

## **CITY OF ALAMEDA**

### **Memorandum**

**To:** Honorable Mayor and  
Members of the City Council

**From:** John A. Russo  
City Manager

**Date:** July 3, 2012

**Re:** Adopt a Resolution Approving the 2007-2014 Housing Element of the City of Alameda General Plan and Amending the General Plan Land Use Diagram for Three Properties to Ensure Internal Consistency Between the Housing Element and Land Use Element of the General Plan, and Introduce an Ordinance to Amend the Alameda Municipal Code Section 30 Development Regulations Pertaining to the Regulation of Housing Development

### **BACKGROUND**

In 2009, the City of Alameda submitted a draft Housing Element for review by the California Department of Housing and Community Development (HCD). In June 2009, HCD provided the City of Alameda with its comments on the adequacy of the draft Element. (See Exhibit 1)

On December 12, 2011, the Planning Board held a public workshop to introduce the major policy issues that will need to be addressed by the community to comply with Government Code requirements for Housing Elements. At the workshop, the Planning Board also endorsed a public participation schedule designed to provide the community with ample time to consider the proposed amendments prior to final consideration by the City Council.

On March 12, 2012, the Planning Board reviewed the specific amendments and initiated a 60-day public review period during which time the community could review and discuss the proposed amendments to the General Plan and Alameda Municipal Code proposed to bring the City of Alameda General Plan and Zoning Ordinance into compliance with the Government Code for Housing Element certification.

On May 18, 2012, HCD completed its review of the proposed General Plan and zoning amendments and concluded that the amendments as proposed by staff are in compliance with State Housing Law. (See Exhibit 2)

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On June 11, 2012, the Planning Board held a public hearing and unanimously approved the proposed amendments.

Pursuant to the May 18<sup>th</sup> HCD letter, if the City Council approves the Planning Board's recommended amendments, HCD will certify the City's Housing Element.

## DISCUSSION

Every city and county in California is required by State law to maintain a General Plan (Government Code § 65300 et seq). The General Plan serves as the local "constitution" for all land use and land use-related decisions that may affect the lives of Alameda's citizens or the citizens of neighboring jurisdictions. The State also requires that each city and county in California address issues that are of statewide importance in the General Plan.

The State Legislature has determined that the provision of housing for all segments of California society is a matter of statewide importance, and that city and county zoning provisions play an important role in the State's ability to provide housing. For this reason, the Government Code requires that Housing Elements include an extensive amount of information about local land use regulations and zoning requirements that might restrict certain types of housing needed in California.

### Importance of Housing Element Certification:

A Housing Element is considered out of compliance with State law if it has not been revised and updated by the statutory deadline, or if its contents do not substantially comply with the statutory requirements. Over the years, California has steadily increased the penalties for not having a legally compliant Housing Element. Failure to adopt an amended Housing Element could cause significant problems for Alameda residents and businesses. For example:

Limited access to State Funding Senate Bill 375 linked regional long-range transportation plans and investments to regional and local obligations for cities and counties to zone land for housing. Cities and counties that do not have a certified Housing Element will be increasingly ineligible for state transportation funds. The City of Alameda currently receives state transportation funds for projects such as the Stargell Extension, the Webster Street improvements, and street resurfacing projects. Noncompliant communities are, or will become, ineligible for certain state park, planning, and housing grant programs.

Locally, the Metropolitan Transportation Commission (MTC) is preparing the One Bay Area Grant Program that will provide \$320 million in regional transportation funds to cities in the Bay Area for transportation and infrastructure improvements

over the next four years. Cities that have not adopted an HCD-certified Housing Element by January 2013 will not be eligible for any of these funds.

Lawsuits Developers and advocates can sue jurisdictions if their Housing Element is not compliant with state law. Recent Bay Area cities that were successfully sued include Corte Madera, Pittsburgh, Pleasanton, Benicia, Fremont, Rohnert Park, Berkeley, Napa County, and Santa Rosa.

If a court finds that the Housing Element is not in compliance with state law, there are several potential consequences for the City, including:

1. Loss of local control over development: Invalidation of the Housing Element could have significant effects on the City's ability to control local development and pursue economic development initiatives to create jobs and increase revenue to the City. If a court of law determines that the Housing Element is not valid, the City would be without a valid General Plan. If the General Plan is deemed invalid, the City may not be able to make the required findings that an action or project is consistent with the General Plan. The City must make the consistency finding to adopt or amend an ordinance, to approve a new project or business, to approve a variance or a use permit, to require dedication of lands for parks, to collect impact fees, and to issue a building permit. A court order could prevent the City from performing any or all of these basic functions until it adopted a valid Housing Element, as was the case recently in successful litigation against the City of Pleasanton. Furthermore, if a court invalidates the General Plan, the Government Code allows a court to approve housing projects that may not be desirable to the local community.
2. Challenges to public works projects: Government Code §65402 provides that no public improvement, building or structure may be constructed or authorized until the City's Planning Board has reviewed the project for conformity with an adopted General Plan. In the absence of a valid General Plan, the City would not be able to comply with these provisions of the law, thus subjecting proposed public works projects to legal challenge.
3. Fees: If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it often must pay substantial attorney fees to the plaintiff's attorneys in addition to the fees paid to its own attorneys. Recently, the City of Pleasanton paid nearly \$2 million in attorney fees to the plaintiff's attorneys, in addition to its own attorney's fees, in a failed effort to defend its Housing Element.



### **Proposed Housing Element Amendments**

The proposed Draft Housing Element and the changes to address the HCD comments and to achieve Housing Element certification are on file in the City Clerk's Office and described below.

The proposed changes include:

- Descriptions of proposed programs (i.e. actions) necessary to amend City zoning standards to comply with the State Government Code. (The specific proposed zoning amendments are described below and attached to the draft resolution for City Council consideration.)
- An amended inventory of sites in Alameda that are or will be available for housing to accommodate the City's Regional Housing Needs Allocation (RHNA) for the period 2007 - 2014.
- Additional information about the City of Alameda's housing needs and/or the City of Alameda's development procedures and processes for housing.

California's Government Code requires that each city and county update its Housing Element to accommodate the RHNA. The RHNA is provided to each region by the State. Each region is then responsible for allocating the region's housing allocation among the region's cities and counties. In the Bay Area, the Association of Bay Area Governments (ABAG) is responsible for distributing the allocation among the Bay Area's cities and counties. The sub-regional allocation process considers a number of factors, but in the recent cycle (2007-2014), the allocation of the regional housing need considered regional and statewide efforts to address climate change through "smart growth" development policies that locate new housing in close proximity to job centers and existing transportation facilities to reduce commute distances, congestion, and green house gas emissions. As a result, inner-Bay Area communities such as San Francisco, Oakland, and Alameda must accommodate a large portion of the region's housing need.

Under State Housing Element Law, the Housing Element must include an inventory of land or list of sites that are appropriately zoned to accommodate Alameda's RHNA, provide for a full range of housing types, and provide housing for a full range of household incomes. The 2007-2014 RHNA and the 1999-2006 RHNA carry over number from the previous period when the City did not have a certified Housing Element is 4,208. However, the City did construct or approve 1,764 units during this period; therefore, the remaining RHNA obligation is 2,420 units. The Housing Element must demonstrate that the City has enough sites to allow for the development of at least 2,420 new units. Of the 2,420 units, 1,178

of the units (approximately 50%) are needed for lower-income households. "Lower-income" households are households that make less than 80% of area-wide median income. For a four-person household, that represents an income of approximately \$65,350.

To comply with the Government Code, the sites identified in the land inventory must be zoned for residential use and available for residential development during the 2007-2014 planning period. The properties on the Land Inventory Table include the following sites:

West end sites:

- North Housing at Singleton by Coast Guard housing
- Shipways site on Marina Village Parkway
- Old Chevy's site on Mariner Square Loop
- Alameda Landing waterfront
- Vacant property at corner of Stargell Avenue and Webster
- Neptune Point property on McKay
- Taylor Lot on Webster Street

Northern Waterfront sites:

- Chipman, Encinal, and Del Monte sites on Buena Vista
- A warehouse site at 2100 Clement
- Corporation Yard site on Fortman
- Pennzoil Site on Grand
- West Marine site on Buena Vista
- Alameda Marina site on Clement

East End sites:

- AUSD property at Eagle
- Ron Goode property on Park
- CVS Site on Santa Clara

The Land Inventory Table does not include:

- Alameda Point. Once the land at Alameda Point has been conveyed and is available for residential development, it can be used for the next Housing Element cycle. (2014-2021).
- Residentially Zoned Land with Active, Long Term Uses. Residentially zoned land that is currently occupied by residential uses or by active commercial uses, such as self-storage facilities or other long term commercial uses, are not included in the inventory.
- Sites with housing that were developed or approved during the 2007-2014 period. These units were subtracted from the total RHNA and un-accommodated need "carry over" from the prior period.

