

From: [Ryan OConnell](#)
To: [Lara Weisiger](#)
Subject: [EXTERNAL] Vote to adopt the Housing Element (Item 7-B)
Date: Thursday, November 10, 2022 4:31:02 PM

City Clerk Lara Weisiger,

Dear Mayor and Members of the City Council,

I am in support of the staff-recommended draft housing element, and I would ask that the council vote to adopt it without modification. I also want to thank the staff for their hard work on this over the last 2 years.

I believe the current housing element provides a balanced approach to weigh all the city's goals with our requirements under state law.

The proposed zoning changes in the housing element are not only thoughtful to preserve much of Alameda's unique character but are necessary to meet our requirements under Affirmatively Furthering Fair Housing and the balance of our RHNA.

As we have known since the 5th cycle housing element when we adopted a multifamily overlay and backed up by the letter from HCD last year, Article 26 of the City Charter violates state housing law and cannot be enforced.

Thank you,

Ryan OConnell
ryan@how-to-adu.com
2719 Idaho St
Napa, California 94558



CYPRESS EQUITY INVESTMENTS

12121 Wilshire Blvd. Suite 801
Los Angeles, CA 90025

November 7, 2022

Mayor Marilyn Ezzy Ashcraft
Vice Mayor Malia Vella
Councilmember Tony Daysog
Councilmember Trish Herrera Spencer
Councilmember John Knox White

Alameda City Hall
Alameda, CA 94501

RE: City of Alameda Housing Element, City Council Nov 15, Item 7-B

Dear City Council,

Alameda Point Partners (APP) and Cypress Equity Investments (CEI) are writing to express support for the approval of the City of Alameda Housing Element update, Land Use Diagram amendments, and associated Alameda Municipal Code (AMC) amendments.

Your approval is a critical step in ensuring that the City of Alameda complies with its Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element Cycle. Approving the Housing Element on November 15 will confirm the City's commitment to further fair housing practices within its city limits and help temper the effects of the housing crisis being felt by communities across the state.

APP and CEI are proud to be part of this collaborative effort through the construction of approximately 1285 units at Site A in Alameda Point, of which 25% are affordable. Your approval of the Housing Element will open the gates for more developments like Site A, which will improve access to mixed-income and mixed-use neighborhoods. Through these measures, the City of Alameda will continue to be an inclusive and dynamic place for many to call home in the Bay Area.

Warm Regards,

A handwritten signature in black ink, appearing to read "Jessica Murphy", is written over a faint circular stamp.

Jessica Murphy
VP Development
Cypress Equity Investments
Alameda Point Partners

From: [Alameda Citizens Task Force](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)
Cc: [Andrew Thomas](#); [Allen Tai](#); [Yibin Shen](#); [Manager Manager](#); [City Clerk](#)
Subject: [EXTERNAL] RE: Item 7-B-City Council Agenda Nov. 15, 2022-Housing Element, Zoning Amendments
Date: Thursday, November 10, 2022 1:57:15 PM
Attachments: [We sent you safe versions of your files.msg](#)
[McDougall-9-13-22.pdf](#)
[City of Alameda Rental Units at Displacement Risk from Upzoning Buildings with Units 2 Through 6 per Building.pdf](#)
[ACTPBLetter9-26-22.pdf](#)

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ACT

Alameda Citizens Task Force

Vigilance, Truth, Civility

RE: Item 7-B-City Council Agenda Nov. 15, 2022-Housing Element, Zoning Amendments

Dear Mayor Ashcraft, Vice Mayor Vella and Council Members Knox-White, Spencer and Daysog:

We are pleased to inform you that we have no objections to the site inventory in the draft Housing Element (HE). Our previous objection to Item 15 (b) has been resolved by the Planning Board's recommendation to limit the number of additional dwelling units in an existing structure in the R-1 through R-6 zoning districts to four plus unlimited ADU's. This provision now appears in the revised draft zoning ordinance at Secs. 30-5.11 and 30-5.18 c (1) (b). Inasmuch as the intent behind this amendment was to avoid density bonus eligibility which could subvert the limitation of additional units to the building envelope, we suggest that the wording of Sec. 30-5.11 should be changed to have the four additional units limitation apply to an entire parcel, not individual structures on the parcel.

We believe this site inventory provides complete compliance with the Housing Element Law RHNA and fair housing requirements, especially with the inclusion of the above-cited zoning ordinance sections which makes lower income housing development allowable in every residential zoning district in the city. We continue to have strong objections to the provisions of the draft HE at Program 4 that propose specific housing density increases in the R-3 thru R-6 zoning districts and the transit overlay which impacts all of our residential zoning districts.

The City Planning Department maintains that these uponings, while not part of our RHNA obligation, are nevertheless required by HCD to meet the fair housing requirements of the Housing Element Law. They cite the November 29, 2021, letter from Paul McDougall, HCD Senior Program Manager, which is attached to the current Planning Department report in Exhibit 1. That letter, while stating that Article 26 of our Charter is in conflict with state law and should be voided, **does not** state that such action is a condition precedent to approval of our HE or that the mass upzoning of the entire city is required. In fact, it even suggests that the overlay zoning district model that obtained our current certification could lead to HCD approval of our HE.

On Sept. 13, 2022, our Board member, Paul Foreman, wrote the attached letter to Mr. McDougall asking him to clarify the HCD position on the above issues and pointing out that, *"I reviewed the first 14 approved housing elements in the SCAG region. All these housing elements were approved in letters under your signature. None of them upzoned every zoning district in their city to allow lower income deed restricted housing. Many of them contain density limits far below Alameda's 22 du/acre."* **There has not been a response.**

- We submit that the HE should not include specific housing density increases in the R-3 through R-6 zoning districts and the transit overlay unless you get a clear written communication from HCD that this is a condition precedent to approval. We are cognizant of the risk of Alameda suffering one or more "builder's remedy" projects if the HE is not approved by Jan. 31, 2023. However, HCD is required to respond to a city adopted HE within 60 days (Govt. Code 65585 (b) (3), so there is still time to attempt to clarify this issue with HCD with a special meeting scheduled before the end of November for final adoption. You have time for a full twelve-day notice of the same but could also justify a shorter notice meeting under urgency provisions of city and state law. We also are aware that the Housing Element Law requires that any proposed changes to the draft have to be noticed on your website at least 7 days prior to adoption. This could be accomplished by placing the notice in the published agenda for the special meeting.

We certainly can understand that a majority of the City Council may choose as a matter of policy to include these upzonings in the HE, thereby ignoring the expressed will of a substantial majority of Alamedans. Our multiple letters advised you in detail of our belief that these open-ended upzonings of over 16,000 parcels will put our historical housing inventory at risk, and result in gentrification, with current tenants replaced by non-rent controlled market rate units. Our research shows that there are over 4,000 rentals with two to six units in the residential districts proposed for upzoning, with 75% in the most vulnerable area, the transit overlay. See the attached report, City of Alameda Rental Units at Displacement Risk from Upzoning Buildings with Units 2 Through 6 per Building.

These upzonings also include reduced yard space requirements that threaten our beautiful greenhouse gas absorbing urban forest. The recent Council action abolishing off-street parking minimums exacerbates congestion in the neighborhoods.

For a detailed discussion of our position, we refer you to the attached Sept. 26 letter sent to the Planning Board with copies to you. We have also provided you with a letter from our attorney, Michael Graf, and a report from architectural historian, Kara Brunzell. We also will be presenting the Change.org petition in opposition to these upzonings which, as of this writing, has been signed by 986 Alameda residents.

Our previous letters have also objected to the unlimited density proposed for the NP-R and NP-MU zoning districts and the unlimited density and increased height proposed for the Park/Webster and Stations districts. For details on these matters, we refer you to the various letters on the subject directed to you by the Alameda Architectural Preservation Society, which we fully support.

Sincerely,

Alameda Citizens Task Force

By: Paul Foreman, Board Member & Authorized Correspondent

Dear Mr. McDougall:

You have approved a draft of the Alameda 6th cycle Housing Element. Site Inventory Item 15 (b) projects 160 units toward our RHNA to be drawn from our non-vacant R-1 thru R-6 zoning districts limited to the addition new units within the walls of existing structures. However, the draft Housing Element, separate and apart from the site inventory, also includes as part of Program 4 the amendment of the ordinances governing these districts to allow for broad increases in density far beyond the limits of Item 15 (b).

Our Planning Director maintains that this is required by the fair housing provisions of the Housing Element Law (HEL) that every zoning district in our city provide lower income deed restricted housing. I see no such requirement in the HEL. I believe that it only requires that lower income housing availability not be limited to low opportunity areas but also be made available in higher opportunity areas. I believe our site inventory clearly complies with that requirement.

To support my interpretation, I reviewed the first 14 approved housing elements in the SCAG region. All these housing elements were approved in letters under your signature. None of them upzoned every zoning district in their city to allow lower income deed restricted housing. Many of them contain density limits far below Alameda's 22 du/acre.

Please understand this is not about Article 26 of our Charter. Any metropolitan city with zoning districts providing for less than 30 du/acre presents the same issue. It is about whether the HEL **requires** the broad upzoning proposed in the draft housing element. I certainly can understand that a majority of our city council may choose **as a matter of policy** to upzone the entire city to allow deed restricted lower income housing. My problem is that our Planning director is presenting this as a mandate from HCD, thus leading our Planning Board, City Council and Alameda citizens to believe that they have no discretion in the matter. I think the citizens of Alameda have a right to know if HCD is mandating this broad upzoning and, if so, why at least 14 other cities in California were not so mandated.

You have not responded to any of my previous letters. I hope this will be the exception.

Sincerely,
Paul Foreman

City of Alameda Rental Units

At Displacement Risk From Upzoning

Buildings With Units 2 Through 6 Per Building

REPORT ON NUMBER OF ALAMEDA RENTAL UNITS AT RISK FROM UPZONINGS

I compiled this report from a list of all registered rental properties provided to me by the City of Alameda. The list was not segregated by zoning districts but indicated addresses and the number of rental units at each address. I used the City of Alameda provided zoning map and Transit Overlay map to determine the addresses that were in the at risk zoning districts. The report includes only those addresses that place them within the proposed transit overlay and/or in the proposed upzonings of the R-1 through R-6, NP-R and NP-MU zoning districts. Addresses that had only one or more than six rental units were not included because of the relatively low risk of buildings in those categories having high development potential and the amount of time it would take to include them. Including these addresses would have required examination of over 2000 addresses to determine if they are in the at risk zoning districts.

The report segregates the included buildings as either in or out of the proposed transit overlay in separate categories for 2, 3, 4, 5, and 6 unit buildings and provides both the number of buildings and number of units in each category. The summary provides the total number of rental units in each category segregated as in or out of the transit overlay.

Submitted by: Dorothy Freeman

Two Units Per Building

In Transit Overlay

Zone:	R1	14	Total Units	28
	R2	54		108
	R3	16		32
	R4	223		446
	R5	58		116
	R6	8		16
TOTAL		373	Total	746

Outside Transit Overlay

Zone	NP-MU 2	Total Units	4
	NP-R 8		16
	R1 35		70
	R1 4		8
	R2 34		68
	R2 8		16
	R3 10		20
	R4 34		68
	R5 6		12
TOTAL	141		282

Three Units Per Building

In Transit Overlay

Zone	NP-R	1	Total Units	3
	R1	6		18
	R2	9		27
	R3	6		18
	R4	133		399
	R5	39		117
	R6	3		9
	TOTAL	197		591

Outside Transit Overlay

Zone	R1	10	Total Units	30
	R2	13		39
	R3	2		6
	R4	44		132
	R5	3		9
	R6	1		3
	TOTAL	73		219

FOUR Units Per Building

In Transit Overlay

Zone	R2	3	Total Units	12
	R3	4		16
	R4	174		696
	R5	47		188
	R6	6		24
TOTAL		234		936

Outside Transit Overlay

Zone	NP MU 1		Total Units	4
	NP-R	2		8
	R1	8		32
	R2	2		8
	R3	2		8
	R4	44		176
	R5	1		4
TOTAL		60		240

FIVE Units Per Building

In Transit Overlay

Zone	R1	2	Total Units	10
	R4	64		320
	R5	24		120
	R6	5		25
TOTAL		95		475

Outside Transit Overlay

Zone	R2	2	Total Units	10
	R3	1		5
	R4	21		105
	R5	2		10
TOTAL		26		130

SIX Units Per Building

In Transit Overlay

Zone	R2	1	Total Units	6
	R4	45		270
	R5	15		90
TOTAL		61		366

Outside Transit Overlay

Zone	NP MU 1		Total Units	6
	R1	2		12
	R4	12		72
	R5	1		6
TOTALS		16		96

Summary of Total Units At Risk

	In Transit Overlay	Outside Transit Overlay	Total Units
Two Units Per Building:	746	282	1028
Three Units Per Building	591	219	810
Four Units Per Building	936	240	1176
Five Units Per Building	475	130	605
Six Units Per Building	366	96	462
Totals:	3114	967	4081

ACT

Alameda Citizens Task Force

Vigilance, Truth, Civility

Dear Planning Board Members:

This letter supplements our Sept. 10 letter now filed to Item 7-A of your current agenda and responds to the Planning Department's (PD) report attached to Item 7-A. We submit that your role is to review the proposed Housing Element (HE) and zoning amendments to assure that we adopt a land use plan that addresses state law while still protecting the vital interests of our citizens.

1. HE Fair Housing Requirements & Program 4: We agree with the PD statement that "the Measure A prohibitions... are fundamentally contrary to State Fair Housing Law". That is why ACT did not object to the 5th cycle HE which upzoned about 100 acres of vacant land resulting in the construction of over two thousand new units with projects in progress that will double that number. Therefore, the claim in the PD report that the Measure A densities are, "citywide, and are embedded in every zoning district in Alameda." is patently untrue. Moreover, ACT has voiced no objection to any of the upzoning proposed in the proposed HE other than the R-1 through R-6 zoning districts.

We see no legal or practical requirement that the prohibitions of Measure A require the broad upzoning of every residential district in the city. At your Sept. 12 meeting you asked whether HCD has advised that they will not approve our HE without this broad upzoning. Mr. Thomas responded in the affirmative. We concluded that such an important conclusion should be validated by the original source, so this writer sent the attached email (Word doc. copy) to Paul Mc Dougall of HCD on Sept. 13. **There has been no response.**

Lacking a response from HCD, we implore you to treat this as a local discretionary policy issue as to whether this broad upzoning is appropriate land use planning. This would be subject to HCD review, so nothing would be lost if you recommend a HE without this element.

2. The Appropriateness of Program 4: The Program 4 upzoning proposal contains two parts concerning the R-1 through R-6 zoning districts. The first part is the upzoning specifically related to Site Inventory Item 15 (b), which provides for adding additional dwelling units within existing building envelopes. This is an arguably appropriate land use policy. It provides additional dwelling units without impacting the outward appearance of structures and provides for needed smaller units. Moreover, it allows and projects the construction of lower income deed restricted housing in every residential district in the city. However, we continue to suggest development be limited to four

added dwellings per parcel and requiring at least tandem off street parking for one car per new unit.

The second part of Program 4 allows density increases of 30, 40, 50 and 60 du/acre respectively, in the R-3 thru R-6 zoning districts and unlimited density in all six districts for parcels within ¼ mile of a good commuter service bus line. **These broad provisions will allow developers to demolish existing structures and replace them with much more densely populated buildings or add additional structures on current yard space and will not constrict developers from aggregating contiguous parcels to create even larger structures.**

The PD report argues that if development becomes too excessive downzoning can be adopted. However, state law requires any downzoning to provide for the upzoning of other sites so that there is no net loss, making downzoning problematic.

More importantly, the PD totally ignores the impact of these massive changes on the people already living in these fully built-up districts. Some owners may get a financial windfall from having their property upzoned, thus increasing land value, but others will find the physical character of the neighborhood in which they invested a good part of their lives significantly changed in both structure and density. However, the greatest challenge will be faced by current tenants in these neighborhoods. This will be treated in our discussion of displacement below.

3. **Displacement of Tenants:** The risk of displacement of tenants will occur in the 15 (b) part of Program 4 because providing more units within an existing building envelope may require reconfiguration of existing units, thus demolishing those units. The risk of displacement will be much greater in the broad upzonings of part 2 of Program 4 as demolition of existing structures and replacement by new denser units will be allowed.

The PD report conveniently predicts, “that most residential property owners will build additional units in their backyards, basements and attics to avoid the financial costs of moving their household or eliminating monthly rental income from rental units.” **This is pure speculation unsupported by any data or expert opinion.** In addition, development inside an existing structure is allowed by part 1 of Program 4 and backyard development could be accomplished by expansion of ADU allowances. Thus, the demolitions allowed by part 2 of Program 4 are unnecessary and jeopardizing tenants.

The PD report cites Programs 8, 9, 13, and 14 that they believe mitigate the displacement risk. A reading of these programs reveals that only Program 14 guarantees such replacement housing but limited to the lower income groups. Not a shred of evidence has been produced that any current R-1 through R-6 tenants fall within those categories.

The PD report also claims that our current Fair Housing and Tenant Protection Ordinance has strong protections for tenants. Generally speaking, it does. However, since it was adopted when no displacement of tenants by new development was anticipated it has very weak protection for these displaced tenants. It guarantees no support other than

dislocation payments, leaving it to the displaced tenant to fend for themselves in a very tight rental market. They may need to leave Alameda to find affordable housing. These innocent tenants will often be replaced by tenants able to pay the higher cost of the new units, thus gentrifying these neighborhoods. See the detailed discussion of displacement in our Sept. 10 letter filed to Exhibit 1 of your current agenda.

The PD's minimization of the displacement issue is consistent with the treatment of the issue in the General Plan 2040 EIR at PDF page 119 where it is asserted that no consideration of mitigating tenant displacement is required. Clearly there is no support for this conclusion. Before adoption of the HE and zoning amendments a supplemental EIR is required to mitigate the broad impacts of displacement as described by Dr. Rajiv Bhatia in ACT's August 21, letter to Andrew Thomas, filed to Exhibit 1 of Item 7-A in your current agenda.

We do not know how many tenants will suffer this fate, but regardless of how small or large the number, the risk is very real and the lack of a guarantee of replacement housing is unconscionable.

We are reminded of the 2005 Harbor Bay Apartments scenario when 380 tenants received no-fault eviction notices to allow for upgrading of these low cost units to market rate rentals. Our city council, to their chagrin, could do nothing to stop it, because no ordinance was in place to protect those tenants. That city council may have had no reason to anticipate such radical action, but in the current case you are forewarned and should not be lulled to sleep by the PD's rosy projections. **You need to insist that any tenant displaced by this new development receives comparable replacement housing before they leave their current unit.**

In addition to the enumerated items above, please note the suggestion contained in our Sept. 10 letter filed to Item 7-A in your current agenda that consistency requires that limiting upzoning to allowing additional units within existing building envelopes also apply to the small North Park Street NP□R and NP□MU zoning districts

Regardless of your final recommendations to the City Council we thank you for your contribution of so much time and energy on a volunteer basis. You are all real credits to the community.

Sincerely,

Alameda Citizens Task Force

By Paul S Foreman Board Member and Authorized Correspondent.

