



May 22, 2022

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

Subject: Draft Housing Element revisions dated May 16, 2022 (Item 7-B on 5-23-22 Planning Board agenda)

Dear Planning Boardmembers:

The Alameda Architectural Preservation Society (AAPS) was surprised that the May 16 revisions reverse some of the density-moderating changes in the initial list of changes considered by the Planning Board at its May 9 meeting and add new provisions that further increase density through various forms of upzoning within **all** of the residential zoning districts. We have already stated that the previously proposed residential upzonings appear unnecessary to meet the RHNA. The May 16 revisions increases this overkill to an even higher level. The magnitude of the revisions also appear unnecessary to meet state fair housing requirements, since we have not been able to find anything in state law or published HCD guidelines that mandate such sweeping and indiscriminate upzonings **everywhere**.

Here are some specific comments:

1. **Reversion of the transit overlay to 1/4 mile rather than 1/8 mile from “high quality” transit routes (i.e. the 51A bus line) within ALL residential zones and restoring unlimited residential density in all cases and also allowing at least a 40 foot height limit if all new units are 1000 ft.² or less.** We reiterate 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 transit overlay is retained, it should be as a pilot program and:
 - i. Be applied only to important nodes and to existing buildings rather than only to new buildings and properties fronting the transit corridor itself rather than within ¼ or 1/8 mile; and
 - ii. 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.

2. **Exempting adaptive reuse of existing buildings for residential purposes from residential density limits and open space standards in *all* residential zoning districts.** AAPS has indicated interest in this approach, but:
 - a. Only in targeted areas rather than everywhere;
 - b. Setting limits on the number of units on a lot rather than allowing an unlimited number of units;
 - c. Applying the strategy only to the extent necessary to meet the RHNA and/or fair housing requirements; and
 - d. Requiring the additional units be in the form of ADUs to avoid triggering SDBL projects (which could demand a waiver from, among other things, limiting the new residential units to the existing building envelope). Alternatively, limit the total number of units on a lot to four to avoid triggering SDBL projects. Both alternatives could include a requirement that one or more of the units be affordable.

3. **Repeated statements that for multifamily development “design review shall be conducted to ensure compliance with adopted Objective Design Review Standards” (ODRS).** This is problematic, since it seems to mean that all development that includes multifamily housing, including market rate, would be based on the ODRS rather than the Citywide Design Review Manual, including the very good Guide to Residential Design. Although the ODRS incorporate many provisions from the Manual and recommendations from AAPS, the ODRS as presently written will result in a lower level of design quality for new construction than provided by the Manual. When the ODRS was prepared in 2021, some of AAPS’s recommendations to address this were not agreed to by the Planning Board. Incorporation of the recommendations could resolve this issue, including increasing the boundary of the ODRS Traditional Design Area to include the very important North Park Street residential neighborhoods. Currently, our understanding is that market rate multifamily projects in Alameda are still subject to the design review manual, but developments that include affordable housing are subject only to the ODRS, pursuant to state law. It is unclear why staff is now apparently proposing to broaden application of the ODRS to situations beyond those mandated by state law.

4. **We continue to believe the Draft Housing Element’s Housing Sites Inventory (Appendix E) estimate of 50 ADUs per year is too low.** 79 ADU permits were issued in 2021, well above the 39 in 2020 and continuing an upward trend. Staff informed the Historical Advisory Board on May 5 that staff is now estimating an annual ADU production of 50 units, rather than the previously estimated 70 units and below the 79 that were generated in 2021, because of guidance from HCD that the ADU estimate must be based on a three-year average, rather than the trend, even though HCD’s Housing Element guidelines advise that these estimates can be based on trends and several Southern California cities have obtained HCD certification of housing elements that base ADU estimates on trends more optimistic than 79 units per year would be for Alameda.

The averaging method seems especially illogical since ADU regulations were drastically liberalized in the past couple of years, which is a main reason that production has increased. ADUs should continue to increase in 2022 and beyond as property owners, contractors, and architects get

more familiar with ADU possibilities. The City should monitor monthly ADU production in 2022 and adjust the estimates as the Housing Element progresses based on the actual production.

Note: The May 16 draft still has inconsistencies concerning the ADU estimate. Although 50 units per year appears to be the intended estimate, Program 5 assumes 70 units, while Appendix E assumes 50 units.

5. New text on page 5 and pages 23–24 of the May 16 revision that now explicitly repeals Alameda Municipal Code provisions that implement City Charter Article 26:

New text on Page 5:

As described in Appendix D Assessment of Fair Housing, Alameda, like many cities in the Bay Area, historically maintained local land use controls that served to restrict access to housing and therefore opportunities for lower income segments of the community. This Housing Element makes a commitment to specific actions to affirmatively further fair housing and foster inclusive communities free from barriers that restrict access to housing and opportunity. These actions, include but are not limited to:

- Amending the Alameda Municipal Code (AMC) to remove the citywide prohibition on multifamily housing of three or more units and removing the citywide prohibition on residential densities over 22 units per acre ensuring equal access to housing opportunities in all Alameda neighborhoods and mixed use districts. (See Housing Programs 2, 3, and 4.)

New text on Pages 23-24:

- Amend the Alameda Municipal Code (AMC) to remove any barriers that are internally inconsistent with other provisions of the Municipal Code including Section 30-50 through 30-53, which prohibits multifamily housing in Alameda and which conflicts with several other provisions within the AMC which permit multifamily housing.

The sending of this very radical draft Housing Element to the State Department of Housing and Community Development (HCD), including effective abolishment of Article 26, without any vote by the Planning Board or City Council is highly problematic, and with respect to *full* repeal of Article 26 (as opposed to Article 26 carveouts as needed to conform with State law as the City has previously done), possibly illegal as discussed by Planning Board members at the Board's June 9 meeting.

In addition, the Planning Board and Council review process in the form of discussion workshops with no votes has left it up to staff to resolve any conflicting comments from Planning Board and Council members and members of the public. The process should have required a vote by the Planning Board and City Council at each of their meetings (or at least their final meetings) on the draft presented to them, including, if necessary, a series of votes on provisions that Planning Board and Council members had differing opinions on as well as new or modified provisions suggested by Planning Board and Council members.

Related to this, we continue to be concerned that HCD may not look favorably on any effort by the city to walk back any of the upzoning proposals following HCD's review and comments on the subject draft.

Finally, we were disappointed that most of the recommendations in our May 8 letter and May 9 Housing Element markup were not incorporated into the May 16 draft. We were especially surprised that not even innocuous recommendations such as using alpha-numeric designations rather than bullet points to facilitate reference and providing maps of the transit overlay and the Park and Webster Street development sites to assist reader understanding of the proposals were not included, particularly because the first paragraph of the May 16 draft says: "This document displays all of the changes to be made to the April 2022 Draft Housing Element **in response to community comment** and review and further technical review" (emphasis added).

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

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)
City Manager and City Clerk (by electronic transmission)
AAPS Board and Preservation Action Committee (by electronic transmission)