

**From:** [theresemhall@aol.com](mailto:theresemhall@aol.com)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#); [City Clerk](#)  
**Subject:** [EXTERNAL] Transcript of Public Comment for Agenda Item 7B, City Council Nov 15 2022  
**Date:** Tuesday, November 15, 2022 10:31:37 PM

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Dear Mayor and City Council Members,

I urge you to reconsider a blanket up zoning across Alameda as it will have an impact on many of our historic districts. According to our City Attorney, a certain amount of up zoning may indeed be required to meet our commitment to RHNA housing. However, in the past MultiFamily overlays had been employed to meet these requirements while not overriding Article 26, which was approved again in the Citywide election just a few years ago.

We are in a period of tremendous flux. Our population has been diminishing in Alameda as well as elsewhere in the Bay Area. Current massive layoffs in the tech industry (Google, Facebook, Salesforce, Twitter, Amazon, etc) will certainly affect housing requirements over the next few years and I think it premature to embed these changes into the City zoning laws instead of applying the Multifamily overlays to meet State Law

Additionally, this rapid housing rollout is coming at a time when building codes, and indeed traffic and transportation requirements are still unknown due to the changes brought about by COVID. For example people have moved from Public transportation to cars to go to and from work which I am sure will affect AC Transit Bus Routes and schedules. As far as design, air handling system requirements and codes for large complexes have not yet been developed to insure the safety of its occupants during the next pandemic which is not an "if" but a "when". Indeed our own mayor is afraid of attending a small gathering for an hour because of exposure and yet we are expecting our children to inhabit and play in large housing complexes that we cannot insure are safe. And remember, as we create higher and higher densities we give up critical open space which is essential to our Climate Action Plan.

I beg you go back and reconsider balancing open space with density and use the multifamily overlay to meet the housing requirement.

Thank you,

Therese Hall

**From:** [Jonathan Singh](#)  
**To:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] I support the adoption of the current Alameda Housing Element  
**Date:** Tuesday, November 15, 2022 9:20:51 PM

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City Clerk Lara Weisiger,

Dear Mayor and City Council,

I fully support the adoption of the city's current staff-recommended draft Housing Element.

For two years the city has collected input from the public at over 25 meetings. The current draft of the Housing Element represents all of that input as a community. Changing it at the 11th hour ignores all of that hard work and only works to put Alameda at risk of being out of compliance with state housing law.

Jonathan Singh  
[jonathan.c.singh@gmail.com](mailto:jonathan.c.singh@gmail.com)  
540 39th Street Apt 369  
Oakland, California 94609



November 15, 2022

City of Alameda Housing Element

Mayor Ashcraft and Members of the City Council

c/o City Clerk

In addition to meeting state requirements, the housing element represents a vital part of Alameda's General Plan. The League of Women Voters of Alameda believes the city's plans should foster fair housing at all income levels -- with provisions for access to transportation and accommodations for aging in place and those with health conditions or impairments. New developments should be of mixed density and incorporate amenities and universal design standards that will support continuation of the quality of life now enjoyed in Alameda. The housing element represents those standards, and we encourage council members to vote in support not only to meet housing for all in Alameda, but to meet our community's shared responsibility in relieving the housing crisis.

The League of Women Voters of Alameda would also like to commend the city for conducting extensive outreach, making efforts to gather input from all segments of our population through numerous community meetings and workshops. We thank Mr. Andrew Thomas and staff for an excellent job developing a proposal which attempts to address both our housing needs and residents' concerns.

Finally, the Housing Element is a complex document. Implementation of the plan will entail many decisions involving traffic, up zoning specific areas and the economic viability of individual projects; outreach will be equivalently important. We look forward to ongoing discussions with the community as the process continues.

Anne McKereghan

President

League of Women Voters of Alameda

**From:** [Li Volin](#)  
**To:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] Vote to adopt the Housing Element (Item 7-B)  
**Date:** Tuesday, November 15, 2022 5:27:12 PM

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City Clerk Lara Weisiger,

Dear Mayor and Members of the City Council,

I am in support of the staff-recommended draft housing element, and I would ask that the council vote to adopt it without modification. I also want to thank the staff for their hard work on this over the last 2 years.

We have been over the housing element and the related issues ad infinitum. I see no reason to reiterate what you already have before you, and by now have thoroughly studied. But, I would like to point out that it is possible that, if passage is delayed, there is reason to believe that our local Bay Area real estate investors, like those in Southern California, have their high rise plans ready to submit as soon as the state non-compliance trigger is pulled. There won't be any wiggle room or backsies.

Do you remember the angst over the height breadth of the theater complex? Are the people of Alameda going to thank you for opening their city to 15 or 20 floor block busters? If you don't adopt, that's what you expose us to and there will be nothing we can do to protect our quality of life. Please adopt the housing element and move to implement it.

Sincerely,  
Li Volin

Li Volin  
bizzyli@yahoo.com  
1506 East Shore Dr  
Alameda, California 94501

**From:** [Nancy Hird](#)  
**To:** [City Clerk](#)  
**Subject:** [EXTERNAL] City City Council Meeting 11-15-2022 Item 7-B  
**Date:** Tuesday, November 15, 2022 5:25:08 PM

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11/15/2022

Dear City Council Member,

I ask that you do not burden the city of Alameda, and its current population, with any additional housing than is absolutely necessary to satisfy the housing requirements set by Sacramento/RHNA.

We lack the infrastructure necessary to service thousands more people. It is already faster to leave the island and join the traffic on 880 than to travel from the east to west ends of Alameda because our roads are insufficient to carry enough cars to drive a more direct route. Water supply, emergency services, adequate police protection and utilities offer questionable sufficiency to address the needs of current residents, let alone thousands of additional people. Raising height limits and increasing units per acre to increase density in a city that is already one of the most dense in the Bay Area, does not offer quality of living, these invite a nightmare – especially when it appears these measures are not necessary to meet the requirements imposed by Sacramento for our 2022 – 2031 Housing Element and zoning amendments..

Please keep some sanity in our lives and vote on a Housing Element and zoning amendments that add only enough new units to satisfy today's requirements and spend the next 9 years improving infrastructure to meet the needs of additional population in 2031.

Sincerely,

Nancy Hird

**From:** [Carol Gottstein](#)  
**To:** [John Knox White](#); [City Clerk](#); [CityCouncil-List](#)  
**Subject:** [EXTERNAL] Re: Alameda's Housing Element.  
**Date:** Tuesday, November 15, 2022 4:36:29 PM

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Dear John:

In response to your email to me this afternoon:

There was no need for me to hear from ACT or AAPS regarding the Housing Element. There are abundant independent and more authoritative sources which support my position opposing the massive upzoning of established Alameda residential neighborhoods.

Let's start with the RHNA process itself. I call your attention to the California State Auditor's Report:

<https://www.auditor.ca.gov/reports/2021-125/index.html>

The audit concluded:

"Overall, our audit determined that HCD does not ensure that its needs assessments (ie RHNA's) are accurate and adequately supported."

You see, the State itself has determined that its own RHNA process is flawed and in need of repair. Unfortunately this assessment came after RHNA numbers were handed out. There is presently no remedy at law for this, but people statewide are working on it. You should watch the online presentations of the Embarcadero Institute and Albany City Councilmember Michael Barnes. Sometimes a bad law is just a bad law. And those often don't survive a real court challenge.

Regarding your unsupported opinion that there is existing segregation in Alameda, I point out the following:

Alameda is already a model city for diversity. The links below give Alameda an A+ and rate it even more diverse than Oakland.

These ratings are completely independent of ACT and AAPS.

<https://www.niche.com/places-to-live/alameda-alameda-ca/residents/>

<https://bestneighborhood.org/race-in-alameda-ca/>

Since I have been an Alameda resident for 65+ years, I do remember when Alameda was much more segregated. We had projects and literally the "other side of the tracks". But those conditions haven't existed for years and it is intellectually dishonest to pretend that they still do.

Thank you for listening.  
Carol Gottstein

On Tue, Nov 15, 2022, 2:30 PM John Knox White <[JknoxWhite@alamedaca.gov](mailto:JknoxWhite@alamedaca.gov)> wrote:

Thank you for your email about the Housing Element.

After all the time, community engagement and council discussions on this issue, I am generally inclined to support the item tonight while continuing to listen and read all emails before finalizing my position after the close of public comment.

It has been an interesting journey to get here. Last Fall, I joined councilmembers Herrera Spencer and Daysog in challenging the housing numbers that were allotted to Alameda. While we were not successful (just like the other ~40 cities who challenged), we were the only city to get commitments for stronger climate and transportation support from MTC/ABAG.

Later that Fall, I asked my colleagues, on the strength of the vote against Measure Z, to join me in challenging this process and to request a closed-session council discussion to identify how to move forward with a legal challenge. Not a single one of my colleagues joined the request. Instead, they stated that they preferred to comply with State Housing law. I agree with all my colleagues that compliance is important, especially if we didn't challenge when we could have.

It's unfortunate that a couple of organizations have been spinning furiously to misinform our community about this process. Both Alameda Citizens Task Force (ACT) and Alameda Architectural Preservation Society (AAPS) have spent months selling a vision for Alameda's housing element that does not comply with the letter or the spirit of State legal requirements.

After these groups made false claims that an earlier law (SB9) would cause rampant demolition and destruction of Alameda's neighborhoods and calling for the adoption of an emergency ordinance to address it, not a single SB9 application has been filed. This was just as Alameda's professional staff advised. We are blessed to have staff who know this area of planning and law. While anyone can have thoughts, it's important for the protection of our city, that we have people who actually understand the work to advise the council.

### **Why is this proposed**

There are two issues of State Law that need to be complied with. The first is finally no longer debated, Alameda's RHNA housing number is over 5,300 new units and the state requires a buffer of 10-15% to ensure that it can be met. Anyone telling you differently is selling something.

The second issue is Affirmatively Furthering Fair Housing (AFFH). For today's meeting, we have received 5 letters from ACT/Paul Foreman. Not a single one of them addresses this issue, which is the crux of the issue of residential rezoning (R1-R6). In their November 14 letter, AAPS mentions AFFH, but does not address it or how their proposals would comply with state law.

So what is AFFH?

Alameda's staff have presented numerous times, at multiple public meetings, on the state requirement to Affirmatively Further Fair Housing in order to have a compliant housing element. This is, by its very definition, **a legal and policy requirement for changing existing zoning in areas that can be shown to have had historical and continuing inequitable housing impacts in Alameda**. Specifically, it requires Alameda to: *"take meaningful actions....that overcome patterns of segregation.."*

In Alameda, the R-zones are the specific areas that this requirement refers to. While the law does not say "you must rezone R-zoned areas," it explicitly and clearly calls for action in these areas in our city. This is unambiguous, that's why groups are pretending it doesn't exist.

Any call to exempt these areas from current or future zoning changes is an explicit (if sometimes unintended) call to continue existing segregation and inequity in housing in Alameda. If the outcome is inequitable, then the action is causing inequitable harm. I believe that most letter writers are not thinking about this as they cut/paste talking points from these organizations, but the leaders of these groups are well-aware.

**But what are the outcomes?**

While groups like ACT and AAPS are now calling for all the housing to be built on top of shopping centers and at Alameda Point (the first is specifically what they claimed "no on z" would prevent and the second is what SunCal proposed for Alameda Point when these groups successfully fought that development). We are clearly not working with good-faith proposals here.

- **55% of Alameda's residential areas are not upzoned at all.** (Yes, you read that correct. The number of units on 55% of Alameda's residential lot (R1-R6) remains the same as it is today).
- For the remaining lots, the expectation is **1 unit for every 227 lots will be built each year** for 8 years.
  - For perspective, the historic Central Alameda block that AAPS is based out of

- has 20 lots. This mean one unit for every 11 or so city blocks.
- Many of these units will be created in backyards and inside existing buildings.
- People will not even notice these changes.

The impact of the Housing Element is being oversold in order to create fear and stoke responses to City Council that are unfortunately ill-informed even if they are sent with good intent. AAPS leaders have used the term “carpet-bombing” to describe adding on unit every 11 block. It is this kind of disgusting rhetoric (the use of violent, genocidal imagery to talk about needed housing) that lowers our community discourse.

