

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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August 25, 2022

Andrew Thomas, Director  
Planning, Building and Transportation Department  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

Dear Andrew Thomas:

**RE: City of Alameda's 6<sup>th</sup> Cycle (2023-2031) Draft Housing Element**

Thank you for submitting the City of Alameda's (City) draft housing element received for review on May 27, 2022 along with revisions on August 23, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from the Alameda Housing Element Working Group, Alameda Architectural Preservation Society, Alameda Citizens Task Force and Paul S. Foreman pursuant to Government Code section 65585, subdivision (c). HCD also considered the City's written response to Paul S. Foreman's public comment.

HCD is pleased to find the draft housing element in substantial compliance with State Housing Element Law (Article 10.6 of Gov. Code). The housing element will comply with State Housing Element Law (Article 10.6 of the Gov. Code) when it is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585.

Numerous zoning actions are scheduled for completion prior to the start of the planning period (January 31, 2023) to accommodate the regional housing need allocation (RHNA), including lower-income households, to affirmatively further fair housing (AFFH) and to facilitate and encourage a variety of housing types. These actions, among many others, are crucial to compliance and generally include Programs 1 (Alameda Point), 2 (Shopping Center), 3 (Commercial Transit Corridor), 4 (Residential District) and 6 (Large Sites and Multifamily). Please be aware, if these zoning actions are not completed by January 31, 2023, the element must include a program(s) to rezone sites with appropriate zoning and development standards pursuant to Government Code sections 65583, subdivision (c)(1), and 65583.2, subdivisions (h) and (i).

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml> for a copy of the form and instructions. The City can reach out to HCD at [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov) for technical assistance. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to [sitesinventory@hcd.ca.gov](mailto:sitesinventory@hcd.ca.gov).

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates your hard work and dedication throughout the housing element review. HCD also applauds the leadership of the City in taking significant steps forward to (AFFH) and to accommodate the future housing needs of all segments of the community. HCD encourages the City to continue and consider comments toward these goals as part of the adoption process and looks forward to receiving the City's adopted housing element. If you have any questions or need additional technical assistance, please contact Claire Sullivan-Halpern, of our staff, at [Claire.Sullivan-Halpern@hcd.ca.gov](mailto:Claire.Sullivan-Halpern@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

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November 29, 2021

Andrew Thomas, Director  
Planning, Building and Transportation  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 95401

**RE: City of Alameda Measure A Provisions and Housing Element Compliance**

Dear Andrew Thomas:

Thank you for your correspondence, dated February 16, 2021, requesting guidance regarding state law and local provisions restricting multifamily uses and allowable densities. In developing this guidance, the California Department of Housing and Community Development (HCD) has reviewed the City of Alameda's staff report File Number 2021-1017, Item Number 7-B, and generally agrees with the pertinent analysis, including the resolution attached to that item. HCD offers this additional information to assist the City in its decision-making.

In 1973, the voters of Alameda approved an amendment to the City Charter that added Article 26 (Measure A). Measure A added Section 26-1 that states "[t]here shall be no multiple dwelling units built in the city of Alameda." Section 26-3 was adopted in 1991 by a subsequent ballot measure (also Measure A), which sets the maximum residential density of one housing unit per 2,000 square feet (21.78 dwelling units (du)/acre) throughout the City. Each of these provisions is problematic and compromise the City's ability to comply with State Housing Element Law. Collectively, the Measure A Provisions prevent the City from complying with State Housing Element Law and other housing laws, and potentially trigger consequences related to a lack of housing element compliance.

Specifically, HCD finds and agrees with the staff analysis that Alameda City Charter Article 26 conflicts with state housing law and is preempted and unenforceable. Among other things, Article 26 of the City Charter is preempted by Government Code sections 65583.2, subdivision (c), and section 65583, subdivision (c)(1), which require, among other things, zoning for a variety of housing types, including multifamily rental housing. HCD also finds that Article 26 conflicts with Government Code sections 8899.50 and 65583, subdivision (c)(10), in that Article 26 provisions deny fair housing choices and are fundamentally contrary to affirmatively furthering fair housing (AFFH). HCD offers this additional information to assist the City in its decision-making.

### Housing Element Compliance Issues

The Measure A provisions create a conflict with state law and particularly State Housing Element Law, including, but not limited to, the following:

- **Zoning Appropriate to Accommodate Housing for Lower-Income Households:** Government Code section 65583.2, subdivision (c)(3), requires jurisdictions to demonstrate that adopted densities accommodate the regional housing need for lower-income households. This analysis must address, but is not limited to, factors such as market demand, financial feasibility, or information based on development project experience within a zone or zones that provide housing for lower-income households. Alternatively, the statute deems specified densities (Default Density) appropriate to accommodate housing for lower-income households. Under these state law provisions, the default density for the City of Alameda is 30 units per acre. The Measure A Provisions cap allowable density at approximately 22 units per acre and, as a result, do not meet default densities. Further, given market demand, financial feasibility and other factors, the allowable densities of the Measure A Provisions would not be adequate to allow the City to demonstrate appropriate densities to accommodate housing for lower-income households. In turn, Alameda City would not be able to demonstrate adequate sites to accommodate housing for lower-income households and would not comply with State Housing Element Law.
- **Zoning for a Variety of Housing Types:** Government Code section 65583, subdivision (c)(1), requires jurisdictions to identify sites "...to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing." The Measure A Provisions explicitly prohibit multifamily housing, and as a result, the City of Alameda would not comply with this requirement and would not comply with State Housing Element Law.
- **Governmental Constraints:** Government Code section 65583, subdivision (a)(5), requires an analysis of potential constraints on housing, including the housing types listed above. (Gov. Code, § 65583, subd. (c)(1).) This analysis must address land use controls such as the Measure A Provisions and, among other provisions, must demonstrate efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need allocation (RHNA) in accordance with Government Code section 65584. Housing elements must address and remove, where appropriate and legally possible, identified constraints. (Gov. Code, § 65583, subd. (c)(3).) Constraints must be addressed regardless of demonstrating adequate sites to accommodate the regional housing need. The Measure A Provisions would be



deemed a constraint on development and without programs to address and remove the constraint, the housing element would not comply with State Housing Element Law.

- **Affirmatively Furthering Fair Housing:** Government Code section 8899.50 requires, among other provisions, all state and local agencies to ensure that their laws, programs, and policies affirmatively further fair housing. AFFH means “taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” This provision is an independent duty for the City, but it has also been incorporated into State Housing Element Law. In this context, Government Code section 65583, subdivision (c)(10), requires an assessment of fair housing that includes various components, including analyzing socio-economic patterns and trends and identifying contributing factors to fair housing issues. The Measure A Provisions deny fair housing choices and as a result are fundamentally contrary to AFFH. Without significant action to overcome the patterns caused by the Measure A Provisions, the City of Alameda will not comply with these provisions of State Housing Element Law.

HCD understands Alameda has adopted some measures to attempt to address these concerns, including a density bonus ordinance and a Multifamily Residential Combining Zone, but Measure A provisions remain a significant constraint on housing choices, supply, and affordability and conflict with several provisions of State Housing Element Law.

#### Consequences of a Lack of Compliance with State Housing Element Law

Housing availability is a critical issue with statewide implications, and most housing decisions occur at the local level. Housing elements are essential to developing a blueprint for growth and are a vital tool to address California’s prolonged housing crisis. As such, state law has established clear disincentives for local jurisdictions that fail to comply with State Housing Element Law.

First, noncompliance will result in ineligibility or delay in receiving state funds that require a compliant housing element as a prerequisite, including, but not limited to, the following:

- Permanent Local Housing Allocation,
- Local Housing Trust Fund Program,
- Infill Infrastructure Grant Program,
- SB 1 Caltrans Sustainable Communities Grants, and
- Affordable Housing and Sustainable Communities Program.

Second, jurisdictions that do not meet their housing element requirements may face additional financial and legal ramifications. HCD may notify the California Office of the Attorney General, which may bring suit for violations of State Housing Element Law. Further, statute provides for court-imposed penalties for persistent noncompliance, including financial penalties. Government Code section 65585, subdivision (l)(1), establishes a minimum fine of \$10,000 per month and up to \$100,000 per month. If a jurisdiction continues to remain noncompliant, a court can multiply the penalties up to a factor of six. Other potential ramifications could include the loss of local land use authority to a court-appointed agent.

In addition to these legal remedies available in the courts, under the Housing Accountability Act (Gov. Code § 65589.5, subd. (d)), jurisdictions without a substantially compliant housing element cannot use inconsistency with zoning and general plan standards as reasons for denial of a housing project for very low-, low-, or moderate-income households.<sup>1</sup>

#### Options for Complying with State Housing Element Law

The Measure A provisions are in conflict with state law and should be voided. In addition, the City should take actions, as noted in its resolution, to comply with State Housing Element Law and demonstrate adequate sites to accommodate the regional housing need. For example, the City could rezone sites at appropriate densities, similar to the City's multifamily overlay utilized in the 5<sup>th</sup> cycle update. These actions should be accompanied by additional and significant actions to address constraints on housing and to affirmatively further fair housing.

HCD appreciates the efforts taken to seek guidance and looks forward to working with the City to comply with State Housing Element Law and other state laws. For additional resources regarding these requirements, visit HCD's website at <https://hcd.ca.gov/community-development/housing-element>. If HCD can provide assistance, please contact me at [paul.mcdougall@hcd.ca.gov](mailto:paul.mcdougall@hcd.ca.gov).

Sincerely,



Paul McDougall  
Senior Program Manager

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<sup>1</sup> For purposes of the Housing Accountability Act, housing for very low-, low-, or moderate-income households is defined as having at least 20% of units set aside for low-income residents or 100% of units set aside for middle-income residents (Gov. Code § 65589.5, subd. (h)(3)).



August 21, 2022

Andrew Thomas, Planning Building and Transportation Director  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

**Subject: 8-12-22 Revised Draft Housing Element**

Dear Mr. Thomas:

Thank you for the opportunity to review the subject draft as well as the preliminary California Housing and Community Development Department (HCD) comments.