- Sites that staff thought should be preserved for non-residential purposes, such as Harbor Bay Business Park vacant land, Wind River Campus vacant land, "Gateway" vacant land on Main Street (across from Ploughshares Nursery), and the Beltline property vacant land were not included.

The Land Inventory Table includes a "Realistic Capacity" column that projects the number of units that can be accommodated on each site and confirms that the City has enough land to accommodate the RHNA. The table shows a small surplus of total units above the number needed to meet the City's RHNA. If a project gets approved on one of the sites on the table between 2012 and 2014 with fewer units than the "realistic capacity", the difference can be taken from the surplus. If the entire surplus is used between 2012 and 2014, then the City will need to find additional sites.<sup>1</sup>

#### **Proposed Land Use Diagram Amendments**

To ensure consistency between the Land Use Element and the Housing Element, the proposed amendments include amendments to the Land Use Element Diagram to ensure that all the sites on the Housing Element Inventory of Housing Sites are in fact planned for residential or mixed use in the Land Use Element. Only three sites on the inventory require changing the General Plan designation from non-residential to residential or mixed use. The proposed land use designation changes include changing the land use designations for:

- The "Neptune Point" site from Federal Facilities to Medium Density Residential
- The "Shipways" site from Business Park to Mixed Use
- The two-acre site at Stargell from Institutional to Community Commercial (mixed use)

#### **Proposed Zoning Ordinance Amendments**

The proposed zoning amendments implement the amendments to the Housing Element and ensure consistency between the Alameda Municipal Code and the California Government Code.

#### **Site Specific Re-zonings:**

To ensure consistency between the Zoning Map and the Housing Element, the zoning designation for several sites on the Inventory Table would need to be changed, including:

- The Neptune Point site zoning should be changed from Administrative Professional with a Government Overlay, to R-4 (Neighborhood Residential)

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<sup>1</sup> For this reason among others, staff is proposing to move forward with the rezoning for Alameda Point. In the event that the land is conveyed and "available" before 2014, it could be used as a replacement site or a "surplus" site during the 2007-2014 period.



- with a Planned Development (PD) overlay.
- The AUSD site on Everett at Eagle in the North Park Street Plan Area should be rezoned from M-1 (Industrial) to Residential consistent with the draft North Park Street Code and General Plan
- The Ron Goode Toyota site on Park Street should be rezoned from M-1 Industrial to Commercial Mixed Use consistent with the draft North Park Street Code and General Plan
- The old Chevy's site on Mariner Square Loop should be rezoned from Industrial to R-4 PD
- The parcel at Stargell and Webster should be rezoned to Community Commercial (mixed use)

#### New Multi-family Zoning District

The Multi-Family (MF) zoning district is designed as an overlay zone that can be combined with the existing underlying zoning for a property. The new zone would permit 30 units per acre and a variety of housing types including multi-family rental housing. If a future proposed residential development project on a MF-30 zoned site qualified for full State Density Bonus, the project may be eligible for a density up to 40.5 units per acre. (The recently approved three-story, 19-unit affordable housing project on Lincoln Avenue on the former City parking lot is approximately 40 units per acre.) If a proposed project included 50% affordable housing, the project may be eligible for up to 48 units per acre.



The multi-family property (above left) at 2021 Clinton is approximately 40.7 units per acre. This more contemporary multi-family project in Pasadena (below right) is 42 units per acre.

The new overlay zone is designed to bring the City of Alameda into compliance with the Government Code Sections 65583.c (1), 65583.2 and 65583.2c.

*Section 65583(c)(1):(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not*

*be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multi-family rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.*

Under the current Zoning Ordinance (AMC Section 30-52), multi-family housing is prohibited.<sup>2</sup> The new MF overlay zone would be used to identify sites in Alameda that are “needed to facilitate and encourage” multi-family housing as required by the Government Code.

Section 65583.2 requires that the City show how it is going to meet its lower income (very-low and low-income) housing obligation. The Code provides two options:

*(c) Based on the information provided in subdivision (b), a city or county shall determine whether each site in the inventory can accommodate some portion of its share of the regional housing need by income level during the planning period, as determined pursuant to Section 65584. The analysis shall determine whether the inventory can provide for a variety of types of housing, including multi-family rental housing, factory-built housing, mobilehomes, housing for agricultural employees, emergency shelters, and transitional housing.*

*(3) For the number of units calculated to accommodate its share of the regional housing need for lower income households pursuant to paragraph (2), a city or county shall do either of the following:*

*(A) Provide an analysis demonstrating how the adopted densities accommodate this need. The analysis shall include, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower income households.*

*(B) The following densities shall be deemed appropriate to accommodate housing for lower income households:*

*(i) For incorporated cities within nonmetropolitan counties and for nonmetropolitan counties that have micropolitan areas: sites allowing at least 15 units per acre.*

*(ii) For unincorporated areas in all nonmetropolitan counties not included in clause (i): sites allowing at least 10 units per acre.*

*(iii) For suburban jurisdictions: sites allowing at least 20 units per acre.*

*(iv) For jurisdictions in metropolitan counties: sites allowing at least 30 units per acre. (The City of Alameda is in this category.)*

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<sup>2</sup> The Housing Authority has an exemption for 325 multi-family housing units, but no land in Alameda is zoned specifically for multi-family housing. The Authority’s exemption can be applied on land that it purchases or owns.



In the past, the City of Alameda has unsuccessfully attempted to argue that its 15% inclusionary ordinance and its redevelopment agency resources could be used to ensure that lower income housing needs would be accommodated despite the City's multi-family prohibition and 21 units per acre maximum density restrictions. In March, staff recommended that the City utilize Government Code Section 65583.2.3.b and zone enough residential sites with the MF overlay zone to accommodate the lower income requirements of the RHNA. Pursuant to Section 65583.2.c, if the City zones a site for 30 units per acre, the site "shall be deemed appropriate to accommodate housing for lower income households" by HCD.

The City is able to achieve the requirements of Government Code Section 65583 by placing the MF Overlay District on the following sites:

- Alameda Landing Waterfront (on 10 of 27 acres)
- The site at the corner of Webster and Stargell
- North Housing site
- Chevy's site on Mariner Square Drive
- The Shipways site
- Encinal Terminals site (the non-tidelands portion)
- The Del Monte site (adaptive reuse)
- The Chipman site
- A portion of the Alameda Marina site
- The Ron Goode site

On May 18, 2012, HCD concurred that the proposed amendments are in compliance with State requirements.

Sites with the MF-30 zoning designation are not restricted to just low or very low-income households. From the State's perspective, allowing a density of 30 units per acre will produce housing that is affordable to lower-income households. The proposed amendments maintain Alameda's existing 15% affordable inclusionary housing requirements on all projects citywide.



The San Diego row houses shown here demonstrate how a project at 50 units per acre can be accommodated with three stories and on-site parking.

### Housing Type Definitions and Regulations

Government Code Section 65583 requires that the City Zoning Ordinance encourage and facilitate a variety of housing types including “*supportive housing, single-room occupancy units, emergency shelters, and transitional housing.*”

To comply with State requirements, the staff/consultant team is recommending that the following definitions be added to Section 30-1 Definitions of the Alameda Municipal Code:

- **Emergency Shelter:** *Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.*
- **Family:** *Family shall be defined as “One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.”*
- **Supportive Housing:** *Housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.*
- **Single Room Occupancy (SRO) Unit:** *A multi-unit housing for very low income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages.*
- **Transitional Housing:** *Transitional housing and transitional housing development mean rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.*

Emergency Shelter Provisions: To ensure consistency between the Alameda Zoning Code and the Government Code requirements regarding emergency shelters, staff is recommending that “Emergency Shelters” be added to the list of permitted uses in the M-1 Intermediate Industrial and M-2 District General Industrial Zoning Districts, provided that the proposed facility meets the following standards:

1. Provides on-site management and on-site security during the hours that the shelter is in operation.
2. Provides 25 beds or less.



3. Provides one off street parking space for every three beds.
4. Is located not less than 300 feet from another emergency shelter.
5. Limits the length of stay to six months or less.