### **What happens if we don’t comply?**

Refusing to upzone any of our residential areas in the Housing Element will result in non-compliance. If this happens, developers will be able to submit applications with very few limits without the City having any ability to stop them. First up will absolutely be Harbor Bay Club, next will be our shopping centers. Santa Monica fell out of compliance and has applications for more units than they have built in over a decade (4,000+). This is not a hypothetical issue. Additionally, Alameda will lose State Funding and ultimately our ability to control land use decisions like kitchen remodels. It’s no joke.

So while I appreciate that there are concerns about traffic, the units are coming, regardless of where they are built. And, as discussed above, trying to put all the housing on one end of our City is discriminatory and illegal, we can’t do that. This is why the proposal before the council tonight is a balanced compromise that aims to hear the concerns of voters while also meeting state requirements.

Best,

John Knox White

City Councilmember, Alameda

(he/him or they/them)

**From:** [Dylan Casey](#)  
**To:** [City Clerk](#); [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [Trish Spencer](#); [John Knox White](#)  
**Cc:** [Gregory Magoffin](#); [Courtney Welch](#)  
**Subject:** [EXTERNAL] Comment on Agenda Item 7-B, Housing Element and Rezonings  
**Date:** Tuesday, November 15, 2022 3:57:42 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[Alameda 6th Cycle Housing Element Letter \(1\).pdf](#)

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

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Dear City Council,

I am submitting the attached letter as written comment supporting Alameda's proposed housing element update and associated zoning changes under consideration at tonight's meeting.

Thank you for your consideration.

Sincerely,

Dylan Casey

Executive Director, California Renters Legal Advocacy and Education Fund  
[www.carlaef.org](http://www.carlaef.org)

**November 15, 2022**

**City of Alameda**

**Re: Adoption of 6th Cycle Housing Element and Related Zoning Amendments**

Dear City Council:

The California Renters Legal Advocacy and Education Fund (CaRLA) submits this letter to support the Alameda City Council's proposed 6th Cycle Housing Element and related zoning changes. The housing element process is an opportunity for Alameda to address local housing challenges and find solutions to accommodate increased housing obligations. Under the final draft housing element approved by HCD, Alameda has succeeded in proposing a plan that will equitably distribute housing growth throughout the city, prioritizes affordable housing, and removes key barriers to housing growth. We comment today to support approval of this plan and associated rezonings, as well as respond to legal concerns raised in other public correspondence.

### **The Proposed Plan Takes Necessary Steps to Remove Barriers to Housing Growth**

Alameda was challenged with finding the available development sites for over 5000 new homes, more than double the required growth from the previous cycle. Moreover, this growth must be equitably distributed over the entire city in order to satisfy the state and federal mandate to affirmatively further fair housing (AFFH). As outlined in the HCD housing element approval [letter from August 25, 2022](#), the city has proposed a number of measures to achieve this ambitious goal. We support the realization of these efforts today.

In order to ensure that single-family zoned neighborhoods would not be exempt from housing growth, the plan proposes a total overhaul of the existing residential zoning in Alameda. These zoning changes would modernize the existing residential zones, ensuring that multifamily housing is permitted in areas spanning the entire city. Critically, this requires removing provisions that limit housing to single-family homes in all residential zoning districts. These provisions would have effectively nullified the proposed zoning changes, and were in conflict with a number of provisions of state and federal law.<sup>1</sup> A housing plan that failed to remove Alameda's ban on multifamily housing would not have

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<sup>1</sup> See [HCD Technical Assistance Letter, Nov. 21, 2021](#), Re: City of Alameda Measure A Provisions and Housing Element Compliance.

been able to comply with state law requirements, and would have opened the city up to potential enforcement actions and penalties.

### **Environmental Analysis of the Plan is Complete**

Alameda received a letter dated November 9, 2022 from Michael Graf on behalf of the Alameda Citizens Task Force (ACT). The letter raised a number of concerns about the environmental impacts of the proposed housing element and zoning changes. These concerns are unfounded, and the environmental analysis conducted by the city for these actions is more than adequate. The environmental impact report done by the city for the general plan update completed in 2021 envisions exactly the types of policy changes being implemented by the housing element and zoning changes under consideration now. Neither of the potential impacts identified in the ACT letter would present any new project-specific impacts not already analyzed in the General Plan EIR.

The first concern raised is that the housing plan would have potential impacts on historic resources. This analysis completely ignores the city's existing programs designed to protect and enhance historic resources. As outlined in the [city staff's memo](#), these programs more than adequately ensure that the city's historic resources will be protected. We agree with this analysis. Historic preservation does not require banning new development surrounding every historic resource. The city's policies ensure that new development will enhance and protect the city's existing historic resources.

The second concern raised by ACT questions the city's analysis of impacts on residential displacement. We again agree with staff analysis that the proposed zoning changes will have no significant impact on displacement. Further, the proposed plan would instead work to prevent displacement of current residents. Research has shown that broad upzoning policies should *decrease* displacement pressures, not increase.<sup>2</sup> Alameda's proposed housing element should be a great example of anti-displacement policy by ensuring that zoning increases are broadly distributed throughout the city and new housing is available at all income levels.

In sum, CaRLA fully supports adoption of the housing element and commends Alameda for being ahead of peer cities around the Bay Area in crafting a compliant housing element. The city is also setting an example by taking the required zoning actions concurrently with the adoption of the housing element, ensuring policies are implemented right away. In our work at CaRLA we most often send letters to cities that violate state housing laws. We are happy today to support a city that is taking bold steps to improve its local housing policies and implement an ambitious housing plan.

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<sup>2</sup> [Shane Phillips, Building Up the "Zoning Buffer": Using Broad Upzones to Increase Housing Capacity Without Increasing Land Values, UCLA Lewis Center for Regional Policy Studies \(Feb. 2022\).](#)

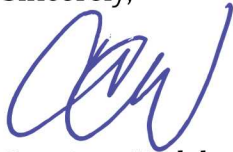
CaRLA is a 501(c)3 non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CaRLA at [www.carlaef.org](http://www.carlaef.org).

Sincerely,

A handwritten signature in blue ink, appearing to be 'Dylan Casey', with a long horizontal line extending to the right.

Dylan Casey  
CaRLA Executive Director

Sincerely,

A handwritten signature in blue ink, appearing to be 'Courtney Welch', with a stylized, cursive script.

Courtney Welch  
CaRLA Director of Planning and Investigation

**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: Item 7-B-City Council Agenda Nov. 15, 2022-Housing Element, Zoning Amendments -Response to Knox-White  
**Date:** Tuesday, November 15, 2022 3:54:08 PM

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

From: ps4man@comcast.net  
Date: Nov 15, 2022 3:52 PM  
Subject: [EXTERNAL] Item 7-B-City Council Agenda Nov. 15, 2022-Housing Element, Zoning Amendments -Response to Knox-White  
To: Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, Malia Vella <MVella@alamedaca.gov>, John Knox White <JknoxWhite@alamedaca.gov>, Trish Spencer <tspencer@alamedaca.gov>, Tony Daysog <TDaysog@alamedaca.gov>  
Cc:

Dear Council Member Knox-White,

Your letter below contains significant misstatements of fact.

Our support of an urgency ordinance for SB-9 recommended actions taken by other communities to make sure that different developers would not be subject to different rules depending on whether their application was filed before or after passage of SB-9. We supported the ordinance, but wanted in place before the effective date of SB-9. We never predicted or based our position on the number of applications that might be filed before the effective date of the ordinance. We based our position on uniformity and fairness.

Your statement that my letters submitted on behalf of ACT and personal letters don't address the fair housing issue is patently absurd. Just to name a few, my two ACT letters in September to the Planning Board with copies to City Council, my Nov. 14 ACT letter, and my personal email sent to City Council yesterday, all comment extensively on the issue. All of them comment on how to comply with state law, stating that since the R-3 to R-6 upzonings and Transit Overlay are not part of the site inventory there is no State law that requires that they be upzoned.

We originally opposed all of the upzonings contained in Item 15 (b) of the site inventory, but when it was amended to apply only to adding units to existing building envelopes we withdrew our opposition so long as the R-3 to R-6 and Transit Overlay were deleted from Program 4 of the HE. 15 (b) alone provides housing for all income categories throughout all of R-1 to R-6. Thus 100%, not 45% of R-1 through R-6 will be upzoned if the R-3 to R-6 and Transit Overlay upzoning is omitted.

I am not a member of AAPS and have never referred to the residential upzonings as carpet bombing. I would use a different metaphor, spray upzoning over 16 to 18,000 parcels and see what sticks, notwithstanding the placement of our historical heritage and current tenant population at risk. In the present economy I do not expect a lot of immediate development applications, but open-ended upzoning will impact this city for generations. Look how many Victorians we lost from 1945 until the passage of Measure Z. there are no do-overs. They are gone forever.

I ask that this letter be placed on the record of these proceedings.

Paul Foreman

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**From:** John Knox White <JknoxWhite@alamedaca.gov>

**Sent:** Tuesday, November 15, 2022 2:30 PM

**To:** ps4man@comcast.net

**Subject:** RE: Alameda's Housing Element.

Thank you for your email about the Housing Element.

After all the time, community engagement and council discussions on this issue, I am generally inclined to support the item tonight while continuing to listen and read all emails before finalizing my position after the close of public comment.

It has been an interesting journey to get here. Last Fall, I joined councilmembers Herrera Spencer and Daysog in challenging the housing numbers that were allotted to Alameda. While we were not successful (just like the other ~40 cities who challenged), we were the only city to get commitments for stronger climate and transportation support from MTC/ABAG.

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### **But what are the outcomes?**

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our community discourse.

### **What happens if we don't comply?**

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So while I appreciate that there are concerns about traffic, the units are coming, regardless of where they are built. And, as discussed above, trying to put all the housing on one end of our City is discriminatory and illegal, we can't do that. This is why the proposal before the council tonight is a balanced compromise that aims to hear the concerns of voters while also meeting state requirements.

Best,

John Knox White  
City Councilmember, Alameda  
(he/him or they/them)

**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: Agenda Item 7-B  
**Date:** Tuesday, November 15, 2022 3:50:12 PM

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

From: K Ratto <rattolms@gmail.com>  
Date: Nov 15, 2022 10:00 AM  
Subject: [EXTERNAL] Agenda Item 7-B  
To: Trish Spencer <tspencer@alamedaca.gov>  
Cc:

Please change the Housing Element and zoning amendments as recommended by ACT.

Thank You,  
Karen Ratto

**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: Housing Element  
**Date:** Tuesday, November 15, 2022 3:49:06 PM

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

From: Jim Quilici <jim.quilici@gmail.com>  
Date: Nov 15, 2022 10:18 AM  
Subject: [EXTERNAL] Housing Element  
To:  
Cc:

Dear Mayor and City Council Members,

I respectfully request that you consider making some important modifications to the Housing Element (HE) presented to you this evening by your Planning Staff. As it is currently written, the HE will create up-zoning throughout the entire city, but it is my belief that we can meet our state RHNA requirements while mitigating the up-zoning that will have negative impacts on our city.

Please refer to the letter delivered to you by ACT within the last few days. I kindly urge you to adopt the modifications as presented in the letter.

Thank you for your consideration,  
Jim Quilici  
Alameda resident since 1996

**From:** [Karen Miller](#)  
**To:** [Lara Weisiger](#)  
**Subject:** RE: [EXTERNAL] RE: Alameda's Housing Element.  
**Date:** Tuesday, November 15, 2022 3:47:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hi Lara,  
Thanks for checking and yes, I would appreciate it.

**Regards,**

**Karen Miller CRS / Realtor®**

DRE 01378335



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**From:** Lara Weisiger <lweisiger@alamedaca.gov>  
**Sent:** Tuesday, November 15, 2022 3:46 PM  
**To:** 'Karen Miller' <karenmillercrs@gmail.com>  
**Subject:** RE: [EXTERNAL] RE: Alameda's Housing Element.

Hi Karen,  
Since this correspondence is not to the entire Council, can you please let me know whether or not

you would like it included in the meeting record?

