

NANCY McPeak

From: Paul Foreman <announcements@alamedacitizenstaskforce.org>
Sent: Tuesday, January 07, 2020 3:32 PM
To: 'jcavanaugh@alamedaca.gov'; 'ateague@alamedaca.gov';
'rrothenberg@alamedaca.gov'; 'asaheba@alamedaca.gov'; 'truiz@alamedaca.gov';
'hhom@alamedaca.gov'; Ronald Curtis
Cc: NANCY McPeak; ANDREW THOMAS; Eric Levitt; Yibin Shen; Marilyn Ezzy Ashcraft; John
Knox White; Malia Vella; Jim Oddie; Tony_Daysog
Subject: Jan.13, 2020 Planning Board Agenda Item # 7-A Study Session to Discuss Article 26 of
the City Charter

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Dear Planning Board Members:

The purpose of this letter is to respond to the City Staff Evaluation of Article 26 of the City Charter and to inform you of our position on any potential amendment of the Article.

We are in total disagreement with the staff conclusion that Article 26 does not support the general welfare of the community, does not support the community's stated General Plan goals, and is not equitable. Therefore, we have attached our point by point critique of the Evaluation.

We further assert that it is pre-mature to consider any changes to be made in Article 26 until the City completes its current review of our General Plan. To do otherwise would be putting the cart before the horse. Any evaluation of Article 26 should be in the broader context of an evaluation of all the City's land-use and development documents, including the General Plan, revision of which is underway. However, if the Planning Board and City Council determine to consider repealing or amending Article 26 our position is expressed in the following paragraphs.

The Evaluation claims that City planning goals are obstructed by Article 26. Staff wishes to open the Webster and Park Street retail areas to multi-story dwellings and to minimize future residential zoning of vacant land currently zoned commercial, thus reserving land for future commercial development. While we do not necessarily support these goals, we do support providing affordable housing and realize the inevitability of our existing vacant land being rezoned for said housing in order to meet our Housing Element obligations. Thus, we would be open to considering removing Article 26 protection from non-historic commercial areas, including the non-historic parts of Park and Webster Streets.

However, the repeal of Article 26 in toto would open our existing built up residential neighborhoods to high density development if supported by a simple majority of the City Council. Prior to adoption of Article 26 the City suffered through hundreds of developer buyouts of single family residences including many Victorians and their replacement with multi-story, multi-family dwelling units that were entirely inconsistent with the character of those neighborhoods. Article 26 put a stop to these developments. We are opposed to allowing these neighborhoods to be subject to possible up zoning to high density by a simple majority of Council.

We have been told that in most, if not all, of the communities in the Bay Area rezoning is within the discretion of Council. However, we believe that Alameda is unique and that the same factors which justified Article 26 in 1973 and 1991 are even more relevant now. That is:

1. We are an island community with the mainland access, public safety, and traffic and parking congestion that this geographic fact entails.
2. Our town is the closest residential community to the both the job rich San Francisco and Oakland markets. Thus, removing Article 26 will put tremendous pressure on the City Council to allow the very invasion of our existing built up residential areas that Article 26 is designed to protect.

We believe that there are ways to address our concerns while allowing modification of some of the protections afforded by Article 26. In an email City Planning Director, Andrew Thomas, stated that he does not favor up-zoning existing low density residential neighborhoods, excepting “underutilized” residential areas or historical areas on Park and Webster. This raises the possibility of agreeing, not to a repeal of Article 26, but amending it to apply only to specifically identified neighborhoods, using either a coded map or designation by zoning district. There may be other Charter language that could be developed to protect these neighborhoods, but we will actively oppose any amendment to our Charter that leaves these neighborhoods at risk of high density up-zoning by a simple majority of the City Council.

Sincerely,

Alameda Citizens Task Force

Steering Committee Members: Gretchen Lipow, Janet Gibson, Kathleen Schumacher, Patsy Baer, Paul Foreman, Mark Greenside

CRITIQUE OF CITY STAFF EVALUATION OF CITY CHARTER ARTICLE 26 “MEASURE A”

1. Page 4 of the of the Evaluation concerns the density bonus issue. It states that Article 26 inhibits density bonus projects in existing built up residential areas and the Park and Webster Street business areas, because the State law only allows density bonuses and multiple family waivers on projects that provide at least 5 units. Article 26 requires one dwelling per 2000 sq. ft. Since 90% of our built-up residential areas and 75% of our Park and Webster parcels have a lot size of under 10,000 sq. ft., none of these parcels currently qualify for a density bonus.

- A. While we do not necessarily support developing housing in our historic business districts, we do recognize the inevitability of our vacant land being re-zoned for affordable housing in order to meet our Housing Element obligations and do not oppose excepting the non-historic portions of these districts from Article 26 and leave it for City Council, after public input, to determine what areas of our business districts are appropriate for such action.
- B. We are totally opposed to our existing built-up residential neighborhoods being exempted from Article 26. Such an exemption would open these neighborhoods to high density development if supported by a simple majority of City Council. Prior to adoption of Article 26 the City suffered through developer buyouts of single family residences including many Victorians and their replacement with multi-story, multi-family dwelling units that were entirely inconsistent with the character of those neighborhoods. Article 26 put a stop to these developments. We are opposed to allowing these neighborhoods to be subject to possible up zoning to high density by a simple majority of Council.
- C. We have been told that in most, if not all, of the communities in the Bay Area rezoning is within the discretion of Council. However, we believe that Alameda is unique and that the same factors which justified Article 26 in 1973 and 1991 are even more relevant now. Those factors are:
 - 1. We are an island community with the mainland access, public safety, and traffic and parking congestion that this geographic fact entails.
 - 2. Our town is the closest residential community to the both the job-rich San Francisco and Oakland markets. Thus, removing Article 26 will put tremendous pressure on City Council to allow the very invasion of our existing built up residential areas that Article 26 is designed to correct.

2. Page 5 of the Evaluation states “Article 26 limits the City’s ability to address the local and regional affordable housing crisis.” This is not true.

- A. The Background Report for our current Housing Element <https://www.alamedaca.gov/files/sharedassets/public/alameda/building-planning-transportation/general-plan/he-background-report.pdf> at page 35 identified 2245 building sites available to meet our 1723 unit goal, the vast majority of which were zoned for high density housing by applying the multi-family overlay to the existing zoning. After the certification of the Housing Element Council approved 800 more units at Site A in Alameda Point and have recently approved 327 more units at Alameda Landing
- B. Notwithstanding the above, we are still over 300 units short of the 975 “affordable” unit portion of our overall 1723 unit goal, while having approved more than five times the 748 unit market rate goal. (approximately 620 affordable, 3700 market rate) Thus, our failure to meet our affordable goal has not been due to a lack of available building lots, but other factors such as increased construction costs, and a low affordable housing inclusion requirement which results

in over 85% of most density bonus projects being dedicated to market rate housing. In fact, the City should pursue applying to ABAG for a credit against our next ABAG housing numbers for market rate housing approved in excess of our current 748 unit Housing Element goal. Otherwise we will continue adding 85% market rate housing, thus crowding out space for affordable housing.

- C. Although the next 8-year RHNA goals for Alameda are not known, it is likely that existing vacant land including the adding of dwelling units over our existing retail businesses can be utilized to meet our RHNA without repealing Measure A and by extending the multi-family overlay over enough land to accommodate the same. After these options are exhausted it is unlikely that the State will seek to invade existing built-up residential neighborhoods and more likely it will be recognized that we have reached our capacity.
- D. From Items A, B and C above one must conclude that the Planning Department recommendation to repeal Measure A has nothing to do with our need to meet our RHNA. Instead it is driven by Andrew Thomas's often repeated view that Alameda has an obligation to exceed our RHNA obligation.

3. Page 6's citing of the Climate Change Emergency as being exacerbated by Article 26 is a strange rationale. How are flooding and other climate change emergencies mitigated by more building, and more people on an island with limited access to the mainland? Also, most of the added population is being placed at water's edge.

4. Pages 6-7 of the Evaluation states, "Article 26 is not an effective growth control measure and does not reduce traffic or automobile congestion." Neither conclusion is accurate.

- A. Article 26 limits the amount of available city land offered for high density residential development to only the acreage needed to meet our RHNA. Repealing, without replacing Article 26 opens the entire City for high density residential development to whatever extent approved by a simple majority of the City Council.
- B. Article 26 does not reduce traffic congestion, but it most certainly limits high density development as set forth in Item A above. Repealing, without replacing it will inevitably make the traffic condition worse. No matter how many new residents choose public transportation many other new residents will still be driving either out of the City or from point to point within it.

5. Page 7 of the Evaluation states that Article 26 does not "preserve the character of residential neighborhoods". This assertion is ludicrous. Article 26 was approved by the voters for exactly the purpose of preserving the character of our residential neighborhoods and that is what it has done. The Evaluation cherry-picks multifamily housing that was built decades before this problem arose and was generally designed consistently with adjoining single family residences. There are no photos of the narrow multi-storied motel-like residences built shortly before Article 26 was adopted and which led to its passage.

6. Page 8 of the Evaluation cites the 2018 City of Alameda Economic Development Strategy which identifies two primary land use strategies to support economic development and job growth in Alameda: preserving land for job-producing commercial uses and providing housing for employees of new businesses. It then argues that Article 26 has forced it to apply the multi-family overlay to commercial or mixed use land in order to meet our RHNA, ***rather than rezoning existing residential areas.***

- A. The bold faced italics above exposes what appears to be the primary policy goal of the Evaluation. In order to preserve vacant commercial mixed-use zoned land, the Planning Department wants to open our existing Article 26 protected residential zoning districts to high density development. For our concerns about this see Item 1 of this Critique.
- B. The flaw in the theory that re-zoning existing residential zoned areas will preserve our commercially zoned vacant plots from being invaded by our RHNA requirement is found in the language of the Housing Element Law at CA Govt. Code Sec. 65583 (a) (3) which requires that our Housing Element include, *“An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period...”* Thus, sites that are not vacant and are populated by exiting occupants cannot be counted toward our RHNA.
- C. Preserving land for job-producing commercial use is a worthy goal. However, Council has approved projects in mixed-use zoned parcels at Encinal Terminals, Del Monte and Alameda Marina that are predominately residential with only token jobs-producing commercial use. (In the case of Alameda Marina well over 200 existing jobs will be lost).
- D. The point of (C) above is that City Council clearly does not have the concern for preserving space for job-producing commercial development as stated in the City economic policy and that there are ways to preserve commercial space without repealing Article 26.