The Alameda Architectural Preservation Society (AAPS) has the following comments and questions regarding these materials:

- 1. Why is unlimited maximum density now shown for the transit overlay and on Park Street, Webster Street, the Stations and the North Park Street area?** We don't see anything in the HCD information request that this relates to this. This is another example of portions of the draft Housing Element functioning too much as a zoning ordinance. Although unlimited density for these areas is proposed in the most recent draft zoning amendments, not including unlimited density in the Housing Element itself would have provided some flexibility for the next stage of the Planning Board's and City Council's upcoming review of the zoning amendments.
- 2. Add discussion of potential demolitions and new construction to the Residential Infill Analysis along with the potential for lot subdivisions.** The revised draft's Site 15b Residential Infill Analysis (Appendix E) discusses how the Housing Element will allow additional units within existing buildings and on existing residential lots with unlimited density as was frequently done before adoption of City Charter Article 26 ("Measure A") in 1973, but says nothing about the potential for widespread demolition of existing buildings, especially historic buildings, for new and larger buildings (as also occurred before adoption of Article 26) that could also result from the massive Site 15b upzonings. It also says nothing about the effects of the potentially widespread subdivision of existing lots through the elimination of minimum lot area and lot width standards in all zoning districts except R-1.

In addition, the Residential Infill Analysis statement that "the City's projection of 34 additional units from conversions or additions to existing structures is very conservative and will most likely be much higher" (Page E-18), confirms our previous observations that the allowed addition of an unlimited number of units within existing buildings alone is much more than adequate to meet the

RHNA and the fair housing requirements. Our observations are further supported by Page E-17's statement that "by removing the multifamily prohibition and allowing buildings with three units, the R-2 district could accommodate *1,927 more units* (emphasis added), without increasing the overall density of the district above 21 units per acre". **We therefore reiterate our previous recommendation that the proposed blanket upzonings, including the transit overlay, be deleted**, since they are excessive and could lead to undesirable collateral impacts such as: (a) displacement of renters from existing relatively affordable (although not necessarily deed-restricted) residential units owned by small investors to build market-rate housing; (b) adverse effects on historic properties; and (c) preemption of future affordable housing sites, given that none of the Site 15b proposals require any of the new units to be deed-restricted affordable. All of these potential impacts need to be discussed in the Residential Infill Analysis.

3. It would seem that HCD's request for discussion of environmental constraints would include identification of Alameda's over 4,000 historic properties that could inhibit development involving these properties. **Why is there no discussion of historic properties as an environmental constraint in the subject draft?**
4. HCD requests discussion of the vacant sites "based on a list of questions". **Where can this list of questions be accessed?**
5. Under "quantified objectives", HCD requests "Expand rehabilitation objectives". **What kind of expansion is HCD seeking?**
6. The printed page numbers for Appendix F should begin with page F-1, but instead begin with page F-21.

Thank you again 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

By electronic transmission:

cc: Mayor and City Council  
Planning Board  
Historical Advisory Board  
Allen Tai, Planning, Building, and Transportation Department  
California Department of Housing and Community Development  
AAPS Board and Preservation Action Committee



**Nancy McPeak**

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**From:** Alameda Citizens Task Force <announcements@alamedacitizenstaskforce.org>  
**Sent:** Sunday, August 21, 2022 4:22 PM  
**To:** Andrew Thomas  
**Cc:** HousingElements@hcd.ca.gov; paul.mcdougall@hcd.ca.gov; Marilyn Ezzy Ashcraft; Malia Vella; John Knox White; Tony Daysog; Trish Spencer; Hanson Hom; Diana Ariza; Teresa Ruiz; Asheshh Saheba; Alan Teague; Ronald Curtis; Xiomara Cisneros; Nancy McPeak; Manager Manager; Yibin Shen  
**Subject:** [EXTERNAL] City of Alameda Draft Housing Element-Response to Aug 19, 2022, Request for Comments on the Proposed Amendments

# ACT

## Alameda Citizens Task Force

Vigilance, Truth, Civility

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Dear Mr. Thomas:

This is in response to your AUG 10, 2022, request for comments on the proposed amendments to the draft housing element.

Our primary concern continues to be Item 15 (b) of the site inventory. We are pleased to see that you have amended 15 (b), by adding the Residential Infill Analysis. (PDF pp. 181-186). However, your analysis continues to ignore the requirements of Government Code Sections 65583.2 (b) (1) (2) (3), (5) (A) which include the following requirements summarized in the HCD Site Inventory Guidebook:

*"If the inventory identifies nonvacant sites to address a portion of the RHNA, the housing element must describe the realistic development potential of **each** site within the planning period."* (Boldface mine)

[https://abag.ca.gov/sites/default/files/documents/2021-08/sites\\_inventory\\_memo\\_final06102020.pdf](https://abag.ca.gov/sites/default/files/documents/2021-08/sites_inventory_memo_final06102020.pdf)

Subsection (b) (1) requires, *"A listing of properties by assessor parcel number"*. Subsection (b) (2) requires, *"The size of each property listed pursuant to paragraph (1), and the general plan designation and zoning of each property."* Subsection (b) (3) requires, *"...a description of the existing use of each property."* Subsection (b) (5) (A) requires, *"A description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities."*

You do address the Subsection (g) requirement of the development potential, but not on the site-by-site basis that we believe the law requires. We take particular note of your conclusion on the 34 new units per year projection contained in the site inventory, where you state:

*"Looking at the available capacity, the City's projection of 34 additional units from conversions or additions to existing structures is very conservative and will most likely be much higher."*

We fully agree with your conclusion but are very concerned that neither the word "displacement" or the word "replacement" appears in the Infill Analysis. This ignores the displacement of renters and the immediate need for replacement housing during construction that will occur from demolitions and additions of existing residential structures.

The only provision for this impact on renters is contained in Program 14 (PDF p. 34) which asserts that the city will require replacement housing for lower income households as required by Government Code Section 65915 (c) (3). However, this law only deals with providing replacement housing in the finished project rather than dealing with where tenants will live during construction. Moreover, this law only applies to density bonus applications. Thus, no broad assurance of replacement housing for tenants in any income category, either temporarily during construction or permanently, is provided.

It is particularly troubling that Site 15(b) is open ended. That is to say that the upzoning of 18,000 parcels and the fact that 53% of Alameda residents are renters leads to the conclusion that there is no way to estimate how many renters will be displaced. Add to that the July 29, 2022 report found at <https://blog.bayareametro.gov/posts/report-paints-picture-bay-area-rental-market> that states that in East Bay communities there are 14 renters competing for every rental unit with a vacancy rate of 4.4% and our draft housing element that places our rental vacancy rate at 2.9%. This amounts to consciously designing a perfect storm for displaced renters both during construction and long term.

If the city determines to proceed with the inclusion of Site 15 (b) in the inventory, the housing element must address the natural consequences of that plan, displacement of renters, and the adverse social, economic and health impacts of the same. We refer you to the article on the subject by Dr. Rajiv Bhatia, former Director of the San Francisco Department of Health's Occupational and Environmental Health Section at:

[https://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.](https://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.)

The article contains the following salient statement:

*"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."*

From all of the above we conclude that proceeding with the mass upzoning of our residential districts as opposed to a gradual exploration of infill development on a pilot trial basis with protection of displaced renters or abandonment of the policy altogether for the 6th cycle is in the best interests of the residents of Alameda and the Bay Area.

Sincerely,

Alameda Citizens Task Force  
Paul Foreman, Board Member & Authorized Spokesperson

Mr. Thomas,

The Housing Element Working Group was formed in September 2021 by members of Renewed Hope Housing Advocates and allies in order to ensure that Alameda makes a rigorous and good-faith effort to produce a Housing Element that fulfills our obligations to produce our fair share of housing while addressing the city's long history of exclusionary housing policies. The group includes long-time members of Renewed Hope who for many years advocated for affordable housing projects and a higher density in the previous Housing Element; a member of the Planning Board who helped craft that document; a local historian, journalist and city planner who has documented Alameda's long and odious history of housing discrimination and displacement; volunteers on Campaign for Fair Housing Elements which is a statewide coalition of housing organizations, including local organizations like East Bay YIMBY and East Bay For Everyone, fighting for fair housing elements in California; and campaigners for Alameda's 2020 Measure Z, which if successful would have eliminated Article 26 – an unlawful apartment ban and density ceiling – from the city charter.

We are writing to comment on the updated draft of the Housing Element published on August 12, 2022. Our comments below reflect our ongoing engagement with the Housing Element process and our extensive and varied experience building and advocating for housing for people of all incomes and backgrounds in Alameda and the East Bay.

In general, we believe that city staff and the Planning Board have done a truly commendable job in drafting a document which is responsive to the community while focusing throughout on meeting the more stringent requirements for housing elements newly in effect for the sixth RHNA cycle. The current Housing Element draft goes a great distance toward providing for the development of Alameda's fair share of housing (5,353 new units) while attempting to distribute them equitably across the city, particularly in high-opportunity areas.

However, we believe that as written, the latest draft still does not go far enough to ensure that Alameda will be able to meet these dual goals.

## **MEETING OUR REGIONAL HOUSING NEEDS ALLOCATION**

Per Alameda's [2021 General Plan and Housing Element Annual Report](#), Alameda's RHNA for housing construction during the current eight year cycle (2015 to 2022) is 1,723 housing units, of which 444 must be very-low-income units and 248 of which must be low-income units. With less than five months remaining in that period, the city has produced about 2,200 new units, exceeding its total housing production goal by 28%. However, the lion's share of these new units are not deed restricted affordable; in fact, the city only produced only 62% of the new units required across the VLI and LI categories:

**Table 1: Alameda RHNA Fifth Cycle Housing Unit Production**

Income category	Units planned	Units produced	Percentage
VLI	444	429	62%
LI	248		
moderate	283	1,771	172%
above moderate	748		
TOTAL	1,723	2,200	128%

This level of affordable housing production falls far short of the need in Alameda and the East Bay, and avoiding this outcome in the upcoming sixth RHNA cycle must be a priority in the design of the Housing Element.

