

Date August 7 2023

From Shelby Sheehan

SUMMARY OF FACTUAL AND ACCESS VIOLATIONS

No Transparency, Verifiability, or Accessibility of Information

My Sunshine Complaint arose out of my attempt to understand how the RESHAP and West Midway (South of Midway Project /SWM) devolved from a medium density mixed-used project into one that has double the residential units and bares almost no resemblance to the one allowed per the Main Street Plan and AP EIR.

Mind you, the process has evolved over 10+ years, but that makes it even more important to be transparent and accurate at each step.

Original Project

The feasible and compliant Project was a mixed-use walkable neighborhood with 200 RESHAP units and 291 M-R units, consistent with Project Plans from 2018 through 2020.

New Project

The current project (1) relocates, shrinks, and doubles the density of the RESHAP parcel; and (2) contains 786 residential units in nearly identical 4-story towers and dubiously permitted waivers.

I was completely unable to track the changes over time, and I continue to find more and more "irregularities" and "misinformation" that has plagued this Project since 2021. As I continue to read through more documentation, I STILL am trying to uncover how the current 2023 Plans could get approved given they appear to be totally out of compliance with regulatory requirements.

Sunshine Violations

I am dismayed that it appears the current Project Plan is out of compliance with the relevant land use plans, and the process by which is got there is shrouded in secrecy and perpetuated by "un-truths" from City Staff that began as part of the development of the new Housing Element.

More importantly, these mis-statements of facts should never have entered the public domain, because the City Attorney has a statutory duty to ensure that published documents are accurate, complete, and impartial.

Therefore, there has been a complete failure of process on a few different levels.

If this Project had retained the Plans as proposed in 2018-2020, it would be a good Project. The Point needs revitalization, and the MSP RESHAP design is excellent. The mixed use development in the MSP is well-designed with a mix of housing, a new campus for the supportive housing, open space, shopping, etc.

HARM: If this Project is built will irreversibly erase Alameda History, cause significant environmental impacts, and increase the very housing inequities, disenfranchisement, and segregation that Alameda purports to want to reverse.

RESHAP Project Devolution

Rebuilding the RESHAP parcel at Collaborative Partners preferred site is one of the two primary goals of redevelopment within the MSSP Plan area:

"2) To ensure the existing supportive housing accommodations are rebuilt in their preferred site and well-integrated within the Plan Area and future development for the Collaborating Partners."

My biggest concern is the misguided and closed-door decisions for the relocation of the RESHAP Project from the edge of Main Street to a 20% smaller parcel on the western boundary of the Main Street neighborhood.

The Collaborative Partners traded their existing 34-acres in consideration of a new well-designed 10.3 acre 200-unit "Campus" in a location exclusively for their clients, chosen to meet several objectives that would allow the Collaborating Partners to compete for the Low-Income Housing Tax Credits needed to finance the new supportive housing.

It was even codified in the Main Street Plan, but that still didn't protect it from being degraded.

The RESHAP parcel vision-designed by and for the residents--has been destroyed by the reckless closed-door decisions to reconfigure it to a 20% smaller property with double the units, and twice as far from the school to St to the high traffic corner of Pan Am.

The current Plan forces RESHAP to be kicked out of their designated parcel, shrunken, and at the same time was forced to absorb all the M-R "affordable housing" (from 200 units to 330 and climbing), with increasingly generic and 2 stories higher residential towers in a non-designed barracks.

This amounts to segregation rather than inclusion, and ever-increasing inequities.

In a town that claims to promote housing policies that" *"...ensure that all people and all neighborhoods are considered equal and will have equal opportunities to provide for a safe, high quality of life for themselves and their families, free from discrimination, exclusion, displacement, and exposure to environmental or public health hazards."*

Land Use Plan Violations

The City repeatedly states that the current Project is "consistent" with land use plans, but provides no evidence to verify their claims.