If a proposed facility is unable or unwilling to comply with the above standards, the Planning Board may approve the proposed shelter in the M-1 or M-2 zones with a Conditional Use Permit.

Supportive Housing and Transitional Housing: To ensure consistency between the Alameda Zoning Code and the Government Code, staff is recommending supportive housing and transitional housing be permitted by right in all zoning districts that permit residential use by right, provided that the supportive or transitional housing must meet all of the same development requirements and standards required of residential uses in the district.

Single Room Occupancy (SRO) Units: Currently, "boarding houses" and "lodging houses" are permitted in the R-5 General Residential District. Staff is recommending that SRO units also be permitted in the R-5 zone to ensure consistency with the Government Code.

#### FINANCIAL IMPACT

The proposed amendments would not have an adverse financial impact on the City of Alameda General Fund. The proposed amendments will reduce the City's exposure to potentially expensive lawsuits and will ensure that the City remains eligible for certain State grant funds for transportation, housing and open space improvements.

#### MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The proposed amendments are necessary to ensure that the City of Alameda General Plan and Alameda Municipal Code are in compliance with State Housing Law.

#### ENVIRONMENTAL REVIEW

Any action to amend the General Plan and/or the Zoning Ordinance is subject to review under the California Environmental Quality Act. In 2003, the City of Alameda prepared and adopted a Mitigated Negative Declaration for the approval of Housing Element amendments. In 2009, the City of Alameda prepared and certified an Environmental Impact Report (EIR) for the amendment of the General Plan to adopt the new Transportation Element. The 2009 EIR included an extensive evaluation of the potential environmental and transportation impacts of full build out of the General Plan over the next 20 years (2010 – 2030). The 2008 analysis assumed that over 5,000 housing units would

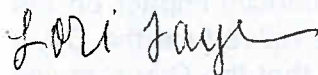
be constructed in the City between 2010 and 2030. The 2012 Housing Element amendments demonstrate that the City can accommodate 2,151 units during the period 2007-2014.

Staff completed an evaluation of the 2009 General Plan Amendment EIR and 2003 General Plan Amendment MND to determine if the amendments proposed could result in any new or more severe environmental impacts than those already identified in the 2003 MND and 2009 EIR. The analysis, which is included in Exhibit 3, concluded that no new or more significant impacts would occur as the result of the proposed amendment.

#### RECOMMENDATION

Adopt a resolution approving the 2007-2014 Housing Element of the City of Alameda General Plan and amending the General Plan Land Use Diagram for three properties to ensure internal consistency between the Housing Element and Land Use Element of the General Plan, and introduce an Ordinance to amend the Alameda Municipal Code Section 30 Development Regulations pertaining to the regulation of housing development.

Respectfully submitted,



Lori Taylor  
Community Development Director



By: Andrew Thomas  
Planning Services Manager

#### Exhibits:

1. HCD June 2009 Letter
2. HCD May 2012 Letter
3. Project Addendum



STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCYARNOLD : SCHWARZENEGGER, Governor**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430  
P. O. Box 982053  
Sacramento, CA 94252-2053  
(916) 323-3177  
FAX (916) 327-2643



June 15, 2009

Mr. David Brandt  
Assistant City Manager  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

Dear Mr. Brandt:

**RE: Review of the City of Alameda's Draft Housing Element Update**

Thank you for submitting the City of Alameda's draft housing element update received for review on April 16, 2009. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communication with Mr. Andrew Thomas, Planning Manager, facilitated the review. In addition, the Department considered comments from Renewed Hope and Arc Ecology, pursuant to Section 65585(c).

The draft element addresses some statutory requirements; however, revisions will be necessary to comply with State housing element law (Article 10.6 of the Government Code). For example, the element must include analyses of identified sites and potential governmental constraints and revise or add programs to address constraints and assist in the development of housing for lower-income households. The enclosed Appendix describes necessary revisions needed to comply with State housing element law.

We are committed to provide any assistance needed to facilitate your efforts to bring the element into compliance. If you have any questions or would like assistance, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

A handwritten signature in cursive script that reads "Cathy E. Creswell".

Cathy E. Creswell  
Deputy Director

cc: Eve Bach, Arc Ecology  
Laura Thomas, Renewed Hope

City Council  
Exhibit 1 to  
Agenda Item #6-C  
07-03-12

## APPENDIX CITY OF ALAMEDA

The following changes would bring the City of Alameda's housing element in to compliance with Article 10.6 of the Government Code. The pertinent Government Code Section is cited for each recommended change.

Housing element technical assistance information is available on the Department's website at [www.hcd.ca.gov](http://www.hcd.ca.gov). Refer to the Division of Housing Policy Development and the section pertaining to State Housing Planning. Among other resources, please refer to the Department's latest technical assistance tool *Building Blocks for Effective Housing Elements* (*Building Blocks*) at [http://www.hcd.ca.gov/hpd/housing\\_element/index.html](http://www.hcd.ca.gov/hpd/housing_element/index.html), the Government Code addressing State housing element law and other resources.

### A. Housing Needs, Resources, and Constraints

1. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income household (Section 65583(a)(1)).*

Extremely Low-Income (ELI) households: While the element quantifies existing ELI renter households (Appendix 2), in accordance with Chapter 891, Statutes of 2006 (AB 2634), it must include a quantification of both owner and renter ELI households and an analysis of the housing needs of existing ELI households. The analysis could consider household characteristics such as overpayment and overcrowding and evaluate housing and zoning available for ELI households. In addition, the element must include an estimate of the projected number of ELI households. The element may either use available census data to calculate the number of ELI households, or presume 50 percent of the very low-income households qualify as ELI households. To assist the analysis, see the enclosed Comprehensive Housing Affordability Strategy (CHAS) data, with overpayment information, and a sample analysis from the *Building Blocks*' website at [http://www.hcd.ca.gov/hpd/housing\\_element2/EHN\\_extremely\\_lowincome.pdf](http://www.hcd.ca.gov/hpd/housing_element2/EHN_extremely_lowincome.pdf).

2. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

Alameda has a regional housing need of 2,046 housing units, including 811 for lower-income households. To address this need, the element relies on recent construction and approvals, pending projects, and vacant and non-vacant sites. However, to demonstrate the adequacy of these sites and strategies, the element must provide analyses, as follows:

Addressing Unaccommodated Need from the Previous Planning Period: Pursuant to Chapter 614, Statutes of 2005 (AB 1233), if Alameda failed to identify or make adequate sites available to accommodate the regional housing need in the prior planning period, including failure to implement rezoning, the City must zone or rezone sites to accommodate any unaccommodated need within the first year of the 2009-2014 planning period. As you know, the City did not adopt an element demonstrating



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adequate sites in the prior planning period. As a result, the element must include an analysis or programs to demonstrate compliance with this requirement. Further information can be found at [http://www.hcd.ca.gov/hpd/hrc/plan/he/ab\\_1233\\_final\\_dt.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf) or on the *Building Blocks'* website at [http://www.hcd.ca.gov/hpd/housing\\_element2/GS\\_reviewandrevise.php](http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php).

Progress Toward Meeting the Regional Housing Need: The element credits approved or constructed units toward the regional housing need (page 5-3); however it does not describe project status or affordability. For example, sites 7 and 9 include no information on the anticipated level of affordability by income group. To credit units toward the City's share of the regional housing need for lower-income households, the element must demonstrate affordability based on actual or anticipated rents and sales prices or other mechanisms ensuring affordability in the planning period. For more information see the *Building Blocks'* website at [http://www.hcd.ca.gov/hpd/housing\\_element2/HN\\_PHN\\_regional.php](http://www.hcd.ca.gov/hpd/housing_element2/HN_PHN_regional.php).

Alternative Adequate Sites: While the Department recognizes Alameda's efforts to preserve and rehabilitate housing, to credit existing housing (sites 2, 3 and 10) toward the City's share of the regional housing need, the element must address all the specific statutory requirements (Government Code Section 65583.1). For example, the element does not demonstrate committed assistance will be available through a program within the first two years of the housing element planning period (see the enclosed checklist for your assistance).

Sites Inventory: Pursuant to Chapter 724, Statutes of 2004 (AB 2343), the inventory must include:

*Vacant and Non-Vacant:* The element should clearly indicate whether sites are vacant or non-vacant. For non-vacant sites, the element must describe existing uses.

