



May 8, 2022

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

Subject: Draft Housing Element and related 4-4-22 zoning text amendments (Item 7-C on 5-9-22 Planning Board agenda)

Dear Planning Boardmembers:

The following comments mostly restate those in our April 18, 2022 letter to the city Council (copied to you), but with some modifications to reflect our further review and in response to the latest changes to the Housing Element draft.

1. **State Density Bonus Law concerns.** An especially troubling aspect of the proposed residential density increases in the R-3 through R-6 zones and in all areas covered by the recently proposed “Small Unit Transit Priority Bonus” (SUTPB) (replacing the previously proposed Transit Overlay) **will allow State Density Bonus Law (SDBL) projects on about one-third of the lots in R-3 through R-6 and on ALL of the lots where new construction is proposed within the SUTPB because of the proposed unlimited density for new construction**, allowing developers to demand the relaxation of zoning standards, such as height limits, lot coverage, setbacks and universal design requirements. The proposed density increases in the historic portions of Park Street and Webster Street and the Stations will have a similar impact.

We have repeatedly stated concerns about the impact of the SDBL relative to upzonings and asked for a staff analysis of the interplay between the proposed upzonings and the SDBL in Alameda’s built-up residential and historic commercial areas, but this analysis is yet to be provided.

Staff has been assuming that SDBL projects will involve only a 20% bonus, which for a five story building with four stories of residential over ground-floor commercial would typically result in an additional sixth floor with about 80% of the floor area of each of the residential floors below.

However, assuming only a 20% bonus is too conservative. Under the SDBL, bonuses up to 50% are available and up to 100% if the project is 100% affordable. Various projects in Oakland and elsewhere have used these higher bonuses. In the above example, a 50% bonus would typically result in two additional floors, **resulting in a ca. 75–80’ (seven story) building rather than a ca. 55 –60’ (five story) building.**

2. **Expanded ADU program as alternative to SDBL projects in residential and historic commercial areas.** It was initially thought that the proposed “form-based” unlimited residential density within building envelopes established by the height limits and setbacks was a promising

strategy to avoid SDBL projects that could trigger a concession or waiver from height limits and other zoning standards. Unfortunately, as staff described at the February 14 Planning Board meeting, this is not the case.

To discourage SDBL projects that exceed the height limit in residential and historic commercial areas, yet provide significantly increased density, **consider amending Alameda’s Accessory Dwelling Unit (ADU) ordinance to allow a high (and possibly unlimited) number of ADUs in targeted residential areas and the historic parts of Park Street and Webster Street and the Stations, with no increases in the existing base zone density of ca. 22 units/acre.** The ADUs would be considered “accessory” to the permitted relatively minimal number of by-right units allowed under the existing ca. 22 units/acre density and therefore would not count toward the minimum number of five by-right units that make a parcel eligible for a density bonus project. Density bonus projects would therefore continue to be limited to parcels of at least 10,000 ft.². The ADUs would still be credited toward the RHNA and **better promote the City’s objective of facilitating smaller and more affordable units than the typical density bonus approach.** At least some of the ADUs could be required to be deed-restricted affordable, paralleling the SDBL approach.

See the attached April 19, 2022 letter from the Meyers Nave law firm, who are experts on the SDBL and Housing Element issues, which confirms the legal viability of AAPS’s ADU strategy.

3. Residential Zoning Districts.

- a. **Delete or modify the SUTPB and Program 4’s proposed massive upzoning of the R-3 through R-6 zones. Reduce the 20% buffer to 10%.** The Draft Housing Element’s Exhibit E states that the upzoning and SUTPB is needed to obtain 270 non- ADU RHNA units in the residential zones by 2031 (an average of 34 units per year). **But such a drastic and wholesale upzoning of R-3 through R-6 and the SUTPB to obtain only 270 units is unnecessary and overkill.** It is especially reckless since it is much harder to downzone then to upzone if it is later determined that the upzoning was a mistake.

Related to this, staff increased the 5353 RHNA-required units by 1060 units (about 20%) for a total of 6413 units in order to provide a “buffer“ based on State Housing and Community Development (HCD) Department Guidelines, in case the City has difficulty over the 2023–31 Housing Element period producing 5353 units. But without the 270 units, there would still be an estimated 6143 units which EXCEEDS the 5353 RHNA by 790 units. If the buffer were only 10% (still in the 10% to 30% range “recommended” by HCD), as discussed by Planning Board members at the Board’s April 11 meeting, and which is, the buffer would only be 530 units for a total of 5883 units, or 260 units less than the estimated 6143 units without the residential upzonings. **Reducing the buffer to 10 % should be seriously considered.**

Moreover, 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. In addition, the February 15, 2022 SB 9 City Council staff report estimated that nine additional SB9 units will be produced per year in the R-1 Zone, which, when added to the 79 ADUs, **results in 304 units more than the 400 estimated in the Housing Sites Inventory for the eight year RHNA**

period, EXCEEDING the 270 units estimated to be generated in the Housing Sites Inventory by 34 units. 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 advised that these estimates can be based on trends. 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 steadily increase in 2022 and subsequent years as property owners, contractors, and architects get more familiar with ADU possibilities. The City should monitor monthly ADU and SB 9 production in 2022 and adjust the estimates (likely upward) as the Housing Element progresses based on the actual production.

Ironically, the proposed upzoning could threaten the existing stock of relatively low-cost privately owned rental units by encouraging developers to buy up these buildings and expand and/or renovate them to create more units at higher rents, especially if using the State Density Bonus Law. There is an increasingly worrisome trend for large institutional investors to do this. Although density bonus projects are based on providing affordable units as part of the project, the number of affordable units in many cases will be insufficient to offset the loss of the pre-existing affordable units.

Exhibit 2 to the 5/9/22 Planning Board staff report brings back a previous proposal to allow unlimited density within existing building envelopes. AAPS has previously stated that the strategy seems promising but continues to recommend it be applied only to targeted areas rather than throughout all residential districts and that the additional units be in the form of ADUs to avoid triggering SDBL projects. If 270 additional units are really needed in the R-3 through R-6 zones, the strategy by itself may be sufficient to accomplish that.

- b. **The SUTPB's reliance on bus lines as a basis for upzoning (although currently popular with some City planners) 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.

If the SUTPB is retained, it should be applied only to existing buildings rather than only to new buildings and use Item 2's expanded ADU program as an alternative to SDBL projects.