### **Expected affordable unit production**

In the Housing Sites Analysis section, the Housing Element identifies the expected capacity and expected distribution of units by income for 18 different projects and sites (some of which are entire residential zones that are being upzoned). The first ten of these are entitled projects for which the distribution of units is already set. For the remaining sites, however, the numbers are forecasts:

**Table 2: Forecasted Expected Housing Unit Production**

site #	name	VLI	LI	Mod	Above Mod	Total	V/LI % of total
1-10	Projects sub-total	887	428	202	2213	3730	35%
11	South Shore	200	200	200	200	800	50%
12	Harbor Bay Shopping	75	75	75	75	300	50%
13	Alameda Landing	25	25	25	25	100	50%
14	Transit Corridors	139	140	115	115	509	55%
15a	ADUs	120	120	120	40	400	60%
15b	Infill	45	75	75	75	270	44%
15c	2199 Clement	30	30	30	35	125	48%
15d	2363-2433 Mariner Square Drive	40	40	40	40	160	50%
	Total Capacity	1561	1133	882	2818	6394	42%
	RHNA	1421	818	868	2248	5353	42%

Note: Transit Corridor and Total Capacity numbers have been updated to account for new information on the 1901-1925 Webster Street property in the August HE draft.



These forecasted expected units seem to be based on overly generous assumptions and likely overestimate the number of units affordable to low- and very-low-income households that will actually be produced. It is very unlikely that there will be a significant number of new market-rate (non-deed-restricted) affordable units. The following table contrasts the income limits for low-income households of 1 through 5 members and the maximum rent these households can afford without being rent burdened with the average rent for units available on craigslist<sup>1</sup> for units of a size that those households would most likely be looking to rent:

**Table 3: Low-income household rent burdens vs. available apartments**

household size	low income limit	rent burden threshold	craigslist survey: Alameda apartments		
			bedrooms	units in range	avg rent
1	\$76,750.00	\$1,918.75	studio-1	201	\$2,145.00
2	\$87,700.00	\$2,192.50	1-2	363	\$2,512.00
3	\$98,650.00	\$2,466.25	2	183	\$2,855.00
4	\$109,600.00	\$2,740.00	2-3	238	\$3,073.00
5	\$118,400.00	\$2,960.00	3-4	75	\$4,099.00

Note that 1) these rents are for existing units of varying vintages, which would be significantly lower than average market rents for new units all else equal; and 2) the rent burden is for families at the threshold of the low-income range, meaning that the average rent in these apartments will be significantly more burdensome for virtually all low- and very-low-income households. It follows that in most cases, units will have to be deed-restricted in order to be affordable for households in this income range.

[Alameda's inclusionary housing ordinance](#) applies to new projects of 5 or more units and remodels (i.e. adaptive reuse) that increase the number of dwelling units to 5 or more. The ordinance requires these projects have a minimum of 15% of units be deed-restricted affordable as follows: four percent (4%) of the total units must be restricted to occupancy by Low-Income Households; four percent (4%) of the total units must be restricted to occupancy by Very Low-Income Households; and seven percent (7%) must be restricted to occupancy by Moderate-Income Households. For projects with fewer than 70 units, the ordinance gives specific numbers for each category.

### Identified prospective sites

For specific prospective sites that have been identified, following the inclusionary housing ordinance would result in the production of the following deed-restricted affordable units:

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<sup>1</sup> Retrieved June 30, 2022. Search terms: "SF Bay Area > east bay > housing > apartments for rent"; neighborhood = "Alameda"; and the range of bedrooms for each HH size.

**Table 4: Revised Expected Deed-restricted Affordable Housing on Prospective Sites per Inclusionary Housing Requirements**

site #	name	Total	VLI	LI	Mod	Market
11	South Shore	800	32	32	56	680
12	Harbor Bay Shopping	300	12	12	21	255
13	Alameda Landing	100	4	4	7	85
14a	1901-1925 Webster*	50	25	25	0	0
14b	1435 Webster St	15	0	1	1	13
14c	650 Pacific/Webster	20	1	1	1	17
14d	1414 Webster	17	1	1	1	14
14e	1916 Webster/720 Atlantic	100	4	4	7	85
14f	650 Central Avenue	150	6	6	11	127
14g	1618 Park	100	4	4	7	85
14h	1500-1504 Park/ 2411 Santa Clara	50	2	2	4	42
14i	1900 Park	7	0	0	1	6
15c	2199 Clement	125	5	5	9	106
15d	2363-2433 Mariner Square Drive	160	6	6	11	136
	<b>Totals, identified prospective sites</b>	<b>1994</b>	<b>102</b>	<b>103</b>	<b>137</b>	<b>1651</b>

\* This is an all-affordable project being developed by Alameda Housing Authority.

### Neighborhood upzonings (Infill, ADUs)

ADUs are by definition small projects that will produce one or two new units. There is some indication that these tend to be occupied by family members (e.g. aging parents, young adults); projected affordable units follow guidance provided in an ABAG technical memo.<sup>2</sup> For infill – here referring to development in residential zones that will be unleashed as a result of density limits being lifted – it is not clear how many projects would exceed four new units. In fact, for small projects having the inclusionary requirement kick in at 5 units disincentivizes going above 4. Thus there is reason to doubt that new projects in the infill area will result in any new deed-restricted affordable units.

### Summary

The following table updates the estimated number of units by income given the foregoing analysis:

<sup>2</sup> [https://abag.ca.gov/sites/default/files/documents/2022-06/ADUs-Projections-Memo\\_final.pdf](https://abag.ca.gov/sites/default/files/documents/2022-06/ADUs-Projections-Memo_final.pdf)

**Table 5: Summary of Expected Unit Production by Income Category with Revised Assumptions**

Site category	Total	VLI	LI	Moderate	Market
Current Projects (sites 1-10)	3730	887	428	202	2213
Identified prospective sites	1994	102	103	137	1651
ADUs	400	120	120	120	40
Infill	270	0	0	0	270
<b>Revised Total Expected Units</b>	<b>6384</b>	<b>1109</b>	<b>651</b>	<b>459</b>	<b>4174</b>
Percentage of total zoned capacity		17%	10%	7%	65%
RHNA	5353	1421	818	868	2248
<b>Revised Surplus/Deficit (units)</b>	<b>1041</b>	<b>-312</b>	<b>-167</b>	<b>-409</b>	<b>1926</b>
<b>Revised Percentage of Required units</b>	<b>119%</b>	<b>78%</b>	<b>80%</b>	<b>53%</b>	<b>186%</b>

Thus, despite planning for a 19% buffer above the total units required under RHNA, the Housing Element as written has the potential to fall well short of the needed number of very-low-, low-, and moderate-income deed-restricted affordable units, similar to what transpired during the previous RHNA cycle.

## AFFIRMATIVELY FURTHERING FAIR HOUSING

### Bay Farm/Main Island imbalance

The Housing Element's most glaring deficiency in terms of AFFH is that Bay Farm is not receiving close to a proportional number of new units relative to its population:

**Table 6: Main Island and Bay Farm population vs. Expected Housing Unit Production (specific sites)**

Area	zip code	2021 population	Percentage of population	specific site expected units	Percentage of new units
Main Island	94501	65,565	82%	5,414	95%
Bay Farm	94502	14,471	18%	300	5%
Total		80,036		5,714	

The majority of Bay Farm's housing stock was developed as part of a 1000-acre bay infill master development project known as Harbor Bay Isle in the 1970s. In 1973, this project was barred during development by the voters on a signature ballot initiative from adding planned lower-cost multifamily housing on the site by the passage of Measure A. The developer was forced to change their plans to develop only higher-cost exclusionary single family homes and townhomes on the site. Today, CC&Rs and HOAs tie up land-use control over the majority of

that 1,000-acre development which presents a barrier to the effectiveness of upzoning in this part of the city and to any future development and infill construction.

### Periphery vs. core neighborhoods

The draft Housing Element does to some extent distribute new units across the various neighborhoods in the city. However, the vast majority of site-specific expected units are either on the periphery of the main island in underdeveloped former industrial areas or relatively modern infill sites (see Figure E-1, "Housing Sites"). The following map uses bar charts to graphically represent the revised number (per Table 4 above) of expected site-specific new housing units by income category:

**Figure 1: Map of Proposed Development Sites with estimated new site-specific housing units by income category**





For the purposes of this analysis, the “core” area is defined as Bay Farm plus areas on the main island that are South of the northern waterfront (with the [Clement Ave Branch Railroad](#) serving as the historic boundary between primarily affluent residential and mixed industrial/working-class housing); West of Main Street; and North of the historic (pre-war) southern shore, represented by the lagoons that separate the South Shore development from the rest of the island. Using this definition, the following are revised expected new units (using the more realistic revised affordability numbers from Table 4 above) broken out by core (including estimated neighborhood infill and ADU production) vs. peripheral areas:

**Table 7: Revised Housing Unit Production by Income Category and Core/Peripheral Areas**

	VLI	LI	Mod	Market	Total
Core Neighborhoods	300	192	174	954	1,620
Periphery	868	518	335	3,053	4,774
TOTAL	1,144	687	512	4,041	6,384
<b>Core % of total</b>	<b>26%</b>	<b>27%</b>	<b>34%</b>	<b>24%</b>	<b>25%</b>

Given the overwhelming concentration of population and access to opportunity in Alameda’s core neighborhoods, this outcome in the 6th RHNA cycle would fail to meet the standard set by State law that “requires Alameda to ensure that its laws, programs, and activities affirmatively further fair housing, which means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity and housing.” The Racially Concentrated Areas of Affluence (RCAs) identified by HCD (Figure 2) are within the affluent East End/Fernside neighborhood where few new units are planned, reinforcing this deficiency.

