

## Nancy McPeak

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**From:** Erin Garcia  
**Sent:** Thursday, April 7, 2022 3:49 PM  
**To:** Nancy McPeak  
**Subject:** FW: [EXTERNAL] Re: Draft Housing Element and related draft zoning amendments to be considered at HAB April 7 meeting - -AAPS comments  
**Attachments:** We sent you safe versions of your files; 2022-4-11Alameda Housing Element Update PlnngBdWkshpStaffReport.pdf; 2022-4-11Exhibit 2 Draft Zoning Amendments (2).pdf; 2022-4-11Planning\_Board\_Meeting\_Agenda.pdf

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**From:** Andrew Thomas  
**Sent:** Thursday, April 7, 2022 2:17 PM  
**To:** Erin Garcia <egarcia@alamedaca.gov>  
**Subject:** FW: [EXTERNAL] Re: Draft Housing Element and related draft zoning amendments to be considered at HAB April 7 meeting - -AAPS comments

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**From:** Christopher Buckley [<mailto:cbuckleya1cp@att.net>]  
**Sent:** Thursday, April 7, 2022 10:14 AM  
**To:** Thomas Saxby <[tsaxby@tsaxbyarchitect.com](mailto:tsaxby@tsaxbyarchitect.com)>; Norman Sanchez <[norman@nsarchitecture.com](mailto:norman@nsarchitecture.com)>; Jenn Heflin <[jennheflinphoto@gmail.com](mailto:jennheflinphoto@gmail.com)>; Lynn Jones <[email.lynnjones@gmail.com](mailto:email.lynnjones@gmail.com)>; [alvinklau@gmail.com](mailto:alvinklau@gmail.com)  
**Cc:** Allen Tai <[ATai@alamedaca.gov](mailto:ATai@alamedaca.gov)>; Andrew Thomas <[athomas@alamedaca.gov](mailto:athomas@alamedaca.gov)>; Henry Dong <[HDong@alamedaca.gov](mailto:HDong@alamedaca.gov)>  
**Subject:** [EXTERNAL] Re: Draft Housing Element and related draft zoning amendments to be considered at HAB April 7 meeting - -AAPS comments

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Dear HAB members:

The Alameda Architectural Preservation Society (AAPS) highly recommends that the HAB review the latest draft zoning text amendments dated April 4, 2022 related to the draft Housing Element. These April 4 amendments will be considered at the Planning Board's April 11, 2022 meeting. The Planning Board agenda, staff report and draft amendments are attached.

We also highly recommend that the HAB review the Public Review Draft Housing Element available at the link provided in the HAB April 7, 2022 staff report: [www.alameda2040.org](http://www.alameda2040.org)

The draft Housing Element and the April 4 draft zoning amendments were only released last Monday, allowing the HAB less than four days for review. **We therefore recommend that the HAB vote at its April 7 meeting to continue its consideration of these materials to its May 5, 2022 meeting or an earlier special meeting.** The May 5 meeting will coordinate well with the Housing Element review period, which ends on May 9, but a special meeting before the City Council's April 19 Housing Element workshop may be preferable (see the

Planning Board's April 11 staff report for a more detailed Housing Element/Zoning Amendments schedule and other more detailed information than provided in the HAB staff report).

AAPS Is still reviewing both documents but has the following observations:

1. The April 4 draft zoning amendments include the previous draft's proposed 60 foot height limit for all of the Park Street and Webster Street Business Districts (except for Park Street north of Lincoln) but now require a 15 foot setback for height over 50 feet. However, the previous draft's proposal for Park Street north of Lincoln for 60 feet with no setbacks over 50 feet is unchanged.

AAPS is still reviewing this modified proposal. The upper floor setbacks may be helpful in some cases, but the setback trigger should probably be 40 feet, rather than 50 feet and the adequacy of a 15 foot setback needs study.

2. The draft zoning text amendments modify the previously proposed unlimited residential density in the R-2 through R-6 residential zones to a range between 22 units/acre for R-2 to 60 units/acre for R-6, but also include a Residential Transit (RT) Combining Overlay District that applies to all residential zones (including R-1) with *unlimited* residential density and a height limit of 50 feet. Although the mapping of the RT district is not included in the zoning text, the draft Housing Element describes the mapping as within a quarter-mile of "high quality transit routes", which essentially means the 51 bus line and possibly other bus lines and would impact much of central Alameda, including some of Alameda's most historic neighborhoods. The RT zone was presented as an option at the Planning Board's March 14, 2022 meeting and is apparently included in the April 4 zoning amendments and draft Housing Element based on support from some Planning Board members at their March 14 meeting. As stated in our March 13, 2020 letter to the Planning Board, **AAPS considers the RT District and the other proposed residential upzonings to be unnecessary to meet the Regional Housing Needs Assessment (RHNA) and reckless**, based in part on annual Accessory Dwelling Unit (ADU) production of at least 79 units rather than staff's estimate of 70 units.

Christopher Buckley, Chair  
AAPS Preservation Action Committee  
510-523-0411

On Tuesday, April 5, 2022, 08:19:30 AM PDT, Christopher Buckley <[cbuckleyaicp@att.net](mailto:cbuckleyaicp@att.net)> wrote:

In anticipation of HAB discussion of the draft housing element and zoning amendments at its April 7 meeting, attached are the Alameda Architectural Preservation Society (AAPS) letters to the Planning Board dated February 13, March 13 and March 27. These letters were previously copied to you, but I am sending them again for your convenience. AAPS plans to review the comments in these letters at the April 7 meeting.

Christopher Buckley, Chair  
AAPS Preservation Action Committee  
510-523-0411

## Nancy McPeak

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**From:** Christopher Buckley <cbuckleyaicp@att.net>  
**Sent:** Wednesday, May 4, 2022 11:52 PM  
**To:** Thomas Saxby; Norman Sanchez; Jenn Heflin; Lynn Jones; alvinklau@gmail.com  
**Cc:** Allen Tai; Andrew Thomas; Henry Dong; Nancy McPeak  
**Subject:** [EXTERNAL] Draft Housing Element and related draft zoning amendments to be considered at HAB May 5 meeting - -AAPS comments  
**Attachments:** We sent you safe versions of your files; 2022-5-9Exhibit 2 - Initial list of revisions to Housing Element and Zoning Code.pdf; 2022-4-18HousingElementCityCouncil--AAPS CommentsFnlMerged.pdf; 2022-4-19 MeyersNave Ltr re Alameda Housing Element Update and Related Density Bonus Issues.pdf

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In anticipation of HAB discussion of the draft housing element and zoning amendments at its May meeting, attached are the Alameda Architectural Preservation Society (AAPS) letter to the City Council dated April 18 and the letter dated April 19 from the Meyers/Nave law firm confirming the legal viability of AAPS's ADU strategy to create significantly more density without triggering State Density Bonus Law projects.. These letters were previously copied to you, but I am sending them again for your convenience. AAPS plans to review the comments in these letters at the May 5 meeting.