- c. **Do not upzone more than is necessary.** Staff may be concerned that HCD, in its review of the first HCD Housing Element draft, will question reliance on ADUs and SB9 units to obtain enough units in the residential zones by 2031. But the City should continue to advocate that HCD that ADU estimates should be based on trends as set forth in the HCD Housing Element Guidelines rather than on a three-year average and **should keep its powder dry and not preemptively include such extensive upzonings in the first HCD Housing Element draft.**

If HCD in its first review rejects the ADU/SB9 approach, the City can present alternative strategies in the second HCD draft that could include, if necessary, residential area upzonings, including the SUTPB, that are more targeted than currently proposed such as limiting the SUTPB to important nodes such as Park Street and Webster Street with possible expansion in the future housing element cycles. In addition after the Housing Element is adopted, if after a specified period of time (perhaps two or three years), the City is falling short in meeting the RHNA, further targeted upzonings and/or other development incentives could be considered. We understand that HCD is open to this kind of phased approach.

- d. **Consider changing the R-1 Zone to R-2.** This will eliminate the complications presented by SB9 and allow up to five units on an existing R-1 lot (two regular units plus three ADUs) rather than the SB9 minimum of four units (in various combinations of regular units and ADUs). Other communities, such as San Francisco are pursuing this strategy.

4. **Park and Webster Street height limits.**

- a. **We reiterate our previous recommendation that a three story (40') height limit be provided for the historic portions of Webster Street and Park Street.** For both Webster Street and Park Street the historic portions are generally south of Lincoln, plus the west side of Park Street between Lincoln and Buena Vista. New buildings taller than three stories in these areas could visually disrupt the existing mostly 1-3 story buildings and compromise the historic areas' sense of time and place. See the Attachment 2 photograph of a new five story commercial/residential building in Oakland next to older two-story commercial buildings and Attachment 3 showing a 60 foot tall building mass next to McGee's on the west side of Park Street between Pacific and Buena Vista Avenues.

We therefore continue to recommend that:

- i. The existing three story/40' height limit on Webster Street south of Lincoln Avenue be retained and the existing five story/60' height limit for properties fronting on Park Street north of Encinal Avenue be reduced to three stories/40', but allowing five stories/60' with a use permit to address special situations, (such as new buildings adjacent to existing buildings that are taller than 40'); and
- ii. The existing three story/40' height limit (five stories/60' with a use permit) be retained for Park Street south of Encinal Avenue and properties which do not front on Park Street.

Greater height could be allowed on designated "opportunity sites" within the historic areas, such as the CVS parking lot at Oak and Santa Clara.

We were surprised that the draft zoning amendments presented at the March 14 Planning Board meeting proposed a uniform 60 foot height limit for all of the Webster Street Business District, totally discarding staff's previous proposal based in part on the West Alameda Business Association's (WABA) proposal (see Attachment 1). While some Planning Board members at the February 14, 2022 meeting expressed a preference for the

same height limit in both the Webster Street and Park Street districts and that the limit should be 60 feet, we did not hear support for this from a majority of the Planning Board.

Exhibit 2 to the 5-9-22 Planning Board staff report continues to propose a 60 foot by-right height limit for the historic portions of the Park Street and Webster Street but now requires a 15 foot setback for height over 40 feet on Webster Street between Central and Lincoln Avenues and the Park Street National Register District. **The upper floor setbacks may be helpful in some cases, but the adequacy of a 15 foot setback needs study.** The sightline approach proposed by WABA is less arbitrary since it is based on actual analysis addressing visibility

- b. **Increased height limits for Park and Webster Street outside the historic areas could be appropriate if the buildings are well designed, since it is mostly in these areas that major opportunity sites exist.** But we urge that the City be cautious in proceeding down this path. Five story buildings will be drastically out of scale with the mostly 1-2 story buildings on the side streets and create a canyon-like effect along Park and Webster Streets. Attachments 4a and 4b are photos of ca. 60' buildings along 3rd Street in Oakland's Jack London District to indicate the kind of streetscape that buildings of this scale can create. Note that 3rd Street's 80' right-of-way-width is the same as Park and Webster Street's. The provisions in Alameda's Design Review Manual could help avoid this kind of impact, but SDBL projects are not subject to the Design Review Manual - - only to the February, 2021 Objective Design Review Standards, which we believe are not sufficient to address the relevant design issues and need to be strengthened.

Five story buildings will also promote a jagged streetscape of five story buildings mixed with 1-3 story buildings (See Attachment 5 photo)

- c. The draft height limit text expresses height only in feet, deleting the number of stories. **The number of stories should be retained, since a 40' or 45' building could be four stories, rather than the existing three, and a 60' building could be six stories rather than the existing five.** Including the number of stories will better communicate the City's development expectations.

5. North Park Street District.

- a. **Provide in the North Park Street District a 40 foot height limit on the west side of Park Street between Pacific and Buena Vista Avenues.** Although outside the Park Street National Register District, the west side of Park Street between Lincoln and Buena Vista still has two of the most important historic buildings along Park Street – the Fossing Building at the northwest corner of Pacific Avenue and McGee's mid-block. It also has at the southwest corner of Pacific one of the oldest buildings along Park Street, built in 1871. Part of this building has been insensitively remodeled, but appears restorable. As noted in Item 1 above and shown in Attachment 3, a 60 foot building next to McGee's would visually overwhelm this important building, eliminate its current function as one of Park Street's major visual landmarks (defined by its tower), and block its view from the Park Street bridge.

The proposed zoning amendments propose deleting the existing North Park Street requirement that new buildings over 50 feet be approved by the Planning Board based on the determination that the building is consistent with the Design Review Manual's "special design guidelines for tall buildings on Park Street". If the North Park Street height limit is 60 feet, this provision should be retained at least for the west side of Park Street between Lincoln and Buena Vista. But the better approach is to require a use permit for buildings over 40 feet, as is now the case for much of the Park Street area south of Lincoln.

