

**From:** [Dawn Jaeger](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#)  
**Cc:** [City Clerk](#)  
**Subject:** [EXTERNAL] December 6, 2022 - Agenda Item 5V - Cityside Zoning Map - Letter of comment.  
**Date:** Tuesday, December 6, 2022 4:34:36 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Ltr to Alameda City Council with Chart - CHBIOA.pdf](#)  
**Importance:** High

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

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Agenda Item 5V: Final Passage of Ordinance Amending Various Sections of Alameda Municipal Code Chapter XXX (Development Regulations) and the Citywide Zoning Map to Implement the Housing Element, as Recommended by the Planning Board.

Attached please find a written letter of comment on the above referenced item.

Thank you and Best Regards,

**DAWN JAEGER**

Executive Director  
CHBIOA, Inc.

---

**Community of Harbor Bay Isle Owners' Association, Inc.**

[www.HarborBay.org](http://www.HarborBay.org)  
3195 Mecartney Road  
Alameda, CA 94502  
(510) 865-3363 Ext. 340

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GOLDSTEIN, GELLMAN, MELBOSTAD, HARRIS & McSPARRAN LLP

ATTORNEYS AT LAW

1388 SUTTER STREET  
SUITE 1000  
SAN FRANCISCO  
CALIFORNIA 94109  
(415) 673-5600 TEL  
(415) 673-5606 FAX  
[www.g3mh.com](http://www.g3mh.com)

December 6, 2022

**Mayor Marilyn Ezzy Ashcraft**  
**Vice Mayor Malia Vella**  
**Councilmember Tony Daysog**  
**Councilmember Trish Herrera Spencer**  
**Councilmember John Knox White**  
**Alameda City Hall**  
**2263 Santa Clara Avenue**  
**Alameda CA 94501**

**Re: City of Alameda Housing Element, City Council Meeting of December 6, 2022**

Dear Mayor and City Council Members,

We represent the **Community of Harbor Bay Isle Owners' Association, Inc. (CHBIOA)**, which is located on Bay Farm Island. The Community of Harbor Bay Isle Owners' Association is a 917-acre planned community in the City of Alameda at the geographic center of the San Francisco Bay Area. Harbor Bay Isle includes a Master Community (consisting of 20 separate project associations), two saltwater lagoons and a business park.

The proposed Alameda General Plan, through its rezoning, would change several shopping center sites, including but not limited to the Harbor Bay Landing Shopping Center, in order that these areas together accommodate 19% of the RHNA's housing goals. To accomplish the same, the Housing Element states that the City must add a new Community Mixed Use Commercial Zoning District designation to these shopping centers, including the Harbor Bay Landing Center. See attached table E-2.

There is very limited road access at the proposed site (Mccartney Rd., and Island Drive) with the limited road access funneling into a single small draw bridge to the main island. The property in question is situated on the lagoon system which is environmentally sensitive and an integral part of the flood control mechanism for Bay Farm. Overburdening the property in question raises the danger of damage to the lagoon system.

**The General Plan Proposes the Following with Regard to the Harbor Bay Landing Shopping Center**

Zoning Map Amendment: Add CMU, Community Mixed Use Combining District designation to the following lot: 074-1045-10-02, which has an acreage of 9.848 acres and consists of the shopping mall and its related parking.

The General Plan describes the proposed new CMU Zoning District as follows:

The rezoning applies to all lots in the City with shopping centers. The minimum amount of nonresidential commercial floor area required for all these shopping centers shall be 216,000 square feet.

The new zoning would allow the following uses as of right (without Planning Commission approval): *residential uses including multifamily dwellings, shared living, transitional and supportive housing, residential care facilities and low barrier navigation centers.*

The only review will be the design review. The required density will be a minimum of thirty (30) dwellings per acre. The building maximum height limit will be sixty-five (65) feet.