Thanks,

Lara

---

**From:** Karen Miller [mailto:karenmillercrs@gmail.com]

**Sent:** Tuesday, November 15, 2022 3:41 PM

**To:** John Knox White <JknoxWhite@alamedaca.gov>

**Cc:** Lara Weisiger <lweisiger@alamedaca.gov>

**Subject:** [EXTERNAL] RE: Alameda's Housing Element.

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

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Hi John,

I appreciate your thorough response. The letters that I have read from ACT do address the AAFH. The diagram showing where the housing units will be located show them scattered throughout the city. They are not being put in any one area. The rezoning of R1-6 show a total of only 160 units which can be relocated elsewhere, perhaps at the Bridgeside Shopping Center. Also according to the ABAG Appendix 6, Alameda is **not** considered exclusionary. I realize that in the past, there have been covenants that excluded classes of people from owning in certain neighborhoods but that is true of every city in CA. I don't know the history of other areas. The big concern with the up-zoning is that we will be in the same situation as in the 70's when Victorians were demolished to make way for the large ugly boxes that replaced them. I don't see how our Historical Building List will protect them as that is not a legislative document. I have no problem with the additional units added to existing buildings and have no problem with the rest of the Housing Element. I have asked HCD to weigh in on whether we comply without program 4 but they will not give me an answer. There are at least 14 cities in Southern CA whose HE has been approved without the up-zoning. I don't know why Andrew is so keen on having Program 4 a part of the HE as, if you read the document, no where is it written that this is necessary. I find the lack of response from HCD to me or to Paul Foreman interesting as they clearly like the policy but don't want to weigh in as to its requirement. I urge you to question Program 4 tonight and see if you can get a definite answer from Andrew as to whether emitting program 4 from the HE will lead us to not comply. Not his opinion as it is clearly biased but a factual answer. Thank you.

**Regards,**

**Karen Miller**

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**From:** John Knox White <[JknoxWhite@alamedaca.gov](mailto:JknoxWhite@alamedaca.gov)>

**Sent:** Tuesday, November 15, 2022 2:30 PM

**To:** [karenmillercrs@gmail.com](mailto:karenmillercrs@gmail.com)

**Subject:** RE: Alameda's Housing Element.

Thank you for your email about the Housing Element.

After all the time, community engagement and council discussions on this issue, I am generally

inclined to support the item tonight while continuing to listen and read all emails before finalizing my position after the close of public comment.

It has been an interesting journey to get here. Last Fall, I joined councilmembers Herrera Spencer and Daysog in challenging the housing numbers that were allotted to Alameda. While we were not successful (just like the other ~40 cities who challenged), we were the only city to get commitments for stronger climate and transportation support from MTC/ABAG.

Later that Fall, I asked my colleagues, on the strength of the vote against Measure Z, to join me in challenging this process and to request a closed-session council discussion to identify how to move forward with a legal challenge. Not a single one of my colleagues joined the request. Instead, they stated that they preferred to comply with State Housing law. I agree with all my colleagues that compliance is important, especially if we didn't challenge when we could have.

It's unfortunate that a couple of organizations have been spinning furiously to misinform our community about this process. Both Alameda Citizens Task Force (ACT) and Alameda Architectural Preservation Society (AAPS) have spent months selling a vision for Alameda's housing element that does not comply with the letter or the spirit of State legal requirements.

After these groups made false claims that an earlier law (SB9) would cause rampant demolition and destruction of Alameda's neighborhoods and calling for the adoption of an emergency ordinance to address it, not a single SB9 application has been filed. This was just as Alameda's professional staff advised. We are blessed to have staff who know this area of planning and law. While anyone can have thoughts, it's important for the protection of our city, that we have people who actually understand the work to advise the council.

### **Why is this proposed**

There are two issues of State Law that need to be complied with. The first is finally no longer debated, Alameda's RHNA housing number is over 5,300 new units and the state requires a buffer of 10-15% to ensure that it can be met. Anyone telling you differently is selling something.

The second issue is Affirmatively Furthering Fair Housing (AFFH). For today's meeting, we have received 5 letters from ACT/Paul Foreman. Not a single one of them addresses this issue, which is the crux of the issue of residential rezoning (R1-R6). In their November 14 letter, AAPS mentions AFFH, but does not address it or how their proposals would comply with state law.

So what is AFFH?

Alameda's staff have presented numerous times, at multiple public meetings, on the state requirement to Affirmatively Further Fair Housing in order to have a compliant housing element. This is, by its very definition, **a legal and policy requirement for changing existing zoning in areas that can be shown to have had historical and continuing inequitable housing impacts in Alameda.** Specifically, it requires Alameda to: *"take meaningful actions....that overcome patterns of segregation.."*

In Alameda, the R-zones are the specific areas that this requirement refers to. While the law does not say “you must rezone R-zoned areas,” it explicitly and clearly calls for action in these areas in our city. This is unambiguous, that’s why groups are pretending it doesn’t exist.

Any call to exempt these areas from current or future zoning changes is an explicit (if sometimes unintended) call to continue existing segregation and inequity in housing in Alameda. If the outcome is inequitable, then the action is causing inequitable harm. I believe that most letter writers are not thinking about this as they cut/paste talking points from these organizations, but the leaders of these groups are well-aware.

### **But what are the outcomes?**

While groups like ACT and AAPS are now calling for all the housing to be built on top of shopping centers and at Alameda Point (the first is specifically what they claimed “no on z” would prevent and the second is what SunCal proposed for Alameda Point when these groups successfully fought that development). We are clearly not working with good-faith proposals here.

- **55% of Alameda’s residential areas are not upzoned at all.** (Yes, you read that correct. The number of units on 55% of Alameda’s residential lot (R1-R6) remains the same as it is today).
- For the remaining lots, the expectation is **1 unit for every 227 lots will be built each year** for 8 years.
  - For perspective, the historic Central Alameda block that AAPS is based out of has 20 lots. This mean one unit for every 11 or so city blocks.
  - Many of these units will be created in backyards and inside existing buildings.
  - People will not even notice these changes.

The impact of the Housing Element is being oversold in order to create fear and stoke responses to City Council that are unfortunately ill-informed even if they are sent with good intent. AAPS leaders have used the term “carpet-bombing” to describe adding on unit every 11 block. It is this kind of disgusting rhetoric (the use of violent, genocidal imagery to talk about needed housing) that lowers our community discourse.

### **What happens if we don’t comply?**

Refusing to upzone any of our residential areas in the Housing Element will result in non-compliance. If this happens, developers will be able to submit applications with very few limits without the City having any ability to stop them. First up will absolutely be Harbor Bay Club, next will be our shopping centers. Santa Monica fell out of compliance and has applications for more units than they have built in over a decade (4,000+). This is not a hypothetical issue. Additionally, Alameda will lose State Funding and ultimately our ability to control land use decisions like kitchen remodels. It’s no joke.

So while I appreciate that there are concerns about traffic, the units are coming, regardless of where they are built. And, as discussed above, trying to put all the housing on one end of our City is discriminatory and illegal, we can’t do that. This is why the proposal before the council tonight is a

balanced compromise that aims to hear the concerns of voters while also meeting state requirements.

Best,

John Knox White  
City Councilmember, Alameda  
(he/him or they/them)



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**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: [EXTERNAL] Please Adopts the 2023-2031 Housing Element and Related Zoning Amendments  
**Date:** Tuesday, November 15, 2022 3:42:29 PM

---

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

From: Amy Wheat Rumberger <amyrumberger@gmail.com>  
Date: Nov 15, 2022 12:03 PM  
Subject: [EXTERNAL] Please Adopts the 2023-2031 Housing Element and Related Zoning Amendments  
To: CityCouncil-List <CITYCOUNCIL-List@alamedaca.gov>  
Cc:

Dear Council Members and Mayor Ezzy-Ashcraft,

We are writing to express our strong support for the adoption of the proposed Housing Element on the agenda this evening. This approval is ESSENTIAL to our community. We do not need or want any "Builder's Remedy" housing in Alameda like they are facing in Santa Monica. The plan proposed is SOLID and in full compliance with the housing element we are REQUIRED to provide. Further delay is ridiculous and opens us up to liability. Further objection is disingenuous. This plan has been through every conceivable review.

PLEASE JUST GET IT DONE! We urge you to adopt the plan as approved. Thank you very much for your service to our community.

Sincerely,  
Amy & Timothy Rumberger  
1339 Bay Street  
Alameda, CA 94501

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**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: Housing Element Comments for 11/15/22 Alameda City Council Meeting  
**Date:** Tuesday, November 15, 2022 3:38:20 PM

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

From: Andrew Goldsmith <ajg769@pacbell.net>  
Date: Nov 14, 2022 7:35 AM  
Subject: [EXTERNAL] Housing Element Comments for 11/15/22 Alameda City Council Meeting  
To: CityCouncil-List <CITYCOUNCIL-List@alamedaca.gov>  
Cc:

Alameda City Council  
City Hall  
2263 Santa Clara Avenue  
Alameda, CA 94501

Members of the City Council,

We have owned our Queen Anne Victorian at 1338 Sherman for over 42 years and we raised our three children in Alameda.

Our daughter and her husband recently moved from San Francisco and bought a house in Alameda.

My oldest son and his fiancé are looking to buy in Alameda.

The reason we all enjoy Alameda is due to its small-town atmosphere and quality of life.

We all are against increasing the density and height limits, especially in historic neighborhoods/districts, as it will greatly degrade the quality of life and safety in Alameda.

There is a trade off between density and quality of life that is being overlooked by the *check the box* policies of the Alameda Planning Department in their quest for the Holly Grail of an Approved Housing Element.

Alameda is an Island with a fixed amount of buildable land with limited ingress and egress.

### **Intractable Traffic Congestion**

Anyone using the tube in the morning, trying to leave Alameda after the Alameda Point Antiques Fair, or experiencing the results of a stall or wreck in the tube is keenly aware of Alameda's transit limitations.

It is not hard to imagine what would happen with a significant earthquake.

The higher density being considered will lead to potentially intractable traffic

congestion.

Alta Star Harbor with 380 units plus residential units will soon go online near our home.

In addition, the Alameda Marina Project will add another 760 residential units.

Both projects will also have considerable retail space.

It is certainty that the opening of Alta Star Harbor and Alameda Marina Project will greatly impact us.

Before making changes to density, let's see what happens when Alta Star Harbor, the Alameda Marina Project, and other approved projects go online.

### **Infrastructure**

We question whether the underlying infrastructure such as sewers, water, and power can accommodate the proposed density in the neighborhoods.

After all, brand new infrastructure was required to build out Alameda Point, and the infrastructure in many established neighborhoods, such as ours, is dated.

The infrastructure at "newer" housing such as South Shore and Harbor Island is now decades old.

### **Earthquakes**

Lum School was closed because of the high risk of liquefaction during an earthquake.

The liquefaction issue is not unique to the Lum property.

Filled and other land currently built on in Alameda has the same liquefaction issues.

Does the City Council want to approve higher density development on dangerous unsuitable land?

### **Agree with ACT Recommendations**

We agree with the Alameda Citizen Task Force's (ACT) stance that zoning increases are not needed and that the Housing Element can be modified using their recommendations to meet the Housing Element.

Sincerely,

Cindy and Andy Goldsmith

1338 Sherman Street

Alameda, CA 94501

**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: Housing  
**Date:** Tuesday, November 15, 2022 3:16:38 PM

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

From: Mariah Healy <[mariahhealy1@gmail.com](mailto:mariahhealy1@gmail.com)>  
Date: Nov 15, 2022 2:14 PM  
Subject: Housing  
To: Trish Spencer <[tspencer@alamedaca.gov](mailto:tspencer@alamedaca.gov)>  
Cc:

Dear Council member Spencer,

My husband and I oppose the massive up zoning measure that is on the agenda for tonight. This measure, which is not needed to meet state housing requirements, Will help to destroy the unique character of many of our neighborhoods. It will make a cookie cutter town of Alameda to say nothing of the deleterious effect it will have on traffic, parking, infrastructure ,pollution and other downstream effects. Furthermore it flies in the face of our democratic process. Remember that over 60% of our electorate voted in favor Measure Z. Please oppose this measure.  
Thank you  
Mariah Healy/ Jon Goldmark

Sent from my iPad

**From:** [Andrew Thomas](#)  
**To:** [City Clerk](#); [Lara Weisiger](#)  
**Subject:** FW: [EXTERNAL] Vote to adopt the Housing Element (Item 7-B)  
**Date:** Tuesday, November 15, 2022 2:46:21 PM

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FYI

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**From:** Denise Z [mailto:info@email.actionnetwork.org]  
**Sent:** Tuesday, November 15, 2022 9:38 AM  
**To:** Andrew Thomas <athomas@alamedaca.gov>  
**Subject:** [EXTERNAL] Vote to adopt the Housing Element (Item 7-B)

Director of City Planning Andrew Thomas,

Dear Madam Mayor and Members of the Alameda City Council,

I am writing to express my full support of the staff-recommended draft housing element for the City of Alameda, and I would ask that the council vote to adopt it without modification post haste. I wish to thank the staff for all of their hard work on this over the last 2 years, especially the expertise and patience of our city planner, Andrew Thomas. He is an inspiration to those of us with an Urban Planning background as well as the general community living in this island city.

