

Comments from the Planning and Zoning Commission Study Session September 25, 2013

Commissioners

- Consider modifying ground floor retail requirements in mixed use buildings so the spaces are more meaningful.
- Consider focusing on minimum density rather than floor area ratio, so we don't get giant unaffordable units. Maybe 20 units/acre is too low for minimum density? How can we incentivize smaller units?
- Hold a workshop on 2nd units to answer common questions. Allow lower tax rates for people with second units.
- Allow zero side setbacks for detached second units, like for other accessory structures. Also allow tandem parking.
- Allow higher rear lot coverage if it's a second unit (e.g., 40 or 50 percent instead of 30).
- Can we have a serious discussion about whether our standards are encouraging teardowns? Or excessive second floor additions?
- Reduce lot coverage for Single family homes and increase lot coverage for multi-family.
- Allow 2500 SF lots in R-1, that will then allow splits of 5000 SF lots to create new 2500 SF lots, which increases housing opportunities.
- Encourage shared housing. Are there any obstacles or rules that impede this?
- Allow emergency shelters in CMX. Can we do this soon? Are there other housing types that should be allowed in CMX?
- Allow 4 stories on San Pablo Avenue... count first five feet as the bottom floor.
- Consider allowing 5 stories at nodes (e.g., Solano/ San Pablo) to create central place.
- Allow sleeping in accessory structures....and bathrooms?
- Consider not counting parking structures in FAR.
- Eliminate the section of the code requiring standards for manufactured homes .
- Provide incentives for lot consolidation in R-3 and R-4.
- Put Safeway on the housing site list.
- Encourage aging in place through codes---allow curbless showers, etc.

Public

- Link the Housing Element programs back to specific policies. Some of the programs don't nest under a particular policy.
- Put affordable housing over Sprouts. Don't count grandfathered (amnesty) second units toward RHNA since they are existing housing units.
- Need more information on funding. Consider a boomerang program in lieu of redevelopment.
- Where does our homeless data come from? The HMIS data is wrong.
- Look at the Dignity Village model.
- Look at renter protection provisions, rent control, etc.
- Need to do more outreach.
- When building housing, create a real community, not just beds.
- Consider the effects of a high water table on the viability and cost of underground parking.

Comments from the Town Hall Meeting

October 1, 2013

- Is the purpose of the Housing Element to look forward or backward?
- Can the City provide a (letter) “grade” for how we are doing compared to other cities? Our housing production numbers seem very low.
- Small sites are a development constraint.
- Safeway should be considered a possible housing site—it should be back on the table
- There is not enough housing for low income people in the city, and Albany should not evict people from the bulb until a supply is created. \$1,200 for a one-bedroom apartment is not realistic for someone on a fixed income, or with no income. In the meeting handout, it is unconscionable to say that more supportive services for homeless residents “may” be needed—such services are essential.
- Albany needs to be kinder to its extremely low income population.
- What about an affordable housing fee (in lieu of inclusionary units)—wouldn’t that be a more effective way to assist extremely low income people?
- Things are hard today, and they are getting worse. Don’t evict people from the bulb just before the rainy season starts. People need shelter. We have a crisis on our hands and need to deal with it now—no bureaucracy. There are ways to provide housing without building large-scale affordable projects.
- What incentives can the City provide to encourage affordable housing? Can you explain inclusionary zoning?
- Can we make it easier to do second units? Or to add a unit in the R-2 or R-3 zones?
- Our zoning setbacks need to be smaller and our height limits need to be higher.
- Be careful of a second unit amnesty program---if you require people to bring their units up to code, they may end up losing their tenants and an affordable unit is lost.
- Can we accommodate people sleeping in accessory buildings?
- Albany should work with non-profits to encourage economic diversity in the city, including housing. Think outside the box.
- Note that many of our services are provided by Berkeley, especially mental health. Can we work jointly with agencies in nearby cities?
- Albany does not need an affordable housing incentive program since we already have a density bonus program.
- Could create a program like Fairfield’s---the city forgives all the permit fees until the development is occupied, and then collects them over time through rents. The “write-down” helps make the unit more affordable.
- This discussion is mostly short term. What is our longer-term vision of what could be? Who has the vision for the future of housing in Albany? Is there one?
- Four stories will be perceived as too dense. The City is unwilling to compromise and give up open space. Can’t have more density unless we give up views/light and open space.
- Consider a restriction—allow second units with no parking on the condition that second unit occupants may not have a car. If they get a car, they must move out.