From: [Alameda Citizens Task Force](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)
Cc: [City Clerk](#); [Manager Manager](#); [Andrew Thomas](#); [Allen Tai](#); [Yibin Shen](#)
Subject: [EXTERNAL] Item 7-B-City Council Agenda Nov. 15, 2022-Housing Element, Zoning Amendments
Date: Wednesday, November 9, 2022 6:31:15 PM
Attachments: [We sent you safe versions of your files.msg](#)
[Historic Resource Impact Memo .pdf](#)

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ACT

Alameda Citizens Task Force

Vigilance, Truth, Civility

Dear Mayor Ashcraft, Vice Mayor Vella and Council Members Knox-White, Spencer and Daysog:

Attached is the Historic Resource Impact report of architectural historian Kara Brunzell which is referred to in Attorney Graf's letter to you earlier today. Due to its length, we thought it best to send it by a separate email. We trust that it will be placed in the record for the Nov. 15 City Council meeting at Item 7-B.

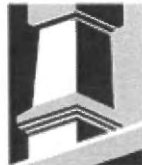
Alameda Citizens Task Force

**Memorandum Assessing Impacts to Historical Resources
in City of Alameda Due to
Proposed Housing Element and Related Zoning
Amendments**

Prepared by

Kara Brunzell, MA, Architectural Historian

Brunzell Historical



**BRUNZELL
HISTORICAL**

November 2022

1 Management Summary

The City of Alameda has completed a draft update to the Housing Element of its General Plan and a comprehensive set of zoning amendments. The purposes of the amended Housing Element include compliance with California state law, promotion of fair housing goals, ending and preventing homelessness, and compliance with the 5,353-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle. The City proposes to achieve these goals by, in part, adopting unlimited residential density in commercial districts, substantially upzoning throughout the City, and providing transit-oriented waivers to allow additional height on bus lines.

The provisions of the Housing Element, if adopted, will result in the degradation and potential outright destruction of Alameda's historic fabric. These provisions are specifically designed to bring multistory residential construction into established neighborhoods including historic districts and will change existing design review procedures to allow ministerial rather than discretionary review. These changes will result in tall residential projects being inserted into the Park Street Commercial Historic District as well as other sensitive historic districts and neighborhoods within the short to medium term. Intrusion of such large new buildings and additions into historic districts and adjacent to historic buildings will result in a significant loss of integrity of setting, feeling, and association, and thus significant adverse impact to these historical resources. These negative impacts have not been taken into account by the City. This loss of integrity violates the City's obligations under CEQA to avoid negative impacts to historical resources.

2 CEQA and Historical Resources

The California Environmental Quality Act (CEQA) was passed in 1970 to establish a statewide environmental protection policy. Its primary functions are to provide decision-makers with information about potential environmental impacts of proposed projects prior to granting approval, to allow the public to comment on the impacts of such projects, and to identify alternatives/mitigations to avoid significant impacts to the environment. Historical resources are defined as one element of the environment under CEQA, and CEQA Guidelines CCR 15064.5(b) notes that "a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment." A proposed project must comply with CEQA (Public Resources Code [PRC] 21000 et seq. and the CEQA Guidelines (CCR, Title 14, Chapter 3), which determine (in part) whether a project has a significant negative impact on a historical resource (per PRC 21084.1).

Historical resources may be buildings, sites, structures, objects, or districts. A building is anything principally designed to shelter human activity such as a house, church, or post office. A structure is a functional construction distinguished from a building in that it is not designed for human shelter; examples include bridges, highways, and tunnels. Historic districts are among the most common types of historic property, but their nature is frequently not well understood.

A district is an area with a significant concentration, linkage, or continuity of buildings or structures united historically, culturally, or aesthetically by plan, history, or physical development. Historic districts therefore derive their importance from the relationship between individual components. The concentration or continuity of individual contributors within a historic district is almost always of greater significance than many of its separate component buildings and structures; i.e. a historic district is typically greater than the sum of its parts. Individual components may contribute to the significance of a district even if undistinguished when considered separately. A historic district comprises contributing resources (which add to the significance of the district as a whole) and non-contributing resources. Non-contributors to a historic district are buildings that do not add to the district's sense of time and place or historical development or buildings that lack sufficient integrity to convey their relationship to the district's history.

Lead agencies are required to identify potentially feasible measures or alternatives to avoid or mitigate significant adverse changes in the significance of a historical resource before such projects are approved. According to the CEQA guidelines, historical resources are:

- Listed in, or determined to be eligible for listing in, the California Register of Historical Resources (per PRC 5024.1(e));
- Included in a local register of historical resources (per PRC 5020.1(k)) or identified as significant in a historical resource survey meeting the requirements of PRC 5024.1(g); or
- Determined by a lead agency to be historically significant;
- Properties not previously listed or determined eligible for historic listing may also qualify as historical resources under CEQA; the fact that a historical resource has not been studied or listed does not mean it is ineligible according to the CEQA guidelines (CCR 15064.5(a)(4).

California Register of Historical Resources

PRC Section 5024.1 establishes the California Register of Historical Resources (CRHR). The CRHR includes:

- 1) All California properties listed, or determined to be eligible for listing, in the National Register of Historic Places (NRHP);
- 2) State Historical Landmark No. 770 and above;
- 3) Points of historical interest which have been reviewed by the Office of Historic Preservation and recommended for CRHR listing by the State Historical Resources Commission.

The criteria for listing in the CRHR are based on those of the NRHP. A resource eligible for listing in the CRHR will be significant at the local, state, or national level under one or more of the following criteria:

- 1) Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- 2) Are associated with the lives of persons important in our past;
- 3) Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- 4) Have yielded, or may be likely to yield, information important in prehistory or history.

Ordinarily, properties are not assessed for historic eligibility until they have reached 50 years of age. In addition to meeting the age-eligibility requirement and one or more of the significance criteria listed above, an eligible historical resource will retain integrity. Integrity is the authenticity of a historical resource's identity evidenced by the survival of characteristics that existed during its period of significance. An eligible property will retain enough historic character to be recognizable as a historical resource and convey its historic significance. A building, structure, or district that is age-eligible (50 years or older) and significant under one or more of the above criteria will not be eligible for historic listing if its historic integrity is lost.

There are seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where a historical resource was constructed. Integrity of design depends upon the combination of elements which create the form, plan, space, structure, and style of a historical resource. Integrity of setting is defined as the physical environment of a historic property and is especially crucial for historic districts. Integrity of materials is presence of the physical elements that were combined during a particular period and in a particular pattern or configuration to form a historical resource. Integrity of workmanship is physical evidence of the craftsmanship that created a historical resource. Integrity of feeling is defined as a historical resource's expression of the aesthetic sense of a particular time period resulting from the presence of physical features which together convey the historic character of the property. Integrity of association is the direct link between a historic context and a historical resource and is retained when the historic place is sufficiently intact to convey that relationship. Like feeling, association rests on the continuity of the original physical features that convey historic character. Aspects of integrity are interrelated, and loss of one aspect of integrity can degrade others (for example loss of integrity setting would have a negative impact on integrity of feeling and association).

An eligible historical resource will typically retain most of these seven aspects of integrity. Integrity is distinct from condition; a historical resource may be in poor condition but retain historic integrity

if it continues to convey its historic identity. All historic properties change over time, and a historic building or a historic district rarely retains perfect historic integrity. For a historic property to retain sufficient integrity to be eligible for historic listing, it will retain all or most of the seven aspects of integrity.

A historical resource may not retain sufficient integrity for NRHP listing but may still be eligible for the CRHR and thus qualify as a historical resource pursuant to CEQA (CCR, Title 14, Section 4852(c)).

Impacts to Historical Resources

As discussed above, CEQA stipulates that a project that causes a substantial adverse change in the significance of a historical resource may result in a significant effect on the environment. Substantial adverse change to the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or of its immediate surroundings such that its significance is impaired (CCR 15064.5 (b)(1)). (CCR 15064.5 (b)(1) further states that a project materially impairs the significance of a historical resource when it:

- A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Historic Preservation in the City of Alameda

The City of Alameda has the responsibility to act as a lead agency under CEQA. Incorporated in 1872, Alameda has about 10,000 buildings constructed before 1930. Much of this historic-era built environment is architecturally and/or historically significant. In 1975, the City established the Historical Advisory Commission to assist with the City's preservation program and a Historical Preservation Ordinance established procedures for identification and designation of historical resources. The City of Alameda Historic Resources Inventory (HRI) consists of its Historic Monument List, Historic Buildings Study List and its Historic Signs. Of the thirty properties on the City of Alameda Historic Monument List, eleven are listed on the NRHP and the CRHR, twelve appear eligible for the NRHP through survey evaluation, two have been determined eligible for the NRHP and listed on the CRHR, one is a historic district contributor, and one is a California State Historical Landmark. Roughly 4,000 properties are entered on the City of Alameda's Historical Building Study List; properties listed on a local historic register are considered historical resources pursuant to CEQA (unless the

preponderance of evidence indicates that they fail to meet eligibility criteria). Until 2021, the City considered all properties on the Historical Building Study List to be listed on its historic register for CEQA purposes. However, in 2021 the City Council passed a resolution declaring that the Historical Building Study List was not part of its local historic register. The City does not appear to have undertaken a process to have these properties evaluated by a professionally qualified Architectural Historian, so despite this declaration, these properties still qualify as historical resources pursuant to CEQA. Many of the roughly 6000 properties that were constructed before 1942 but have not been added to the Historical Building Study List may also qualify as historical resources pursuant to CEQA. However, under CEQA the end of the historic period shifts each year rather than being permanently fixed at a specific date in the past; in 2022, the historic period extends to 1972 because any property over 50 years old is eligible for consideration as a historical resource. It is indisputable that some properties built between 1942 and 1972 also meet the eligibility requirements to qualify as historical resources under CEQA, although without a comprehensive historic survey their numbers cannot be estimated.

Historic Preservation Ordinance

Local historic preservation regulations are codified in Article VII of the Alameda Municipal Code. Its stated purpose is:

to promote the educational, cultural, and economic welfare of the City by preserving and protecting historical structures, sites, parks, landscaping, streets, and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, State or Nation.

Further goals include strengthening the local economy by stabilizing and improving property values in historic areas and encouraging harmonious new development.

The Ordinance empowers the Historical Advisory Board (HAB) to implement its regulations and to designate (and undesignate) properties as Historical Monuments. Demolition, removal, or alteration of the 30 properties on the Historical Monuments list requires a certificate of approval from the HAB (except in cases of imminent health/safety threats). Alterations and repairs to Historical Monuments must meet standards established by the HAB as well as the Secretary of the Interior's Standards for Rehabilitation (guidelines promulgated by the National Park Service to allow alteration of historic buildings while preserving character-defining features). The Ordinance also requires that all properties included in the Alameda HRI be maintained in good repair.

The Ordinance further stipulates that any building Historical Building Study List also requires a certificate of approval from the HAB prior to demolition. This protection also applies to any building constructed prior to 1942 (including buildings not listed on the Study List/HRI). However, the Ordinance provides no protection for qualified historical resources constructed between 1942 and 1972 unless they have been previously listed on the HRI. It should be further noted that alterations to historical resources not included on the Historical Monuments list are not reviewed by the HAB; nor is new construction adjacent to Historical Monuments, Historical Building Study List, or pre-1942 buildings reviewed by the HAB. HAB findings can and have been overruled by a simple majority of the City Council, and the HAB itself has sometimes approved demolition of historic buildings, so the ordinance protections are contingent rather than absolute.

3 City of Alameda Historic Context

City of Alameda

The original occupants in the Alameda area were the Miwok and Ohlone peoples. Alameda was part of Rancho de San Antonio, granted to Don Luis Maria Peralta by the Spanish government in 1820. Tracts of the ranch were sold to European immigrants in the mid-nineteenth century as agriculture began to take hold in Alameda County. In its early years, Alameda was a busy railroad town, with a passenger railroad and ferry connecting the growing community to San Francisco. In 1869, the City of Alameda became a terminus of the transcontinental railroad. Aided by the railroad, it soon became a destination for recreation and resorts. The City of Alameda was incorporated in 1872; between 1877 and 1880, dozens of commercial buildings were constructed in the downtown area. At the time, Alameda had a population of around thirteen-hundred people.¹

In 1902, Alameda was transformed from a peninsula to an island by the creation of a canal on its south end. The project had begun in 1873, when Alameda and Oakland agreed that they needed a bigger estuary to accommodate shipping and a new sewage system. The Alameda Tidal Canal allowed the northern estuary to be free for shipping while offering a solution for the stagnant waste from sewage and factories. In 1893, the Alaska Packers Association, the largest salmon packing company in the world at the time, also used the estuary for their whaling ships. By 1925, the company, which was renamed the California Packing Corporation, had established Alameda's first shipping terminal. This terminal, the Encinal Terminals, was used by the Navy for shipping supplies during World War I and II. From the 1950s to the early 2000s, Encinal Terminals was used for container shipping.²

During World War I, Alameda's shipbuilding industry was established. In 1928, Alameda's passenger airport was constructed. The construction of the San Francisco Oakland Bay Bridge in 1936 led to the end of passenger ferry and railroad service but made western Alameda County much more accessible to cars and created conditions for growth. In 1935, the United States government purchased land in Alameda for Benton Field Army Base. The Alameda Naval Air Station was opened soon after, in 1940. Alameda became known as a Navy town, and the airfield operated for fifty-six years. During World War II, the population of Alameda almost doubled due to the Naval base. The Naval Air Station became one of the largest in the world, occupying one-third of the island of Alameda and providing jobs for thousands. The Naval Air Station closed in 1997. By 2020, the City of Alameda had a diverse population of almost eighty-thousand residents. It is still an area associated with recreation and hospitality.³

¹ Grant Ute and Bruce Singer, *Alameda by Rail*, United States: Arcadia, 2007; Joseph Eugene Baker, *Past and Present of Alameda County, California*, United States: S.J. Clarke, 1914, 300-330.

² Greta Dutcher and Stephen Rowland, *Alameda*, United States: Arcadia Publishing Incorporated, 2009; Nilda Rego, "Days Gone By: In 1902, 'Island City' Alameda Celebrates Its New Tidal Canal," *Mercury News*, Dec. 18, 2013; "History Timeline," Star Harbor Alameda, Accessed Oct. 24, 2022, <http://starharboralameda.com/history/>.

³ "Alameda History," Alameda Museum, Accessed Oct. 19, 2022, <https://alamedamuseum.org/news-and-resources/history/>; William T. Larkins, *Alameda Naval Air Station*, United States: Arcadia Pub., 2010; "History of Alameda Naval Air Station," Alameda Naval Air Museum, Accessed Oct. 19, 2022, <http://alamedanavalairmuseum.org/history/>.

4 Historical Resources

Alameda's historical resources include residential, institutional, and commercial buildings and districts; individual landmarks and contributors to historic districts were constructed between the 1850s and the middle decades of the twentieth century. These local historical resources include buildings listed for their historical significance under various historic contexts and architecturally significant buildings representing changing architectural fashions over a century. Alameda's historic fabric represents every important American architectural movement beginning in the mid-nineteenth century, including Italianate, the various Victorian-era styles, the Period Revival movements of the early twentieth century, Art Deco along with related early modern styles, and Craftsman.

Alameda's built environment is dominated by districts. As defined in Section 2, A historic district is a geographic area with significant concentration, linkage, or continuity of buildings or structures united historically, culturally, or aesthetically by plan, history, or physical development. The City of Alameda's most prominent historic district is the NRHP-listed Park Street Historic Commercial District. The City also has four local "heritage areas," Bay Station, Burbank-Portola, Leonardville, and Park Avenue. Additional neighborhoods have been identified as potential historic districts and appear to qualify as historical resources under CEQA though they have not been formally adopted by the City. At least two of these eligible local historic districts, the Park Avenue Heritage Area and the North Park Street Potential Historic District are located in close proximity to the Park Street district. Furthermore, individual landmarks such as the NRHP-listed Alameda City Hall are also located adjacent to the NRHP district. Therefore, the roughly five-block NRHP district is functionally part of a much larger area that exhibits the characteristics of a historic district (i.e. a significant concentration of contributing historic buildings). A district is important as a unified entity, although a typical district is comprised of a variety of contributing resources. Concentration, linkage, and continuity of contributing resources are essential to any historic district; a district is by its very nature greater than the sum of its parts. It is the interrelationship of individual buildings and structures within and adjacent to Alameda's historic districts that convey the visual sense of the overall historic environment.

The historic buildings and districts described in this section are a representative sample intended to provide a general understanding of the quality and diversity of local historical resources. Historic images (where available) are provided alongside contemporary photographs in order to illustrate historic integrity and continuity over time. As discussed in Section 2 above, the City of Alameda has at least 4,000 documented historical resources and a large number of historic-period buildings and structures that have never been evaluated for NRHP or CRHR significance. Many of the latter group would qualify for historic listing and would therefore qualify as historical resources under CEQA.

Alameda City Hall

Location: 2263 Santa Clara Avenue (at the corner of Oak Street adjacent to Park Street Historic Commercial District)

Year Built: 1895-96

Historical Resource Status Code: 1S (individually listed on the NRHP/CRHR)

Architectural Style: Richardsonian Romanesque

Architect: George Percy

Alameda City Hall is a three-story masonry building with a hipped roof and arched windows. A flight of granite steps leads to the main entrance, which is recessed and accessed by walking through three monumental brick archways. It was designed by architect George Percy, with the firm of Percy and Hamilton, using the Alleghany County Courthouse as inspiration. It is architecturally significant and locally historically significant in the areas of politics and government, since it has served as Alameda's city hall for 127 years. The building originally had a three-story clock tower above the main façade; it was partially removed after damage in the 1906 earthquake and totally removed in 1937. City Hall was evaluated and listed on the NRHP in 1980. In 2014, the Alameda Architectural Preservation Society (AAPS) installed a City Monument Plaque, listing City Hall as Monument #1.

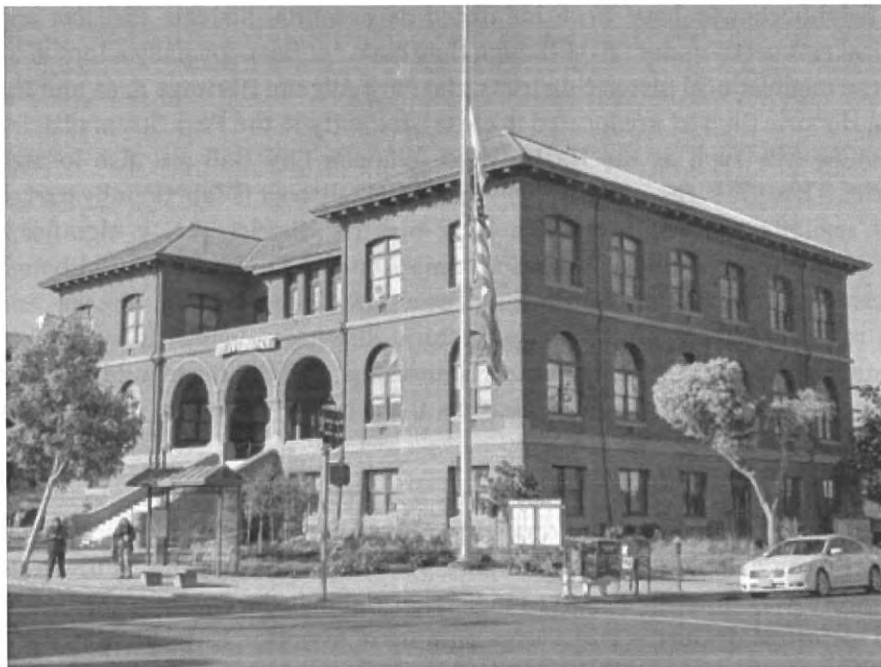


Figure 1: Alameda City Hall, c2022.