I believe the current housing element provides a balanced approach to the city's goals for housing our current and future residents. The proposed zoning changes are not only thoughtful to preserve much of Alameda's unique character, but are necessary to meet our requirements under Affirmatively Furthering Fair Housing and the balance of our RHNA.

Thank you for your willingness to make the right decision for Alameda.

Sincerely,

Denise Zachariah

Alameda resident since 2009

Retired Coast Guard family that chose Alameda as a our permanent stop at the end of 24 years of military service. :)

Denise Z

[liz.lemonada@gmail.com](mailto:liz.lemonada@gmail.com)

222 Pacific

Alameda, California 94501

**From:** [Linda Asbury](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Tony Daysog](#); [Malia Vella](#); [Trish Spencer](#); [Lara Weisiger](#); [Andrew Thomas](#); [Erin Smith](#)  
**Subject:** [EXTERNAL] 11-15-22 Council Agenda item #7-B  
**Date:** Tuesday, November 15, 2022 12:17:59 PM

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Mayor Ezzy Ashcraft, Vice Mayor Vella, Council Members Daysog, Knox White, Spencer:

Congratulations on the City's Housing Element moving forward in such a timely manner. On behalf of the West Alameda Business Association Board of Directors and members we're asking for more consideration be given to our prior requests to protect our core historical district.

1. For clarification, WABA is unwavering in our support for housing development and in particular, more affordable housing, within our district.
2. We support creative, innovative ideas with no density limits and have found a solution that helps the City bring in even more housing than required, while preserving the charm and feel of the Historic Webster Street District between Central and Lincoln.
3. By stepping up height limits beyond Lincoln and not limiting density with three story buildings in the historic core, we can build several hundred new housing units and a vibrant and diverse Western Alameda neighborhood that benefits everyone. The five stories proposed in the Housing Element and related zoning amendments is inconsistent with City's Webster Street Vision Plan.

Thank you in advance for your efforts to protect our historical district, while providing much needed housing.

***Linda***

Linda Asbury  
Executive Director  
West Alameda Business Association  
[linda@westalamedabusiness.com](mailto:linda@westalamedabusiness.com)  
510.523.5955

**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: [EXTERNAL] Housing Element  
**Date:** Tuesday, November 15, 2022 11:55:55 AM

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

From: Melinda Quilici <maquilici@gmail.com>  
Date: Nov 15, 2022 11:47 AM  
Subject: [EXTERNAL] Housing Element  
To: John Knox White <JknoxWhite@alamedaca.gov>, Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, Malia Vella <MVella@alamedaca.gov>, Trish Spencer <tspencer@alamedaca.gov>, Tony Daysog <TDaysog@alamedaca.gov>  
Cc:

Dear Mayor and City Council Members,

I respectfully request that you consider making some important modifications to the Housing Element (HE) presented to you this evening by your Planning Staff. As it is currently written, the HE will create up-zoning throughout the entire city, but it is my belief that we can meet our state RHNA requirements while mitigating the up-zoning that will have negative impacts on our city.

Please refer to the letter delivered to you by ACT within the last few days. I kindly urge you to adopt the modifications as presented in the letter.

I am not against building new housing in our city, I would like for our leaders to push the developers to help improve our infrastructure. We are so lucky to have great resources in our city for everyone to enjoy. But so many of those resources need money for improvements. Some are shut down because they are not safe. Across the country cities have made it a requirement for developers to improve schools, recreation facilities, parks, etc. in the city they build in.

I have to believe that somehow with all the legal talent we have within our city staff and in the community (who would volunteer to help) we can negotiate with the Navy to eliminate the \$100k per unit fee for every parcel built. Instead, use that money to make the much needed improvements throughout our city. If we could make those improvements those sites could be revenue generators for the city. But most importantly, these improvements could be enjoyed by everyone who lives or visits Alameda. This could also free up money from our city budget for other much needed projects.

### **Wish List**

- 1) Fix the Emma Hood pool center
- 2) Build a community pool
- 3) Fix the theatre at AHS (this is not only used by students)
- 4) Build a theatre at EHS
- 5) Resurface the soccer fields at Alameda Point
- 6) Turf Thompson Field
- 7) Rehab the Allen Michaan Theatre
- 8) Build a new multi-purpose gym
- 9) Help fund the bike/pedestrian bridge

My kids are older now, but they have been so fortunate to have been able to participate in all activities offered in our city (little league, AYB, Alameda Soccer Club, Dance 10, TYR, middle school sports, high school sports). The one common problem is having the space to practice or compete.

Yes, our city has an obligation to build housing. But, we have elected all of you to ensure your residents have a wonderful community to call home. I have been listening to countless city council meetings and I think everything I listed above has had many pleas for help from the community. Please find a way to hold the developers accountable to our residents. They will still profit financially from their projects, but the improvements would be priceless to city residents!

Thank you for your consideration,  
Melinda Camarillo Quilici  
Alameda resident since 1996

**From:** [MiChelle Fredrick](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Malia Vella](#); [Trish Spencer](#); [Tony Daysog](#)  
**Cc:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] No on the upzoning of our entire City  
**Date:** Tuesday, November 15, 2022 11:53:03 AM

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TO: Mayor and City Council Members

I urgently request that you modify the Housing Element (HE) presented to you Tuesday by you Planning Staff.

As it is currently written, the HE will create up zoning throughout our entire City. This action will cause serious negative impacts on all of your constituents. State RHNA requirements can be met without subjecting Alameda to universal up zoning. Please refer to the well researched letter provided to you by ACT, and endorse the recommended modifications in that document.

As a long-time resident of West Alameda, I have already witnessed detrimental impacts caused by uncontrolled development in the West End and along the estuary. Basic infrastructure and transportation problems have not been thoroughly addressed. Those issues must be solved before layering on more and more development.

Respectfully,

Mi'Chelle Fredrick

**From:** [Jason Buckley](#)  
**To:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] Vote to adopt the Housing Element (Item 7-B)  
**Date:** Tuesday, November 15, 2022 11:17:03 AM

---

City Clerk Lara Weisiger,

Dear Mayor and Members of the City Council,

I am in support of the staff-recommended draft housing element, and I would ask that the council vote to adopt it without modification. I also want to thank the staff for their hard work on this over the last 2 years.

I believe the current housing element provides a balanced approach to weigh all the city's goals with our requirements under state law.

The proposed zoning changes in the housing element are not only thoughtful to preserve much of Alameda's unique character but are necessary to meet our requirements under Affirmatively Furthering Fair Housing and the balance of our RHNA.

As we have known since the 5th cycle housing element when we adopted a multifamily overlay and backed up by the letter from HCD last year, Article 26 of the City Charter violates state housing law and cannot be enforced.

Let's not let a bunch of sociopathic NIMBYs throw another monkeywrench into the gears as the love to do. Or let the housing element fall out of compliance and bring on the builders remedy! Either way, more housing for Alameda!

Jason Buckley  
jason.buckley@gmail.com  
420 Nunyabidness Street  
Alameda, California 94501

**From:** [Shannon Adkins](#)  
**To:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] I support the adoption of the current Alameda Housing Element  
**Date:** Tuesday, November 15, 2022 10:06:11 AM

---

City Clerk Lara Weisiger,

Dear Mayor and City Council,

I fully support the adoption of the city's current staff-recommended draft Housing Element.

For two years the city has collected input from the public at over 25 meetings. The current draft of the Housing Element represents all of that input as a community. Changing it at the 11th hour ignores all of that hard work and only works to put Alameda at risk of being out of compliance with state housing law.

Shannon Adkins  
adkinsshan@gmail.com  
854 Cedar St  
Alameda, California 94501

**From:** [ps4man@comcast.net](mailto:ps4man@comcast.net)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); ["Trish Spencer"](#); [Tony Daysog](#)  
**Cc:** [Andrew Thomas](#); [Allen Tai](#); [Yibin Shen](#); [Manager Manager](#); [City Clerk](#)  
**Subject:** [EXTERNAL] Item 7-B-City Council Agenda Nov. 15, 2022-Housing Element, Zoning Amendments-Rebuttal to Thomas Response to Graf  
**Date:** Tuesday, November 15, 2022 9:55:49 AM

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

As much as it grieves me to burden you with yet another letter, I feel compelled to rebut Mr. Thomas's response to Attorney Graf regarding the tenant displacement issue.

Mr. Thomas argues that the residential sites listed in the draft Housing Element Site Inventory do not present a substantial risk of tenant displacement. Mr. Thomas completely ignores the elephant in the room, the proposed upzonings of zoning districts R-3 through R-6 and the Transit Overlay which touches on all six zoning districts. The combined area covered by these upzonings contain over 16,000 parcels and over 4000 existing tenants. Both upzonings are outside of the site inventory and development is not capped in any way. These upzonings are designed to encourage the development new structures including demolition of existing structures. This will unavoidably displace tenants from rent controlled units.

There is no provision in the Housing Element or City ordinances that guarantees displaced tenants replacement housing during or after construction except for the State law requirement for protection of lower income tenants of deed restricted housing. The Bay Area Metropolitan Planning Commission recently published a report that every East Bay rental has 14 applicants. To make matters worse these displaced tenants will have to move from rent controlled units to uncontrolled vacancy rentals and/or post 1995 built housing completely exempt from rent control.

Mr. Thomas's conclusion that these upzonings will not impact a substantial number of tenants is entirely without foundation as is his conclusion that the only CEQA concern on tenant displacement is whether replacement housing will have to be built. As I have pointed out in prior letters, Mr. Thomas relies on the checklist at CEQA Guidelines Appendix G Section XIV, while ignoring the preamble to the same that states, *'Substantial evidence of potential impacts that are not listed on this form must also be considered. The sample questions in this form are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.'* <https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/ab52/final-approved-appendix-G.pdf>

I hope the above is of aid to you in your deliberations.

Sincerely,

Paul Foreman

**From:** [Deni Adaniya](#)  
**To:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] Vote to adopt the Housing Element (Item 7-B)  
**Date:** Tuesday, November 15, 2022 7:42:37 AM

---

City Clerk Lara Weisiger,

Dear Mayor and Members of the City Council,

I am in strong support of the staff-recommended draft housing element, and I would ask that the council vote to adopt it WITHOUT modification. I also want to thank the staff for their hard work on this over the last 2 years.

I believe the current housing element provides a balanced approach to weigh all the city's goals with our requirements under state law.

The proposed zoning changes in the housing element are not only thoughtful to preserve much of Alameda's unique character but are necessary to meet our requirements under Affirmatively Furthering Fair Housing and the balance of our RHNA.

As we have known since the 5th cycle housing element when we adopted a multifamily overlay and backed up by the letter from HCD last year, Article 26 of the City Charter violates state housing law and cannot be enforced.

As a homeowner who lives on the only block in the East End (east and west of High Street) that includes multifamily properties, I am in full and complete support of the proposed zoning changes that will allow a diverse spectrum of residents to live in neighborhoods throughout our wonderful city.