- NIMBY is a big challenge to all these ideas.
- Redevelopment funds have ended. Are there other funds available?
- What happens to Albany's regional housing needs number if we don't build the affordable housing?
- How are opportunity sites identified?
- Was the project at Cornell and Brighton required to pay an inclusionary housing fee?
- What constitutes housing? Would a "Dignity Village" type development count?
- Container housing should be considered (*shipping containers used as dwellings)—Berkeley has the resources to build this. It could be transitional housing.
- The City does not have adequate resources—but what would it take to make some of these things happen? How much staff and money would we need? Can we offer volunteers?
- Housing diversity is an important part of the vision. It is more important to focus on extremely low right now, because that's where the needs are greatest and the gap is biggest. I'd like to see a conversation with C.E.S.P. to see if there is a way to diffuse the immediate situation and not victimize residents of the bulb.
- Permit costs and parking requirements are preventing me from converting my single family home into a duplex, even though I am in a zoning district where duplexes are allowed. I need the income from the additional unit and would be willing to rent-restrict the unit to get permission to build it.
- Let's be hopeful that we can accomplish some of these things in 2015-2022 if we can't do them in 2014. Albany should be the city that other cities are talking about. Our motto is urban village—this means economic diversity.
- Is there a mechanism to charge lower fees for affordable projects?
- How much of a parcel tax would the City need to create a long-term funding source for affordable housing.
- I appreciate that this has not been a priority in the past, but don't take it out on the poorest people.
- Can we accommodate some of our housing needs with vacant and abandoned units? There are many of 18 million of them in the country—
- How can we get other Albany residents on board in supporting affordable housing? An education process is needed. Otherwise there will be a lot of push back on height and density.
- Is CMX really the best zone for emergency shelter?
- If the City provided senior housing, seniors could move on and more single family homes could become shared housing. I don't agree that we have to sacrifice open space to get high density. Perhaps the Council could tour affordable housing developments and see their merits.
- Shared housing is a good idea. We should pursue a shared housing project, similar to what is done on the Peninsula.
- How can we call ourselves an urban village when we don't allow density?
- Small units are better. They have lower carbon footprints. Recognize the link between housing and climate action goals.
- Consider using other materials, like cobs and hay bales. Burlap bags filled with concrete a la Maybeck.
- Revisit idea of housing for teachers on Solano Ave.

Comments from the Planning and Zoning Commission Study Session October 8, 2013

COMMISSIONERS

- Note that density bonuses are a zoning incentive.
- Consider adding the Safeway store to the list of housing sites.
- Consider increasing the allowable density at the commercial nodes (e.g., the Commercial Node overlay district).
- Could the retail site at UC Village be considered a housing site?

PUBLIC

- Consider policies on rent stabilization or rent control to address the issue of rents rising faster than incomes.
- Consider the needs of workers at Golden Gate Fields.
- Process should be slowed down so that public comments can be incorporated in this draft.
- Albany is the only City in Alameda County whose Housing Element status is “overdue.”
- Can zoning of the Cleveland Avenue Corridor be changed to allow emergency shelter (e.g., PetCo).
- Need to provide a justification of why the waterfront is not being considered for housing.
- Look at incentives to achieve the long-term affordability of second units—so they don’t just become “Air BNB” vacation rentals.
- Consider the viability of existing businesses in the sites analysis, eg, the banks.
- Consider more density on Solano Avenue.
- Consider requiring upper story residential on the proposed Sprouts grocery store.

Comments from the Planning and Zoning Commission Study Session October 15, 2013

Commissioners (initial comments following presentation)

- Note that FAR on small lots is 0.6, while maximum lot coverage is 50%; this is more evidence that a home expansion project on a small lot may be more inclined to go “up” than “out”
- Additional allowances for tandem parking would help address the parking constraint, especially for second units
- When the zoning regulations were updated, second units were intentionally disallowed in R-2 and R-3 because we wanted to preserve those areas for multi-family housing. Reconsidering now?
- We should include something in the Housing Element regarding AB 1229 (editor’s note: AB 1229, which would have restored inclusionary housing authority for rental housing, has just been vetoed)
- What type of outreach will the City do after the Draft Element is submitted to HCD? (staff responds)
- How are emergency shelters operated and managed? Does the City run them? Can we jointly undertake shelter development with adjacent cities?
- How will the next Housing Element update align with the General Plan Update?
- Be cautious about allowing ground floor residential along San Pablo. We don’t want to create dead zones where there is no street level activity. Perhaps require a use permit for ground floor residential, or allow ground floor residential only on certain segments of the corridor
- Avoid creating ground floor presence which walls off the street—encourage density to bring in shoppers and active street life
- Make developers and others aware of the benefits of doing affordable housing rather than market rate housing so they may take advantage of the state-mandated parking standards and the density bonus