7. Page 8 of the Staff Evaluation states: “Article 26 undermines Alameda’s efforts to maintain an economically, culturally, and racially diverse community by prohibiting housing types that are most affordable to lower and middle income households” This statement is belied by the facts. The 1970 Census Figures indicate that the community was over 90% white and that the white percentage by 2010 was down to just over 50%. <http://www.bayareacensus.ca.gov/cities/Alameda70.htm> The current demographic estimates for 2019 show it below 50%. <http://worldpopulationreview.com/us-cities/alameda-ca-population/>. The median income for Alameda residents in 2019 was \$89,045. <https://datausa.io/profile/geo/alameda-ca/> The median of Alameda County is \$111,700 <https://www.acgov.org/cda/hcd/documents/HUD-Limits2019.pdf> Thus it can be safely concluded that Alameda is diverse as to culture, race and income. In fact, the existing built-up residential neighborhoods contribute to this diversity, rather than obstruct it, because many of them, while originally designed as single family now provide relatively low cost multi-family housing. This has been enhanced further by new City and State law favoring the construction of Accessory Dwelling Units (ADUs) adjacent to or within these homes. Conversely the new housing approved pursuant to the Housing Element reduces our diversity because it is 85% market rate. (See Item # 2 (B) above)

8. The final argument for repeal presented in the Evaluation is that Article 26’s prohibition of high density housing undermines the General Plan. The answer to this argument can be gleaned from all the preceding paragraphs in this Critique. **However, it does demonstrate the Staff Evaluation of Article 26 is premature. Article 26 should be evaluated the broader context of an evaluation of all of the City’s land-use and development documents, including the general plan, revision of which is underway.**

Conclusion: Article 26’s impact on our current Bay Area housing crises is negligible to non-existent. Due to the uniqueness of our City as set forth in Item 1 of this Critique we cannot support repeal of Article 26 without protection in the Charter against high density up zoning in our built-up residential neighborhoods and historic areas on Park and Webster.

January 7, 2020

RE: January 13, 2020 Planning Board meeting re Staff evaluation of Charter Article 26 (Measure A)

Ladies and Gentlemen:

There's been a lot of talk regarding the possibility of modifying or even eliminating Measure A in order to allow developers to set up shop and build high rise and infill housing which will drastically increase Alameda's population size and density. And while increasing the availability of housing may be desirable, I don't believe that this should be done without first insuring that Alameda's infrastructure can adequately and safely accommodate the projects being considered. Projects that will serve to increase population density and demand for public services must incorporate considerations for insuring that there is appropriate infrastructure in place.

As our population has grown over the past few years we've been encountering increasing gridlock on our roads both leading into and out of our community. Some argue that this can be ameliorated by increasing the housing density and enhancing the availability of public transportation. Unfortunately, arguments in favor of relying on this solution have not incorporated believable, logical or compelling evidence.

Public debate over the past many months has included observations by local residents that our current infrastructure will be inadequate to permit optimal response to disasters such as a major earthquake centered closer to Alameda than the Loma Prieta quake was. We would similarly find it difficult to respond optimally in the event of a major fire involving the many wooden structures and foliage throughout the City. We would have difficulty leaving the City emergently and assistance from agencies located outside of Alameda would encounter significant difficulty in providing resources required in response to significant events.

The risk of experiencing many of the inconveniences and dangers attendant to increasing our population density can be lessened if we first optimize our infrastructure. Perhaps additional bridges or another set of tubes crossing the estuary. Perhaps insulate the overhead power lines that pass through the extensive foliage throughout the City. Create redundancy in our water supply system. Or, even identify areas for helipads to support medical transportation and other logistic demands that arise in the event of a major disaster.

City Staff has published an evaluation of a proposal to increase population density by modifying or, more likely eliminating Measure A, which will be the topic of discussion during the Planning Board's January 13th meeting. The evaluation gives virtually no consideration for the risks and other negative aspects of increasing our population density and ignores the fact that our current infrastructure would not be able to respond to emergencies let alone handle the routine daily transportation and other issues made even more unmanageable as a result of increasing the City's population size and density.

At some point we may need to increase our housing density. If so, this can certainly be accomplished without diminishing or eliminating the protections provided by Charter Article 26 which elimination is what Staff seems to be implying in their evaluation of the Article.

Jay Garfinkle



January 10, 2020

(By electronic transmission)
Planning Board
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Subject: Evaluation of City Charter Article 26, commonly known as Measure A (Item 7-A on Planning Board's 1-13-20 agenda)

Dear Boardmembers:

The Alameda Architectural Preservation Society (AAPS) believes that the City Council's Charter Review Committee's request for Planning Board evaluation of Article 26 is premature. **Any discussion of Article 26 should be in the larger context of what changes, if any, the City wants to consider for its development rules in general, especially regarding residential development, to meet the City's evolving development goals and objectives.** Article 26 is only one piece of this larger framework of development rules; discussion of Article 26 outside of this larger framework is therefore premature.

This concern is especially relevant since the City is currently undertaking a complete overhaul of the General Plan and work on the next iteration of the General Plan's Housing Element will begin soon. These planning documents are the proper vehicle for an evaluation of Article 26, rather than an effort to evaluate Article 26 in isolation. The revised planning documents will also involve environmental review, which, among other things, will assess the environmental impacts, including transportation and infrastructure carrying capacity impacts of any changes to the City's development rules, especially changes that could result in increased density.

AAPS was surprised by the staff evaluation's negative tone toward Article 26. The evaluation's conclusions are a striking departure from all of the official policy documents issued by the City over the past decades and in recent years. These documents essentially say that whatever constraints Article 26 may have on housing development, including the City's ability to meet its Regional Housing Needs Assessment (RHNA) obligations, can be satisfactorily addressed.

Article 26 can coexist with the City's housing development objectives, including meeting its RHNA obligations, using a variety of tools. For example the 2015-2023 Housing Element Background Report states on page 49 (PDF page 53) that:

The potential constraints imposed by Measure A on housing development, housing diversity, and housing affordability have been mitigated by the adoption of the

Multifamily Overlay District, the Density Bonus Ordinance, and the Inclusionary Housing Ordinance. As described above, the City of Alameda has been able to ensure that market rate and nonprofit housing developers have been able to provide a variety of housing types (including multifamily housing) for a variety of household incomes (including housing for very low-, low-, and moderate-income households). The City will continue to annually monitor Measure A to ensure it does not constrain housing development.

The Housing Element Background Report conclusion continues to be reflected in the City's 2018 General Plan and Housing Element Annual Report (the most recent report), which calls for no changes in Article 26. The Annual Report instead notes that such considerations as "funding for affordable and low rent housing is the single biggest challenge facing Alameda", due, among other things, to "high land costs" and "high construction costs" (see Page 19).

Much of the staff evaluation's analysis seems superficial and tenuous, including the overall conclusion that "Article 26 does not support the general welfare of the community, does not support the community's stated General Plan goals, and is not equitable".

Here are responses to some of the evaluation's findings:

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1. **The affordable housing crisis.** The evaluation states that Article 26 limits the City's ability to address the local and regional affordable housing crisis.
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However, this conclusion is inconsistent with:

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- a. The 2015-2023 Housing Element Background Report finding that the potential constraints imposed by Article 26 have been mitigated by the multifamily overlay District, the density bonus ordinance and the inclusionary housing ordinance. In addition, such constraints are further mitigated by the recently adopted Accessory Dwelling Unit (ADU) Ordinance and recent state legislation that became effective January 1, 2020 promoting ADUs; and
 - b. The 2018 General Plan and Housing Element Annual Report that does not include Article 26 in its constraints discussion.
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In addition, residentially designated land outside of existing built-up residential areas can be made available for multifamily housing to meet future RHNA requirements. For example, staff has advised us that at least 5000 additional housing units can be provided at Alameda Point with a General Plan Amendment.

The evaluation's Zillow sale price comparison which finds that the average sale price of multifamily units is about 30% less than single-family detached units does not, among other things, take into account the larger sizes of most single family dwelling units. The evaluation also does not appear to recognize that townhouses are permitted under Article 26 and that the sale prices of townhouses are comparable to the sale prices of multifamily units.

Finally, the 2018 General Plan and Housing Element Annual Report states on Page 14 that during the first four years of the current eight year (2015-2023) RHNA cycle that

Alameda issued building permits for 620 housing units and that the projects that are expected to receive building permits in the next four years would provide an additional 652 units, for a total of 2201 units, exceeding the RHNA obligation of 1723 units. The Annual Report does state that “Alameda will not meet the RHNA goals for deed restricted affordable housing”, but that this is due to “high land and construction costs” with no mention of Article 26 as a constraint.

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2. **The climate change emergency.** The evaluation states that “Article 26 is limiting the City’s ability to address the climate emergency”.
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However, the effect of Article 26 on climate change is tenuous. If one accepts the evaluation’s thesis that multifamily housing is better suited to address climate change than one and two unit housing, ample opportunity is still provided to develop multifamily housing, as discussed in Item 1 above, through provisions such as the Multifamily Residential Combining Zone, the Density Bonus Ordinance and the ADU Ordinance.