Also attached for the HAB's information is the "Initial list of revisions to Housing Element and Zoning Code" that staff has prepared for the May 9 Planning Board meeting. Some of these revisions are significant, including changes to the Residential Transit Overlay Zone that are intended in part to address the concerns expressed at the HAB's April meeting.

Christopher Buckley, Chair  
AAPS Preservation Action Committee  
510-523-0411



April 18, 2022

Mayor and City Council  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

**Subject: Draft Housing Element and related 4-4-22 zoning text amendments (Item 7-C on 4-19-22 City Council agenda)**

Dear Mayor Ashcraft and Councilmembers:

The Alameda Architectural Preservation Society (AAPS) is still reviewing the April 2022 Draft Housing Element and related zoning amendments, so the following comments are preliminary and subject to change and possible addition. The comments mostly restate those in our March and April letters to the Planning Board (copied to you), but with some modifications to reflect our further review.

- 1. Delete the proposed massive upzoning of the residential areas from the overall proposal.** The Draft Housing Element and various staff reports state that the upzoning is necessary to obtain 270 non-Accessory Dwelling Unit (ADU) RHNA units in the residential zones by 2031 (an average of 34 units per year). **Such a drastic and wholesale upzoning of the residential areas to obtain only 270 units is unnecessary and overkill.** It is especially reckless since it is much harder to downzone than to upzone if it is later determined that the upzoning was a mistake. In addition, staff increased the 5353 RHNA-required units by 1060 units (about 20%) for a total of 6413 units in order to provide a “buffer” based on HCD guidelines, in case the City has difficulty over the 2023–31 Housing Element period to produce 5353 units. **Without the buffer and without the 270 units, the staff estimate of total units would still EXCEED the 5353 RHNA units by 790 units.**

**Moreover, the Draft Housing Element’s, March 14 Planning Board staff report’s and April 19 City Council staff report’s respective estimates of 50 , 60 and 70 ADUs per year, are all too low.** 79 ADU permits were issued in 2021, well above the 39 in 2020 and continuing an upward trajectory. In addition, the February 15, 2022 SB 9 City Council staff report estimated that nine additional SB9 units will be produced per year in the R-1 Zone, which, when added to the 79 ADUs, **results in a total of 88 additional RHNA units per year in the residential zones, or 704 units for the eight year RHNA period, 224 units more than the 400 and 480 estimated in the Draft Housing Element and March 14 Planning Board staff report, respectively, and reduces the 270 units that the Draft Housing Element estimates are needed for the residential districts to 26 (slightly more than three units per year).** ADUs should steadily increase in 2022 and subsequent years as property owners, contractors, and architects get more familiar with ADU



possibilities. The City should monitor monthly ADU and SB 9 production in 2022 and adjust the estimates (likely upward) as the Housing Element progresses based on the actual production.

**An especially troubling aspect of the upzoning is that the proposed residential density increases in the R-3 through R-6 zoning districts and in all areas covered by the Transit Overlay will allow State Density Bonus Law (SDBL) projects on about one-third of the lots in R-3 through R-6 and on ALL of the lots within the Transit Overlay, allowing developers to demand the relaxation of zoning standards, such as height limits, lot coverage, setbacks and universal design requirements. We have repeatedly stated concerns about the impact of the SDBL relative to upzonings and asked for a staff analysis of the interplay between the proposed upzonings and the SDBL in Alameda's built-up residential and historic commercial areas, but this analysis is yet to be provided. See Item 2(b) below for an ADU-based strategy that increases density using ADUs without triggering SDBL projects.**

In addition, **the Transit Overlay's reliance on bus lines as a basis for upzoning (although currently popular with some City planners) is unwise.** Bus routes can be easily changed or eliminated and the high frequency service that is critical to a "quality" transit route can be easily reduced. **It is irresponsible to base long-term and not easily reversed massive upzonings on something as ephemeral as a bus route.** Planning for transit-oriented development is more appropriately based on more permanent transit infrastructure, such as fixed rail.

**Ironically, the proposed upzoning could threaten the existing stock of relatively low-cost privately owned rental units by encouraging developers to buy up these buildings and expand and/or renovate them to create more units at higher rents, especially if using the State Density Bonus Law.** There is an increasingly worrisome trend for large institutional investors to do this. Although density bonus projects are based on providing affordable units as part of the project, the number of affordable units in many cases will be insufficient to offset the loss of the pre-existing affordable units.

Staff may be concerned that HCD, in its review of the first HCD Housing Element draft, will question reliance on ADUs and SB9 units to obtain enough units in the residential zones by 2031. But the City should not prematurely assume that HCD will reject this approach and **should keep its powder dry and not preemptively include such extensive upzonings in the first HCD Housing Element draft.** If HCD in its first review rejects the ADU/SB9 approach, the City can present alternative strategies in the second HCD draft that could include, if necessary, residential area upzonings that are more targeted than currently proposed. In addition after the Housing Element is adopted, if after a specified period of time (perhaps two or three years), the City is falling short in meeting the RHNA, further targeted upzonings and/or other development incentives could be considered. We understand that HCD is open to this kind of phased approach.

In addition, **consider changing the R-1 Zone to R-2.** This will eliminate the complications presented by SB9 and allow up to five units on an existing R-1 lot (two regular units plus three ADUs) rather than the SB9 minimum of four units (in various combinations of regular units and ADUs). Other communities, such as San Francisco are pursuing this strategy.

**Why was the previously proposal of allowing unlimited density within existing building envelopes dropped?** AAPS has previously stated that this strategy seems promising and suggested several refinements. But the strategy is not included in the current proposal.