*For this site that would mean a minimum of 295 units. My client proposes a maximum of thirty (30) dwelling per acre, which means that a maximum of approximately 300 dwellings would be allowed for the Harbor Bay Landing Shopping Center at lot number 074-1045-10-02.*

Very truly yours,



Brett Gladstone

10512-00/69123B.docx

CC: CHIBIOA Board of Directors



**Table E-2 Capacity to Accommodate the RHNA**

Site #	Name	Income Level				Total Units
		Very Low	Low	Moderate	Above Moderate	
Projects <sup>25</sup>						
1	North Housing	386	200	0	0	586
2	Singleton	30	38	0	0	68
3	Admiral's Cove	10	8	13	196	227
4	McKay Wellness	100	0	0	0	100
5	Grand Street Pennzoil Project	4	4	6	77	91
6	Alameda Marina Phase 2 and 3	17	14	25	308	364
7	Boatworks	13	0	8	161	182
8	Eagle	25	16	0	0	41
9	Encinal Terminals	25	20	35	509	589
10	Alameda Point	277	128	115	962	1,482
Subtotal		887	428	202	2,213	3,730
Sites Zoned for Housing <sup>26</sup>						
11	South Shore Shopping Center	200	200	200	200	800
12	Harbor Bay Shopping Center	75	75	75	75	300
13	Alameda Landing Shopping Center	25	25	25	25	100
14	Transit Corridor Sites (See Table E-4 below and Program 3 for more information)	124	125	125	125	499
15	Residential Districts Sites (See Table E-4 and Program 4 for more information.)					
15a	Accessory Dwelling Units	120	120	120	40	400
15b	Infill Residential District Sites	45	75	75	75	270
15c	2199 Clement	30	30	30	35	125
15c	2363-2433 Mariner Square Dr.	40	40	40	40	160
Subtotal		660	690	690	615	2,654
Total Capacity		1,547	1,118	892	2,828	6,384
RHNA		1,421	818	868	2,248	5,353
Surplus %		8%	36%	3%	25%	19%
Surplus Units		126	300	24	580	1,031

<sup>25</sup> Projects are approved or have active development applications on file.

<sup>26</sup> Sites zoned for housing permit multifamily housing by right with a minimum residential density of 30 units per acre. Affordability based upon: 25 percent very low, 25 percent low, 25 percent moderate, and 25 percent above moderate.

**From:** [Edward Sing](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)  
**Cc:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] Fw: Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-Shopping Centers  
**Date:** Tuesday, December 6, 2022 4:28:14 PM

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City Council Members:

I am writing to agree with Ms. Reyla Graber's comments on Item 5-V of tonight's agenda.

Let's not destroy our beautiful neighborhoods! Our goal should be reasonable development!

Thank you,

Ed Sing  
Alameda Resident 25 years

----- Forwarded Message -----

**From:** Reyla Graber <reylagraber@aol.com>  
**To:** mezzashcraft@alamedaca.gov <mezzashcraft@alamedaca.gov>; mvella@alamedaca.gov <mvella@alamedaca.gov>; jknoxwhite@alamedaca.gov <jknoxwhite@alamedaca.gov>; tspencer@alamedaca.gov <tspencer@alamedaca.gov>; tdaysog@alamedaca.gov <tdaysog@alamedaca.gov>; athomas@alamedaca.gov.org <athomas@alamedaca.gov.org>; yshen@alamedacityattorney.org <yshen@alamedacityattorney.org>; cchen@alamedacityattorney.org <cchen@alamedacityattorney.org>; lweisiger@alamedaca.gov <lweisiger@alamedaca.gov>  
**Sent:** Tuesday, December 6, 2022 at 02:14:49 PM PST  
**Subject:** Fwd: Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-Shopping Centers

Dear Mayor and City Council,

Below is a copy of Paul Foreman's excellent email which he sent to you today about unlimited density at shopping centers.

And I want to voice my concerns about unlimited density at Shopping Centers, and in particular I do object to the prospect of high density at the HB Shopping Center very near where I live.

