



November 14, 2022

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

Subject: Draft Housing Element and related zoning text amendments (Item 7-B on 11-15-22 City Council agenda)

Dear Mayor Ashcraft and Councilmembers:

We reiterate our comments previously submitted in detail (especially in our May 8, May 22 and September 11 letters to the Planning Board) that many of the residential density increases, height limit increases and other upzonings proposed by the draft Housing Element and zoning amendments for **all** of Alameda's residential zoning districts and historic commercial areas appear unnecessary to meet the RHNA and state fair housing requirements and are harmful to Alameda's historic neighborhoods and historic commercial areas. The upzonings (except #4 and #5 below) will allow developers to construct intrusive, out of scale new buildings in historic areas, possibly with land assembly and demolition of historic buildings. Although Alameda's historic preservation ordinance requires Historical Advisory Board approval for historic building demolitions and some alterations, such approval is not required in most cases for intrusive new construction and there is no assurance that the Board or, on appeal, the City Council will not approve such demolitions.

The upzonings will also put existing relatively affordable rent-controlled housing units at risk replacing them with non-rent controlled market rate units, encouraging gentrification.

Specific concerns include:

- 1. Increased residential density by ca. 1½-3 times the Article 26 limit of one unit/2000sf of lot area in the R3 through R6 residential zones**, which cover central Alameda. (Note: The proposed density increases **exceed** the pre-Measure A densities in the R3, R4 and R5 zones.)
- 2. Unlimited density in the historic North Park Street residential areas (outside R3-R6), including "The Wedge", and height limit increases from 30' to 40' in the North Park Street Residential and 35'to 50' in the Mixed Use (but mostly residential) Subdistricts.** (See attached report on this important historic area by former HAB member Judith Lynch.)

3. **The Transit Overlay Housing Waiver** (“Transit Overlay”) that allows unlimited density and height limit increases to at least 40’ in new buildings with units less than 1000 ft.² within ¼ mile of the 51 bus line and other “high quality” bus lines. See attached map.
4. **Unlimited residential density in all existing buildings**, although the Planning Board recommended scaling this back to four additional regular units within an existing residential structure in R1-R6 plus unlimited ADUs (and is now reflected in the zoning text), which is very helpful.
5. **Reduced minimum lot sizes, side and rear yard setbacks** and other zoning changes to allow increased building coverages.
6. **Unlimited residential density in all of the traditional business districts and by-right height limits increased:**
 - a. from the current 40’ to 60’ within the Webster Street Business District and within the ca. 80% of the Park Street Business District south of Lincoln that is not already 60’¹;
 - b. from the current 50’² to 60’ in the Park Street Business District north of Lincoln; and
 - c. from 30’ to 45’ in the historic small commercial districts (the “Stations”) along Lincoln, Encinal and Central Avenues.

As previously stated, we have not been able to find anything in state law or published California Department of Housing and Community Development (HCD) guidelines that demand such sweeping and indiscriminate upzonings **everywhere**.

In addition:

- i. **The R3 through R6 and North Park Street upzonings and the transit overlay are not needed to meet Alameda’s Regional Housing Needs Assessment (RHNA)**, since any units they generate are not being counted as part of the Housing Element’s RHNA site inventory. **The upzonings also do not appear to be needed to meet state fair housing requirements** because of the Housing Element’s additional units, including unlimited ADUs, within existing buildings citywide combined with the SB9 upzoning of the entire R1 zone earlier this year that allows four regular units on existing R1 lots plus ADUs outside existing buildings.
- ii. **A maximum of only 41 RHNA units in the historic business districts will be subtracted from the RHNA if the proposed unlimited density is reduced to 30 units/acre plus unlimited ADUs**, as recommended in Item b below, and the subtracted units can be absorbed by the 1071 unit buffer in the Housing Element’s RHNA site inventory that exceeds the 5353 RHNA units. These 41 units consist entirely of the proposed 50 unit project at the old two story Bank of America Building at the northeast corner of Park Street and Santa Clara Avenue (Site 14h in the Housing Element’s Site Inventory). We understand that this project would involve demolishing the existing building except for the street facades and constructing a new four or five story building behind the facades, possibly with upper floor setbacks. Although keeping the street facades is preferable to complete demolition, the building is a major contributor to the Park Street

¹ The current height limit in the Park Street Business District south of Lincoln is 60’ by right for properties fronting Park Street north of Encinal Avenue and 40’ by right elsewhere, with 60’ allowed with a Use Permit

² The current by-right height limit on Park Street north of Lincoln is 50’ with 60’ allowed with Planning Board approval.

National Register District. A project like this will set a bad precedent that would incentivize similar projects and could eventually lead to disqualifying Park Street from the National Register.

- iii. **The upzonings will radically increase the number of lots eligible for state density bonus projects that would allow buildings as much as three stories taller than the proposed already excessive increased height limits.** See examples of this kind of development in our attached November 3, 2022 letter to the Historical Advisory Board. Affordable units created by density bonus projects can instead be accommodated by “affordable by design” units within existing buildings and an unlimited number of ADUs in existing and new buildings, since ADUs don’t count toward the five units per development that triggers density bonus projects.
- iv. **Recently certified Housing Elements for other communities do not include such massive upzonings to meet the RHNA and fair housing requirements.** Staff has said that HCD’s August 25, 2022 letter specifically references Program 4 as critical to accommodate the RHNA and affirmatively furthering fair housing, but this reference is just in passing, includes Program 4 among “many other” Housing Element actions (including Programs 1, 2, 3 and 6) and does not discuss the degree and extent of Program 4’s provisions.

