



June 21, 2016

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

Subject: Proposed changes to Second Unit Ordinance (Item 7-B on Planning Board's 6-22-16 agenda)

Dear Boardmembers:

The revised draft ordinance is a major improvement over the previous draft that was presented in 2015. The Alameda Architectural Preservation Society is very pleased that an affordable housing component is now linked to reduction in the minimum lot size from the current 7500 sq. ft. level. We are also pleased that the number of one-family lots in various size categories below 7500 sq. ft. is now presented.

However, we have the following concerns:

1. The provision of reduced lot sizes for "transit oriented units" appears problematic:

- a) There is no guarantee the second unit resident will not have a car and therefore not adversely impact on-street parking. Moreover, some residents of transit oriented units may have jobs that are not readily served by the O and 51 bus lines and may need a car to reach their job location.
- b) Bus route locations (unlike fixed rail routes) could change and/or other qualifying routes added.
- c) The peak hour headways for the existing O and 51 lines could increase to more than 20 minutes in the future and therefore no longer qualify for second units.
- d) Except on lots between 4000 and 5000 sq. ft., where transit oriented units must also be affordable, transit oriented units might crowd out affordable units because of the higher rents for transit oriented units. Development of transit oriented units would therefore be more attractive to investors.

The staff analysis indicates that the quantities of transit oriented units could, over time, result in the development of up to 1,368 units and, if combined with affordable units, 2,698 units. The impact on on-street parking and other infrastructure from these additional units could be significant and needs further analysis as discussed in Item 4 below.

A possible remedy for the on-street parking impacts of transit-oriented units might be to require that unit residents not own cars. However, this requirement would probably not be enforceable. Another remedy might be to issue overnight parking permits for areas within one quarter mile of a transit route to ensure that second units aren't bringing in a car and parking it on the street, but this might not be politically realistic.

2. **Do not allow habitable space, including second units, within Accessory Buildings.** This will encourage conversion of required rear yards to Accessory Building sites, with the attendant removal of trees and other landscaping, potentially adversely affecting the setting for historic buildings and neighborhoods. These impacts will be intensified if additional off-street parking is required for second units. Staff advises that allowing habitable space within Accessory Buildings merely reinstates rules that changed in 2004. However, second units were not a development option prior to 2004, so there was much less incentive at that time to construct Accessory Buildings within required rear yards.

Note that allowing Accessory Buildings to contain habitable space will apply to **all zones**, not just R-1, therefore encouraging rear yard construction of Accessory Buildings in all zones.

3. **Consider requiring second units on lots less than 7,500 sq. ft. to be located within an existing main building.** This will promote affordability, since construction costs would be less than in the case of additions or detached second units. Limiting second units to existing buildings would also reduce the probability of landscape removal and conversion of pervious to impervious surfaces.

AAPS believes that the economics of detached building construction is one reason that an average of only one second unit per year has been constructed under the existing ordinance. A detached building requires a full foundation, a slab, underground utilities, a full kitchen and a bathroom. It also requires architectural detailing which matches the primary dwelling. These costs distributed over a very small unit would result in a high per square foot cost. To determine the investment potential of detached units, staff should work with local contractors to estimate these costs.

On the other hand, units worked into the envelope of the primary residence offer attractive advantages. The existing envelope automatically provides the required architectural detailing and exterior walls. Plumbing and electrical service access is simpler and less expensive. If such a unit is developed when foundations and slabs are updated, as is frequently needed with older houses, the incremental construction cost is modest.

To be effective, requiring second units to be located within an existing main building would require that the lot proposed for a second unit to not have had an increase in building footprints for a specified period (at least five years) before and after completion of the second unit.

4. **Additional issues and needed analysis.** Before the proposal proceeds further, the following needs to be addressed:

- a) **Relationship to the 2015 Housing Element and approved and proposed housing developments:** Before adopting the proposed changes, there needs to be analysis of how second units will address the City's housing needs relative to other new units to be provided under Housing Element mandates, including units that have been entitled or proposed. The 2015 Housing Element provided higher density rezoning of eleven parcels (capacity 2,245 dwelling units) to allow construction of 1,720 new dwelling units, many of which were to be affordable. **AAPS requests an accounting of the results, parcel by parcel, of the number**

of dwelling units completed, under construction, approved and submitted, with the number of affordable dwelling units for each rezoned parcel.

In addition, the 2015 Housing Element did not include Alameda Point developments (which we understood would be included in the 2023 Housing Element) and major developments are in the works which will add many dwelling units to Alameda's housing stock. **The impact of these additional dwelling units should be evaluated in the context of the Housing Element targets and whether the provision of 10-15 additional second units per year as estimated by staff in 2015 is truly necessary.**

- b) **Impervious surfaces and vegetation removal:** The proposed ordinance would allow building coverage and other impervious surfaces (driveways, walkways, etc.) up to 60% of lot size. The increased water runoff over time from surface conversions resulting from second units and the related impact on City storm sewers needs to be calculated. The calculation becomes more critical the smaller the lot.

There also needs to be evaluation of tree and other landscape removals caused by increasing building footprints, additional parking spaces and other impervious surfaces, especially within required rear yards.

- c) **Transportation impacts:** There needs to be analysis of the impact of tandem vs. non-tandem off-street parking, or, in the case of transit-oriented units, no off-street parking, for second units relative to on-street parking, fire department access, and other transportation parameters.
- d) **Cumulative impacts of second units on transportation, infrastructure, etc. combined with impacts of other new units mandated by the Housing Element.** How would the additional second units, combined with other new units, impact public services and related costs, e.g. more fire/medical calls, increased use of public facilities, more congestion/parking demands, and increased burden on public utilities (water, sewer, storm drains, etc.)?
- e) **Potential increase in home prices due to development potential as market-rate second units.** This scenario applies to the potential 1,368 transit oriented units that would not need to be affordable. It could arise from the potential interest from house flippers in developing these units, assisted by real estate agents who promote a single-family dwelling's second unit potential and its increased value-added sales price expectations.
- f) **CEQA Status.** The proposal would normally require an Initial Study under the California Environmental Quality Act (CEQA) due to, among other things, potential traffic impacts, conversion of pervious to impervious surfaces and the other impacts discussed above. We question staff's interpretation that the proposal is statutorily exempt from CEQA pursuant to Section 15282(i) of the CEQA Guidelines, since the City already has a second unit ordinance that meets State mandates. We also question the Section 15305 Categorical Exemption (minor amendments to land-use limitations) because of the potentially significant environmental impacts that could result from 5048 additional units citywide over time. **We request the City Attorney to confirm these CEQA exemptions.**

Alameda is noted for its high quality of life, especially within its historic R-1 neighborhoods. Spacious yards and mature landscaping are an important feature of these neighborhoods as well as many neighborhoods outside of R-1. But these neighborhoods are fragile and can be easily compromised by the overdevelopment that could result from these proposed changes.

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

Sincerely,

Christopher Buckley, President
Alameda Architectural Preservation Society

cc: Allen Tai, Andrew Thomas and Debbie Potter, Community Development Department (by electronic transmission)
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Janet Kern and Farimah Brown, City Attorney's Office (by electronic transmission)
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