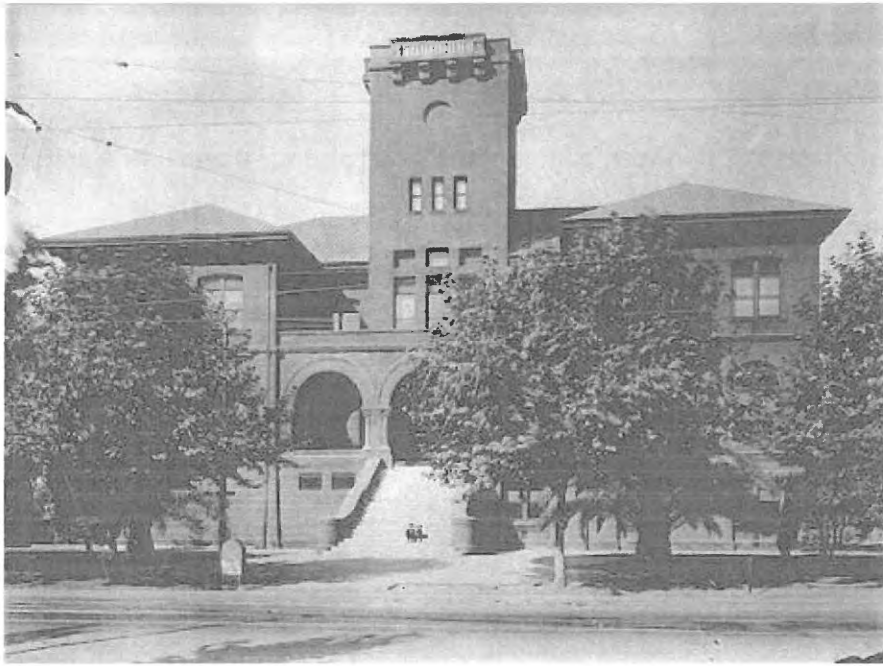


Figure 2: Alameda City Hall pre-1937 postcard showing tower, partially removed after 1906.

Croll Building (Britt Hotel)

Location: 1400 Webster Street

Year Built: 1879

Historical Resource Status Code: 1CL (California State Historical Landmark and listed on the CRHR)

Architectural Style: Second Empire

The Croll Building is a three-story wood-frame Second Empire building with elaborate window casings, ornamental cornice with decorative brackets and frieze, and a wood-shingle mansard roof with rounded windows with heavy decorative hoods. The building also features historic storefronts on the ground floor with decorative pilasters and frieze with dentil molding. The Croll Building was built as Britt's Hotel in 1879 by Patrick Britt and purchased by John Croll in 1891. In 1908, a two-story building was moved from Croll's Gardens to Britt's Hotel and blended with the existing building. The Croll Building was one of the earliest taverns opened in the Bay Area and California. It is also historically significant because it was part of a prominent resort and amusement park in the late nineteenth century, and a place for boxers to stay and train in the early twentieth century.

The Croll Building was evaluated and listed on the NRHP in 1982. It is also a California State Historical Landmark and an Alameda Historical Monument.



Figure 3: Croll Building, west and south elevations, camera facing northeast, 2022.

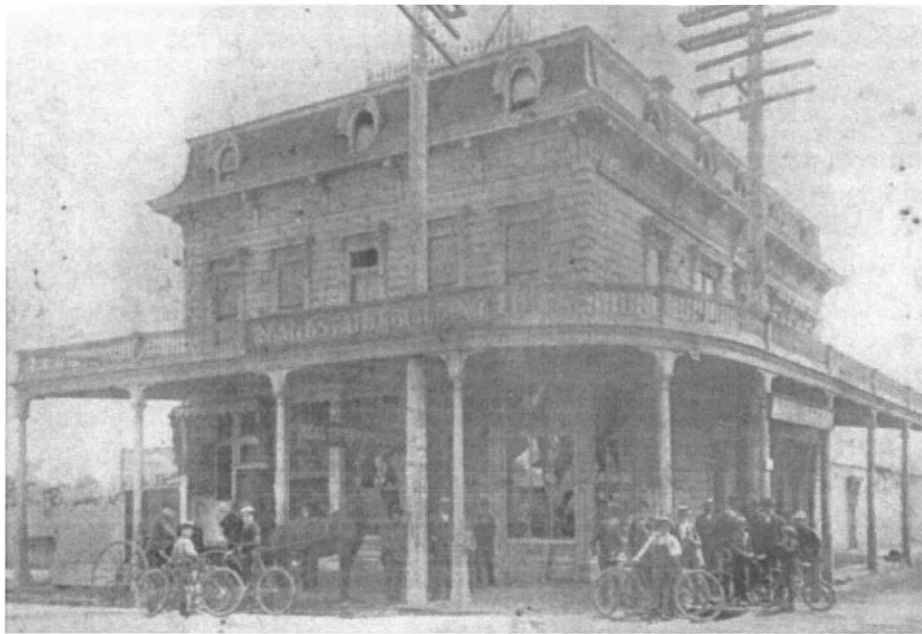


Figure 4: Croll Building c1890.

Greenleaf House

Location: 1724 Santa Clara Avenue

Year Built: 1891

Historical Resource Status Code 35 (appears eligible for NRHP/CRHR)

Architectural Style: Shingle, First Bay Tradition

Architect: Ernest Albert Coxhead

The Greenleaf House (Dr. Edith Meyers Center) is a two-story Shingle style building with wood shingle cladding and a complex roof form. The building is an architecturally significant work by famed English-born architect Ernest Albert Coxhead, who was known for his churches and also designed residences. Coxhead was an influential originator of American Shingle style architecture on the West Coast, known for his whimsical yet masterful approach and unique incorporation of medieval English architectural elements into the emerging style. The Greenleaf House features shingles flowing over and around surfaces to emphasize geometric forms and an oversized tower which, paired with diminutive windows, adds drama. Its plan and form are nearly identical to the Coxhead-designed Churchill House in Napa, which is a contributor to an NRHP historic district. The Alameda Girls' Club has used the house for the past forty years. The building is an Alameda Historical Monument.



Figure 5: Greenleaf House, 2022.

Park Street Historic Commercial District

Location: Portions of six blocks roughly bounded by and Encinal Avenue, Oak St., Tilden Way, and Park Avenue

Period of Significance: 1880 - 1946

Historical Resource Status Code 1D (listed as a district on the NRHP/CRHR)

Architectural Styles: Art Deco, Classical Revival, Mediterranean, Romanesque Revival, Spanish Revival, Stick, Streamline Moderne, Queen Anne, and others

Architects: Bakewell & Brown, Andrew Hass, William Knowles, Joseph Leonard, Charles Mau, Henry H. Meyers, Percy & Hamilton, Timothy Pflueger, Bert Rimmel, Edwin Symmes, and others

Evaluated in 1982, the Park Street Historic Commercial District is listed on the NRHP. The district spans three blocks of downtown Alameda. Of the seventy-two buildings in the district, most are one- or two-story buildings with ground floor storefronts. The buildings' diverse styles range from Victorian-era commercial architecture to Spanish Revival and Art Deco. The Old Masonic Temple and adjacent New Masonic Lodge are district contributors and also individually listed on the NRHP for their significant architecture; several other buildings in the district appear to have sufficient architectural significance to qualify individually for NRHP listing. In addition to the architecturally and historically significant buildings, character-defining features of the district include the traditional streetscapes with one-to two-story commercial buildings adjacent to sidewalks and sharing side walls, blocks in which a single design theme carries through a series of adjacent buildings, and the groupings of pre-1909 buildings around along Park Street intersections where historic development was stimulated by the trained minds. Park Street also has most of the local historic masonry buildings, a material that was not frequently used in Alameda. The district is historically significant as the heart of local retail commerce for 160 years and is significantly associated with successive eras of commercial development Alameda history. According to Alameda-based architectural historian Woodruff Minor, "Park Street presents the image of a traditional American "Main Street," with a wide variety of historic commercial buildings on densely built-up blocks."



Figure 6: Old Masonic Temple at 1327-33 Park Street, east and north elevations, camera facing west, Oct. 6, 2022.



Figure 7: 1327-33 Park Street, c1981, Photographed by Xandra Malandra.

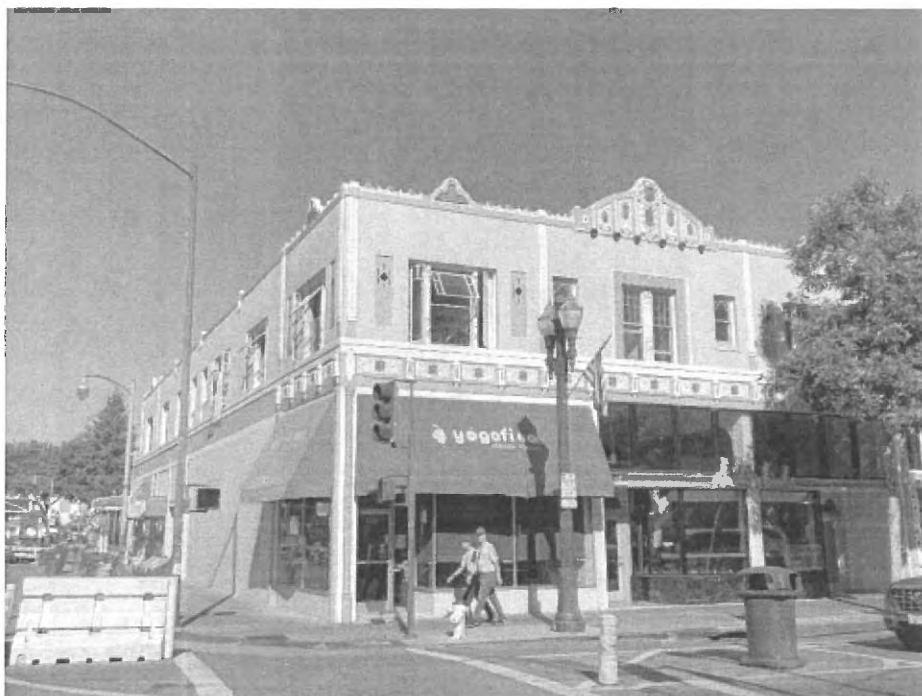


Figure 8: 1335-37 Park Street, south and east elevations, camera facing northwest, Oct. 6, 2022.

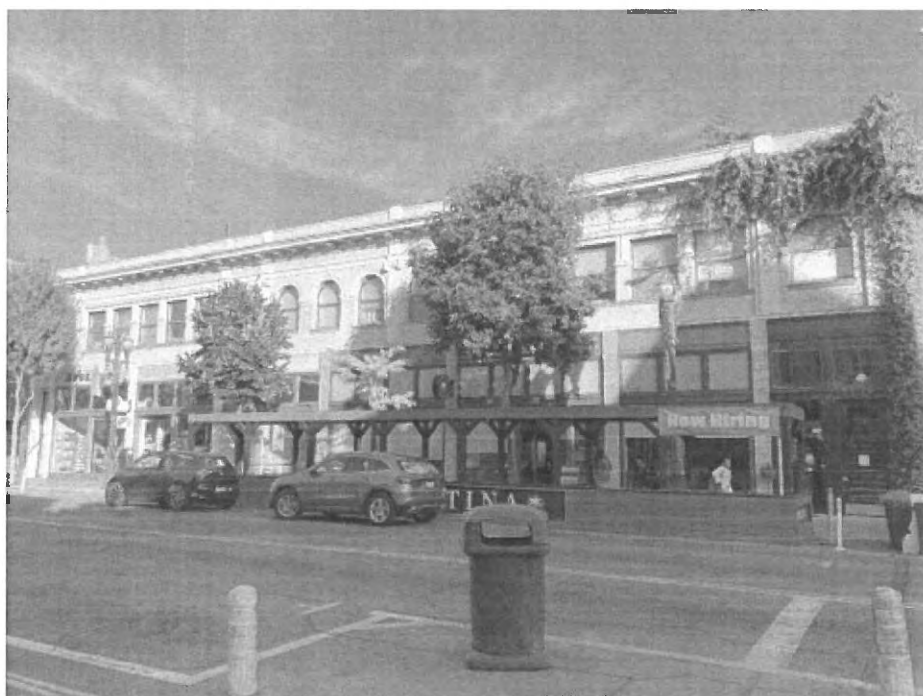


Figure 9: 1336-46 Park Street, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 10: 1349 Park Street, east elevation, camera facing west, Oct. 6, 2022.



Figure 11: 1349 Park Street, c1981, Photographed by Xandra Malandra.

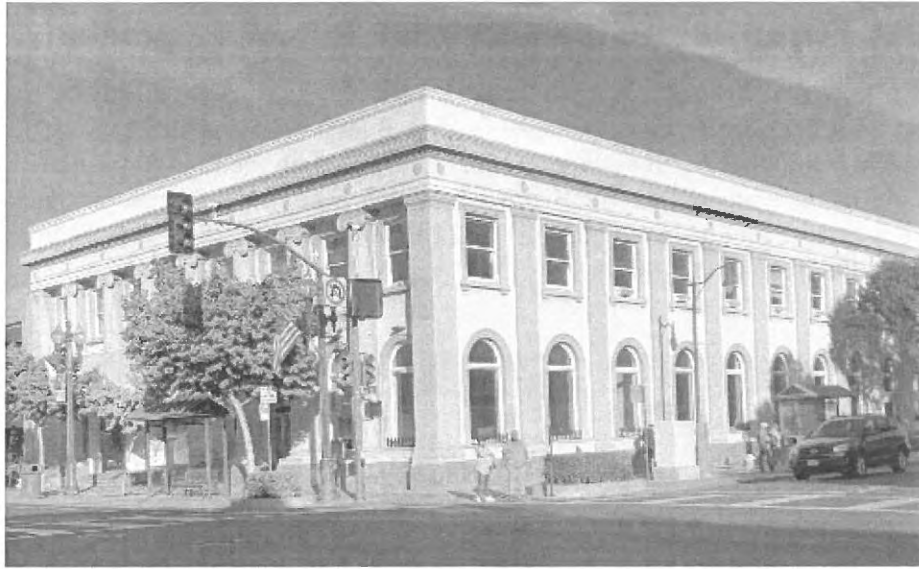


Figure 12: 1500-1504 Park Street, northwest and southwest elevations, camera facing east, Oct. 6, 2022.



Figure 13: 2316-20 Santa Clara Ave, northeast and southeast elevations, camera facing west, Oct. 6, 2022.

North Park Street Potential Historic District

North of Park Street is a potential historic residential district. This area consists mostly of the crossroads that intersect with Park Street, namely Eagle Avenue, Buena Vista Avenue, and Pacific Avenue. Many of the historic residences north of Park Street are not listed on the Built Environment Resource Directory but are being evaluated for the Historic Buildings Study List. The properties in North Park Street on the Historic Buildings Study List are 2421 Buena Vista Ave, 2437 Buena Vista Ave, 1810 Oak Street, and 2305 Buena Vista Ave.



Figure 14: 1891 Queen Anne at 2421 Buena Vista Avenue, southwest elevation, Oct. 6, 2022 (Historic Buildings Study List).



Figure 15: 1906 Shingle style house at 2437 Buena Vista Avenue, southwest elevation, Oct. 6, 2022 (Historic Buildings Study List).



Figure 16: 1620 Foley Street, northwest elevation, camera facing southeast, Oct. 6, 2022.

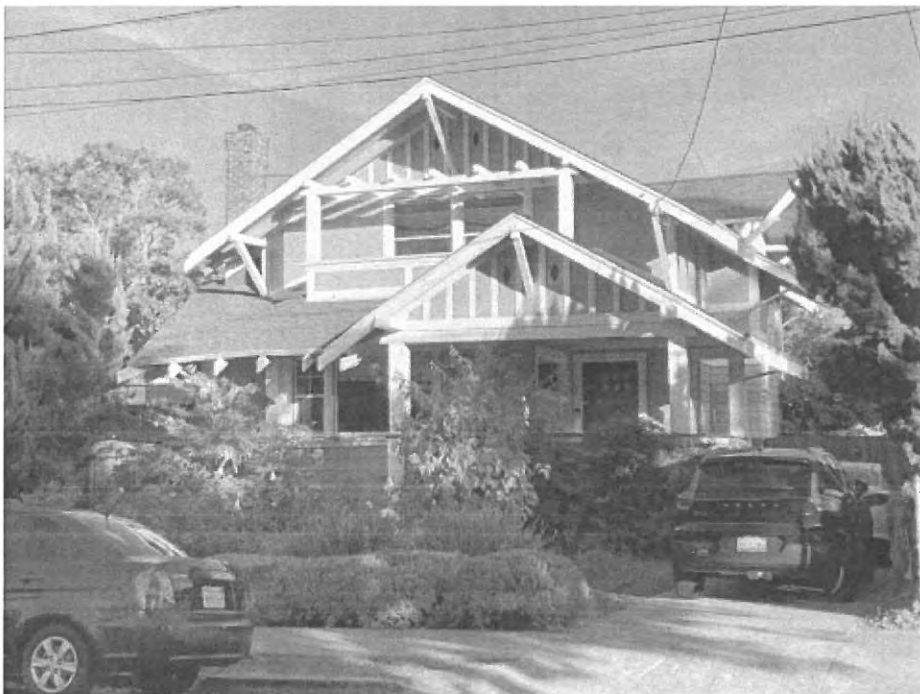


Figure 17: 1712 Everett Street, northwest elevation, camera facing southeast, Oct. 6, 2022.



Figure 18: 1912 Broadway, northwest elevation, camera facing southeast, Oct. 6, 2022.

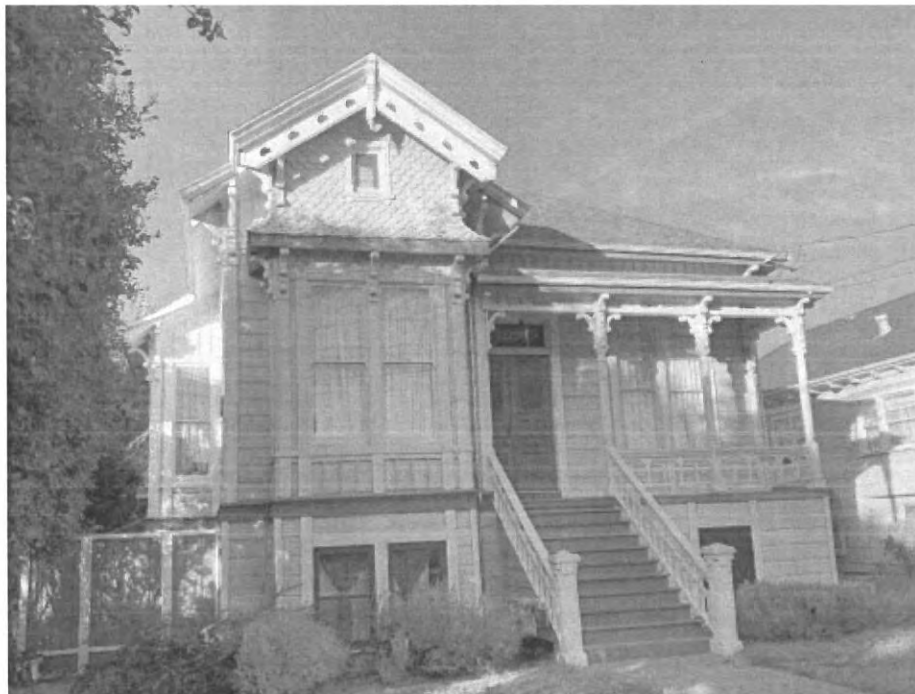


Figure 19: 1885 Stick Style residence at 2323 Buena Vista Avenue, southwest elevation, camera facing northeast, Oct. 6, 2022.