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3. **Growth control and traffic.** The evaluation states that “Article 26 is not an effective growth control measure and does not reduce traffic or automobile congestion”.
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Again, the argument is tenuous. The studies cited in the evaluation address generic rather than Alameda-specific conditions. Alameda’s Article 26-compliant development patterns are generally more compact than single-family and duplex neighborhoods in other communities reflected in the 2015 study. In addition, the 21.78 units per acre allowed under Article 26 is within the 20-75 units per acre and 20-50 units per acre recommended in the MTC/ABAG report and much of older Alameda already exceeds the Article 26 density, given the extensive number of pre-Article 26 multifamily residences. **The effect of Article 26 is to cap further density increases in these already relatively dense neighborhoods.**

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4. **Preserving the character of Alameda neighborhoods.** The evaluation states “Article 26 does not ‘preserve the character of residential neighborhoods’ ”.
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However, the evaluation does not consider the pre-Measure A scenarios of demolishing historic buildings in order to construct large new apartments. The evaluation implies that Alameda’s relatively recent demolition controls for historic and pre-1942 buildings are sufficient to prevent this scenario, but does not consider that those rules can be repealed by a City Council vote (unlike Measure A which requires a vote of the electorate to be changed) and that even under these demolition controls such demolitions could still be approved by the City Council.

While we agree that some of the photographic examples of multifamily older buildings on page 6 could be considered consistent with the character of Alameda neighborhoods, the four-story Union Street example is out of scale. In any case, new development is unlikely to maintain the same high architectural quality of the illustrated examples. Although Article 26 does not specifically prohibit demolition of historic buildings, it, in effect, stopped most of it upon adoption in 1973 by removing the incentive for developers to replace older residences with new architecturally intrusive apartments.

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5. **Economic development.** The evaluation states “Article 26 does not support the City of Alameda’s economic development strategy”.
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The evaluation’s concern that Article 26 has the effect of requiring the City to rezone more commercial land for residential purposes appears overstated. As previously noted, there appears to be ample opportunity in residentially zoned areas of Alameda Point and elsewhere to construct additional multifamily buildings to meet the City’s future RHNA obligations. In addition, some of the extensive open parking areas at major commercial developments, such as Wind River, appear underutilized and could probably be used more efficiently to free up land for further development.

6. **Equity.** The evaluation states that “Article 26 undermines Alameda’s efforts to maintain an economically, culturally and racially diverse community by prohibiting housing types that are most affordable to lower and middle income households” and implies that Article 26 “has led to displacement that has mostly affected low-income and non-white social groups”.
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However, these statements are inconsistent with actual population trends since 1970. According to census data in 1970, Alameda was 90.3% white, and in 2010 Alameda was 50.1% white. During the same period, the black and hispanic populations had increased from 2.6% and 6.7%, respectively, to 6.4% and 11%. Significant increases were also seen in most other ethnic groups. Median income for Alameda residents in 2019 was \$89,045 compared to \$111,700 for Alameda County, suggesting that Alameda is better able to accommodate lower income residents than elsewhere in Alameda County, notwithstanding Article 26.

In addition, Article 26 has tended to protect existing low-cost multifamily residences owned by small investors from purchase and redevelopment by large investors. Numerous anecdotal examples indicate that older multifamily residences owned by small investors are more affordable than newer residential developments by large investors. A spot survey of rents derived from building sales information over the past year supports this observation. Rents in six buildings over 100 years old owned by small investors averaged \$1373 for studios, \$1766 for one bedroom, \$2324 for two bedrooms and \$2237 for three bedrooms. This compared with \$2332-\$2923 for studios, \$2419-\$2785 for one bedrooms, \$2276-\$3826 for two bedrooms and \$4145-\$4580 for 3-4 bedroom townhouses all within relatively new developments owned by large institutional investors. A more complete comparison of rents in different building types and ownerships should be performed as part of any comprehensive housing strategy and evaluation of Article 26 developed as part of the General Plan and/or Housing Element updates.

7. **Integrity of the General Plan.** The evaluation states that “Article 26 does not maintain the integrity of the General Plan” and lists various provisions that the evaluation considers to be “undermined” by Article 26.
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However, the types of housing listed in the identified policies has continued to be developed under Article 26 and, again, the City’s 2015-23 Housing Element Background Report and 2018 General Plan And Housing Element Annual Report

found no constraints imposed by Article 26 that were not considered adequately mitigated.

In addition, there are numerous other General Plan provisions that are highly supported by Article 26. These include:

- Maintain and enhance the residential environment of Alameda's neighborhoods. (Land Use Element 2.4.a)
- Where a suitable residential environment can be created, give priority to housing on land to be developed or redeveloped in order to meet the quantified objectives of the Housing Element. (Land Use Element 2.4.c)
- Limit residential development to one family detached and two family dwellings, in accord with the provisions of Measure A. Up to 325 low cost units may be built in Alameda as multifamily housing as replacement housing for the low cost units lost when Buena Vista Apartments were converted market-rate housing in 1988. Some or all of these replacement units may be located at one or more of the mixed-use sites, or in any area of the City where residential units are permitted.

Although no apartments other than replacement units have been approved in Alameda since passage of initiative Measure A in 1973, in 1990 less than half of all existing units are single-family dwellings.

(Land Use Element 2.4.d)

Note: The above statement that “no apartments other than replacement units have been approved in Alameda since passage of initiative Measure A” reflects the 1991 adoption of Policy 2.4.d. Since 1991, numerous apartments have been built as discussed above.

- Expand housing opportunities for households in all income groups.
See Housing Element Policies B.1 (Section 8 Rental Assistance) and C.1 (Affordable Housing Program Ordinance).

(Land Use Element 2.4.e)

- Protect and restore Alameda's outstanding residential architecture of all periods and styles.

See also City Design Element, Section 3.3, Architectural Resources.

(Land Use Element 2.4.f)

- Preserve historic districts and buildings of architectural significance.

See policies 3.3.a and 3.3.b in City Design Element and policy 5.6.a in Open Space and Conservation Element and the 1980 Historic Preservation Element.

(Land Use Element 2.4.m)

- Amend the Zoning Ordinance and zoning map to be consistent with Measure A, as necessary. (Land Use Element 2.4.p)
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Perhaps the most important General Plan provisions supported by Article 26 are the following “themes” set forth in the General Plan’s introductory Setting and Organization section (Chapter 1) which states:

1.2 THEMES OF THE GENERAL PLAN

The General Plan's policies reinforce five broad themes:

An island: Arriving in Alameda is an event – a journey across or through the water that clearly establishes the City's boundaries and identity. General Plan policies strengthen awareness of the City's island setting by making the shoreline more visible and accessible.

Small town feeling: Alameda has always been a quiet, predominantly residential community, an ideal urban/suburban community created in an era when commutes were by rail or ferry. The City does not have or want tall buildings, freeways, highway commercial strips, or vast tracts of look-alike housing. Measure A, the 1973 initiative that was passed to prevent Alameda from becoming predominantly a city of apartment buildings, stands as a clear rejection of the change that seemed at the time to be engulfing the City.

Respect for history: The City's rich and diverse residential, commercial, industrial, and institutional architecture is continually gaining recognition as an irreplaceable asset. The Bay Area has no similar communities and none will be built. The General Plan emphasizes restoration and preservation as essential to Alameda's economic and cultural environment.

De-emphasis of the automobile: In a city where almost every street is a residential street, it is not surprising that increased traffic is seen as a major threat to the quality of life. The General Plan commits Alameda to vigorous support of transit improvements, ferry service, reduction of peak-hour use of single-occupant vehicles, and an enjoyable pedestrian environment.

Staff has also questioned the suitability of including development regulations like Article 26 in the City Charter. Staff appears to believe that all such regulations should be adopted by the City Council rather than the voters and has suggested that it is highly unusual for such rules to be included in a City Charter.

However, establishing important development regulations in the Charter enables the voters to retain control of the most fundamental ground rules governing a community’s physical character and its future. Entrusting these ground rules to elected officials places a greater burden on the public to monitor and respond to proposed changes in these rules by elected officials and places greater influence in the hands of individuals and groups who are willing to

devote resources to lobbying elected officials to change these rules. Provisions such as Article 26 are a form of direct democracy which has generally served our communities and nation well and has acted as a check on the frequent tendency of elected officials to act on the basis of short term considerations, often under pressure from special interests.

It is also not that unusual for development regulations such as Article 26 to be subject to the voters. Another notable example is San Francisco's Proposition M, approved by the voters in 1986, which establishes an annual cap on office development in downtown San Francisco. Although not part of the San Francisco Charter, Proposition M, like Alameda's Article 26, requires voter approval for any changes.

Notwithstanding the above considerations, AAPS is open to possible modification of Article 26. **But, as stated above, such modification needs to be developed as part of a carefully considered revision of the City's overall development goals and objectives. The current General Plan review process and upcoming Housing Element update will provide better vehicles for evaluation and possible modification of Article 26 rather than the current ad hoc evaluation.** One possible component of this broader evaluation of Article 26 could be to look independently at Article 26's limit of two units per building and its density limit of 2000 sf per unit.

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

Sincerely,

Christopher Buckley, Chair
Preservation Action Committee
Alameda Architectural Preservation Society

cc: Andrew Thomas (by electronic transmission)
Mayor and City Council members (by electronic transmission)
AAPS Board and Preservation Action Committee (by electronic transmission)

NANCY McPeak

From: Patricia Baer <2baers@att.net>
Sent: Friday, January 10, 2020 2:16 PM
To: NANCY McPeak; ANDREW THOMAS; Eric Levitt; Yibin Shen
Subject: Article 26, Measure A

*** CAUTION: This email message is coming from a non-City email address. Do not click links or open attachments unless you trust the sender and know the content is safe. Please contact the Help Desk with any questions. ***

Dear Planning Board Member

I am writing to strongly oppose the consideration of repealing Measure A from the charter of our unique city.