The zoning amendment as written, clearly states that the HB Center will have "...at least 300 units". This "at least..." phrase had not come to my attention until very recently. I find this wording objectionable along with

Paul Foreman's conclusion that the all over zoning amendment allows for unlimited density.

The HB shopping Center is adjacent to our beautiful and unique Bay water lagoon.

It may be the only "natural" type lagoon in all of California. Yes, Foster City has lagoons but there is nothing "natural" about them. Foster City lagoons are urban in comparison to our lagoon.

Instead, our HB lagoon harbors all kinds of wildlife including rare migratory birds throughout the year.

And indeed, we have a colony of egrets that have "lived" for many years approx 100 ft from the lagoon and 300 feet from the shopping center. We also have raccoons, skunks, squirrels and the occasional fox or muskrat that is attracted to the "natural" environment surround our lagoon.

If you build "high rise" buildings right along the current shopping Center you will be surely impacting the wild life negatively. And you will also negatively impact the wonderful sense of peace and calm that everyone enjoys when quietly enjoying the walking paths and bicycle paths and observing and enjoying the birdlife and the trees and the relatively fresh air.

Please do not permanently harm the wonderful environment that has existed there for 40 years or so. If we are going to build some residential units on this property, then build the new buildings along Island Dr. or along McCartney. That way you get your buildings without destroying the peace and tranquility and harmony of the lagoon and much that is special and meaningful about it. Is that likely more expensive for a developer? Yes, but if he or she is the right kind of developer for us, then I think they will agree that moving the buildings away from the lagoon is environmentally the best decision for all.

Sincerely,  
Reyla Graber

-----Original Message-----

From: ps4man@comcast.net  
To: 'Gretchen Lipow' <gretchenlipow@comcast.net>; 'Janet Gibson' <mejcgibson@gmail.com>; 'MARK GREENSIDE' <mgdonna@aol.com>; 'Jay' <garsurg@comcast.net>; carmerid@gmail.com; peterconn@sbcglobal.net; 'Dorothy Freeman' <dfreeman@pacbell.net>  
Cc: cbuckleyaicp@att.net; 'Reyla Graber' <reylagraber@aol.com>  
Sent: Tue, Dec 6, 2022 11:17 am  
Subject: FW: Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-Shopping Centers

For your information.

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**From:** ps4man@comcast.net <ps4man@comcast.net>  
**Sent:** Tuesday, December 6, 2022 11:13 AM  
**To:** Marilyn Ashcraft <mezzyashcraft@alamedaca.gov>; Malia Vella <mvela@alamedaca.gov>; John Knox White <jknoxwhite@alamedaca.gov>; 'tspencer@alamedaca.gov' <tspencer@alamedaca.gov>; Tony Daysog <tdaysog@alamedaca.gov>  
**Cc:** 'Andrew Thomas' <athomas@alamedaca.gov>; 'Allen Tai' <ATai@alamedaca.gov>; 'manager@alamedaca.gov' <manager@alamedaca.gov>; 'Yibin Shen' <yshen@alamedacityattorney.org>; 'Celena Chen' <cchen@alamedacityattorney.org>; 'City Clerk' <CLERK@alamedaca.gov>  
**Subject:** Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-Shopping Centers

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

In my previous emails to you I have concentrated on protecting the residential zoning districts and historical structures and have neglected to study the upzoning of the South Shore, Alameda Landing, and Harbor Bay shopping centers. In the past few days I have learned that the MF Overlay is proposed for amendment to provide for a minimum density of 30 du/acre with no maximum and is being extended to these shopping centers. Thus, the owners of these properties will be allowed unlimited density. This represents a complete abandonment of any real limitation on development of these sites and needs to be seriously reconsidered.