## **2. Park and Webster Street height limits and density.**

- a. Height limits.** We were surprised that the draft zoning amendments presented at the March 14 Planning Board meeting proposed a uniform 60 foot height limit for all of the Webster Street Business District, totally discarding staff's previous proposal based in part on the West Alameda Business Association's (WABA) proposal (see Attachment 1). While some Planning Board members at the February 14, 2022 meeting expressed a preference for the same height limit in both the Webster Street and Park Street districts and that the limit should be 60 feet, we did not hear support for this from a majority of the Planning Board.

**We reiterate our previous recommendation that a three story (40') height limit be provided for the historic portions of Webster Street and Park Street.** For both Webster Street and Park Street the historic portions are generally south of Lincoln, plus the west side of Park Street between Lincoln and Buena Vista. New buildings taller than three stories in these areas could visually disrupt the existing mostly 1-3 story buildings and compromise the historic areas' sense of time and place. See the Attachment 2 photograph of a new five story commercial/residential building in Oakland next to older two-story commercial buildings and Attachment 3 showing a 60 foot tall building mass next to McGee's on the west side of Park Street between Pacific and Buena Vista Avenues.

**We therefore continue to recommend that:**

- i. The existing three story/40' height limit on Webster Street south of Lincoln Avenue be retained and the existing five story/60' height limit for properties fronting on Park Street north of Encinal Avenue be reduced to three stories/40', but allowing five stories/60' with a use permit to address special situations, (such as new buildings adjacent to existing buildings that are taller than 40'); and**
- ii. The existing three story/40' height limit (five stories/60' with a use permit) be retained for Park Street south of Encinal Avenue and properties which do not front on Park Street.**

**Greater height could be allowed on designated "opportunity sites" within the historic areas,** such as the CVS parking lot at Oak and Santa Clara, where a new building could be three stories along the Santa Clara and Oak frontages to stay in scale with City Hall and the Carnegie Building across Oak Street, but could step up toward the existing six story Oak Street parking garage. Greater height up to 60' could perhaps also still be allowed by right within the Park Street historic areas existing 60' height limit subarea and perhaps elsewhere if portions of the building over 40' are stepped back as discussed below.

**Increased height limits for Park and Webster Street outside the historic areas could be appropriate if the buildings are well designed,** since it is mostly in these areas that major opportunity sites exist. But we urge that the City be cautious in proceeding down this path. Five story buildings will be drastically out of scale with the mostly 1-2 story buildings on the side streets and create a canyon-like effect along Park and Webster Streets. Attachments 4a and 4b are photos of ca. 60' buildings along 3<sup>rd</sup> Street in Oakland's Jack London District to indicate the kind of streetscape that buildings of this scale can create. Note that 3<sup>rd</sup> Street's 80'



right-of-way-width is the same as Park and Webster Street's. The provisions in Alameda's Design Review Manual could help avoid this kind of impact, but SDBL projects are not subject to the Design Review Manual - only to the February, 2021 Objective Design Review Standards, which we believe are not sufficient to address the relevant design issues and need to be strengthened.

Five story buildings will also promote a jagged streetscape of five story buildings mixed with 1-3 story buildings (See Attachment 5 photo)

The 4-4-22 draft zoning amendments continue to include the previous draft's proposed 60 foot height limit for all of the Park Street and Webster Street Business Districts but now requires a 15 foot setback for height over 50 feet, except for Park Street north of Lincoln. **The upper floor setbacks may be helpful in some cases, but the setback trigger should be 40 feet (reflecting most existing maximum building heights), rather than 50 feet and the adequacy of a 15 foot setback needs study.** The sightline approach proposed by WABA is less arbitrary since it is based on actual analysis addressing visibility

WABA's recommended increase of the existing 40' height limit to 45' is mostly based on allowing enough height for a parapet and is a rounding up WABA's actual height recommendation of 43'-3". **We instead recommend keeping the existing 40' height limit, but adding a parapet of perhaps 2'-6" to the zoning text's existing list of permitted exceptions to height limits.**

The draft height limit text expresses height only in feet, deleting the number of stories. **The number of stories should be retained, since a 40' or 45' building could be four stories, rather than the existing three, and a 60' building could be six stories rather than the existing five.** Including the number of stories will better communicate the City's development expectations.

- b. **Residential Density.** It was initially thought that the proposed unlimited residential density for Park and Webster Streets within the building envelope established by the height limits and setbacks was a promising strategy to avoid SDBL projects that could trigger a concession or waiver from height limits and other zoning standards. Unfortunately, as staff described at the February 14 Planning Board meeting, this is not the case.

To discourage SDBL projects that exceed the height limit in at least the historic areas, yet provide significantly increased density, **consider amending Alameda's Accessory Dwelling Unit (ADU) ordinance to allow a high (and possibly unlimited) number of ADUs in targeted locations, such as Webster Street and Park Street, with no increases in the existing base zone density of ca. 22 units/acre.** The ADUs would be considered "accessory" to the permitted relatively minimal number of by-right units allowed under the existing ca. 22 units/acre density and therefore would not count toward the minimum number of five by-right units that make a parcel eligible for a density bonus project. Density bonus projects would therefore continue to be limited to parcels of at least 10,000 ft.<sup>2</sup>. The ADUs would still be credited toward the RHNA and **better promote the City's objective of facilitating smaller and more affordable units than the typical density bonus approach.** At least some of the ADUs could be required to be deed-restricted affordable, paralleling the SDBL approach.

Staff has been assuming that SDBL projects will involve only a 20% bonus, which for a five story building with four stories of residential over ground-floor commercial would typically result in an additional sixth floor with about 80% of the floor area of each of the residential floors below. **However, assuming only a 20% bonus is too conservative.** Under the SDBL, bonuses up to 50% are available and up to 100% if the project is 100% affordable. Various projects in Oakland and elsewhere have used these higher bonuses. In the above example, a 50% bonus would typically result in two additional floors, **resulting in a ca. 75–80’ (seven story) building rather than a ca. 55 –60’ (five story) building.**

3. **Provide in the North Park Street District a 40 foot height limit on the west side of Park Street between Pacific and Buena Vista Avenues and retain the existing one unit per 2000 sq. ft. of lot area density in at least the Residential, Mixed Use and possibly Workplace Subdistricts .** Although outside the Park Street National Register District, the west side of Park Street between Lincoln and Buena Vista still has two of the most important historic buildings along Park Street – the Fossing Building at the northwest corner of Pacific Avenue and McGee’s mid-block. It also has at the southwest corner of Pacific one of the oldest buildings along Park Street, built in 1871. Part of this building has been insensitively remodeled, but appears restorable. As noted in Item 1 above and shown in Attachment 3, a 60 foot building next to McGee’s would visually overwhelm this important building, eliminate its current function as one of Park Street’s major visual landmarks (defined by its tower), and block its view from the Park Street bridge.