Figure 20: 1891 George F. Taylor building at 2301-05 Buena Vista Avenue, northwest and southwest elevations, camera facing northeast, Oct. 6, 2022.

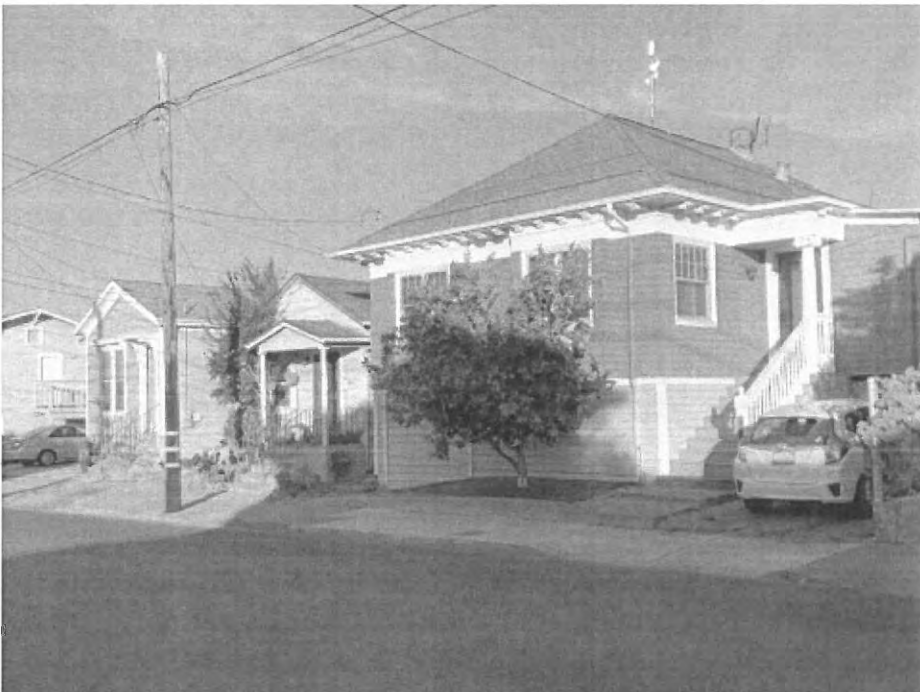


Figure 21: 1810-12 Oak Street, foreground (Historic Buildings Study List), 1814 Oak Street and 1818 Oak Street left frame (BERD 3S, i.e. individually eligible for the NRHP), northwest and southwest elevations, Oct. 6, 2022.

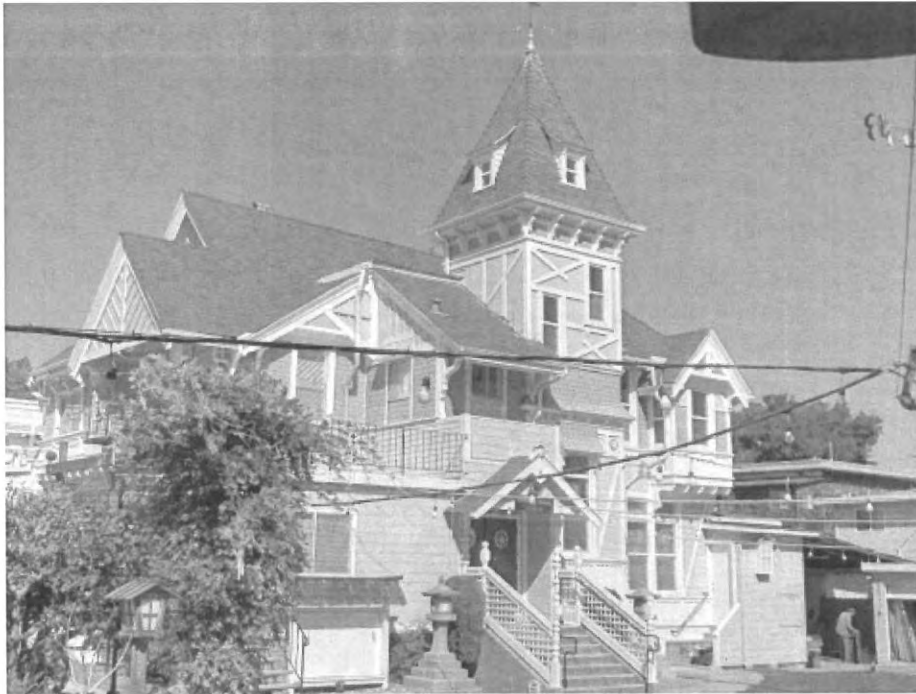


Figure 22: 1880 Alameda Buddhist Temple 2325 Pacific Avenue, northwest and southwest elevations, camera facing northeast, Oct. 6, 2022.

5 Proposed Housing Element Zoning Changes

The City of Alameda has completed a draft update to the Housing Element of its General Plan (its most recent draft is labeled September 2022) and a comprehensive set of zoning amendments. The stated purposes of the amended Housing Element are:

- compliance with California state law,
- promotion of fair housing goals including equity and inclusion,
- removing barriers that make housing access difficult for low-income residents
- ending and preventing homelessness, and
- compliance with the 5,353-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle.

Although most of the proposed City of Alameda zoning changes are likely to be neutral with respect to historical resources or to result in minor to moderate effects to the integrity of local historical resources (and thus are not discussed in this report), several proposed changes will result in significant negative impacts. The following components of the Draft Housing Element are especially problematic with respect to their likelihood to cause significant negative impacts to City of Alameda historical resources such that historic integrity may be impaired:

1. Unlimited residential density (current residential density is 21.78 units/acre) and increased height limits in the Webster Street Business District from 40 feet to 60 feet, in the roughly 80% of the Park Street Business District that is not already 60 feet and from 30 feet to 45 feet in the historic small commercial districts (the "Stations") along Lincoln, Encinal and Central Avenues.(see Program 3: Commercial Transit Corridor Zoning Amendments);
2. Proposed residential density increases in the R-3 through R-6 residential districts and the North Park Street District (see Program 4: Residential District Zoning Amendments, *Housing Density* and Program 3: Commercial Transit Corridor Zoning Amendment)
 - a. from 21.78 to 30 units per acre in R-3,
 - b. from 21.78 to 40 units per acre in R-4,
 - c. from 21.78 to 50 units per acre in R-5,
 - d. from 21.78 to 60 units per acre in R-6, and
 - e. unlimited density in the North Park Street District with height limit increases of 30 feet and 40 feet to 35 feet and 50 feet in the historic Residential and Mixed Use Subdistricts;
3. Proposed transit-oriented housing waivers in the R-1 through R-6 residential districts with unlimited density for buildings with all units 1000 square feet or less and a 40-foot height limit (increased from 30 feet and 35 feet in R-1, R-2, R-3 and R-4) within 1/4 mile of the 51 bus line and other "high-quality" bus routes (see Program 4: Transit Oriented Housing Incentives and Waivers).

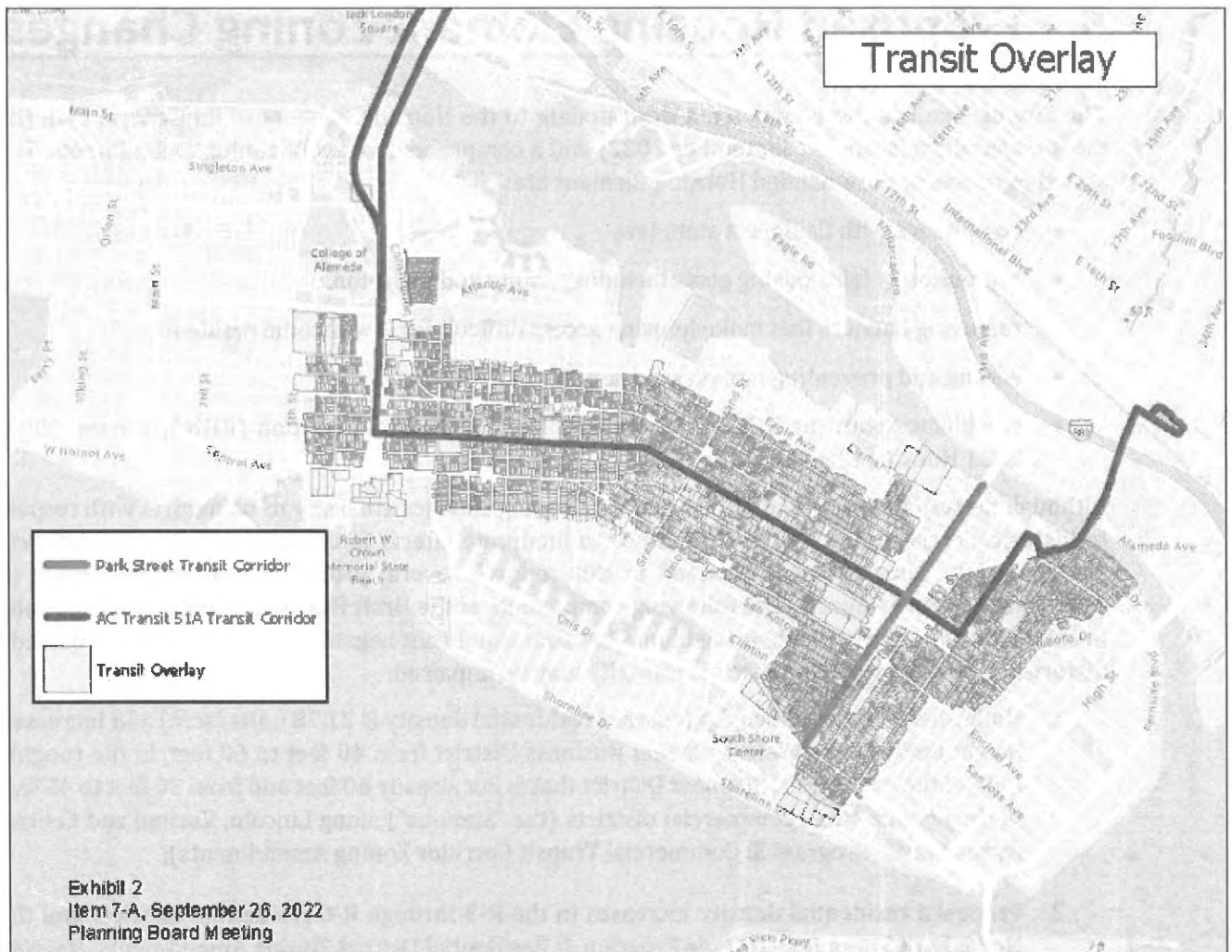


Figure 23: Transit Overlay Map, Exhibit 2 to 9-26-22 Alameda Planning Board Housing Element staff report.

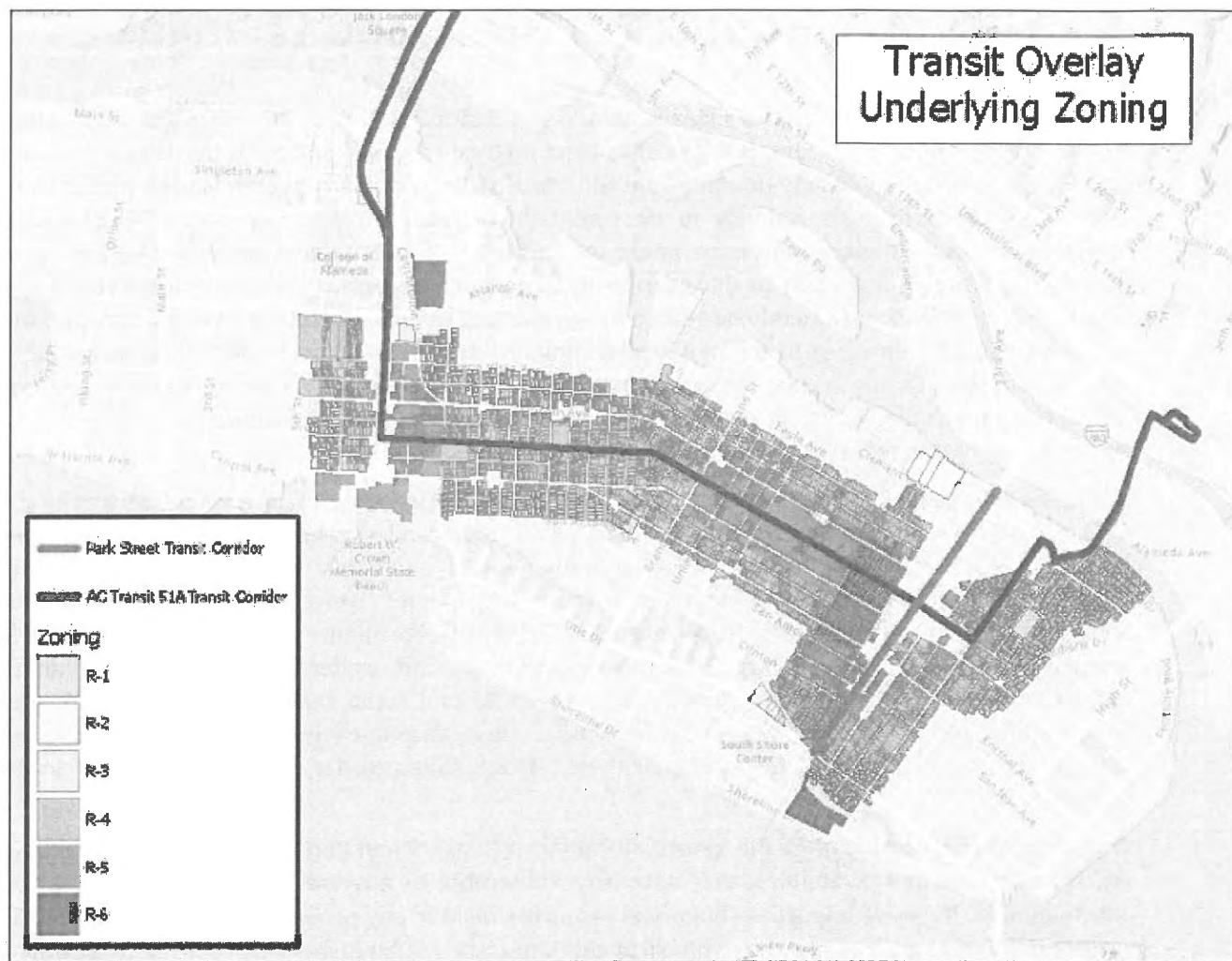


Figure 24: Transit Overlay Map with Underlying Zoning, Exhibit 2 to 9-26-22 Alameda Planning Board Housing Element staff report.

6 Negative Impacts of Proposed Changes

The proposed changes to the Housing Element are specifically intended to encourage multifamily housing in a community that has traditionally been a mixture of single- and multi-unit residences and has a lower population density than Oakland and some other cities in the region. Modest upzoning of residential neighborhoods is likely to incrementally increase the housing stock through small projects that, for example, convert a house into a triplex. Such projects, because of their more compatible scale, can typically be designed to avoid negative impacts to historical resources. These small projects would presumably be guided by the existing Historic Preservation Ordinance and the HAB to avoid demolition or incompatible alterations to Historical Monuments. And because height and massing are usually limited for such projects, they would be unlikely to create negative indirect impacts if undertaken adjacent to historic properties. This memorandum therefore does not take issue with such changes to the Housing Element.

A foreseeable outcome of the three provisions outlined in the previous section, however, will be the construction of tall multi-unit buildings. While there are locations within the City of Alameda where careful design would undoubtedly allow development of multistory buildings without causing significant impacts to the environment, the draft Housing Element has not been well designed with respect to the protection of historical resources. Instead, height limits of 60 feet are intended to encourage the construction of large (five-to six-story) multi-unit residential or mixed-use buildings. When combined with unlimited density in commercial and some residential zones, residential density increases in the R-3 through R-6 residential zones, and state legislation such as the Density Bonus Law and SB 35⁴, the likely development of 80-foot buildings (up to eight stories) can be clearly forecast.

Historical resources on and in the immediate vicinity of Park Street and Webster Street, because of their proximity to transit lines, are extremely vulnerable to adverse effects from this type of development. Negative impacts to historical resources include any project activity that “materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for” listing on the CRHR or a local historic register. A project that causes a negative impact to a historical resource is a project that destroys or substantially diminishes historic integrity. As discussed in Section 2 above, to qualify as historical resource under CEQA, three elements must be present:

⁴ The State Density Bonus Law, among other things, requires granting developer-requested waivers to height limits and other zoning standards, resulting in larger and taller buildings than the proposed upzonings would allow by themselves, exacerbating the adverse effects of the proposed upzonings on historic areas. The State Density Bonus Law also requires allowance of a three story/33' height increase for certain affordable housing projects within a ½ mile of a “major transit stop.” SB 35 projects must be processed ministerially and are therefore not subject to CEQA and may be combined with State Density Bonus Law projects. Although projects are not eligible for SB 35 if they are located on a site where the development “would require the demolition of a historic structure that was placed on a national, state or local historic register”, projects that involve other adverse effects on historic properties (such as intrusive new construction or incompatible additions or alterations) are still eligible for SB 35.

1. A property must be 50 (or more) years old,
2. A property must be Significant under one or more of the CRHR criteria,
3. A property must retain historic integrity.

A project, even one that completely demolishes a historical resource, does not have the potential to alter the age or significance of a historical resource, so its impact on integrity is what must be assessed. To cite a hypothetical example, if the US White House were demolished in order to construct a new presidential residence, its original construction date would remain unchanged, as would its architectural significance and its deep and long-standing historical associations with the US presidency. It would no longer qualify as a historic property, however, because its historic integrity (expressed through its location, design, setting, materials, workmanship, feeling, and association) would be irrevocably lost to demolition. In such a clear-cut case, it is obvious that the iconic features of the building's architecture would be lost, nothing would be left to convey the historic identity of the building. In this scenario, all seven aspects of integrity would be completely destroyed.

Assessment of impacts to historic properties from projects that do not demolish a historical resource (such as additions to historic buildings and infill construction within historic districts) require a more nuanced and detailed approach to assessing adverse effects on historic integrity. The local Croll Building (listed on the NRHP and as a California Historical Landmark (CHL)) provides a valuable example of how integrity is assessed for individual buildings. The property is architecturally significant for its Second Empire design as well as historically significant as one of the earliest taverns in the region and state and for its association with early twentieth century boxing. Review of its NRHP nomination and close inspection of historic and contemporary photographs reveals that it has changed substantially over time (see Figures 3 and 4); its original projecting veranda was removed at some point, a large two-story volume was connected to its north elevation in 1908, and the rear of the building was remodeled in 1980. However, an assessment of its integrity reveals that the property retains its ability to convey its historic identity as a nineteenth century tavern. It has not been moved so retains its integrity of location. Important original elements of its form, plan, and design have been retained, allowing it to convey its integrity of design, workmanship, and materials. These character-defining features include elaborate window casings, ornamental cornice with decorative brackets, friezes at the first and second story, wood-shingle mansard roof exhibiting rounded windows with heavy decorative hoods, and historic storefronts separated by decorative pilasters. The 1908 addition was constructed within the period of significance and its design details were carefully unified with the original volume of the building, thus the addition qualifies as a historic element of the building. Later changes were limited to the rear of the building which is less visible and lacks the original decorative features of street-facing elevations. The neighborhood retains some of its Victorian-period built environment along with some small scale one-story contemporary intrusions (and thus do not loom over or overwhelm the Croll Building with out of scale height and massing). Therefore, its integrity of setting has been somewhat compromised but has not been lost. With its profusion of decorative features evoking the Second Empire architectural style, it easily expresses the aesthetic sense of the 1870s. Its integrity of association is its direct link to its historic context as an early tavern since its historic features are sufficiently intact to convey that relationship. For these reasons, despite a partially compromised setting, all other aspects of integrity are present; the building thus retains historic integrity and is listed on the NRHP and as a CHL. Although a technical assessment of integrity must be performed by a historic preservation professional, this

property exemplifies the fact that most historical resources are able to convey their historic integrity to the general public. This building would be read as “historic” by any casual observer.

