

August 20, 2015

Mayor Trish Herrera Spencer  
Vice Mayor Frank Matarrese  
Council Member Tony Daysog  
Council Member Marilyn Ashcraft  
Council Member Jim Oddie

Dear Mayor Spencer and Council Members,

### **City Ventures: 2100 Clement/Eagle/Willow Housing Development**

RE: Negotiation History about Guest Parking, Garage Use, and Street Parking at the Proposed Housing Development

Since March 9th the community in the vicinity of City Ventures' 2100 Clement, Willow, Eagle project has been negotiating with the developer and the City of Alameda on various issues that would have an adverse impact/effect on the surrounding neighborhood. Paramount among these issues is the incontrovertible fact that such a high-density housing project will have a significant, negative impact on both traffic and parking in this neighborhood.

The north side of Alameda from Webster Street to Park Street is commonly referred to as the Northern Waterfront. In 2012 the *Housing Element* rezoned several areas of the Northern Waterfront, designating them for future high-density housing. The 2100 Clement/Eagle site was included in the rezoning. Part of the Northern Waterfront developments of approximately 2000 additional units will be wedged into an area north of Buena Vista between Sherman and Park Streets. City Ventures' 2100 Clement/Eagle Project is among the first housing groups of these to be proposed and will include a total of 52 units, along with Del Monte (414 units) and Chipman (89 units) that are already under construction. Boatworks (182 units) is approved but unknown when it will begin construction. The sum total of units already approved for construction between Sherman Street and Park Street is 737.

Unlike those of Alameda Point, the Northern Waterfront high density developments are being planned within and bordering existing neighborhoods where many of the structures have been multi-family units since WWII. For those who have not traversed this neighborhood late at night or early in the morning and may have undertaken an aerial survey via Google Maps, our neighborhood may appear to have more than adequate private and/or street parking. Nothing could be farther from reality. Eagle and Willow Avenues, particularly in the vicinity of the intended 2100 Clement, Eagle housing project, have long been the destination of overflow parking for neighboring Buena Vista and Willow residents to the south and west. Street

parking adjacent to the 2100 Clement Avenue warehouses designated for demolition currently provide necessary supplemental parking space for those homes on Eagle and Willow opposite the warehouse. Clement Avenue, being a business district and official truck route/mixed use street, provides much needed overnight parking as well. Also, Clement Avenue often provides parking space for very large trucks that can't park anywhere else.

The initial City Ventures' project proposal had 58 units, provided 2 car garages per unit plus an additional 21 guest parking spaces. Subsequent discussions between City Ventures and members of the Planning Board, and between City Ventures and representatives of the immediate neighborhood yielded a number of different variations of this footprint as noted below:

**Version 1. March 9th Planning Board Meeting.** In response to the initial footprint, the Planning Board objected to the 21 guest parking spaces, insisting they were unnecessary since each unit provided two parking spaces per garage. The community raised concerns because the neighborhood is already densely populated and there is a shortage of available parking; These Victorian era homes do not have usable garages and many do not have driveways. Many local residents rely on street parking. To address the neighborhood concerns regarding peoples' inclination to store things in their garages and the resultant impact this would have on availability of parking, the community requested the elimination of garage doors to create carports instead of garages since carports cannot easily be used for storage. City Ventures rejected this option expressing concern for residents "personal safety."

**Version 2. (not presented to Planning Board)** Between April and June City Ventures presented the community and city planning with a revised version with only 7 guest parking spaces. The community objected to the loss of so many guest parking spaces. As a compromise, City Ventures offered to place windows in the garage doors so HOA board members would be able to monitor and inspect the interior of garages to inspect and verify they are able to house two vehicles. In response to the developers agreement to put windows in the garage doors, the community agreed to accept fewer on-site guest parking spaces; only 15 such spaces were included in next footprint revision.

**Version 3. June 22nd Planning Board Meeting:** At the request of the community, the following statement was added to the Home Owner Association (HOA) Covenants, Conditions & Restrictions (CC&Rs) to limit garage use to parking only and prohibit garage use for storage.

Planning Board Draft Resolution, Item 13 c.: "Strict rules and stiff financial penalties prohibit the use of garages for storage or any activity that prevents use of the garage for parking and that prohibits the use of the guest parking areas by project residents." (Exhibit 5, page 6)

The Planning Board objected to the 15 parking spaces because of their location within the public open space. Also, one Planning Board member expressed concern about the restrictions on the garages and not being able to use garages for storage. At the close of the June 22<sup>nd</sup> Planning Board Meeting all members concurred that the developer needed only to make adjustments to the reduction of guest parking spaces and their relocation within the overall footprint of the development. Additionally there were suggestions of increasing the setbacks of the units from the streets. There was no further discussion from the other Planning Board members regarding the restrictions on garage storage.

After the Planning Board meeting and with additional input from the community, City Ventures redesigned the footprint eliminating the 15 parking spaces in the open space area. The next City Venture's design found space for only 7 guest parking spaces scattered throughout the plan. This compromise of only 7 parking spaces was acceptable to the community as long as the CC&R statement restricting primary garage usage for parking and not for storage remained in the Draft Resolution statement.