It is what has made this a charming, desirable city. Our architecture, history, tree lined streets, and lack of urban sprawl have defined the character of Alameda for over a century.

We have more than met our Housing Element requirement every eight years. What is actually built should be a much higher percentage of affordable housing which is where the real need is.

Sincerely,

Patricia Baer

NANCY McPeak

From: ANDREW THOMAS
Sent: Monday, January 13, 2020 11:54 AM
To: NANCY McPeak
Subject: Fwd: City charter article 26 "Measure A"

Andrew Thomas, AICP
510-747-6881 (o)
510-774-5361 (c)

Begin forwarded message:

From: SUSAN CORREA <s.correa@comcast.net>
Date: January 10, 2020 at 3:49:16 PM PST
To: Ronald Curtis <rcurtis@alamedaca.gov>, Jeffrey Cavanaugh <JCavanaugh@alamedaca.gov>, Alan Teague <ateague@alamedaca.gov>, Rona Rothenberg <RRothenberg@alamedaca.gov>, Asheshh Saheba <asaheba@alamedaca.gov>, Teresa Ruiz <truiz@alamedaca.gov>, Hanson Hom <hhom@alamedaca.gov>, ERIN GARCIA <EGARCIA@alamedaca.gov>, ANDREW THOMAS <ATHOMAS@alamedaca.gov>
Cc: "tony_daysog@alum.berkeley.edu" <tony_daysog@alum.berkeley.edu>, Marilyn Ezzy Ashcraft <MEzzyAshcraft@alamedaca.gov>, John Knox White <JknoxWhite@alamedaca.gov>, Malia Vella <MVella@alamedaca.gov>, Jim Oddie <JOddie@alamedaca.gov>
Subject: City charter article 26 "Measure A"
Reply-To: SUSAN CORREA <s.correa@comcast.net>

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Dear Planning Board Members

I have learned that the City Staff has been tasked with reviewing the City Charter and Measure A is one area that is being evaluated.

I disagree with the Staff Evaluation and urge you to discuss revisions instead of removing Article 26. Affordable housing is an issue but a solution could still involve protecting our established neighborhoods and historical structures.

Alameda is an island with limited abilities to evacuate in case of an emergency. surely that fact should give us some exemption of state requirements.

Any time you talk to new Alameda residents one of the reasons they love it here is because it's a small town with a strong sense of community. I urge you to be sensitive to that fact when you discuss development.

Also, Article 26 does not promote increased greenhouse gas emissions or increase traffic (as more large apartment buildings would) and it preserves the character of residential neighborhoods. I don't understand how a huge apartment building encroaching on a neighbor's sunlight and privacy could promote the character of a neighborhood.

I am hoping this will be discussed at length.

Susan Correa

NANCY McPeak

From: Alice Dockter <ajdockter@gmail.com>
Sent: Monday, January 13, 2020 9:33 AM
To: Asheshh Saheba; Alan Teague; Hanson Hom; jcavenaugh@alamedaca.gov; Ronald Curtis; Rona Rothenberg; Teresa Ruiz; NANCY McPeak; ANDREW THOMAS; Eric Levitt; Yibin Shen; Marilyn Ezzy Ashcraft; John Knox White; Malia Vella; Jim Oddie; Tony_Daysog
Subject: In support of Alameda Citizens Task Force on Measure A

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I would ask that the elected officials and employees of the City of Alameda would work toward defending what makes the island of Alameda special instead of undermining Measure A.

<http://alamedacitizenstaskforce.org/act-critique-of-city-staff-evaluation-of-city-charter-article-26-measure-a/>

Sincerely,
Alice Dockter

Reviewing Measure A

Measure A was written by, placed on the ballot by, and approved by the people of Alameda in 1973. This was based on the enormous amount of historic houses (Victorians and others) that were being demolished by developers with the city's permission at an alarming rate. Measure A was voted and passed by the people to stop the destruction of these treasured homes that were being converted to box style apartments. The historic character of our city was at stake, and Measure A saved it.

Fast forward to 2020. With the governor and state legislatures hounding every city and county to add more affordable housing it's no wonder the City of Alameda is trying to appease the powers to be and provide more affordable housing. But it can't be by demolishing existing houses! Yes, with Measure A blocking the number of living units on a parcel, it limits what can be built on this island. The island's geographic landscape has changed. The Naval Air Station is gone and in its place about 1500 acres of available land. So as time has gone by and people understand that more housing is needed in a small area, let's look at Alameda Point. There are vast amounts of land just sitting there waiting to be developed. The vast views of the estuary and city lights of San Francisco make developing that part of the island ideal for any contractor. But measure A stops all dense population development. Maybe Measure A should be tweaked just a little. I propose that Measure A stays intact for all of Bay Farm and Alameda – respecting what's already there – and look towards the boundaries of the old Naval Air Station provided the following: An environmental impact study of the land being able to sustain an added population of 25,000 – 30,000, more people living there including the parameters of the possibility of sea levels rising. Also, a written assessment that is published in the paper from EBMUD, Alameda Power, P.G. & E., Waste Management all stating that these agencies can facilitate and handle the increase of population. Now the big one. A written assessment from Cal Trans stating what the Posey/Webster Tube was originally built to handle and if the tube and bridges can handle an additional 10,000 vehicles on a daily basis. That's right, Alameda is an island with limited availability to enter or leave it. If all the above agencies state in writing that they can handle the additional population, then I would agree to an amendment to Measure A. --- Robert Farrar

NANCY McPeak

From: ps4man@comcast.net
Sent: Monday, January 13, 2020 11:00 AM
To: 'jcavanaugh@alamedaca.gov'; 'ateague@alamedaca.gov';
'rrothenberg@alamedaca.gov'; 'asaheba@alamedaca.gov'; 'truiz@alamedaca.gov';
'hhom@alamedaca.gov'; Ronald Curtis
Cc: NANCY McPeak; ANDREW THOMAS; Eric Levitt; Yibin Shen; Marilyn Ezzy Ashcraft; John
Knox White; Malia Vella; Jim Oddie; Tony Daysog
Subject: Jan. 13, 2020 Planning Board Agenda Item #7A Study Session to Discuss Article 26 of
the City Charter

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Dear Planning Board Members:

Council members Knox-White and Daysog were prudent to seek an Evaluation of Article 26 as part of their general investigation of possible amendments to our Charter. However they were imprudent in requesting Andrew Thomas, our Planning Building and Transportation Director, to conduct the evaluation. Mr. Thomas has previously expressed his disdain for Article 26 to me and I am sure that his view well known to both Mr. Knox-White and Mr. Daysog. As they should have anticipated, the Evaluation is not a neutral investigation of the impact of Article 26 on the City, but is obviously based upon Mr. Thomas's hypothesis that Article 26 is bad and then supporting his hypothesis by confining his investigation to "facts" that support his conclusion.

1. He states that Article 26 constrains high density development in our mixed-use business districts on Park and Webster, but ignores the fact that Council is free to do what it did in the mixed-use properties along the Northern Waterfront; that is to use the authority of the CA Housing Element Law to pre-empt Article 26 by placing the multi-family overlay over these districts.
2. He states that Article 26 constrains the building of affordable housing, while ignoring the fact that since 2014 the city has approved more than five times the 748 unit market rate goal. (approximately 620 affordable, 3700 market rate) Thus, our failure to meet our affordable goal of 975 units has not been due to a lack of available building lots, but other factors such as increased construction costs, and a low affordable housing inclusion requirement which results in over 85% of most density bonus projects being dedicated to market rate housing.
3. He states that Article 26 forces the City to meet its Housing Element obligation by placing the multi-family overlay over land currently zoned for mixed use, which depletes our inventory of vacant land available for commercial development, thus subverting the job-producing goals of the 2018 City of Alameda Economic Development Strategy. This ignores the fact that our mixed use zoning ordinance, contrary to the goals of the Strategy, sets no minimum requirement for commercial vs. residential development. Thus leaving the City powerless to require any more than token commercial development. See Del Monte, Encinal Terminals and Alameda Marina. In the case of Alameda Marina there is a loss of 600 jobs that already were in place on the property. Thus, it is our mixed use zoning ordinance, not Article 26 that is constraining commercial development.
4. He states that Article 26 is inequitable in constraining low income and non-white populations from residing in Alameda. However census information clearly indicates that in 1970 Alameda was a 90% white population, while the 2010 census shows it reduced to just a fraction above 50% and the 2019 estimate has it below 50%. He also fails to note that Alameda's median income is significantly below that of Alameda County. He also ignores the fact that the 85% approval of market rate housing produced in our current housing efforts since 2014 will actually reduce the very diversity that he seeks!

5. He claims that Article 26 undermines our General Plan while totally ignoring the many positive references to Article 26 in the General Plan. See the letter from AAPS which has been filed to this agenda item.
6. He states that Article 26 does not preserve the character of our residential neighborhoods and produces several photos of multi-family housing that is consistent with the character of our neighborhoods. However all of these examples are buildings constructed decades before Measure A became an issue. He provides zero examples of the “wide spread quick and cheap building” squeezed into narrow lots previously occupied by single family homes that triggered Measure A. See John Platt’s letter filed to this agenda item.

Mr. Thomas has been very open about his views, which I very much respect. He has stated many times to me and others that he believes Alameda has an obligation meet the Bay Area housing crises by not just meet our Housing Element obligations, but exceeding them. Since he cannot pre-empt Article 26 beyond our Housing Element obligations he can only accomplish his view if he achieves the total repeal of Article 26 and then achieves a majority on your Board and City Council to up-zone some of our low density residential districts to high density. That is the clear intent and purpose of his “Evaluation”. Thus, it is not a neutral evaluation at all but a statement of his opinions on housing.