Assessing the historic integrity of a district is someone more difficult and complex but follows the same rules. The integrity of a historic district rests on the integrity of a majority of its components as well as the relationship between those components, which must be substantially unchanged. A historic building is an entity composed of its character-defining features (e.g. elaborate window casings, ornamental cornice with decorative brackets, wood-shingle mansard roof, etc.) which, taken together, express the historic character of the building. The unusual roof form with its decorative windows is perhaps the most dramatic character-defining feature of the Croll Building, but if its mansard roof were removed from the building, the roof on its own would not qualify as a historical resource. Nor would the Croll Building qualify as a historical resource if the mansard roof were its only remaining historic feature. Likewise, a historic district is a unified entity, and its significance is derived from the relationship between its components, rather than any single component (although many historic district contributors do qualify as individual historical resources). Because the historical resource is the entire district as a single entity with each component contributing to its importance, historic setting (the physical environment of a historic property) is especially crucial to the integrity of a historic district. A historic district will lose historic eligibility if alterations and new intrusions are so numerous that the district as an entity no longer conveys the sense of a historic environment. Physical features of the environment include nearby buildings, the layout of the street grid, features such as sidewalks and street furniture, landscape such as street trees, and the relationships between contributing buildings. Elements of the setting and the relationships between contributors must be examined not only within the boundaries of a historic district but between a district and its surroundings.

The NRHP Park Street Historic Commercial District is the historical resource most obviously at risk from the City’s proposed Housing Element. Most of the contributors to the district are historic buildings that are modest in size and scale; typically limited to one or two stories. Nearby residential historical resources, of course, have even smaller footprints with a maximum height of about 30 – 40 feet for Victorian-era houses with steeply pitched roofs, many one-story historic houses in Alameda have much lower heights. Features of the setting and the relationships between individual buildings must be examined not only within the NRHP Park Street Historic Commercial District but between the district and its surroundings. Thus, historic buildings including NRHP-listed local landmarks Alameda City Hall and Alameda Carnegie Library on the western border of the district contribute to its integrity of setting and nearby contemporary properties (such as the current CVS pharmacy building) do not contribute. For these reasons, the agency’s assessment of the negative impacts of potential projects on the district must evaluate alterations immediately adjacent to and in the vicinity of the district.

Contemplation of likely redevelopment scenarios for the CVS Pharmacy property southeast of the intersection of Oak Street and Santa Clara Avenue can serve as a valuable example to demonstrate the probability of negative impacts to historic districts and properties in Alameda. For example, a developer could propose a five-or six-story mixed-use building with 75 – 100 units on the one-acre parcel; if Government Code Section 65915(d)(2)(D) (part of the State Density Bonus Law) were applied, the City would be required to allow three additional stories, resulting in an eight-story (or perhaps even taller) building. Unit density would be unlimited, and this project would be by-right, with no discretionary permitting process. A building of this height and bulk would dwarf the historic buildings in the vicinity including NRHP-listed local landmarks Alameda City Hall and Alameda

Carnegie Library on the western corners of the intersection. The Richardsonian Romanesque City Hall and the Classical Revival library face one another across Santa Clara Avenue, creating an imposing institutional gateway to the commercial district. They are comparable in massing and plan; both are rare local examples of masonry construction and extraordinarily fine examples of their respective architectural styles. Contrasting in style and color and complementary in solemn formality, the formality of the pair proclaims Alameda's significance as a community and its collective commitment to its public life. The CVS Pharmacy parcel also touches three properties that contribute to the NRHP Park Street Historic Commercial District, the Alameda Theatre on Central Ave, the diminutive Art Deco commercial building at 1419 Park Street, and the turn-of-the-century storefront/apartment building at 2316-20 Santa Clara Avenue (Figure 13). There are ten additional contributors to the NRHP district either immediately across Santa Clara Avenue or on the same block as the parcel in question. These district contributors are all one or two stories in height and have small or modest-sized footprints.

In this case, the type of project encouraged and allowed by the draft Housing Element would not result in actual demolition of historical resources and therefore would not trigger HAB review or a certificate of approval process. However, as discussed in Section 2 above, CEQA explicitly requires assessment of impacts to the immediate surroundings of historical resources. Such an assessment would be likely to find negative impacts to the historic setting from the type of tall buildings allowed by the draft Housing Element and zoning changes, in such close proximity to so many historical resources including an NRHP-district and individual NRHP landmarks. A severe disruption to the historic setting (like the one described above) will have a significant negative impact on several aspects of integrity, including feeling and association as well as setting (discussed above). Integrity of feeling is defined as a district's expression of the aesthetic sense of a particular time period resulting from the presence of physical features which together convey the historic character of the property. Integrity of association is the direct link between a historic context and a historical resource and is retained when the historic place is sufficiently intact to convey that relationship. Like feeling, association rests on the continuity of the original physical features that convey historic character. Loss or degradation of these three aspects of integrity would create significant negative impacts to historical resources (including the historic district, the library, and city hall). However, the Housing Element institutes no process for assessing such impacts, nor is assessment of indirect impacts to historical resources currently provided for by the City's procedures or local historical resource ordinance. Current zoning regulations have, in concert with the limited protections afforded by the Historical Preservation Ordinance, in the past been sufficient to protect the integrity of Alameda's historic districts. But the massive upzonings proposed by the draft Housing Element will remove the main constraint to replacing smaller, often historic, buildings with larger buildings, thereby resulting in an increase in these district intrusions and negative impacts to integrity of setting, feeling, and association. Removing the constraints provided by the existing zoning would constitute a significant effect on historical resources in the City based on the CEQA criteria discussed above. Since no discretionary approvals would be required for the project, there would be no project level environmental review. A Housing Element environmental review would therefore be the only environmental review opportunity pursuant to the Alameda General Plan EIR's tiering protocol.

Not only do the proposed zoning changes fail to address the impacts of a single tall building in a sensitive area near a historic district, but the City has also not implemented a process to assess potential cumulative effects. Multiple simultaneous projects of similar scope and scale are likely to be undertaken within a short time after adoption of proposed zoning changes. CEQA requires that these cumulative impacts be assessed and mitigated. A twelve-block area including the example site discussed above includes at least a dozen surface parking lots as well as properties like small convenience stores on large lots that will become attractive sites for redevelopment if the draft

Housing Element is adopted. Furthermore, a project already identified in the draft Housing Element as contributing 50 residential units to Alameda's RHNA obligation proposed for the former Bank of America building at 1500-04 Park Street (Figure 12) would be enabled by the new Housing Element. It would consist of 50 residential units above ground floor commercial and apparently demolish everything except the two street facades, with a four- to five-story building behind/above the preserved façades. Despite the nominal façade preservation, details of this plan are not consistent with best practices in the Secretary of the Interior's Standards and related documents for additions to historical resources and would result in a negative impact to the integrity of the building itself and the historic setting of the district. Multiple large infill projects paired with overscaled additions to historic buildings will result in the significant degradation of the historic environment and loss of integrity for the entire NRHP district. And similar impacts will occur in other areas of Alameda outside the NRHP district, most notably to the historic section of Webster Street and the potential North Park Street Residential Historic District.

There is a near certainty that multiple projects similar in scale and scope to those described above will be developed within a small area of historic Alameda if the current Housing Element is adopted. Although a detailed and specific outcome of future development of any particular parcel cannot be foretold, planning and preparing for probable outcomes is the specific purpose of the Housing Element. A cursory review of recent in nearby communities can provide a realistic framework for what is likely to occur in Alameda. In May 2020, San Francisco Chronicle columnist John King described at least ten apartment buildings between five and fourteen stories underway in downtown Berkeley with another ten in the planning stages (mostly within a block of Shattuck Avenue). Along with completion of a sixteen-story hotel, King argued that the Berkeley building boom underway is resulting in a thorough transformation of a built environment once renowned for its low-slung buildings. By October 2022, a 250-foot, 26-story housing tower had also been proposed for downtown Berkeley. Nor is the development boom in Berkeley unique in the region. Nearby Oakland is larger and denser than Alameda, and its downtown can likely absorb the transformation of office towers to housing towers without a serious rupture to its historic fabric. But tall residential buildings planned in lower-density neighborhoods outside the urban center will be more disruptive even in a large city such as Oakland. (See Appendix A for articles discussing some of these projects and demonstrating how the State Density Bonus Law has allowed height increases of two and even three stories, such as the Oakland example at 2301 Telegraph Avenue which has a 78-foot height despite the parcel's 45-foot height limit.)

Alameda is an extremely sought-after residential enclave and there is high demand for all types of housing within the City. Even regional communities that are lower density than Alameda (Hayward, San Leandro) are seeing intensive multistory multifamily development. Although Berkeley's larger size and its University are differences between the communities that suggest Alameda will not experience a building frenzy of equal size and scale, adoption of this Housing Element will set off a transformative wave of development. Adjusting Berkeley's example to account for Alameda's somewhat smaller size and slightly lower population suggests that the zoning changes would stimulate a wave of development resulting in between five and ten multistory residential projects constructed in and adjacent to the Park Street Commercial Historic District within the short to medium-term.

The provisions of the Housing Element, if adopted, will result in the degradation and potential outright destruction of Alameda's historic fabric. These provisions are specifically designed to bring multistory residential construction into established neighborhoods and will change existing design review procedures to allow ministerial rather than the current discretionary review procedures.

These changes, as can be demonstrated by recent events in nearby communities, are virtually guaranteed to result in tall residential projects being inserted into the Park Street neighborhood (and into other sensitive historic districts and neighborhoods) within a brief period. Intrusion of such large new buildings and additions into historic districts and adjacent to historic buildings in the City will result in a significant loss of integrity of setting, feeling, and association, and thus significant adverse impact to these historical resources that has not been taken into account by the City.

7 References

- "Alameda History." Alameda Museum. Accessed Oct. 19, 2022. <https://alamedamuseum.org/news-and-resources/history/>.
- Baker, Joseph Eugene. *Past and Present of Alameda County*. California, United States: S.J. Clarke, 1914.
- Christian, Victoria. *Alameda County Fair*. United States: Arcadia Publishing, 2011.
- Dutcher, Greta and Stephen Rowland. *Alameda*. United States: Arcadia Publishing Incorporated, 2009.
- Hill, Penny. *A Water District of Our Own: A Celebration of Alameda County Water District's First 100 Years*. Paul Baker Printing, 2015.
- "History of Alameda Naval Air Station." Alameda Naval Air Museum. Accessed Oct. 19, 2022. <http://alamedanavalairmuseum.org/history/>.
- "History Timeline." Star Harbor Alameda. Accessed Oct. 24, 2022. <http://starharboralameda.com/history/>.
- Larkins, William T. *Alameda Naval Air Station*. United States: Arcadia Publishing, 2010.
- Lynch, Judith. "North of Lincoln Historic Buildings." Report to Historical Advisory Board. June 2008.
- National Register Bulletin 15. How to Apply the National Register Criteria for Evaluation. National Park Service. 1990.
- Office of Historic Preservation. "Park Street Historic Commercial District." National Register of Historic Places Inventory Nomination Form. Nov. 20, 1981.
- Rego, Nilda. "Days Gone By: In 1902, 'Island City' Alameda Celebrates Its New Tidal Canal." *Mercury News*. Dec. 18, 2013.
- Ute, Grant and Bruce Singer. *Alameda by Rail*. United States: Arcadia Publishing, 2007.

Appendix A:



ABOUT

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2301 TELEGRAPH AVENUE

Approval For Community Anchor At 2301 Telegraph Avenue, Northgate, Oakland



2301 Telegraph Avenue view from 23rd Street and Telegraph, design by Mithun and Parcel Projects

BY: ANDREW NELSON 5:30 AM ON OCTOBER 21, 2022

The City of Oakland has approved plans for the seven-story proposal at **2301 Telegraph Avenue** in Northgate, Oakland. The unique mixed-use project aims to create a

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new community anchor for the neighborhood with affordable housing, retail, offices, and a performance center. Parcel Projects and McCormack Baron Salazar are jointly responsible for the development.

The expedited approval process was in part achieved using Senate Bill 35, introduced in 2017 by State Senator Scott Weiner and approved by Governor Jerry Brown. The bill sets a standard list of requirements the project must meet to be eligible.



2301 Telegraph Avenue vertical cross-section, design by Mithun and Parcel Projects

The timeline for 2301 Telegraph started in 2015 when Parcel Projects and McCormack started engaging with neighborhoods and public meetings. The meeting with hundreds of people and 60 organizations in the city. The city first received the proposal seven months ago, in March of this year. The development permits were filed with the city just two months ago.

The 78-foot tall structure will yield 43,700 square feet, of which 4,970 square feet will be for retail. Of the 58 units, half will be dedicated to Transitional Age Youth, and one will be dedicated to an on-site manager. Apartment sizes will range from studios to one and two bedrooms. Mithun



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Supertall**



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Opened
Bristol on
Yerba
Buena
Island**



**Facade
Installati
on Tops
Out for
Three
Towers at
Mission
Rock, San
Francisco**

and Parcel Projects will be collaborating for the architectural design.

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2301 Telegraph Avenue semi public terrace, design by Mithun and Parcel Projects



2301 Telegraph Avenue view from the second-floor terrace, design by Mithun and Parcel Projects

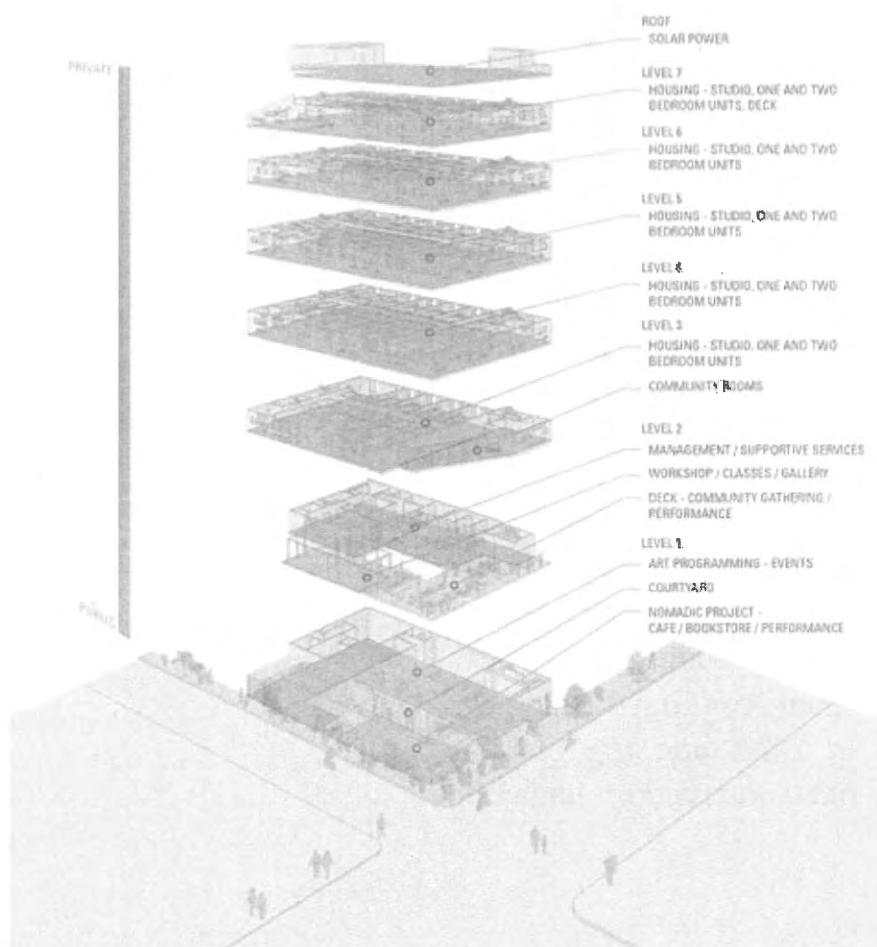
The first floor will include a cafe, bookstore, and performance center at the corner of Telegraph Avenue and 23rd Street, managed by the Nomadic Project. An art programming room will offer event space on the second half of the first floor.

The second floor will include a semi-public deck offering visitors seating with fresh air and city views. The rest of the floor will offer workshops, classes, a gallery space for arts, and offices for property management and supportive

services. The art spaces will be run by community-based arts organizations based on-site or elsewhere in Oakland.



2301 Telegraph Avenue interior view, design by Mithun and Parcel Projects



2301 Telegraph Avenue floor programming illustration, design by Mithun and Parcel Projects



2301 Telegraph Avenue evening aerial view, design by Mithun and Parcel Projects



2301 Telegraph Avenue, image via Google Street View

McCormack Baron Management, the same firm behind the 755-unit 1300 Buchanan Street proposal in San Francisco, will be responsible for building management. Urban Strategies Inc. and First Place for Youth will provide supportive services for residents. Apartments will populate the rest of the building from the third level and up.

Reached for comment, Parcel Projects partner Erik Bloom shared “We are thrilled to be moving forward with the project and look forward to providing much needed affordable housing and space for community-based arts organizations in Oakland.” Bloom confirmed they are aiming to start construction in 2024, and the team is working on predevelopment and construction financing now.

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BAY AREA // EAST BAY

Berkeley has a downtown housing boom right now. It's going to transform the city's character



JOHN KING

Updated: May 31, 2022 12:42 p.m.





1 of 6



The six-story Aquatic Shattuck, which opened last summer at Carlton Street, is one of a dozen apartment buildings that have been added to downtown Berkeley or are under construction.

Photos by Santiago Mejia / The Chronicle

Visit central Berkeley and there are sights you expect to see: the Campanile rising serenely from the heart of campus. Students on the sidewalks, even after commencement. Aging men and women dressed as if it's still 1974.

And then there's the unexpected — like a downtown housing boom that shows no sign of dying down.

At least 10 apartment buildings ranging in height from five to 14 stories are under construction in downtown Berkeley, most of them within a block of the district's spine, Shattuck Avenue. An equal number are approved or under review, including a proposed 25-story housing tower that would be only 60 feet shorter than the Campanile — the city's tallest building.

Architecturally, let's be honest: None of them will make people forget Julia Morgan or Bernard Maybeck, whose atmospheric buildings of shingled wood and thick masonry enriched the local landscape a century ago. But as downtown's character is transformed, its two newest apartment buildings are worth checking out for another all-important reason — to gauge whether the newcomers connect with their surroundings in meaningful ways, particularly where the structure meets the ground.

"The interface between a building and the sidewalk," in the words of Berkeley architect and urban designer Dan Parolek. Or, as he also puts it, "the building from the knees down."