Sincerely,  
Deni Adaniya

Deni Adaniya  
[deni.adaniya@gmail.com](mailto:deni.adaniya@gmail.com)  
3233 Briggs Ave  
Alameda , California 94501

**From:** [Christopher Buckley](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Tony Daysog](#); [John Knox White](#); [Trish Spencer](#)  
**Cc:** [Andrew Thomas](#); [Allen Tai](#); ["Thomas Saxby"](#); ["Norman Sanchez"](#); ["Lynn Jones"](#); [Asheshh Saheba](#); [Teresa Ruiz](#); [Ronald Curtis](#); [Alan Teague](#); [Xiomara Cisneros](#); [Hanson Hom](#); [Diana Ariza](#); [Manager Manager](#); [Lara Weisiger](#); [paul.mcdougall@hcd.ca.gov](#); [claire.sullivan-halpern@hcd.ca.gov](#); [Nancy McPeak](#); [Erin Garcia](#)  
**Subject:** Draft Housing Element and related Draft Zoning Amendments - -Item 7-C on City Council's 11-15-22 Agenda  
**Date:** Tuesday, November 15, 2022 9:42:37 AM  
**Attachments:** [2022-11-14HousingElementCityCouncil - AAPS CommentsEnlMergedCompressed.pdf](#)

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Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

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Dear Mayor Ashcraft and Councilmembers:

The Alameda Architectural Preservation Society (AAPS) plans to present the attached comments at the City Council's 11-15-22 meeting. The comments are mostly based on comments previously submitted to the Planning Board and Historical Advisory Board.

Please contact me at (510) 523-0411 or [cbuckleyaicp@att.net](mailto:cbuckleyaicp@att.net) if you have questions or would like to discuss these comments.

Christopher Buckley, Chair  
AAPS Preservation Action Committee



November 14, 2022

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

**Subject: Draft Housing Element and related zoning text amendments (Item 7-B on 11-15-22 City Council agenda)**

Dear Mayor Ashcraft and Councilmembers:

We reiterate our comments previously submitted in detail (especially in our May 8, May 22 and September 11 letters to the Planning Board) that many of the residential density increases, height limit increases and other upzonings proposed by the draft Housing Element and zoning amendments for **all** of Alameda's residential zoning districts and historic commercial areas appear unnecessary to meet the RHNA and state fair housing requirements and are harmful to Alameda's historic neighborhoods and historic commercial areas. The upzonings (except #4 and #5 below) will allow developers to construct intrusive, out of scale new buildings in historic areas, possibly with land assembly and demolition of historic buildings. Although Alameda's historic preservation ordinance requires Historical Advisory Board approval for historic building demolitions and some alterations, such approval is not required in most cases for intrusive new construction and there is no assurance that the Board or, on appeal, the City Council will not approve such demolitions.

The upzonings will also put existing relatively affordable rent-controlled housing units at risk replacing them with non-rent controlled market rate units, encouraging gentrification.

Specific concerns include:

- 1. Increased residential density by ca. 1½-3 times the Article 26 limit of one unit/2000sf of lot area in the R3 through R6 residential zones**, which cover central Alameda. (Note: The proposed density increases **exceed** the pre-Measure A densities in the R3, R4 and R5 zones.)
- 2. Unlimited density in the historic North Park Street residential areas (outside R3-R6), including "The Wedge", and height limit increases from 30' to 40' in the North Park Street Residential and 35'to 50' in the Mixed Use (but mostly residential) Subdistricts.** (See attached report on this important historic area by former HAB member Judith Lynch.)

3. **The Transit Overlay Housing Waiver** (“Transit Overlay”) that allows unlimited density and height limit increases to at least 40’ in new buildings with units less than 1000 ft.<sup>2</sup> within ¼ mile of the 51 bus line and other “high quality” bus lines. See attached map.
4. **Unlimited residential density in all existing buildings**, although the Planning Board recommended scaling this back to four additional regular units within an existing residential structure in R1-R6 plus unlimited ADUs (and is now reflected in the zoning text), which is very helpful.
5. **Reduced minimum lot sizes, side and rear yard setbacks** and other zoning changes to allow increased building coverages.
6. **Unlimited residential density in all of the traditional business districts and by-right height limits increased:**
  - a. from the current 40’ to 60’ within the Webster Street Business District and within the ca. 80% of the Park Street Business District south of Lincoln that is not already 60’<sup>1</sup>;
  - b. from the current 50’<sup>2</sup> to 60’ in the Park Street Business District north of Lincoln; and
  - c. from 30’ to 45’ in the historic small commercial districts (the “Stations”) along Lincoln, Encinal and Central Avenues.

As previously stated, we have not been able to find anything in state law or published California Department of Housing and Community Development (HCD) guidelines that demand such sweeping and indiscriminate upzonings **everywhere**.

In addition:

- i. **The R3 through R6 and North Park Street upzonings and the transit overlay are not needed to meet Alameda’s Regional Housing Needs Assessment (RHNA)**, since any units they generate are not being counted as part of the Housing Element’s RHNA site inventory. **The upzonings also do not appear to be needed to meet state fair housing requirements** because of the Housing Element’s additional units, including unlimited ADUs, within existing buildings citywide combined with the SB9 upzoning of the entire R1 zone earlier this year that allows four regular units on existing R1 lots plus ADUs outside existing buildings.
- ii. **A maximum of only 41 RHNA units in the historic business districts will be subtracted from the RHNA if the proposed unlimited density is reduced to 30 units/acre plus unlimited ADUs**, as recommended in Item b below, and the subtracted units can be absorbed by the 1071 unit buffer in the Housing Element’s RHNA site inventory that exceeds the 5353 RHNA units. These 41 units consist entirely of the proposed 50 unit project at the old two story Bank of America Building at the northeast corner of Park Street and Santa Clara Avenue (Site 14h in the Housing Element’s Site Inventory). 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 preferable to complete demolition, the building is a major contributor to the Park Street

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<sup>1</sup> The current height limit in the Park Street Business District south of Lincoln is 60’ by right for properties fronting Park Street north of Encinal Avenue and 40’ by right elsewhere, with 60’ allowed with a Use Permit

<sup>2</sup> The current by-right height limit on Park Street north of Lincoln is 50’ with 60’ allowed with Planning Board approval.

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.

- iii. **The upzonings will radically increase the number of lots eligible for state density bonus projects that would allow buildings as much as three stories taller than the proposed already excessive increased height limits.** See examples of this kind of development in our attached November 3, 2022 letter to the Historical Advisory Board. Affordable units created by density bonus projects can instead be accommodated by “affordable by design” units within existing buildings and an unlimited number of ADUs in existing and new buildings, since ADUs don’t count toward the five units per development that triggers density bonus projects.
- iv. **Recently certified Housing Elements for other communities do not include such massive upzonings to meet the RHNA and fair housing requirements.** Staff has said 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.

To address these concerns, we recommend:

- a. Adopt the Planning Board recommendation to **limit the number of regular units to four within existing buildings plus ADUs in the R1 through R6 zones, and apply this also to the North Park Street residential and mixed use areas and the historic commercial areas.**
- b. **Change the proposed unlimited density in the historic portions of the Park Street and Webster Street Business Districts<sup>3</sup> and the Stations to no more than 30 units per acre. Also change the proposed 60 foot height limits for the historic portions of Park Street and Webster Street to 40 feet,** which is the existing height limit on Webster Street and about 80% of Park Street south of Lincoln.
- c. **Delete or scale back the transit overlay.**
- d. **Either: (i) keep the existing one unit/2000 ft.<sup>2</sup> of lot area density in R3 through R6 and in the North Park Street residential and mixed use areas and do not increase the North Park Street height limits; or (ii) limit these upzonings to nonhistoric areas.**

See our attached 9-11-22 letter to the Planning Board for more specific discussion of the above strategies.

We recognize that amending the Housing Element to incorporate these changes will require resubmittal to the HCD for certification and risk triggering the “Builder’s Remedy” if “substantial compliance” with the State Housing Element Law is not obtained by January 31, 2023. Please refer to the Alameda Citizens’ Task Force November 10, 2022 letter’s strategy for addressing the Builder’s Remedy.

Finally, the draft zoning amendments now explicitly delete Article III from the Development Regulations which sets forth the provisions implementing **City Charter Article 26** and confirms the effect of the

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<sup>3</sup> The historic portion of Webster Street is between Central and Lincoln Avenues. The historic portion of Park Street is south of Lincoln (except for some of the cross streets), plus the west side of Park Street between Lincoln and Buena Vista. See attached map showing these historic areas.

massive upzonings discussed 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 Article 26. **Has the City Attorney reviewed this?**

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

Attachments:     1. AAPS 11-3-22 letter to the Historical Advisory Board  
                      2. Transit Overlay Map  
                      3. Maps of the historic portions of Park and Webster Streets  
                      4. AAPS 9-11-22 letter to the Planning Board  
                      6. North of Lincoln Historic Buildings--a report by Judith Lynch

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



November 3, 2022

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

**Subject: Examples of Oakland and Berkeley projects incompatible with Alameda historic areas that could result from the Alameda Housing Element--Item 7-C on 11-3-22 Historical Advisory Board agenda**

Dear Historical Advisory Board members:

The Alameda Architectural Preservation Society (AAPS) would like to call your attention to examples of projects in Berkeley and Oakland that use the state density bonus law and other state legislation to substantially exceed the normally required height limits and which could result from the current draft Housing Element.

Here is a link to a Berkeleyside article with examples of Berkeley projects using state legislation for increased height limits that if used in Alameda in combination with the proposed Housing Element upzonings could create out of scale buildings in the historic portions of Park Street, Webster Street, the Stations and possibly elsewhere.

[Berkeley housing: Projects could bring more than 500 new apartments](#)

Note especially the project at 2601 San Pablo Avenue, since the height limit there is only 50' (compared with the 60' that the Housing Element is proposing for the historic portions of Park Street and Webster Street) and they are proposing a height of 79 1/2', presumably using the form-based unlimited density mapped in much of Berkeley and now proposed for Alameda's historic business districts.

Note also 2440 Shattuck Avenue, which will have an eight story, 87' height including two additional floors using the state density bonus law. Here is a SF YIMBY link with more info:

[Construction Starts for 2440 Shattuck Avenue in Downtown Berkeley - San Francisco YIMBY](#)

Attached is a SF YIMBY article on 2301 Telegraph Avenue in Oakland using SB 35, along with the City of Oakland's SB 35 eligibility determination letter. Note that the by-right height limit is 45' but 78' has been approved using California Government Code Sections 65915(b)(1)(G) and 65915(d)(2)(D), which are part of the State Density Bonus Law.

Alameda's Objective Design Review Standards might help Alameda's versions of these kinds of projects be more compatible with historic areas, but cannot regulate height and other building envelope aspects.

Sincerely,

Christopher Buckley, Chair  
Preservation Action Committee  
Alameda Architectural Preservation Society

Attachments:     1. SF YIMBY article on 2301 Telegraph Avenue in Oakland  
                      2. City of Oakland letter determining that the 2301 Telegraph Avenue project is eligible  
                      for SB 35 and three additional stories above the 45' height limit.

cc: Mayor and City Councilmembers (by electronic transmission)  
      Andrew Thomas and Allen Tai, Planning, Building, and Transportation Department (by electronic  
          transmission)  
      AAPS Board and Preservation Action Committee (by electronic transmission)


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# Approval For Community Anchor At 2301 Telegraph Avenue, Northgate, Oakland



2301 Telegraph Avenue view from 23rd Street and Telegraph, design by Mithun and Parcel Projects

BY: ANDREW NELSON 5:30 AM ON OCTOBER 21, 2022

The City of Oakland has approved plans for the seven-story proposal at [2301 Telegraph Avenue](#) in [Northgate, Oakland](#). The unique mixed-use project aims to create a

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new community anchor for the neighborhood with affordable housing, retail, offices, and a performance center. **Parcel Projects** and **McCormack Baron Salazar** are jointly responsible for the development.

The expedited approval process was in part achieved using Senate Bill 35, introduced in 2017 by State Senator Scott Weiner and approved by Governor Jerry Brown. The bill sets a standard list of requirements the project must meet to be eligible.



2301 Telegraph Avenue vertical cross-section, design by Mithun and Parcel Projects

The timeline for 2301 Telegraph started in 2015 when Parcel Projects and McCormack started engaging with neighborhoods and public meetings. The meeting with hundreds of people and 60 organizations in the city. The city first received the proposal seven months ago, in March of this year. The development permits were filed with the city just two months ago.

The 78-foot tall structure will yield 43,700 square feet, of which 4,970 square feet will be for retail. Of the 58 units, half will be dedicated to Transitional Age Youth, and one will be dedicated to an on-site manager. Apartment sizes will range from studios to one and two bedrooms. **Mithun**



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and Parcel Projects will be collaborating for the architectural design.

