



September 25, 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-A on 9-26-22 Planning Board agenda)

Dear Planning Boardmembers:

The Alameda Architectural Preservation Society (AAPS) would like to thank staff for responding in the September 26 Planning Board staff report to some of the recommendations in our September 11, 2022 letter. However, the staff report does not address all of the recommendations and some of the responses do not describe our recommendations accurately or need clarification as follows:

1. **Program 4.** Parts of the staff report suggest that AAPS recommends removal of **all** of Program 4. This is not correct. Program 4 has 14 components, of which AAPS addressed only three: (i) recommending removal of the residential density increases in the R3 through R6 zoning districts; (ii) recommending removal of the Transit Overlay Housing Waiver (TOHW); and (iii) reducing the proposed unlimited density within existing buildings to four regular residential units per parcel¹ plus ADUs, with the number of ADUs potentially increased above existing by-right limits, especially if some of them are deed restricted affordable. **We believe that retaining the remaining components of Program 4 are sufficient to meet the state fair housing requirements, especially the allowance of up to four regular residential units on a parcel in existing buildings plus ADUs.**

Also, if the TOHW is retained, we offered modifications which the staff report did not respond to.

See Items 2 and 3 in our September 11 letter.

We would like to thank Board Member Alan Teague for asking staff at the September 12 Planning Board meeting whether allowing unlimited density within an existing buildings and five or more regular dwelling units per parcel could trigger state density bonus projects and therefore allow new units to be constructed outside the existing building envelope as well as other waivers. We appreciate staff's acknowledgment at the meeting that allowing five or more units per parcel in existing buildings, could trigger state density bonus projects. But staff's suggestion allow unlimited density within existing buildings and monitor development activity as part of the annual

¹ Note: The staff report incorrectly states our recommendation as four units *per building* rather than per parcel.

Housing Element review to see if this creates problems and later reducing the number of units per building to address any problems, does not recognize the greater difficulty of downzoning rather than upzoning, due in part to state law. **It would be more prudent to begin with a four units/parcel limit and then upzone, if necessary, as a result of the annual reviews.** There was concern that a limit of four regular units per parcel would apply regardless of parcel size, inhibiting desirable projects on large parcels, but that concern could be addressed by subdividing large parcels.

2. **Park and Webster Street height limits.** The staff report states that AAPS would like lower height limits on Park Street and Webster Street. This is not accurate. AAPS is only recommending: (i) for Webster Street, *retaining the existing 40 foot height limit and only within the historic portion of Webster Street between Central and Lincoln*; and (ii) for Park Street reducing the existing by-right 60 foot height limit for properties fronting the historic portion of Park Street south of Lincoln to 40 feet (with a use permit to 60 feet), retaining the existing 40 foot height limit (60 feet with a use permit) on the cross streets south of Lincoln and reducing the by-right height in the historic portion of Park Street on the west side between Lincoln and Buena Vista to 40 feet, with 60' allowed with a use permit or Planning Board approval. In previous letters we also suggested allowing greater height within portions of the cross streets outside the historic area. See Item 6 in our September 11 letter.
3. **Requiring pitched roofs for residential development over 30 feet.** The staff report states that the AAPS recommendation applies to *all* residential buildings. The recommendation actually applies only to buildings in residential zoning districts. See Item 10 in AAPS's September 11 letter.

In addition, we were surprised that the staff report is recommending against this proposal, since at the September 12 meeting, staff seemed to express openness to incorporating the proposal and there was some support and no opposition from Planning Board members. The staff report argues, among other things, that "Alameda has many beautiful residential buildings that do not have pitched roofs and which are over 30 feet in height". Staff has told us that this statement refers to three and four story apartments built in the 1920s and 1930s. Some of these apartments could be considered attractive, but most are grossly out of scale with adjacent one and two-story residences. Some of these apartments also have wide facades and are very bulky. See attached photos.

4. **Environmental review.** The staff report states that the AAPS environmental review comments in Item 16 of our September 11 letter apply only to Program 4. This is only partially correct. The comments also apply to Program 3.