*Multiple Parcels:* Some sites appear to be comprised of multiple parcels. For example, site 5 (Infill) is made up of scattered individual parcels and site 26 (Alameda Point) consists of several sites or areas. The inventory must also list each parcel in the aggregated inventory by size, zoning, general plan designation and existing use. To aggregate multiple parcels, the element should describe the potential for lot consolidation and could include conditions rendering parcels suitable and ready for redevelopment, such as trends, information on the number of owners or indicate where sites have been assembled.

*Current Zoning:* Some sites are listed with pending general plan designations or pending zoning. The element should clearly identify the existing zoning for identified sites. Where sites require rezoning, the element must include programs as necessary.

Suitability and Availability: The element must describe any known environmental conditions that could impact development in the planning period. For example, sites 4, 12, 19 and 26 (Alameda Point) appear to require action prior to being available for development. The element includes some discussion of the City's past efforts to make the sites available and concludes Alameda Point can be available in the planning period. However, the element should clearly describe what steps remain for these sites to

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become available. For example, the element could utilize a schedule similar to the one proposed in the previous planning period to demonstrate the availability of sites. In the case of known contaminated sites, including outside of Alameda Point, the element should include an estimate of the schedule for remediation.

**Zoning for Lower-Income Households:** Pursuant to Section 65583.2(c)(3)(A) and (B), the element must identify sites with zoning and densities appropriate to encourage and facilitate the development of housing for lower-income households based on factors such as market demand, financial feasibility and development experience within zones. For communities with densities that meet specific standards (at least 30 units per acre for Alameda), this analysis is not required (Section 65583.2(c)(3)(B)). While the element states the City has sufficient higher density sites (page 5-18), the inventory does not include any analysis of zoning appropriate to encourage and facilitate housing for lower-income households. In addition, the element does identify Measure A as a constraint and indicates it approximately doubles the amount of subsidy required to develop affordable housing when compared to multifamily development at 30 units per acre (page 6-22). The element must include an analysis of appropriate zoning consistent with the requirements above or add or revise programs as necessary.

**Non-Vacant Sites:** The element does not provide any information on existing uses. The element must describe the existing uses of non-vacant sites sufficiently to demonstrate the potential for redevelopment and evaluate the extent to which existing uses may impede additional residential development. The evaluation could include a description, relative to identified sites, of development trends, market conditions and regulatory incentives and standards to facilitate redevelopment or reuse. For sites with residential uses, the inventory should generally describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For non-residential sites, the inventory should generally describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment. Refer to the sample analysis on the *Building Blocks'* website at

[http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_home.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_home.php).

**Realistic Capacity:** While the element utilizes typically built densities to determine the capacity of sites in the inventory (page 5-2), for mixed-use sites it must also account for the extent to which non-residential uses are allowed. Projected residential development capacity should not, for example, assume residential-only development of all mixed-use or commercial sites.

**Zoning for a Variety of Housing Types:**

**Emergency Shelters:** While the element includes a program to identify an appropriate zone where emergency shelters will be permitted without discretionary action, pursuant to Chapter 633, Statutes 2007 [SB 2], it must specifically identify the zone(s) or potential zones and demonstrate sufficient capacity to accommodate the need for emergency shelters. The element should also describe the characteristics and suitability of the zone(s) for emergency shelters. See the Department's SB 2 technical assistance memo at [http://www.hcd.ca.gov/hpd/sb2\\_memo050708.pdf](http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf).



*For Transitional and Supportive Housing:* The element did not address this requirement. Pursuant to SB 2 transitional and supportive housing must be permitted as a residential use and only subject to those requirements that apply to other residential uses of the same type in the same zone. The element should either describe zoning consistent with these provisions or include programs as appropriate.

3. *Analyze potential and actual governmental constraints upon the maintenance, improvement, and development of housing for all income levels and persons with disabilities, including fees and other exactions required of developers (Section 65583(a)(4)).*

**Inclusionary Requirement:** The element indicates the City requires a specific percentage of residential developments to be affordable to lower-income households (page 6-12) and describes general pros and cons of inclusionary requirements. However, the element must describe the City's specific requirements and include an analysis of the requirements and how they are implemented for impacts on the cost and supply of housing. This is particularly important given current market conditions and the cumulative impact of local regulations. The City could engage the development community to facilitate this analysis. The analysis should describe how the City promotes compliance with inclusionary requirements, including any incentives or regulatory concessions.

**Local Processing and Permit Procedures:** While the element includes some information on the City's land development review committee, it must specifically describe and analyze the City's permit processing and approval procedures by zone and housing type. To address this requirement, the element should discuss processing procedures and time for typical single- and multi-family projects, including type of permit, level of review, approval findings and any discretionary approval procedures. Refer to the sample analysis on the *Building Blocks'* website at [http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_permits.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_permits.php).

**Constraints on Persons with Disabilities:** The element did not address this requirement. Pursuant to Chapter 671, Statutes of 2001 (SB 520), the element must include a complete analysis of potential constraints on the development, maintenance, and improvement of housing for persons with disabilities. The analysis should address zoning, development standards, building codes, and approval procedures for the development of housing for persons with disabilities. Examples of standards and requirements that should be analyzed include: (1) any definitions of family in the zoning code; (2) description of zones allowing for licensed residential care facilities with fewer than six persons; (3) discussion of permit procedures including any conditions or restrictions on the approval of group homes with seven or more residents; (4) spacing or concentration requirements; and, (5) whether the City has an adopted reasonable accommodation policy or procedure for providing exception in zoning and land-use. Refer to the Department's memo and the *Building Blocks'* sample analysis at [http://www.hcd.ca.gov/hpd/housing\\_element2/CON\\_disabilities.php](http://www.hcd.ca.gov/hpd/housing_element2/CON_disabilities.php).

## B. Quantified Objectives

*Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame (Section 65583(b)(1 & 2)).*

While the element includes quantified objectives by income group for very low-, low-, moderate-, and above moderate-income (page 2-14), pursuant to AB 2634, it must also include objectives for ELI households.

## C. Housing Programs

1. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by-right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in finding A2, the element does not include a complete sites inventory or analysis; as a result, the adequacy of sites and zoning for a variety of types and incomes has not been established. Based on the results of a complete sites inventory and analysis, the City will need to add or revise programs to provide adequate sites consistent with Government Code Sections 65583.2 and 65583(c)(1) to permit owner-occupied and rental multifamily uses by-right sufficient to accommodate the remaining need for lower-income households and:

- permit a minimum of 16 units per site;
- require a minimum density of 20 units per acre; and
- demonstrate at least 50 percent of the lower-income needs to be accommodated on sites designated for residential use only.

In addition:

Program 4e (Emergency Shelters): Commits to amend zoning to permit emergency shelters without discretionary action within one year of adoption, however, the program must also:

- identify the specific zone(s) for permitting emergency shelters (see Finding A2); and
- ensure development standards will encourage and facilitate the use and only subject shelters to the same development and management standards that apply to other allowed uses within the identified zone.

2. *Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households (Section 65583(c)(2)).*

The element must include specific commitment to assist in the development of housing for lower-income households, as follows:

General: The element does not include specific actions to assist in the development of rental housing for lower-income households. Programs to assist the development of housing are particularly important given the lack of new construction affordable to lower-income households in the previous planning period. For example, the element could include programs to initiate contact with developers and list subsequent steps Alameda will take to facilitate development of rental housing such as assisting with site acquisition, fee waivers, priority processing and providing funding or supporting applications for funding. See the Department's *Financial Assistance Program Directory* at [http://www.hcd.ca.gov/fa/LG\\_program\\_directory.pdf](http://www.hcd.ca.gov/fa/LG_program_directory.pdf).

ELI Households: Pursuant to AB 2634, existing programs should be expanded, or programs added, to specifically assist in the development of a variety of housing types to meet the housing needs of ELI households. For example, programs could be included to prioritize some funding for the development of housing affordable to ELI households, and/or offer financial incentives or regulatory concessions to encourage the development of housing types, such as SRO units, which address the needs of this income group.

Program 4d (Density Bonus Ordinance) and Second Units: Since the City did not implement these programs in the previous planning period, the element should revise programs as appropriate to ensure their effective and expeditious implementation in the current planning period. Please note, the City should ensure its density bonus ordinance is in compliance with recent statutory amendments (Chapter 1928, Statutes of 2004) to State density bonus law (Government Code Section 65915). A copy of the law is available on the Department's website at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65915-65918>.