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2301 Telegraph Avenue semi public terrace, design by Mithun and Parcel Projects



2301 Telegraph Avenue view from the second-floor terrace, design by Mithun and Parcel Projects

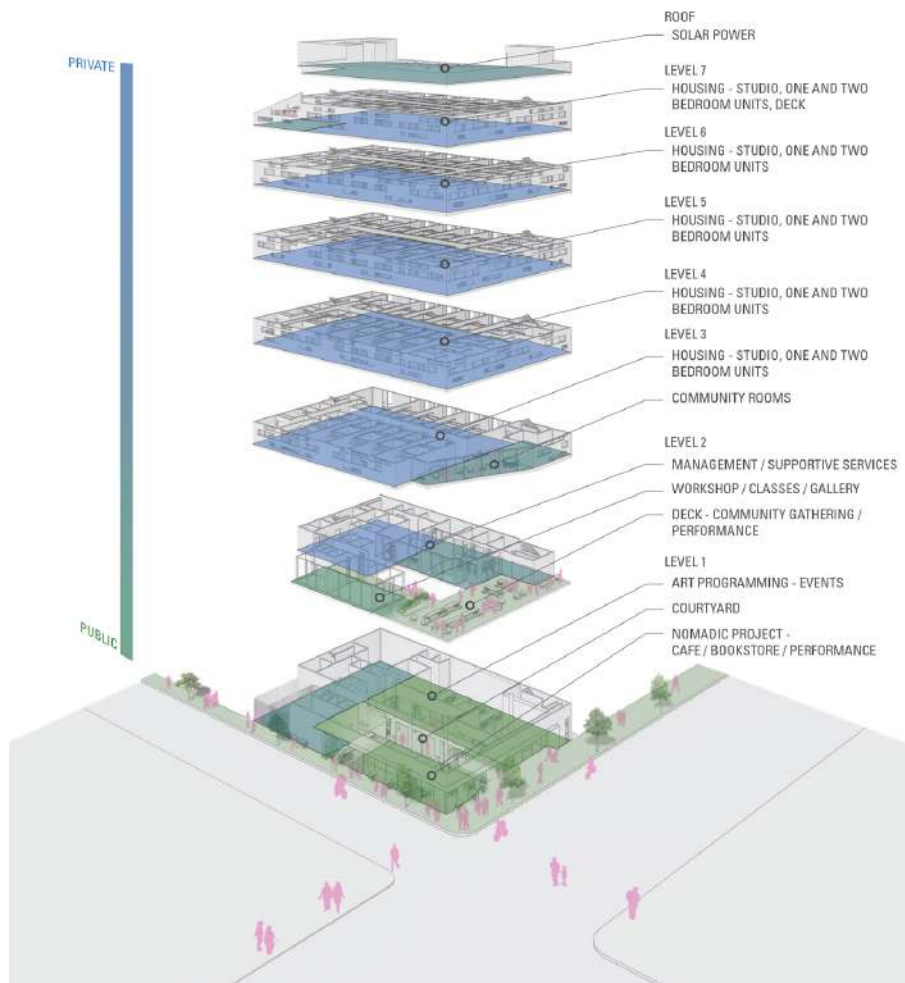
The first floor will include a cafe, bookstore, and performance center at the corner of Telegraph Avenue and 23rd Street, managed by the Nomadic Project. An art programming room will offer event space on the second half of the first floor.

The second floor will include a semi-public deck offering visitors seating with fresh air and city views. The rest of the floor will offer workshops, classes, a gallery space for arts, and offices for property management and supportive

services. The art spaces will be run by community-based arts organizations based on-site or elsewhere in Oakland.



2301 Telegraph Avenue interior view, design by Mithun and Parcel Projects



2301 Telegraph Avenue floor programming illustration, design by Mithun and Parcel Projects



2301 Telegraph Avenue evening aerial view, design by Mithun and Parcel Projects



2301 Telegraph Avenue, image via Google Street View

McCormack Baron Management, the same firm behind the 755-unit **1300 Buchanan Street** proposal in **San Francisco**, will be responsible for building management. Urban Strategies Inc. and First Place for Youth will provide supportive services for residents. Apartments will populate the rest of the building from the third level and up.

Reached for comment, Parcel Projects partner Erik Bloom shared “We are thrilled to be moving forward with the project and look forward to providing much needed affordable housing and space for community-based arts organizations in Oakland.” Bloom confirmed they are aiming to start construction in 2024, and the team is working on predevelopment and construction financing now.

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2 COMMENTS

ON "APPROVAL FOR COMMUNITY ANCHOR AT 2301 TELEGRAPH AVENUE, NORTHGATE, OAKLAND"

lrk | October 21, 2022 at 9:05 am | Reply

wow this is awesome. so great to see a housing project that actually serves the community in this area.

Gage | October 25, 2022 at 7:45 am | Reply

I think it is fantastic also. I only hope that Pepto-Bismol's pink is just for the drawings. I personally

don't like that color much.

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# CITY OF OAKLAND



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Planning and Building Department  
Bureau of Planning

(510) 238-3941  
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## Sent Via Email

October 18, 2022

Malcolm Harris, Mithun  
660 Market Street, #300  
San Francisco, CA 94104  
malcolmh@mithun.com

## RE: SB 35 Eligibility Determination for 2301 Telegraph Avenue; Case File PLN22147

Dear Mr. Harris:

On March 21, 2022, the City received an application (Case File PLN22147) for the streamlined, ministerial review of a development project involving the demolition of an existing commercial building and the construction of a seven-story mixed-use building containing 57 affordable dwelling units and one market rate manager's unit. The building also includes on-site residential supportive services, community-based arts programming, and 4,972-sf of commercial space at 2301 Telegraph Avenue. The application was accepted as submitted pursuant to Senate Bill (SB) 35. Since the project was proposing less than 150 residential units, staff had 60 days from August 19, 2022 to review the project.

## Density Bonus

The City's Land Use and Transportation Element of the General Plan (LUTE) designates the site Community Commercial and the site has a Zoning designation of Community Commercial – 2 (CC-2). Both these designations zones allow multifamily residential activities.

Pursuant to *AB 1763*, projects are exempt from maximum controls on density if they are:

- a) 100% affordable projects as defined under the California Government Code 65915(b)(1)(G) as 100% of units (excluding the manager's unit) available to lower-income households, with up to 20% of the units available to moderate-income households; and
- b) located within ½ mile of a major transit stop.

A project that receives a waiver from any maximum controls on density can receive up to four concessions or incentives and shall also be eligible to receive a height increase of up to three additional stories, or 33 feet, see Gov. Code Section 65915(d)(2)(D), but are not eligible for any additional waivers or reductions of development standards. Gov. Code Section 65915(e)(3).

Not including the managers unit, the project includes only units that are affordable to either Extremely Low, Very Low, and Low-Income households. The subject site is located within ½ mile of a major transit stop (19<sup>th</sup> Street BART Station and AC Transit Lines), and the project is only requesting three concessions.

**Concessions/Incentives**

Staff concurs that there are actual, identifiable cost reductions as identified in your letter dated October 4, 2022, to grant concessions for: 1) the amount of group open space, 2) number of parking spaces, and 3) projection into the rear yard setback. Additional open space would be required to be placed on the roof of the building, which would significantly increase the cost of construction. Additional parking spaces would also create a significant increase in the cost of construction. Reduction of the rear open space would require two fewer units, which would be a financial liability for the project.

If you have any questions regarding the letter, please contact the case planner, **Neil Gray** at **(510) 238-3878** or **[ngray@oaklandca.gov](mailto:ngray@oaklandca.gov)**.

Very Truly Yours,






ROBERT D. MERKAMP  
Zoning Manager

cc: Michael Branson, City Attorney [MBranson@oaklandcityattorney.org](mailto:MBranson@oaklandcityattorney.org)  
Todd Bennett, [todd@parcelprojx.com](mailto:todd@parcelprojx.com)  
Erik Bloom, [erik@parcelprojx.com](mailto:erik@parcelprojx.com)  
Christia Mulvey Manager, Housing Development Services, [cmulvey@oaklandca.gov](mailto:cmulvey@oaklandca.gov)

Attachment A: Findings

# Transit Overlay

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

# Transit Overlay Underlying Zoning

Park Street Transit Corridor

AC Transit 51A Transit Corridor

Zoning

R-1

R-2

R-3

R-4

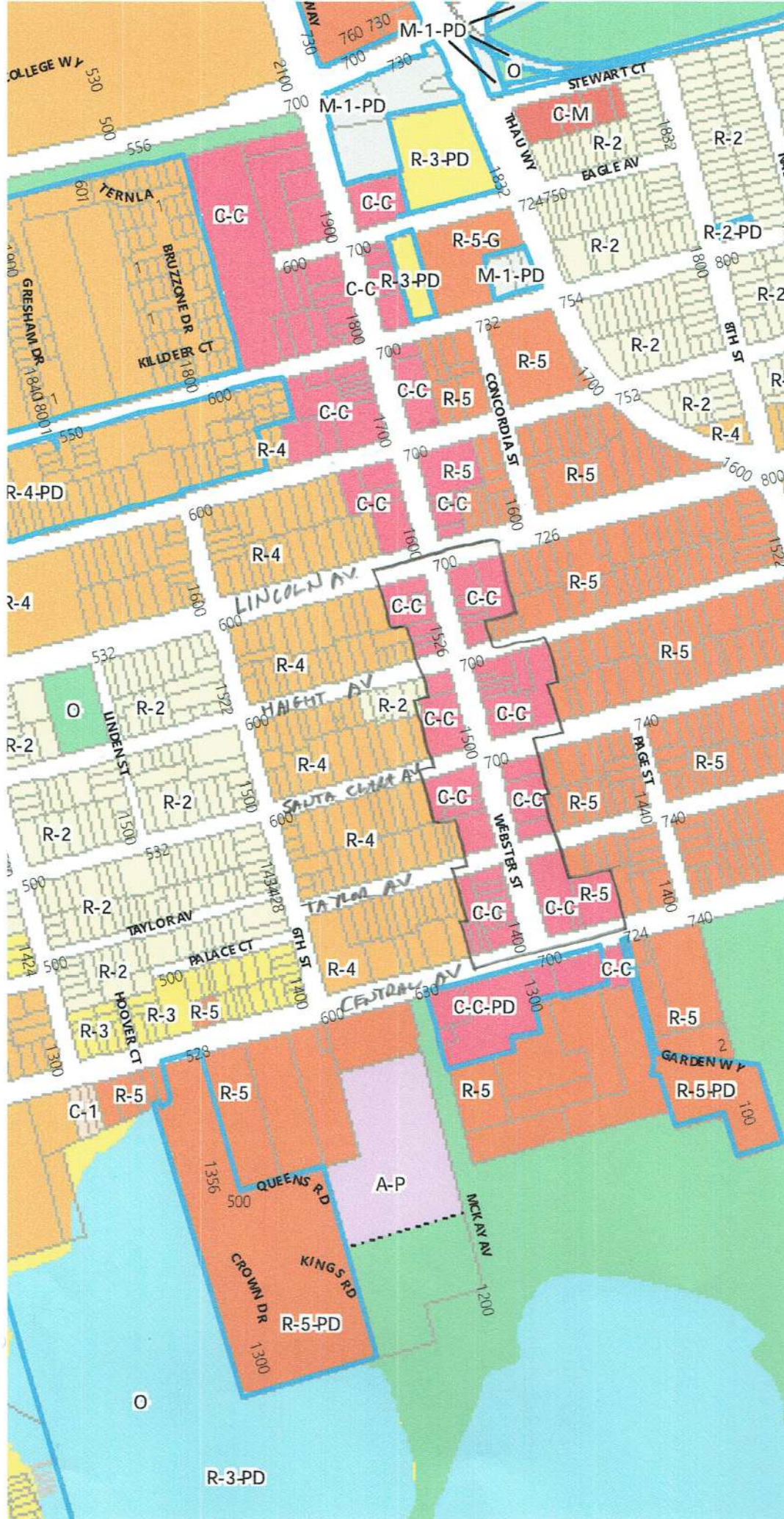
R-5

R-6

This map displays the underlying zoning for transit overlay areas in Alameda, California. The map features a grid of streets and various colored blocks representing different zoning types. Two main transit corridors are highlighted: the Park Street Transit Corridor, shown as a purple line, and the AC Transit 51A Transit Corridor, shown as a dark blue line. The zoning is color-coded according to the legend: R-1 (light gray), R-2 (light yellow), R-3 (yellow), R-4 (orange), R-5 (dark orange), and R-6 (dark red). The map also shows the Alameda River, the College of Alameda, and the Robert W. Crown Memorial State Beach. Key streets include Main St, Singleton Ave, Atlantic Ave, Eagle Rd, and International Blvd. The map is titled 'Transit Overlay Underlying Zoning' in a white box in the top right corner.