To address these concerns, we recommend:

- a. Adopt the Planning Board recommendation to **limit the number of regular units to four within existing buildings plus ADUs in the R1 through R6 zones, and apply this also to the North Park Street residential and mixed use areas and the historic commercial areas.**
- b. **Change the proposed unlimited density in the historic portions of the Park Street and Webster Street Business Districts³ and the Stations to no more than 30 units per acre. Also change the proposed 60 foot height limits for the historic portions of Park Street and Webster Street to 40 feet,** which is the existing height limit on Webster Street and about 80% of Park Street south of Lincoln.
- c. **Delete or scale back the transit overlay.**
- d. **Either: (i) keep the existing one unit/2000 ft.² of lot area density in R3 through R6 and in the North Park Street residential and mixed use areas and do not increase the North Park Street height limits; or (ii) limit these upzonings to nonhistoric areas.**

See our attached 9-11-22 letter to the Planning Board for more specific discussion of the above strategies.

We recognize that amending the Housing Element to incorporate these changes will require resubmittal to the HCD for certification and risk triggering the “Builder’s Remedy” if “substantial compliance” with the State Housing Element Law is not obtained by January 31, 2023. Please refer to the Alameda Citizens’ Task Force November 10, 2022 letter’s strategy for addressing the Builder’s Remedy.

Finally, the draft zoning amendments now explicitly delete Article III from the Development Regulations which sets forth the provisions implementing **City Charter Article 26** and confirms the effect of the

³ The historic portion of Webster Street is between Central and Lincoln Avenues. The historic portion of Park Street is south of Lincoln (except for some of the cross streets), plus the west side of Park Street between Lincoln and Buena Vista. See attached map showing these historic areas.

massive upzonings discussed above, despite the likelihood that the upzonings to the degree proposed are not necessary to obtain a certified Housing Element. This deletion parallels the provisions in the draft Housing Element that effectively repeals Article 26. **Has the City Attorney reviewed this?**

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

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

Attachments: 1. AAPS 11-3-22 letter to the Historical Advisory Board
 2. Transit Overlay Map
 3. Maps of the historic portions of Park and Webster Streets
 4. AAPS 9-11-22 letter to the Planning Board
 6. North of Lincoln Historic Buildings--a report by Judith Lynch

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



November 3, 2022

City of Alameda Historical Advisory Board
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Subject: Examples of Oakland and Berkeley projects incompatible with Alameda historic areas that could result from the Alameda Housing Element--Item 7-C on 11-3-22 Historical Advisory Board agenda

Dear Historical Advisory Board members:

The Alameda Architectural Preservation Society (AAPS) would like to call your attention to examples of projects in Berkeley and Oakland that use the state density bonus law and other state legislation to substantially exceed the normally required height limits and which could result from the current draft Housing Element.

Here is a link to a Berkeleyside article with examples of Berkeley projects using state legislation for increased height limits that if used in Alameda in combination with the proposed Housing Element upzonings could create out of scale buildings in the historic portions of Park Street, Webster Street, the Stations and possibly elsewhere.

[Berkeley housing: Projects could bring more than 500 new apartments](#)

Note especially the project at 2601 San Pablo Avenue, since the height limit there is only 50' (compared with the 60' that the Housing Element is proposing for the historic portions of Park Street and Webster Street) and they are proposing a height of 79 1/2', presumably using the form-based unlimited density mapped in much of Berkeley and now proposed for Alameda's historic business districts.

Note also 2440 Shattuck Avenue, which will have an eight story, 87' height including two additional floors using the state density bonus law. Here is a SF YIMBY link with more info:

[Construction Starts for 2440 Shattuck Avenue in Downtown Berkeley - San Francisco YIMBY](#)

Attached is a SF YIMBY article on 2301 Telegraph Avenue in Oakland using SB 35, along with the City of Oakland's SB 35 eligibility determination letter. Note that the by-right height limit is 45' but 78' has been approved using California Government Code Sections 65915(b)(1)(G) and 65915(d)(2)(D), which are part of the State Density Bonus Law.

Alameda's Objective Design Review Standards might help Alameda's versions of these kinds of projects be more compatible with historic areas, but cannot regulate height and other building envelope aspects.

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

Attachments: 1. SF YIMBY article on 2301 Telegraph Avenue in Oakland
 2. City of Oakland letter determining that the 2301 Telegraph Avenue project is eligible
 for SB 35 and three additional stories above the 45' height limit.

cc: Mayor and City Councilmembers (by electronic transmission)
 Andrew Thomas and Allen Tai, Planning, Building, and Transportation Department (by electronic
 transmission)
 AAPS Board and Preservation Action Committee (by electronic transmission)



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2301 TELEGRAPH AVENUE

Approval For Community Anchor At 2301 Telegraph Avenue, Northgate, Oakland



2301 Telegraph Avenue view from 23rd Street and Telegraph, design by Mithun and Parcel Projects

BY: ANDREW NELSON 5:30 AM ON OCTOBER 21, 2022

The City of Oakland has approved plans for the seven-story proposal at [2301 Telegraph Avenue](#) in [Northgate, Oakland](#). The unique mixed-use project aims to create a

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New Renderings For Town Tower, Potential Tallest Residential Tower in Oakland

new community anchor for the neighborhood with affordable housing, retail, offices, and a performance center. **Parcel Projects** and **McCormack Baron Salazar** are jointly responsible for the development.

The expedited approval process was in part achieved using Senate Bill 35, introduced in 2017 by State Senator Scott Weiner and approved by Governor Jerry Brown. The bill sets a standard list of requirements the project must meet to be eligible.



2301 Telegraph Avenue vertical cross-section, design by Mithun and Parcel Projects

The timeline for 2301 Telegraph started in 2015 when Parcel Projects and McCormack started engaging with neighborhoods and public meetings. The meeting with hundreds of people and 60 organizations in the city. The city first received the proposal seven months ago, in March of this year. The development permits were filed with the city just two months ago.

The 78-foot tall structure will yield 43,700 square feet, of which 4,970 square feet will be for retail. Of the 58 units, half will be dedicated to Transitional Age Youth, and one will be dedicated to an on-site manager. Apartment sizes will range from studios to one and two bedrooms. **Mithun**



**Best
Renderin
gs Yet for
50 Main
Street,
San
Francisco'
s Next
Supertall**



**Renderin
gs
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**Facade
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Rock, San
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and Parcel Projects will be collaborating for the architectural design.

