

**From:** [Lara Weisiger](#)  
**To:** [Planning](#); [Nancy McPeak](#)  
**Subject:** FW: [EXTERNAL] for item 2025-4954 street names for S West Midway projet  
**Date:** Monday, April 14, 2025 1:51:30 PM

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**From:** Shelby S <sheehan.shelby@gmail.com>  
**Sent:** Monday, April 14, 2025 1:47 PM  
**To:** City Clerk <CLERK@alamedaca.gov>  
**Cc:** Tod Hickman <tod@building43winery.com>  
**Subject:** [EXTERNAL] for item 2025-4954 street names for S West Midway projet

Clerk- Please accept this public comment for the planning board on my own and Tod Hickman's behalf (cc'd here as a matter of record).

## **Re: PLN23-0380 – Street Name Amendment is an Improper Attempt to Ratify Non-Compliant Development Without CEQA Review**

Dear Planning Board Members,

I am writing to oppose the CEQA exemption claimed for PLN23-0380, a proposed "street name amendment" that is, in substance, an attempt to ratify major development changes at Alameda Point without the necessary environmental review.

Although the application purports to concern only street names, it is clearly designed to retroactively validate changes to a subdivision and development project that no longer complies with the 2018 Main Street Neighborhood Specific Plan or the applicable EIR. The City cannot use a ministerial-appearing action to circumvent CEQA, especially when the proposed action tacitly affirms a non-exempt, unreviewed intensification of development on over 160 acres of City-owned land.

### **I. This Action is a Project Under CEQA**

Under CEQA Guidelines § 15378 and Public Resources Code § 21065, a project includes any discretionary action that may cause a direct or reasonably foreseeable indirect physical change in the environment. Naming streets associated with a revised subdivision and project layout that nearly doubles the housing density absolutely meets this threshold.

This is not a simple paper adjustment. The street naming reflects and affirms a different subdivision configuration than what was previously approved and analyzed. It is therefore part of a larger project that is subject to CEQA review.

### **II. The City Has No Legal Authority to Act as Lead Agency**

Under **CEQA Guidelines § 15022(a)–(d)**, public agencies must adopt formal CEQA procedures via resolution or ordinance. The City of Alameda has not adopted compliant procedures, rendering it legally unable to act as a lead agency. Any CEQA determination issued without such procedures is **ultra vires and void**. This is a jurisdictional defect that invalidates the claimed exemption.

### **III. The Project No Longer Complies with the 2018 Main Street Specific Plan or the EIR**

The proposed street network and lot arrangement depart significantly from the configuration evaluated in the 2018 Main Street Neighborhood Specific Plan and the associated environmental review documents. This includes:

- A substantial increase in housing units;
- Changes to parcelization and traffic circulation;

Alterations to land use intensity and view corridors.

These changes are material. The City cannot rely on the prior EIR without first conducting an addendum, supplemental EIR, or other form of CEQA analysis under CEQA Guidelines §§ 15162–15164.

#### **IV. No Certificate of Approval—the Project does not comply with the Alameda Point EIR**

The Alameda Point Final EIR and Mitigation Measures (e.g., MM 4.D-1a) require that projects within or affecting the Historic District obtain a Certificate of Approval. The street network at issue here directly impacts the cultural landscape and setting. Proceeding without a Certificate of Approval violates both CEQA and local historic preservation requirements, particularly under Alameda Municipal Code §§ 13-21 and 30-24.4.

The City cannot rely on an exemption while also ignoring mandated procedures that are a condition of compliance under the adopted EIR.

#### **V. The “Common Sense” Exemption Does Not Apply**

The City cannot claim the CEQA § 15061(b)(3) “common sense” exemption when there is any possibility of environmental effect, or when the action is part of a broader development pattern that may have such effects.

Here, the street naming amendment is not neutral—it ratifies and facilitates a previously unanalyzed and expanded development footprint. As the Court held in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, CEQA review cannot be avoided when there is any reasonable possibility of environmental impact.

Moreover, this is a textbook example of project segmentation and CEQA piecemealing—where the City slices off one aspect of a broader project (e.g., street names) in order to sidestep full review of what the amendment actually enables. This violates CEQA’s requirement to analyze the “whole of the action.” (*Guidelines* § 15378(c)).

#### **VI. The Amendment Has Substantial Foreseeable Consequences**

Naming streets within a revised vesting tentative map has the effect of:

- Confirming a revised development layout,
- Advancing project infrastructure approvals,
- Enabling further permitting actions by other agencies.

These actions further lock in an unreviewed development plan and narrow the scope for meaningful CEQA compliance later. That is a foreseeable consequence requiring environmental analysis now (if not before).

#### **VII. Conclusion: CEQA Compliance Is Required Before Any Approval**

This action is not exempt from CEQA and cannot be justified as a mere street-naming item. It is a development ratification attempt wrapped in administrative packaging.

It is, in substance, an attempt to ratify substantial development changes—including increased density and a reconfigured subdivision layout—that are not consistent with the 2018 Main Street Neighborhood Specific Plan and have not been reviewed under CEQA.

As stated in *Sundstrom v. County of Mendocino* (1988), environmental review cannot be deferred to future permits when the enabling action—here, a revised subdivision and infrastructure framework—sets the stage for those impacts now.

The amendment facilitates a broader development scheme with foreseeable environmental impacts, and is part of a larger pattern of **piecemealed project approvals** that evade meaningful CEQA review.

Alameda’s pattern of improperly using CEQA exemptions to push projects forward without public review, combined with procedural violations and lack of transparency, compounds the harm.

The Planning Board must:

1. Withdraw the exemption and conduct proper CEQA review;
2. Adopt valid CEQA procedures before taking further action;
3. Conduct a proper CEQA review: Prepare an Addendum, Supplemental, or Subsequent EIR under CEQA Guidelines § 15162;
4. Obtain a Certificate of Approval consistent with the adopted EIR and historic preservation standards;
5. Ensure the public has full access to project changes and the opportunity to comment.

Until these steps are completed, the Planning Board must refrain from approving PLN23-0380. To proceed otherwise would violate CEQA, ignore the City's own Specific Plan, cause irreversible harm to the environment, and further erode public trust in the land use process at Alameda Point.

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Shelby

510-435-9263

*"The righteousness of the oppressed will not go unheard."*