Sincerely,

Paul S Foreman

NANCY McPeak

From: Dorothy Freeman <dfreeman@pacbell.net>
Sent: Monday, January 13, 2020 11:28 AM
To: Jeffrey Cavanaugh; Ronald Curtis; Rona Rothenberg; Hanson Hom; Teresa Ruiz; Asheshh Saheba; Alan Teague
Cc: NANCY McPeak
Subject: Planning Board Agenda Item January 13, 2020, Measure A Forum

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January 13, 2020

Jeffrey Cavanaugh
Ronald Curtis
Hanson Hom
Rona Rothenberg
Teresa Ruiz
Asheshh Saheba
Alan H. Teague

Planning Board Agenda Item January 13, 2020 Measure A Forum

Dear Planning Board Members;

My response to "An Evaluation of City Charter Article 26 "Measure A"

1. Does the regulation support the general welfare of the community?

The general welfare of the community has been preserved by retaining the small buildings that have provided the low rents that have kept Alameda affordable. Keeping corporate landlords out of Alameda by restricting the unit count has definitely helped the general welfare of our communities. The recent rising rents have come from those buildings owned by corporate landlords.

Measure A has preserved the general welfare of the community by preserving units from demolition. Drive around Alameda and see the remodeling of the older buildings. Without Measure A, many of the buildings needing upkeep would have been sold and demolished instead of being improved and preserved. Also, the character of the older buildings is a greater asset to our communities than the large, sterile apartment buildings built in the later decades and are being built in Alameda today. Townhomes in Alameda Point across from Target do not reflect any of the character of Alameda. The senior housing at Buena Vista and Sherman do not reflect any of the character of Alameda. Marina Shores, the housing east of the Del Monte Warehouse, does not reflect the character of Alameda.

The multi-unit buildings built during the historical time frame referenced in the staff report reflect a smaller unit count than what was being built in the time frame just prior to passage of Measure A. Compare those historical buildings to the units built along Shore Line Drive and on Bay Farm Island which were catalysts to passage of Measure A. To imply that apartment buildings that would have been built without Measure A would look like

the 3 historical buildings referenced in the staff report is disingenuous.

Implying that Alameda Municipal Code Chapter 8, Article 7 will protect our historical homes is incorrect. Any regulation is only as good as the individuals sitting on our boards, commissions, and City Council. Many requests for variances to regulations come before these groups and are approved. A Charter entry is more protective of our desires to protect our city from outside influence.

2. Economic Development Article 26 does not support the City of Alameda's Economic Development

Blaming Measure A for the lack of improving business opportunities in Alameda is also disingenuous. Recent developments along the Northern Waterfront in the mixed use areas that were designed to allow developments to build 50% housing and 50% residential have been allowed to build with hardly any requirements for businesses. Mixed use has become a misnomer.

Boatworks and 2100 Clement, while not mixed use, replaced warehouses that housed existing businesses with no space planned for business. Estuary Terminals was approved with just 10% business space planned. Alameda Marina was approved with minimal business space compared to the approximately 600 middle class jobs lost, including a major industry: Svenson's Boat Yard. Alameda Point Northern Waterfront was designated to be a commercial development but is now housing. Alameda Point Site A was approved with required commercial space but with a recent modification to the development agreement, requested by the developer, the commercial space may never be built.

These developments were all approved with only the absolute minimum very low, low, and moderate housing required by law. Alameda citizens requested a requirement for work force housing that Alameda's middle class could afford to purchase. Instead, all units beyond those required by law are all market rate housing. Even the units at Site A, built on City of Alameda land, did not require work force housing. The market rate housing will be affordable by only highly paid workers which are mostly white with maybe a few minorities.

3. Integrity of the General Plan: Article 26 does not maintain the integrity of the General Plan.

According to the staff report, the General Plan states the requirements for "housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing". It appears that the only housing Alameda is concerned with providing from the General Plan is the multifamily housing since there are no or very few mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, or transitional housing planned on being built.

In the past few years Alameda has approved many multifamily housing developments. In fact approximately 4000 new units. To say Measure A is limiting that requirement of the General Plan is also disingenuous. Any new housing that would be built, with the exception of a few required very low, low, and moderate units, will be market rate units. None or very few units will be built for work force wage earners. How is that going to help the housing problem in Alameda?

Conclusion:

In 1970 Alameda's population was 90% white. In the projected 2018 population, the white residences will be below 50%. Alameda has changed to be a very diverse population. The majority of rental housing in Alameda is housed in the very buildings that Measure A preserved. The low income housing is in the mom & pop units built within the Victorian era and early 1900's. Such housing may not have been the planned effect but it is the result. Allowing apartments to be built in the present residential neighborhoods will destroy the integrity of those very neighborhoods. Many Mom & pop landlords are deciding to sell their buildings and move out of

Alameda. Removing Measure A will allow large apartment buildings to be built next to these historical era homes. When a building comes on the market, developers will be able to out bid others wanting to purchase the lot. Affordable housing will be replaced with market rate apartments. The character of our neighborhoods will most likely be disrupted by apartment buildings that are taller and designs that do not match the existing buildings.

While some say Measure A was designed to be discriminatory, it has in fact, had the opposite effect as Alameda is much more diverse than it was in 1970. Corporate housing has been a major cause for the raising rents and "loss of diversity", not Measure A. The large, corporate housing developments are where most of the rents have been rising to market rate, causing many people to have to move out of these units and out of Alameda. One example was in 2004 when the 615 units at Harbor Island next to Ralph Appezzato Parkway, owned by Fifteen Asset Management, were planned for renovation. Fifteen Asset Management evicted 385 families, mostly minorities and many Section 8 residents. The renovated apartments were renamed Summer House but they still had problems with evictions through 2017 when Alameda initiated rent control. There are other examples of corporate evictions. More corporate housing with market rate units is not the answer for what is wrong with Alameda today. Retaining Measure A will keep corporate housing out of our existing neighborhoods.

Respectfully,

Dorothy Freeman

cc: Nancy McPeak

NANCY McPeak

From: Patricia Gannon <pg3187@gmail.com>
Sent: Monday, January 13, 2020 2:29 PM
To: Asheshh Saheba; Alan Teague; Hanson Hom; rrothenberg@alamedaga.gov; Teresa Ruiz; Ronald Curtis; Jeffrey Cavanaugh
Subject: Article 26

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January 13, 2020

Ronald Curtis, President, Planning Board

Dear President Curtis and Members of the Planning Board"

On January 13th the Planning Board will consider revisions to and possible repeal of Article 26 of the City Charter. Article 26 has served the City well. Contrary to the staff evaluation. I believe that it does support the general welfare of the City and the General Plan goals. The City would be ill-advised to consider major changes to Article 26 until the City completes its current review of the General Plan.

I also believe that it is important that the City provide affordable housing, and I recognize that portions of existing vacant land may be rezoned for housing to meet our Housing Element obligations. This could be accomplished by removing Article 26 protection from non-historic commercial areas including the non-historic parts of Park and Webster Streets.

However, the total repeal of Article 26 would open our existing residential neighborhoods to high density development if supported by a simple majority of the City Council. Prior to adoption of Article 26 the City suffered through major developer buyouts of single family homes including many Victorians and their replacement with multi-story, multi-family units that violated the character of these neighborhoods.

In closing while I could support careful thought out modifications to Article 26, I strongly believe that its total repeal would reopen Alameda to the same circumstances that caused Article 26 to be adopted in the first place. We are an island community with the mainland access, public safety and parking congestion that entails; The City must recognize that total repeal of Article 26 by a simple majority of the City Council could have long term negative impacts on the safety and quality of life issues.

Thank you for your consideration.

Patricia M. Gannon
1019 Tobago Lane
Alameda, CA 94502
Pg3187@gmail.com

NANCY McPeak

From: Dodi Kelleher <dodikelleher@comcast.net>
Sent: Sunday, January 12, 2020 2:41 PM
To: ANDREW THOMAS
Cc: ERIN GARCIA; NANCY McPeak
Subject: Evaluation of City Charter Article 26 (Measure A) -Item 7-A on Planning Board's 1-13-20 agenda

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Dear Director,

We have owned and lived with our family in a restored Victorian since 1986. Like many of the current wave of young buyers, we were drawn to Alameda by its small town environment, rich period architecture, parks, schools and the community's clear desire to preserve those elements, including through Measure A (Article 26). While reading the staff evaluation, which we found at best inadequate and with conclusions not well supported, a quote from philosopher George Santayana came to mind, "Those who cannot remember the past are condemned to repeat it."

As longstanding home owners and members of AAPS, we strongly support the position articulated in the January 10th letter from Christopher Buckley, Chair of the AAPS Preservation Action Committee, that **the proposed ad hoc evaluation of Measure A is ill conceived and that any such evaluation should instead be done in the larger context of what changes, if any, the City wants to consider for its development rules in general, to meet the City's evolving goals and objectives.**

Sincerely,

Dolores Kelleher and Floyd Brown Jr

NANCY McPeak

From: Corinne Lambden <cplambden@gmail.com>
Sent: Saturday, January 11, 2020 4:50 PM
To: ERIN GARCIA; NANCY McPeak; ANDREW THOMAS
Subject: Re: Evaluation of City Charter Article 26

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Dear Members of the Planning Board of the City of Alameda,

I write at this time to express my concern about the tone, the timing, and some representations contained in the Evaluation of Measure A (Article 26) that was requested by the City Council. It certainly appears to me that Staff is prepared to "throw the baby out with the bath water" in it's wide condemnation of Article 26.

While Staff seems to prefer that city development regulations be outside the City Charter and thus within reach of successive City Councils, I contend that removing Measure A from the protection of the Charter would be very dangerous; it would open the door to potential abuse from within the City Council of the moment and could result in development decisions (such as occurred before the passage of Measure A) that impact Alameda in ways that the voting public didn't foresee.

I question Staff's sweeping conclusion, since it is evidently inconsistent with much information and evidence to the contrary.

I believe that producing this evaluation in isolation of the current review of Alameda's General Plan, including the Housing Element, is unwise and does not allow Article 26 to be adequately examined within the larger frame of reference offered by the General Plan.