3. *Describe the amount and uses of moneys in the redevelopment agency's Low and Moderate Income Housing Fund (L&M Fund) (Section 65583(c)).*

While the element identifies the amount of money anticipated to accrue to the LMIHF through the end of the planning period, it must also describe planned uses (i.e., rental rehabilitation, direct financial assistance for land write-downs and new construction, and first time homebuyer mortgage assistance) and where appropriate, describe funding relative to programs in the element. Additional information is available in the *Building Blocks'* website at [http://www.hcd.ca.gov/hpd/housing\\_element2/OR\\_lowmod.php](http://www.hcd.ca.gov/hpd/housing_element2/OR_lowmod.php).



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4. *The housing element shall contain programs which "address, and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing" (Section 65583(c)(3)).*

As noted in finding A3, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints. The element notes the City's parking and open space regulations limit residential development. As a result, the element must include programs to address or modify these constraints.

In addition, Measure A requires "there shall be no multiple dwelling units built in the City of Alameda" and defines multiple dwelling units as a residential building for three or more families. The City also adopted an ordinance to interpret Measure A to prohibit the alteration of existing structures. Measure A imposes a minimum lot size of 2,000 square feet per dwelling unit citywide, effectively restricting units to duplexes and allowable densities below 22 units per acre. Prohibiting multifamily or limiting density is a fundamental constraint with significant impacts on the cost and supply of housing and particularly a variety of housing types. In addition, Measure A severely restricts promoting higher density housing and mixed-use development near jobs and transit to maximize land resources and address climate change. The element acknowledges Measure A as a constraint on development (page 6-22), but does not include programs. Pursuant to Government Code Sections 65583.2 and 65583(c), the City is required to make zoning available to encourage and facilitate multifamily development and address and remove constraints. As a result, the element must include programs to address and remove or modify the constraint, including making zoning available to allow multifamily uses.

5. *The housing program shall promote equal housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin or color (Section 65583(c)(5)).*

Program 4b (Fair Housing and Tenant-Landlord Mediation): Should include specific commitment to ensure fair housing information is available throughout community. For example, the City could expand the community locations to disseminate information or conduct education through community events and targeted neighborhood efforts. Please see the *Building Blocks* at [http://www.hcd.ca.gov/hpd/housing\\_element2/PRO\\_eho.php](http://www.hcd.ca.gov/hpd/housing_element2/PRO_eho.php)

#### **D. Public Participation**

*Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort (Section 65583(c)).*

The element did not address this statutory requirement. While the Department understands the City conducted various public workshops, no information describing these efforts is included in the housing element. The element must describe how Alameda made or will make a diligent effort to achieve the participation of all economic segments of the community, including low and moderate income households, in the development of the

housing element. The element should describe how input was solicited, considered and where appropriate, incorporated in the development of the element. Prior to adopting the element, the City should make the draft element, including any revisions, available to the public and groups and individuals participating in the update process.

#### **E. General Plan Consistency**

*The housing element shall describe the means by which consistency will be achieved with other general plan elements and community goals (Section 65583(c)(7)).*

The element does not describe the internal consistency of the general plan. The element must include an evaluation of how internal consistency will be achieved and maintained during the planning period. The element could include a program to conduct an internal consistency review as part of its annual general plan implementation report required under Government Code Section 65400. This annual report can also assist future updates of the housing element. For more information, see the *Building Blocks* website at [http://www.hcd.ca.gov/hpd/housing\\_element2/OR\\_costal.php#Model\\_Analyses](http://www.hcd.ca.gov/hpd/housing_element2/OR_costal.php#Model_Analyses).

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430  
P. O. Box 952053  
Sacramento, CA 94252-2053  
(916) 323-3177 / FAX (916) 327-2643  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



May 18, 2012

Ms. Lori Taylor, Director  
Community Development Department  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, California 94501

Dear Ms. Taylor:

**RE: Review of the City of Alameda's Revised Draft Housing Element**

Thank you for submitting Alameda's revised draft housing element received for review on March 22, 2012 along with additional revisions on May 9 and 16, 2012. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). Communications with Mr. Andrew Thomas, Planning Services Manager, Ms. Debbie Potter, Housing Development and Programs Manager, and your consultants, Ms. Jennifer Gastelum and Ms. Cynthia Deane-Alviso of PMC facilitated the review.

The revised draft element addresses the statutory requirements described in the Department's June 15, 2009 review. For example, the element now includes Program 4c to rezone adequate sites at appropriate densities to accommodate the regional housing need which is essential to comply with housing element law. The revised draft element will comply with State housing element law (Article 10.6 of the Government Code) when adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

The Department appreciates the effort and cooperation provided by Mr. Thomas and Ms. Potter and applauds the hard work and responsiveness of the team preparing the housing element, including your consultants. The revised draft represents great strides in addressing the housing needs in Alameda. The Department looks forward to receiving Alameda's adopted housing element. If you have any additional questions, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,

Glen A. Campora  
Acting Deputy Director

City Council  
Exhibit 2 to  
Agenda Item #6-C  
07-03-12



## 2012 GENERAL PLAN HOUSING ELEMENT AMENDMENTS

### PROJECT ADDENDUM

#### 1. Project Description

The proposed project is amendments to the General Plan Housing Element and associated amendments to the Land Use Diagram and Alameda Municipal Code to ensure compliance with and consistency between the Alameda General Plan, the Alameda Municipal Code, and State of California Housing Law (Article 10.6) regarding the regulation of housing development.

The proposed amendments (the "project" under consideration) are described in detail in the June 11, 2012 Planning Board Staff Report and Attachments. In summary the amendments include:

- Amendments to the Housing Element of the General Plan to ensure compliance with State Government Codes requirements to accommodate the City of Alameda's regional housing obligation for the period 2007-2014.
- Changes to the Land Use designation of three sites from non-residential to residential or mixed use.
- Proposed changes to the Zoning designation of 10 sites to ensure consistency between the Zoning Map and the General Plan Land Use and Housing Elements.
- Amendments to the Zoning Code definitions, regulations, and standards to ensure compliance with Government Code.

#### 2. Prior Environmental Review and Purpose of Addendum

In 2003, the City Council adopted the 2003 Housing Element Amendments and GPA Mitigated Negative Declaration (2003 MND).

In 2008, the City Council adopted the 2009 Transportation Element and General Plan Transportation Element EIR (2009 GPA EIR). The comprehensive evaluation of the citywide transportation system conducted in the 2009 GPA EIR evaluated the transportation impacts of 20 year (2010-2030) build out under the General Plan.

This addendum analyzes whether a Supplemental or Subsequent EIR should be prepared to revise the analysis contained in the prior environmental documents (MND and GPA EIR). The addendum process implements the provisions of CEQA that preclude preparation of a supplemental or subsequent EIR absent the presence of a triggering event. The events that trigger preparation of an SEIR are described in CEQA Guidelines section 15162 as follows:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **3. Environmental Analysis**

#### **Land Use**

The prior environmental documents (2003 GPA MND and 2009 GPA EIR) evaluated the impact of amending General Plan policies and whether they would disrupt or divide an established community, conflict with applicable land use plans adopted by agencies with jurisdiction, conflict with any applicable habitat conservation plan or natural community conservation plan, or be incompatible with existing land use in the vicinity. The prior documents found no significant impacts.

The 2012 Amendments are necessary to ensure compliance with State of California land use and housing regulations and standards. All of the sites on the Land Inventory of Available Sites are within or immediately adjacent to residential or mixed-use districts. No new or more severe land use impacts would be expected to occur and potential land use impacts would remain less than significant.

#### **Population, Employment and Housing**

The prior environmental review found a less than significant impact in terms of population, employment and housing growth from General Plan build out. The 2012 Amendments identify land for residential use for a portion of the General Plan 20 year housing projections. Population, employment, and housing impacts associated with the 2012 amendments would remain less than significant.

## **Visual Resources**

The MND and EIR concluded that the project not impact aesthetic resources based upon General Plan design policies, San Francisco Bay Plan policies, and City of Alameda Design Review requirements to preserve scenic views and protect wildlife and biologically sensitive areas, thereby enhancing visual resources. Housing constructed under the amendments would continue to be subject to these regulations and policies. Accordingly, impacts remain less than significant.

## **Public Services**

The MND and EIR found no significant impacts related to public services due to General Plan policies promoting development that is adequately served and the extensive park and recreational acreage provided for in the General Plan. The 2012 Amendments identify land for residential use for a portion of the General Plan 20 year housing projections. Housing constructed under the amendments would continue to be subject to these regulations and policies. Accordingly, impacts remain less than significant.