The Projects are bound by the Alameda Point EIR, and the Main Street Specific Plan.

The 2021-22 changes to the General Plan and Zoning Ordinances did not change the authority of the Main Street Specific Plan, or the approved Project for Alameda Point.

Therefore, development that is not in conformance with the AP EIR is infeasible (based on the EIR "Alternatives Analysis") and reports to the contrary are erroneous.

The ONLY allowable development "Project" at Alameda Point Project certified by the City of Alameda is as follows:

**TABLE 2
TOTAL HOUSEHOLD UNITS, HOUSEHOLD POPULATION, AND TOTAL EMPLOYMENT
PROJECTIONS FOR ALAMEDA POINT AND SWM PROJECT**

Project Type	Housing Units	Resident Population	Total Employment (Jobs)
AP EIR	1,425	3,240	8,909
Site A	800	1,784	971
Market Rate and Moderate Income Residential Mixed-Use	291	649	485
RESHAP	267	595	65
Difference	67	212	7,388

FACT-CHECKING THE RESHAP STAFF PRESENTATIONS July 18, 2023

RESHAP Staff Report (2023-3181): "Summary Title: Approval of Development Agreements with MidPen Housing and the Collaborating Partners for the RESHAP Project Consisting of 309 Permanent Supportive Housing Units on a New 8-Acre Campus at Alameda Point, Including Declaring the Property Exempt Surplus Land"

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Review of Statements made in the Summary Report as follows:

STATEMENT 1: The West Midway Project is one of three critical projects to the City's commitment in its Housing Element to construct 1,482 housing units over eight years on City-owned land at Alameda Point.

FACTS:

- 1a. An additional 1482 units exceeds the amount permitted by the AP EIR and the current 2040 General Plan and Zoning Ordinances.
- 1b: The AP EIR maximum allowed is 1425 units (125 reserved for A-R Subarea)
- 1c. Currently there are 454 units on Site A (2022-2245)

1d. The MSSP is the superceding regulatory document (Ch 8 MSSP) and as referenced in the GP and Zoning Ordinances.

1e. The 2040 GP EIR did NOT re-evaluate or override the MSSP or AP EIR, and did NOT allot extra housing to the MSSP because it has its own overriding specific plan.

1f. The Housing Element is NOT a regulatory document.

STATEMENT 2: In addition to the 478 units provided by the West Midway project, the West Midway project provides critical infrastructure and site preparation improvements for the adjacent RESHAP Property, which includes 309 supportive housing units reserved for very low-income, low-income, and transitional households.

Without the West Midway Project, the RESHAP project will not be able to proceed as planned.

FACTS:

2a. West Midway M-R units shall only enough to be sufficient to support 200 RESHAP units infrastructure .(MSSP, 2018 RFQs)

2b. The 2017 Feasibility Analysis (2017-3941) determined 291 M-R units
67 affordable units were coercively added to the RESHAP parcel in 2018.

2c. The RESHAP parcel is supposed to be exclusively for the 200 units for only Supportive Partners (MSSP, 2018 RFQs, previous staff reports, etc)
Units over 200 on the RESHAP parcel should be prohibited as violating the terms of the RESHAP development design that they received a \$350,000 grant for. Adding them to RESHAP is also segregation rather than inclusion, and if RESHAP is required to operate them, they should be compensated.

2d. The increases in M-R units are causing the cost problem because they are putting their affordable units on that parcel, increasing the infrastructure cost
The additional affordable units sited on RESHAP should reasonably be considered a M-R cost, so the calculations are not accurate

2e. There is no documentation that explains or evaluates the huge jump from the original number of units to the current—it happened behind closed doors sometime during 2021 and just showed up in 2022 without reference to the original well-reasoned and well-documented rationales and project costs (

2f. The RESHAP Project is eligible for and has received funding from various public agencies including the City that meet or exceed the potential development costs (ARPA Funds, MTC Grant, Boomerang Loan Forgiveness, City General Fund money)
The developer should facilitate obtaining grants by following the required guidelines instead of using that as an excuse to build more M-R and shove their affordable units and costs erroneously and exploitatively into the RESHAP Project site and costs.