11/14/22  
 APPROVED HOUSING ELEMENT  
 AHS RECOMMENDED BOUNDARY FOR HISTORIC PORTION OF  
 WEBSTER STREET BUSINESS DISTRICT





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.*

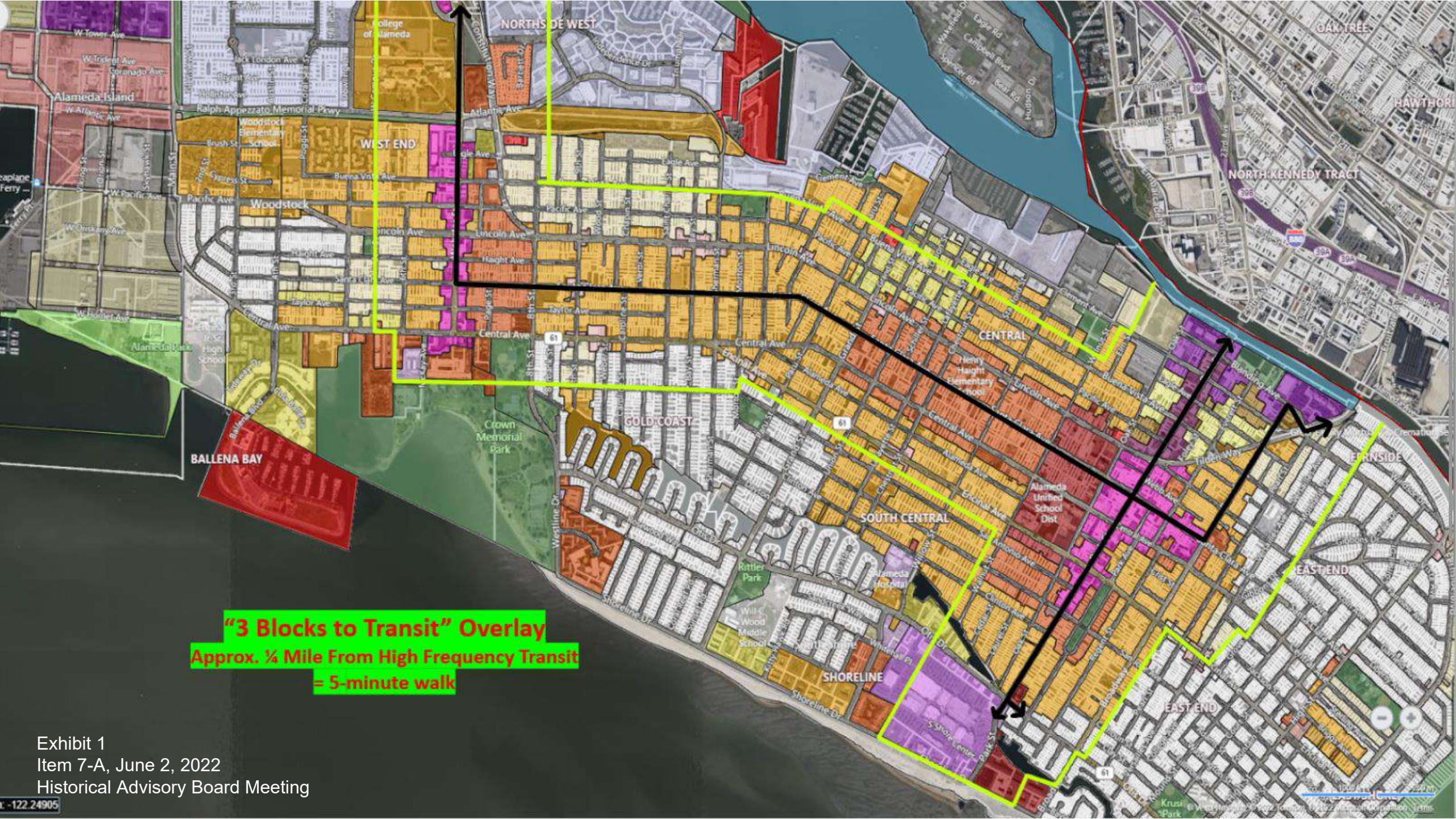
Thank you for the opportunity to comment. Please contact me at (510) 523-0411 or [cbuckleyAICP@att.net](mailto:cbuckleyAICP@att.net) if you would like to discuss these comments.

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**

# North of Lincoln Historic Buildings

a report by Judith Lynch

## Methodology

First, I noted the exact range of street numbers and names within the boundaries of the study area and “worked” all the addresses through the books published by the Alameda Museum that document Victorian and Edwardian buildings. Each listing was jotted on an index card. Then I walked all the blocks and looked closely at all the buildings. Along the way were structures that were not in the Museum listings but that were historic, so cards were added for those. Next I compiled a database and sorted the information several ways.

## Findings

### 1. Hidden History

For a small area (12 blocks) the study area is rich in history, with 114 buildings that were either significant in appearance, documented as historic, or both. However, that total of 114 is not fully reflected in any official tally; just over half (59) are on the City’s Historic Buildings Study List.

### 2. Oodles of Oldies

Some of the oldest and most precious historic buildings on the Island are within the study area. These ancient structures include 21 designed in the Italianate style that was popular in the 1870s and early 1880s. In all of Alameda only 218 buildings are Italianates; ten percent of those are in the study area. Two of them are on the “oldest surviving buildings” list compiled by Alameda Museum Curator George Gunn, who states they date from before 1872 when city record keeping was established. Ironically, the Italianate style was inadvertently left out of the style synopsis in the City of Alameda Guide to Residential Design.



Italianate structures in the study area range from these wee flat fronts at 2410 and 2412 Buena Vista to the substantial property at 1729 Everett, on the list of “oldest survivors.”



The Fossing Building is a splendid example of an Italianate commercial building with cast iron pilasters shown in the detail on the right. It was restored (before left, after right) and received an award from the Alameda Architectural Preservation Society in 2000.



### 3. Styles Represented

(Note that dates are approximate)

Italianate (1870s): 21

Stick (1880s): 16

Queen Anne (1890s): 23

Colonial Revival (1900s): 22

Bungalow (1910s): 10

Other: 22



From the left, a Stick residence at 2312 Buena Vista, a Queen Anne at 2301 Buena Vista, and a Shingle style at 2437 Buena Vista.

## 4. Misguided Improvements

Few of these 114 study area vintage buildings have been disfigured by asbestos, stucco, tarpaper brick, or permastone (now called cultured rock). But vinyl sales have been brisk, and several old study area structures have been virtually obliterated. Luckily the characteristic bay windows remain, reminders that these are old houses at heart.



Two well kept examples: a Craftsman home at 2428 Buena Vista and a Queen Anne cottage at 2301 Eagle Avenue.

## 5. Charming Clusters

There is a choice nest of well kept homes on Foley, a street unknown to me until last month. Buena Vista and Eagle also sport clusters of tasty houses. So while the study area feels a bit shopworn and commercial if you only travel on Park Street, the side streets may be worthy of Heritage Area designation.

## 6. Architectural Pedigree

Few of the 114 structures are attributed to a renowned architect or builder but there are a handful: Joseph Leonard, A.R Denke, Marcuse & Remmel, Charles H. Foster, and the Newsoms (John and Theodore, related to the architects who designed the Carson Mansion in Eureka).



The Buddhist Temple at 2325 Pacific Avenue is a grand example of the Stick style. It was designed by architect George Bordwell

## 7. Fascinating Anomalies

The Buddhist Temple is located in the large towered Stick building called a “villa.” Its grounds and garden are an oasis! At 1813-17 Everett Street is a hybrid: facing the large back yard is a five sided

projecting



e l



altered

Like the expression: “Queen Anne front, Mary Anne behind,” 1813-17 Everett is “Stick front and Italianate behind.”

in the Stick style of the 1880s, perhaps when it was changed into two units. At 2419 Tilden Way, landlocked and only reachable by way of the driveway at 1633 Everett, is a sequestered treasure, an 1888 home designed by A.R. Denke. Some portions are smothered with siding, but much ornate detail remains, and this property could be a spectacular restoration project.



A chain link fence awash in ivy hides this Denke-designed house at 2419 Tilden Way. The sides and rear are covered with siding; choice details remain on the front.

## 8. History at Risk

I think we should add all the rest of the 114 buildings to the Study List . . . after careful staff and HAB review, of course. Some of these properties seem quite vulnerable. For example, two are for sale right now at 2324 and 2318 Pacific. They are not protected by Study Listing, and one is on an enormous lot. They are both 1907 Colonial Revival homes. On the real estate flyer for the residence at 2324 is this notation: “Zoned CM. Check zoning for allowed uses.” That means a 100 foot height limit, 100 percent coverage (allowing for parking), all commercial uses plus warehousing and light industrial.

All images by Richard Knight, except old image of the Fossing Building. That is courtesy of the Planning and Building Department.

November 15, 2022

Mayor Marilyn Ashcraft and City Council

I urge you to **oppose the proposed massive upzoning in the Housing Element.**

Department Head, Andrew Thomas, and his staff put an enormous amount of time and effort into creating the Housing Element and most of it will serve Alameda well. I fear for the consequences of the massive upzoning of our established neighborhoods R-1 thru R-6, historic commercial districts, and parcels within ¼ mile of a good commuter service bus line – the 51 bus line.

Architectural historian, Kara Brunzell's created a memo assessing the Housing Element and Related Zoning Amendments. She predicts the construction of tall (up to 8 stories) multi-unit buildings. While there are place in Alameda where this would be appropriate, there are places that have been upzoned (see transit overlay below) that are vulnerable to adverse effects of this type of development.

These broad provisions will allow developers to demolish existing structures and replace them with much more densely populated buildings or add additional structures on current yard space and will not constrict developers from aggregating contiguous parcels to create even larger structures.

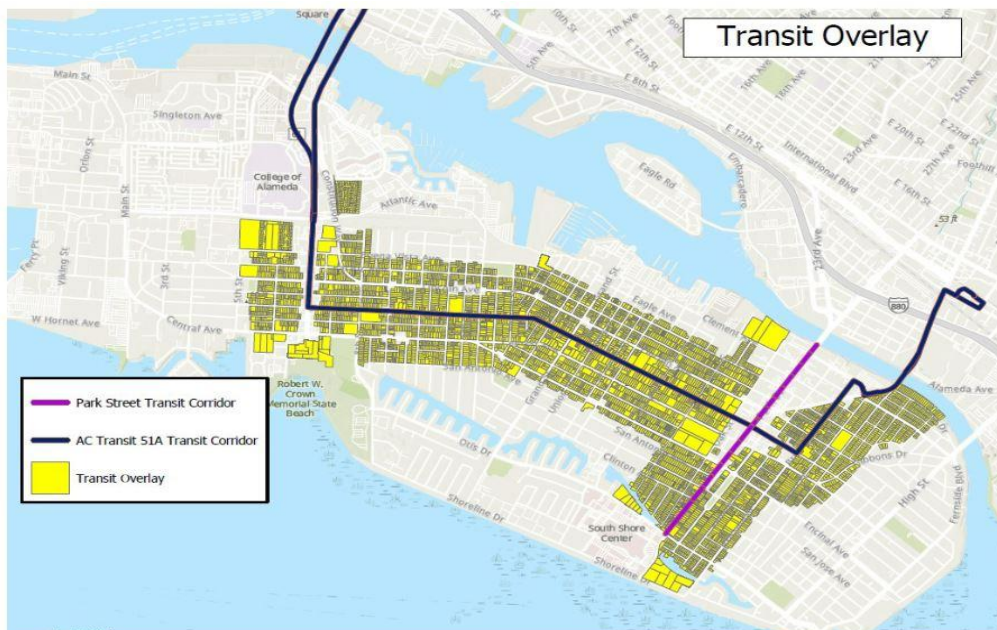
These reckless zoning increases are not needed to meet our housing goals and will put our historical housing inventory at risk.