The latest addition is Identity Logan Park, which fills eight stories with 135 student apartments at the corner of Shattuck and Durant avenues, replacing half of a now-demolished strip mall (the rest of the site will hold the second phase). The other, Aquatic Shattuck, opened last summer several blocks to the south at Carleton Street.

The latter is a much better fit, and not because it's two stories smaller.

Identity Logan Park will line a block of Shattuck Avenue in downtown Berkeley with eight stories of new housing. The first phase (back) opened recently, and the second phase is under construction.
Santiago Mejia/The Chronicle

The difference starts on the ground, where the first floor notches back beneath each broad bay, a saw-tooth response to Shattuck's angled path that allows space for small patches of landscaping between the sidewalk and the building. Pulling back the ground floor from the property line also means the upper floors can extend over the sidewalk by as much as 3 feet.

All this sounds subtle, and it is, but the moves create an almost domestic tone for pedestrians along Shattuck. The building has a neighborly feel, no easy task at this scale, helped by trees that buffer the sidewalk from the street.

The floors above offer a contemporary take on Berkeley's traditional stucco apartment buildings: The Aquatic lines up along Shattuck in four orderly bays above the strong recessed base, a vertical rhythm emphasized by black metal that frames the stacks of windows and extends out several inches from the muted tan facade.

The design by Trachtenberg Architects for developer Read Investments is subdued, no question. It also resembles five similar apartment buildings the team erected near the popular Fourth Street retail strip. En masse, things can get monotonous; here, next to a fire station built of concrete blocks, it's a sophisticated upgrade to the larger roadside scene.

How you make a squat five-story building seem more vertical? At Aquatic Shattuck in Berkeley, Trachtenberg Architects used windows framed in black metal that pop out from bays covered in tan stucco.
Santiago Mejia/The Chronicle

Identity Logan Park, by contrast, feels arbitrary and detached.

More for you

Berkeley, once hostile to development, is now inviting it. But has the city actually built much housing?

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Why the state's housing crisis could bust open the S.F. skyline

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This one's flashier, with orange and white metal panels against a black stucco backdrop. It includes benches in a small corner plaza, a nice touch lacking at Aquatic Shattuck. Wonder of wonder, there even are retail tenants — a sweets shop and a bank that were retained from the strip mall.

Mostly, though, the building designed by Johnson Lyman Architects for developer Austin Group sits there like a crate of housing adorned with just enough surface "architecture" to get an OK from the city.

Retail spaces line the sidewalk with ample glass, but their flat design does nothing to pull you in. Around the corner on Bancroft, the final stretch of street frontage after the parking entrance is unadorned gray concrete, as if no one was paying attention.

The white and orange panels above were probably intended by the architects to break up the mass of the complex and add a little pizzazz. But the colored layers are so thin they look like applique; the depth hinted at in renderings is in short supply.

Quibbles aside, a colorful building at this scale fits downtown well, especially because Shattuck is a wide boulevard. With the campus two blocks to the east, and downtown's BART station a few blocks north, it's a natural place to add density and height.

There hasn't been much fuss about the downtown boom, perhaps because the Bay Area's housing crisis makes even die-hard Berkeleyites accept the need for change. There's opposition to UC's plan to build dorms on People's Park, and the idea of adding dense affordable housing at the Ashby and North Berkeley BART stations, but downtown is moving forward.

If the pace of construction continues, such newcomers, in a decade, could look downright petite.

The Aquatic Shattuck on the south end of downtown Berkeley uses projecting bays and other design touches to add depth to a six-story building that is similar in scale to many being added to Bay Area cities.

Santiago Mejia/The Chronicle

Already, a 16-story hotel opened this spring at Shattuck and Center Street, downtown's first tower in 50 years. Grosvenor, an international developer with offices in San Francisco, has cleared a corner at Shattuck and Berkeley Way to start work on 12 stories of apartments.

Those two structures are tall for a city of 124,000 people that has only two office buildings above 150 feet. But with the leeway given developers by the state's housing density bonus, which allows up to 50% extra space and height when affordable units are added to a project, the old limits could be shattered. Trachtenberg Architects has designed what, if approved, would be a 25-story slab on Shattuck next to BART. Several other sites might also be able push this high.

That's why it's important to take stock of what's coming up now. The two buildings on the south end of downtown offer pointers on how density can make an existing district more urbane — and what not to do.

Put another way: The more new buildings that come our way in the Bay Area, the more important that space below the kneecaps will be.

John King is The San Francisco Chronicle's urban design critic. Email: jking@sfgate.com Twitter: @johnkingsfchron

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Written By
John King

Reach John on

John King is The San Francisco Chronicle's urban design critic, taking stock of everything from Salesforce Tower to sea level rise and how the pandemic is redefining public space. A two-time Pulitzer Prize finalist and author of two books on San Francisco architecture, King joined The Chronicle in 1992 and covered City Hall before creating his current post. He is an honorary member of the American Society of Landscape Architects.

VIEW COMMENTS

Appendix B: Preparer's Qualifications

Kara Brunzell, Architectural Historian, M.A. in Public History. Ms. Brunzell has thirteen years of experience conducting architectural surveys, preparing NHPA and CEQA compliance documents, and practicing cultural resource management. Ms. Brunzell meets the Secretary of Interior's Professional Qualifications for both History and Architectural History. She holds a Master's degree in Public History and has worked in multiple facets of historic preservation and cultural resource evaluation. Her experience includes municipal preservation planning and working as the lead staff member of a non-profit preservation organization. Since 2012, she has worked full-time as a historical consultant, completing dozens of evaluations for CEQA and Section 106 compliance. Additionally, she has completed local and national register nominations, historic context statements, and Historic American Engineering Record recordation. She frequently works in the Bay Area and the greater Sacramento area and has also completed projects in Southern California, Nevada, Oregon, New York, and Puerto Rico. In addition to work with historic-period domestic, agricultural, and commercial properties for private clients, Ms. Brunzell has prepared reports on post offices, military bases, university campuses, hospitals, church properties, national parks, and a NASA site. She is listed as a Historian and Architectural Historian on the California Office of Historic Preservation's roster of qualified consultants for every county in California.



BRUNZELL
HISTORICAL

KARA BRUNZELL

Owner/Principal Historian (2009 – Present)

Brunzell Historical

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EXPERTISE

Kara Brunzell has practiced in the fields of history/architectural history, cultural resource management, and historic preservation since 2007. She has served as a consulting historian on historical research investigations for federal, state, and local governments. She is proficient in the recordation, inventory, and evaluation of historic resources using the National Register of Historic Places (NRHP) and the California Register of Historic Resources (CRHR) guidelines. Her expertise includes preparing reports and making recommendations regarding Section 106 review and compliance. Kara is experienced in applying the California Environmental Quality Act (CEQA) to both large-scale survey projects and individual historic-period resources. She has also worked in municipal preservation planning and non-profit historic preservation. Her non-profit work has included coordination of technical services, content creation and implementation for preservation education, and management of a preservation advocacy program. Kara qualifies as a historian and architectural historian under the United States Secretary of the Interior's Professional Qualification Standards (as defined in 36 CFR, Part 61).

EDUCATION

California State University, Sacramento, MA, Public History

UCLA, BA, History

CONTINUING EDUCATION

HUD's Office of Environment and Energy: Historic Preservation and HUD, May 2014

California Preservation Foundation Workshops:

The Environmental Benefits of Reuse, August 2011

Preservation Ordinances, April 2011

The Use and Application of the California Historical Building Code, July 2009

SELECT PROJECT EXPERIENCE

Architectural History Effects Investigations for Telecommunications Projects, Ace Environmental LLC, (2019-current). Kara manages and authors determinations of effects studies for proposed cellular antenna installation and expansion projects located on historic-period buildings or within historic districts throughout California. Project impacts on historic properties are assessed in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, the Nationwide Programmatic Agreement for Colocation of Wireless Antennas, effective March 2001 and the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (March 2005) as well as subsequent relevant Report and Orders. The reports assess whether the proposed undertakings would result in direct or visual effects to historic properties. Since 2019, Kara has assessed more than one hundred telecommunications sites throughout California in Alameda, El Dorado, Los Angeles, Orange, Placer, San Bernardino, Sacramento, San Francisco, Santa Clara, Santa Cruz, San Mateo, Sonoma, Stanislaus, and Ventura counties as well as in Reno, Nevada.

United States Postal Service, Determinations of Eligibility, Various Locations. Historian/Architectural Historian, 2012-present. Kara has evaluated post office buildings for NRHP listing using the appropriate National Parks Service documentation forms. Kara has also re-evaluated historic post office buildings already listed in the NRHP and prepared addendums that detail exterior and interior historic character defining features when existing documentation does not include this detail. Kara has contributed to determinations of eligibility or addendums to the NRHP nominations for the following post offices:

- Berkeley Main Post Office, California
- Broadway-Manchester Post Office, Los Angeles California
- Burbank-Glen Oaks Post Office, California
- Burlingame Post Office, California
- Commonwealth Station Post Office, Fullerton, California
- Glendale Main Post Office, California
- Huntington Beach Post Office, California
- Mission Rafael Post Office, San Rafael, California
- Napa Franklin Station Post Office, California
- Red Bluff Main Post Office, California
- Redlands Post Office, California
- Richmond Post Office, California
- San Rafael Post Office, California
- Santa Barbara Main Post Office, California
- Santa Clara Post Office, California
- Santa Monica Post Office, California
- Worldway Postal Center, LAX, California
- East Hartford Post Office, Connecticut
- Lihue Main Post Office, Hawaii
- College Station Post Office, New York
- Morgan North Post Office, New York
- James A. Farley Post Office, New York
- Luis A. Ferré US Courthouse & Post Office, Ponce, Puerto Rico
- Provo Main Post Office, Utah

NRHP District Nomination of Asilomar Conference Center, Pacific Grove, Monterey County (2020-2022).

Kara nominated of buildings designed by noted Modernist John Carl Warnecke and constructed at Asilomar Conference Center between 1959 and 1968 to the NRHP. Asilomar was originally designed by Julia Morgan and developed between 1913 and 1928, and the Morgan buildings are listed on the NRHP as a district.

Historic Context Statement, Richmond Grove Neighborhood, Sacramento, Sacramento County, California (2021 – 2022).

Kara managed an intensive neighborhood historic context survey and historic district evaluation for a neighborhood within the original Sacramento street grid. About 500 residential, commercial, and institutional properties were surveyed, with over half recommended eligible as individual landmarks or contributors to a potential historic district. The neighborhood was documented on DPR 523 series forms and a detailed report nominating it as a local historic district was produced.

Impacts Analysis, Judicial Council of California Learning Center, San Francisco Judicial Courts (2021-2022)

The Judicial Council of California and the Supreme Court of California are planning to construct the Judicial Learning Center in the historic Earl Warren California Supreme Court Building (1926). The Earl Warren Building is a contributor to the NRHP-listed San Francisco Civic Center Historic District as well as the San Francisco Civic Center National Historic Landmark, which features some of the most important Beaux Arts architecture in the US and is widely considered one of the most completely realized examples of City

Beautiful planning. Kara provided a historic property impacts analysis pursuant to California Public Resources Code 5024.5 (which applies to state-owned buildings), photographing the project area and exterior of the historic building, meeting with stakeholders including project architects to discuss design of the project to avoid negative impacts to the historical resource, and preparing a technical impacts analysis memo.

Historic Standards Review, Proposed Alterations to Castanada Adobe, Sonoma, California (2015 and 2021). Kara assisted with the conversion of the NRHP-listed Castanada Adobe from residential to commercial use in 2015, reviewing architectural plans for conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. She worked with the property owners and their architects to ensure the alteration in use would not have a negative impact on the historic integrity of the 1830s-era adobe. When alterations were planned in 2021, Kara again reviewed the project for conformance with the standards.

Historical Evaluation of the Clark Ranch near Table Bluff, Humboldt County, California (2021). Kara evaluated the historic-era rural-residential complex for architectural and historical significance pursuant to Section 106. The property lacked significance under the criteria and was recommended ineligible for the NRHP and CRHR.

Historic Architectural Survey Report, Lenwood and Colton, California High-Speed Rail Authority (2019 – 2021). Kara managed Section 106 and CEQA compliance for a stretch of the High-Speed Rail project area in San Bernardino County. Kara oversaw preparation of appropriate local and architectural historic contexts and evaluation of built-environment resources. Five properties were evaluated on DPR 523 series forms and streamlined documentation was prepared for an additional 22 properties.

Historical Evaluation and Historic Standards Review, England Estate, Redlands, San Bernardino County, California (2019 – 2020). Kara evaluated a historic citrus estate consisting of multiple components associated with the grove and its residential complex, most significant among them being two residential buildings, a carriage house, detached garage, and a grove barn. The property was recommended eligible for the NRHP as an excellent example of a historic citrus estate, and important local historic property type. A proposed project was assessed for impacts; the study recommended that preservation of the buildings and a small portion of the orange grove along with development of housing on the bulk of the property's acreage would not result in a negative impact to the historical resource.

I-80/Ashby Avenue Interchange Improvement Project, Alameda County (2019). Kara prepared an assessment of the built environment resources (a radio station and tunnel) in the project study area for inclusion in a Preliminary Environmental Assessment Report for California Department of Transportation review. She conducted a field review, recorded buildings in the project area of potential effects on California Department of Parks and Recreation 523 forms, and evaluated the recorded resources for NRHP and CRHR eligibility.

Mitigation Documentation of the Intercoast Life Insurance Company Building, Davis, Yolo County (2019). Kara prepared detailed documentation of an architecturally significant building in Davis as an approval condition for demolition. The Intercoast Life Insurance Company Building was a singular example of an architect-designed corporate headquarters completed in 1966, which incorporates New Formalist and Google influences. It was an ambitious example of regionally important architect Silvio Barovetto's body of work, and represents the late period of his career, characterized by bold and audacious Modernist designs.

California Federal Emergency Management Agency Environmental and Historic Preservation Technical Assistance, northern and southern California, 2017-2019. Kara served as a Historian providing historic preservation compliance support for 22 projects in northern and southern California, submitted to the FEMA Region IX Hazard Mitigation Branch. Duties include recordation and evaluation of buildings and structures 45 years and older on Department of Parks and Recreation (DPR) 523 forms and State Historic

Preservation Office (SHPO) Section 106 of the National Historic Preservation Act consultation including preparation of SHPO packages. Project areas include San Bernardino, Riverside, Napa, Humboldt, Amador, and Lake Counties.

Environmental Reviews for the Restore Louisiana Disaster Recovery Program, Louisiana, 2017 – 2018.

Serving as a Historian/Architectural Historian for Louisiana's disaster recovery programs funded by CDBG-DR grants awarded for the unnamed storms of 2016. These reviews are being conducted for the Louisiana Office of Community Development, Disaster Recovery Unit pursuant to the HUD NEPA Regulations (24 CFR Parts 50 and 58). This process includes identification of historic properties for inclusion in the NRHP, consultation with the Louisiana State Historic Preservation Office, and application of the Programmatic Agreement.

NRHP Nomination of Sperry Flour Company, Vallejo, Solano County, California, 2017. Kara prepared the NRHP nomination packet including historic context, the 10-900 form, historic figures, and photo-documentation of the historic flour mill. Located on the eastern shore of Mare Island Strait, flour was milled on the site with few interruptions from 1869 through 2004. The district's most important resources are its World War I-era mill buildings, which were designed by engineer Maurice Couchot represent an important early use of reinforced concrete in large industrial buildings. It was added to the NRHP in late 2017.

Historic Assessment, Muir Woods, Golden Gate National Recreation Area, Marin County, California, 2016-2017. Kara acted as Lead Historian for a condition assessment and documentation of contributing elements to the NRHP-listed Muir Woods Historic District at Muir Woods National Monument in preparation for a planned habitat enhancement project. She also assisted with preparation of the cultural resources section of the Draft Subsequent EIR for this project.

Historic Resources Survey, NASA/Jet Propulsion Laboratory, Pasadena, California, 2015. Kara acted as Historian/Architectural Historian for a historic resource survey conducted for the National Aeronautics and Space Administration's (NASA's) Jet Propulsion Laboratory (JPL) Pasadena facility. Kara assisted with analysis of whether the seven previously determined eligible buildings and structures at the JPL facility (and the 20 buildings and structures that are the subject of this survey) possessed a linkage historically or aesthetically and retained their historic significance and integrity to merit listing in the NRHP as a historic district.

Lawrence Berkeley National Laboratory (LBNL) Second Campus Project Environmental Assessment and Environmental Impact Report, 2012 – 2013. Kara contributed to the preparation of a draft historic resources evaluation report as part of an Environmental Assessment and Environmental Impact Report prepared for LBNL's proposed second campus in Richmond, California. The project included the recordation and evaluation of twenty historic-period buildings within the project area according to National Register of Historic Places and California Register of Historic Resources criteria.

Architectural Historian for Historic Buildings and Structures Inventory for Fort Hunter-Liggett, Jolon, California, 2012 – 2013. Kara participated in the preparation of an update to the existing Fort Hunter Liggett inventory of historic buildings. The project included the recordation and evaluation of twenty historic-period buildings located within the boundaries of Fort Hunter Liggett. None of the buildings were found eligible for the National Register of Historic Places or the California Register of Historic Resources.

From: [Michael Graf](#)
To: [CityCouncil-List](#)
Cc: [City Clerk](#); [Andrew Thomas](#); [Allen Tai](#); [Manager Manager](#); [Yibin Shen](#)
Subject: [EXTERNAL] Comments of Alameda Citizens Task Force on Housing Element
Date: Wednesday, November 9, 2022 1:14:46 PM
Attachments: [We sent you safe versions of your files.msg](#)
[Final Letter to City.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

City Council Members

Attached please find comments submitted on behalf of Alameda Citizens Task Force on the City's proposed Housing Element and zoning changes that will be addressed at the City Council's November 15, 2022 hearing.

Please contact me if you have any trouble accessing this document.

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November 9, 2022

Mayor and City Council
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 95401
CITYCOUNCIL-List@alamedaca.gov

RE: Proposed 2022 Housing Element and Zoning Changes; Item 7-B; November 15,
2022 City Council Meeting Agenda-Housing Element

Mayor and City Council Members:

These written comments are submitted on behalf of Alameda Citizens Task Force (ACT) on the City's Housing Element (HE) and zoning changes being proposed for approval by the Council. ACT is supportive of the goals and objectives of the proposed HE to provide for affordable housing in the City, as well as many of the programs being proposed in the HE. However, ACT has concerns that the City has not adequately evaluated the potential impacts of the project on historical resources in Alameda, or the impacts caused by displacement of renters through the conversion of rental properties to market rate units due to upzoning.

City staff proposes that the project need not undergo review under the California Environmental Quality Act (CEQA) because the required analysis of environmental impacts was already conducted in the City's recent General Plan EIR (GP EIR) certified in 2021. The City proposes to tier this project to the GP EIR for purposes of satisfying its CEQA review obligation.

While such tiering is appropriate for many of the impact issues addressed in the GP EIR, it is not appropriate in this case for the project's potential impacts on historical resources or impacts caused by housing displacement. These impacts are particular to the project, which specifically proposes substantial upzoning throughout residential and commercial areas in the City, leading to the potential for taller, multi-unit buildings to be constructed as a matter of right in historically significant districts in the City, without any discretionary review process. Comments submitted by architectural historian Kara Brunzell show that such development will have significant impacts on historical resources, which must be addressed and feasibly mitigated in a CEQA review process. In addition, the resulting development will cause the displacement of current renters in Alameda, causing impacts that have not been evaluated or mitigated.