STATEMENT 3. The West Midway Project consists of 478 new housing units, up to 10,000 square feet of non-residential uses and associated streets, infrastructure, utilities, and open space on approximately 26 acres of land immediately adjacent to the **8-acre** RESHAP project site in the Main Street Neighborhood Specific Plan area of Alameda Point.

FACTS:

3a. This City Council meeting is the **first** time the reduction to 8-acres is reported

- 3b. All prior 2022 and 2023 RESHAP “approvals” reported the RESHAP site as 9.7 acres or did not reference the size at all.
- 3c. There is no explanation of why it was moved or how it was evaluated

STATEMENT 4: The West Midway Development Plan and Development Agreement (DA) were unanimously supported by the Planning Board on May 22, 2023.

FACT:

- 4a. The Planning Board concerns were not recorded, it wasn’t a slam-dunk, and we don’t know what they were, but we should.

STATEMENT 5. Staff is now recommending that the City Council hold a public hearing and take the actions necessary to facilitate the construction of the West Midway Project, including: Approving a resolution declaring the 26-acre West Midway property at Alameda Point to be “exempt surplus land” under the Surplus Lands Act, as part of companion RESHAP project staff report and action items (see RESHAP staff report and agenda item);

FACT:

5. The new size of 26 acres is a 4-acre increase in the parcel size, which was done behind closed doors without explanation concurrent with moving the RESHAP parcel. Each increase in WM results in a decrease in RESHAP.

How is that equitable?

STATEMENT 6: ...and allocate \$9.5 million from Fund 290 (Alameda Point Fund) for a loan to construct infrastructure and site preparation for the RESHAP project to be repaid at a later date with the construction of the adjacent market rate housing projects;

FACT:

6. Problem solved! But it doesn’t take care of the erroneous calculations

STATEMENT 7: On March 21, 2017, the City Council approved the Main Street Neighborhood Specific Plan which establishes the City’s specific development policies and standards for development of the area bounded by West Tower Avenue, Pan Am Way, and Main Street (the Main Street Neighborhood). The Specific Plan (1) designates the West Midway Property for *residential development* and (2) identifies the adjacent RESHAP project as *one of the two primary objectives* for the development of the Specific Plan area.

FACTS:

- 7a. (1) The West Midway Property is designated specifically per ABAG Plan Bay Area rules as “Residential Mixed-Use”

*This is **not** the first time it is misrepresented as “residential”*

Mr Thomas conveniently reported it as residential to the Planning Board and other bodies, and the Housing Element states it as residential, even though it is designated as medium density mixed use in the General Plan and Zoning Codes

This “misstatement” influenced the bodies to accept the Project with little attention to the commercial requirements

- 7b. (2) Correctly, the MSSP states” “identifies the adjacent RESHAP project **in the preferred location** as one of the two primary objectives for the development of the Specific Plan area.

*This twist of words **intentionally** minimizes the CODIFIED RESHAP location and design which precluded an honest and properly informed vote.*

7c. The original location and design occurred in a very public stakeholder involved 2 year process and was codified in the MSSP to protect the integrity of the Project. (MSSP, RESHAP Desing September 2017)

It was developed by and for the residents over a 2-year stakeholder-vetted process at the Ideal location for affordable housing due to its proximity to existing parks, public transit, off-site amenities (e.g., schools, retail etc), and “existing infrastructure efficiencies” including close proximity to APC’s employment opportunities at Ploughshares Nursery

7d. The new location was cooked up by the City and developers behind closed doors over a month or so and proposed first as a “Concept” during the February 28 2022 Planning Board meeting (2022-1782) about the Housing Element and without any merit or documentation except that it benefits the M-R site (Andrew Thomas in all public appearances 2022 and 2023)

7e. The 2023 Presentation (Exhibit 1, p 4) fraudulently plagiarizes from the September 2017 process erroneously leading readers to believe the new design has been developed in a transparent, thoughtful stakeholder-involved vetting process.

