ITEM 7-A

CITY OF ALAMEDA
Memorandum

To: Honorable President and
Members of the Planning Board

From: Andrew Thomas
Planning Services Manager

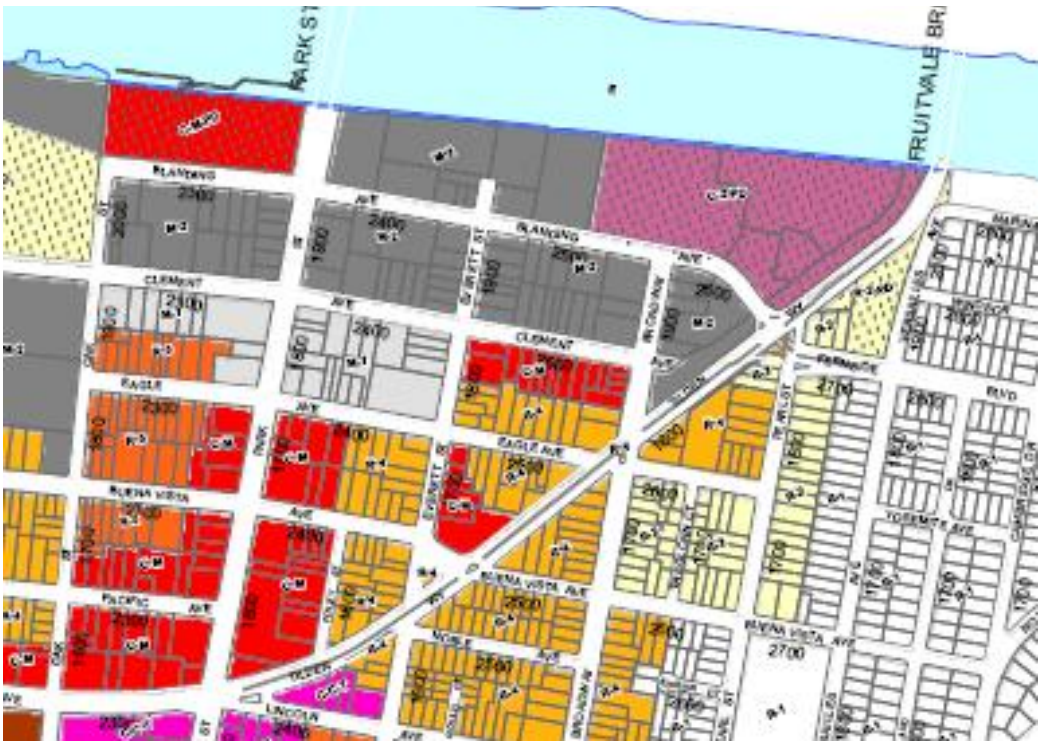
Date: January 15, 2013

Re: A Draft Resolution Recommending That the City Council Certify a Final Environmental Impact Report, Approve Zoning Text and Zoning Map Amendments for the North Park Street Planning Area, and Approve Associated Zoning Ordinance, Design Manual, and General Plan Amendments.

EXECUTIVE SUMMARY

The North Park Street Zoning Ordinance and Design Review Manual represents a comprehensive zoning update for the area bounded by the Oakland Alameda Estuary, Lincoln Ave./Tilden Way, and Oak Street. The approximately 20 blocks of commercial, residential and industrial land uses covered by the proposed amendments are shown below.

As shown in the current zoning map for the plan area, the area currently provides lands zoned for industrial uses (M-1 and M-2 industrial lands), commercial and automobile related uses (CM and C-2 lands) and some residential uses (R-4 and R-5 land).



Since the release of the first draft of the ordinance in the fall of 2010, the Planning Board has held several public hearings on the draft code. As the result of the Planning Board and public comment over the course of the various hearings, staff and a Planning Board subcommittee made a number of substantive changes to the codes. The changes are described below.

To evaluate the potential environmental impacts of the proposed Zoning Amendments, staff prepared and released a Draft Environmental Impact Report (DEIR) for public review on January 3, 2012. The Planning Board held a public hearing on the DEIR in February 2012. The Final Environmental Impact Report (FEIR) responds to comments received on the DEIR. (The Final EIR was distributed on August 27th, is available on the City website, and is available upon request.)

Staff is recommending that the Planning Board hold a public hearing and adopt a resolution recommending that the City Council certify the Final EIR and adopt the proposed Zoning Amendments described below and attached at Exhibit 1a and 1b and the proposed amendments to the Citywide Design Review Manual described below and attached as Exhibit 2a and 2b. The proposed amendments also include deletion of a General Plan policy to maintain consistency between the General Plan and the Zoning Code. The proposed General Plan amendment is described below.