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2301 Telegraph Avenue semi public terrace, design by Mithun and Parcel Projects



2301 Telegraph Avenue view from the second-floor terrace, design by Mithun and Parcel Projects

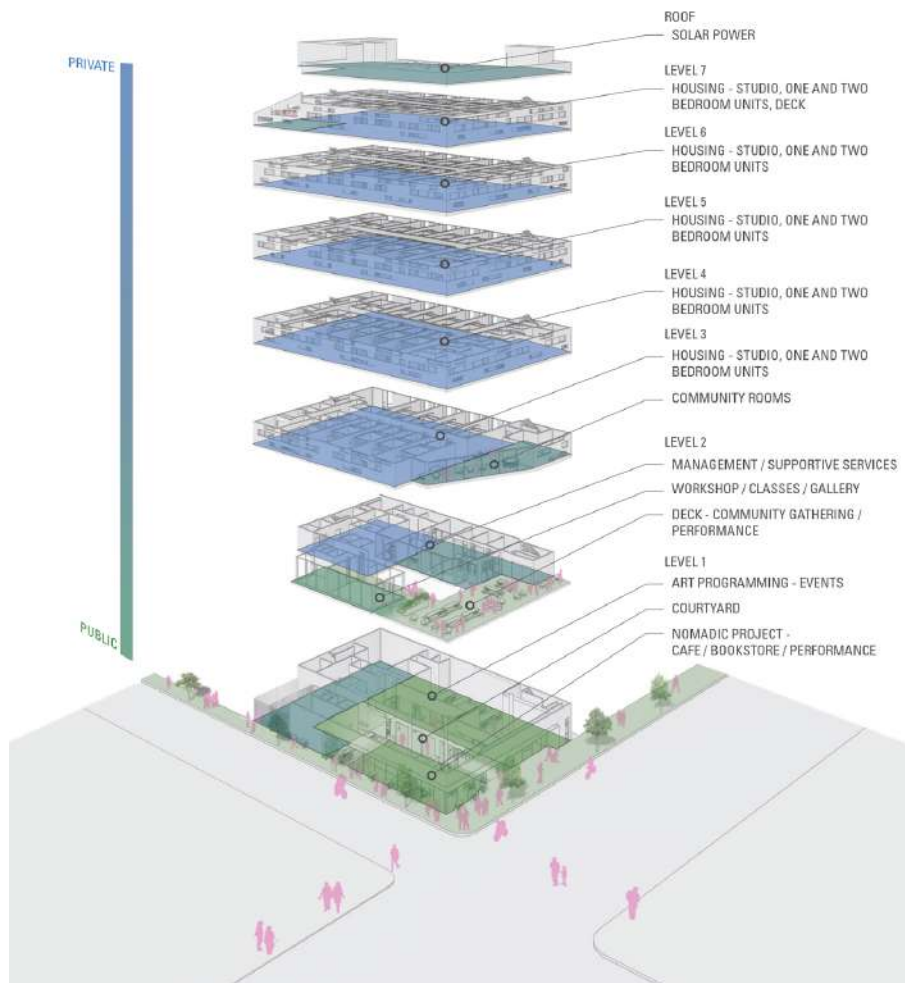
The first floor will include a cafe, bookstore, and performance center at the corner of Telegraph Avenue and 23rd Street, managed by the Nomadic Project. An art programming room will offer event space on the second half of the first floor.

The second floor will include a semi-public deck offering visitors seating with fresh air and city views. The rest of the floor will offer workshops, classes, a gallery space for arts, and offices for property management and supportive

services. The art spaces will be run by community-based arts organizations based on-site or elsewhere in Oakland.



2301 Telegraph Avenue interior view, design by Mithun and Parcel Projects



2301 Telegraph Avenue floor programming illustration, design by Mithun and Parcel Projects



2301 Telegraph Avenue evening aerial view, design by Mithun and Parcel Projects



2301 Telegraph Avenue, image via Google Street View

McCormack Baron Management, the same firm behind the 755-unit **1300 Buchanan Street** proposal in **San Francisco**, will be responsible for building management. Urban Strategies Inc. and First Place for Youth will provide supportive services for residents. Apartments will populate the rest of the building from the third level and up.

Reached for comment, Parcel Projects partner Erik Bloom shared “We are thrilled to be moving forward with the project and look forward to providing much needed affordable housing and space for community-based arts organizations in Oakland.” Bloom confirmed they are aiming to start construction in 2024, and the team is working on predevelopment and construction financing now.

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2301 TELEGRAPH AVENUE

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2 COMMENTS

ON "APPROVAL FOR COMMUNITY ANCHOR AT 2301 TELEGRAPH AVENUE, NORTHGATE, OAKLAND"

lrk | October 21, 2022 at 9:05 am | Reply

wow this is awesome. so great to see a housing project that actually serves the community in this area.

Gage | October 25, 2022 at 7:45 am | Reply

I think it is fantastic also. I only hope that Pepto-Bismol's pink is just for the drawings. I personally

don't like that color much.

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Mixed-Use Proposed At 4202 Telegraph Avenue In Oakland

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CITY OF OAKLAND



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Planning and Building Department
Bureau of Planning

(510) 238-3941
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Sent Via Email

October 18, 2022

Malcolm Harris, Mithun
660 Market Street, #300
San Francisco, CA 94104
malcolmh@mithun.com

RE: SB 35 Eligibility Determination for 2301 Telegraph Avenue; Case File PLN22147

Dear Mr. Harris:

On March 21, 2022, the City received an application (Case File PLN22147) for the streamlined, ministerial review of a development project involving the demolition of an existing commercial building and the construction of a seven-story mixed-use building containing 57 affordable dwelling units and one market rate manager's unit. The building also includes on-site residential supportive services, community-based arts programming, and 4,972-sf of commercial space at 2301 Telegraph Avenue. The application was accepted as submitted pursuant to Senate Bill (SB) 35. Since the project was proposing less than 150 residential units, staff had 60 days from August 19, 2022 to review the project.