The proposed zoning amendments propose deleting the existing North Park Street requirement that new buildings over 50 feet be approved by the Planning Board based on the determination that the building is consistent with the Design Review Manual’s “special design guidelines for tall buildings on Park Street”. If the North Park Street height limit is 60 feet, this provision should be retained at least for the west side of Park Street between Lincoln and Buena Vista. But the better approach is to require a use permit as recommended in Item 2(a)(ii) above for buildings over 40 feet.

4. Finally, the existing residential density of one unit per 2000 sq. ft. of lot area should be retained in the North Park Street Residential, Mixed Use and possibly Workplace subdistricts. These are among the oldest and most historically significant residential areas in Alameda. See the 2008 report (Attachment 6) by former Historical Advisory Board member and noted architectural historian Judith Lynch. As stated in Item 1 above, providing unlimited residential density in these areas is reckless and overkill, given the potential for SDBL projects and the probability that the RHNA can be accommodated without this kind of indiscriminate upzoning. If increased density is desired, use the ADU strategy presented for Park and Webster Street in item 2(b) above.
5. **C-1 Districts (“Stations”).** The stations are historic commercial nodes around Alameda’s old streetcar stops and are located in historic neighborhoods. Increasing the height limit to 45 feet (three stories and potentially four stories) combined with the proposed unlimited residential density raises the possibility of a five story (approximately 60 feet) or even six story (approximately 70 feet) building with a 50% bonus under the SDBL, which would significantly disrupt the scale of these areas and is does not appear necessary to meet the RHNA. **The existing height limits should be retained in the C-1 Districts along with the existing residential density.** If increased density is desired, use the ADU strategy presented for Park and Webster Street in item 2(b) above.

**6. Continue City Council consideration of the Draft Housing Element until after the May 5 Historical Advisory Board meeting, the May 9 Planning Board meeting and May 9 public comment deadline and approve the Draft prior to its submission for HCD review.** Following the May 9 comment deadline, planning staff intends to revise the Draft Housing Element in response to comments received and submit the revised Draft to the State Department of Housing and Community Development (HCD) for review without Council approval of the revised Draft. Given the Housing Element's extreme importance and HCD's outsize role in determining the Housing Element's adequacy, Council endorsement of the HCD draft is essential before submittal to HCD.

**7. Other comments.**

- a. We continue to urge that the zoning provisions inconsistent with Article 26 be mapped using an overlay zone as has been done in the past rather than through changes to the base zone.
- b. Why is the Bridgeside Shopping Center no longer included in the C-MF overlay district? It should continue to be included.

Thank you for the opportunity to comment. Please contact me at (510) 523-0411 or [cbuckleyAICP@att.net](mailto:cbuckleyAICP@att.net) if you would like to discuss these comments.

Sincerely,

Christopher Buckley, Chair  
Preservation Action Committee  
Alameda Architectural Preservation Society

Attachments:     1. 2-4-22 WABA letter to the Planning Board  
                         2. Photograph of newer five story building adjacent to older two story commercial buildings  
                         3. Rendering of a 60' building mass next to McGee's  
                         4. Photographs of ca. 60' tall buildings on 3<sup>rd</sup> Street in Oakland.  
                         5. Streetscape photo of two, three and five story buildings  
                         6. North of Lincoln Historic Buildings--a report by Judith Lynch

cc: Planning Board (by electronic transmission)  
     Historical Advisory Board (by electronic transmission)  
     Andrew Thomas and Allen Tai, Planning, Building, and Transportation Department (by electronic transmission)  
     City Manager and City Clerk (by electronic transmission)  
     AAPS Board and Preservation Action Committee (by electronic transmission)





February 4, 2022

(By electronic transmission)  
Members of the Planning Board  
City of Alameda  
2263 Santa Clara Avenue  
Alameda, CA 94501

**Subject: Housing Element updates**

Dear Planning Board:

The West Alameda Business Association (WABA) has been working closely with the Planning Department staff over the past year in regards to the District's proposed height increases in order to accommodate updates to the housing element. At WABA's last board meeting on January 26<sup>th</sup>, the board reached consensus that the attached diagrams meet the 2011 Vision guidance for the District and that they represent a solid path forward towards accommodating the District's allocation for housing.

Please note that the specifics in regard to density were not discussed at the board meeting, however, the design committee has proposed that the city consider a Form Based Code approach to density where the applicant is not applying for the State Density Bonus, and that when the applicant *is* applying for the State Density Bonus that the existing density of 22 housing units per acre be used. This has been noted in the updated proposed zoning diagram and is attached to this letter. The concern is that increasing the density above what is in place, or not using a Form Based Code approach, will create a height and scale issue for the District that will not support a high quality of life for its existing or future residents. We are trying to avoid a sunless wind tunnel in our District, similar to what is happening in other districts in the bay area. This lowers quality of life and creates pedestrian dead zones that do not support a thriving business community.

As noted in the February 14 Planning Board staff report, the staff-recommended zoning amendments, while based on the attached WABA diagrams, make changes to some provisions in the diagrams. We ask the Planning Board to recommend to the City Council that the zoning amendments conform to the WABA diagrams. Attached are marked-up pages from the zoning amendments that reflect the WABA diagrams. Also attached are WABA generated building envelope cross sections based on the WABA diagrams that are clearer than the versions included in the staff report.

Our largest concern at this point is this: the information regarding these major changes is coming from the Planning Department very quickly, and not allowing enough time for our community to digest and discuss these issues. No community presentation has been prepared, other than what the community volunteers can cobble together in a very short amount of time, then WABA is gathering the community around the information, along with the WABA Board, and preparing a response to the city proposal. For such a major change our preference would be to include the community in a more in depth manner vs relying on volunteers to take this information out into the community then turn those communications back into meaningful feedback to the city staff.

We look forward to your support in bringing much needed housing to our District and contributing to its growth.