7f. The Cattellus speaker admitted the development design for the RESHAP parcel is not yet completed, therefore approving a DDA was not appropriate.

7g. A full evaluation and comparison of the new location with the original has never been disclosed.

All reason leaves one to believe it should not be relocated or resized or re-upped with other units for non-Supportive Partner uses. Boo hiss!!! .

The new location at Pan-Am is farther from schools, transit, playgrounds, and their jobs at Ploughshares

It looks institutionalized, is cramped, not therapeutic in conflict with the vision of the original

7h. See Statement 10.

2023 RESHAP p 4



Throughout the summer and fall of 2015, the Collaborating Partners and David Baker Architects created and implemented a highly collaborative resident engagement process before developing the site plan. With nearly 500 residents living at the existing housing, the Collaborating Partners recognized the community's value in being an integral part of the planning process. Engagement opportunities included: community-wide design input meetings, monthly meetings with each provider's residents, focus groups with Collaborating Partners' staff, 1-on-1 interviews and other meetings as needed



Over 100 residents participated in each of the community-wide design meetings. The Collaborating Partners received over 600 comments regarding the housing types, indoor amenities, outdoor amenities, and site circulation. Common feedback we received included:

- Desire for variety of housing types to meet needs for family size, security, and accessibility
- Multi-purpose community spaces
- Street lighting
- Priority for people and bikes
- Outdoor seating, play areas, street trees

This invaluable feedback is reflected in the proposed RESHAP Development Plan's site, buildings, and open spaces.

STATEMENT 8. In 2018, the City Council approved a Development Plan, DA, and DDA for the RESHAP Project for a 8-acre site at the corner of West Midway and Main Street. The development proposed in the 2018 DDA contemplated that the infrastructure and site preparation for the RESHAP project would be constructed by the market rate developer of the adjacent properties and that the City would issue an RFP for that developer.

In 2020, the City of Alameda issued a Request for Proposals (RFP) and selected the development team of Catellus Development Corporation and Brookfield Properties for the development of approximately 26 acres of residentially zoned land (the West Midway project area) immediately adjacent to the RESHAP project within the Main Street Neighborhood Specific Plan area.

FACTS:

8a. RESHAP acreage was 9.7 in the 2018 DDA and the reduction in size was only disclosed in *this meeting*

2015 EIR Concept (reported by Alameda Point info)	17.6 ac	200 units
2015 ENA	13.2	200
2017 Term Sheet	10.4	200
2018 DDA	9.7	267
2023 DDA proposed/relocated+54 emergency beds	7.9	330+

8b. M-R acreage was about 22 acres in 2020, and the 4-acre increase in size was only disclosed *for this meeting*.

2018 WM RFQ	21.9 ac	291 units
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2020 WM RFQ	22.3	291
2020 WM ENA	22.3	291
2023 Term Sheet	26.2 ac	478

STATEMENT 9. The RFP and the subsequent ENA requires that the Catellus/Brookfield West Midway Pfund the necessary infrastructure improvements and site preparation costs for the adjacent RESHAP Property, which will produce sufficient additional very low- and low-income units to meet the very low- and low-income portion of West Midway inclusionary unit requirement.

FACT:

9a. The RESHAP costs are erroneously calculated because the MR share is shifted to that Project.

9b. The City has not shared the calculation of those costs

STATEMENT 10. In 2021, City staff, RESHAP, Catellus, and Brookfield made the determination that relocating the RESHAP campus from Main Street at the eastern edge of Alameda Point to Pan Am Way near the center of Alameda Point resulted in *a better, more integrated site plan for West Midway and for RESHAP.*

FACT: See 7d-g above.