**Figure 2: Racially Concentrated Areas of Affluence (RCAs)**



## **City Charter parks provision**

Article 22, Section 12 of the City Charter prohibits public parks from being “sold or otherwise alienated except pursuant to the affirmative votes of the majority of the electors voting on such a proposition,” i.e. via a ballot initiative. This is understood to prohibit parkland from being converted to residential uses. This requirement may help with the open space requirements for higher density housing required by RHNA. It should be noted that a considerable portion of this open space is Jean Sweeney Open Space Park, which was previously railway property no longer in use. A small proportion of Jean Sweeney was subsequently turned into a high-quality park, leaving the majority as underutilized space which is to be developed in future years as funding becomes available. Perhaps a win-win for both open space and affordable housing advocates could be to seek funding together with a portion of the remaining space being used for affordable housing and the rest for completing the full vision of the park.

## **SOLUTIONS**

The demand for homes for families who cannot afford to rent apartments priced at the current market is profound, and is a direct antecedent to the homelessness crisis we are experiencing in the Bay Area. Alameda must adequately plan to produce its share of affordable homes and meet RHNA requirements for low-, very-low-, and moderate-income deed-restricted units over the next eight years.

To combat the severe shortage of subsidized affordable housing, the city can and should seek additional funding for affordable housing production, whether by bond measure or other means. In the context of the Housing Element, however, the tool we have at hand is Alameda's inclusionary housing ordinance. At the same time, AFFH requires that Alameda not steer the preponderance of new residential development away from high-opportunity and historically exclusionary neighborhoods. Alameda must therefore update its zoning regulations to enable new families, including and especially families with more modest incomes who have been historically marginalized, to enjoy the benefits of living here.

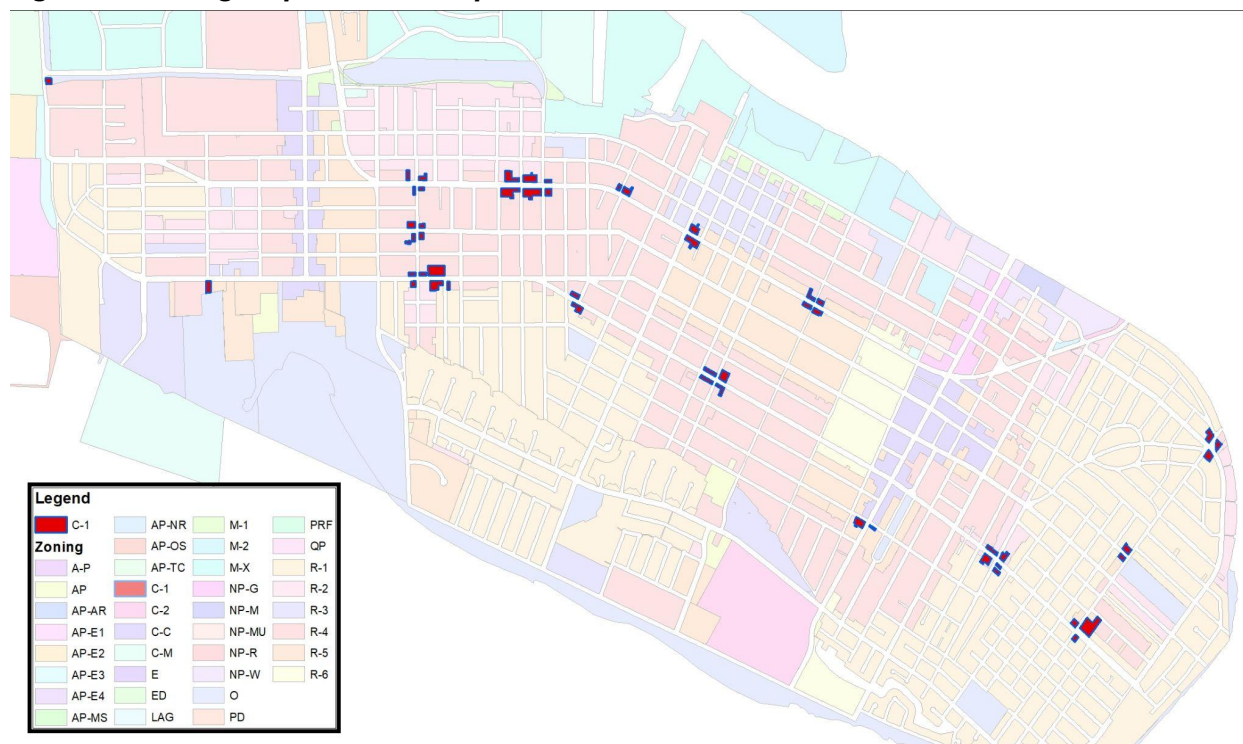
Fortunately, the Housing Element's deficiencies in both of these areas have the same solutions. Alameda can leverage additional upzoning to create more affordable homes using the inclusionary requirements, and preferentially locate that additional zoned capacity in high-opportunity neighborhoods – including those identified as Racially Concentrated Areas of Affluence – in order to affirmatively further fair housing.

## **Upzoning**

We recommend Alameda increase capacity in several zones beyond what has already been proposed. Upzoning has an incremental effect on total capacity for new units, but it can also unlock new development as increased potential unit development makes it economically advantageous for prospective developers to engage with disparate, small property owners to assemble development sites, many of which have substantial remediation needs.

**C-1, Neighborhood Business District.** A major untapped opportunity is in the C-1, Neighborhood Business District zone. This zone covers properties throughout the city with legacy commercial spaces that are well-located by design: many of these parcels are on former streetcar lines that are now on or near bus routes. The proposed zoning ordinance update sets a new minimum density of 30 du/a but leaves the maximum height at two stories (30 feet) unless there is an adjacent building that is taller. Raising the height limit to allow up to four or five stories would potentially yield much-needed reinvestment in these charming but underutilized areas. C-1 parcels are emphasized below to give a sense of their importance in tying the city together with walkable neighborhood commercial amenities across all residential areas.

**Figure 3: Zoning Map with C-1 emphasized**



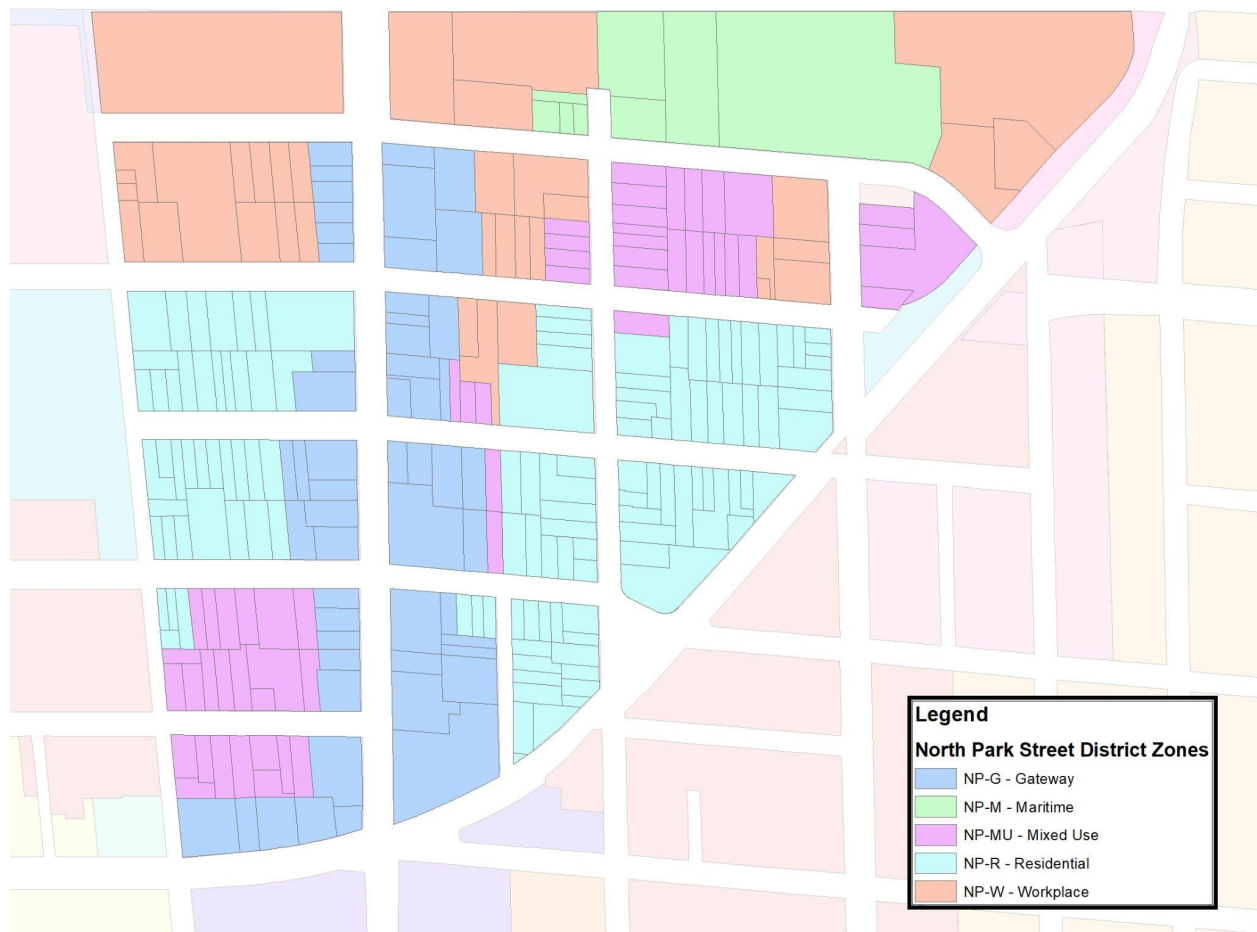
**North Park Street Gateway (NP-G) and North Park Street Residential (NP-R) sub-districts.**

The city's objectives for the North Park Street District (Figure 4) include supporting a pedestrian friendly, transit-oriented mixed-use district and remedying the "auto-row" physical characteristics of the district while maintaining mixed use areas that have historically provided a transition between residential areas and adjacent industrial and commercial mixed-use districts. The NP-G sub-district (dark blue), which is the Park Street corridor itself, is currently proposed to be zoned at a height maximum of 60', while the adjacent residential areas (NP-R, light blue) has been proposed to have a 45' height limit. The city's objectives for the North Park Street District would only be benefitted by increasing the intensity of development in this area.