**Version 4. July 13th Planning Board meeting:** The new Draft Resolution for the development plan approval included the same CC&R wording placing strict restrictions on garage usage: "Strict rules and stiff financial penalties prohibit the use of garages for storage or any activity that prevents use of the garage for parking and that prohibits the use of the guest parking areas by project residents." (Exhibit 7, Community Development *Item 11d*, page 6)

During public speaker comments, members did not discuss the garage storage issue because it was clearly resolved within the CC&R (11d).

During the final stages of formulating motions of the final Resolution two board members voiced objections to the CC&R condition 11d, restricting garages being used for storage. Part of the argument offered by one of the board members included a belief that no such restrictions existed anywhere else in Alameda, a statement that staff confirmed to be their belief as well. No other board members objected in spite of positions taken the previous meeting. A motion to accept the general footprint was passed with the addition of 2 amendments that were made as an integral part of the basic motion and without community having been given an opportunity to provide input. The Planning Board then voted on the Resolution without Paragraph Item 11d garage restrictions and without the community being able to have further input.

Since the July 13 Planning Board meeting the community has discovered that Alameda does have at least two complexes (Baywood Village and Bellena Bay) that do have restrictions on garage use for other than vehicle parking.

The removal of the restriction on garages being used for storage instead of the intended use of vehicle parking is not acceptable to our community. Since this had been approved in the previous meeting and had not been brought forward into debate again in the July 13<sup>th</sup> meeting until the final comments and motion/voting process, the community was shocked to have the July 22 decision reversed in the remaining minutes of the meeting without being given an opportunity to weigh in. On-site parking concessions had been made throughout the evolution of the project's footprint with the understanding that such restrictions would be incorporated into the CC&Rs of the HOA.

The decision by the Planning Board on July 13<sup>th</sup> to remove the storage restrictions on garages in the 2100 Clement Eagle might be understandable if this were the only development in the Northern Waterfront. It is not. Any (and all) decisions regarding traffic flow, parking, and street design (Clement Street) must consider ALL the anticipated developments along the length of Clement as well as the planned developments of the entire island. Planning for Alameda must consider all parking and traffic that will be generated by "all" the planned developments rather than by each development separately.

The community wishes to emphasize that any of the new developments that are scheduled to be placed within already densely populated areas must be self-contained, providing adequate parking facilities for all residents moving into such complexes. Not to do so could easily create unnecessary conflicts in the pre-existing neighborhoods that already have limited parking. To develop a clear CC&R policy for the 2100 Eagle/Clement development should be viewed as an opportunity to create a general policy for all new developments of the Northern Waterfront and force developers to plan sensibly for the future. Believing there is going to be plenty of parking after this one development is completed is short sighted. The Northern Waterfront, in particular, will experience these issues within the near future as the currently planned developments begin to be constructed.

Alameda Point is a relatively clean slate with more land to work with. While parking will be an issue with its 800 Townhouse units presently approved, it is not the same as building in or near an old, established neighborhood like the Northern Waterfront.

Acceptable garage use and parking restrictions are a standard and major part of condo and townhome CC&R restrictions throughout California. As Alameda evolves from a single

family/duplex environment to one with multiple high-density developments, parking and traffic issues will become a greater problem.

CC&R restrictions are made legal in California via the Davis–Stirling Common Interest Development Act. This act gives Home Owner Associations the right to enforce restrictions on parking and garage use among many other items. The California law states "The HOA can levy fines or sue homeowners for damages and/or injunctive relief to enforce the HOA's rules and CC&Rs." The HOA cannot include regulations in the CC&Rs contrary to City, State, or Federal laws.

[https://en.wikipedia.org/wiki/Davis%E2%80%93Stirling\\_Common\\_Interest\\_Development\\_Act](https://en.wikipedia.org/wiki/Davis%E2%80%93Stirling_Common_Interest_Development_Act)

Since the early 1970s Alameda has allowed only single homes or duplex developments so street parking has not been the major issue it is now becoming. As Alameda changes to a higher density growth environment, parking ideas must change with it. There simply are not enough streets on which to park all these new cars just so townhome owners can use their garages for storage.

Contrary to Planning Board information, townhome developments built in Alameda prior to 1972 have garage and guest parking restrictions. The City of Alameda also has the right to require certain restrictions be included within CC&Rs which cannot be removed or changed by the HOAs. The 2100 Clement Avenue/Willow/Eagle project community does not agree with the Planning Board decision to remove the 11d restriction of the Draft Resolution of July 13th and requests some parking restrictions on garage use and guest parking be reinstated. Parking restrictions need to be implemented now because it will be impossible to implement them at a later date. If garage and parking restrictions are not implemented before this project moves forward into the construction phase, it will be virtually impossible to implement/introduce them at a later date when all the residentially zoned developments are completed.

Respectfully,

Virginia Dofflemyer

Dorothy Freeman