A number of means are available to the City to successfully meet housing objectives (RHNA) imposed by ABAG without elimination of protections provided by Article 26. These include adoption of the Multifamily Overlay District, the Density Bonus and Inclusionary Housing Ordinances, and use of land outside currently built-up neighborhoods, that is designated residential.

Likewise, the argument within the report to justify the claim that Article 26 is not an effective growth measure and does not reduce traffic or automobile congestion, is extremely shaky and additionally doesn't sufficiently address Alameda's unique position as a island city with limited ingress and egress.

As it relates to preservation of the character of Alameda neighborhoods, I contend that Article 26 fact was, in fact, all that preserved that character and, without it, Alameda would be a city of ticky-tacky box-like apartment structures that look more like cheap motels than buildings that enhance the characteristics of older neighborhoods and our city as a whole. If the new construction at the corner of Buena Vista Avenue and Sherman Street is anything to go by, Planning Staff need to pay even more attention to preserving neighborhood characteristics than finding ways of undermining Measure A!

As regards economic development strategy, there are a number of areas of Alameda that are already zoned residential that can accommodate even more than the numbers required under the RHNA.

Census figures contradict the evaluation document's claim that Article 26 has stifled economic, cultural and racial diversity.

In neither Alameda's Housing Element Background Report, or the 2018 General Plan & Housing Element Annual Report can one find reference to any instances where housing controls imposed by Article 26 were not alleviated to an acceptable degree. Indeed Article 26 is very supportive of many other General Plan provisions that relate to housing.

With all this in mind, I encourage the Planning Board to ensure that any revision of Article 26 be done as an integral part of a careful and well thought-out review of overall development goals and not in isolation of the General Plan review and Housing Element update.

Thank you for your consideration,
Corinne Lambden

NANCY McPeak

From: Patricia Lamborn <patricia.lamborn@aol.com>
Sent: Saturday, January 11, 2020 5:44 PM
To: Jeffrey Cavanaugh; Alan Teague; Rona Rothenberg; Asheshh Saheba; Teresa Ruiz; Hanson Hom; Ronald Curtis
Cc: NANCY McPeak; ANDREW THOMAS
Subject: Jan. 13, 2020 Planning Board Agenda Item #7-A- Article 26

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Dear Alameda Planning Board Members,

I am writing regarding your study session on Monday Jan. 13, to discuss Article 26 of our Alameda City Charter, Measure A.

I support amending rather than repealing Article 26 (Measure A). I believe it would be more effective for the City of Alameda to complete a review of the General Plan before moving on Article 26. Evaluating our City's Housing Element, and creating an infrastructure plan to face Climate Change is extremely important. We do not have a General Plan that includes preparing for the impacts of the Webster Tube repair or East Shore and Shoreline Drive flooding due to sea level rise.

Our RHNA goal for 2014 – 2022 was **1,723 units**. The number of new units built or under construction since 2014 by my count = **1,638**. These units include multifamily / condos / affordable and were approved with Measure A in place.

Site A units = 800 units (600 market rate, 200 affordable)
Alameda Landing = 613 units
Clement = 52 units
Everett/ Eagle = 21units
Stargell = 32 units
Del Monte Senior =31 units
Marina Shores= 89 units
Total = 1, 638 units

My concerns with outright Repeal of Article 26 :

1 Developers will take advantage of what may be a well- intentioned act and destroy single- family housing or aging multifamily units in residential neighborhoods to build higher rent units and / condos. Alameda is a desirable housing market - and developers are not in the business of providing truly affordable housing. They are in the business of making money. This will result in gentrification of neighborhoods and raising the rents in Alameda. The newly built developments would be exempt from rent control. Gentrification is the engine driving low income people out of the Bay Area.

#2 Developers want to sell " waterfront " development-- high rise = high rent units. We have already entitled **1,729** new units on the Alameda waterfront :
Alameda Marina, (760 units)
Del Monte (380)
Encinal Terminals. ((589 units)

The Climate Emergency Resolution passed by City Council in March 2019 is a piece of paper. Alameda did pass the Storm Drain Initiative- 1 step- not a complete resiliency plan. Rushing to repeal Article 26, Measure A creates a rush to build on the Alameda waterfront before our City has made a comprehensive plan for sea level rise resiliency. I think that's dangerous

Jamestown/Southshore developer has proposed to tear down existing businesses and build two 8 story units as Phase 1 their housing development plan, a few feet from the beach at Southshore. Why? It would be high rent units /high priced

condos. It doesn't appear to concern them that the Alameda CARP predicts the nearby beach will flood as well as Shoreline Drive. Not their problem- ours.

I think an intelligent plan to develop housing as part of Park Street and Webster Street commercial corridors and a reasonable housing development AWAY from the waterfront as part of Southshore Center re- design could be sustainable approaches to meeting future RHNA goals.

The true answer to affordable housing in the Alameda is for our city to vigorously pursue funding for directly affordable, public housing. Measure A has never been an obstacle in building height or density on public housing lands.

Sincerely,
Patricia Lamborn
Alameda resident for 28 years

Dear government officials,

My name is Karen Lithgow, owner of a Victorian 4-plex here in town and a local realtor.

Those of us that have taken the time, trouble and expense to completely restore a vintage Alameda property, inside and out, have done so not with a motivation for profit as much as a recognition that these are unique, beautiful and irreplaceable gems in our community that benefit not just its occupants but the rest of the community that enjoy looking at these gorgeous properties. Visitors from far and wide often come by and comment on their beauty; they're one of the things that make Alameda unique and special.

Moreover, these historic beauties are highly practical from a housing standpoint as many of them have been divided up into apartment units. My Victorian, for example, provides homes for 4 families, at a much lower cost than the new-builds coming on line. These types of units provide a significant amount of housing for our Alameda residents. And, did you know, that the siding on these 19th century buildings, made with old growth redwood, is impervious to dry rot? This is a fact provided by a local pest inspector. So, 125 year old buildings, unless torn down, will survive into the next century, available housing for future generations; preservation is large-scale recycling.

Yet, problems exist in our older neighborhoods. Built before modern cars were in use, many of these homes have little or no off-street parking. My 4-plex for example, has just one off-street space. We all park on the street, wherever we can. Multiply this situation out down the block, and you can see that we cannot accommodate any more cars parking in the neighborhood.

And about those newer multi-unit apartment buildings in town; the ones that replaced our torn-down Victorians pre-measure A; I'm talking about those hideous, featureless, rat-box buildings sprinkled about town, ruining the beauty of our historical neighborhoods. I get asked all the time, why town officials ever allowed those properties to be built. The answer is that our local government officials either didn't care or were completely ignorant of the quality of the buildings they were losing vs the quality they were building. We cannot let this happen again.

Using a metaphor of drinkware, what was torn down were sturdy heirloom wineglasses, usable for many generations to come, replaced with Styrofoam cup buildings; utilitarian, ugly and certainly not made to last into the next century.

Yes, of course we need more affordable housing, particularly for our teachers and other city workers not earning enough to occupy our existing buildings. And if we do need to add high-rise modern buildings, let's put them where there are large plots of empty land able to accommodate them, with parking spots and not in our already built up neighborhoods.

And lastly, all of us realtors here can tell you that the people who are looking to buy and rent in Alameda are racially mixed. At least 1/2 of our clients are non-white, so we do not need to change our existing laws to make Alameda more diverse.

Thank you for your attention to this matter.

Sincerely,

Karen Lithgow

Karen@vintagehomesalameda.com

NANCY McPeak

From: bmathieson@aol.com
Sent: Thursday, January 09, 2020 12:09 PM
To: Ronald Curtis; Jeffrey Cavanaugh; Alan Teague; Rona Rothenberg; Asheshh Saheba; Teresa Ruiz; Hanson Hom
Cc: ERIN GARCIA; NANCY McPeak; ANDREW THOMAS
Subject: Agenda Item 7-A, January 13, 2020, Planning Board Meeting -- Article 26 of the Alameda City Charter

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Dear Planning Board Members:

My family and I chose our central Alameda neighborhood for its historic character, its walkability, and its economic, cultural, and income diversity. We owe that diversity to the mix of housing stock—large and small single-family houses, backyard cottages, large houses divided into multiple units, and apartment buildings. Visitors to our neighborhood, like many neighborhoods in Alameda, are not aware of the vast number of dwelling units contained in the houses unless they count the mailboxes or gas meters.

Our block, like many in Alameda, suffered piecemeal demolition of houses in the years leading up to the adoption of Article 26 of the City Charter. The demolished houses were replaced with box-like stucco apartment buildings, some with multi-story exterior corridors that overlook the bedrooms and backyards of the neighboring houses. The pictures of existing multi-family and mixed-use buildings contained in the staff evaluation of Article 26 do not show any of the many apartment buildings constructed in the nearly half century immediately preceding adoption of Article 26—the very buildings that were the impetus for Article 26.

In contrast to the assertion in the Planning Department's evaluation, Article 26 does not encourage displacement of low-income residents. Instead, many of the buildings preserved as a result of Article 26 are home to low-income residents living in a variety of unit sizes. If Article 26 were repealed, development pressures would likely be greatest on existing residential "investment properties" whose owners have no emotional investment in our city's past, or in its future, and who have allowed their buildings to deteriorate. Rental units in these buildings house many of Alameda's low-income residents, in neighborhoods that have little political clout. Replacement of these buildings would displace their low-income occupants, and our city could see a repeat of the mass evictions that accompanied conversion of the Buena Vista Apartments to the Summer House Apartments. Thus repeal of Article 26 with the intent of preventing economic displacement may cause physical displacement of many of Alameda's existing low-income residents.

I urge you to protect Alameda's existing residential neighborhoods and the economic, cultural, and racial diversity that they represent.