Density Bonus

The City's Land Use and Transportation Element of the General Plan (LUTE) designates the site Community Commercial and the site has a Zoning designation of Community Commercial – 2 (CC-2). Both these designations zones allow multifamily residential activities.

Pursuant to *AB 1763*, projects are exempt from maximum controls on density if they are:

- a) 100% affordable projects as defined under the California Government Code 65915(b)(1)(G) as 100% of units (excluding the manager's unit) available to lower-income households, with up to 20% of the units available to moderate-income households; and
- b) located within ½ mile of a major transit stop.

A project that receives a waiver from any maximum controls on density can receive up to four concessions or incentives and shall also be eligible to receive a height increase of up to three additional stories, or 33 feet, see Gov. Code Section 65915(d)(2)(D), but are not eligible for any additional waivers or reductions of development standards. Gov. Code Section 65915(e)(3).

Not including the managers unit, the project includes only units that are affordable to either Extremely Low, Very Low, and Low-Income households. The subject site is located within ½ mile of a major transit stop (19th Street BART Station and AC Transit Lines), and the project is only requesting three concessions.

Concessions/Incentives

Staff concurs that there are actual, identifiable cost reductions as identified in your letter dated October 4, 2022, to grant concessions for: 1) the amount of group open space, 2) number of parking spaces, and 3) projection into the rear yard setback. Additional open space would be required to be placed on the roof of the building, which would significantly increase the cost of construction. Additional parking spaces would also create a significant increase in the cost of construction. Reduction of the rear open space would require two fewer units, which would be a financial liability for the project.

If you have any questions regarding the letter, please contact the case planner, **Neil Gray** at **(510) 238-3878** or **ngray@oaklandca.gov**.

Very Truly Yours,






ROBERT D. MERKAMP
Zoning Manager

cc: Michael Branson, City Attorney MBranson@oaklandcityattorney.org
Todd Bennett, todd@parcelprojx.com
Erik Bloom, erik@parcelprojx.com
Christia Mulvey Manager, Housing Development Services, cmulvey@oaklandca.gov

Attachment A: Findings

Transit Overlay

-  Park Street Transit Corridor
-  AC Transit 51A Transit Corridor
-  Transit Overlay