Linda Asbury  
Executive Director  
West Alameda Business Association  
[linda@westalamedabusiness.com](mailto:linda@westalamedabusiness.com)  
510.523.5955

Attachments:

1. WABA Multi Family Overlay Zone proposal 2022-02-04

Cc: Mayor and City Council  
Andrew Thomas, Allen Tai  
WABA Board of Directors



MF (MULTI FAMILY) ZONE 1  
HISTORIC CORE  
CENTRAL AVE TO LINCOLN AVE

1. NO CHANGES TO NUMBER OF FLOORS ALLOWED
2. INCREASE HEIGHT ALLOWANCE TO 45'
3. MAINTAIN DENSITY LIMIT OF 22 RESIDENTIAL UNITS PER ACRE IF SDBO USED OR USE "FORM BASED CODE" DENSITY (WHATEVER FITS INTO THE BUILDING WITHIN THE ALLOWED HEIGHT), IF NO SDBO USED.
4. REDUCES PARKING REQUIREMENT

CHANGES APPLY TO CURRENT C-C ZONING ONLY

CENTRAL AVE



TAYLOR AVE



SANTA CLARA AVE



HAIGHT AVE



LINCOLN AVE

NORTH



MF (MULTI FAMILY) ZONE 2  
DEVELOPMENT OPPORTUNITY ZONE  
LINCOLN AVE TO APPEZZATO

1. NUMBER OF FLOORS ALLOWED GRADUALLY INCREASES (CURRENTLY 3 FLOORS)
2. INCREASE HEIGHT ALLOWANCE TO 45' (CURRENTLY 40') THEN GRADUALLY INCREASES HEIGHT PER DIAGRAM.
3. MAINTAIN DENSITY LIMIT OF 22 RESIDENTIAL UNITS PER ACRE IF SDBO USED OR USE "FORM BASED CODE" DENSITY (WHATEVER FITS INTO THE BUILDING WITHIN THE ALLOWED HEIGHT), IF NO SDBO USED.
4. REDUCES PARKING REQUIREMENT

CHANGES APPLY TO CURRENT C-C ZONING ONLY

45' HT ALLOWED @ STREET FRONT  
WITH 3 FLOORS  
55' HT ALLOWED @ SIGHT LINE  
SETBACK WITH 4TH FLOOR

• 55' HT ALLOWED @ STREET  
FRONT WITH 4 FLOORS

• 55' HT ALLOWED @ STREET FRONT  
WITH 4 FLOORS  
• 65-70' HT ALLOWED @ SIGHT LINE  
SETBACK WITH 5 FLOORS

• 55' HT ALLOWED @ STREET FRONT  
WITH 4 FLOORS  
• 65-70' HT ALLOWED @ SIGHT LINE  
SETBACK WITH 5 FLOORS  
• ±77' HT ALLOWED @ SIGHT LINE  
SETBACK WITH 6TH FLOOR



\\DANIEL-PC\Y D\LINCOLN AVE

PACIFIC AVE

BUENA VISTA AVE

EAGLE AVE

ATLANTIC AVE

NORTH



products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

d. *Accessory Uses, Buildings, and Structures.*

1. The following accessory uses, buildings and structures are permitted in the C-C District:

- (a) Incidental storage and accessory uses, including repair operations and services, provided such uses shall be incidental to the retail sale of products on the premises, shall not employ more than five (5) persons excluding sales personnel, and shall be placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.
- (b) Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional use as determined by the Planning Director.
- (c) Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, when a primary dwelling exists on the lot.

e. *Design Review Required.* All new structures or buildings, or exterior revisions of any existing structures or buildings for both permitted and conditional uses shall require design review pursuant to Article II, Section 30-35.

f. *Signs.* Signs are allowed as provided by Section 30-6 of this article. A sign permit is required prior to placement of any signage on property in Alameda.

g. *Development Regulations.*

1. Lot Area and Lot Width: None.

2. Building Height Limit: Building height shall be regulated as follows:

Park Street District—Maximum height shall be ~~five (5) stories but not to exceed sixty (60') feet.~~ for properties fronting on Park Street north of Encinal Avenue. In the remaining areas of the Park Street C-C District the height limit shall be forty (40') feet and the height within this area may be increased to a maximum of sixty (60') feet upon approval of a use permit. Parking structures, including parking structures which have a commercial use component, are exempt from the height limit provided the structure does not exceed six (6) stories, the commercial floor area does not exceed fifty (50%) percent of the overall floor area of the structure, and public parking is provided in addition to the parking required for the commercial component.