Sincerely,

Betsy Mathieson

1185 Park Avenue
Alameda, CA 94501

NANCY McPeak

From: Patsy Paul <patsypaul@comcast.net>
Sent: Monday, January 13, 2020 10:57 AM
To: NANCY McPeak
Subject: Re: Evaluation of Article 26

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Planning Board Member,

I am a long time home owner who provides a low rent one bedroom apartment over my garage.

I support the position of AAPS that further evaluation is needed. I support the possibility of increasing the number of units per building and the density limit of 2000sf per unit. Many units need to be for low income people.

I support keeping the requirement of voter approval in Article 26 because I want Alameda to be assured of keeping its stock of historic homes not losing them to ugly box-like apartments like what happened before Article 26.

Patricia M. Paul
2426 Buena Vista Ave.
Alameda, 94501
(510) 523-4205

NANCY McPeak

From: John Platt <johntplatt@gmail.com>
Sent: Monday, January 13, 2020 12:27 AM
To: Ronald Curtis; NANCY McPeak; ANDREW THOMAS; Eric Levitt; Yibin Shen; Marilyn Ezzy Ashcraft; John Knox White; Malia Vella; Jim Oddie; Tony_Daysog; announcements@alamedacitizenstaskforce.org; Jeffrey Cavanaugh; Hanson Hom; Alan Teague; Rona Rothenberg; Teresa Ruiz; Asheshh Saheba
Subject: Article 26
Attachments: IMG_1137.jpg; IMG_1136.HEIC; IMG_1138.HEIC

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Dear Planning Board Members,

Thank you for taking on Alameda's most difficult issue. I am sorry I will not be able to attend your next meeting.

I believe there is common ground among all Alamedans that we need more affordable housing. (My kids can't afford to live here.) Homelessness and traffic gridlock are symptoms of the crisis we are facing. I believe strongly we need more low income housing for our teachers, low wage workers, seniors and young people. This is a problem that needs to be solved.

I have read staff and Mr. Foreman's analysis. Overturning a measure approved by the voters needs building consensus. I do not feel staff analysis worries about the will of the voters expressed in the 2 ballot measures. The staff report makes no mention of what was one of the driving forces behind these initiatives, the destruction of historic homes that make Alameda so special and one of the main reasons people want to live here is the beauty of our city.

The staff report showed photos of a number of wonderful multi family apartments we have in Alameda. At the time of the ballot measures there was wide spread quick and cheap building of units and tearing down older residences to maximize profits. I am attaching 3 photos of a multi family unit that is my neighbor that is an example of this construction boom. My neighborhood was built in the late 19th century by the respected Victorian builders Marcus and Rummel. There are 2 pictures from Littlejohn Park and one from my back deck. You should note that this complex was plucked right between 2 Victorians. In the 33 years we have lived here we have gotten to know some of the tenants. The people living in this complex are extremely, hard working, I assume low income and mostly immigrants. They are great neighbors. If apartment buildings are to be wedged into a neighborhood fitting in with the neighborhood and providing realistic parking is essential.

The spirit of the initiatives was to preserve our neighborhoods, not to be mean spirited. Yes there are opportunities to infill, but it must be done respectfully and practically. I believe this is your challenge.

The idea of increasing housing on our commercial corridors makes sense to me. I do not understand why when we have a still basically empty base we are not looking for building there first and foremost as our solution. Multi unit housing makes sense there.

We are always going to out of town developers whose driving force is to make a profit, not the benefit of our community. Do we ever contact experienced non profits like Habitat for Humanity? The Alameda School Board's idea to build affordable housing for our teachers should be expanded on.

I believe the staff's report is partisan and disregards public opinion.

Before you do something as sweeping as overturning votes of the citizens I believe you need to build community consensus. We do not need to divide the community, but build consensus making this a win win for our community.

Thanks for your time, attention and service to Alameda.

Sincerely yours,
John Platt

PS Dear Planing Board Members please forgive me that some of you appear at the bottom of my address list. I had to retype your email addresses as my first send did not go through. (Sorry computer challenged.)

NANCY McPeak

From: Edward Sing <singtam168@att.net>
Sent: Sunday, January 12, 2020 3:00 PM
To: Jeffrey Cavanaugh; Alan Teague; Rona Rothenberg; Asheshh Saheba; Teresa Ruiz; Hanson Hom; Ronald Curtis
Cc: Marilyn Ezzy Ashcraft; John Knox White; Malia Vella; Jim Oddie; tony_daysog@alum.berkeley.edu; NANCY McPeak; LARA WEISIGER; ANDREW THOMAS; Brian Tremper; Patricia Lamborn; Donna Fletcher; Irving & Alicia Gonzales; Paul Foreman
Subject: Jan.13, 2020 Planning Board Agenda Item # 7-A Study Session to Discuss Article 26 of the City Charter

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TO ALL ADDRESSEES:

I wish to express my general agreement with the discussion comments provided under separate cover by Mr. Paul Foreman and Mr. Robert Sullwold on the subject of rescinding Measure A.

Rescinding Measure A will not necessarily solve our low income and affordable housing problems here in Alameda as pointed out by both gentlemen. In addition, increasing the density of housing, in general, as well as at specific locations in Alameda, will only serve to increase traffic on our already overcrowded thoroughfares - particularly during commute hours as well as on weekends. We must solve our traffic issues, especially emergency egress from Alameda, before we can begin to think of increasing traffic within the city. And before anyone says increasing density will not increase our traffic woes due to "assumptions" of public transit and bicycle use, I will remind you of the totally INCREDULOUS finding of a previous study that adding housing units at Alameda Point would NOT result in any increase in traffic through the Alameda tubes during commute hours. The citizens of Alameda WILL NOT stand for studies which produce such ridiculous results, fly in the face of common sense and are based on outlandish assumptions.

I would support more public meetings to discuss possible modification of Measure A to allow multifamily units to meet our housing challenges. Any proposal to modify Measure A should be vetted through a ballot measure, only. The modifications would exclude existing established neighborhoods. In addition, developers of any proposed multifamily units AND the City would need to demonstrate how any impacts of these projects (environmental, including traffic) would be mitigated. Such studies need to be based upon facts and SOUND assumptions and reviewed by an entity independent of the developer and the City.

Thank you for your consideration of the above,

Ed Sing
Alameda resident

NANCY McPeak

From: Cathy Leong <gocathyl@gmail.com>
Sent: Monday, January 13, 2020 3:15 PM
To: Asheshh Saheba; Alan Teague; Hanson Hom; Jeffrey Cavanaugh; Ronald Curtis; Rona Rothenberg; truz@alamedca.gov
Cc: Marilyn Ezzy Ashcraft; Malia Vella; Tony Daysog; Jim Oddie; John Knox White; NANCY McPeak; ANDREW THOMAS
Subject: Monday January 13th, City Planning Dept plans regarding Measure A
Attachments: Article 26 v.9.docx

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Dear Planning Board Members, Mayor Ezzy Ashcraft & City Council Members;
Since 1973, the Charter Measure A has protected Alameda from rampant installation/development in the middle of our historic residential neighborhoods.
Alameda is known for their architectural wonderful Victorians (3,000) than any other city in the USA as I've been informed.
I've heard that City Council has appointed Tony Daysog and John Knox White as a sub-committee to conduct an inquiry into possible revisions of the City Charter. Pursuant to that charge they have asked City staff to evaluate Article 26 of the Alameda City Charter, commonly referred to as "Measure A". The evaluation has been completed. See <https://www.alamedaca.gov/files/sharedassets/public/alameda/city-manager/measure-a-evaluation-final-draft-12.9.19.pdf> The evaluation is very negative and could eventually lead to repeal or revision of Article 26.
Alameda is already over 50% rental units. My position is to express strong disagreement with the negative conclusions of the evaluation, while indicating openness to considering revisions of Article 26 with the proviso that Article 26 does not support the general welfare of the community, does not support the community's stated General Plan goals, and is not equitable & that it is pre-mature to consider any changes to be made in Article 26 until the City completes its current review of our General Plan. To do otherwise would be putting the cart before the horse. Any evaluation of Article 26 should be in the broader context of an evaluation of all the City's land-use and development documents, including the General Plan, revision of which is underway. However, if the Planning Board and City Council determine to consider repealing or amending Article 26 I do understand the need to provide affordable housing and realize the inevitability of our existing vacant land especially on the former navy base being rezoned for said housing in order to meet our Housing Element obligations. Common sense may be open to considering removing Article 26 protection from non-historic commercial areas; however, the repeal of Article 26 would open our existing built up residential neighborhoods to high density development if supported by a simple majority of the City Council. Prior to adoption of Article 26 the City suffered through hundreds of developer buyouts of single-family residences including many Victorians and their replacement with multi-story, multi-family dwelling units that were entirely inconsistent with the character of those neighborhoods. Article 26 put a stop to these developments. As this change to allowing these neighborhoods to be subject to possible up zoning to high density by a simple majority of Council is not right noting Alameda is unique and that the same factors which justified Article 26 in 1973 and 1991 are even more relevant now. That is: We are an island community with the mainland access, public safety, and traffic and parking congestion that this geographic fact entails. Our town is the closest residential community to

the both the job rich San Francisco and Oakland markets. Thus, removing Article 26 will put tremendous pressure on the City Council to allow the very invasion of our existing built up residential areas that Article 26 is designed to protect. There are ways to address our concerns while allowing modification of some of the protections afforded by Article 26. Please think long & hard before you add this negative change to your/our city's legacy.

Sincerely, Cathy Leong 33 year resident of Alameda

CRITIQUE OF CITY STAFF EVALUATION OF CITY CHARTER ARTICLE 26 “MEASURE A”

1. Page 4 of the of the Evaluation concerns the density bonus issue. It states that Article 26 inhibits density bonus projects in existing built up residential areas and the Park and Webster Street business areas, because the State law only allows density bonuses and multiple family waivers on projects that provide at least 5 units. Article 26 requires one dwelling per 2000 sq. ft. Since 90% of our built-up residential areas and 75% of our Park and Webster parcels have a lot size of under 10,000 sq. ft., none of these parcels currently qualify for a density bonus.