- b. Retain the existing height limits and one unit per 2000 sq. ft. of lot area density in at least the Residential, Mixed Use and possibly portions of the Workplace Subdistricts.** These are among the oldest and most historically significant residential areas in Alameda. See the 2008 report (Attachment 6) by former Historical Advisory Board member and noted architectural historian Judith Lynch. As previously stated, providing unlimited residential density in residential areas is reckless and overkill, given the potential for SDBL projects and the probability that the RHNA can be accommodated without this kind of indiscriminate upzoning. If increased density is desired, use Item 2's expanded ADU program.
- 6. C-1 Districts ("Stations").** The latest proposal in Exhibit 2 to the 5/9/22 Planning Board staff report increasing the height to match the adjacent residential zoning district is reasonable. But the proposed unlimited residential density raise the possibility of greater building heights due to SDBL projects. Item 2's expanded ADU program to promote increased density should be used instead.
- 7. Request staff to provide the final HCD draft to the Planning Board for review and review and approval by the City Council prior to its submission for HCD review.** Following the May 9 comment deadline, planning staff intends to revise the Draft Housing Element in response to comments received and submit the revised Draft to HCD for review without Council approval of the revised Draft. Given the Housing Element's extreme importance and HCD's outsize role in determining the Housing Element's adequacy, final Planning Board review and Council review and endorsement of the HCD draft is essential before submittal to HCD.
- 8. Other substantive comments.**
 - a. We continue to urge that zoning provisions inconsistent with Article 26 be mapped using an overlay zone as has been done in the past rather than through changes to the base zone.
 - b. Retain the Bridgeside and Marina Village Shopping Centers in the C-MF overlay district so that zoning standards will be consistent for all of the shopping centers.
 - c. Delete from the Housing Element zoning provisions not related to RHNA production. One example is the proposed elimination of the 20% combined side yard setback. Consideration of such proposals should be limited to the upcoming zoning text discussions.
 - d. We reviewed the California Fair Housing Task Force methodology for the opportunity map. At least some of the opportunity area methodology appears to be based on the 2010 rather than the 2020 census and/or information that is at least several years old. (The methodology document does not clearly describe the data currency.) **Do the opportunity**

maps reflect recent developments and population changes in West Alameda, including development at Bayport and Alameda Landing?

- i. Show street names to help users identify the opportunity area boundaries. Without street names, the boundaries are very hard to identify.
- ii. Correct inconsistencies in the estimated unit production numbers in the programs and Exhibit E. Staff has told us that the Exhibit E numbers are the correct estimates, so the comments in this letter are based on those numbers.

9. Format comments:

- a. Use alpha-numeric designations rather than bullets to facilitate reference.
- b. Provide maps showing:
- c. The Small Unit Transit Proximity Bonus; and
- d. The list of potential Park Street in Webster Street sites on Pages E-10 and E-11.

Marked-up pages from the Draft Housing Element with additional comments will be submitted separately by the end of the day on May 9.

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. 2-4-22 WABA letter to the Planning Board
 2. Photograph of newer five story building adjacent to older two story commercial buildings
 3. Rendering of a 60' building mass next to McGee's
 4. Photographs of ca. 60' tall buildings on 3rd Street in Oakland.
 5. Streetscape photo of two, three and five story buildings
 6. North of Lincoln Historic Buildings--a report by Judith Lynch
 7. 4-19-22 Meyers Nave letter confirming legal viability of AAPS's ADUs strategy as an alternative to SDBL projects

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)



February 4, 2022

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

Subject: Housing Element updates

Dear Planning Board:

The West Alameda Business Association (WABA) has been working closely with the Planning Department staff over the past year in regards to the District's proposed height increases in order to accommodate updates to the housing element. At WABA's last board meeting on January 26th, the board reached consensus that the attached diagrams meet the 2011 Vision guidance for the District and that they represent a solid path forward towards accommodating the District's allocation for housing.

Please note that the specifics in regard to density were not discussed at the board meeting, however, the design committee has proposed that the city consider a Form Based Code approach to density where the applicant is not applying for the State Density Bonus, and that when the applicant *is* applying for the State Density Bonus that the existing density of 22 housing units per acre be used. This has been noted in the updated proposed zoning diagram and is attached to this letter. The concern is that increasing the density above what is in place, or not using a Form Based Code approach, will create a height and scale issue for the District that will not support a high quality of life for its existing or future residents. We are trying to avoid a sunless wind tunnel in our District, similar to what is happening in other districts in the bay area. This lowers quality of life and creates pedestrian dead zones that do not support a thriving business community.

As noted in the February 14 Planning Board staff report, the staff-recommended zoning amendments, while based on the attached WABA diagrams, make changes to some provisions in the diagrams. We ask the Planning Board to recommend to the City Council that the zoning amendments conform to the WABA diagrams. Attached are marked-up pages from the zoning amendments that reflect the WABA diagrams. Also attached are WABA generated building envelope cross sections based on the WABA diagrams that are clearer than the versions included in the staff report.

Our largest concern at this point is this: the information regarding these major changes is coming from the Planning Department very quickly, and not allowing enough time for our community to digest and discuss these issues. No community presentation has been prepared, other than what the community volunteers can cobble together in a very short amount of time, then WABA is gathering the community around the information, along with the WABA Board, and preparing a response to the city proposal. For such a major change our preference would be to include the community in a more in depth manner vs relying on volunteers to take this information out into the community then turn those communications back into meaningful feedback to the city staff.

We look forward to your support in bringing much needed housing to our District and contributing to its growth.

Linda Asbury
Executive Director
West Alameda Business Association
linda@westalamedabusiness.com
510.523.5955

Attachments:

1. WABA Multi Family Overlay Zone proposal 2022-02-04

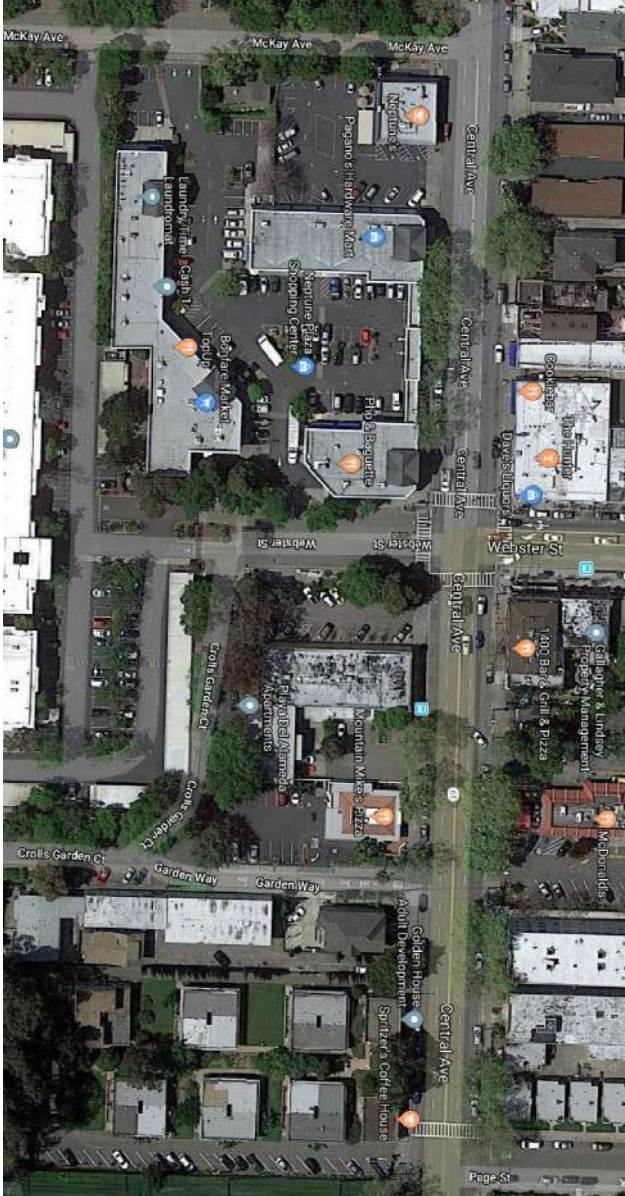
Cc: Mayor and City Council
Andrew Thomas, Allen Tai
WABA Board of Directors

MF (MULTI FAMILY) ZONE 1
HISTORIC CORE
CENTRAL AVE TO LINCOLN AVE

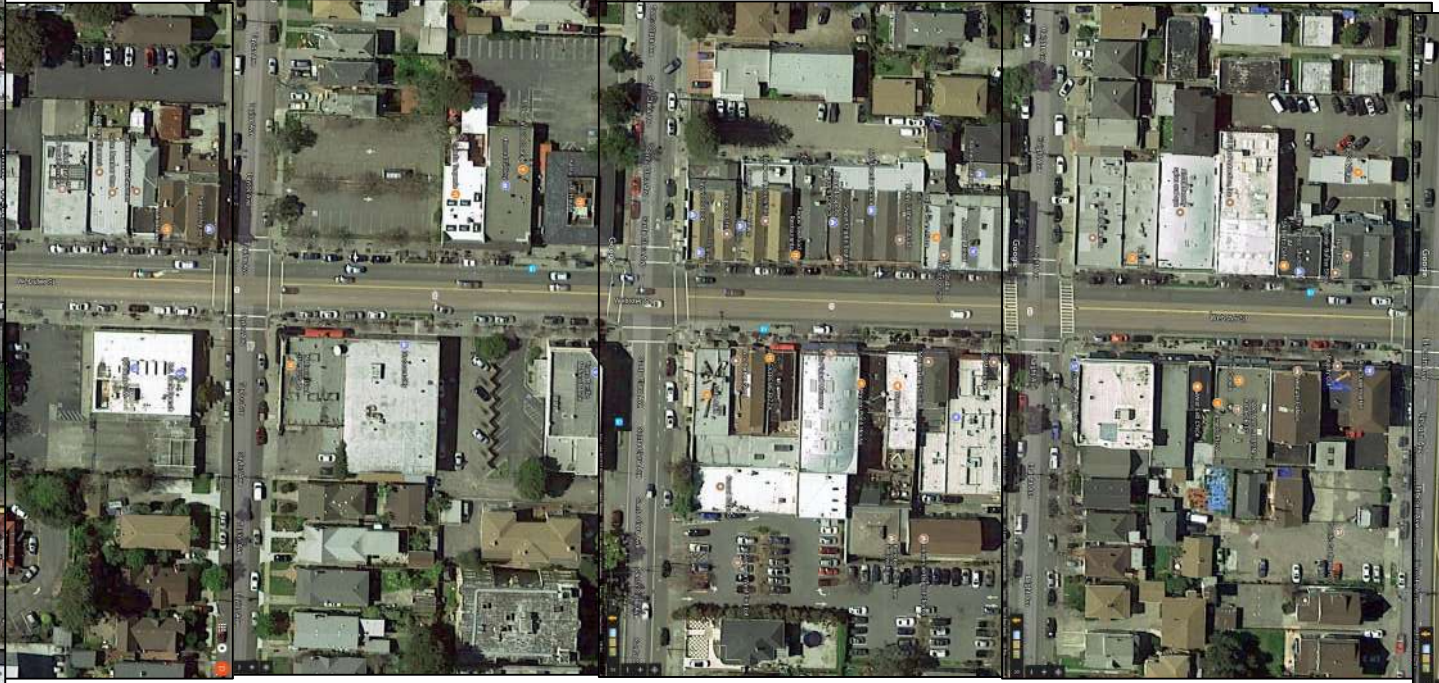
1. NO CHANGES TO NUMBER OF FLOORS ALLOWED
2. INCREASE HEIGHT ALLOWANCE TO 45'
3. MAINTAIN DENSITY LIMIT OF 22 RESIDENTIAL UNITS PER ACRE IF SDBO USED OR USE "FORM BASED CODE" DENSITY (WHATEVER FITS INTO THE BUILDING WITHIN THE ALLOWED HEIGHT), IF NO SDBO USED.
4. REDUCES PARKING REQUIREMENT

CHANGES APPLY TO CURRENT C-C ZONING ONLY

CENTRAL AVE



TAYLOR AVE



SANTA CLARA AVE

HAIGHT AVE

LINCOLN AVE



MF (MULTI FAMILY) ZONE 2
DEVELOPMENT OPPORTUNITY ZONE
LINCOLN AVE TO APPEZZATO

1. NUMBER OF FLOORS ALLOWED GRADUALLY INCREASES (CURRENTLY 3 FLOORS)
2. INCREASE HEIGHT ALLOWANCE TO 45' (CURRENTLY 40') THEN GRADUALLY INCREASES HEIGHT PER DIAGRAM.
3. MAINTAIN DENSITY LIMIT OF 22 RESIDENTIAL UNITS PER ACRE IF SDBO USED OR USE "FORM BASED CODE" DENSITY (WHATEVER FITS INTO THE BUILDING WITHIN THE ALLOWED HEIGHT), IF NO SDBO USED.
4. REDUCES PARKING REQUIREMENT