Transit Overlay Underlying Zoning

Park Street Transit Corridor

AC Transit 51A Transit Corridor

Zoning

R-1

R-2

R-3

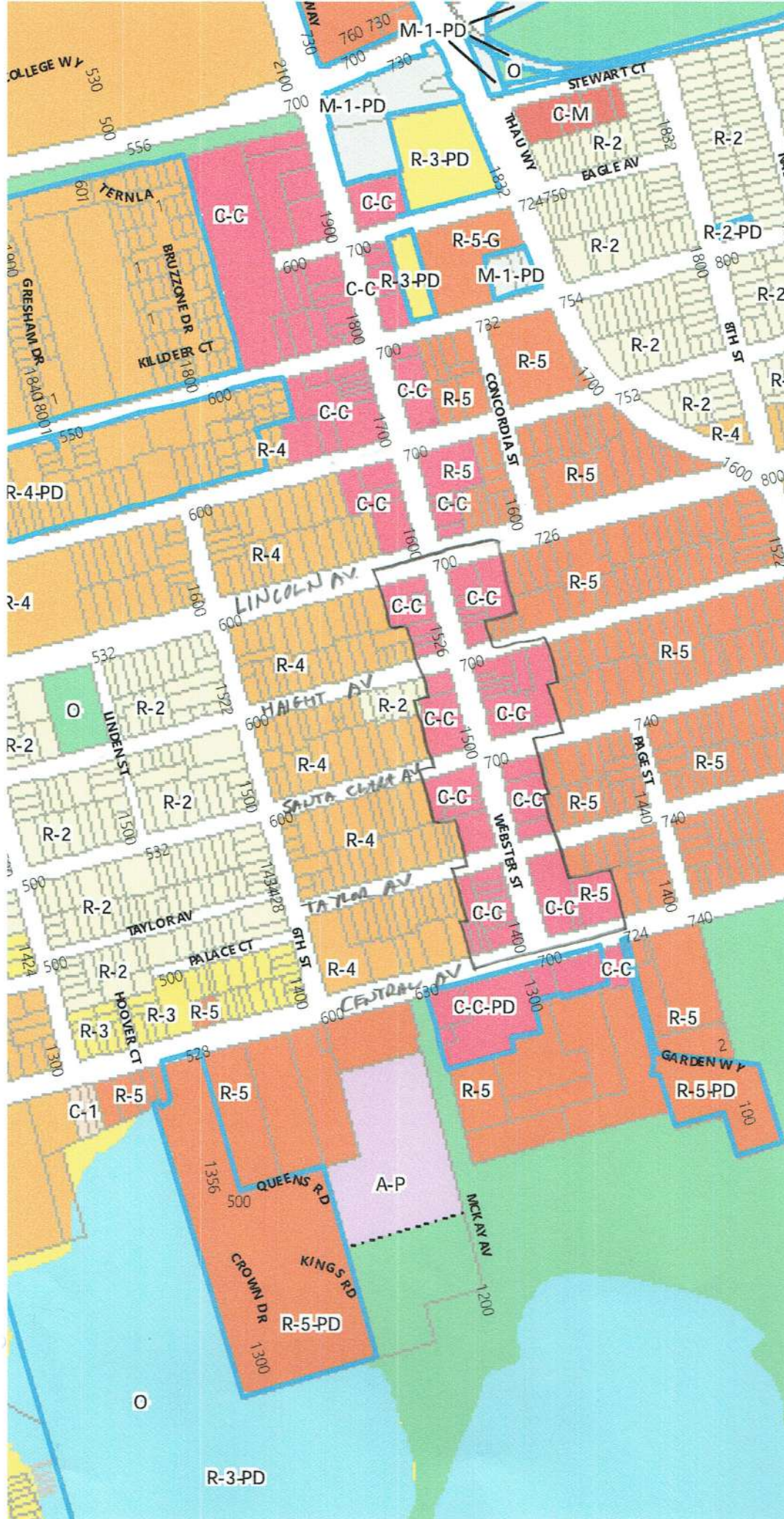
R-4

R-5

R-6

This map illustrates the underlying zoning for transit overlays in Alameda, California. The map features a grid of streets and various colored blocks representing different zoning types. Two primary transit corridors are highlighted: the Park Street Transit Corridor, shown as a purple line, and the AC Transit 51A Transit Corridor, shown as a dark blue line. The zoning is categorized into six types: R-1 (light gray), R-2 (light yellow), R-3 (yellow), R-4 (orange), R-5 (dark orange), and R-6 (dark red). The map also shows the Alameda River, the College of Alameda, and the Robert W. Crown Memorial State Beach. Key streets include Main St, Singleton Ave, Atlantic Ave, Eagle Rd, International Blvd, and San Antonio Ave. The map is titled 'Transit Overlay Underlying Zoning' in a white box in the top right corner.

11/14/22
 APTMBA HOUSING ELEMENT
 AAS RECOMMENDED BOUNDARY FOR HISTORIC PORTION OF
 WEBSTER STREET BUSINESS DISTRICT





September 11, 2022

City of Alameda Planning Board
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Subject: Revised draft zoning amendments related to Housing Element (Item 7-B on 9-12-22 Planning Board agenda)

Dear Planning Boardmembers:

The Alameda Architectural Preservation Society (AAPS) is continuing to review these extremely complex and important documents, so the following comments are preliminary and subject to modification and expansion. In particular, we need a version of the zoning changes that reflect modifications from the July 1 draft so that we can find those changes without laboriously comparing the July 1 text with the current text. The following comments reiterate many of our June 12, 2022 and July 10, 2022 comments, but with some modification and significant new comments, notably Items 2 (first two paragraphs), 3, 6 (third paragraph) and 16:

- 1. The proposed upzonings continue to be excessive.** We reiterate our comments previously submitted in detail especially in our May 8 letter to the City Council and our May 22 letter to the Planning Board that most of the various forms of upzonings (residential density and height limit increases) proposed in the draft Housing Element and the zoning amendments within **all** of the residential zoning districts and in the historic commercial districts appear unnecessary to meet the RHNA and state fair housing requirements. Again, we have not been able to find anything in state law or published California Housing and Community Development (HCD) guidelines that demand such sweeping and indiscriminate upzonings **everywhere**. Recently certified Housing Elements for other communities do not include such massive upzonings to meet the RHNA and fair housing requirements. The staff report notes that HCD's August 25, 2022 letter specifically references Program 4 as critical to accommodate the RHNA and affirmatively furthering fair housing, but this reference is just in passing, includes Program 4 among "many other" Housing Element actions (including Programs 1, 2, 3 and 6) and does not discuss the degree and extent of Program 4's provisions.
- 2. Delete Program 4's R3–R6 residential density increases, including the Transit Overlay Housing Waiver (TOHW).** The 270 units previously estimated for "Site 15b"-- infill residential development (Pages E-14 and E-15) and Program 4 (pages 19-20) has now been reduced to 160 units, largely made possible by the 150 additional condominium units obtained through conversion or redevelopment of the Coral Reef Hotel at 400 Park Street. Site 15b is now limited to unlimited density within existing buildings throughout the City. This provision is also included in Program 4, but Program 4 still also consists of the highly problematic density increases in the R3 through

R6 zoning districts, and the TOHW's unlimited density and 40 foot height limit for development in **new** and existing buildings within a quarter-mile of the 51 bus line and other "high quality" bus routes.

The R3-R6 upzonings and TOHW are therefore not necessary to meet the Regional Housing Needs Assessment (RHNA) but the Housing Element and staff report state they are still necessary to meet the state's fair housing requirements. Again, such a vast upzoning to meet the fair housing requirements is unnecessary and overkill.

We reiterate our previous TOHW comments that:

- a. Reliance on bus lines as a basis for upzoning is unwise. Bus routes can be easily changed or eliminated and the high frequency service that is critical to a "quality" transit route can be easily reduced. It is irresponsible to base long-term and not easily reversed massive upzonings on something as ephemeral as a bus route. Planning for transit-oriented development is more appropriately based on more permanent transit infrastructure, such as fixed rail; and
- b. If the TOHW is retained, it should be as a pilot program and:
 - i. Applied only to the extent necessary to meet the RHNA and/or fair housing requirements;
 - ii. Applied only to important nodes and to existing buildings fronting the transit corridor itself rather than within ¼ or 1/8 mile;
 - iii. Retain the July 1 draft zoning amendments 1000 sf maximum unit size as a way to maximize the number of units and promote affordability, rather than use the now-proposed 1200 sf; and
 - iv. Use AAPS's previously recommended expanded ADU program as an alternative to State Density Bonus Law (SDBL) projects.

If the pilot program works out well over a significant period it could be later expanded.

In addition, the TOHW mapping is based on the location of the "high frequency transit corridors", rather than an actual map or verbal description of the actual corridors (e.g. the 51A bus line) as they existed on the date of the zoning amendment adoption. **This is irresponsible and somewhat bizarre, since it appears to mean that the mapping of such corridors is under the control of AC Transit.** If AC Transit adds, deletes or changes a route, the half mile wide corridor would change accordingly with no action by the City of Alameda. To allow the City to retain control of the waiver mapping as well as make the provision more understandable to document users, **the waiver should be shown as a zoning map overlay**, such as shown on Attachment A, which was provided to the Historical Advisory Board at its June 2, 2022 meeting.

3. Reduce Site 15b's (Adaptive Reuse Residential Density Waiver) unlimited density proposed for new units within existing building envelopes to four units per parcel, plus ADUs.

Reduction to four regular units per parcel would eliminate the possibility of state density bonus

law projects on these parcels and the possible height limit increases, waiver of universal design requirements and even a waiver from the requirement that the new units be within an existing building envelope. But if more units are desired, they could be in the form of ADUs, which would not count toward the five units that would allow density bonus projects. Extra ADUs above a certain threshold could also be designated deed-restricted affordable, which would accomplish the density bonus objective of providing affordable housing, without the potential unintended consequences.

