

PLANNING BOARD STAFF REPORT

DATE: February 8, 2010

TO: HONORABLE PRESIDENT AND MEMBERS OF THE
PLANNING BOARD

FROM: Jon Biggs, Planning Services Manager
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APPLICATION: An Ordinance Amending Subsections 30-17.9, & 30-17-10

ZONING DISTRICT: All Residential Zone Districts, R-1, R-2, R-3, R-4, R-5, and R-6

GENERAL PLAN: All Residential Land Use Designations, Low Density Residential and Medium Density Residential

ACRONYMS: AMC – Alameda Municipal Code
CEQA – California Environmental Quality Act
GIS – Geographic Information System

EXECUTIVE SUMMARY

Amend Section 30-17 of the Municipal Code, Density Bonus Regulations, adding language that provides for caps or limits on concessions and incentives for density bonus projects on sites with a residential general plan or zoning designation.

BACKGROUND

In December of 2009, the City Council adopted a Density Bonus ordinance that provides for density bonuses, concessions, incentives, and waivers to residential development projects that voluntarily propose affordable housing units. A reduction, from 25% to 15%, in the inclusionary housing requirement for projects in certain redevelopment areas of the City was also approved.

At the time the Density Bonus ordinance was adopted, the City Council expressed concern that the listed concessions or incentives in the regulations could, if granted and incorporated into a project, result in developments that would negatively impact Alameda's residential neighborhoods. In order to address these potential impacts,

Council limited the concessions and incentives to only those projects on sites with a Commercial or Mixed Use Zoning designation. It also directed that staff develop an amendment that places caps or limits on the listed concessions and incentives for projects on sites with a residential zoning designation.

STAFF ANALYSIS

Caps and Limits on Concessions and Incentives

As noted above, the proposed caps and limits are intended to minimize the impacts of density bonus projects on Alameda’s residential neighborhoods. There are a total of six residential zone districts in Alameda, R-1, R-2, R-3, R-4, R-5, and R-6 and two residential land use classifications in the General Plan, Low and Medium Density Residential.

In order to qualify for a density bonus and reduction(s) to development standards, an applicant must be able to demonstrate that at least five dwelling units can be developed on a site in compliance with all zoning and development regulations. One of these development standards is the minimum lot size requirement. In the R-1 zone district, a site would need a minimum of 25,000 square feet of land area (5,000 square feet per dwelling unit) to qualify as a site with density bonus potential. For the remaining zone districts, a site would need at least 10,000 square feet (2,000 square feet per dwelling unit) in order to meet the minimum lot size necessary for a density bonus project. An exception to this is condominium projects in the R-2 district, which require 2,500 square feet of land area per unit; thus, a qualifying site would need at least 12,500 square feet of land area.

In addition to the minimum lot size requirement, the existing dwelling unit density of a site could not exceed permitted maximums. That is, the site could not contain more dwelling units than the zoning and general plan designations permit, this constitutes a nonconforming situation that can not be expanded.

There are sites in each residential zone district that have density bonus potential. Using the parameters noted above, staff conducted a GIS search and found that the following zone districts have the listed number of sites with the potential for a density bonus project:

ZONE DISTRICT	NUMBER OF POTENTIAL DENSITY BONUS SITES
R-1	5
R-2	31
R-3	8
R-4	94
R-5	71
R-6	25
TOTAL -	234

These sites are shown on the map included with this agenda report.

As the Planning Board may recall, a density bonus project is entitled to exceptions to the land use regulations. Exceptions to the City's requirements are called concessions and incentives in the density bonus regulations and they are defined as reductions in site development standards or modifications to the zoning code. The number of exceptions is based on the percentage of affordable housing units. The higher the percentage of affordable units, the more exceptions to development regulations a project is entitled to receive. Subsection 31-17.10 of the Density Bonus regulations contains a list of exceptions; however, the list does not include all the concessions or incentives a developer may request. The list of concessions and incentives is intended to guide an applicant's project development efforts towards those exceptions that the City is more likely to consider in a favorable way.

Staff is suggesting a number of caps or limits to the list of concessions and incentives. These are based on public comment at the time of Council review and staff's understanding of the extent of Council's desire to minimize a density bonus project's impact on residential neighborhoods.