Public Comments

- Commissioners should familiarize themselves with the Legal Aid lawsuit and subsequent correspondence – they point out deficiencies in the Draft which should be corrected before submittal to HCD. Fixing these things now will ultimately result in more rapid certification. Draft Chapter 5 describes many aspects of development regulation but concludes they are not constraints. Constraints text should provide more discussion of public opinion as a constraint, and also alternative funding options (redevelopment “boomerang” provisions). Text should also identify City’s failure to submit a Housing Element between 1992 and 2013 as a constraint.
- Letters from Legal Aid are informative, specific, instructive—don’t rush the document through. Is there a requirement to do an RFP for shelters? Or is this exempt? Where does the Safeway project fit into this discussion?
- The October 1 meeting was not publicized on the City’s website. The constraints discussion should acknowledge that the City made “Voices to Vision” a priority during 2007-2011 instead of finishing its housing element. The Voices to Vision process neglected to consider the need for affordable housing. Golden Gate Fields represents a more viable housing site than the active businesses on San Pablo Avenue—we should make an honest assessment of why it is not being considered. We also

need to address NIMBYism in a more meaningful way, e.g., what happened to the proposal for housing on Safeway.

- The City has neglected the needs of homeless residents and failed to acknowledge the need for shelter. The proposal to allow shelters in CMX without a use permit is an important step forward.
- The Housing Element focuses on the San Pablo and Solano corridors, but should also recognize opportunities in established neighborhoods in the form of vacant homes that could be purchased and renovated as affordable units or shared housing.

Additional Commissioner Comments

- Can the City consider using the visitor housing at Golden Gate Fields as emergency shelter? It was noted that this was in Berkeley, not Albany, and was private. Perhaps work with the track to explore.
- City should emphasize joint efforts with other cities to undertake projects which are not feasible for Albany alone. This is particularly true with development of emergency shelters.
- Not really viable to use vacant homes for affordable housing since price tag is so high. Private sector tends to buy these homes and renovate them for single family use.
- How will HCD evaluate our housing sites? What if they decide they are not realistic? Reconsider the Safeway site—maybe not the entire site, but just a transition area between the back of the store and the adjacent residences. It was noted that Safeway was no longer considering housing, and that when they were proposing housing it was to be market rate and not affordable.
- Commission generally supports housing and density, but community is often resistant. Commission did not really guide Voices to Vision—outcome might have been different if they had.
- Developers have told us that Albany land costs are too high and parcels are too small to make affordable housing pencil out here. Housing advocates should bring the city interested developers instead of lawsuits. We support non-profits. However, if it is tough to build, the outcome will be “lost profit” and that is a negative.
- Need incentives to encourage lot consolidation. Allow more density on larger lots. It was subsequently noted that the City already did this, and this was an important incentive.
- Allow shared housing and boarding houses.
- Agree with the idea of allowing residential on the ground floor on San Pablo with a use permit, so we can evaluate each project on its merits and its context.
- Consider amending the setback standards in R-1 so that residents on two adjacent lots can build zero lot line homes sharing a wall on the common property line—e.g., a 2-unit building on two 2,500 adjoining square foot lots.
- The allowance for higher FAR in the SPC zone for projects with housing is an important incentive.
- Is the daylight plane requirement a disincentive?
- Perhaps we should rethink the provisions of the (San Pablo/Solano) commercial node overlay so it achieves its originally envisioned purpose of more density at that location.
- Clarify that rooftop open space can be counted as open space.
- Consider allowing other types of housing in the CMX zone (in addition to emergency shelter and transitional housing).