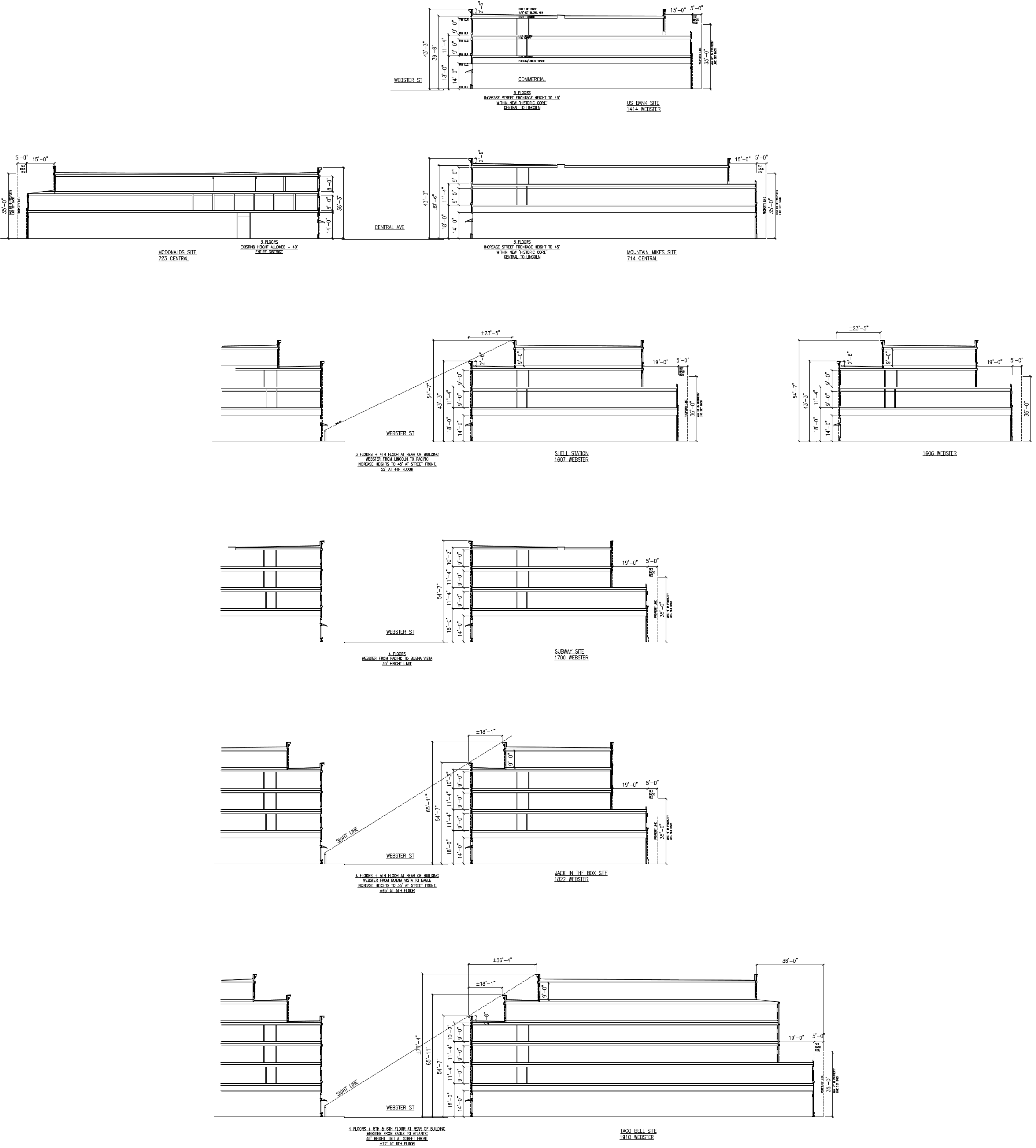
Webster Street District—Maximum height shall be ~~as follows: three (3) stories but not to exceed forty (40') feet throughout the C-C District~~

- Properties fronting onto the south side of Central Avenue - fifty five (55') feet, provided that any portion of the building that exceeds forty five (45') feet is set back at least ten (10') feet from the face of the building.
- Properties fronting onto Webster Street between Central Avenue and Lincoln Avenue, and properties fronting onto the north side of Central and south side of Lincoln - forty five (45') feet;
- Properties fronting onto Webster Street between Lincoln Avenue and Pacific Avenue and properties fronting onto the north side of Lincoln and the south side of Pacific - fifty five (55') feet, provided that any portion of the building that exceeds forty five (45') feet is set back at least ~~ten (10')~~ feet from the face of the building;

24<sup>2</sup>



- Properties fronting onto Webster Street between Pacific Avenue and Buena Vista Avenue and properties fronting onto the north side of Pacific and the south side of Buena Vista Avenue - fifty five (55') feet; (SAME 24' SET BACK? & REAR?)
  - Properties fronting onto Webster Street between Buena Vista Avenue and Eagle Avenue and properties fronting onto the north side of Buena Vista or the south side of Eagle- sixty five (65') feet, provided any portion of the building that exceeds fifty five (55') feet is set back at least ~~ten (10')~~ <sup>18'</sup> feet; and, (+ 24' SET BACK & REAR FT?)
  - Properties fronting onto Webster Street between Eagle Ave and Atlantic Avenue and properties fronting onto the north side of Eagle or south side of Atlantic- ~~eighty five (85') feet.~~ <sup>80' (85') feet. w/ 18' SET BACK @ 5th FLR + 36' SET BACK @ 6th FLR + 24' @ REAR</sup>
3. Building Coverage: Buildings may cover one hundred (100%) percent of the building site, ~~provided the ratio of all floor space to lot size shall not exceed three (3) to one (1).~~
5. Maximum Residential Density: None
6. Minimum Residential Density for new buildings: 30 units per acre.
5. Front Yard: ~~None~~ Buildings shall be located on the front property line. A minimum of eighty-five (85%) percent of the area between the side property lines must be occupied by building mass, plazas, or paseos along the primary street frontage.
5. Side Yard: No yard, however where any side lot line abuts a residential district there shall be a minimum side yard of five (5') feet.
6. Rear Yard: None, however, where the rear lot line abuts a residential district there shall be a minimum rear yard of five (5') feet.
7. Yards for Gasoline Service Station pumping stations and automobile service facilities. (In addition to the yard requirements prescribed for the zoning districts):
- (a) A setback of ten (10') feet shall be maintained from property lines that abut the rear yard of a lot located in a residential district or a lot in residential use.
  - (b) A setback of fifteen (15') feet shall be maintained from property lines that abut the side yard of a lot located in a residential district or in residential use.
8. Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management regulations and Loading Space: As regulated by Section 30-7 unless a parking exception is granted.
- (a) A parking exception may be approved for new construction or existing buildings converted to new uses reducing the number of parking spaces to less than the number specified in the parking schedule in Section 30-7.6 provided the following findings are made by the Planning Board:
    - (i) The parking demand will be less than the requirements in Section 30-7.6, and
    - (ii) The probable long term occupancy of the building or structure based on its design, will not generate additional parking demand.
  - (b) A parking exception granted by the Planning Board shall be limited to the specific structure and use. Any future alterations to the building or changes in the use shall require a new parking exception or shall be required to meet the parking supply requirements of the parking schedule in Section 30-7.6.



2022-01-31  
match rear setbacks to  
duplicate front setbacks







Simulation of a 60' Tall Building on the 1600 Block of Park Street – West Side













Harrison

Clean Air  
SMOG CHECK  
415 621-2583

Clean Air  
TEST ONLY CENTER  
SMOG CHECK  
415 621-2583

TEST ONLY  
STATION

415-355-0616  
Jazz  
R&B  
Funk  
Soul  
Music  
Store

D&D AUTO  
BODY  
3600

butter  
Red Bull  
ENERGY DRINK  
Game this Summer from  
South Africa right here.

