

From: [Shelby S](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Fwd: follow up comment RE Item 5C on the 9-20-22 city Council agenda
Date: Tuesday, September 20, 2022 2:54:49 PM

Please make sure this comment is part of the public record. Thanks, Shelby Sheehan

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

From: **Shelby S** <sheehan.shelby@gmail.com>
Date: Mon, Sep 12, 2022 at 6:06 PM
Subject: follow up comment RE Item 5C on the 9-20-22 city Council agenda
To: Trish Spencer <tspencer@alamedaca.gov>, City Attorney
<cityattorney@alamedacityattorney.org>, Manager Manager <manager@alamedaca.gov>,
Tony Daysog <tdaysog@alamedaca.gov>

Trish et al-

This email is a follow up to my last email RE Item 5C on the City Council 9-20-22 Agenda. This email concerns fiscal mismanagement and loss of revenue from the potential houses for the proposed project.

I had previously sent this information to Councilmember Spencer in May, who then forwarded my concerns to the City Manager and City Attorney.

As a reminder, the City stated prior to the May meeting that they "definitely" were NOT going to earmark any more than a total of THREE residences for the proposed emergency shelter project, yet at the next Council meeting, out of the blue, John Knox White, got 4-1 approval vote (with only Trish Spencer voting "no") to add ANOTHER house to the list without the public able to comment on the change.

In the below email, I report my concerns about fiscal mismanagement of the Base assets, and I include calculations of the lost revenue for all the un-rented homes in the neighborhood.

Included are calculations for the FOUR homes earmarked for the emergency project--**highlighted below**. This information is still relevant as the losses continue. As stated earlier and below, my concern is that this fiscal mismanagement amounts to a net loss for the Base impeding the ability for much needed maintenance and repairs, including lead paint abatement.

Specifically, for just the FOUR homes in the proposed project--3 are Big Whites estimated to rent (at a minimum \$4000 per month) and the Lemoore townhouse (low estimate \$2700 per month), the Base is losing about \$15,000 per month. The email below details this concern.

For the record, by December of this year, the lost revenue from just these 4 homes alone will be over **\$200,000**. --This estimate doesn't even include the rest of the homes that are empty or not paying rent due to substandard conditions.

Given the timeline for the proposed project, this loss of revenue will continue for another year at least, which adds another \$200,000 or so for about **\$400,000** from just those FOUR homes.

Also remember, these homes are NOT tax-payer funded City-owned facilities, these are

supposed to be revenue-generating assets--for the Base--NOT the City, so it is wholly inappropriate and likely illegal to abscond with the money that should be in the Base coffers for use ON the base.

How is that anything other than fiscal mismanagement?

another concern is housing discrimination, also detailed below.

Please address these concerns at the City council meeting.

Regards,
Shelby Sheehan

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

From: **Shelby S** <sheehan.shelby@gmail.com>

Date: Sun, May 8, 2022 at 6:16 PM

Subject: RE the "emergency housing" project and potential fiscal mismanagement

To: Trish Spencer <tspencer@alamedaca.gov>

Council Member Herrera-Spencer-

As you are likely well aware, I am a staunch opponent of the Emergency Housing project proposed for my neighborhood in the Big Whites and other residences.

I believe my rationale is well-reasoned, however, there is at least one more reason that I believe the project is inappropriate--that is regarding potential fiscal mismanagement. I also believe there may be a potential issue of housing discrimination also described below.

I am very concerned that this "pet" project is being put forward by City special interests without regard to the above concerns as well as the others I have previously mentioned. The City has a responsibility to follow the law, and unless all these concerns are properly addressed, the citizens of Alameda cannot be assured that the City is actually following the law.

I am writing because I hope that you will refer this to the City Manager and City Attorney-if appropriate--to follow up on the issues I bring up here as I believe these issues should be investigated.

ISSUE 1. RE fiscal mismanagement

You are probably familiar with the Navy EDC and the constraints therein. It is my understanding that, according to the EDC, the neighborhood is supposed to be a revenue-producing area to generate income to be put back into repair and maintenance for Alameda Point. Therefore, it follows that

any project that impacts that ability is in opposition to the EDC.

Regarding the Emergency Project, for the City to "Farm" this neighborhood for a City project that is not revenue-producing, thereby reducing the ability for Alameda Point to "pay for itself", it appears to me to be an obvious case of fiscal mismanagement, a violation of the EDC --and potentially a violation of the Alameda Municipal Code.

As a corollary, there is the issue of breach of fiduciary duty as the City has a duty to maintain and market in good faith each rental as well, in order to generate revenue for use in Alameda Point, just like they do with the commercial properties here. This brings up my next point:

An additional --and just as important--cause regarding fiscal mismanagement could be made due to withholding the properties off the market for so long as they otherwise they would be revenue-generating. (in contrast to "city-owned FACILITIES" which are taxpayer funded, and are those that are appropriate to use for City projects).

Lisa Maxwell even admitted the City has intentionally withheld the homes from the market, and further admitted the homes are usually rented immediately once on the market.

Is the City using the Emergency funding source monies to replace the lost rental revenue so it goes directly back into the Alameda Point coffers? If so, the City has yet to show that is the case.

The fiscal impact the Project has had so far is very large- (and it hasn't even yet begun)--using my estimates below (which may not be exact), the City has foregone about \$25,000 every month the six homes (from the May 3 presentation) are vacant. Money that is desperately needed to maintain and repair these homes.