As an example, South Shore (47 acres) is minimally limited by liberal height and bulk requirements and with no minimum parking requirements and the likelihood of major big box tenants eventually leaving you are giving the owner carte blanche to build as many units of whatever size desired. There are 47 acres of land which could house thousands of units **as a matter of right**.

Even if you believe that thousands of units at these sites would be appropriate, do you really want to abandon any effective standards to govern such development? I am not suggesting that the shopping centers should be limited to 30 du/acre, but strongly suggest

that a reasonable density maximum be provided in order to provide the City with some control over the development of these large sites.

Although, placing a density limitation on the MF Overlay conflicts with Program 2 of the Mousing Element, I do not see HCD having a problem with a reasonable density limitation. It does not in any way impact the legitimacy of the unit projections for these sites. In fact, with regard to lower income units it actually enhances those projections because unlimited density eliminates the major incentive for achieving lower income housing in excess of our inclusionary ordinance, as a developer can build as many units as he wishes without a density bonus.

Sincerely,

Paul Foreman

**From:** [Edward Sing](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)  
**Cc:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] Alameda City Council Meeting 12/06/2022 - Housing Element Zoning Amendments( ITEM 5V)  
**Date:** Tuesday, December 6, 2022 4:24:13 PM

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City Council Members:

I agree with Paul Foreman's comments, below, on the Housing Element Zoning Amendments, specifically this concern:

*"I am not suggesting that the shopping centers should be limited to 30 du/acre, but strongly suggest that a reasonable density maximum be provided in order to provide the City with some control over the development of these large sites."*

Let's not be in a rush to OVERDEVELOP!

Specifically for Harbor Bay Shopping Center, the neighbor's expectations has been no more than 300 new housing units at this location. Any more than this number would be way out of the character of the neighborhood and introduce infrastructure issues that cannot be addressed by what's there now.

Thank you for your consideration of the above.

Ed Sing  
Alameda Resident 25 years

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**From:** [ps4man@comcast.net](mailto:ps4man@comcast.net) <[ps4man@comcast.net](mailto:ps4man@comcast.net)>  
**Sent:** Tuesday, December 6, 2022 11:13 AM  
**To:** Marilyn Ashcraft <[mezzvashcraft@alamedaca.gov](mailto:mezzvashcraft@alamedaca.gov)>; Malia Vella <[mvella@alamedaca.gov](mailto:mvella@alamedaca.gov)>; John Knox White <[jknoxwhite@alamedaca.gov](mailto:jknoxwhite@alamedaca.gov)>; 'tspencer@alamedaca.gov' <[tspencer@alamedaca.gov](mailto:tspencer@alamedaca.gov)>; Tony Daysog <[tdaysog@alamedaca.gov](mailto:tdaysog@alamedaca.gov)>  
**Cc:** 'Andrew Thomas' <[athomas@alamedaca.gov](mailto:athomas@alamedaca.gov)>; 'Allen Tai' <[ATai@alamedaca.gov](mailto:ATai@alamedaca.gov)>; 'manager@alamedaca.gov' <[manager@alamedaca.gov](mailto:manager@alamedaca.gov)>; 'Yibin Shen' <[yshen@alamedacityattorney.org](mailto:yshen@alamedacityattorney.org)>; 'Celena Chen' <[cchen@alamedacityattorney.org](mailto:cchen@alamedacityattorney.org)>; 'City Clerk' <[CLERK@alamedaca.gov](mailto:CLERK@alamedaca.gov)>  
**Subject:** Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-Shopping Centers

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Sincerely,

Paul Foreman

**From:** [Reyla Graber](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#); [athomas@alamedaca.gov.org](mailto:athomas@alamedaca.gov.org); [Yibin Shen](#); [Celena Chen](#); [Lara Weisiger](#)  
**Subject:** [EXTERNAL] Fwd: Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-Shopping Centers  
**Date:** Tuesday, December 6, 2022 2:14:52 PM

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Dear Mayor and City Council,

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And I want to voice my concerns about unlimited density at Shopping Centers, and in particular I do object to the prospect of high density at the HB Shopping Center very near where I live.