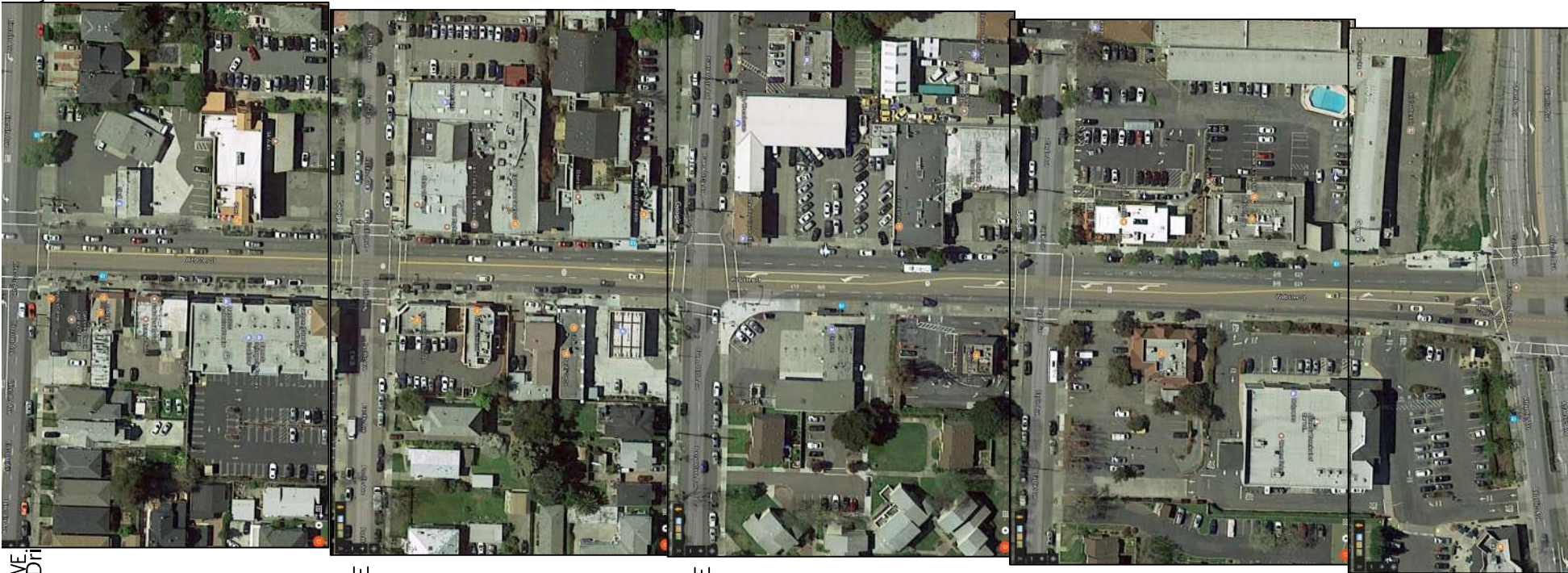
CHANGES APPLY TO CURRENT C-C ZONING ONLY

- 45' HT ALLOWED @ STREET FRONT WITH 3 FLOORS
- 55' HT ALLOWED @ SIGHT LINE SETBACK WITH 4TH FLOOR

- 55' HT ALLOWED @ STREET FRONT WITH 4 FLOORS

- 55' HT ALLOWED @ STREET FRONT WITH 4 FLOORS
- 65-70' HT ALLOWED @ SIGHT LINE SETBACK WITH 5 FLOORS

- 55' HT ALLOWED @ STREET FRONT WITH 4 FLOORS
- 65-70' HT ALLOWED @ SIGHT LINE SETBACK WITH 5 FLOORS
- ±77' HT ALLOWED @ SIGHT LINE SETBACK WITH 6TH FLOOR



products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

d. *Accessory Uses, Buildings, and Structures.*

1. The following accessory uses, buildings and structures are permitted in the C-C District:

- (a) Incidental storage and accessory uses, including repair operations and services, provided such uses shall be incidental to the retail sale of products on the premises, shall not employ more than five (5) persons excluding sales personnel, and shall be placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.
- (b) Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional use as determined by the Planning Director.
- (c) Accessory dwelling units and junior accessory dwelling units, as regulated in Section 30-5.18, when a primary dwelling exists on the lot.

e. *Design Review Required.* All new structures or buildings, or exterior revisions of any existing structures or buildings for both permitted and conditional uses shall require design review pursuant to Article II, Section 30-35.

f. *Signs.* Signs are allowed as provided by Section 30-6 of this article. A sign permit is required prior to placement of any signage on property in Alameda.