The GP EIR did not address these impacts in the context of the broad-scale upzonng proposed for residential and commercial areas in the City in the HE and so the City errs in tiering to the GP EIR's CEQA findings on those issues. Instead, the City should evaluate these foreseeable impacts and identify appropriate mitigation that may be applied to the project on a programmatic level.

A. Background on CEQA.

CEQA requires an agency to determine whether a project may have significant environmental impacts before approval. *See* Pub. Res. Code § 21151(a); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 79. A "project" includes the whole of an action which has a potential for resulting in a physical change in the environment, directly or ultimately. Pub. Res. Code § 21065(a); CEQA Guidelines § 15378(a). "Environment" is defined as "the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance." Pub. Res. Code § 21060.5. A "significant effect" is a substantial, or potentially substantial, adverse change in the environment. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 945.

A project has a significant effect on the environment if it 1) "degrade[s] the quality of the environment;" 2) causes "possible effects" that are "cumulatively considerable"; or 3) causes "substantial adverse effects on human beings, either directly or indirectly." Pub. Res. Code § 21083(b)(1)-(3) *See also* CEQA Guidelines § 15065(a)(4). The question of whether a project may have a significant effect on the environment "calls for careful judgment on the part of the public agency involved" including consideration of how "the significance of an activity may vary with the setting." CEQA Guidelines § 15064(b). The agency "shall consider the views held by members of the public in all areas affected" including "whether environmental change itself might be substantial." CEQA Guidelines § 15064(c).

Environmental 'effects' include 1) indirect or primary effects which are caused by the project; or 2) indirect or secondary effects which are caused by the project including "effects related to induced changes in the pattern of land use." *See* CEQA Guidelines §§ 15358(a)(1-2). Such indirect or secondary effects include those "later in time or farther removed in distance, but [] still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems. *Id.*, § 15358(a)(2).

The agency shall consider "direct physical changes in the environment" and "foreseeable indirect physical changes in the environment." *Id.* § 15064(d). "Effects analyzed under CEQA must be *related* to a physical change." *Id.*, § 15358(b) (emphasis added.) Under this rule, "[e]conomic and social changes," standing alone, "shall not be treated as significant effects on the environment." CEQA Guidelines §§ 15064(e); § 15131(a). However, if economic and social

changes are tied to physical impacts, CEQA requires consideration of social impacts in assessing whether the physical change is potentially significant. CEQA Guidelines §§ 15064(e); 15131(a)-(b.)

Here, the ‘project’ is the proposed HE and zoning changes, which include a City-wide upzoning of all residential and many commercial parcels in the City. The City proposes to tier the CEQA review for the project to the 2021 GP EIR, which assessed the general impacts from build-out in the City over the next two decades.

Tiering is generally encouraged where appropriate under CEQA. CEQA Guidelines § 15168(c) states that following the completion of a programmatic EIR for a plan, an agency may rely on the prior EIR’s analysis as CEQA compliance for a subsequent ‘project’ where the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, 14 Cal Code Regs. § 15168(c). The standard for whether further CEQA review is required under CEQA Guideline § 15162 is whether there are substantial changes in the project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or new circumstances or information showing the project will have one or more significant effects not discussed or mitigated in the previous EIR. 14 Cal Code Regs. § 15162(a).

B. Supplemental CEQA Review is Required for the Project.

With respect to the issues presented, the proposed HE and upzoning of residential and commercial areas present substantial changes, and new circumstances and information showing that the project will have one or more significant effects not adequately discussed or mitigated in the prior GP EIR. 14 Cal Code Regs. § 15162(a).

A City staff report dated May 23, 2022, concludes with respect to CEQA compliance that “[t]here have been no substantial changes with respect to the circumstances under which the project would be undertaken that would require major revisions of the General Plan EIR,” and thus no further CEQA review will be conducted for the HE. The City’s most recent staff report for the November 15, 2022 hearing provides more general information about the GP such as policies to encourage “higher-density, multi-family and mixed-use development on sites within walking distance of commercial and transit-rich areas” or “[r]escind existing policies, programs, or development standards that are exclusionary or discriminatory.” None of these general policies purportedly analyzed in the GP EIR, however, are specific regarding the extent and location of the zoning changes for height and density now proposed in the draft HE. Here, the HE and residential upzoning present new information regarding extent and location of zoning changes, which present specific and significant changes to the land use patterns in the City so as to require revisions of the previous GP EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” *See e.g.*, 14 Cal. Code Regs. § 15162(a)(1).

Here, the HE represents a ‘change’ from what was analyzed in the GP EIR, in that the HE proposes specific upzoning of residential and commercial parcels in the City, which raises the possibility of significant environmental impacts that were not adequately evaluated in the GP EIR. Although the GP EIR assumes generally increasing residential density in the future as a policy matter, here the HE’s changes present specific problems that were not addressed in the GP EIR and thus now require supplemental CEQA review.

1. Impacts on Historical Properties

The substantial increases in building height and densities for residential and commercial zones in the City proposed in the HE and zoning amendments has the potential for adverse impacts due to the construction of incompatible development that will substantially alter the character of historical resource districts in the City as well as adversely affecting individual historical resources within the immediate vicinity of the development. Under CEQA, the City is obligated to identify the nature and degree of such expected impacts, and adopt feasible mitigation to avoid or substantially lessen the significant impacts expected to occur. *See* Pub. Res. Code § 21002.

Impacts to historical resources are specifically recognized under CEQA. CEQA Guidelines Section 15064.5(b) states that “a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Substantial adverse change in the significance of an historical resource means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” *Id.* The significance of an historical resource is ‘materially impaired’ when a project demolishes or materially alters in an adverse manner those characteristics that make up the historical resource. *Id.* Impacts to historical districts must also be evaluated. *See Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1142-1145.

The proposed land use changes will allow for the development ‘by right’ of large buildings that would harm the integrity of historical resources in the City. Of most concern, the HE characterizes ‘by right’ development as a non-discretionary action, which would not be subject to CEQA review. *See* Draft HE, p. 19 (“Permit multifamily housing, shared housing, transitional housing, supportive housing, residential care facilities, and warming centers by right. ‘By right’ means the use shall not require a conditional use permit, planned unit development permit, or *other discretionary review or approval*. Design Review shall be conducted to ensure compliance with adopted Objective Design Review Standards.”) (emphasis added); Zoning Amendments, p. 52 (“The following housing types shall be permitted by right, without a conditional use permit or other discretionary review...: (a) Dwellings, multifamily.”)

When the GP EIR considered impacts from GP buildout, it relied on the *future* review of projects affecting historical resources to conclude that adverse impacts could be avoided by reviewing such projects at the project specific stage. *See* DEIR, p. 18-21. Subsequently, in

response to comments on the GP EIR submitted by the Alameda Architectural Preservation Society (AAPS), the GP EIR stated:

[I]f and when the theoretical events and circumstances should occur in the future, that future, yet -to-be identified project will be subject to review under the California Environmental Quality Act, and the City of Alameda Historical Advisory Board and/or the City of Alameda City Council will determine if the impacts are significant and unavoidable and if the benefits of the project outweigh the loss of the historic resource.

See GP EIR, p. 2-21. Based on this reasoning, the GP EIR chose to defer analysis of this general impact from future development to the project specific stage, at which point, site specific impacts were to be identified and mitigated. *Id.*

The draft HE and zoning amendments, however, present changed circumstances and new information requiring that the GP EIR's analysis of impacts to historical resources be revisited and mitigation adopted at this programmatic stage of the City's process.

First, the land use changes proposed in the HE and zoning amendments are intended to invite large dense development throughout many residential and commercial areas in the City, which was specifically identified in the GP EIR. This type of often incompatible development over the next years of this housing cycle threatens historical properties by allowing buildings with substantially greater height and density in the residential and commercial zones where many of these properties reside. This greater level of development in residential and commercial zones where historical buildings are common threatens historical resources in a more direct manner than the general buildout envisioned under the General Plan.

The General Plan originally proposed specific residential density and height limit increases that were less substantial than those now proposed in the HE, but those increases were removed from the General Plan based on comments showing that the density and height limit increases would result in adverse impacts on historic properties. Now, however, the proposed residential density and height limit increases will encourage demolition and replacement of historic buildings with new and larger buildings that disrupt historic neighborhoods, while also encouraging architecturally incompatible alterations and additions. The GP EIR justified deferring evaluation of density and height limit increases because once these increases were removed from the General Plan, their location and extent relative to historic properties was no longer known and could not be known until the specific increase proposals were provided. Now that the more specific zoning change proposals are available, environmental impact analysis of the project's impacts on historical resources is feasible and necessary. Here, the specific degree and locations of the density and height limit increases (including locations relative to historic properties) proposed in the HE and zoning amendments constitute 'new information' that was not known when the GP EIR was certified.

Second, the new HE and zoning amendments are designed to eliminate future CEQA

review by making future projects ‘by right’ and thus ministerially approved, save for objective design standards that would be unlikely to trigger CEQA review. *See e.g.*, Draft HE, p. 19. *See also* November 15, 2022 staff report specifically *not* citing future CEQA review as a basis for concluding that future impacts to historical resources can be avoided, as the GP EIR had done.

In 2021, the GP EIR specifically relied on the future CEQA review of projects adversely affecting historical resources to determine that significant impacts would be avoided. However, with CEQA no longer being applied to the City’s approval for these future projects, the GP EIR’s calculation of no significant impacts based on future CEQA review is no longer supported. The removal of this previously identified and important mitigation triggers the need for further CEQA review at this juncture. *See e.g.*, *Katzeff v. Department of Forestry & Fire Protection* (2010) 181 Cal.App.4th 601, 614 (“[W]here a public agency has adopted a mitigation measure for a project, it may not authorize destruction or cancellation of the mitigation—whether or not the approval is ministerial—without reviewing the continuing need for the mitigation, stating a reason for its actions, and supporting it with substantial evidence.”)

High density developments encourage the remodeling of existing historic structures, changing their appearance and historical value. Further, as discussed in the report submitted by Kara Brunzell, the type of tall, high density development intended by the project for many residential and commercial areas in the City has the potential for significant adverse impacts to historical resources through the development of incompatible architecture, size and structure that materially alters the characteristics of the historical district. As noted by Brunzell’s report (p. 8):

A district is important as a unified entity, although a typical district is comprised of a variety of contributing resources. Concentration, linkage, and continuity of contributing resources are essential to any historic district; a district is by its very nature greater than the sum of its parts. It is the interrelationship of individual buildings and structures within and adjacent to Alameda's historic districts that convey the visual sense of the overall historic environment.

Brunzell concludes that Alameda has a number of historical districts, which are vulnerable to a loss of historical integrity in the face of unregulated, architecturally incompatible development:

[T]he draft Housing Element has not been well designed with respect to the protection of historical resources. Instead, height limits of 60 feet are intended to encourage the construction of large (five-to six-story) multi-unit or mixed-use buildings. When combined with the unlimited density in commercial and some residential zones, residential density increases in the R-3 through R-6 residential zones, and state legislation such as the Density Bonus Law and SB 35 , the likely development of 80-foot buildings (up to eight stories) can be clearly forecast. Historical resources on and in the immediate vicinity of Park Street and Webster Street, because of their proximity to transit lines, are extremely vulnerable to adverse effects from to this type of development. Negative impacts to historical resources include any project activity that “materially alters in an

adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for" listing on the CRHR or a local historic register. A project that causes a negative impact to a historical resource is a project that destroys or substantially diminishes historic integrity.

See Report, p. 26. In the absence of programmatic planning and review, Brunzell concludes that the project will have significant impacts on historical resources and districts in Alameda:

The provisions of the Housing Element, if adopted, will result in the degradation and potential outright destruction of Alameda's historic fabric. These provisions are specifically designed to bring multistory residential construction into established neighborhoods and will change existing design review procedures to allow ministerial rather than the current discretionary review procedures. These changes, as can be demonstrated by recent events in nearby communities, are virtually guaranteed to result in tall residential projects being inserted into the Park Street neighborhood (and into other sensitive historic districts and neighborhoods) within a brief period. Intrusion of such large new buildings and additions into historic districts and adjacent to historic buildings in the City will result in a significant loss of integrity of setting, feeling, and association, and thus significant adverse impact to these historical resources that has not been taken into account by the City.

Report, p. 31.

The City staff reports state that, although future projects will not have discretionary review, they will still be subject to the City's historical resource ordinance, City Code Section 13-21. However, the ordinance does not protect the considerable historic resources in the City not yet designated as historical monuments from material alterations that adversely affect historic values. Moreover, the ordinance does not appear to cover, for any historical resource including historical monuments, new construction that would impair the historical values at risk in historical districts or individual historical properties. See Code Section 13-21.2 ('alteration' is defined as "any addition, or exterior modification, improvement, repair, or replacement of character defining elements, which alter or change the original materials or appearance of a historical resource...") Compare *Protect Niles v. City of Fremont*, supra, 25 Cal.App.5th at 1145 ("We do not believe the Legislature intended CEQA review to overlook a project's aesthetic impact on a historical district where the Legislature expressly provided that CEQA addresses projects' aesthetic and historic environmental impacts.")¹

¹ See also Brunzell Report, p. 6 ("[T]he Ordinance provides no protection for qualified historical resources constructed between 1942 and 1972 unless they have been previously listed on the HRI. It should be further noted that alterations to historical resources not included on the Historical Monuments list are not reviewed by the HAB; nor is new construction adjacent to Historical Monuments, Historical Building Study List, or pre-1942 buildings reviewed by the HAB. HAB findings can and have been overruled by a simple majority of the City Council, and

The limitations of the City's historical resource ordinance are furthered by the State housing laws, which in some instances would appear to limit the ability of cities to reduce height and density in a manner that would likely not allow for the consideration of impacts to historical resources. For example, the Housing Accountability Act (HAA) limits a lead agency's ability to change the density of any proposed "housing development project" – defined as including any development primarily for residential use, *see* Gov. Code § 65589.5(h)(3) - so long as it complies with applicable general plan and zoning at the time that the application is deemed complete. *See* Gov. Code § 65589.5(j)(1). In that case, to change the size or density of a project, the agency would have to find that the project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or developed at a lower density. Gov. Code, § 65589.5(j)(1)(A)-(D). However, the HAA nowhere suggests that significant adverse effects on historical resources would fit within the statute's definition of what constitutes a specific, adverse public health and safety impact. *See id.* Thus, there is a question whether the City might even have the authority to deny or reduce the density of a tall building structure for residential use, even if incompatible with and harmful to the surrounding historic district.

The application of the HAA and other state housing laws such as SB 35 and the State Density Bonus Law cast doubt on the ability of the City to make any changes to large incompatible housing development that would adversely affect historical resources and districts in the future. In fact, the statements in the draft HE and zoning amendments that future tall and dense development would be by right and without discretionary review raises a significant question of how the City could even apply its historical resource ordinance in any way to these type of developments that would be consistent with the parcels' new zoning. If the City's review authority is self-limited to 'design review' based on objective standards, this regulatory posture effectively eliminates the City's local historical resource ordinance from preventing significant impacts to historical resources in the City.

In the absence of future CEQA review, the large buildings envisioned by the HE will have a significant adverse effect on the integrity of historical districts within the City, as well as substantially harming specific historical resources that will be subject to remodeling and significant material alteration and impairment. The City's historical resource ordinance does not avoid this result and thus supplemental CEQA review is required for this project.

2. Impacts due to Displacement of Renters in the City.

The proposed HE and zoning amendments create the potential for development of market priced housing using the HE's increased density for residential zones, which will have the effect of displacing renters, as their units will be replaced with higher end housing that they will not be able to afford. Here, the residential upzoning will apply to over 16,000 parcels in the City.

the HAB itself has sometimes approved demolition of historic buildings, so the ordinance protections are contingent rather than absolute.")

Under CEQA, displacement of rental housing is considered a social effect, which may be considered as a CEQA impact to the extent it is connected with physical changes in the environment, *i.e.* either causing or are being caused by *changes to the physical environment*. See CEQA Guidelines §§ 15064(e); 15131(a)-(b). The CEQA Guidelines, Appendix G, Section XIII. Population and Housing, suggests at least one test for housing displacement, whether a proposed project would: a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?; or c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Following the Appendix G format, the GP EIR identifies potential displacement of residents as Impact 5-2, but finds this impact will be less than significant:

Future residential, commercial, and industrial development allowed under the Alameda General Plan 2040 would not result in the displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

See GP EIR p. 5-16. To support this finding, the GP EIR states that “[c]onstruction of new commercial, office, light industrial, and other development projects allowed under the proposed General Plan is planned for areas of the City that are *planned and zoned for non-residential uses and where underutilized or vacant land is available*.” *Id.* (emphasis added).

In contrast to the conclusions of the GP EIR that new construction would only affect non-residential or vacant parcels, the proposed HE and zoning amendments are specifically intended to create development on residential parcels currently occupied by renters. Here, the new residential upzoning in the HE will lead to development of non-vacant residential structures, which could displace existing renters from these buildings, the future units of which will not be affordable to those evicted. This is a new ‘effect’ theoretically not at issue in the GP EIR, which assumed instead that future growth would occur on vacant lands or in vacant buildings.

The GP EIR anticipated no displacement caused by replacement or expansion of existing residential units. However the HE and proposed zoning amendments would upzone a huge number of existing residential units, a high percentage of which would be rentals at risk of displacement, an issue which was never addressed in the GP or EIR. For example, research shows that there are over 4,000 rentals with two to six units on the residential districts proposed for upzoning, with 75% in the most vulnerable area, the transit overlay. See City of Alameda Rental Units at Displacement Risk from Upzoning Buildings with Units 2 Through 6 per Building, separately submitted by ACT.

Due to the fact that this upzoning impacts a huge number of rentals throughout all of the residential zoning districts it must be addressed by environmental review of the cumulative impact of these upzonings rather than on a project by project basis. As discussed by Dr. Rajiv

Bhatia, Director of the San Francisco Department of Health's Occupational and Environmental Health Section in his article "Infill Development, Housing Costs, and Public Health,"² in many reconstructed buildings, displaced renters cannot afford the new market rate units being built:

Because of a combination of income gaps, housing costs, and demolition or conversion of rental units, infill development can cause community displacement, with additional costs to health. Displacement results in psychological stress, which can affect the human immune and endocrine systems and increase infection rates. For children, relocation can lead to emotional and behavioral problems. High housing costs and forced displacement can result a loss of social networks which provide material and emotional support, buffer stressful situations, prevent damaging feelings of isolation and contribute to a sense of self-esteem and value.

In sum, the GP EIR does not address the impacts that will be caused by the residential upzoning proposed in the HE and zoning changes due to tenant displacement.

The draft HE and staff reports attempt to address this issue by relying on the City's experience with accessory dwelling units (ADUs), which the City staff assert have caused no displacement in the residential districts since 2018. However, the type of development envisioned in the HE and zoning amendments would lead to the eviction of existing renters due to substantial alterations in, or demolishment of, existing, renter occupied buildings, which is a different impact than any caused by allowing ADUs whose separate construction would in contrast not necessarily lead to displacement.

The staff reports also refer to the City's rent control ordinance and specific HE programs as mitigation for displacement, including program Nos. 8, 9, 13, and 14. But these remedies are inadequate given the now more specific proposals for upzoning in residential areas in the City.