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Reyla Graber

|

-----Original Message-----

From: ps4man@comcast.net

To: 'Gretchen Lipow' <gretchenlipow@comcast.net>; 'Janet Gibson' <mejcgibson@gmail.com>; 'MARK GREENSIDE' <mgdonna@aol.com>; 'Jay' <garsurg@comcast.net>; carmereid@gmail.com; peterconn@sbcglobal.net; 'Dorothy Freeman' <dfreeman@pacbell.net>

Cc: cbuckleyaicp@att.net; 'Reyla Graber' <reylagraber@aol.com>

Sent: Tue, Dec 6, 2022 11:17 am

Subject: FW: Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-Shopping Centers

For your information.

---

**From:** ps4man@comcast.net <ps4man@comcast.net>

**Sent:** Tuesday, December 6, 2022 11:13 AM

**To:** Marilyn Ashcraft <mezzyashcraft@alamedaca.gov>; Malia Vella

<mvela@alamedaca.gov>; John Knox White <jknoxwhite@alamedaca.gov>;  
'tspencer@alamedaca.gov' <tspencer@alamedaca.gov>; Tony Daysog  
<tdaysog@alamedaca.gov>  
**Cc:** 'Andrew Thomas' <athomas@alamedaca.gov>; 'Allen Tai'  
<ATai@alamedaca.gov>; 'manager@alamedaca.gov'  
<manager@alamedaca.gov>; 'Yibin Shen' <yshen@alamedacityattorney.org>;  
'Celena Chen' <cchen@alamedacityattorney.org>; 'City Clerk'  
<CLERK@alamedaca.gov>  
**Subject:** Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-  
Shopping Centers

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

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Sincerely,

Paul Foreman

**From:** [ps4man@comcast.net](mailto:ps4man@comcast.net)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)  
**Cc:** [Andrew Thomas](#); [Allen Tai](#); [Manager Manager](#); [Yibin Shen](#); [Celena Chen](#); [City Clerk](#)  
**Subject:** [EXTERNAL] Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments-Shopping Centers  
**Date:** Tuesday, December 6, 2022 11:12:50 AM

---

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

In my previous emails to you I have concentrated on protecting the residential zoning districts and historical structures and have neglected to study the upzoning of the South Shore, Alameda Landing, and Harbor Bay shopping centers. In the past few days I have learned that the MF Overlay is proposed for amendment to provide for a minimum density of 30 du/acre with no maximum and is being extended to these shopping centers. Thus, the owners of these properties will be allowed unlimited density. This represents a complete abandonment of any real limitation on development of these sites and needs to be seriously reconsidered.

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Sincerely,

Paul Foreman

**From:** [Christopher Buckley](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [John Knox White](#); [Trish Spencer](#)  
**Cc:** [Andrew Thomas](#); [Allen Tai](#); [Asheshh Saheba](#); [Teresa Ruiz](#); [Ronald Curtis](#); [Alan Teague](#); [Xiomara Cisneros](#); [Hanson Hom](#); [Diana Ariza](#); [Manager Manager](#); [Lara Weisiger](#); [paul.mcdougall@hcd.ca.gov](#); [claire.sullivan-halpern@hcd.ca.gov](#); [Nancy McPeak](#); [Erin Garcia](#)  
**Subject:** [EXTERNAL] Housing Element Zoning Amendments - -Item 5-V on City Council's 12-6-22 Agenda  
**Date:** Monday, December 5, 2022 11:12:31 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[2022-12-5HsqElmntZngAmndmntsCtyCncl--AAPS CmntsFnlMerged.pdf](#)

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

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Dear Mayor Ashcraft and Councilmembers:

The Alameda Architectural Preservation Society (AAPS) plans to present the attached comments at the City Council's 12-6-22 meeting. Please contact me at (510) 523-0411 or [cbuckleyaicp@att.net](mailto:cbuckleyaicp@att.net) if you have questions or would like to discuss these comments.