BACKGROUND

In 2007 and 2008, the City of Alameda with assistance from Park Street Business Association (PSBA), the larger Alameda community, and a consultant team led by The City Design Collective firm prepared the "Gateway District Strategic Plan". The Strategic Plan established a redevelopment concept for the commercial "gateway" blocks along Park Street between the Estuary and Lincoln Ave./Tilden Way to revitalize the ared which was impacted by the closure of the auto dealerships.. An extensive community outreach effort, community charrettes, open studios, and review and comment by a number of boards and commissions, including the Planning Board informed the Gateway Plan. In 2008, the Planning Board and the City Council endorsed the Gateway Plan to guide future plans in the area.

In late 2008, the City engaged The City Design Collective to prepare a new zoning ordinance for the area consistent with the concepts described in the Gateway Plan. At that time it was also decided to expand the area to include the blocks between Everett Street, the Estuary, and Tilden Way.

In November of 2010, the staff/consultant team released the Draft North Park Street Regulating Code for Planning Board and community review. The draft Code included "form based" development and zoning standards and design guidelines to inform future design review applications.

The Planning Board then held public hearings on the draft code on November 8, 2010, March 14, 2011, June 13, 2011, February 20, 2012, August 27, 2012, and November 13, 2012. Since August 27th, staff and an ad hoc committee of Planning Board members including President Zuppan, Vice President Burton, and Board member Knox White have been meeting to discuss a series of refinements and improvements to the draft code and draft zoning map. The changes to the code made since August 27, 2012 are described below.

ANALYSIS

Objectives: The draft Zoning Ordinance Amendment and Design Review Manual for the North Park Street planning area are intended to achieve the following over-arching objectives and support the General Plan's policies encouraging pedestrian friendly design on "main streets" such as North Park Street and strong design guidelines for commercial and residential areas:

The Guiding Document: The 2008 Gateway Strategic Plan is the guiding document for this effort. The draft Zoning Amendment and Design Review Manual are intended to create zoning regulations and design guidelines that will ensure that redevelopment and site improvements are consistent with the community's vision as articulated in the 2008 Gateway Plan.

Form Based Development Standards: With the departure of "auto row" from the area, significant change in the form of new development and new building construction will be necessary to achieve the goals of the Gateway Plan. Unlike the more established,

historic area of Park Street from Tilden Way to San Jose Avenue, north Park Street does not include a large number of existing historic buildings that can be relied upon to establish a design standard for new development. For these reasons, the North Park Street Zoning Ordinance and the Design Manual articulate the City's preferred site and building design standards for the area.

Economic Development: One of the major goals of the Gateway Strategic Plan was to attract new investment to revitalize the area and bolster the City's economy. However the economic outlook for the next few years continues to be uncertain. Cities that hope to attract new, high quality commercial and/or commercial mixed-use developments will be in competition with other cities. North Park Street will be competing with locations on commercial boulevards in San Leandro, Berkeley, Oakland, El Cerrito, and other East Bay locations. Although Alameda has many competitive advantages, in many instances the city that can provide development certainty, will often win the competition for the new project. For these reasons, the North Park Street Ordinance and Design Manual are designed to show the types of building designs and uses the City will approve without delay.

Furthermore, the Zoning Ordinance is intended to maintain and retain existing maritime, light industrial and manufacturing, distribution, and work place uses where they have access to the estuary and the City's designated truck routes. The North Park Street plan area contains an eclectic mix of highly successful businesses, including Perforce Software (office use), Pineapplesails (light manufacturing), Rideable Bicycle Replicas (light manufacturing), and Alameda Electrical Distributors (distribution).

Preserving a Neighborhood The North Park Street plan area includes a residential neighborhood that surrounds the commercial core. This neighborhood includes traditional Alameda homes, former homes that have been converted to non-residential uses, and industrial uses that are located on blocks with residential uses. The North Park Street Code and Design Manual are intended to support a mixed-use, pedestrian oriented, neighborhood, while avoiding unnecessary or unacceptable land use conflicts between incompatible uses to the extent feasible.