ADVERTISE  
HERE  
415-863-5964  
PERMIT-845370  
12-20

NO PARKING  
4x6  
MON WED FRI  
STREET CLEANING

356

NO LOITERING



# North of Lincoln Historic Buildings

a report by Judith Lynch

## Methodology

First, I noted the exact range of street numbers and names within the boundaries of the study area and “worked” all the addresses through the books published by the Alameda Museum that document Victorian and Edwardian buildings. Each listing was jotted on an index card. Then I walked all the blocks and looked closely at all the buildings. Along the way were structures that were not in the Museum listings but that were historic, so cards were added for those. Next I compiled a database and sorted the information several ways.

## Findings

### 1. Hidden History

For a small area (12 blocks) the study area is rich in history, with 114 buildings that were either significant in appearance, documented as historic, or both. However, that total of 114 is not fully reflected in any official tally; just over half (59) are on the City’s Historic Buildings Study List.

### 2. Oodles of Oldies

Some of the oldest and most precious historic buildings on the Island are within the study area. These ancient structures include 21 designed in the Italianate style that was popular in the 1870s and early 1880s. In all of Alameda only 218 buildings are Italianates; ten percent of those are in the study area. Two of them are on the “oldest surviving buildings” list compiled by Alameda Museum Curator George Gunn, who states they date from before 1872 when city record keeping was established. Ironically, the Italianate style was inadvertently left out of the style synopsis in the City of Alameda Guide to Residential Design.



Italianate structures in the study area range from these wee flat fronts at 2410 and 2412 Buena Vista to the substantial property at 1729 Everett, on the list of “oldest survivors.”



The Fossing Building is a splendid example of an Italianate commercial building with cast iron pilasters shown in the detail on the right. It was restored (before left, after right) and received an award from the Alameda Architectural Preservation Society in 2000.



### 3. Styles Represented

(Note that dates are approximate)

Italianate (1870s): 21

Stick (1880s): 16

Queen Anne (1890s): 23

Colonial Revival (1900s): 22

Bungalow (1910s): 10

Other: 22



From the left, a Stick residence at 2312 Buena Vista, a Queen Anne at 2301 Buena Vista, and a Shingle style at 2437 Buena Vista.



#### 4. Misguided Improvements

Few of these 114 study area vintage buildings have been disfigured by asbestos, stucco, tarpaper brick, or permastone (now called cultured rock). But vinyl sales have been brisk, and several old study area structures have been virtually obliterated. Luckily the characteristic bay windows remain, reminders that these are old houses at heart.



Two well kept examples: a Craftsman home at 2428 Buena Vista and a Queen Anne cottage at 2301 Eagle Avenue.

#### 5. Charming Clusters

There is a choice nest of well kept homes on Foley, a street unknown to me until last month. Buena Vista and Eagle also sport clusters of tasty houses. So while the study area feels a bit shopworn and commercial if you only travel on Park Street, the side streets may be worthy of Heritage Area designation.

#### 6. Architectural Pedigree

Few of the 114 structures are attributed to a renowned architect or builder but there are a handful: Joseph Leonard, A.R Denke, Marcuse & Remmel, Charles H. Foster, and the Newsoms (John and Theodore, related to the architects who designed the Carson Mansion in Eureka).



The Buddhist Temple at 2325 Pacific Avenue is a grand example of the Stick style. It was designed by architect George Bordwell

#### 7. Fascinating Anomalies

The Buddhist Temple is located in the large towered Stick building called a "villa." Its grounds and garden are an oasis! At 1813-17 Everett Street is a hybrid: facing the large back yard is a five sided

projecting



e l



altered

Like the expression: "Queen Anne front, Mary Anne behind," 1813-17 Everett is "Stick front and Italianate behind."

in the Stick style of the 1880s, perhaps when it was changed into two units. At 2419 Tilden Way, landlocked and only reachable by way of the driveway at 1633 Everett, is a sequestered treasure, an 1888 home designed by A.R. Denke. Some portions are smothered with siding, but much ornate detail remains, and this property could be a spectacular restoration project.



A chain link fence awash in ivy hides this Denke-designed house at 2419 Tilden Way. The sides and rear are covered with siding; choice details remain on the front.

## 8. History at Risk

I think we should add all the rest of the 114 buildings to the Study List . . . after careful staff and HAB review, of course. Some of these properties seem quite vulnerable. For example, two are for sale right now at 2324 and 2318 Pacific. They are not protected by Study Listing, and one is on an enormous lot. They are both 1907 Colonial Revival homes. On the real estate flyer for the residence at 2324 is this notation: "Zoned CM. Check zoning for allowed uses." That means a 100 foot height limit, 100 percent coverage (allowing for parking), all commercial uses plus warehousing and light industrial.

All images by Richard Knight, except old image of the Fossing Building. That is courtesy of the Planning and Building Department.





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Steven T. Mattas  
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April 19, 2022

**Via Electronic Mail**

Christopher Buckley, Chair  
Alameda Architectural Preservation Society  
Preservation Action Committee  
P.O. Box 1677  
Alameda, CA 94501  
E-Mail: [cbuckleyaicp@att.net](mailto:cbuckleyaicp@att.net)

**Re: Alameda Housing Element Update and Related Density Bonus Issues**

Dear Chris:

You have asked us to discuss the proposal of the Alameda Architectural Preservation Society (AAPS) that the City of Alameda maintain its relatively low by-right density standards and offer valuable development benefits to multifamily housing projects to incentivize their construction in compliance with the City's existing height limits. AAPS understands that multifamily developers may seek to exceed those height limits through requests for a waiver or modification of the standard under state density bonus law, and proposes that the City reward multifamily housing developments that adhere to City height limits by allowing a significant or even unlimited number of ADUs to be built in such projects.

We believe that Alameda could adopt a program that would incentivize applicants for new multifamily housing projects to design those projects in a manner that does not exceed City height standards. This "carrot" type of approach is similar to the programs adopted by other cities that reward development projects which provide community benefits such as public infrastructure improvements, public and private open space, upscale hotels, child care centers, neighborhood grocery stores and other amenities that serve the public. In return for providing these community benefits, these programs provide the applicant benefits such as additional density or FAR, reduced setbacks and open space requirements, fee waivers, etc. We believe that the City of Alameda could take this approach to provide additional ADU rights to multifamily project applicants, conditioned upon their projects not exceeding City height limit requirements.