Increasing height limits in these sub-districts to 90' for NP-G and 60' for NP-R would unlock significantly increased housing production in a priority area for more intense, transit- and pedestrian-centric development, a neighborhoods that will soon be on a completed

Cross-Alameda Trail and is on or adjacent to many commercial and recreational amenities. As the city's objectives suggest, development in this area will come with significant remediation obligations due to the pervasiveness of industrial and auto-oriented current and former uses; increased allowable residential density will finally allow projects of sufficient size to cover the cost of remediation and create a neighborhood for people. This portion of Park Street is not a Historic District so it is in keeping with city guidelines to cultivate a look and feel distinct from other Alameda neighborhoods. At the same time, this area is largely buffered from existing residential areas by Tilden Way and existing automotive/industrial uses and vacant parcels.

**Figure 4: North Park Street District**



**R-1 and R-2 Residential Districts.** Both R-1 and R-2 are proposed to maintain their existing 30' height limit, while eliminating the existing density limit and apartment prohibition. Yet it is a fact that in these zones, which make up the majority of acreage available for residential development, there are hundreds of beautiful, historic homes that exceed that limit. Thus the ostensible reason for the limit, to preserve the aesthetic character possessed by many of the neighborhoods within these zones, is simply not valid. R-1 and R-2 should have their height limits increased to 45' to allow for an additional story of living space, leading to one or potentially



two additional dwelling units per parcel, either by adding a new top floor or, as is already common, lifting the house and adding a floor at or below ground level.

**Harbor Bay Club (C-2).** Bay Farm is home to 18% of Alameda's population but is only expected to host 5% of the new housing planned for specific sites in the housing element. There is a huge opportunity on the 10-acre Harbor Bay Club site to build hundreds of new homes and a modern recreational facility to replace the current, under-subscribed legacy facility. While the site currently has a 100-foot height limit and will be affected by the proposed city-wide repeal of Alameda's unlawful ban on multifamily housing, the current density limit of a minimum of 2,000 square feet per unit (21 du/a) is set to remain in place. This would be a major limitation and has already been determined by HCD to be incompatible with the development of more affordable multifamily housing. Alameda should eliminate the density requirement on this site to allow for more intensive residential development.

### **Height limit exemption for 100% affordable development**

Many nonprofit housing developers who build 100% affordable housing projects create projects which are often four or five stories high and to a density of at least sixty units an acre. Having the specific height limit exemption to accommodate 100% affordable projects, especially along transit corridors and areas rich in services, would enable Alameda to better meet its housing goals for low and very low income households. This could be accomplished by adding this exemption to the proposed Transit-Oriented Housing Waiver.

### **Explore ground leases on well-located excess public open space**

In the Parks + Open Space Element in the city's General Plan, the city has bountiful existing and planned parks but lacks sufficient funding to develop and maintain new ones; consequently the city's primary goal for this element is to "Maintain, enhance and improve the existing system of parks, open spaces, Nature Reserves, trails, and recreational facilities." This contrasts with the need to drastically expand the supply of housing in order to advance the Housing Element's goals of providing an ample supply of housing for existing and projected housing needs, affirmatively further fair housing, and ending and preventing homelessness in Alameda. The city could advance both goals simultaneously if it was able to use excess/underutilized open space for housing, providing new, low-barrier development opportunities that could be leveraged to provide new funding for park development and maintenance.

The map in Figure 5 from the General Plan shows planned public parks (lightest green), many of which have no identified funding source for development and maintenance. Only one, Jean Sweeney Open Space Park (JSOSP), is centrally located, putting it adjacent to existing residential neighborhoods, advancing the city's goals of creating walkable and transit-accessible infill development, and alleviating the need for a costly infrastructure build-out to accommodate new development.

**Figure 5: Existing/Planned Parks + Open Space (from Alameda General Plan 2040)**



The detailed map below shows the current status of JSOSP. Phase 1 development has now been completed, giving the city a new, beautiful, high-quality play area and community space (purple) and a bike and pedestrian path (green) that forms a major part of the Cross Alameda Trail. The remaining, approximately 14-acre undeveloped segment (red) remains empty and will not be developed until the city identifies a source of funding.

**Figure 6: Development Status of Jean Sweeney Open Space Park**



If a small portion of this underutilized land could be used to build housing it could help the city meet both its open space and housing goals. A significant barrier, though, is Article 22, Section 12 of the City Charter, which prohibits public parks from being “sold or otherwise alienated except pursuant to the affirmative votes of the majority of the electors voting on such a proposition,” i.e. via a ballot initiative.

However, the city need not relinquish ownership of this open space to achieve these ends. The city can issue a ground lease for a portion of this space, allowing more homes to be built while maintaining public ownership. Such an arrangement would have two major benefits: it could provide revenue for developing and maintaining new segments of the park; and it would give the city the tools to negotiate for higher affordability percentages in the resulting development than would otherwise be required. If the city chose to go this route, rezoning the relevant portion of the land may be necessary.

## **CONCLUSION**

We look forward to a subsequent draft of the Housing Element that incorporates these suggestions and puts Alameda firmly on the path to achieving our housing production goals while affirmatively furthering fair housing across Alameda.

Thank you for your work advancing environmental sustainability, equity and affordability in our city.

Signed,  
Alameda Housing Element Working Group

Zac Bowling  
Kevis Brownson  
David Burton  
Drew Dara-Abrams  
Mike Friedrich  
Josh Geyer  
Josh Hawn  
Lynette Lee  
Gaylon Parsons  
Laura Thomas

## Nancy McPeak

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**From:** Alameda Citizens Task Force <announcements@alamedacitizenstaskforce.org>  
**Sent:** Saturday, September 10, 2022 10:28 AM  
**To:** Hanson Hom; Diana Ariza; Teresa Ruiz; Asheshh Saheba; Alan Teague; Ronald Curtis; Xiomara Cisneros; Nancy McPeak  
**Cc:** Marilyn Ezzy Ashcraft; Malia Vella; John Knox White; Trish Spencer; Tony Daysog; Andrew Thomas; Manager Manager; Yibin Shen; claire.sullivan-halpern@hcd.ca.gov; paul.mcdougall@hcd.ca.gov  
**Subject:** [EXTERNAL] Item-7-B, Alameda Planning Board Sept. 12, 2022, Agenda-Housing Element & Zoning Amendments  
**Attachments:** We sent you safe versions of your files; Termination of Tennancies AMC.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

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# ACT

## Alameda Citizens Task Force

Vigilance, Truth, Civility

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Dear Planning Board Members

This letter supplements our letter of August 21, 2022, which appears as part of Exhibit 1 in the Planning Department (PD) report attached to Item 7-B of your Sept. 12 agenda. It is submitted in response to that report.

**1. The real impact of the draft Housing Element:** Table E-2, Item 15, consisting of all residential units, contains a total of 995 units, out of a total 6424 units which is over 15%, not the 10% claimed in the report. However, even 15% is a gross understatement of the actual impact of the proposed housing element.

Item 15 (b) projects only 160 new units and is limited to adding new units within the walls of existing structures. However, the housing element goes beyond RHNA requirements to massively upzone all of the 16,000 infill residential parcels in the city to additionally allow conversions or demolition of existing structures with unlimited density if they are within ¼ mile of a good commuter bus line and 30 to 60 units/acre in R-3 to R-6 zoning districts. Considering that many parcels contain multiple households and that there are about 30,000 households in the city (HE Table C-4, PDF page 72), the actual impact of adoption of this housing element and zoning amendments would massively upzone the city!

The PD report justifies this massive upzoning by stating that the Fair Housing provisions of the Housing Element Law require that every zoning district in a city be upzoned to allow for sufficient density to accommodate deed restricted housing for lower income residents. **However, no such provision exists!** We have reviewed the first 14 housing elements formally approved by HCD in the Southern California SCAG region. None of them upzoned all of their residential zones and many have residential zones with a density requirement much lower than our 22 units/acre. This is clear proof the HCD does not require this. Obviously, if the city does the upzoning that would please HCD, but they have no authority to require it. **Thus, the upzoning**

**violates Article 26 (Measure A) of our Charter as it is not required to achieve an approved Housing Element!**

**2. Displacement of Existing Tenants:** Our August 21 letter addresses this subject in detail and will not be repeated here. Suffice it to say that with 16,000 parcels occupied by existing dwellings, many of which contain multiple households, being upzoned to the extent set forth above and with 53% of our city residents being renters, the potential for displacement by these projects resulting from this upzoning could number in the thousands and most certainly in at least the hundreds.

The PD report seeks to minimize this issue by stating the lack of displacement that has been experienced in ADU development. That data is irrelevant to this issue. ADU's do not impact existing units in a structure, they simply add units to a parcel. This minimization of the displacement issue is consistent with the PD treatment of the issue in the General Plan 2040 EIR at PDF page 119 where they assert:

*“In the vast majority of cases, there would be no need to displace existing development, and no displacement of housing is anticipated.”*

Yet in the August proposed HCD Infill Analysis of the former 270-unit allocation they stated:

*“Looking at the available capacity, the City’s projection of 34 additional units from conversions or additions to existing structures is very conservative and will most likely be much higher.”*

Both statements cannot be true! We believe the true statement to be in the August proposed Infill Analysis.

When work begins on these projects displaced tenants will need **immediate** replacement housing. **Our city ordinances give absolutely no assurance of meeting this need.** We have attached a summary of the relief currently available to displaced tenants under the Alameda Rent Ordinance.

If the project includes demolition of the existing structure or a tenant's unit in a structure, the only relief is the one-time relocation payment. **The tenant has no guarantee whatsoever of replacement housing.** Please refer to our Aug. 21 letter discussing the tightness of the rental market and the impact of this displacement on the health and welfare of the tenant.

If the project manages to keep the tenant's present unit intact but requires him/her to leave while work is in progress, the landlord may provide replacement housing or provide a per diem payment for such housing, but for only a maximum of two months.