Since the proposed unlimited density within existing buildings would produce only 160 units citywide over the eight year housing element cycle or 20 units per year, limiting the new units to four per parcel should be sufficient, especially if the ADU allowance is increased, given that ADUs count toward the RHNA.

4. Revise the proposed zoning text for Site 15b (Section 30-5.11) to read as follows:

To support and encourage construction of new housing units within existing buildings, addition of one or more housing units within an existing building located in a zoning district which permits residential uses shall be exempt from any applicable residential density standards. The exemption shall not apply if the proposal includes modifications to the exterior of the building are not exempt from Design Review pursuant to Section 30-37.2.b Exempt Improvements. No addition to the building exterior may be made for a period of 10 years following final inspection pursuant to the building permit issued for the additional housing units.

5. Elimination of all provisions implementing City Charter Article 26. The draft zoning amendments now explicitly delete Article III from the Development Regulations which sets forth the provisions implementing Article 26 and confirms the effect of the massive upzonings discussed in Items 1, 2 and 3 above, despite the likelihood that the upzonings to the degree proposed are not necessary to obtain a certified Housing Element. This deletion parallels the provisions in the draft Housing Element that effectively repeals of Article 26. **Has the City Attorney reviewed this?**

6. Webster Street and Park Street height limits. We still consider the proposed unlimited density and increased height limits for the historic portions of Park and Webster Streets¹ unnecessary to meet the RHNA and the state's fair housing requirements and which, through density bonus projects, could lead to taller buildings than intended, as well as other unforeseen consequences.

We also continue to recommend that the existing 60 foot by-right height limits on Park Street itself between Encinal and Lincoln be reduced to 40 feet, although with greater height allowed with a use permit.

If these height limit changes are implemented, we could support increasing the by-right residential density within the historic areas to 30 units/acre from the current 21.78 units/acre. This would still meet the state's 30 unit/acre threshold for counting the development capacity toward the RHNA affordable housing requirements. Allowing 30 units/acre rather than unlimited density would reduce the potential development capacity on Webster Street by only two

¹ See Item 16(a) below for definition of "historic portions of Park and Webster Streets".

units, but would reduce and possibly make unfeasible of the proposed 50 unit project at the old two story Bank of America building at the northwest corner of Park Street and Santa Clara Ave. We understand that this project would involve demolishing the existing building except for the street facades and constructing a new four or five story building behind the facades, possibly with upper floor setbacks. Although keeping the street facades is better than complete demolition, the building is a major contributor to the Park Street National Register District. A project like this will set a bad precedent that would incentivize similar projects and could eventually lead to disqualifying Park Street from the National Register.

Although the revised drafts continue to propose a 60 foot height limit for all of Webster and Park Streets, for Webster Street the 15 foot setback for upper floor height would now be triggered by 40 feet rather than the previously proposed 50 feet. This is helpful but also consider the following variations:

- a. Provide a 60 feet height limit north of Lincoln on Webster Street without setbacks in exchange for keeping 40 feet south of Lincoln.
- b. If the upper floor setback approach is kept south of Lincoln:
 - i. Base the upper floor setback on sight lines rather than 15 feet (as WABA originally proposed for heights over 40 feet north of Lincoln); and
 - ii. Require the upper floor setbacks on the street side of corner lots in addition to along the front lot line. The setback along the street side lot lines could be reduced for narrow lots (perhaps for lots with widths less than 40 feet and perhaps with the side setback proportional to the lot width).

We were surprised by the concern of some Planning Board members that dividing Park Street and Webster Street into different height zones would be too complicated. This is already done on Park Street and is a common practice in other communities. Good zoning rules should be based in part on conditions on the ground rather than a potentially arbitrary mapping over a relatively large area that does not recognize more localized conditions.

7. **For new buildings at the front of interior lots and adjacent to existing buildings with substandard front yard setbacks, allow exceptions to the normally required front yard setback by allowing the setback to be the average of the adjacent buildings' front setbacks.** This is similar to a provision now proposed for deletion currently applicable only to entire blocks within new large scale developments that should be retained and expanded to apply to individual development sites to help maintain streetscape, design character and more efficient lot coverage.
8. **Minimize interior and exterior demolition to promote resource conservation and retain valuable materials.** When adding units within existing building envelopes, include requirements that discourage gut rehab to help preserve distinctive interiors and minimize the amount of debris that ends up in the landfill. This strategy will promote the resource conservation provisions added last year to the General Plan and help avoid over-improvements that increase costs and inhibit production of affordable housing. For pre-1942 buildings, the California Historical Building Code (CHBC) would help implement this strategy, since:

- a. the CHBC allows alternatives to regular code that preserve historic fabric, can significantly reduce code-related project costs and allow projects that would be financially infeasible under regular code to become feasible; and
- b. in Alameda, the CHBC applies to all pre-1942 buildings and post-1942 buildings on the Historic Building Study List, comprising thousands of structures.

9. Other residential zoning relaxations. There are numerous other relaxations of existing zoning rules, including reduction of minimum lot sizes to 2000 ft.², reduced side yard setbacks on wide lots, increased lot coverage by buildings, elimination of minimum lot width, and reduction in usable open space. These changes are apparently intended to promote new development, but there needs to be analysis of whether each of these changes is really necessary as well as adverse impacts, such as promoting McMansions, conversion of pervious to impervious surfaces (thereby increasing stormwater runoff), and tree and vegetation removals.

10. In all residential zones, require the portion of a building over 30 feet to be located within the roof envelope, using gables and dormers to develop habitable living space to minimize visual bulk, mitigate solar access impacts on neighbors and so that large new buildings do not look like big boxes, like many post-1920s apartment buildings. See examples attached to our 7-10-22 letter of buildings with a ca. 30 foot wall height and ca. 10-15 foot roof height with living space within the roof envelope.

