



July 5, 2021

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

Subject: Housing Element City Council Resolution of Intent - -Item 6-D on City Council's 7-6-21 agenda

Dear Mayor Ashcraft and City Councilmembers:

The following comments restate some of the key comments regarding the Housing Element that the Alameda Architectural Preservation Society (AAPS) submitted to the Planning Board in our May 17, June 4 and June 13 letters (which were copied to you) and expand upon some of these comments.

A. Overall strategy. The staff report gives a very good overview of the issues Alameda needs to address as part of the Housing Element. The strategy to maximize development at Alameda Point and Encinal Terminals to, among other things, minimize the amount of housing needed in other developed areas to meet the Regional Housing Needs Assessment (RHNA) is also good. However, this strategy should be refined to reflect the following:

1. **Avoid further density increases in existing built-up areas.** The staff report's Exhibit 2 proposes significant density increases in Medium Density Residential Areas (MDRAs), i.e. the R-2 through R-6 zoning districts, as well as the Park Street and Webster Street business districts, including the historic portions. Since significant portions of these areas already have high densities, and much of the MDRAs consists of historic buildings, any density increases in the MDRAs and the historic portions of Park Street and Webster Street should be limited to carefully targeted subareas and only: (i) where necessary to meet the RHNA and other General Plan objectives; (ii) if insufficient development capacity is available in the non-historic portions of the Neighborhood Mixed Use, Community Mixed Use and Mixed Use Areas to meet the RHNA and General Plan objectives; and (iii) in MDRA subareas where adverse impacts on historic buildings and on-street parking will be minimized.
 - a. **Limiting additional units to existing building envelopes.** An interesting strategy identified in the staff report's Exhibit 2 for the MDRAs and possibly applicable elsewhere, is limiting additional units to existing building envelopes. This strategy seems worth exploring, but if no additional off-street parking would be required for the additional units, the impacts of a lack of additional parking will need to be considered. The assumption appears to be that many of the residents of these units will not have cars, but this assumption needs to be verified. In some Alameda neighborhoods, where former 1-2 unit

residences have been converted to additional units, cars are sometimes parked in paved or unpaved front yards. **There should be an analysis that includes surveys of car ownership of residents of existing multifamily buildings in the MDRAs as well as residents who have moved into new multifamily buildings at Alameda Landing and elsewhere.** Locational criteria for such units should also be developed, perhaps based on surveys of areas where on-street parking is normally available and/or where existing residential densities are relatively low. See the very helpful attached staff analysis showing existing densities by block.

Also, would density increases allowed within existing building envelopes also trigger density bonus projects? (See Comment 1.c below.) If so, would the state density bonus law allow the developer to force a waiver of the requirement that new units be located within the existing building envelope?

b. Proposed density increases for new construction. The staff report's Exhibit 2 also proposes for new construction increasing the R-4, R-5 and R-6 zoning districts and Park and Webster Street density limit of 2000 ft.² of lot area per unit (ca. 21.78 units per acre) to:

- R-4 - -30 units/acre or ca. 1452 ft.² of lot area/unit (36 units/acre with 20% afford. housing density bonus),
- R-5 - -40 units/acre or ca. 1039 ft.² of lot area /unit (48 units/acre with 20% affordable housing density bonus), and
- R-6--50 units/acre or ca. 871 ft.² of lot area /unit (60 units/acre with 20% affordable housing density bonus).
- Park Street and Webster Street - - 65 units/acre or ca. 670 ft.² of lot area /unit (78 units/acre with 20% affordable housing density bonus).

Unless mitigated, these intensity increases will encourage demolition and replacement of historic buildings with new and larger buildings that architecturally disrupt historic neighborhoods as well as the historic portions of Park Street and Webster Street. The increases could also encourage architecturally incompatible alterations and additions to historic buildings.

Although the City requires Historical Advisory Board (HAB) approval of demolition of properties on the Historic Building Study List or that were constructed prior to 1942, pressure from developers due to the opportunities provided by the intensity increases, are likely to encourage demolition proposals. And even if the HAB denies a demolition, the demolition can be appealed to the City Council, which can approve the demolition if the Council finds that "Upon the evidence of qualified sources, that the historical resource is incapable of earning an economic return on its value". This further increases the likelihood of more demolitions given the significant discretion offered by this demolition finding.

c. The impacts of the state affordable housing density bonus law on height limits, other development regulations and overall future density in the MDRAs and elsewhere need to be considered. For example, a density bonus project in an area zoned for a 40 foot height limit could end up with a 50 foot or greater height (one or more additional stories).