**It is ironic that Alameda has one of the toughest rent control ordinances in California, then upzones the city, thus encouraging displacement, and does not provide any practical remedy for these innocent tenants.**

**3. Possible Solutions:** The results of the Measure Z ballot measure last year tell us that 60% of Alameda voters oppose the upzoning of the residential infill zoning districts. We suggest that there is room for significant changes in the draft housing element that might not satisfy anybody, but still bring us together to broadly support the housing element. They are as follows:

1. Delete the upzoning of R-1 altogether. It has already been upzoned significantly this year.
2. Delete all of the upzonings of R-2 through R-6 other than allowing additional dwelling units to be constructed within existing structures. Consistency requires that this also apply to the small North Park Street NP-R and NP-MU zoning districts.

3. Limit the above upzoning to no more than 4 units per parcel that must provide at least one tandem parking space per unit. The existing ADU allowance would remain.
4. Present a supplemental EIR to address the above tenant displacement issue and provide meaningful mitigations that guarantee housing for permanently displaced tenants and temporary housing for tenants who will be returned to their unit.

Note that items A, B & C above would meet the Planning Department's Fair Housing position that every residential zoning district in the city provides some housing potential for lower income residents. All 6 districts would project lower income housing via ADU's and R-2 to R-6 would also offer it via the addition of units in existing structures.

It is clear to us that an HCD approved Housing Element can be achieved without polarizing the community and with every neighborhood in the city contributing new housing.

Sincerely,

Alameda Citizens Task Force  
By Paul S Foreman, Board Member



## 6-58.80 - Evictions and Terminations of Tenancies.

*F. Demolition.* The Landlord seeks in good faith and in compliance with the City's Ellis Act Policy to take action to terminate a Tenancy to demolish the Rental Unit and remove the property permanently from residential rental housing use; provided, however, the Landlord shall not take any action to terminate such Tenancy until the Landlord has obtained all necessary and proper demolition and related permits from the City.

*G. Capital Improvement Plan.* The Landlord seeks in good faith to take action to terminate a Tenancy in order to carry out an approved Capital Improvement Plan.

## 6-58.85- Relocation Payments.

### Permanent Relocation Payments

*A. Permanent Relocation Payments.* A Landlord who: (i) takes action to terminate a tenancy permanently for the reasons specified in subsections E, F, G, H, or I of [Section 6-58.80](#),... shall provide to an Eligible Tenant a Permanent Relocation Payment.

*D. Offer of a Comparable Unit.* Notwithstanding subsection B of this [Section 6-58.85](#), a Landlord, in lieu of making Temporary Relocation Payments or **Rent** Differential Payments, may offer the Tenant a Comparable Rental Unit in Alameda while the work on the displaced Tenant's Rental Unit is being completed. The Tenant, in the Tenant's sole discretion, may waive, in writing, any of the Comparable factors in deciding whether the Rental Unit is Comparable.

A schedule of relocation payments can be found at:

\*\*\*\*\*[.alamedarentprogram.org/News-articles/Updated-relocation-payments-2022-2023](http://alamedarentprogram.org/News-articles/Updated-relocation-payments-2022-2023)

As of July 1, 2022, the Permanent Relocation Payment amounts will increase to the following, based on the size of the rental unit:

- **Studio:** \$6,004
- **1 bedroom:** \$6,743
- **2 bedrooms:** \$7,789
- **3 bedrooms:** \$9,781
- **4+ bedrooms:** \$11,430

Tenant households that include someone age 62 or older, who has a disability, or who has a child younger than 18 receive a larger payment. Permanent Relocation Payment amounts for these Qualified Tenant Households will increase to the following:

- **Studio:** \$7,758
- **1 bedroom:** \$8,869
- **2 bedrooms:** \$10,408
- **3 bedrooms:** \$13,425
- **4+ bedrooms:** \$15,900

## Temporary Relocation Payments

In addition, tenants who are temporarily displaced from their unit through no fault of their own may be owed Temporary Relocation Payments until they are able to return. These amounts are similarly adjusted annually.

As of July 1, 2022, the per diem payment amounts will be updated to the following:

- **Hotel or Motel:** \$228 per day per household
- **Meal Expenses:** \$66 per day per person
- **Laundry:** \$1 per day per household
- **Pets - Dog:** \$67 per day per animal
- **Pets - Cat:** \$36 per day per animal

Further explanation of temporary relocation payments can be found at:

\*\*\*\*\*[.alamedarentprogram.org/FAQs/Temporary-Relocation-Schedule](https://www.alamedarentprogram.org/FAQs/Temporary-Relocation-Schedule)

**Temporary relocation assistance is owed when:**

- 1. The landlord takes action to terminate a tenancy temporarily; or**
- 2. When the tenant has temporarily vacated the rental unit:**
  - (i) in compliance with a governmental agency's order to vacate;**
  - (ii) due to health and safety conditions, as defined; or**
  - (iii) as part of an approved Capital Improvement Plan.**

## Temporary Relocation Payment Amount

For the first 60 days from the date the tenant vacates the rental unit, the landlord shall make Temporary Relocation Payments to the tenant until the tenant re-occupies the unit within seven calendar days after the landlord has informed the tenant in writing that the repairs have been made or the Health and Safety Conditions eliminated and the tenant may re-occupy the rental unit.

Applicable Temporary Relocation Payments shall be calculated on a daily basis and paid at least on a weekly basis. A tenant continues to pay rent to the landlord while receiving Temporary Relocation Payments.

If the work necessary to comply with the governmental order or to correct the Health of Safety Conditions takes longer than 60 days to complete, the landlord shall make Rent Differential Payments to the tenant until either the work is completed and the tenant re-

occupies the rental unit within seven calendar days after the landlord informs the tenant in writing that the rental unit may be re-occupied, or the tenant finds alternative, permanent housing. A tenant shall not pay rent to the landlord while receiving a Rent Differential Payment.

The Rent Differential Payment is calculated by subtracting the lawful rent the tenant is paying at the time the tenant vacated the rental unit from the Fair Market Rent, as set forth below, based on the number of bedrooms in the rental unit from which the tenant has been displaced. If the Fair Market Rent is less than the lawful rent paid by the tenant, then no Rent Differential Payment is required.

<b>Rental Unit</b>	<b>Fair Market Rent</b>
<b>Studio</b>	<b>\$1,463</b>
<b>1 bedroom</b>	<b>\$1,771</b>
<b>2 bedrooms</b>	<b>\$2,207</b>
<b>3 bedrooms</b>	<b>\$3,037</b>
<b>4+ bedrooms</b>	<b>\$3,727</b>

Amounts effective 7/1/2022



September 11, 2022

City of Alameda Planning Board  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

**Subject: Revised draft zoning amendments related to Housing Element (Item 7-B on 9-12-22 Planning Board agenda)**

Dear Planning Boardmembers:

The Alameda Architectural Preservation Society (AAPS) is continuing to review these extremely complex and important documents, so the following comments are preliminary and subject to modification and expansion. In particular, we need a version of the zoning changes that reflect modifications from the July 1 draft so that we can find those changes without laboriously comparing the July 1 text with the current text. The following comments reiterate many of our June 12, 2022 and July 10, 2022 comments, but with some modification and significant new comments, notably Items 2 (first two paragraphs), 3, 6 (third paragraph) and 16:

- 1. The proposed upzonings continue to be excessive.** We reiterate our comments previously submitted in detail especially in our May 8 letter to the City Council and our May 22 letter to the Planning Board that most of the various forms of upzonings (residential density and height limit increases) proposed in the draft Housing Element and the zoning amendments within **all** of the residential zoning districts and in the historic commercial districts appear unnecessary to meet the RHNA and state fair housing requirements. Again, we have not been able to find anything in state law or published California Housing and Community Development (HCD) guidelines that demand such sweeping and indiscriminate upzonings **everywhere**. Recently certified Housing Elements for other communities do not include such massive upzonings to meet the RHNA and fair housing requirements. The staff report notes that HCD's August 25, 2022 letter specifically references Program 4 as critical to accommodate the RHNA and affirmatively furthering fair housing, but this reference is just in passing, includes Program 4 among "many other" Housing Element actions (including Programs 1, 2, 3 and 6) and does not discuss the degree and extent of Program 4's provisions.
- 2. Delete Program 4's R3–R6 residential density increases, including the Transit Overlay Housing Waiver (TOHW).** The 270 units previously estimated for "Site 15b"-- infill residential development (Pages E-14 and E-15) and Program 4 (pages 19-20) has now been reduced to 160 units, largely made possible by the 150 additional condominium units obtained through conversion or redevelopment of the Coral Reef Hotel at 400 Park Street. Site 15b is now limited to unlimited density within existing buildings throughout the City. This provision is also included in Program 4, but Program 4 still also consists of the highly problematic density increases in the R3 through



R6 zoning districts, and the TOHW's unlimited density and 40 foot height limit for development in **new** and existing buildings within a quarter-mile of the 51 bus line and other "high quality" bus routes.

The R3-R6 upzonings and TOHW are therefore not necessary to meet the Regional Housing Needs Assessment (RHNA) but the Housing Element and staff report state they are still necessary to meet the state's fair housing requirements. Again, such a vast upzoning to meet the fair housing requirements is unnecessary and overkill.

We reiterate our previous TOHW comments that:

- a. Reliance on bus lines as a basis for upzoning is unwise. Bus routes can be easily changed or eliminated and the high frequency service that is critical to a "quality" transit route can be easily reduced. It is irresponsible to base long-term and not easily reversed massive upzonings on something as ephemeral as a bus route. Planning for transit-oriented development is more appropriately based on more permanent transit infrastructure, such as fixed rail; and
- b. If the TOHW is retained, it should be as a pilot program and:
  - i. Applied only to the extent necessary to meet the RHNA and/or fair housing requirements;
  - ii. Applied only to important nodes and to existing buildings fronting the transit corridor itself rather than within ¼ or 1/8 mile;
  - iii. Retain the July 1 draft zoning amendments 1000 sf maximum unit size as a way to maximize the number of units and promote affordability, rather than use the now-proposed 1200 sf; and
  - iv. Use AAPS's previously recommended expanded ADU program as an alternative to State Density Bonus Law (SDBL) projects.