More detailed provisions could include requiring the roof pitch to be between 4:12 and 12:12, subject, where applicable, to the context-- based roof pitch in the Objective Multifamily Design Review Standards. We are suggesting 4:12 as a minimum roof pitch because lower pitches will look too underscaled and awkward on buildings with 30 foot wall heights. But we expect many applicants will opt for a steeper pitch anyway, since it will maximize the amount of floor area within the roof envelope. Many early 20th century “steep roof” (mostly Colonial Revival) houses have roof pitches up to approximately 24:12, but this is probably too steep for purposes of this proposal so we are recommending a 12:12 maximum.

If this proposal is pursued, it could be further fine-tuned.

11. North Park Street. We would again like to thank staff for reducing the Residential Subarea height limit from the previously proposed 45 feet to 40 feet. This is still a full story higher than the existing 30 foot height limit but could be workable if the portion of the building above 30 feet is included in the roof envelope as discussed in Item 10 above and exceptions to these height provisions triggered by state density bonus law projects can be avoided.

We continue to recommend:

- a. A 40 foot height limit on the west side of Park Street between Lincoln and Buena Vista Avenues to, among other things, avoid visual competition with the visual landmark McGee’s Building, especially the tower (see the simulation that we previously provided of McGee’s with a 60 foot tall building mass next to it, where, among other things, the heights of various elements of McGee’s are indicated);

- b. Retaining the existing one unit per 2000 ft.² of lot area in at least the Residential, Mixed Use and possibly portions of the Workplace Subdistricts; and
- c. Retaining the existing height limits within the Mixed Use and possibly portions of the Workplace Subdistricts unless the portions of a building above 30 feet are within the roof envelope as discussed above for the Residential Subdistrict.

As an alternative to (a):

- (i) between Pacific and Buena Vista provide a 40 foot height limit and allow greater height if setback 30 feet from the Park Street frontage to avoid visual competition with McGee's; and
- (ii) between Lincoln and Pacific base the height limit on the results of a historical/architectural evaluation for the very old building at 1623 Park Street, which has been altered but may be restorable.

See Item 9 in our June 12, 2022 comments and our May 8, 2022 letter to the City Council for further discussion. As stated in the May 8 letter, **much of North Park Street consists of one of the oldest and most historically significant residential areas in Alameda** in addition to the important historic buildings on the west side of Park Street between Lincoln and Buena Vista Avenues.

- 12. On residential frontages where at least 75% of the block face is developed with one story houses, require that upper floors be set back from the front wall. We recommend a setback of at least 15 feet.** This expresses a provision in the Guide to Residential Design as an objective standard. It was considered as part of the Objective Multi Family Design Review Standards, but staff thought that it should be treated as a zoning standard (since it limits the potential building envelope) rather than as a design standard.

Although a setback less than 15' might be sufficient, we are recommending 15 feet to help ensure that the visibility of the upper floor is sufficiently minimized. Specific examples of upper floor setbacks on existing houses could be studied to help determine the appropriate amount of setback. We recommended 15 feet after looking at about a dozen of these houses. Several of them had upper floors set back more than 15 feet. If the Planning Board is interested in the overall approach, specific examples of existing buildings with varying upper floor setbacks could be presented to the Board to help determine the amount of setback.

- 13. Include the Bridgeside Shopping Center within the Community Mixed Use Combining (CMU) District.** The Bridgeside Shopping Center is currently in the North Park Street Workplace Subdistrict, which requires residential uses to be above ground floor non-residential uses, which is not required in the CMU District. Including Bridgeside in the CMU district would enhance the feasibility of residential development at Bridgeside. Also, the North Park Street Workplace height limit is 60 feet at Bridgeside, while the CMU District allows 65 feet.

- 14. Proposed ADU height increase to 25 feet from 16 feet in certain cases (Zoning Amendments Section 30-5.18c.4.(f)).** This is problematic due to, among other things, potential privacy impacts on neighbors. Arguably, a 25 foot tall accessory structure is no longer accessory except in name.

15. Revise the new last sentence of the North Park Street Building Height Exceptions (Zoning Amendments Section 30–4.25d.iv) to read:

If any side or rear lot line abuts a residential property in ~~a~~ the ~~Residential~~, Mixed Use or Workplace sub districts, the height limit of the adjacent sub district shall apply within twenty (20') ~~20 feet~~ of such lot line.

We are recommending this change because the Mixed Use and to a lesser degree the Workplace Subdistricts contain significant numbers of residential buildings.

16. Environmental review.

The staff report relies on the General Plan EIR as the environmental document for adoption of the Housing Element and related zoning amendments and states that no further environment review with respect to the General Plan EIR is required. **This assertion is highly questionable regarding impacts on historic properties.**

The General Plan EIR is a “program” EIR, that analyzes many potential environmental impacts only at a generalized level and “tiers” (defers) more detailed analysis to subsequent environmental review for more specific actions such as individual projects and the Housing Element and zoning amendments. This strategy is reflected in, among other places, the following statements on pages 2-22 and 2-23 of the General Plan Final EIR, which responded to comments in AAPS’s 6-21-22 letter commenting on the Draft EIR:

1. Land Use Classifications and Zoning Changes to Accommodate the Regional Housing Need. Staff is recommending that these provisions be amended in the final draft General Plan to remove specific recommended zoning changes to accommodate the regional housing need. Those zoning changes will occur as necessary when the Housing Element is adopted.
4. Zoning Changes for Heights and Uses. Whenever a change to the zoning is proposed, that proposed change will be subject to review under the California Environmental Quality Act. At that time, it can be determined if the proposed change would result in a significant impact on the environment.

Note: The General Plan originally proposed specific residential density and height limit increases similar to, but less radical than those now proposed in the Housing Element and zoning amendments, but those increases were removed from the General Plan, based at least in part on AAPS’s 6-25-21 letter’s observation that the density and height limit increases does result in adverse impacts on historic properties. Item 1 above from the final EIR refers to these removals, and in combination with Item 4, tiers evaluation of the impacts of these increases on historic properties to CEQA review of the Housing Element and zoning amendments.