Christopher Buckley, Chair  
AAPS Preservation Action Committee





December 5, 2022

Mayor and City Council  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

**Subject: Draft zoning amendments related to the Housing Element (Item 5-V on 12-6-22 City Council agenda)**

Dear Mayor Ashcraft and Councilmembers:

Since the City Council has now approved the Housing Element, we are limiting our final recommendations on the zoning amendments only to reiteration of the following previous recommendations that would not create conflicts with the adopted Housing Element:

1. **Show the Transit Overlay Housing Waiver (TOHW) on the zoning map.** The TOHW mapping is based on the location of “high frequency transit corridors”, rather than an actual map or verbal description of the actual corridors (i.e. the 51A and 20/21 bus lines) as they existed on the date of the zoning amendment adoption. **This is irresponsible and somewhat bizarre, since it means that the mapping of such corridors is under the control of AC Transit.** If AC Transit adds, deletes or changes a route or increases headways during the morning and afternoon peak commute hours to more than 15 minutes, the half mile wide corridor would change accordingly with no action by the City of Alameda. To allow the City to retain control of the waiver mapping as well as make the provision more understandable to document users, **the waiver should be shown as a zoning map overlay**, such as shown on Attachment A, which staff has provided just for informational purposes.
2. **Miscellaneous residential zoning relaxations.** There are numerous relaxations of existing zoning rules not specifically called out in the Housing Element, including reduced side yard setbacks on wide lots, increased lot coverage by buildings, elimination of minimum lot width, and reduction in usable open space. These changes are apparently intended to promote new development, but there needs to be analysis of whether each of these changes is really necessary as well as adverse impacts, such as promoting McMansions, conversion of pervious to impervious surfaces (thereby increasing stormwater runoff), and tree and vegetation removals. Research published in Science Advances (<https://www.science.org/doi/10.1126/sciadv.abq0995>) predicts the increased risk of a catastrophic megaflood event due to continued global warming. This would be exacerbated in Alameda by continued conversion to impervious surfaces. We have repeatedly questioned the necessity for these changes and mentioned their adverse effects, but the changes appear to have fallen through the cracks at previous Planning Board and City Council meetings due to the focus

on more significant issues. **We recommend that these changes be deferred from the current draft ordinance to allow adequate study.**

We continue to believe that certain of the Housing Element upzonings that we have previously identified (including the TOHW) pose a major threat to many of Alameda's historic buildings and neighborhoods and, as we have previously explained, are not needed to meet the RHNA nor Affirmatively Furthering Fair Housing (AFFH).

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

Sincerely,

Christopher Buckley, Chair  
Preservation Action Committee  
Alameda Architectural Preservation Society

Attachment: A. Transit Overlay Map

cc: Planning Board (by electronic transmission)



Andrew Thomas and Allen Tai, Planning, Building, and Transportation Department (by electronic transmission)

City Manager and City Clerk (by electronic transmission)

AAPS Board and Preservation Action Committee (by electronic transmission)

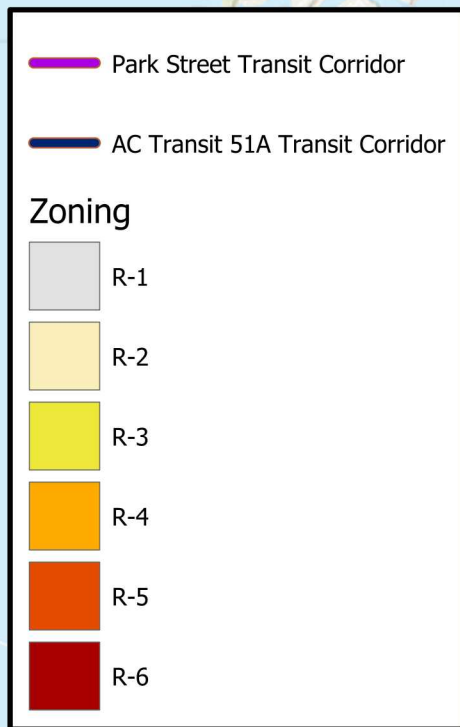


# Transit Overlay

-  Park Street Transit Corridor
-  AC Transit 51A Transit Corridor
-  Transit Overlay