g. *Development Regulations.*

1. Lot Area and Lot Width: None.

2. Building Height Limit: Building height shall be regulated as follows:

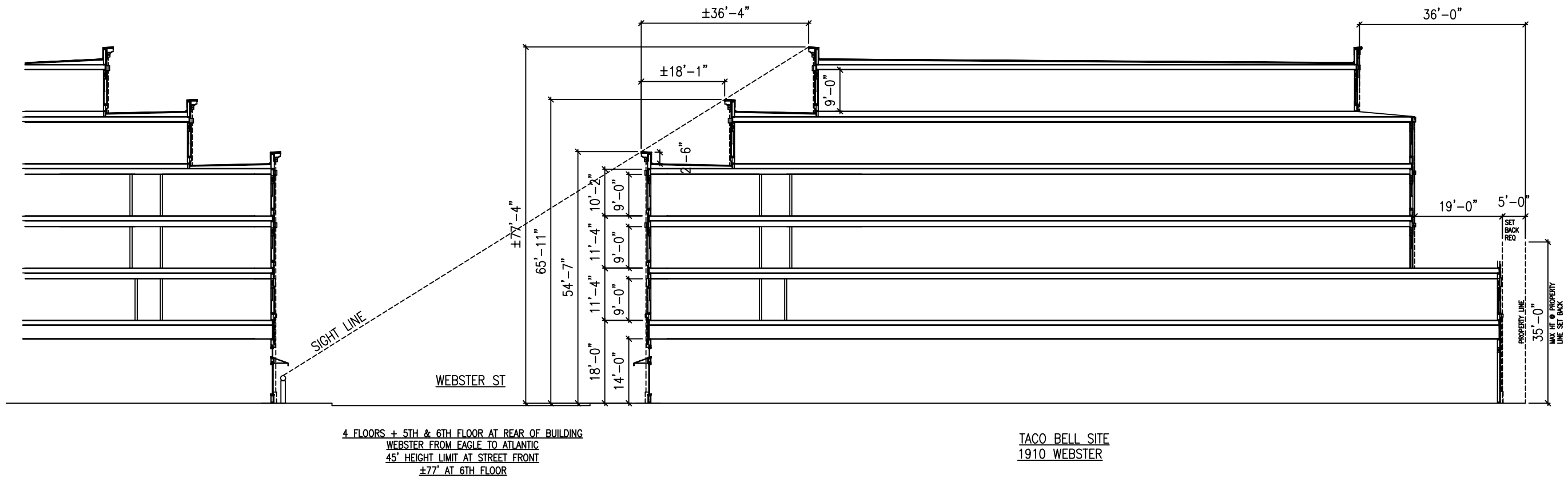
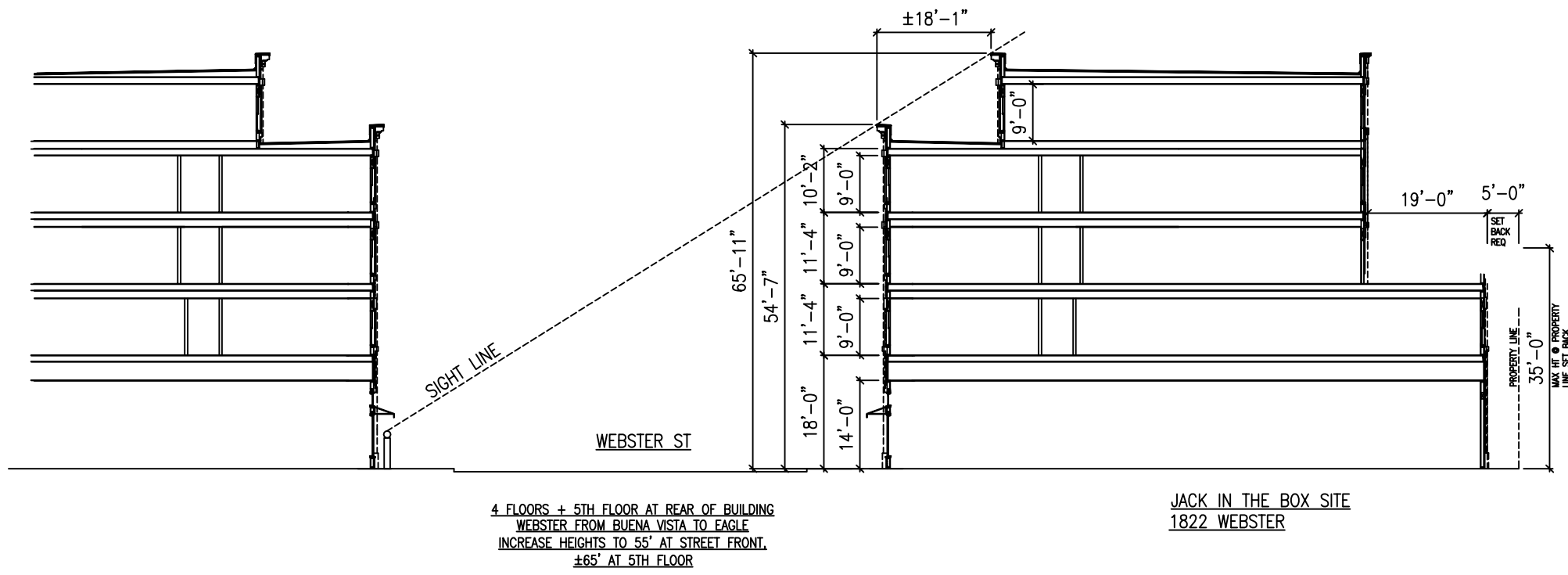
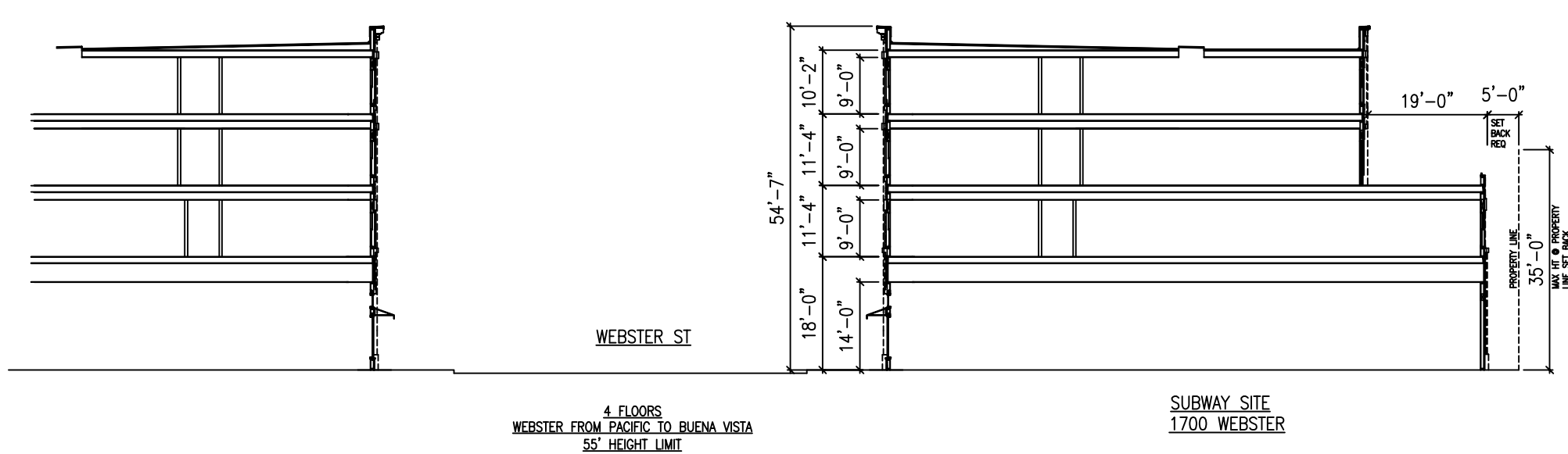
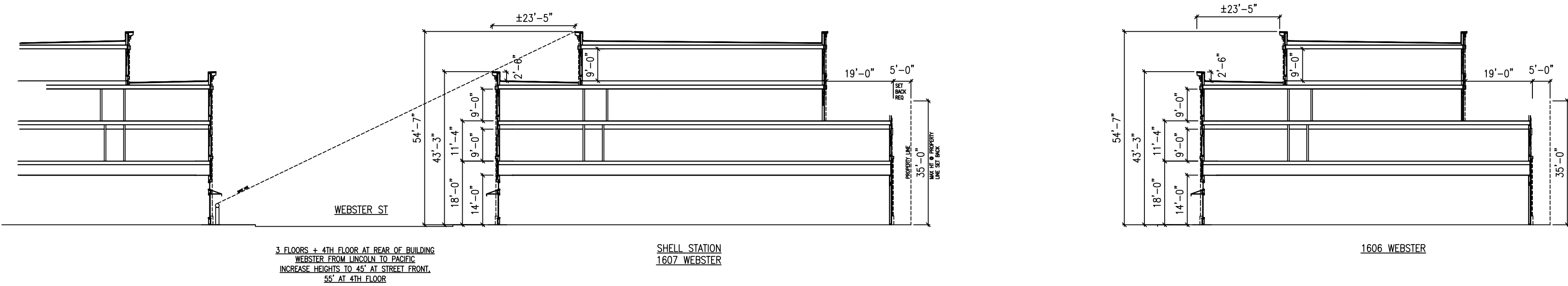
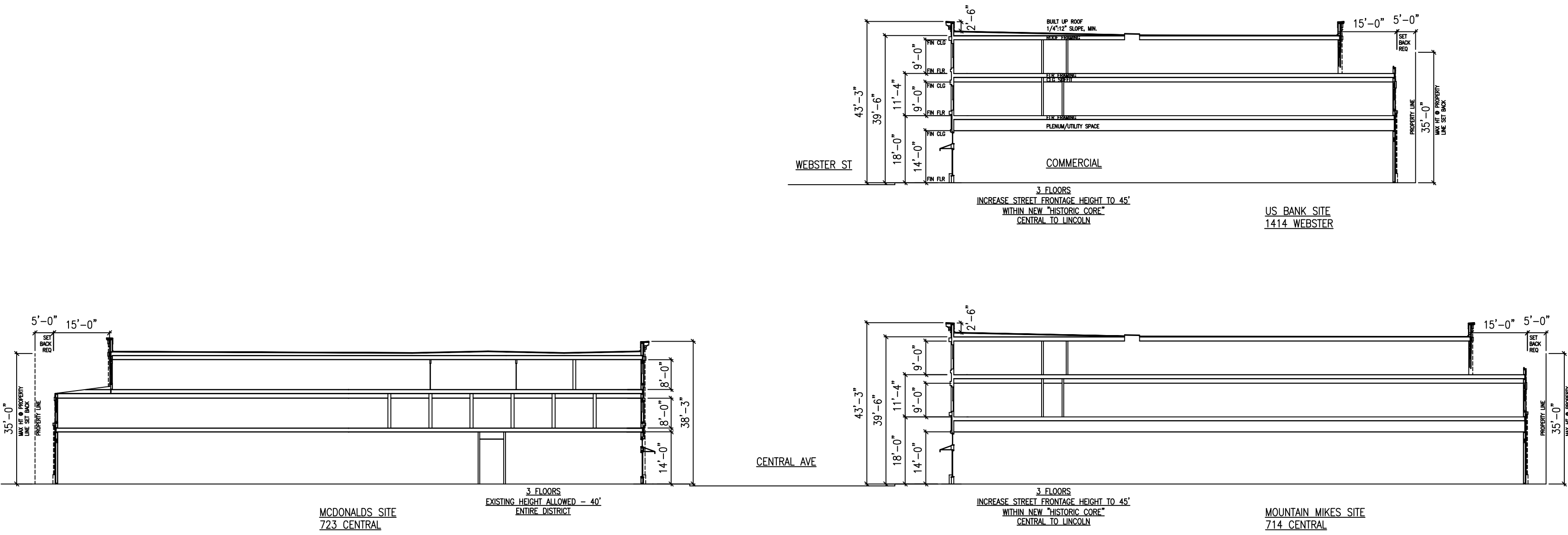
Park Street District—Maximum height shall be ~~five (5) stories but not to exceed sixty (60') feet.~~ for properties fronting on Park Street north of Encinal Avenue. In the remaining areas of the Park Street C-C District the height limit shall be forty (40') feet and the height within this area may be increased to a maximum of sixty (60') feet upon approval of a use permit. Parking structures, including parking structures which have a commercial use component, are exempt from the height limit provided the structure does not exceed six (6) stories, the commercial floor area does not exceed fifty (50%) percent of the overall floor area of the structure, and public parking is provided in addition to the parking required for the commercial component.