However, as we have previously and repeatedly noted, **the proposed residential density and height limit increases will encourage demolition and replacement of historic buildings with new and larger buildings that architecturally disrupt historic neighborhoods and are**

inconsistent with Theme 4 “Character” on page 17 of the General Plan. The increases could also encourage architecturally incompatible alterations and additions to historic buildings.

The General Plan EIR appropriately justified deferring evaluation of the density and height limit increases to the Housing Element and zoning amendments primarily because after these increases were removed from the General Plan, the location and extent of the increases, including their location relative to historic properties, was no longer known and could not be known until the specific increase proposals were provided in the Housing Element and zoning amendments. **Now that the proposals are available, environmental impact analysis of the proposals’ impacts on historic properties is now feasible and necessary** (contrary to the staff report’s determination), based on CEQA Guidelines Section 15162(a), which reads in relevant part:

When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

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... shows any of the following:

A. The project will have one or more significant effects not discussed in the previous EIR...

In this case, the “new information”, of course, is the specific degree and locations of the density and height limit increases (including locations relative to historic properties), that were not known at the time of the General Plan EIR certification.

Finally, the staff report determination appears to assume that impacts of the residential density and height limit increases will be tiered to the project level once specific projects allowed by the density and height limit increases are proposed. However, Programs 2, 3, and 4 contain the following or very similar language:

“Permit multifamily housing, shared housing, transitional housing, supportive housing, senior assisted living, and low barrier navigation centers by right. “By right” means the use shall not require a conditional use permit, planned unit development permit, or other discretionary review or approval. Design Review shall be conducted to ensure compliance with adopted Objective Design Review Standards.”

The use of the phrases “by right” and “ ‘by right’ means the use shall not require... discretionary review or approval” and the reference to Objective Design Review Standards” suggests that review of all of these projects throughout the City will be “ministerial” rather than “discretionary” and therefore exempt from CEQA. If this interpretation is correct, **environmental review of the impacts of such projects on historic properties at the Housing Element and zoning amendments level is the only opportunity for evaluating these impacts, since the analysis normally cannot be tiered to the project level. Is it actually the City’s intent to exempt all of the above project types from CEQA, even when the projects adversely affect historic**

properties? It our understanding that such a broad exemption goes beyond the requirements of State law.

Moreover, some projects such as SB 35 projects (including SB 35 projects combined with state density bonus law projects) are not subject to environmental review for historic preservation impacts unless they involve demolition of national, state or local register properties. But such projects still have significant effects for CEQA purposes on such properties, such as incompatible new construction within a historic area or adverse alterations to such properties.

Related to all of this, the staff report states:

*Older and Significant Properties. AAPS correctly points out that the residential districts include a very large number of older Victorians and historical Study List properties. In recognition of Alameda's older building stock, **the zoning amendments do not change how the City treats historic properties or the review process for alterations or demolition of a Study List property (emphasis added).***

The above paragraph suggests that developments impacting Study List and presumably Historical Monuments and pre-1942 properties would not be ministerial and still be subject to CEQA and HAB, at least with regard to historic property impacts. **How can all of these seemingly contradictory and somewhat ambiguous statements be sorted out?**

Proposal.

To avoid adverse impacts of the Housing Element and zoning amendments on historic properties, we recommend the following changes to the Housing Element and zoning amendments. The changes are mostly based on a project alternative which we previously provided for the General Plan EIR, which became moot regarding the EIR due to the deletion of the residential density and height limit increases from the General Plan:

a. *Delete the proposed residential density and height limit increases, in the following areas:*

- (i) *the R-2 through R-6 Zones, the NP-R and NP-MU Zones (portions of the North Park Street area), and the C-1 Zone (which includes the "Stations"), all as shown on the 2020 City of Alameda Zoning Map;*
- (ii) *the historic portions of the Park and Webster Street Business Districts; and*
- (iii) *properties that are on the City of Alameda Historical Monument or Historic Building Study Lists;*

except *for increased density within existing building envelopes resulting in a maximum of four regular dwelling units per parcel plus ADUs.*

Define the historic portion of the Park Street Business District as:

"The portion of the Park Street Business District located in: (i) the C-C Zone south of Lincoln Avenue; and (ii) the NP-G Zone on the west side of Park Street between Lincoln and Buena Vista Avenues all as shown on the 2020 City of Alameda Zoning Map."

Define the historic portion of the Webster Street Business District as:

“The portion of the Webster Street Business District located in the C-C Zone between Central and Lincoln Avenues as shown on the 2020 City of Alameda Zoning Map”

- b. Clarify the “by right”, “not require discretionary review or approval” and references to “Objective Design Review Standards” to ensure that the current discretionary approval procedures for historic properties as set forth in the historic preservation ordinance and the City’s current design review procedures, including new construction within the Park Street and NAS Alameda (Alameda Point) National Register Districts, will be retained.*

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

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

Attachment A: TOHW map

cc: Mayor and City Council (by electronic transmission)
Historical Advisory Board (by electronic transmission)
Andrew Thomas and Allen Tai, Planning, Building, and Transportation Department (by electronic transmission)
California Department of Housing and Community Development (by electronic transmission)
AAPS Board and Preservation Action Committee (by electronic transmission)



"3 Blocks to Transit" Overlay
Approx. 1/4 Mile From High Frequency Transit
= 5-minute walk

North of Lincoln Historic Buildings

a report by Judith Lynch

Methodology

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

Findings

1. Hidden History

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

2. Oodles of Oldies

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



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



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



3. Styles Represented

(Note that dates are approximate)

Italianate (1870s): 21

Stick (1880s): 16

Queen Anne (1890s): 23

Colonial Revival (1900s): 22

Bungalow (1910s): 10

Other: 22



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

4. Misguided Improvements

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



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

5. Charming Clusters

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

6. Architectural Pedigree

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



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

7. Fascinating Anomalies

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

projecting



e l



altered

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

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



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

8. History at Risk

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

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