Clarity, Certainty, and Efficiency Successful redevelopment and improvement of the North Park Street area will be facilitated by City of Alameda codes, guidelines, and processes that are clear, certain, and efficient. The proposed zoning code and design manual are meant to be clear and easy for property owners, commercial investors, staff, and the Planning Board to understand and use. The objective is to create a code and design manual that is understandable without help from a professional planner. The code and manual are designed to provide certainty for property owners and residents by indicating and describing through standards, guidelines, and pictures the types of development that the City will approve. This is a departure from traditional zoning standards that typically provide limited guidance on desired physical form (e.g. height limit, setback requirements, lot coverage limitations.) The code and manual will facilitate an efficient and cost effective development review process. By articulating the preferred design and use for different properties, the code and manual will facilitate and

expedite the preparation of plans by the applicants and the review and evaluation of those plans by the City staff and decision makers.

Zoning Ordinance Amendments (Exhibit 1a and 1b): The draft Zoning Ordinance Amendment proposes a new zoning district (Exhibit 1.a. 30-4.25 North Park Street Zoning District) and a new zoning map (Exhibit 1.b and shown below) for the North Park Street planning area. The draft ordinance includes five mixed use sub-districts.

- The "Gateway" district along Park Street is designed as pedestrian oriented retail commercial district;
- The Workplace district along the Clement Avenue and Blanding Avenue Truck Routes is designed as a business district;
- The Maritime Manufacturing district along the Estuary is intended for manufacturing uses,
- The Mixed Use district is intended as a buffer between the neighborhood and the commercial areas that allows a mix of residential and light business uses; and
- The residential districts are the lands preserved for residential uses.

For each sub district, the proposed code provides:

- *Purpose Statements*: The code includes a purpose statement and description of each sub district.

- *Building Form and Site Design Requirements*: The proposed code provides "form based" development standards necessary to ensure that appropriate buildings types are placed on each parcel, that the buildings are appropriately placed and sized for the site, and that the appropriate amount of parking, open space and other amenities are provided where necessary on each site. Similar to other zoning districts in the city, exceptions or variances from the standards and requirements of the zoning ordinance would require a public hearing and specific findings to grant a variance.

- *Land Use Regulations*: The proposed code describes which uses are permitted or conditionally permitted in each sub district. Conditionally permitted uses will require a noticed public hearing and specific findings for approval. The process for a variance or a use permit within the North Park Street district would be the same process required elsewhere in the city.

Subcommittee and Staff Revisions to the Draft Ordinance and Map

Since August 27, 2012 an ad hoc committee comprised of Board President Zuppan, Vice President Burton, and Board member Knox White has met with staff on a number of occasions to refine and improve the draft code. In addition, comments received from members of the community have been included. The major refinements and improvements include:

<u>Zoning Map Changes</u>:

Waterfront Lands: The new map eliminated the Waterfront District designation that was previously applied to the lands between Blanding and the Estuary. The new map applies the "Workplace" designation to the lands that are currently occupied by the Park Street Plaza (Oak to Park), the Water's Edge facility (adjacent to Park Street Bridge), and the Bridgeside Plaza Shopping Center. (The Workplace designation allows retail uses, and the Bridgeside Center approvals include an approved list of uses for that particular property.) The remaining waterfront lands at the base of Everett Street are designated "Maritime Manufacturing". These changes are designed to preserve and maintain lands on the waterfront for maritime manufacturing uses and compatible commercial uses. Residential use is not permitted in the maritime industrial district and is only conditionally permitted above the ground floor in the Workplace District. These changes preserve these lands for commercial, industrial, and maritime uses, and prevent encroachment into these areas by ground floor and single family residential uses. Limiting encroachment by residential uses will minimize future conflicts between residential uses and commercial, maritime, and or industrial uses in these areas.

Car Wash Property on Tilden: The new map changes the designation of the car wash facility at Tilden and Buena Vista from residential to mixed use. The change recognizes that the site configuration does not lend itself to single family residential use and that it fronts onto Tilden Way. The "Mixed Use" designation provides an opportunity for a variety of different uses in the future that could be appropriate fronting onto Tilden Way.

Mortuary Property on Tilden: The new map changes the designation for the rear portion of this triangular block from Mixed Use to Workplace. The change allows the mortuary to remain a legal conforming use at its current location, while ensuring that any new development on the properties facing Broadway maintains the residential building types that currently occupy the parcels facing Broadway.

Allowable Uses

The allowable use table was reformatted to improve clarity and clarify and refine the types of uses that should be permitted by right and by use permit in each sub district to ensure consistency with the purpose of each district.