## **Water Resources**

The prior environmental review found less than significant impacts relating to flood potential. Compliance with General Plan policies and requirements for operation and maintenance plans that include storm water treatment controls would be required of all new housing.

Water quality laws and regulations have been amended to be stricter and more protective of water quality than was the case in 2003 and 2009, further assuring less than significant water quality impacts. The impacts remain less than significant.

## **Historic and Cultural Resources**

The prior environmental documents found that General Plan policies and Alameda Municipal Code requirements to preserve historic and cultural resources ensure that the project will not result in significant impacts to historic and cultural resources and will encourage architecture and design that is compatible with existing neighborhoods and that respects the existing historical fabric. The prior documents concluded that the impacts of the project would be less than significant.

Housing constructed pursuant to the amended General Plan and Zoning Ordinance would be subject to these same policies and requirements. The 2012 amendments would therefore also create less than significant impacts to historic and cultural resources.

## **Biological Resources**

The prior environmental documents addressed biological resources and concluded that impacts would be kept at less than significant levels by Federal, State, and local General Plan policies. Housing constructed under the amendments would continue to be subject to these regulations and policies. Accordingly, impacts remain less than significant.



## **Geology and Soils**

The prior environmental documents analyzed the potential for seismic shaking, liquefaction, differential settlement, breach of perimeter dikes, expansive soils and lateral spreading. It found all impacts less than significant due to general plan and building code requirements. Any new housing would be subject to the same requirements. Also, since the EIR was certified, the California Building Code has been amended to impose stricter requirements, providing even more assurance of less than significant impacts.

## **Utilities**

The EIR and MND examined impacts relating to water, wastewater, solid waste, telephone, electricity, natural gas and cable network services. It determined that impacts would be less than significant due to implementation of protective General Plan policies and the adequacy of supplies.

The 2007-2014 Housing Element growth projections represent a portion of the 20-year General Plan build out. It is expected that the amount of service demands will not increase substantially since the number of employees and residents would remain the same. The amended General Plan is anticipated to result in less than significant impacts for this reason, and because efficiencies have increased since the GPA EIR was certified. Codes and Ordinances are stricter in terms of energy and water conservation. Also, after 2003, utility providers updated their master service plans to incorporate the demand arising from local General Plans, including Alameda's, as those plans stood at the time.

## **Transportation and Circulation**

The 2009 GPA EIR examined the transportation impacts that would result from General Plan build out over a 20-year period (2010-2030). The 2007-2014 Housing Element growth projections represent a portion of the 20-year General Plan build out. The 2012 amendments will not increase the population, the number of employees or the number of vehicle miles traveled over those studied in the 2009 GPA EIR. Therefore, no changes are proposed that would alter the transportation analysis, conclusions and findings from the 2003 GPA MND or the 2008 GPA EIR. Housing constructed under the 2012 amendments would continue to be subject to the existing regulations and policies within the General Plan and Municipal Code to minimize transportation impacts. Accordingly, the 2012 amendments would not be expected to generate any new significant impacts or make any significant impacts identified in the prior documents more severe.

In addition:

- Ongoing traffic monitoring of the Webster/Posey Tubes indicates that current traffic volumes, when compared to 2009, have decreased in the a.m. and p.m. peak periods for both the northbound (exiting the City) and southbound (entering the City) directions. While the total average daily traffic in the southbound direction has increased by just more than five percent, this change is attributed to regional development and is not specific to General Plan policies. This increase is not considered significant in any event. By comparison, the total average daily traffic for the northbound direction is approximately the same, (a decrease of 0.31 percent).

- The 2007-2014 Housing Element is consistent with the 2012 Jobs and Housing Connection (draft Sustainable Communities Plan) prepared by ABAG and MTC in compliance with SB 375 and designed to reduce vehicle miles traveled and green house gas emissions.
- The proposed amendments to the Housing Element and Alameda Municipal Code are consistent with many of the recommendations in the City of Alameda Local Action Plan for Climate Change.

## Air Quality

The prior environmental documents did not address greenhouse gasses. However, pursuant to case law, including *Citizens For Responsible Equitable Environmental Development v. City of San Diego*, 196 Cal.App.4th 515, 531-532 (2011), information about greenhouse gases is not new information that could not have been known when the EIR was certified. Accordingly, greenhouse gas issues do not trigger the need for a supplemental or subsequent EIR. The environmental evaluation that will be undertaken at the project level would look at each individual project's contribution (if any) to climate change caused by greenhouse gases. The 2007-2014 Housing Element is consistent with the 2012 Draft Sustainable Communities Strategy.

All new housing constructed would continue to comply with dust control measures formulated by the Bay Area Air Quality Management District (BAAQMD), which would reduce construction and demolition impacts to less than significant levels.

Since the prior environmental documents were approved, the BAAQMD has adopted new thresholds. Those thresholds were set aside in *California Building Association v. Bay Area Air Quality Management District*, Alameda Superior Court Case No. RG10-548693, by a judgment signed on March 5, 2012. The thresholds used in the prior documents remain appropriate for the programmatic level analysis conducted in the EIR and in this addendum.

Also, since the 2003 MND was approved, stricter laws and regulations (such as those relating to vehicle fuels, architectural coatings and source emissions) have resulted in emissions that fall far below the emissions that were in 2003. As stated by BAAQMD in its 2010 Clean Air Plan: "Bay Area air quality has improved significantly in recent decades. Ambient concentrations of – and population exposure to – harmful air pollutants, including ozone, PM, and air toxics, have all been greatly reduced." The project modifications will not increase the population, the number of employees or the number of vehicle miles traveled over those studied in the 2009 GPA EIR. For these reasons, the modified project is not likely to cause new or more severe significant air quality impacts than were discussed in the prior documents.

## Noise

The 2003 MND found that construction noise impacts would be reduced by compliance with General Plan policies and the Community Noise Ordinance. Compliance with the Uniform Building Code ensures that noise levels within new buildings meets specific noise standards for health and safety. New housing would still be subject to these same requirements and the impact would remain less than significant.

## **Hazards**

The prior environmental documents explained that General Plan policies, State and Federal regulations, and Alameda Municipal Code requirements ensure that hazardous materials are adequately handled and remediated.

The potential for operational impacts resulting from potential use of hazardous substances would be subject to General Plan policies that support actions to handle hazardous waste and emergency response plans, as well as federal, state and local laws and regulations that impose requirements on the handling of such substances. It concluded that impacts would be less than significant.

New housing constructed would be subject to the same requirements. Accordingly, the impact of the modified project would remain less than significant.

## **Cumulative Impacts**

The impacts remain essentially the same. The contribution of the 2007-2014 Housing Element GPA project to cumulative impacts has either remained the same or, because additional projects have been approved and/or built out, has been reduced to a smaller percentage of the overall impact. Accordingly, there are no new or more severe contributions to significant cumulative impacts.

## **Conclusion:**

Based on an evaluation of the proposed amendments, and an investigation of the potential for changed circumstances and new information, this addendum concludes that there are no new or more severe impacts and that, accordingly, no supplemental or subsequent EIR is required.



CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

ADOPTING THE 2007-2014 HOUSING ELEMENT OF THE GENERAL PLAN OF THE CITY OF ALAMEDA AND AMENDING THE GENERAL PLAN LAND USE DIAGRAM FOR THREE PROPERTIES TO ENSURE INTERNAL CONSISTENCY BETWEEN THE HOUSING ELEMENT AND LAND USE ELEMENT IN COMPLIANCE WITH GENERAL PLAN CONSISTENCY REQUIREMENTS

WHEREAS, the City is required by State Housing Element Law (Government Code Sections 65580-65589.8) to update and adopt its revised housing element for the 2007-2014 housing element planning to ensure consistency with State of California requirements and regional housing needs allocations; and

WHEREAS, the City of Alameda prepared a comprehensive update of the City of Alameda Housing Element in 2008; and

WHEREAS, in compliance with State of California requirements the City of Alameda submitted the Draft Housing Element to the State Department of Housing and Community Development (HCD) for review for compliance with State Housing Element law; and

WHEREAS, on June 15 2009, HCD submitted a letter to the City of Alameda documenting the deficiencies in the 2008 Draft Housing Element; and

WHEREAS, on December 12, 2011, the Planning Board held a public hearing to review the letter and discuss possible amendments to the City's Housing Element to comply with State requirements and address the deficiencies identified in HCD's letter; and