With respect to the specific benefit you propose, a large or unlimited number of ADUs, we believe that the City would be authorized to provide this type of benefit to developers of new multifamily housing projects. The City is not required by state ADU law to do so, as the state ADU law is silent on a local agency's obligation to approve ADUs in a new multifamily

dwelling (See Government Code §65852.2). However, it is equally clear that the state ADU law does not prevent a city from approving ADUs in new multifamily dwellings if it chooses to do so as a matter of local policy. This conclusion is supported by Government Code §65852.2(g), which states that “This section [the state ADU statute] does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.” This view is echoed in the HCD’s ADU Handbook, which states that “ADU law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs” (p. 9). Moreover, to the extent that the right to build extra ADUs is characterized as additional project density, this would also be consistent with state density bonus law, which provides that “nothing in this section shall be construed to prohibit a city from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section” (Government Code §65915(n)).

Please note, however, that adoption of a voluntary program as described above, or some other form of community benefits program that may provide authority for additional units under set circumstances, including compliance with the applicable height limit in Alameda, would not limit the ability of development applicants to otherwise avail themselves of the provisions of state density bonus law if their projects would comply with minimum requirements of Government Code §65915, et seq. Compliance with state density bonus law is mandatory on cities, and cities can only disapprove applicant requests for incentives and concessions, and waiver or modification of development standards, under certain limited circumstances.

We hope this has been helpful in your analysis of the AAPS approval. We would be happy to discuss these concepts further with you if you would like, as well as be of assistance in the design of an incentives program that would meet AAPS’s land use objectives.

Sincerely,



Steven T. Mattas  
Senior Principal

5094959.1



## Exhibit 2.

### Initial List of changes to *April Draft Housing Element* and *April Draft Zoning Amendments*:

#### Changes to Housing Element

Page 11. Add title to Redlining Graphic.

Page 13. Policy H-26 Education. Add references to resources to help the homeless, the City's new Care Program, and the shifting of primary emergency response from Police Department to Fire Department.

Page 15. Fix reference to Table E-3 "Project and Site Descriptions"

Page 19. Program 8 Affordable Housing. Revise bullet point regarding density bonus to emphasize benefits of density bonus program and concerns about use of waivers to waive local accessibility requirements or height limits.

Page 22. Program 12. Fair Housing Programs. Revise bullet point regarding education to reflect standing AUSD-City Council Subcommittee as venue to agendize discussions related to improving educational outcomes in West Alameda relative to East Alameda; correct name of AUSD from Union to Unified. Update quantified objective reference to the RRAC to reflect current Alameda Rent Program efforts.

Page 23. Program 13. Tenant Protections. Eviction Protections statement. Revise to reflect current Just Cause provision currently in place in Alameda. Emphasis education and enforcement.

Add consideration of a Vacancy Tax.

Page 25. Program 17. Substantial Rehabilitation Program. Add language to use Rehab funds to create Accessory Units that are affordable.

Page 26. Program 19. Energy Conservation. Update references to "compact fluorescent lights" and revise to "EnergyStar Appliances"

Add Solar Rebates as program component.

Page 29. Change title of Table from "2015-2023" to "2023-2023"

Appendix E - Land Inventory. Separate out the C-1 Sites from the C-C Sites.

Appendix C – Housing Conditions. Modify Table C-3 to include Alameda County data for comparison purposes.

On page C-30, add information on process for contacting and qualifying for services.

Appendix D- Fair Housing Page D-18. Table D-1 Add Legend describing significance of colors in table.

Appendix D – Fair Housing. Page D-40. Educational Opportunity. Strike bullet encouraging AUSD to allow open enrollment. Add bullet about: encouraging higher income residents of new market rate housing in West Alameda to attend and invest in their home schools; encourage AUSD to promote efforts at

revenue sharing among district PTAs; promote “sister school” arrangements between higher resource and lower resource schools for fundraising, volunteers, and advocacy efforts to improve educational outcomes districtwide.

## **Changes to be reflected in both Housing Element Program Descriptions and the draft Zoning Amendments**

### Park Street and Webster Street (CC-District)

- Revise CC-District amendments to require that any building over 40 feet within the Park Street Historic District or the portion of Webster Street between Central Avenue and Lincoln Avenue provide a 15 foot setback for the floors above 40 feet. (This change is intended to maintain an “apparent” height of three stories, while allowing an “actual” height of 60 feet (five stories) in historic areas.)
- Revise reference to “public and private schools” to “schools”

### North Park Street District

- Add minimum density of 30 units per acre in Gateway District.
- Revise open space provision to reflect CC District provisions (120 square feet)

### Neighborhood Stations (C-1 District)

- Revise height limit to limit building heights to the maximum height of adjacent zoning residential district, if adjacent zoning district is higher than two stories, 30 feet.
- Revise to add minimum density standard of 30 units per acre with exceptions (similar to language in CC District.)
- Revise to require conditional use permits for restaurants and for upholstery stores.
- Revise reference to “public and private schools” to “schools”
- Revise ground floor retail requirement from “50%” of depth to “30 feet” of depth.

### Shopping Center District (New MF Overlay)

Remove the maximum density standard and the associated “density transfer” provisions.

### Residential Districts (R-1 through R-6)

Remove Transit Overlay District.

Add General Provisions (a general provision applies in all residential districts) that:

- Exempts adaptive reuse and remodeling of existing residential buildings to increase the number of units in the building from density standards and open space requirements.



- Clarifies that Accessory Dwelling units are exempt from density standards and exempt from multifamily building prohibitions in the R-1 and R-2 Districts.
- Establishes a “Small Unit Transit Proximity Bonus” for new buildings with small units (less than 1,000 square feet) within 1/8 mile (660 feet) of major transit routes (a route with 15 minute headways 5 days a week) from density standards, reduces open space requirements to 100 feet per unit, and waive citywide development impact fees. (ADUs and deed restricted units are already currently exempt.)

#### Multifamily Combining District (adopted in 2012)

- Add minimum residential density standard of 30 units per acre.
- Remove 30 DU/acre limit.
- Revise height limit to 65 feet to allow 5 story buildings.
- Revise parking standards to reflect current parking ordinance.

#### Multi Family Prohibition (AMC Section 30-50, 51, 52, and 53)

Delete Section 30-50 through 30-53 Multiple Dwelling Units Prohibited. (These sections implement a citywide prohibition of multifamily housing.)

#### Accessory Dwelling Units.

Revise design standards to provide more flexibility.

#### Definitions:

- Clarify difference between community care and senior care.
- Revise and clarify ADU definition.
- Revise definition of Shared Living.
- Add definition of “density”