This statement is beyond ridiculous, but it does show that the process was not transparent, nor was it adequate.

STATEMENT 11. In 2022, the Planning Board held public workshops to review the initial site plans for the West Midway Project and the new location of the RESHAP campus, the Commission on People with Disabilities reviewed the Universal Design Ordinance waivers being requested by the West Midway Project, and the City Council unanimously approved the Term Sheet for the West Midway Project with the Brookfield/Catellus team.

FACTS

11a. This does not give a rationale for the waivers, they have to base it on certain criteria and be able to demonstrate why it is needed. They have not.

11b. What did the the Commission say? Did they have concerns? We don't know.

STATEMENT 12: In 2022, the City Council approved a new General Plan Housing Element for the period 2023-2031. Housing Element Program #1 commits the City of Alameda to take all necessary actions to facilitate and expedite the construction of the RESHAP and West Midway projects.

FACTS:

12a. The Housing Element is not a regulatory land-use planning document.

12b. It does not even explicitly require the WM Project to add units, it is much more general.

12c. The MSSP is the superceding rregulatory document

12d. The GP and Zoning align with the MSSP

STATEMENT 13. On May 8, 2023, the Planning Board unanimously approved the updated RESHAP Development Plan and recommended that the City Council approve the updated RESHAP DA.

On May 22, 2023, the Planning Board unanimously approved the West Midway Development Plan and recommended that the City Council approve the West Midway DA.

FACTS:

13a. The Project materials and presentations did not adequately or accurately inform the policy bodies that this statement is misleading.

13b. RESHAP was presented as being 10-acres.

13c. the relocation was presented as thoroughly evaluated.

13d. The units were presented as being compliant with land use plans.

13e. the new projects were then (and are now) presented as being “the same” as the old ones except for the new RESHAP location.

STATEMENT 14.. The Development Plan is consistent with the Alameda General Plan, Main Street Neighborhood Specific Plan, and the applicable Alameda Point Zoning Ordinance policies, standards, and development densities.

FACTS

14a. The GP and Zoning align with the MSSP

14b. The MSSP is the superseding regulatory document (Ch 8)

STATEMENT(S) 14. DEVELOPMENT DESIGN STATEMENTS

- The Development is required to follow the guidelines in the ABAG Plan Bay Area, but a review of the specifics will show the statements made by the City are false and it is not:
- *Walkable (needs 6 foot sidewalks with lots of open space and amenities within 5 minute walk)*
- *Close to transit (needs less than a ¼ mile from a frequent stop)*
- *Mixed use (Minimal commercial in a far isolated corner--vision calls for commercial along all of Pan Am and West Tower, and sprinkled through the neighborhood)*
- *A raised bike lane does not a walkable neighborhood hood make*
- *People will have to use their cars more than ever.*
- *The monolithic residential generic towers are NOT “inviting” have a poor quality of life index*
- *The M-R units squeezed into the RESHAP parcel is explotive and 2x as dense as the M-R*

STATEMENTS 15:**The City failed to adequately disclose and evaluate the new location.**

NEW Location increases health effects

- The City failed to disclose that the new RESHAP site will cause Supportive Partners residents to be moved and surrounded by demolition and/or construction on all sides for at least 10 years.
- Alameda Point already has the highest levels of air pollution of the whole City, including PM10. The current levels of construction are already too high and it has been going on for 3 years.
- Relocating residents in phase during construction actually increases their exposure.
- The pollution and noise from the nearby construction over 10 years is prohibitive and exploitive.
- The new location will actually need more new infrastructure.
- The new location also is infeasible because it cannot meet stated Project Goals

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ORIGINAL Location reduces health impacts

- The original location has no existing use. The demolition would be farther away from residents at all times, and the residents would actually be moving farther from construction if they are relocated as it is built.
- It will need less new infrastructure because of proximity to Main St existing infrastructure.
- The original location optimally achieve Project goals.

END