The proposed residential density increases will significantly increase the number of sites eligible for density bonus projects. Under Article 26's 2000 ft.² of lot area per unit rule, only lots of 10,000 ft.² or more are eligible for density bonus projects, since the state density bonus law limits these projects to those with five or more units. But the proposed density increases in the R-4, R-5 and R-6 zoning districts would decrease the threshold size to 7260 ft.² in R-4, 5000 ft.² in R-5 and 4350 ft.² in R-6. This will significantly increase the number of sites eligible for density bonus projects in R-4 and likely the majority of sites in R-5 and R-6. **The General Plan's Land Use and/or Housing Elements should include an estimate of how many additional density bonus project sites could result from the proposed intensity increases.**

2. In addition to Alameda Point and Encinal Terminals, prioritize other portions of the northern waterfront (especially the estuary shopping centers) as sites for additional housing. In addition to minimizing adverse impacts on historic buildings and neighborhoods, focusing on these sites will minimize transportation impacts given the estuary sites' (and, to a lesser degree, Alameda Point's) proximity to Oakland and public transit and thereby promoting the General Plan's transportation and climate change mitigation goals. **To facilitate the focus on Alameda Point and the estuary shopping centers, the City Council should initiate the following actions as soon as possible:**

- a. Direct staff to obtain approval from the federal government to remove the Alameda Point 1425 housing unit cap (increased to 1900 units based on an additional 475 affordable units).** Staff has previously advised that the Biden Administration will probably look favorably on this request.
- b. Strongly encourage the owners of the estuary shopping centers (Marina Village, Bridgeside and Alameda Landing) to develop housing on their properties.** The February 2, 2021 City Council Housing Element staff report advised that the owners of the South Shore Shopping Center have expressed interest in housing development. Staff has advised us that recently the owners of the Marina Village Shopping Center have also expressed interest. However, we understand that the owners of Bridgeside and Alameda Landing have not yet been contacted. **We ask the City Council to direct staff to contact the owners of the Alameda Landing and Bridgeside Shopping Centers to determine their interest in housing development, if staff has not already done so.** If such contact has been made, can staff report on the results?

Note: Although the South Shore Shopping Center has been identified as a possible site for RHNA-required housing, the addition of housing units at South Shore offers none of the transit or traffic advantages of the estuary centers. Heavy traffic and large crowds already occur at South Shore on weekends and often during the week due to beach and shopping use. Recent lane constrictions on Park Street and around South Shore Center have exacerbated these issues. With its more than 45 acres, the potential amount of allowed population density increase if housing is added at this land-locked location will create an infrastructure choke point that would immediately overwhelm the entire area. South Shore Center housing development should therefore be avoided.

B. Appeal the Regional Housing Needs Assessment (RHNA). Although the appeal may be a longshot, it is still worth trying and should do no harm. The following statement from the staff report would be a good starting point:

Alameda is uniquely vulnerable to rising sea levels and ground water as well as emergent ground water impacts. While all new developments in Alameda, both residential and non-residential, are required to mitigate these risks through site and building design, this is one of the few areas that Alameda could argue more substantively in an appeal if the City Council determines to move forward.

C. Delete the “now therefore be it resolved” clause concerning Article 26 in the draft Resolution of Intent as recommended by the Planning Board. This clause is unnecessarily broad and does not appear necessary. If the clause is retained, we recommend that it be amended to read as follows:

NOW, THEREFORE, BE IT RESOLVED, that the City of Alameda City Council finds City Charter Article 26 is ~~in direct conflict with state housing law and is preempted and unenforceable in these circumstances. More specifically, Article 26 of the City Charter is preempted in part by~~ Government Code Sections 65583.2(c), (h), and (i) and Section 65583(c)(1) which require the City to allow multi-family housing, and Government Code Section 65583.2(c)(3) which requires the City to allow at least 30 du/acre to meet its RHNA and that the City has used and intends to continue to use the Multi-Family Overlay Zone where needed to provide adequate housing development sites to meet its RHNA.

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

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

Attachment: Existing residential densities by block

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