- More incentives for second units would be good—allow detached units over 12 feet and allow tandem parking for units where two spaces are required.
- The concept of having multiple small emergency shelters (as articulated in the text) is preferable to having one very large shelter.
- Concur with the idea of allowing single room occupancy housing and adding transitional and supportive housing to zoning regulations.
- Perhaps get school impact fees waived for affordable housing—or use the fees as an incentive to create more studio apartments, since units under 500 SF are exempt (note: it was later suggested that EBMUD could also consider waiving water hookup charges, but acknowledged this was very unlikely).
- Look at how constraints might be turned into incentives. Consider the boomerang fund option raised in the Legal Aid letter in lieu of the funds lost through the redevelopment take-away.
- Place a priority on using affordable housing funds for emergency and transitional housing.
- Provide incentives for heights at the “nodes” identified in the General Plan. Acknowledged this was a General Plan issue to be addressed in the next Housing Element.
- Consider increasing the lot coverage standard in the RHD zone to 55%, and reducing the minimum lot size from 4,840 SF.
- Could encourage more housing like the little units on a court near the middle school that were built 50-60 years ago.
- Establishing minimum densities in our zoning code are a great idea and should move forward. We should still emphasize the importance of good design though.
- Create incentives to attach the second unit to the main house instead of making it detached or in the setbacks.
- Consider waiving the public arts fee for affordable housing—or using some of the arts fee for housing instead of art, since we need housing as much as we need art.
- Discussion of Fire Code requirements and possible code changes so commercial grade systems are not required for larger home—just adopt the State Fire Code and not “extra” codes. Confirmation that second units are not subject to the same fire code requirements as large homes (e.g., sprinklers).
- How does Albany’s park fee compare with nearby cities—it is imposed for subdivisions only?
- Given the lack of large sites, our affordable housing strategy should focus more heavily on second units. Make it easier to build them. Santa Cruz is a good model for that.
- Allow smaller parking spaces, compact spaces, smart car spaces, etc.
- Consider opportunities for housing behind Safeway.
- Consider changing the requirements for prefab (manufactured) homes to allow more than one on a lot.
- Consider changing the fee structure so it is geared less toward flat fees and more toward fees based on actual time required to process an application—e.g., require a payment and then refund the balance to the applicant if it is not all used, or request more when it is depleted. Switch to hourly rate system, and allow lower rates for affordable projects

- Amnesty program for second units is a good idea, but do this after the second unit standards are revised.
- The idea of housing for employees is good—vis a vis, Safeway’s proposal a few years ago to reserve some of the proposed housing units for checkout staff.
- Commission asks if any of the items in Chapter 5 are not really constraints and should be removed (answer is no).
- Consider adding the former library/YMCA site back in—School District had considered teacher housing here, but they couldn’t meet the parking requirements.
- Perhaps Mechanics Bank should come off the list, since it is a community institution. Perhaps Bank of America should be on the list—and the 7-11 store.
- Taller buildings on San Pablo should be considered.
- Commission requests that these ideas be forwarded to Council for their consideration. Some will not be viable until 2015-2022 element, but some may be good to go now. Definitely add the “boomerang” program before this goes to HCD.
- Note the challenges of planning for waterfronts. How have other cities handled this? Oakland? Alameda?

Summary of Major Comments Received from Public Meetings September 25, October 1, October 8, and October 15

- Add “Boomerang Program” in the absence of redevelopment
- Consider amending Albany zoning regulations to allow ground floor residential uses in the San Pablo Commercial Zone with a Use Permit
- Modify standards for detached second units to allow additional encroachments in setbacks and higher lot coverage in rear yard
- Explore additional financial incentives to develop second units (tax incentives, reduced fees)
- Allow smaller lots in R-1 District (2,500 square feet) with modified setbacks, possibly including zero lot line
- Consider allowing other types of housing in the CMX district, in addition to emergency shelter and live-work
- Consider taller buildings on San Pablo Avenue, especially around the Solano “node”
- Consider additional possible housing sites, perhaps in the 2015-2022 Element:
 - Safeway on Solano
 - YMCA on Solano (once considered for teacher housing)
 - Bank of America and 7-11 store
 - Commercial sites identified in UC Village Master Plan
- Discuss waterfront policy as a housing constraint
- Consider changes to fee structure to potentially reduce applicant costs
- Consider fee waivers for public arts fee
- Consider modified standards for counting parking structures in FAR
- Consider provisions to protect renters (rent control/stabilization, renter’s rights, etc.)
- Consider accommodating sleeping in accessory buildings
- Allow projects that would not be permitted under current code requirements on the condition that they are rent restricted or limited in occupancy to lower income tenants
- Consider alternative (more affordable) building materials
- Conduct additional outreach on Housing Element