For the rent control ordinance, the only relief provided is a one-time relocation payment, without any guarantee of replacement housing.

Further, the only HE program protecting against renter displacement – No. 14 – is limited to lower income households, but not to moderate or above moderate income tenants, which will be the primary renters displaced by these new developments.

Nor does the HE provide any explanation for how or where such replacement housing will be offered, during construction or afterwards, even to the lower income tenants displaced. The GP EIR provides no discussion of this issue, responding instead that the GP "would not result in the displacement of substantial numbers of existing people or housing, necessitating the

*****unnaturalcauses.org/assets/uploads/file/bhatia_infilldevelopment.pdf#:~:text=Because%20of%20a%20combination%20of%20income%20gaps%2C%20housing,immune%20and%20endocrine%20systems%20and%20increase%20infection%20rates.

construction of replacement housing elsewhere,” as the foreseeable build-out development would occur in areas “that are planned and zoned for non-residential uses and where underutilized or vacant land is available.” GP EIR p. 5-16. As this is no longer the case, reliance on the GP EIR for a finding of no significant displacement impacts in this proceeding is unsupported.

In sum, the inadequate remedies proposed by the City essentially leave it to the displaced tenants to fend for themselves in a very tight rental market, which is unlikely to be affordable in Alameda. These displaced tenants will often be replaced by tenants able to pay the higher cost of the new units, thus gentrifying these neighborhoods.

The City should conduct supplemental CEQA review to address the potentially significant impacts caused by rental housing displacement in the City as a result of the substantial upzoning being proposed. The GP EIR, which did not consider displacement in the context of the currently proposed zoning changes, cannot substitute for the needed CEQA review.

Very truly yours,

Michael W. Graf

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BUENA VISTA UNITED METHODIST CHURCH
Building Beloved Community

2311 BUENA VISTA AVE. + ALAMEDA, CA 94501 + 510.522.2688 + buenavistaumc@gmail.com

November 3, 2022

Mayor and Councilmembers
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Cc: Andrew Thomas and Alameda City Clerk



Dear Mayor Ashcraft and Members of the City Council;

We are writing to you to ask that you approve the final Housing Element draft already approved by the California Department of Housing and Community Development (HCD). On November 15th you will have the opportunity to make that draft the final Housing Element for the next eight years. You already have the advantage of being approved by HCD and thus making the city eligible for various state grants for transportation, affordable housing, etc. We want to applaud you and city staff for achieving this distinction and ask that you not allow any amendments as this may jeopardize the HCD approval.

We appreciate that you and the staff have made sincere efforts to show how Alameda's Required Housing Needs Allocation (RHNA) can be accommodated at various sites and densities throughout the city, whether the RHNA units are built or not. With the crisis of insufficient housing throughout the state, it is clear that the state will no longer tolerate local residents fighting to keep out more housing within their cities and their neighborhoods, especially affordable housing. The Affirmatively Furthering Fair Housing requirement dictates that housing should happen in all neighborhoods – whether wealthy, moderate, or low income.

We thank you for your support of the Housing Element and look forward to working with you in the future.

Sincerely,

Rev. Myrna Bernadel-Huey
Pastor, Buena Vista United Methodist Church

Lynette Jung Lee
Chair, Buena Vista Community Institute

From: [Karen Miller](#)
To: [CityCouncil-List](#)
Cc: [Lara Weisiger](#)
Subject: [EXTERNAL] Housing Element
Date: Monday, November 7, 2022 12:05:15 PM
Attachments: [We sent you safe versions of your files.msg](#)
[ABAG 2023-2031 Draft RHNA Plan.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Dear Mayor and Councilmembers,

I realize that we are required to submit a compliant Housing Element and are required to build the 5353 units. I don't agree that we need to do that with the upzoning of all of Alameda neighborhoods. We have identified plenty of sites in which to comply with the number of units. The argument that we can't comply due to the AFFH without upzoning is false. I have attached ABAG's Appendix 6 of their 2023-2031 report, in which the **equity adjustment composite score for Alameda is "NOT identified as exclusionary"**. There are many cities that have compliant Housing Elements that have not upzoned their entire city. Please protect the reason people want to come live here and eliminate the rezoning component of the Housing Element. Thank you.

Regards,

Karen Miller



Virus-free www.avast.com

APPENDIX 6

Equity Adjustment	STEP 1: IDENTIFY JURISDICTIONS EXHIBITING RACIAL AND ECONOMIC EXCLUSION			STEP 2: COMPARE JURISDICTION'S LOWER INCOME ALLOCATION FROM FACTORS WEIGHTS TO LOWER INCOME ALLOCATION NEEDED TO BE PROPORTIONAL TO JURISDICTION'S SHARE OF 2020 HOUSEHOLDS					
	DIVERGENCE INDEX SCORE	SHARE OF HOUSEHOLDS ABOVE 120% AMI	EQUITY ADJUSTMENT COMPOSITE SCORE ²	2020 HOUSEHOLDS		UNMODIFIED ALLOCATION FROM FACTORS WEIGHTS			
				TOTAL	SHARE OF REGION	VERY LOW- INCOME UNITS	LOW- INCOME UNITS	VERY LOW- INCOME SHARE	LOW- INCOME SHARE
Moraga	0.220	0.667	0.887	5,703	0.2%	318	183	0.3%	0.3%
Orinda	0.260	0.761	1.021	6,789	0.2%	372	215	0.3%	0.3%
Palo Alto	0.154	0.649	0.804	27,667	1.0%	1,556	896	1.4%	1.4%
Piedmont	0.275	0.799	1.074	3,910	0.1%	163	94	0.1%	0.1%
Pleasanton	0.098	0.674	0.773	27,283	1.0%	1,750	1,008	1.5%	1.5%
San Anselmo	0.501	0.610	1.110	5,318	0.2%	253	145	0.2%	0.2%
San Carlos	0.212	0.686	0.898	11,702	0.4%	739	425	0.6%	0.6%
San Ramon	0.151	0.696	0.847	28,004	1.0%	1,497	862	1.3%	1.3%
Saratoga	0.267	0.710	0.977	10,800	0.4%	454	261	0.4%	0.4%
Sausalito	0.494	0.570	1.064	4,142	0.2%	200	115	0.2%	0.2%
Sunnyvale	0.101	0.618	0.719	57,888	2.1%	2,968	1,709	2.6%	2.6%
Tiburon	0.447	0.675	1.122	3,893	0.1%	193	110	0.2%	0.2%
Woodside	0.382	0.754	1.136	2,034	0.1%	90	52	0.1%	0.1%
Other Jurisdictions (the jurisdictions not identified as exclusionary whose lower-income allocations are shifted to the group of more									
Alameda	0.047	0.490	0.537	31,829	1.2%	1,455	837	1.3%	1.3%
Albany	0.065	0.444	0.509	6,434	0.2%	315	182	0.3%	0.3%
American Canyon	0.065	0.489	0.553	5,967	0.2%	115	67	0.1%	0.1%
Antioch	0.193	0.347	0.540	34,096	1.2%	811	467	0.7%	0.7%
Berkeley	0.145	0.491	0.636	10,821	0.4%	208	120	0.2%	0.2%

APPENDIX 6

STEP 2 (CONTINUED)		STEP 3: IDENTIFY CHANGE IN UNITS BY INCOME CATEGORY ¹			STEP 4: FINAL VERY LOW- AND LOW- INCOME ALLOCATIONS	
HYPOTHETICAL VERY LOW- INCOME PROPORTIONAL	HYPOTHETICAL LOW- INCOME PROPORTIONAL	TOTAL	VERY LOW- INCOME UNITS	LOW- INCOME UNITS	BEGINNING ALLOCATION PLUS EQUITY ADJUSTMENT	
					VERY LOW- INCOME UNITS	LOW- INCOME UNITS
237	136	-	-	-	318	183
282	162	-	-	-	372	215
1,149	662	-	-	-	1,556	896
162	94	-	-	-	163	94
1,133	653	-	-	-	1,750	1,008
221	127	-	-	-	253	145
486	280	-	-	-	739	425
1,163	670	-	-	-	1,497	862
449	258	-	-	-	454	261
172	99	-	-	-	200	115
2,405	1,385	-	-	-	2,968	1,709
162	93	-	-	-	193	110
84	49	-	-	-	90	52
exclusionary jurisdictions whose allocations need to be increased)						
1,322	761	-53	-34	-19	1,421	818
267	154	-11	-7	-4	308	178
243	143	-5	-3	-2	112	65
1,416	815	-30	-19	-11	792	456
450	259	-8	-5	-3	203	117

From: [T Krysiak](#)
To: [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Trish Spencer](#); [Tony Daysog](#); [John Knox White](#)
Cc: [Lara Weisiger](#)
Subject: [EXTERNAL] Item 7B for Nov 15 2022 City Council Meeting
Date: Monday, November 7, 2022 8:44:02 AM

Dear Mayor Ashcraft and Members of the Alameda City Council:

As an Alameda citizen who has followed the RHNA draft housing element discussions, I believe Andrew Thomas' housing interpretations demand further scrutiny. The recent rebuttal by Alameda Citizens Task Force combined with the Alameda City Council's unpopular reversal of the defeat of Measure Z reflect the widespread displeasure with the current housing direction. Massive densification, unrealistic parking space inconsistencies and destruction of our City's green spaces are especially worrisome. I understand that the City must comply with the state's RHNA housing mandates for more housing in Alameda. I'm also aware of the fiscal consequences for non compliance but the Council must not accept Andrew Thomas' submission in it's entirety. This housing element must be reviewed again and modified to reflect the voice of so many of your citizens. You must push back on this. Thank you.

Sincerely,
Tom Krysiak
Sweet Road
Alameda, CA 94502

Sent Via My iPhone

From: Madlen Saddik
To: Marilyn Ezzy Ashcraft; Malia Vella; John Knox White; Tony Daysog; Trish Spencer; Lara Weisiger
Cc: Becca Perata; Kelly Lux; Andrew Thomas
Subject: [EXTERNAL] Agenda item# 7-B council meeting November 15 support letter
Date: Thursday, November 3, 2022 1:32:02 PM
Attachments: We sent you safe versions of your files.msg
Chamber Housing Element Support Letter (2).pdf

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Honorable Mayor Ezzy Ashcraft and council members,
I have attached our Chamber support letter for Agenda item 7-b for the Council meeting Tuesday, November 15, for the housing element.
Thank you!

Connecting Business and Community,



Madlen Saddik

President & CEO

o: 510.522.0414 | **m:** 650.954.0848

w: alamedachamber.com

e: madlen@alamedachamber.com

[Click here to find me on LinkedIn](#)

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[With Me](#)

*"The best way to find yourself is to lose
yourself in the service of others."*



Alameda Chamber & Economic Alliance
2215-A S Shore Center
Alameda, CA 94501
T: (510) 522-0414
madlen@alamedachamber.com

November 2, 2022
Alameda City Hall
2263 Santa Clara Avenue
Alameda CA, 94501

Dear Mayor and City Council:

The Alameda Chamber and Economic Alliance is the voice of the business community representing and advocating on behalf of 14,785 workforce representers in Alameda. Since our incorporation more than 90 years ago, the Alameda Chamber & Economic Alliance has been a champion for businesses of all sizes and backgrounds, convener of leaders and influencers dedicated to innovative solutions, and a catalyst positioned to spark economic and business growth.

We can only achieve this success if we work together to create a jobs/housing balance that creates opportunities of all kinds to serve the Alameda community and this includes places to house our workers.

The Chamber fully supports the City's decision to approve the new Housing Element and associated zoning amendments to meet state-mandated housing needs and fair housing laws. To be a truly mixed-use community, it is essential to provide a range of housing types for employees. Without housing, businesses cannot thrive in Alameda. We hear every day from our employers that employees are commuting long distances to work because they cannot find housing near employment. The pandemic only has worsened our employer's ability to attract and retain workers. We can help alleviate this by providing places for employees to live where they work.

It also is imperative that the City avoid the consequence of failing to comply with State Housing Law. Noncompliance will adversely impact every business and every resident of Alameda, including:

Loss of Land Use Control and the "Builders Remedy". Failure to adopt the Housing Element means the City has an invalid General Plan and zoning code and therefore does not have the authority to make land use decisions. Once this occurs, housing developers have the "remedy" to bypass the City's regulatory processes to build housing. Under the "Builders Remedy", the General Plan designation and zoning for a site becomes irrelevant and non-binding because they are invalid. This poses a major threat to the supply of commercially zoned land in Alameda. The Housing Element does a remarkable job of providing for housing and preserving our lands zoned for businesses. **Don't jeopardize that balance by allowing housing developers to build on land reserved for business in our General Plan.**

Loss of State funding. The City of Alameda depends on State funds for a variety of public projects, such as improvements to Jean Sweeney and Depave parks, habitat restoration, Safe Routes to School, neighborhood traffic calming, traffic signal improvements, Park and Webster

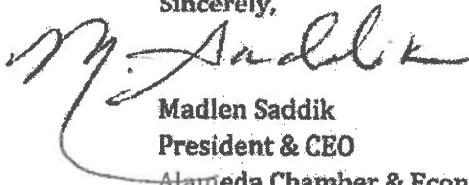
Street enhancements, grants for infrastructure improvements in business areas, and affordable housing. If the Council fails to adopt a compliant Housing Element, the City of Alameda is disqualified from receiving these grants. These projects are essential to the vibrant and diverse island community that is Alameda. Business thrives when the whole community is thriving.

Don't jeopardize our vitality by losing these state funds.

Fines and Lawsuits. State mandated fines, which escalate until the City adopts a conforming Housing Element, will occur if the City Council fails to adopt a Housing Element in compliance with State Law. Fines begin at \$10,000 per month and increase to **\$600,000 per month**, until the City Council adopts a compliant Housing Element. In addition, Alameda will be sued, and Alameda will lose. The Alameda City Council will need to pay for its own lawyers, and Alameda will need to pay the fees for the lawyers that sued Alameda and won. This will be an additional cost in the millions of dollars. If the City is paying these fines by funding a losing lawsuit, it is not funding the more important improvements and public uses in our community.

You have shown great leadership in working diligently with staff to bring forward a Housing Element that is both compliant and also the right fit for Alameda. We urge you to finish what you started by adopting this Housing Element.

Sincerely,



Madlen Saddik
President & CEO

Alameda Chamber & Economic Alliance



Kelly Lux
Chair

Alameda Chamber & Economic Alliance

From: [Trish Spencer](#)
To: [Lara Weisiger](#)
Subject: Fwd: [EXTERNAL] zoning
Date: Monday, October 31, 2022 11:21:47 PM

----- Forwarded message -----

From: hayward teacher <haywardteacher@hotmail.com>
Date: Oct 29, 2022 3:24 PM
Subject: [EXTERNAL] zoning
To: CityCouncil-List <CITYCOUNCIL-List@alamedaca.gov>
Cc:

There was a fire truck/trucks here last night. At least 6 firemen, on the other side of our fence on Pease Ct. I still don't know why, because they wouldn't tell me.

The truck can't come down the street.

The houses are side by side.

The setbacks are gone because of illegal units and sheds that nobody will do anything about.

The draft housing element will put me and my family at further risk, especially in case of fire or earthquake.

It would destroy the character of our neighborhoods.

It will force me to walk even further than the current two blocks I often have to walk to my car. I am 70 and don't see myself walking as far in future years.

I am completely against the proposed housing element affecting the historical districts like this.

Debra j Sarver

Sent from my iPad

From: [Trish Spencer](#)
To: [Lara Weisiger](#)
Subject: Fwd: [EXTERNAL] Opposition of proposed zoning Amendments
Date: Monday, October 31, 2022 11:20:57 PM

----- Forwarded message -----

From: Stephen De Luchi <stephen@deluchi.com>
Date: Oct 30, 2022 9:39 AM
Subject: [EXTERNAL] Opposition of proposed zoning Amendments
To: CityCouncil-List <CITYCOUNCIL-List@alamedaca.gov>
Cc:

Petition to Alameda City Council:

I, the undersigned citizen of the City of Alameda, petition the Alameda City Council to REJECT the provisions in the Draft 2023-2031 Housing Element that propose massive upzoning of our older established neighborhoods and historic commercial districts, including:

Unlimited residential density within the walls of existing structures.

Unlimited density and a 40' height allowed on any parcel within ¼ mile of a commuter bus line, including demolition and replacement of existing buildings.

Increased density ranging from 30 to 60 units per acre (36% to 173% above the existing density) in the R-3 to R-6 zoning districts covering most of central Alameda.

Unlimited density and height limits increased to 60' in the historic portions of Park St. and Webster St. and increased to 45' in the small historic "Stations" districts on Lincoln Ave. and Encinal Ave. These zoning increases are not needed to meet housing goals and will put our historical housing inventory at risk, resulting in gentrification, with current tenants replaced by non-rent controlled market rate units. The recent Council action abolishing off-street parking minimums exacerbates congestion in the neighborhoods. These upzonings also include reduced yard space requirements that threaten our beautiful greenhouse gas absorbing urban forest.

Stephen De Luchi

Alameda, CA 94501-1769

USA

Tel: 510 521 6632

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E-Mail: stephen@deluchi.com

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From: Trish Spencer
To: Lara Weisiger
Subject: Fwd: [EXTERNAL] oppose zoning amendments
Date: Monday, October 31, 2022 11:13:13 PM

----- Forwarded message -----

From: lindavallee@comcast.net
Date: Oct 31, 2022 10:01 AM
Subject: [EXTERNAL] oppose zoning amendments
To: CityCouncil-List <CITYCOUNCIL-List@alamedaca.gov>
Cc:

I wholeheartedly oppose the proposed zoning amendments which will destroy the historical housing inventory which make Alameda one of the most desirable cities in the Bay area. It will lower housing values overall by making Alameda less unique. Let's not repeat the housing policies of the 50s and 60s which tore down Victorians etc. to build "motel-like" units!

Respectfully,

Linda Vallee
222 Centre Ct, Alameda

From: [Patricia Baer](#)
To: [Marilyn Ezzy Ashcraft](#); [Tony Daysog](#); [Trish Spencer](#); [Malia Vella](#); [John Knox White](#)
Cc: [Andrew Thomas](#); [Lara Weisiger](#)
Subject: [EXTERNAL] Our City
Date: Saturday, October 29, 2022 12:33:43 PM

Hello

When I take my daily walks in all neighborhoods of our city, I can't help but think of how fortunate I am to live here. The beautiful, old architecture with big ancient trees is unique in the Bay Area. That, along with the friendly people and unhurried pace of life here make our city special. These are probably the reasons most of us chose to live here.

It has been this way for decades with just gradual modernization. Now, there are drastic changes proposed for you to vote on. I urge you to not go against the will of the people, and ruin the character of our city forever.

Thank you for your consideration,

Patsy Baer

From: Patsy Paul
To: Lara Weisiger
Subject: [EXTERNAL] Re: density & height limits
Date: Wednesday, October 26, 2022 12:38:34 PM

Dear City Council,

Remember the yellow Queen Anne. For a dollar she could have been moved, but no one had the land or money, so it was leveled to the ground. And a parking lot replaced it for PV Center.

No structures over 40 ' on the west side between Lincoln and Buena Vista. And only Accessory Dwelling Units on 2000 sq. feet of land.

Please protect our quality of life.

Thank you for your consideration.

Patricia M. Paul - wedge homeowner with a single dwelling rental unit over the garage
2426 Buena Vista Ave.
Alameda, 94501
(510) 523 - 4205