Drive-Thru Facilities: The current draft limits new drive thru facilities in the North Park Street area to "drive thru kiosk" facilities within the Workplace Area. Such kiosk would not be allowed in the Gateway District (lands facing Park Street) or in the Residential or Mixed Use Districts. Therefore, drive thru facilities for fast food restaurants, banks, and other commercial uses on Park Street would no longer be allowed. The subcommittee is making this recommendation for the following reasons:

- Drive thru facilities degrade the pedestrian, bicycle, and transit environment by encouraging automobile travel, creating lines of cars in areas that might be used by other modes of travel and encouraging automobile use.
- Although drive-thru facilities might not be appropriate in some pedestrian oriented areas of Alameda, within the Workplace sub district, opportunities to provide small drive thru facilities ("kiosks") for small coffee shops or other similar services, might provide small business opportunities and temporary land use opportunities for underutilized properties along the Clement and Blanding Avenue truck routes.

Development Standards:

The development standards were revised and reformatted to improve clarity, eliminate redundancies with the rest of the Alameda Municipal Code, and provide clear cross references where necessary to the Alameda Municipal Code.

Windows: The new ordinance includes a requirement that new buildings on Park Street provide windows on Park Street that provide an un obstructed view into the store front for a distance of at least 5 feet. This provision is designed to ensure an attractive and interesting pedestrian experience on Park Street. Although, businesses on south Park Street (south of Tilden) have historically maintained an unobstructed view into their shops and establishments, some existing stores in the North Park Street area have painted over their windows or have place material within the five foot area. This new provision would provide a rational and justification for conditions of approval on new projects similar to the conditions recently placed on the CVS proposal on Park Street. However, it should be noted that enforcement of this type of provision can be time consuming and difficult for the City to enforce consistently

Height Limits and the General Plan Amendment: The height limits within the Gateway District (properties facing Park Street) was changed to 60 feet to match the height limit along Park Street south of Tilden. The current height limit on North Park Street is 100 feet.

The height limit in the Maritime Industrial District was changed to 50 feet to allow for large scale, high bay maritime and industrial warehouses. The height limit in this area is currently 100 feet.

The height limit in the Workplace District was changed to 40 feet to allow three story office buildings similar to the Perforce Building on Blanding. The height limit in this area is currently 100 feet.

General Plan Amendment

In 1990, the City of Alameda adopted a new General Plan Land Use Element that included Policy 2.5.i, which reads as follows:

> *"Amend the Zoning Ordinance to limit building heights in the Park Street and Webster Street business districts to three stories above grade, measuring 35 to 40 feet, depending on roof configuration. Parking structures are to be limited by height only."*

In 2000, the City of Alameda adopted a comprehensive update to the Zoning Ordinance for the Webster Street and Park Street commercial districts. (The new CC Community Commercial District was not applied to those portions of Park Street north of Tilden.) After extensive discussion and participation by the affected business district associations, the City Council determined that a "one size fits all" approach to height limits would not work for the two business districts and adopted a variety of height limits: Webster Street was given a 40 foot height limit and Park Street was given a 60 foot height limit in some areas and a 40 foot height limit in other areas.

As a Charter City, the City of Alameda is not required to maintain consistency between its General Plan and Zoning Ordinance. Therefore, the Council did not entertain an amendment to the General Plan in 2000 to reconcile the new 60 foot height limit for Park Street with the 40 foot height limit recommended by Policy 2.5.i. Although not required, staff does recommend that the City maintain consistency between its General Plan and it Zoning Ordinance whenever possible. For that reason, staff is recommending that the City Council approve an amendment to the General Plan to delete Policy 2.5.i.

As the Webster Street and Park Street commercial districts continue to evolve over the years, the issue of building heights will continue to be an issue of great interest to property owners, developers, neighbors and interested parties such as the Alameda Architectural Preservation Society. As community preferences and/or economic conditions change, the Planning Board and City Council will have the opportunity to amend building height limits to reflect community priorities and changing conditions.

However, it is unlikely that a “one size fits all” approach to height limits will ever work for all of Park Street and all of Webster Street. For these reasons, staff is recommending that the issue of height limits be limited to the Zoning Ordinance, where it can be “fine-tuned” as necessary and deleted from the City’s General Plan, which is intended to be a policy document as opposed to a set of site specific development regulations.

The Design Review Manual (Exhibit 2a and 2b)

The Design Review Manual is intended to be used by the public, applicants, staff, and the Planning Board to evaluate new development proposals. The Design Manual includes:

a. Building Types: The zoning ordinance identifies which building types are permitted in each sub district. The manual describes how to design each type of building.
b. Frontage Types: The zoning ordinance identifies which frontage types are permitted in each sub district. The manual describes how to design each type of frontage.
c. Architecture: This section of the Manual describes how architectural styles, building articulation, materials, roofs, windows, ornamentation, entries, and other architectural details should be designed. This section also includes extensive guidelines for a nine different architectural styles from Victorian to Modern.
d. Landscape and Open Space: This section provides guidelines for the design of open space and parking areas.
e. Site Development: This section provides design guidelines for special areas or types of projects such as waterfront sites and fuel station sites.