If the pilot program works out well over a significant period it could be later expanded.

In addition, the TOHW mapping is based on the location of the "high frequency transit corridors", rather than an actual map or verbal description of the actual corridors (e.g. the 51A bus line) as they existed on the date of the zoning amendment adoption. **This is irresponsible and somewhat bizarre, since it appears to mean that the mapping of such corridors is under the control of AC Transit.** If AC Transit adds, deletes or changes a route, 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 was provided to the Historical Advisory Board at its June 2, 2022 meeting.

**3. Reduce Site 15b's (Adaptive Reuse Residential Density Waiver) unlimited density proposed for new units within existing building envelopes to four units per parcel, plus ADUs.**

Reduction to four regular units per parcel would eliminate the possibility of state density bonus

law projects on these parcels and the possible height limit increases, waiver of universal design requirements and even a waiver from the requirement that the new units be within an existing building envelope. But if more units are desired, they could be in the form of ADUs, which would not count toward the five units that would allow density bonus projects. Extra ADUs above a certain threshold could also be designated deed-restricted affordable, which would accomplish the density bonus objective of providing affordable housing, without the potential unintended consequences.

Since the proposed unlimited density within existing buildings would produce only 160 units citywide over the eight year housing element cycle or 20 units per year, limiting the new units to four per parcel should be sufficient, especially if the ADU allowance is increased, given that ADUs count toward the RHNA.

**4. Revise the proposed zoning text for Site 15b (Section 30-5.11) to read as follows:**

*To support and encourage construction of new housing units within existing buildings, addition of one or more housing units within an existing building located in a zoning district which permits residential uses shall be exempt from any applicable residential density standards. The exemption shall not apply if the proposal includes modifications to the exterior of the building are not exempt from Design Review pursuant to Section 30-37.2.b Exempt Improvements. No addition to the building exterior may be made for a period of 10 years following final inspection pursuant to the building permit issued for the additional housing units.*

**5. Elimination of all provisions implementing City Charter Article 26.** The draft zoning amendments now explicitly delete Article III from the Development Regulations which sets forth the provisions implementing Article 26 and confirms the effect of the massive upzonings discussed in Items 1, 2 and 3 above, despite the likelihood that the upzonings to the degree proposed are not necessary to obtain a certified Housing Element. This deletion parallels the provisions in the draft Housing Element that effectively repeals of Article 26. **Has the City Attorney reviewed this?**

**6. Webster Street and Park Street height limits.** We still consider the proposed unlimited density and increased height limits for the historic portions of Park and Webster Streets<sup>1</sup> unnecessary to meet the RHNA and the state's fair housing requirements and which, through density bonus projects, could lead to taller buildings than intended, as well as other unforeseen consequences.

We also continue to recommend that the existing 60 foot by-right height limits on Park Street itself between Encinal and Lincoln be reduced to 40 feet, although with greater height allowed with a use permit.

**If these height limit changes are implemented, we could support increasing the by-right residential density within the historic areas to 30 units/acre from the current 21.78 units/acre.** This would still meet the state's 30 unit/acre threshold for counting the development capacity toward the RHNA affordable housing requirements. Allowing 30 units/acre rather than unlimited density would reduce the potential development capacity on Webster Street by only two

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<sup>1</sup> See Item 16(a) below for definition of "historic portions of Park and Webster Streets".



units, but would reduce and possibly make unfeasible of the proposed 50 unit project at the old two story Bank of America building at the northwest corner of Park Street and Santa Clara Ave. We understand that this project would involve demolishing the existing building except for the street facades and constructing a new four or five story building behind the facades, possibly with upper floor setbacks. Although keeping the street facades is better than complete demolition, the building is a major contributor to the Park Street National Register District. A project like this will set a bad precedent that would incentivize similar projects and could eventually lead to disqualifying Park Street from the National Register.

Although the revised drafts continue to propose a 60 foot height limit for all of Webster and Park Streets, for Webster Street the 15 foot setback for upper floor height would now be triggered by 40 feet rather than the previously proposed 50 feet. This is helpful but also consider the following variations:

- a. Provide a 60 feet height limit north of Lincoln on Webster Street without setbacks in exchange for keeping 40 feet south of Lincoln.
- b. If the upper floor setback approach is kept south of Lincoln:
  - i. Base the upper floor setback on sight lines rather than 15 feet (as WABA originally proposed for heights over 40 feet north of Lincoln); and
  - ii. Require the upper floor setbacks on the street side of corner lots in addition to along the front lot line. The setback along the street side lot lines could be reduced for narrow lots (perhaps for lots with widths less than 40 feet and perhaps with the side setback proportional to the lot width).

We were surprised by the concern of some Planning Board members that dividing Park Street and Webster Street into different height zones would be too complicated. This is already done on Park Street and is a common practice in other communities. Good zoning rules should be based in part on conditions on the ground rather than a potentially arbitrary mapping over a relatively large area that does not recognize more localized conditions.

7. **For new buildings at the front of interior lots and adjacent to existing buildings with substandard front yard setbacks, allow exceptions to the normally required front yard setback by allowing the setback to be the average of the adjacent buildings' front setbacks.** This is similar to a provision now proposed for deletion currently applicable only to entire blocks within new large scale developments that should be retained and expanded to apply to individual development sites to help maintain streetscape, design character and more efficient lot coverage.
8. **Minimize interior and exterior demolition to promote resource conservation and retain valuable materials.** When adding units within existing building envelopes, include requirements that discourage gut rehab to help preserve distinctive interiors and minimize the amount of debris that ends up in the landfill. This strategy will promote the resource conservation provisions added last year to the General Plan and help avoid over-improvements that increase costs and inhibit production of affordable housing. For pre-1942 buildings, the California Historical Building Code (CHBC) would help implement this strategy, since:

- a. the CHBC allows alternatives to regular code that preserve historic fabric, can significantly reduce code-related project costs and allow projects that would be financially infeasible under regular code to become feasible; and
- b. in Alameda, the CHBC applies to all pre-1942 buildings and post-1942 buildings on the Historic Building Study List, comprising thousands of structures.

**9. Other residential zoning relaxations.** There are numerous other relaxations of existing zoning rules, including reduction of minimum lot sizes to 2000 ft.<sup>2</sup>, 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.

**10. In all residential zones, require the portion of a building over 30 feet to be located within the roof envelope,** using gables and dormers to develop habitable living space to minimize visual bulk, mitigate solar access impacts on neighbors and so that large new buildings do not look like big boxes, like many post-1920s apartment buildings. See examples attached to our 7-10-22 letter of buildings with a ca. 30 foot wall height and ca. 10-15 foot roof height with living space within the roof envelope.

More detailed provisions could include requiring the roof pitch to be between 4:12 and 12:12, subject, where applicable, to the context-- based roof pitch in the Objective Multifamily Design Review Standards. We are suggesting 4:12 as a minimum roof pitch because lower pitches will look too underscaled and awkward on buildings with 30 foot wall heights. But we expect many applicants will opt for a steeper pitch anyway, since it will maximize the amount of floor area within the roof envelope. Many early 20th century “steep roof” (mostly Colonial Revival) houses have roof pitches up to approximately 24:12, but this is probably too steep for purposes of this proposal so we are recommending a 12:12 maximum.

If this proposal is pursued, it could be further fine-tuned.

**11. North Park Street.** We would again like to thank staff for reducing the Residential Subarea height limit from the previously proposed 45 feet to 40 feet. This is still a full story higher than the existing 30 foot height limit but could be workable if the portion of the building above 30 feet is included in the roof envelope as discussed in Item 10 above and exceptions to these height provisions triggered by state density bonus law projects can be avoided.

We continue to recommend:

- a. A 40 foot height limit on the west side of Park Street between Lincoln and Buena Vista Avenues to, among other things, avoid visual competition with the visual landmark McGee’s Building, especially the tower (see the simulation that we previously provided of McGee’s with a 60 foot tall building mass next to it, where, among other things, the heights of various elements of McGee’s are indicated);



- b. Retaining the existing one unit per 2000 ft.<sup>2</sup> of lot area in at least the Residential, Mixed Use and possibly portions of the Workplace Subdistricts; and
- c. Retaining the existing height limits within the Mixed Use and possibly portions of the Workplace Subdistricts unless the portions of a building above 30 feet are within the roof envelope as discussed above for the Residential Subdistrict.

As an alternative to (a):

- (i) between Pacific and Buena Vista provide a 40 foot height limit and allow greater height if setback 30 feet from the Park Street frontage to avoid visual competition with McGee's; and
- (ii) between Lincoln and Pacific base the height limit on the results of a historical/architectural evaluation for the very old building at 1623 Park Street, which has been altered but may be restorable.

See Item 9 in our June 12, 2022 comments and our May 8, 2022 letter to the City Council for further discussion. As stated in the May 8 letter, **much of North Park Street consists of one of the oldest and most historically significant residential areas in Alameda** in addition to the important historic buildings on the west side of Park Street between Lincoln and Buena Vista Avenues.

- 12. On residential frontages where at least 75% of the block face is developed with one story houses, require that upper floors be set back from the front wall. We recommend a setback of at least 15 feet.** This expresses a provision in the Guide to Residential Design as an objective standard. It was considered as part of the Objective Multi Family Design Review Standards, but staff thought that it should be treated as a zoning standard (since it limits the potential building envelope) rather than as a design standard.

Although a setback less than 15' might be sufficient, we are recommending 15 feet to help ensure that the visibility of the upper floor is sufficiently minimized. Specific examples of upper floor setbacks on existing houses could be studied to help determine the appropriate amount of setback. We recommended 15 feet after looking at about a dozen of these houses. Several of them had upper floors set back more than 15 feet. If the Planning Board is interested in the overall approach, specific examples of existing buildings with varying upper floor setbacks could be presented to the Board to help determine the amount of setback.

