AMC Section 30.17.4(b); and (2) must establish that it meets certain standards, or criteria, for specified affordable housing unit types as set forth under AMC Section 30-17.7. Once the developer has provided the two items above to the City, the City must grant the requested bonus and waiver unless, based on substantial evidence, it can make one of four findings to deny the request.

This letter serves as the Collaborating Partners' Density Bonus Application and details RESHAP's provision of affordable housing to substantiate a Multifamily Waiver and summarizes why a

Multifamily Waiver must be granted since the City cannot make any one of the four required findings to deny the request.

Density Bonus Application

In order to receive a waiver under AMC Section 30-17, an Applicant must submit to the City a Density Bonus Application which shall include the following:

- a. *A Development Plan illustrating that the “base” project meets all existing general plan and zoning development standards*

See attached Exhibit A

- b. *A description of the Development, including the total number of proposed Affordable Housing Units, senior housing units, or age-restricted units*

The Development will create an accessible, pedestrian-oriented community with neighborhood scale streets and buildings on an approximately 9.7 acre portion of Alameda Point bounded by West Midway to the north, Orion to the west, and Main Street to the east. A total of two-hundred sixty-seven (267) apartment homes and approximately 45,000 square feet of community spaces and community-serving commercial uses are spread out in a series of three-story, elevator-served buildings and two-story townhomes to create a cohesive neighborhood with different building types and housing options. The entire project will be rent restricted and affordable to low-income and very-low income formerly homeless families and individuals with the exception of up to four on-site manager’s apartments. In addition to the permanent apartments, BFWC may replace the existing Midway Shelter that is currently serving homeless women and children with up to fifty-four (54)-emergency beds.

- c. *The zoning and General Plan designations and assessor’s parcel number(s) of the project site*

RESHAP’s site falls under the Main Street Neighborhood (AP-MS) General Plan designation and zoning. The site does not currently have an individual assessor’s parcel number because the property was transferred by the Navy to the City via metes and bounds.

- d. *A vicinity map showing the location of the proposed project*

See attached Exhibit B

- e. *A set of preliminary project plans that include a site plan showing all building structure footprints or locations, drive aisles and parking layout, floor plans of all structures and buildings, and architectural elevations of all buildings and structures, drawn to scale*

The attached Exhibit A depicts the overall site plan showing all building structure footprints or locations and drive aisles and parking layout. Per City Code, projects that have Development Agreements which are adopted by ordinances allow the City to phase development of large mixed-use projects over the course of several years, and therefore allowing the submittal for approval of detailed plans at a later date but prior to the issuance of any building permit. Given that the market-rate plan for the area adjacent to the RESHAP site is unknown at this time, this will also allow the RESHAP buildings and detailed design plans to be developed in the context of a future market-rate developer's plans at a later date.

- f. *A request for a concession or incentive shall include evidence to justify why it is necessary to provide for affordable housing units*

The Collaborating Partners are not seeking a concession or incentive

- g. *A request for waiver shall include evidence to justify why it is necessary to allow construction of the development on the site*

The Collaborating Partners are requesting a waiver from AMC 30-53, which prohibits the development of multifamily units. As shown in the base plan in Exhibit A, it is not physically possible to construct the base project with the 35% density bonus without a waiver from the multifamily prohibition. Construction of 267 units on this site would be physically precluded without a waiver.

- h. *The Affordable Housing Unit Plan described in subsection 30-17.15*

All of the RESHAP units, with the exception of up to four on-site manager units, will be restricted for low-income and very low-income households.

- i. *Any other information reasonably requested by the Planning and Building Director*

At this time, no other information has been requested.

The information provided above and the attachments fulfill the City's Density Bonus Application as required under AMC Section 30.17.4(b)

The Project Provides the Necessary Affordable Housing to Qualify for a Density Bonus Waiver

In addition to filing a Density Bonus Application, to qualify for the waiver under the Density Bonus Ordinance, a project must establish that it meets certain standards, or criteria, for specified affordable housing unit types as set forth under AMC section 30-17.7. Specifically, the development must provide at least one of the following minimum percentages of low income housing type:

- 10% of residential units available to residents qualifying as low-income; or
- 5% of residential units available to residents qualifying as very low-income; or
- 10% of residential units available to residents qualifying as moderate income.