WHEREAS, on March 12, 2012, the Planning Board held a public hearing to review specific amendments to the Housing Element, Land Use Element Diagram, and Alameda Municipal Code to comply with State requirements and address the deficiencies identified in HCD's letter; and

WHEREAS, on March 12, 2012, the Planning Board initiated a 60 day public review period to give time for the public and HCD to consider the proposed amendments; and

WHEREAS, on May 18, 2012, HCD submitted a letter to the City of Alameda stating that the proposed amendments are in compliance with State Housing Element Law; and

WHEREAS, the Planning Board held a public hearing on the proposed General Plan amendments on June 11, 2012, and examined pertinent maps, drawings, and documents in connection with the action; and

Approved as to Form

  
Janet C. Kern, City Attorney

Resolution #6-C  
07-03-12

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), an Addendum to the 2003 Housing Element Amendment GPA Mitigated Negative Declaration and the 2009 Transportation Element GPA Environmental Impact Report was prepared, and the City Council hereby adopts the conclusions and analysis of the addendum prepared for the proposed amendments and determines that the proposed amendments will not result in any new or more severe environmental impacts than those previously identified; and

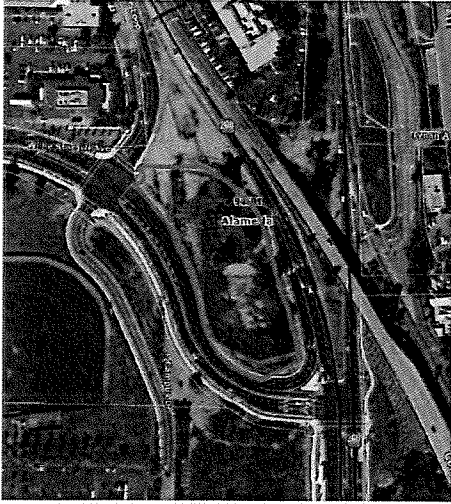
WHEREAS, the City Council makes the following findings:

1. **The proposed General Plan text and diagram amendments are consistent with the policies and intent of the General Plan.** The proposed amendments to the General Plan clarify and improve existing Housing Element policies and objectives and ensure internal consistency between the Housing Element and Land Use Element. The amendments ensure consistency between the City General Plan and State law, which is necessary to achieve General Plan policies and objectives for equal access to housing, access to transportation improvement funds, and mixed use, transit oriented housing opportunities.
2. **The proposed General Plan text and diagram amendments will have acceptable effects on the general welfare of the community** The proposed amendments will facilitate the City's ability to attract new grant funds to improve transportation, infrastructure, open space, and housing. The amendments will also ensure that households seeking different housing types and affordable housing will have opportunities to find housing in Alameda.
3. **The proposed General Plan text and diagram amendments are in the public interest.** Maintaining consistency with State law requirements ensures that the City of Alameda General Plan is adequate for City decision making, preserves access to State funding sources and reduces the risk to the community of potentially expensive lawsuits over the adequacy of the General Plan.

NOW, THEREFORE, BE IT RESOLVED THAT City Council hereby adopts the amended Housing Element as the Housing Element of the General Plan of the City of Alameda as shown in Exhibit A (on file with the City Clerk) and the amendments to the Land Use Diagram for three properties shown in Exhibit B. The City Clerk is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code section 65357.

\* \* \* \* \*

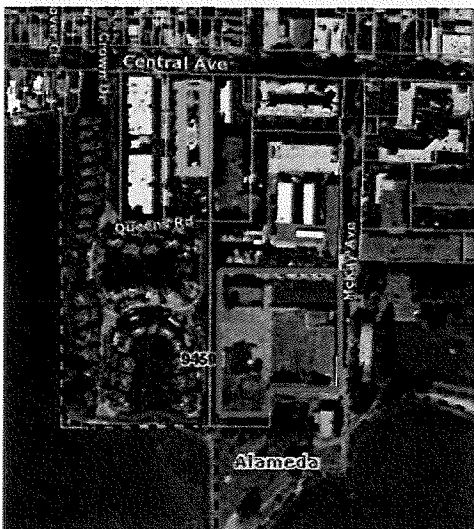
## General Plan Land Use Diagram Amendments



Site: 2.27 acre site at corner of Webster and Stargell  
APN: 74136400101  
Current General Plan Designation: Institutional  
Proposed Designation: Medium Density Residential



Site: "Shipways"  
APN: 74133406700, 74133402400, 74133402300  
Current General Plan Designation: Office  
Proposed Designation: Mixed Use



Site: "Neptune Point"  
APN: 74130502600  
Current General Plan Designation: Federal  
Proposed Designation: Medium Density Residential

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 3<sup>rd</sup> day of July, 2012, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said City this 5<sup>th</sup> day of July, 2012.

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Lara Weisiger, City Clerk  
City of Alameda



CITY OF ALAMEDA ORDINANCE No. \_\_\_\_\_

New Series

AMENDING VARIOUS SECTIONS OF THE ALAMEDA MUNICIPAL CODE CONTAINED IN CHAPTER XXX (DEVELOPMENT REGULATIONS) TO ENSURE CONSISTENCY BETWEEN THE STATE HOUSING ELEMENT LAW, THE CITY OF ALAMEDA GENERAL PLAN, AND THE CITY OF ALAMEDA MUNICIPAL CODE


BE IT ORDAINED by the City Council of the City of Alameda:

Findings:

In enacting this Section, the City Council finds as follows:

1. The amendments maintain the integrity of the General Plan. The proposed zoning text amendments are necessary to ensure consistency between the Housing Element, the Land Use Element, and the Alameda Municipal Code. The zoning amendments also ensure consistency between the State Housing Element Law and the Alameda Municipal Code. The amendments also achieve General Plan policies and objectives for equal access to housing, access to transportation improvement funds, and mixed use, transit oriented housing opportunities.
2. The amendments will support the general welfare of the community. The proposed zoning text amendment will support the general welfare of the community by establishing clear standards for a variety of housing types and densities consistent with State Housing Element Law requirements.
3. The amendments are equitable. The proposed zoning amendment is equitable in that it establishes appropriate processes and procedures for the review of future residential development proposals and ensures equal access to all income groups and household types.
4. California Environmental Quality Act. For purposes of compliance with the provisions of the California Environmental Quality Act (CEQA), an Addendum to the 2003 Housing Element Amendment GPA Mitigated Negative Declaration and the 2009 Transportation Element GPA Environmental Impact Report was prepared, and the City Council hereby adopts the conclusions and analysis of the addendum prepared for the proposed amendments and determines that the proposed amendments will not result in any new or more severe environmental impacts than those previously identified.

Approved as to Form

  
Janet C. Kern, City Attorney

Introduction of  
Ordinance #6-C  
07-03-12

Section 1. Section 30-2 Definitions shall be amended to include the following definitions:

Emergency Shelter: Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Family: Family shall be defined as "One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit."

Supportive Housing: Housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Single Room Occupancy (SRO) Unit . A multi-unit housing for very low income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages.

Transitional Housing: Transitional housing and transitional housing development mean rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Section 2. Section 30-3.2 Combining Districts shall be amended to include "MF Multi-family District"

Section 3. Section 30-4.1 b. "Uses Permitted" shall be amended to include new subsection: 9. Supportive Housing and Transitional Housing

Section 4. Section 30-4.5 R-5 General Residential District subsection b. Uses Permitted shall be amended to include new subsection: 3. Single Room Occupancy Units.

Section 5. Section 30-4.11 M-1 Intermediate Industrial District subsection b. Uses Permitted shall be amended to include new subsection m. Emergency Shelters provided that the proposed facility provides on site management and on site security during the hours that the shelter is in operation, provides 25 beds or less, provides one off street parking space for every three beds, is located not

less than 300 feet from another emergency shelter, and limits the length of stay to 6 months or less.