- 13. Include the Bridgeside Shopping Center within the Community Mixed Use Combining (CMU) District.** The Bridgeside Shopping Center is currently in the North Park Street Workplace Subdistrict, which requires residential uses to be above ground floor non-residential uses, which is not required in the CMU District. Including Bridgeside in the CMU district would enhance the feasibility of residential development at Bridgeside. Also, the North Park Street Workplace height limit is 60 feet at Bridgeside, while the CMU District allows 65 feet.

- 14. Proposed ADU height increase to 25 feet from 16 feet in certain cases (Zoning Amendments Section 30-5.18c.4.(f)).** This is problematic due to, among other things, potential privacy impacts on neighbors. Arguably, a 25 foot tall accessory structure is no longer accessory except in name.

**15. Revise the new last sentence of the North Park Street Building Height Exceptions (Zoning Amendments Section 30–4.25d.iv) to read:**

*If any side or rear lot line abuts a residential property in ~~a~~ the ~~Residential, Mixed Use or Workplace~~ sub districts, the height limit of the adjacent sub district shall apply within twenty (20') ~~20~~ feet of such lot line.*

We are recommending this change because the Mixed Use and to a lesser degree the Workplace Subdistricts contain significant numbers of residential buildings.

**16. Environmental review.**

The staff report relies on the General Plan EIR as the environmental document for adoption of the Housing Element and related zoning amendments and states that no further environment review with respect to the General Plan EIR is required. **This assertion is highly questionable regarding impacts on historic properties.**

The General Plan EIR is a “program” EIR, that analyzes many potential environmental impacts only at a generalized level and “tiers” (defers) more detailed analysis to subsequent environmental review for more specific actions such as individual projects and the Housing Element and zoning amendments. This strategy is reflected in, among other places, the following statements on pages 2-22 and 2-23 of the General Plan Final EIR, which responded to comments in AAPS’s 6-21-22 letter commenting on the Draft EIR:

1. Land Use Classifications and Zoning Changes to Accommodate the Regional Housing Need. Staff is recommending that these provisions be amended in the final draft General Plan to remove specific recommended zoning changes to accommodate the regional housing need. Those zoning changes will occur as necessary when the Housing Element is adopted.
4. Zoning Changes for Heights and Uses. Whenever a change to the zoning is proposed, that proposed change will be subject to review under the California Environmental Quality Act. At that time, it can be determined if the proposed change would result in a significant impact on the environment.

Note: The General Plan originally proposed specific residential density and height limit increases similar to, but less radical than those now proposed in the Housing Element and zoning amendments, but those increases were removed from the General Plan, based at least in part on AAPS’s 6-25-21 letter’s observation that the density and height limit increases does result in adverse impacts on historic properties. Item 1 above from the final EIR refers to these removals, and in combination with Item 4, tiers evaluation of the impacts of these increases on historic properties to CEQA review of the Housing Element and zoning amendments.

However, as we have previously and repeatedly noted, **the proposed residential density and height limit increases will encourage demolition and replacement of historic buildings with new and larger buildings that architecturally disrupt historic neighborhoods and are**



**inconsistent with Theme 4 “Character” on page 17 of the General Plan.** The increases could also encourage architecturally incompatible alterations and additions to historic buildings.

The General Plan EIR appropriately justified deferring evaluation of the density and height limit increases to the Housing Element and zoning amendments primarily because after these increases were removed from the General Plan, the location and extent of the increases, including their location relative to historic properties, was no longer known and could not be known until the specific increase proposals were provided in the Housing Element and zoning amendments. **Now that the proposals are available, environmental impact analysis of the proposals’ impacts on historic properties is now feasible and necessary** (contrary to the staff report’s determination), based on CEQA Guidelines Section 15162(a), which reads in relevant part:

*When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*3. “New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete... shows any of the following:*

*A. The project will have one or more significant effects not discussed in the previous EIR...*

In this case, the “new information”, of course, is the specific degree and locations of the density and height limit increases (including locations relative to historic properties), that were not known at the time of the General Plan EIR certification.

Finally, the staff report determination appears to assume that impacts of the residential density and height limit increases will be tiered to the project level once specific projects allowed by the density and height limit increases are proposed. However, Programs 2, 3, and 4 contain the following or very similar language:

*“Permit multifamily housing, shared housing, transitional housing, supportive housing, senior assisted living, and low barrier navigation 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.”*

The use of the phrases “by right” and “ ‘by right’ means the use shall not require... discretionary review or approval” and the reference to Objective Design Review Standards” suggests that review of all of these projects throughout the City will be “ministerial” rather than “discretionary” and therefore exempt from CEQA. If this interpretation is correct, **environmental review of the impacts of such projects on historic properties at the Housing Element and zoning amendments level is the only opportunity for evaluating these impacts, since the analysis normally cannot be tiered to the project level. Is it actually the City’s intent to exempt all of the above project types from CEQA, even when the projects adversely affect historic**

**properties?** It our understanding that such a broad exemption goes beyond the requirements of State law.

Moreover, some projects such as SB 35 projects (including SB 35 projects combined with state density bonus law projects) are not subject to environmental review for historic preservation impacts unless they involve demolition of national, state or local register properties. But such projects still have significant effects for CEQA purposes on such properties, such as incompatible new construction within a historic area or adverse alterations to such properties.

Related to all of this, the staff report states:

*Older and Significant Properties. AAPS correctly points out that the residential districts include a very large number of older Victorians and historical Study List properties. In recognition of Alameda's older building stock, **the zoning amendments do not change how the City treats historic properties or the review process for alterations or demolition of a Study List property (emphasis added).***

The above paragraph suggests that developments impacting Study List and presumably Historical Monuments and pre-1942 properties would not be ministerial and still be subject to CEQA and HAB, at least with regard to historic property impacts. **How can all of these seemingly contradictory and somewhat ambiguous statements be sorted out?**

### **Proposal.**

To avoid adverse impacts of the Housing Element and zoning amendments on historic properties, we recommend the following changes to the Housing Element and zoning amendments. The changes are mostly based on a project alternative which we previously provided for the General Plan EIR, which became moot regarding the EIR due to the deletion of the residential density and height limit increases from the General Plan:

*a. Delete the proposed residential density and height limit increases, in the following areas:*

- (i) the R-2 through R-6 Zones, the NP-R and NP-MU Zones (portions of the North Park Street area), and the C-1 Zone (which includes the "Stations"), all as shown on the 2020 City of Alameda Zoning Map;*
- (ii) the historic portions of the Park and Webster Street Business Districts; and*
- (iii) properties that are on the City of Alameda Historical Monument or Historic Building Study Lists;*

***except** for increased density within existing building envelopes resulting in a maximum of four regular dwelling units per parcel plus ADUs.*

*Define the historic portion of the Park Street Business District as:*

*"The portion of the Park Street Business District located in: (i) the C-C Zone south of Lincoln Avenue; and (ii) the NP-G Zone on the west side of Park Street between Lincoln and Buena Vista Avenues all as shown on the 2020 City of Alameda Zoning Map."*



*Define the historic portion of the Webster Street Business District as:*

*“The portion of the Webster Street Business District located in the C-C Zone between Central and Lincoln Avenues as shown on the 2020 City of Alameda Zoning Map”*

- b. Clarify the “by right”, “not require discretionary review or approval” and references to “Objective Design Review Standards” to ensure that the current discretionary approval procedures for historic properties as set forth in the historic preservation ordinance and the City’s current design review procedures, including new construction within the Park Street and NAS Alameda (Alameda Point) National Register Districts, will be retained.*

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: TOHW map

cc: Mayor and City Council (by electronic transmission)  
Historical Advisory Board (by electronic transmission)  
Andrew Thomas and Allen Tai, Planning, Building, and Transportation Department (by electronic transmission)  
California Department of Housing and Community Development (by electronic transmission)  
AAPS Board and Preservation Action Committee (by electronic transmission)





**"3 Blocks to Transit" Overlay**  
**Approx. 1/4 Mile From High Frequency Transit**  
**= 5-minute walk**



## Nancy McPeak

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**From:** Maria Piper <mbtomori@gmail.com>  
**Sent:** Monday, September 12, 2022 3:58 PM  
**To:** Nancy McPeak  
**Subject:** [EXTERNAL] Housing Diversity

Hello Nancy and Planning Board,

My husband and I purchased a townhome in Bay Farm in 2014 that we, quickly outgrew by having three children and my mother move in with us (in addition to our pets). We sold our townhouse in 2020, and due to the cost of purchasing, we are renting a single-family home.

We are very interested in staying in Alameda and would like to eventually buy again, but I've noticed there isn't a lot of diversity in current and future developments for homes that would fit our family. We would be happy to purchase a townhouse again, but would honestly prefer a one-story condominium-style unit since my mother would prefer to have no stairs and the more modern townhouses (with garages at the bottom) would require her to at least ascend one level to get to the main living space. We would also, ideally, like have 5 smaller bedrooms instead of a smaller number of larger rooms, but I have seen only one recent townhome/condo style building with 5 bedrooms (near Alameda Point), and I believe that had one unit with that floorpan total.

Alameda has many multi-generational households that would like to stay in tact, and it seems like most of the housing that is being designed is for smaller family units or people without mobility concerns. I would love to see more housing that would allow families like mine to live in larger buildings than to rely on a small number of single-family homes or townhouses that require the use of stairs.

I'd also encourage the planning board to utilize more of a co-housing design with a focus on building community while balancing privacy and keeping vehicles out of common spaces to make them safer. When communities are built around alleys with garages, they become unsafe for non-cars to use and inevitably, arguments break out over who should be allowed to use the space, often with cars winning out. For example, in my former townhouse community Islandia, the best place to have kids do chalk drawings or learn how to ride a bike was in the alleys, but there was constant tension over who should be allowed to use them. The HOA monthly newsletter consistently reminded people that the alleys were "fire lanes" and that kids should leave the community entirely to play at parks (which also didn't have good areas for wheeled activities). I believe we should focus the design of communities for people first — to enable people to play, interact, and get to know one another, not to make it as convenient as possible for a car to get in and out.

Thank you for taking the time to read my thoughts. I hope it's helpful and look forward to seeing all of the new housing get built. Hopefully we'll be able to make use of it!

—MariaPiper