Of the 267 units proposed at the RESHAP Site, 263 units will be permanently affordable to very low-income residents. The amount of very low-income designated units satisfies these criteria for a 35% density Bonus under the Density Bonus Ordinance. .

Findings in Support of Waiver for Multifamily Restriction

Under the California Density Bonus Law, once the Density Bonus Application is filed demonstrating how the project proponent will fulfill the affordable housing requirements, the City must grant a requested waiver from any limiting development control, unless, based on substantial evidence, it can make one of the four findings set forth below:

1. *The development standard does not physically preclude the construction of the development at the densities or with the concessions or incentives permitted.*

The Collaborating Partners are seeking a waiver from AMC 30-53, which prohibits the development of multifamily units. Implementation of AMC 30-53's development standard at the RESHAP Site physically precludes the construction of the project with the 35% density bonus due to the inherent inefficiencies of single-family and duplex development.

. Without a waiver of the restriction on multifamily development, the development of the RESHAP Site at the density proposed would be physically precluded.

2. *The requested development standard waiver would have a specific, adverse impact, as defined in paragraph (2) of subdivisions (d) of Section 65589.5, upon health, safety, or physical environment, and for which there is no reasonable method to satisfactorily mitigate or avoid the specific adverse impact.*

Waiving the multifamily restriction on residential development would not adversely impact public health or safety. California Government Code section 65589.5(d), paragraph two (2) defines a "specific, adverse impact" as a "significant, quantifiable,

direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute specific, adverse impact upon public health or safety.

A final Environmental Impact Report (“EIR”) was prepared under the California Environmental Quality Act (“CEQA”) that evaluated development on Alameda Point in general, and more specifically at a project level, the Main Street Neighborhood Specific Plan, including the development of the RESHAP Site with multifamily residential development. It found no environmental impacts, including no health and safety impacts associated with the proposed RESHAP development. The EIR was certified by the City Council on January 13, 2014.

3. *The requested development standard waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources or designation by a City of Alameda Historical Monument or included in the City of Alameda’s Historical Building List and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low- and Moderate-Income households.*

The EIR prepared for Alameda Point and the Main Street Neighborhood Specific Plan evaluated all existing properties on Alameda Point to determine their historic status and whether development on Alameda Point would impact any historic resources under CEQA. The EIR concluded that no properties listed in the California Register of Historical Resources, or designated a City of Alameda Historical Monument, or included in the City of Alameda’s Historical Building Study List exist on the RESHAP Site. As a result, the Multifamily Waiver requested by the Collaborating Partners, would have no impact on any historic real property.

4. *The requested development standard waiver would be contrary to state or federal law.*

Following the enactment by the California Legislature, the Density Bonus Law precludes jurisdictions from limiting the construction of affordable housing through density limits. Residential development that provides certain percentage of affordable housing, allows the developer to seek a density bonus and waivers from development standards that would preclude affordable housing construction. Therefore, AMC 30-53, which limits residential density, must be waived. There is no federal law that requires limitations on residential density or precludes multifamily residential development.

For all the reasons set forth above, the Collaborating Partners request a 35% density bonus and a waiver under the Density Bonus Ordinance of the restriction on multifamily development

under AMC 30-53. If additional information is needed to evaluate the request, please let me know and I would be happy to provide the information requested.

Sincerely,



Abby Goldware
Associate Director of Housing Development
MidPen Housing Corporation