Webster Street District—Maximum height shall be as follows: ~~three (3) stories but not to exceed forty (40') feet throughout the C-C District~~

- Properties fronting onto the south side of Central Avenue - fifty five (55') feet, provided that any portion of the building that exceeds forty five (45') feet is set back at least ten (10') feet from the face of the building.
- Properties fronting onto Webster Street between Central Avenue and Lincoln Avenue, and properties fronting onto the north side of Central and south side of Lincoln - forty five (45') feet;
- Properties fronting onto Webster Street between Lincoln Avenue and Pacific Avenue and properties fronting onto the north side of Lincoln and the south side of Pacific - fifty five (55') feet, provided that any portion of the building that exceeds forty five (45') feet is set back at least ~~ten (10')~~ feet from the face of the building. *(e both front + rear PL)*

24°

- Properties fronting onto Webster Street between Pacific Avenue and Buena Vista Avenue and properties fronting onto the north side of Pacific and the south side of Buena Vista Avenue - fifty five (55') feet; (SAME 24' SET BACK? & REAR?)
 - Properties fronting onto Webster Street between Buena Vista Avenue and Eagle Avenue and properties fronting onto the north side of Buena Vista or the south side of Eagle- sixty five (65') feet, provided any portion of the building that exceeds fifty five (55') feet is set back at least ~~ten (10')~~ ^{18'} feet; and, (+ 24' SET BACK & REAR FT?)
 - Properties fronting onto Webster Street between Eagle Ave and Atlantic Avenue and properties fronting onto the north side of Eagle or south side of Atlantic- eighty five ~~(85')~~ ⁸⁰ feet. w/ 18' SET BACK @ 5th FLR + 36' SET BACK @ 6th FLR + 24' @ REAR
3. Building Coverage: Buildings may cover one hundred (100%) percent of the building site, provided the ratio of all floor space to lot size shall not exceed three (3) to one (1).
5. Maximum Residential Density: None
6. Minimum Residential Density for new buildings: 30 units per acre.
5. Front Yard: ~~None~~ Buildings shall be located on the front property line. A minimum of eighty-five (85%) percent of the area between the side property lines must be occupied by building mass, plazas, or paseos along the primary street frontage.
5. Side Yard: No yard, however where any side lot line abuts a residential district there shall be a minimum side yard of five (5') feet.
6. Rear Yard: None, however, where the rear lot line abuts a residential district there shall be a minimum rear yard of five (5') feet.
7. Yards for Gasoline Service Station pumping stations and automobile service facilities. (In addition to the yard requirements prescribed for the zoning districts):
- (a) A setback of ten (10') feet shall be maintained from property lines that abut the rear yard of a lot located in a residential district or a lot in residential use.
 - (b) A setback of fifteen (15') feet shall be maintained from property lines that abut the side yard of a lot located in a residential district or in residential use.
8. Off-Street Parking, Electric Vehicle Charging, and Transportation Demand Management regulations and Loading Space: As regulated by Section 30-7 unless a parking exception is granted.
- (a) A parking exception may be approved for new construction or existing buildings converted to new uses reducing the number of parking spaces to less than the number specified in the parking schedule in Section 30-7.6 provided the following findings are made by the Planning Board:
 - (i) The parking demand will be less than the requirements in Section 30-7.6, and
 - (ii) The probable long term occupancy of the building or structure based on its design, will not generate additional parking demand.
 - (b) A parking exception granted by the Planning Board shall be limited to the specific structure and use. Any future alterations to the building or changes in the use shall require a new parking exception or shall be required to meet the parking supply requirements of the parking schedule in Section 30-7.6.



2022-01-31
match rear setbacks to
duplicate front setbacks



ART'S

Copper

Spoon

COCKTAILS & KITCHEN

THE WOLVES
OUR SIGNS
BAGNE
NIGHT MEAL

Simulation of a 60' Tall Building on the 1600 Block of Park Street – West Side









Harrison

Classic
SMOG
CHECK
415-821-2583

Clean Air
TEST ONLY CENTER
SMOG CHECK
415-821-2583

TEST
ONLY
STATION

415-355-0010
JIMMY
WISSE
Music
Store

D&D AUTO
BODY
3600

butter
Red Bull
ENERGY DRINK

Game this Summer from
South Africa right here.

ADVERTISE
HERE
415-863-5964
PERMIT-845870
12-20

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.



1999 Harrison Street, 9th Floor
Oakland, California 94612
tel (510) 808-2000
fax (510) 444-1108
www.meyersnave.com

Steven T. Mattas
smattas@meyersnave.com

April 19, 2022

Via Electronic Mail

Christopher Buckley, Chair
Alameda Architectural Preservation Society
Preservation Action Committee
P.O. Box 1677
Alameda, CA 94501
E-Mail: cbuckleyaicp@att.net

Re: Alameda Housing Element Update and Related Density Bonus Issues

Dear Chris:

You have asked us to discuss the proposal of the Alameda Architectural Preservation Society (AAPS) that the City of Alameda maintain its relatively low by-right density standards and offer valuable development benefits to multifamily housing projects to incentivize their construction in compliance with the City's existing height limits. AAPS understands that multifamily developers may seek to exceed those height limits through requests for a waiver or modification of the standard under state density bonus law, and proposes that the City reward multifamily housing developments that adhere to City height limits by allowing a significant or even unlimited number of ADUs to be built in such projects.

We believe that Alameda could adopt a program that would incentivize applicants for new multifamily housing projects to design those projects in a manner that does not exceed City height standards. This "carrot" type of approach is similar to the programs adopted by other cities that reward development projects which provide community benefits such as public infrastructure improvements, public and private open space, upscale hotels, child care centers, neighborhood grocery stores and other amenities that serve the public. In return for providing these community benefits, these programs provide the applicant benefits such as additional density or FAR, reduced setbacks and open space requirements, fee waivers, etc. We believe that the City of Alameda could take this approach to provide additional ADU rights to multifamily project applicants, conditioned upon their projects not exceeding City height limit requirements.

With respect to the specific benefit you propose, a large or unlimited number of ADUs, we believe that the City would be authorized to provide this type of benefit to developers of new multifamily housing projects. The City is not required by state ADU law to do so, as the state ADU law is silent on a local agency's obligation to approve ADUs in a new multifamily

dwelling (See Government Code §65852.2). However, it is equally clear that the state ADU law does not prevent a city from approving ADUs in new multifamily dwellings if it chooses to do so as a matter of local policy. This conclusion is supported by Government Code §65852.2(g), which states that “This section [the state ADU statute] does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.” This view is echoed in the HCD’s ADU Handbook, which states that “ADU law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs” (p. 9). Moreover, to the extent that the right to build extra ADUs is characterized as additional project density, this would also be consistent with state density bonus law, which provides that “nothing in this section shall be construed to prohibit a city from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section” (Government Code §65915(n)).

Please note, however, that adoption of a voluntary program as described above, or some other form of community benefits program that may provide authority for additional units under set circumstances, including compliance with the applicable height limit in Alameda, would not limit the ability of development applicants to otherwise avail themselves of the provisions of state density bonus law if their projects would comply with minimum requirements of Government Code §65915, et seq. Compliance with state density bonus law is mandatory on cities, and cities can only disapprove applicant requests for incentives and concessions, and waiver or modification of development standards, under certain limited circumstances.

We hope this has been helpful in your analysis of the AAPS approval. We would be happy to discuss these concepts further with you if you would like, as well as be of assistance in the design of an incentives program that would meet AAPS’s land use objectives.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven T. Mattas", with a long horizontal flourish extending to the right.

Steven T. Mattas
Senior Principal

5094959.1