Exceptions to the guidelines in the Design Review Manual may be granted through the Design Review process. If the decision making body (city staff for small projects and the Planning Board or City Council for larger projects) determines that the exception is necessary to provide for a better design for the subject property, then the decision making body can approve a project that does not meet each and every guideline within the Manual. However, if a project is designed to comply with the Manual, then the applicant can expect that the design review application will be approved. This certainty will help promote economic development in the area as risk is minimized.

Since August 27, 2012, staff has created a Design Review Manual Addendum Sheet (Exhibit 2b) to track the proposed amendments to the Manual recommended by staff and the committee. After final adoption, staff will integrate all of the proposed amendments into the Manual prior to publication and public distribution.

With the recommended amendments, the Design Review Manual will be expanded to include all of the City’s other Design Review Guidelines and documents to create a single citywide Design Review Manual as envisioned by Section 30-38.5 of the Alameda Municipal Code. The final document will include a chapter for the existing Webster Street Design Guidelines, a chapter for the existing Guide to Residential Design, and a

chapter for the Guidelines for Ranch Style Homes endorsed by the Planning Board and City Council in 2008.

Staff envisions a citywide Design Review Manual that may be amended and improved over time, with additional guidelines and/or chapters added at a future date for areas such as Alameda Point and/or waterfront guidelines for the Northern Waterfront.

Environmental Review

The Environmental Impact Report (EIR) prepared for the North Park Street Code and Design Guidelines describes the potential environmental impacts that might be expected with full build out of the Plan area consistent with the Code.

Per the California Environmental Quality Act (CEQA), a DEIR is an informational document. It does not set policy, nor does it "approve" or "deny" a project; it provides information about the environmental consequences of a proposed project. The primary purpose of the EIR is to inform the public and decision makers about the potential environmental consequences of the proposed action. As described in the EIR, most of the potential impacts of redevelopment of this area can be mitigated through conditions of approval that would be imposed on each project. The mitigation measures have been reformatted in the FEIR to create a standard set of conditions of approval that can be applied to each new project in the area as necessary to mitigate or reduce environmental impacts.

As described in the EIR, two environmental issues cannot be mitigated to a level of less than significance:

Transportation: As described in a number of prior EIR's, Alameda's transportation system with its reliance on a limited number of estuary crossings is constrained. Construction of new bridges and/or tunnels is not a viable or feasible option to address these constraints. As described in the City of Alameda Transportation Element of the General Plan, the solution to automobile congestion is to encourage alternative modes of transportation. The North Park Street EIR re-confirms that future regional, citywide, and North Park Street area redevelopment will all contribute to increased congestion on Park Street in the vicinity of the Park Street Bridge. To lessen the impact, the EIR recommends a series of mitigations on new development to encourage alternative modes of transportation.

Green House Gases and Air Quality Impacts: In addition to congestion, automobile use is the primary source of greenhouse gas emissions and local air contaminants. The EIR recommends a number of measures to reduce automobile use to reduce these emissions. In addition, the EIR recommends a series of mitigations to reduce construction related air quality impacts associated with construction.

Public Comments

All property owners and residents in the planning area and within 300 feet of the area where sent letters providing notice of this public hearing (648 letters). The notice was

also placed in the newspaper and posted in the area. Since the August 27th Planning Board meeting, staff and the subcommittee received comments and questions from several property owners in the area, and have worked closely with the Park Street Business Association, and Mr. Christopher Buckley of Alameda Architectural Preservation Society to improve the proposed code and Design Review Manual.

RECOMMENDATION

Hold a public hearing and approve the draft resolution recommending that the City Council certify the final environmental impact report, Approve Zoning Text and Zoning Map amendments for the North Park Street Planning Area, and approve associated Zoning Ordinance, Design Manual, and General Plan amendments.

Respectfully submitted,

Andrew Thomas
Planning Services Manager

Exhibits:

1. Draft North Park Street Zoning Ordinance Amendment
    a. Draft Zoning Code
    b. Draft Zoning Map
2. Draft Design Review Manual
    a. Design Review Manual (Available upon request and on the City of Alameda website.)
    b. Design Review Manual Addendum Sheet
3. Final Environmental Impact Report (Available upon request and on the City of Alameda website.)
4. Draft Resolution