# Transit Overlay Underlying Zoning



**From:** [ps4man@comcast.net](mailto:ps4man@comcast.net)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)  
**Cc:** [Andrew Thomas](#); [Allen Tai](#); [Manager Manager](#); [Yibin Shen](#); [Celena Chen](#); [City Clerk](#)  
**Subject:** [EXTERNAL] Item 5-V Dec. 6, 2022 City Council Agenda-Zoning Amendments  
**Date:** Saturday, December 3, 2022 3:54:58 PM

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

I have written to you personally and on behalf of ACT several times during the course of the drafting of our new Housing Element (HE) expressing strong objections to the upzoning of all of our residential zoning districts. Now you are taking the final step of adopting the zoning ordinance amendments required to implement the same. I will not repeat my objections, but I do need to provide some additional information pertaining to the tenant displacement that will occur if the amendments have their intended effect of producing new rental housing in these districts.

I have previously informed you that our review of the city rental registration records reveals that over 4000 tenants currently reside in these districts. I asserted that the only tenants guaranteed replacement housing were those in the lower income categories (up to 80% of the Alameda County median income). I based my conclusion on HE Program 14. However, after reading Program 14 more closely I must sadly admit error.

HE Program 14 states that it will require replacement housing units for displaced lower income households subject to the requirements of Government Code, Section 65915 (c) (3). However, that section does not require replacement housing, but only prohibits a density bonus if a developer fails to provide affordable housing to replace affordable units demolished. Program 14 identifies no city ordinances, regulations, procedures, or physical sites to provide replacement housing. Thus, I must revise my conclusion. **The HE provides no guarantee of replacement housing for displaced tenants in any income category.**

I want to illustrate with real world numbers how this lack of guaranteed replacement housing will impact displaced tenants.

Our current Rent Control Ordinance guarantees no support to displaced tenants other than dislocation payments, leaving it to the displaced tenants to fend for themselves in a very tight rental market. The Bay Area Metropolitan Transportation Commission recently reported that there are 14 applications for every East Bay rental vacancy.

<https://blog.bayareametro.gov/posts/report-paints-picture-bay-area-rental-market>

The relocation payment differs based on various factors. A studio gets you a maximum payment of \$7,758, a one bedroom \$8,859, and a two bedroom \$10,408. (the maximums only apply in limited situations) See: <https://www.alamedarentprogram.org/FAQs/Permanent-Relocation-Schedule>

In order to get a sense of what these tenants are most likely paying now here is a link to the Gallagher and Lindsey current daily rental list: <https://alamedarentals.com/rental-property-list/> You will see that the top rate for a studio is \$1900, for a one bedroom, 2350, and a two bedroom, \$3000.



Market value rentals at the new Del Monte Project, now known as Alta Star Harbor, are:  
studio-\$3000, one bedroom, \$3500, two bedroom, \$3800

State law exempts vacancy rentals and new construction (for 15 years) from rent control. Thus, these innocent tenants will be fully subject to market rate rents. Many will leave Alameda. They will be replaced by new tenants able to pay the higher cost of the new units, thus gentrifying these neighborhoods. This is as perverse an impact of “fair housing” as one could imagine. **I 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 unconscionable.**

I am not so naïve as to believe that a City Council majority will change course and avoid the above result. It is more likely you will accept our Planning Department’s minimalization, if not total disregard of the issue. However, I wanted to put the real life data on the record so that you will be casting your vote with full knowledge of the same.

Sincerely,

Paul Foreman