In addition, the staff report does not specifically respond to most of the environment review issues presented in our September 11 letter, including but not limited to Housing Element statements that "multi family" and various other projects will be permitted "by right" with no "discretionary review or approval", thus suggesting that all of these projects will be "ministerial" rather than "discretionary" and therefore exempt from CEQA. As stated in our September 11 letter, 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.

In addition, deeming all multi family and various other projects as ministerial seems inconsistent with the staff report statement that

“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” ,

since such treatment involves discretionary approvals. As stated in our September 11 letter, **how can all of these seemingly contradictory and somewhat ambiguous statements be sorted out?**

Finally, the staff report states

“The General Plan EIR also concludes that adoption of housing supportive policies and increasing the supply of housing in Alameda will not result in significant impacts on historic resources due to the City’s Historic Preservation Ordinance, which requires a Certificate of Approval to demolish a historic building. The Housing Element and zoning amendments do not remove or alter the Historic Preservation Ordinance.”

(Note: This statement’s reference to General Plan EIR text is only a paraphrase of the text and not an exact quotation.)

This statement essentially asserts that the Historic Preservation Ordinance will be sufficient to prevent adverse effects on historic properties from projects resulting from the Housing Element. However, the statement is inconsistent with the statements by the City discussed above advising that projects utilizing the increased densities proposed will be processed as 'by right,' which presumes ministerially. **If that is the case, how would the City’s Historic Preservation Ordinance apply to projects with the potential to harm historic resources, since Historic Preservation Ordinance decisions are discretionary, rather than ministerial?**

Moreover, even if the Historic Preservation Ordinance were to apply, that would not avoid the potential for the increased across-the-board density increases to have a potentially significant impact on historical resources, given the foreseeable increase in projects potentially adversely affecting historic properties and the lack of any hard standards for protection contained in the Historic Preservation Ordinance. The Historic Preservation Ordinance requires Historical Advisory Board (HAB) approval of demolition of Historical Monuments, properties on the Historic Building Study List, properties constructed prior to 1942 (if determined eligible for the Study list by the HAB) and alterations to Historical Monuments, but development applications due to the opportunities provided by the intensity increases, are likely to significantly increase the numbers of demolition and adverse alteration proposals above current and previous levels. **The best protection for historic properties is to ensure that the zoning does not exceed the intensity of the historic property and neighborhood, thus minimizing the incentive for demolition or adverse alteration to the historic property or overscaled incompatible new construction on or in proximity to the historic property.** Even if the HAB denies a demolition or adverse alteration, the HAB decision can be appealed to the City Council, which can approve the demolition or adverse alteration if the Council finds that “Upon the evidence of qualified sources, that the historical resource is incapable of earning an economic

return on its value”. Given the significant discretion offered by this finding, the discretionary nature of the HAB and City Council approvals overall, and potential political pressure to approve developments that adversely affect historic properties, the Historic Preservation Ordinance provides only limited protection for historic properties relative to the existing zoning. It also does not address new construction in proximity to historic properties and is unclear regarding its applicability to new construction (other than additions) on historic property sites. **The staff report’s apparent assertion based on a paraphrase of the General Plan EIR that the Historic Preservation Ordinance will be sufficient to prevent adverse effects on historic properties from projects resulting from the Housing Element is therefore overstated.**

Now that we are nearing the end of the Planning Board review of the Housing Element and related zoning amendments, we would like to say that we have sought to be faithful to the public input process, and diligent in our responses to the Planning Board, City Council, Historical Advisory Board and staff. Over the past 20 months, we have reviewed multiple drafts of the Housing Element and related documents, submitted 20 letters with extensive recommendations (both technical and policy oriented), spoken at numerous public meetings, and provided illustrations, photos and other documents not provided to the Planning Board to elucidate Housing Element impacts.

Prior to initiation of the Housing Element process and concurrent with its early stages, we also reviewed multiple drafts of the General Plan and related documents, including the EIR and submitted numerous letters. We would like to thank Planning Board members and staff for your consideration of the recommendations we have submitted and for responding to many of our recommendations.

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

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

Attachment: Examples of four story 1920s-30s apartment buildings with flat roofs.

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)



Central