In addition to the homes "tagged" for the Emergency Project, there are 3 other homes that are sitting vacant and are not being readied for occupancy.

There is another Big White and 2 Ranch homes that have been sitting vacant at least since January which would bring in an additional \$10k/ month),

That makes the total for these vacant homes **about \$30,000 loss of revenue each month these are not rented.**

As follows:

2815 Newport (~\$4K+/mo @ 1 year)=\$50,000

2825 Pearl Harbor (~\$4K/mo @ 9 mos)=\$36,000

2845 Pearl Harbor (~\$4K/mo @ 11 mos)=\$44,000

2700 Lemoore (~\$2700/mo @ 9 mo)= ~\$25,000

2821 Barbers Point (~\$3K/mo @ 6 mos)=\$18,000

2601 Barbers Point Unit D (~\$2700/mo @ 6 mo)= ~\$16,000

BW on San Diego=(~\$4K/mo @ 4 mos)=\$16,000

2 Ranches =(~\$3K/mo @ 4 mos)= \$12K + \$12K = \$24,000

Therefore as of the end of May, by these estimates, the City has *intentionally* foregone about **\$225,000 in lost revenue (and ticking at \$30K per**

month for the 9 vacant homes).

That makes no fiscal sense to me. In my opinion, there needs to be an investigation into the management of these assets. Someone needs to be held accountable.

ISSUE 2. Housing Discrimination.

The Navy EDC requires these houses be used for residential use to be available for all Alamedans and are likely subject to fair housing laws. It seems to me that by withholding these homes from the market for availability for ALL Alamedans, the City is potentially subject to a housing discrimination lawsuit. I believe this issue should also be looked into due to the potential risk of a major lawsuit.

Please follow up on these issues or otherwise direct me the appropriate department so I can proceed myself in order to get these questions answered.

Thank you in advance for your consideration,

Shelby Sheehan

From: [Shelby S](#)
To: [City Clerk](#)
Subject: [EXTERNAL] Fwd: RE Item 5C on Consent Calendar for 9/20/22 City Council meeting
Date: Tuesday, September 20, 2022 2:52:55 PM

Please make sure this comment is included in the public record. Thank you, Shelby Sheehan

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

From: **Shelby S** <sheehan.shelby@gmail.com>
Date: Mon, Sep 12, 2022 at 2:14 PM
Subject: RE Item 5C on Consent Calendar for 9/20/22 City Council meeting
To: City Attorney <cityattorney@alamedacityattorney.org>, Manager Manager <manager@alamedaca.gov>, Trish Spencer <tspencer@alamedaca.gov>, ANDREW THOMAS <ATHOMAS@alamedaca.gov>, Tony Daysog <tdaysog@alamedaca.gov>

This is a comment for the City Attorney and the Planning Department regarding the continued attempt to place homeless in residential housing at Alameda Point. This email will address two separate issues.

#1 Environmental Review:

I see on the environmental review portion of the informational materials that it is claimed that CEQA does not apply because of the declaration of a "shelter crisis". However it is apparent that the City is mis-stating the definitions and purpose of Govt Code Section 8698.1 thru .4 to be overly-broad and out of context.

First allow me to point out that I had previously sent a public comment with an email exchange between Andrew Thomas and Mayor Ashcraft wherein he admits that the project would need to undergo discretionary review, and that email was sent while under this same "Shelter crisis". So it seems that Mr Thomas was aware at that time that the project is not exempt. The change has come with no further review and seems to me to be politically motivated, as I see no loopholes.

To wit--

Section 8698 contains (in part) the following definitions:

(c) "Public facility" means any facility of a political subdivision including parks, schools, and vacant or underutilized facilities which are owned, operated, leased, or maintained, or any combination thereof, by the political subdivision through money derived by taxation or assessment.

Section 8698.1(3) allows suspension of ordinary housing codes for temporary shelters (e.g., emergency sleeping cabins) for only 90 days at a time.

Section 8698.2 (b) states that the City may allow persons unable to obtain housing to occupy designated public facilities during the duration of the state of emergency.

Finally, Section 8698.4 1(a)1 states that City-owned land may be used to build emergency housing, NOT City-owned revenue generating residential homes

-->Homes by the way that are actually "owned" by the Base Reuse Department, and by taking these homes from the Base revenues, removes the ability of the Base to pay for operation and maintenance which likely constitutes fiscal mismanagement and possibly fraud. The amount of the missed revenue SO FAR

Specifically, Section 8698.4 (4) states the CEQA exemptions for actions taken by the City are only for (again) the use of land for construction/permission for a homeless shelter.

The intention and purpose of this Govt Code is clear. It is to allow the construction and use of temporary shelters without making them subject to the same standards of permanent buildings- so that persons can get out of the elements and at least under a roof. **It is not carte blanche to suspend zoning and building codes so that the City can grab federal monies and use it improperly.**

Therefore it is obvious that this particular section does not exempt this project from CEQA or other legal requirements, just as Mr Thomas determined in his email to Mayor Ashcraft. I invite the City Attorney to review and I defy him to show that this project is exempt.

Finally, there are also many other reasons this project cannot be approved, including misuse of ARPA funds, as I have mentioned in previous comments.

#2. Just as important as the above, it seems the City Council is again putting the cart before the horse by offering a management contract before the project is approved. I recall that was a bad idea last time, so why is it before the Council again? Why is it on the Consent Calendar? It should not be.

This item should be delayed until (and only if) the project is approved.

Thank you for your consideration of these issues.

Regards,

Shelby Sheehan

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