The biggest impact is expected to be visual and how well or poorly a new project relates to its neighbors or setting. Therefore, the limits or caps are intended to compel a project to be in scale and keeping with a neighborhood. Following are the proposed changes (added text has been underlined):

1. Reduced minimum lot sizes and/or dimensions, except that projects on sites with a residential general plan or zoning designation shall not have a lot area of less than 3,000 square feet and a lot width of no less than 30'.
2. Reduced minimum setbacks, except that projects on sites with a residential general plan or zoning designation shall not have a front or rear yard that is less than the average of the front or rear yard of buildings on the two adjacent sites and no side yard shall be less than 3'.
3. Reduced on-site open-space requirements, except that projects on sites with a residential general plan or zoning designation shall have at least 100 square feet of open space per unit.
4. Increased maximum lot coverage, except that projects on sites with a residential general plan or zoning designation shall not exceed the zone district lot coverage maximum by more than 10%.
5. Increased floor area ratio.

6. Reduced parking requirements, but not less than one standard parking space per unit on sites with a residential general plan or zoning designation.
7. Modification of the zoning code to permit mixed use development in conjunction with the Development if non-residential uses will reduce the development cost of the residential portion of the Development and if the non-residential uses are compatible with the Development and with existing or planned development in the area as set forth in the Alameda General Plan.

These changes are intended to promote density bonus projects that integrate into their respective neighborhoods, yet allow for reductions in development standards that are needed to accommodate all entitled dwelling units. Following is the thought or reasons for the recommended caps or limits:

- Limiting the reduction in lot sizes to no less than 3,000 square feet and a width of 30' is intended to achieve lots that, although smaller, are more in keeping with residential lot sizes in Alameda, again so that a density bonus project better integrates into existing residential neighborhoods.
- Requiring front yard setbacks that are the average of adjoining properties will help maintain the scale and rhythm of the streetscape and allowing a lesser side yard setback reflects the development pattern that occurs in many Alameda neighborhoods, but provides the minimum setback to the property line required by the building code without triggering the need for fire resistive construction methods.
- Requiring minimum open space and capping lot coverage will result in projects with residential characteristics and provides outdoor areas for residents and landscaping opportunities that will help a project better integrate into a neighborhood.
- Maintaining parking space requirement minimums will keep density bonus projects from overburdening available public parking, such as on-street spaces, in a neighborhood.

. Thus, this list will serve to provide more certainty and expedience in the processing of a density bonus application and the proposed caps or limits help protect the qualities of Alameda's residential neighborhoods, however, there may be instances where a developer may be able to obtain a waiver of these caps or limitations under the section 30-17.12 (Waiver of Development Standards that Physically Preclude Construction.)

FINDINGS

The proposed amendments are consistent with the General Plan. The amendments are consistent with General Plan policies regarding public health and safety of the Alameda's residential and promote a variety of housing opportunities to all income levels in the community.

The proposed amendments will benefit the general welfare of the community. The proposed amendments provide more housing opportunities while at the same time providing protections to the unique character of Alameda and mitigate impacts to residential neighborhoods.

The proposal is equitable. The proposed amendment is consistent with State law and is applicable to the entire City and provides greater housing opportunity potential for all income levels.

ENVIRONMENTAL REVIEW

This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to §§ 15060 (c)(2) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and the "common sense" exemption under § 15061(b)(3) of the CEQA Guidelines, because the City Council hereby determines and finds that there is no possibility that the ordinance may have a significant effect on the environment, rather these amendments are regulations intended to mitigate the potential for significant effects on the environment. A negative declaration was adopted for the existing Density Bonus Ordinance.

PUBLIC NOTICE

Standard Language: A notice for this hearing was published in the Alameda Journal. Staff has received public comment on this proposal and the public comment served as the basis for the proposed amendments to the density bonus regulations, including the recommended caps and limits.

RECOMMENDATION

That the Planning Board recommend that the City Council, by Ordinance, Amend Section 30-17 of the Municipal Code, Density Bonus Regulations, by adding language that provides findings identifying instances where a concession, incentive, or density bonus for density bonus projects that include a child care facility can be rejected and adding language that provides for caps or limits on concession and incentives for density bonus projects on sites with a residential general plan or zoning designation.

RESPECTFULLY SUBMITTED BY:

JON BIGGS
PLANNING SERVICES MANAGER

Attachment(s):

1. Draft Ordinance
2. Map
3. Letter from the Alameda Architectural Preservation Society