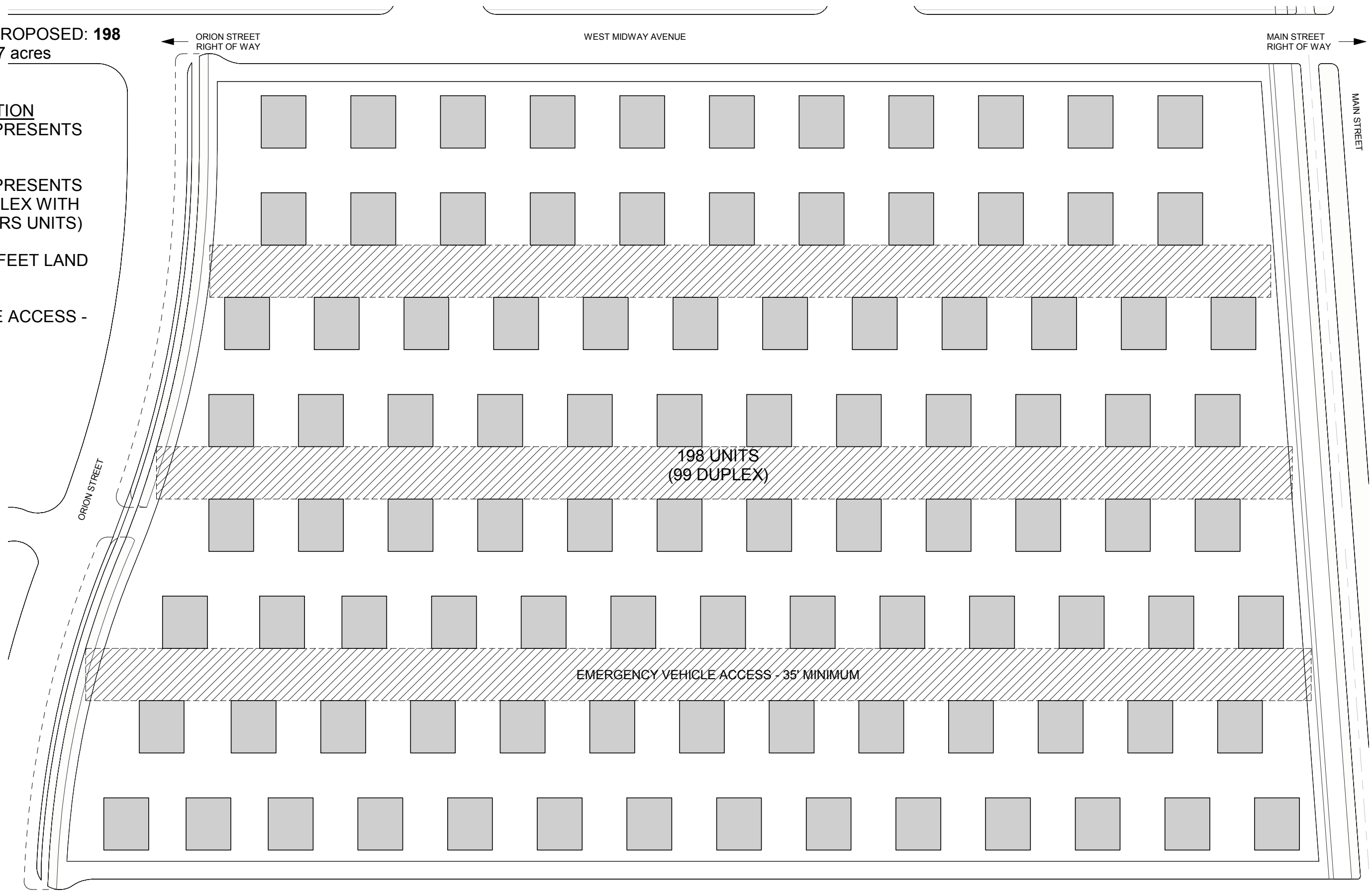
RESIDENTIAL UNITS PROPOSED: **198**
TOTAL LAND AREA: 9.7 acres

BASE PLAN INFORMATION
EACH GREY ICON REPRESENTS
1,000 SQUARE FEET

EACH GREY ICON REPRESENTS
TWO UNITS (ONE DUPLEX WITH
UPSTAIRS/DOWNSTAIRS UNITS)

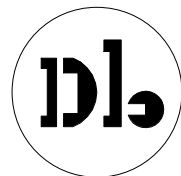
1 UNIT PER 2,000 SQ. FEET LAND
AREA

EMERGENCY VEHICLE ACCESS -
35' CLEAR





Google Earth



RESHAP

PROPOSED RESHAP SITE VICINITY MAP

21510
scale:
date: 2017.09.11

EXHIBIT
B