Thank you for your consideration,

Joyce Boyd

Alameda Resident and Homeowner for 21 years

Board Member Alameda Architectural Preservation Society



**From:** [Trish Spencer](#)  
**To:** [Lara Weisiger](#)  
**Subject:** Fwd: [EXTERNAL] Housing Element - Zoning Amendments. Item 7-B  
**Date:** Monday, November 14, 2022 10:39:36 PM

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

From: MARGARET HALL <mdphall@comcast.net>

Date: Nov 14, 2022 8:12 PM

Subject: [EXTERNAL] Housing Element - Zoning Amendments. Item 7-B

To: Malia Vella <MVella@alamedaca.gov>, Marilyn Ezzy Ashcraft  
<MEzzyAshcraft@alamedaca.gov>, Trish Spencer <tspencer@alamedaca.gov>, Tony Daysog  
<TDaysog@alamedaca.gov>, John Knox White <JknoxWhite@alamedaca.gov>

Cc:

Hello Mayor and Council Members.

I'm writing to urge you to please vote against the blanket up-zoning of our City. It is clearly unnecessary as we have met our RHNA obligation without doing this. and we can rely on zoning overlays to continue to comply with the fair housing law This does absolutely nothing to encourage affordable housing. In fact, it promotes building market rate housing that is exempt from Rent Control!

This is a short sighted vision for Alameda based on faulty data and should be thoroughly vetted before moving forward.

At a minimum, please consider delaying this drastic proposal.

Thank you,

Margaret Hall

**From:** [rob\\_hough\\_alameda@yahoo.com](mailto:rob_hough_alameda@yahoo.com)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#)  
**Cc:** [Lara Weisiger](#); [City Clerk](#)  
**Subject:** [EXTERNAL] Agenda Item 7-B Nov 15,2022 Supporting Alameda Citizens Task Force, ACT, modifications to Housing Element  
**Date:** Monday, November 14, 2022 10:30:40 PM

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Dear Madam Mayor and members of the city council,

It is distressing to see this housing element proposal which increases density with such blunt force, opening a Pandora's box of conflicts.

Who benefits from the city proposing **MORE** housing than required by the state/ABAG allocation?

Not the 60% of 2020 Alameda voters who opposed Measured Z which would have dismantled Article 26 of the city charter.

Who benefits from **up-zoning** swaths of the city e.g. ¼ mile from the 51 AC Transit bus from 22 units/acre to 30, 40, 50 or 60 units/acre?

Not the existing residents of these traditional neighborhoods (thousands of which are renters).

Who will prevent **demolition** of existing buildings (e.g.in the transit overlay) for the profit incentive of rebuilding at greater density?

Not the planning department if this housing element proceeds as written. Will the city council even see an appeal requiring a 2000\$ fee?

Please change the Housing Element and zoning amendments as recommended by ACT before submission to state Housing and Community Development for approval.

Thank you for your action on this matter.

Robin Hough

<=1/4 mi of Santa Clara Ave.

**From:** [Marilyn Moffitt](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#); [City Clerk](#)  
**Subject:** [EXTERNAL] Agenda Item 7-B  
**Date:** Monday, November 14, 2022 10:11:58 PM

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To our Mayor and City Council Members,

I urgently request that you make some important modifications to the Housing Element (HE) presented to you on TUESDAY by your Planning Staff. As it is currently written, the HE will create up-zoning throughout our entire City. But we can meet our State RHNA requirements and still protect our City from up-zoning that will have serious negative impacts on our City should it be passed. I would like to refer you to the well-researched ACT letter that you have before you.

I strenuously urge you to adopt these modifications as presented in the letter. In my opinion, failure to do so will be exceedingly detrimental to the future of our city and its residents. And I think it's realistic to say that none of us want that. I therefore respectfully request that each of you, on behalf of our community and yours, adopt these modifications.

Sincerely,

Marilyn Moffitt  
209 Centre Ct  
Bay Farm Island

**From:** [Robert Farrar](#)  
**To:** [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [John Knox White](#); [Trish Spencer](#); [Tony Daysog](#); [City Clerk](#)  
**Subject:** [EXTERNAL] 7-B Housing element  
**Date:** Monday, November 14, 2022 8:44:34 PM  
**Attachments:** [We sent you safe versions of your files.msg](#)  
[11-14-2022 letter to city council.pdf](#)

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

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Please see the attached letter that I have sent to each member of the city council and if possible I request to have someone read it out loud at Tuesday's, November 15, 2022, City Council meeting.

Thank you

November 14, 2022

To the Alameda City Council,

I am a homeowner located in the middle of the proposed transit overlay map. It is hard to believe that the city council would allow the possibility of removing historic houses and replace them with large square box style apartments with no provisions for parking.

Many times over the residents of Alameda have been living in fear that historic buildings could be torn down and replaced with apartments. All of you sitting on the city council have the ability to stand up for the people of Alameda. Show us that all the letters and phone calls that you have been receiving in the last year were not wasted. That you will remove the overlay and not allow any developer to destroy the island, just like what happened in the 60' and 70's.

I have read the specific points written by Alameda Architectural and Preservation Society. I feel that the City Council members should look carefully at these points before making any decisions. These points go to the heart of the concerns of many residents of Alameda.

The city council wants to allow larger size units built in backyards otherwise known as ADUs. What about the trees? Are we now going to allow the removal of trees? What is the environmental impact to the city if you remove many trees? In addition, what about children and/or pets? Are they now going to be forced to go to parks to have space to play? Will pets have to always be on a leash except when in a dog park, never having the freedom of backyard space? Has this been thought of?

Where is the planning? There are two empty lots in the Harbor Bay Business Park where housing could be planned. With proper planning, more housing could be located at South Shore Shopping Center, Marina Village, the empty lot at the old Pennzoil plant, the empty lot at the corner of Oak St. and Clement Ave, and finally, get approval to allow additional housing at Alameda Point. With all of these housing locations, you could remove the entire overlay over a large portion of Alameda.

I appreciate your time and consideration in this very important matter.

Sincerely,  
**Robert Farrar**  
Robert Farrar  
934 Santa Clara Ave.

**From:** [sdhigbee@aol.com](mailto:sdhigbee@aol.com)  
**To:** [John Knox White](#); [Marilyn Ezzy Ashcraft](#); [Malia Vella](#); [Trish Spencer](#); [Tony Daysog](#); [City Clerk](#)  
**Subject:** [EXTERNAL]  
**Date:** Monday, November 14, 2022 6:59:35 PM

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Dear Mayor and City Council Members,

I urgently request that you make some important modifications to the Housing Element (HE) presented to you TUESDAY by your Planning Staff.

As it is now written, the HE will create up zoning throughout our entire City. However, we can meet our State RHNA requirements without this universal up zoning which will have serious negative impacts on our City and its citizens, whose interests you have been elected to represent and protect.

May I refer you to the well researched ACT letter that you have before you. I urge you to adopt these modifications as presented in the letter.

If you fail to modify, we are certain this will be VERY detrimental to the future of our City and its residents.

None of us want that. Please do your duty on behalf of your community and adopt these modifications. Thank you.

Sincerely,

Susan Higbee  
37 Palm Beach Lane  
(A very concerned 38 year resident of Alameda)

**From:** [allan.steff@att.net](mailto:allan.steff@att.net)  
**To:** [Lara Weisiger](#)  
**Subject:** [EXTERNAL] Upzoning in Alameda  
**Date:** Monday, November 14, 2022 6:37:01 PM

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Dear Mayor and City Council Members,

It is with great urgency I request that you modify the Housing Element (HE) to be presented to you by the Planning Staff.

As it is now written , the HE will create up zoning throughout our entire City . However, it is believed that we can meet our State RHNA requirements and still save our City from this universal up zoning which will have serious negative impacts on our City.

You have a well researched ACT letter before you.

I urge you to adopt these modifications as presented in the letter .

If you fail to modify, I am certain this will be VERY detrimental to the future of our City and its residents. None of us want that. Please do your duty on behalf of your community and adopt these modifications .

Sincerely.

CC ADDRESSES:

[jknoxwhite@alamedaca.gov](mailto:jknoxwhite@alamedaca.gov), [mezzyashcraft@alamedaca.gov](mailto:mezzyashcraft@alamedaca.gov),  
[mvella@alamedaca.gov](mailto:mvella@alamedaca.gov), [tspencer@alamedaca.gov](mailto:tspencer@alamedaca.gov), [tdaysog@alamedaca.gov](mailto:tdaysog@alamedaca.gov),

**From:** [Carol Gottstein](#)  
**To:** [Lara Weisiger](#)  
**Subject:** RE: [EXTERNAL] Fw: [New post] Court Ruling a Setback for California's 'Builder's Remedy'  
**Date:** Monday, November 14, 2022 6:14:33 PM

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Yes please include. Thanks!  
Carol Gottstein

On Mon, Nov 14, 2022 at 5:33 PM, Lara Weisiger  
<[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)> wrote:

Hi Carol,  
Can you please let me know if you want this included in the record for Item 7-B?  
Thanks,  
Lara

**From:** Carol Gottstein [<mailto:carolgottstein@yahoo.com>]  
**Sent:** Monday, November 14, 2022 4:52 PM  
**To:** Andrew Thomas <[athomas@alamedaca.gov](mailto:athomas@alamedaca.gov)>; Yibin Shen  
<[yshen@alamedacityattorney.org](mailto:yshen@alamedacityattorney.org)>; City Clerk <[CLERK@alamedaca.gov](mailto:CLERK@alamedaca.gov)>; CityCouncil-  
List <[CITYCOUNCIL-List@alamedaca.gov](mailto:CITYCOUNCIL-List@alamedaca.gov)>  
**Cc:** Paul Foreman <[ps4man@comcast.net](mailto:ps4man@comcast.net)>  
**Subject:** [EXTERNAL] Fw: [New post] Court Ruling a Setback for California's 'Builder's  
Remedy'

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

**From:** "zRants" <[comment-reply@wordpress.com](mailto:comment-reply@wordpress.com)>  
**To:** "[carolgottstein@yahoo.com](mailto:carolgottstein@yahoo.com)" <[carolgottstein@yahoo.com](mailto:carolgottstein@yahoo.com)>  
**Cc:**  
**Sent:** Mon, Nov 14, 2022 at 11:17 AM  
**Subject:** [New post] Court Ruling a Setback for California's 'Builder's Remedy'



zRants posted: "By James Brasuell :  
planetzine - excerpt A state court has  
ruled in favor of the San Francisco Board  
of Supervisors' efforts to block a  
development project despite the state's  
efforts to intervene. California is in the  
midst of a singularly consequentia"

**[zRants](#)**

# Court Ruling a Setback for California's 'Builder's Remedy'



**zRants**  
Nov 14

*By James Brasuell : **planetzine** - excerpt*

*A state court has ruled in favor of the San Francisco Board of Supervisors' efforts to block a development project despite the state's efforts to intervene.*

California is in the midst of a singularly consequential experiment with [state preemption](#) and [local control](#). Planetizen has been tracking the so-called "[builder's remedy](#)," which is designed to hold local governments accountable for failing to plan for enough housing development to accommodate the state's population.

The [most recent mainstream media attention](#) to the builder's remedy, an article by Liam Dillon published by the Los Angeles Times at the end of October, noted that the legality of the state's new housing policy regime had yet to be contested in court.

Fast forward a few weeks and [Chris Elmendorf](#), a law professor at the University of California, Davis who has positioned himself at the forefront of the development debate in California, writes that a state court recently delivered a blow to the state's hopes of forcing local governments to plan for more development...

"State housing laws, she ruled, do not apply to a project until *after* a city 'certifies' the project's

environmental review”...

The builder’s remedy might require a new state law, modeled on [AB 2656](#), written by planning [think tank SPUR](#) and Assemblymember Phil Ting, to inoculate itself from similar state rulings in the future.

FULL STORY: [How San Francisco’s infamous 469 Stevenson project just helped gut California’s housing laws...\(more\)](#)

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