Section 6. The Alameda Municipal Code is hereby amended by adding a new subsection 30-4.23 (Multifamily Residential Combining Zone):

a. Purpose:

The multifamily residential combining zone (MF District) is an overlay zone intended for lands in Alameda that are well located for transit oriented multifamily housing, necessary to accommodate Alameda's share of the regional housing need, and available to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing as required by California Government Code sections 65580 and 65583.

b. Alameda Municipal Code and Underlying Zoning District Provisions and Requirements

i. Proposed Residential Use within the MF district shall comply with the provisions of the MF District, the provisions of the underlying zoning district and all other provisions of the Alameda Municipal Code. In the event of a conflict between the provisions of the MF Combining District and the provisions of the underlying district or the Alameda Municipal Code or Alameda City Charter Article 26, the provisions of the MF District shall govern.

ii. Proposed Non-Residential Use, if permitted or conditionally permitted by the underlying zoning districts, within the MF district shall comply with the provisions of the underlying zoning district and all other provisions of the Alameda Municipal Code.

c. Housing Types Permitted:

i. The following housing types shall be permitted by right, without a conditional use permit or other discretionary review other than design review, in addition to those permitted by the underlying zoning district:

- a. Multifamily
- b. Town homes
- c. Senior
- d. Transitional Housing
- e. Supportive Housing
- f. Single room occupancy
- g. Live/work

ii. For the purposes of the MF District, live/work shall be defined as a residential unit that is the primary residence and place of employment for the owner or occupant of the live/work unit.

d. Land Uses Permitted:

i. Residential uses are permitted by right in the MF Combining District in addition to the uses permitted and conditionally permitted by the underlying zoning district.

ii. All properties with the MF Combining District designation that front on Park Street or Webster Street shall provide ground floor retail space fronting onto the Park Street or Webster Street public right of way.

e. Permitted Residential Density and Lot Size:

i. Within the MF Combining District, the maximum permitted residential density shall be 30 units per acre.

ii. Minimum lot size requirements shall be modified as necessary to permit construction at the densities allowed by this Section.

f. Height Requirements:

The maximum height permitted shall be three stories or 35 feet, except as provided in paragraph k..

g. Transportation Facilities and Service Requirements:

i. Transit passes or weekday commute hour shuttle service shall be provided with each unit in the residential development.

ii. Secure bicycle parking spaces for at least two (2) bicycles shall be provided for each unit in a secure bicycle cage or comparable facility.

iii. Off-street parking shall be provided in accordance with Section 30-7.6 Schedule of Required Minimum and Maximum Off-Street Parking Space.

h. Review Requirements. The review of residential development proposals for residential development within the MF Overlay zone shall be limited to findings for approval contained in Section 30-37.5 Design Review. No other discretionary action shall be required, unless the applicant requests a variance from the requirements of the MF Overlay or Alameda Municipal



Code, consistent with Government Code Section 65583.2(i). Findings for approval, conditional approval or denial of a residential use based on design review or application for a variance shall be consistent with Government Code Section 65589.5.

i. Open Space Requirements

On site open space shall be provided in accordance with the requirements of the applicable underlying zoning district.

j. Setback Requirements

Setbacks from property lines shall be provided in accordance with the requirements of the applicable underlying zoning district.

k. Affordable Housing Requirements

- i. All residential projects shall provide affordable housing pursuant to Alameda Municipal Code 30-16 Affordable Housing.
- ii. Projects that qualify for a residential density bonus pursuant to Section 30-17 Affordable Housing Density Bonus and Government Code § 65915 shall be entitled to:
  - a. Up to a 35% increase in maximum allowable density described in provision e of this Section;
  - b. A maximum height of four stories but not more than 45 feet;
  - c. Waivers, parking reductions, incentives and concessions as described in Section 30-17.
- iii. Projects in which at least 50% of units are deed restricted for 55 years to very-low and low income households, with at least half of these restricted to very-low income households shall be entitled to:
  - a. A 60% increase in maximum allowable density described in provision e of this Section;
  - b. A maximum height of five stories or not more than 60 feet;
  - c. A requirement of no more than 75 feet of open space per unit;
  - d. A requirement of no more than one parking space per affordable residential unit;
  - e. Waivers, parking reductions, incentives and concessions as described in Section 30-17.
  - f. Projects in which 100% of units are deed restricted for 55 years to very-low and low income households shall also be exempt from g(i) of this Section.

Section 7. The Citywide Zoning Map shall be amended to change the zoning designation for the parcels shown in Exhibit A. Zoning Map Amendments.

Section 8. Severability Clause. It is the declared intent of the City Council of Alameda that if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provision of this ordinance.

Section 9. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 10. The above amendments shall be known as and referenced to as Rezoning Amendments No. 214 to Ordinance No. 1277, N.S.

Presiding Officer of the Council

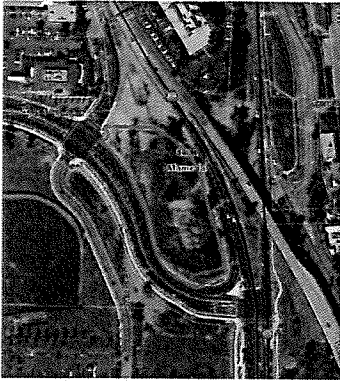
Attest:

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Lara Weisiger, City Clerk

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## Exhibit A: Zoning Ordinance Map Amendments

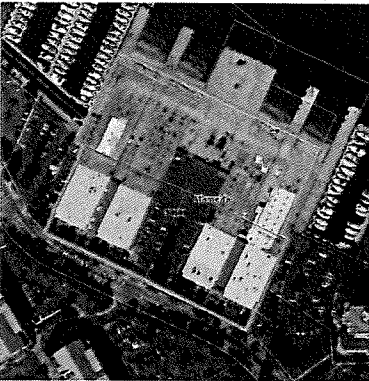


Site: "Stargell Site"

APN: 74136400101

Current Zoning Designation: R-4 Neighborhood Residential

Proposed Designation: Community Commercial with  
Multifamily Overlay ("MF Overlay")



Site: "Shipways" at 1200 Marina Village Parkway

APN: 74133406700, 74133402400, 74133402300

Current General Plan Designation: MX Mixed Use

Proposed Designation: MX with MF Overlay



Site: "Neptune Point" at end of McKay

APN: 74130502600

Current Zoning Designation: Administrative Office

Proposed Designation: R-4/Planned Development with  
MF Overlay

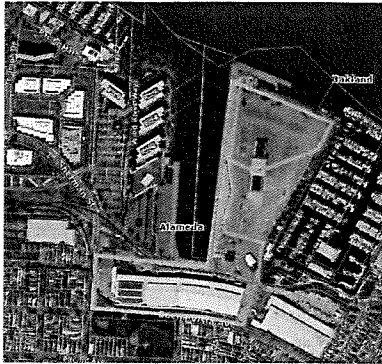


Site: "Former Chevys"

APN: 74136300900

Current Zoning Designation: M-2 General Industry

Proposed Designation: R-4/Planned Development with  
MF Overlay



Site: "Encinal and Del Monte"  
 APN: 72038200200 and 72038300400  
 Current Zoning Designation: MX Mixed Use  
 Proposed Designation: MX Mixed Use with MF Overlay



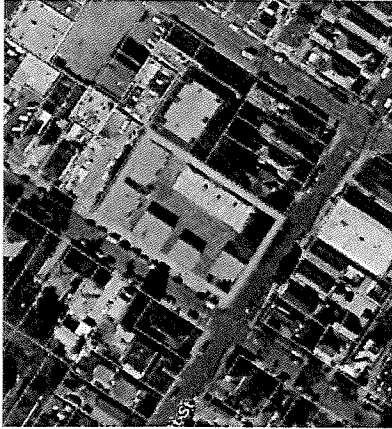
Site: "Chipman" at 1557 Buena Vista  
 APN: 72038403100  
 Current Zoning Designation: R-4/PD  
 Proposed Designation: R-4/PD with MF Overlay



Site: "Alameda Landing"  
 APN: 79090500203 (10 acre portion of parcel)  
 Current Zoning Designation: MX  
 Proposed Designation: MX with MF Overlay



Site: "Ron Goode" at 1825 and 1801 Park Street  
 APN: 71019800902 and 71019801201  
 Current Zoning Designation: M-2 Industrial  
 Proposed Designation: CC Community Commercial with MF Overlay



Site: "Island High" at 2437 Eagle  
APN: 70019301100  
Current Zoning Designation: M-2 Industrial  
Proposed Designation: R-4/PD



Site: "Coast Guard North Housing"  
APN: 74090501002 and 74090501202  
Current Zoning Designation: R-4 Neighborhood Residential  
Proposed Designation: R-4/PD with MF Overlay



Site: "Alameda Marina" on Clement  
APN: 71028800102 and 710-25700301  
Current Zoning Designation: M-2 Industrial  
Proposed Designation: MX with Multi family Overlay



I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 3rd day of July, 2012, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_\_ day of July, 2012.

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Lara Weisiger, City Clerk  
City of Alameda