- A. While we do not necessarily support developing housing in our historic business districts, we do recognize the inevitability of our vacant land being re-zoned for affordable housing in order to meet our Housing Element obligations and do not oppose excepting the non-historic portions of these districts from Article 26 and leave it for City Council, after public input, to determine what areas of our business districts are appropriate for such action.
- B. We are totally opposed to our existing built-up residential neighborhoods being exempted from Article 26. Such an exemption would open these neighborhoods to high density development if supported by a simple majority of City Council. Prior to adoption of Article 26 the City suffered through developer buyouts of single family residences including many Victorians and their replacement with multi-story, multi-family dwelling units that were entirely inconsistent with the character of those neighborhoods. Article 26 put a stop to these developments. We are opposed to allowing these neighborhoods to be subject to possible up zoning to high density by a simple majority of Council.
- C. We have been told that in most, if not all, of the communities in the Bay Area rezoning is within the discretion of Council. However, we believe that Alameda is unique and that the same factors which justified Article 26 in 1973 and 1991 are even more relevant now. Those factors are:
 - 1. We are an island community with the mainland access, public safety, and traffic and parking congestion that this geographic fact entails.
 - 2. Our town is the closest residential community to the both the job-rich San Francisco and Oakland markets. Thus, removing Article 26 will put tremendous pressure on City Council to allow the very invasion of our existing built up residential areas that Article 26 is designed to correct.

2. Page 5 of the Evaluation states “Article 26 limits the City’s ability to address the local and regional affordable housing crisis.” This is not true.

- A. The Background Report for our current Housing Element <https://www.alamedaca.gov/files/sharedassets/public/alameda/building-planning-transportation/general-plan/he-background-report.pdf> at page 35 identified 2245 building sites available to meet our 1723 unit goal, the vast majority of which were zoned for high density housing by applying the multi-family overlay to the existing zoning. After the certification of the Housing Element Council approved 800 more units at Site A in Alameda Point and have recently approved 327 more units at Alameda Landing
- B. Notwithstanding the above, we are still over 300 units short of the 975 “affordable” unit portion of our overall 1723 unit goal, while having approved more than five times the 748 unit market rate goal. (approximately 620 affordable, 3700 market rate) Thus, our failure to meet our affordable goal has not been due to a lack of available building lots, but other factors such as increased construction costs, and a low affordable housing inclusion requirement which results

in over 85% of most density bonus projects being dedicated to market rate housing. In fact, the City should pursue applying to ABAG for a credit against our next ABAG housing numbers for market rate housing approved in excess of our current 748 unit Housing Element goal. Otherwise we will continue adding 85% market rate housing, thus crowding out space for affordable housing.

- C. Although the next 8-year RHNA goals for Alameda are not known, it is likely that existing vacant land including the adding of dwelling units over our existing retail businesses can be utilized to meet our RHNA without repealing Measure A and by extending the multi-family overlay over enough land to accommodate the same. After these options are exhausted it is unlikely that the State will seek to invade existing built-up residential neighborhoods and more likely it will be recognized that we have reached our capacity.
- D. From Items A, B and C above one must conclude that the Planning Department recommendation to repeal Measure A has nothing to do with our need to meet our RHNA. Instead it is driven by Andrew Thomas's often repeated view that Alameda has an obligation to exceed our RHNA obligation.

3. Page 6's citing of the Climate Change Emergency as being exacerbated by Article 26 is a strange rationale. How are flooding and other climate change emergencies mitigated by more building, and more people on an island with limited access to the mainland? Also, most of the added population is being placed at water's edge.

4. Pages 6-7 of the Evaluation states, "Article 26 is not an effective growth control measure and does not reduce traffic or automobile congestion." Neither conclusion is accurate.

- A. Article 26 limits the amount of available city land offered for high density residential development to only the acreage needed to meet our RHNA. Repealing, without replacing Article 26 opens the entire City for high density residential development to whatever extent approved by a simple majority of the City Council.
- B. Article 26 does not reduce traffic congestion, but it most certainly limits high density development as set forth in Item A above. Repealing, without replacing it will inevitably make the traffic condition worse. No matter how many new residents choose public transportation many other new residents will still be driving either out of the City or from point to point within it.

5. Page 7 of the Evaluation states that Article 26 does not "preserve the character of residential neighborhoods". This assertion is ludicrous. Article 26 was approved by the voters for exactly the purpose of preserving the character of our residential neighborhoods and that is what it has done. The Evaluation cherry-picks multifamily housing that was built decades before this problem arose and was generally designed consistently with adjoining single family residences. There are no photos of the narrow multi-storied motel-like residences built shortly before Article 26 was adopted and which led to its passage.

6. Page 8 of the Evaluation cites the 2018 City of Alameda Economic Development Strategy which identifies two primary land use strategies to support economic development and job growth in Alameda: preserving land for job-producing commercial uses and providing housing for employees of new businesses. It then argues that Article 26 has forced it to apply the multi-family overlay to commercial or mixed use land in order to meet our RHNA, ***rather than rezoning existing residential areas.***

- A. The bold faced italics above exposes what appears to be the primary policy goal of the Evaluation. In order to preserve vacant commercial mixed-use zoned land, the Planning Department wants to open our existing Article 26 protected residential zoning districts to high density development. For our concerns about this see Item 1 of this Critique.
- B. The flaw in the theory that re-zoning existing residential zoned areas will preserve our commercially zoned vacant plots from being invaded by our RHNA requirement is found in the language of the Housing Element Law at CA Govt. Code Sec. 65583 (a) (3) which requires that our Housing Element include, *“An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period...”* Thus, sites that are not vacant and are populated by exiting occupants cannot be counted toward our RHNA.
- C. Preserving land for job-producing commercial use is a worthy goal. However, Council has approved projects in mixed-use zoned parcels at Encinal Terminals, Del Monte and Alameda Marina that are predominately residential with only token jobs-producing commercial use. (In the case of Alameda Marina well over 200 existing jobs will be lost).
- D. The point of (C) above is that City Council clearly does not have the concern for preserving space for job-producing commercial development as stated in the City economic policy and that there are ways to preserve commercial space without repealing Article 26.

7. Page 8 of the Staff Evaluation states: “Article 26 undermines Alameda’s efforts to maintain an economically, culturally, and racially diverse community by prohibiting housing types that are most affordable to lower and middle income households” This statement is belied by the facts. The 1970 Census Figures indicate that the community was over 90% white and that the white percentage by 2010 was down to just over 50%. <http://www.bayareacensus.ca.gov/cities/Alameda70.htm> The current demographic estimates for 2019 show it below 50%. <http://worldpopulationreview.com/us-cities/alameda-ca-population/>. The median income for Alameda residents in 2019 was \$89,045. <https://datausa.io/profile/geo/alameda-ca/> The median of Alameda County is \$111,700 <https://www.acgov.org/cda/hcd/documents/HUD-Limits2019.pdf> Thus it can be safely concluded that Alameda is diverse as to culture, race and income. In fact, the existing built-up residential neighborhoods contribute to this diversity, rather than obstruct it, because many of them, while originally designed as single family now provide relatively low cost multi-family housing. This has been enhanced further by new City and State law favoring the construction of Accessory Dwelling Units (ADUs) adjacent to or within these homes. Conversely the new housing approved pursuant to the Housing Element reduces our diversity because it is 85% market rate. (See Item # 2 (B) above)

8. The final argument for repeal presented in the Evaluation is that Article 26’s prohibition of high density housing undermines the General Plan. The answer to this argument can be gleaned from all the preceding paragraphs in this Critique. **However, it does demonstrate the Staff Evaluation of Article 26 is premature. Article 26 should be evaluated the broader context of an evaluation of all of the City’s land-use and development documents, including the general plan, revision of which is underway.**

Conclusion: Article 26’s impact on our current Bay Area housing crises is negligible to non-existent. Due to the uniqueness of our City as set forth in Item 1 of this Critique we cannot support repeal of Article 26 without protection in the Charter against high density up zoning in our built-up residential neighborhoods and historic areas on Park and Webster.

Birgitt Evans

2829 San Jose Ave.
Alameda, CA 94501

(510) 521-9177

January 13, 2020

(By electronic transmission)
Planning Board & City Council
City of Alameda
2263 Santa Clara Ave.
Alameda, CA 94501

Subject: Item 7-A 1/13/20 Planning Board Agenda: Study Session on Article
26/Measure A of the City Charter

Board Members and City Council,

I would like to express my distress and anger at the proposal to remove Article 26, known to most as Measure A, from the Alameda City Charter.

My husband and I moved to Alameda in 1989, charmed by the city's beautiful historic architecture, tree lined streets and quality of life in the middle of a bustling urban area. In the past 30 years, we have given back to our community in the form of - at minimum - 10,000 volunteer hours to a variety of organizations. We have also restored our 1910 Colonial Cottage, removing asbestos shingles and returning it to it's former beauty.

I am unable to attend tonight's Study Session, because, through Alameda Backyard Growers, I am hosting a carbon farming workshop to help residents reduce their carbon footprints.

Before I directly address Measure A, I would like to say that I am deeply disturbed by the direction of city development in the past 10 years. New construction is frequently oversized for the lot, coming right up to the sidewalk and is often outright ugly. Traffic calming measures are being disguised as pro-bicycling measures despite there being no noticeable increase in bike ridership. Since there has been no corresponding improvement in public transportation, residents who don't have that extra hour for their commute, are being packed into fewer lanes along with an increasing number of Amazon trucks and Uber/Lyft vehicles, creating frustration and stress since their kids still need to be picked up on time. And the speed limit is 25 miles per hour, but the lights have still not been timed for that on major thoroughfares.

Against this backdrop you are proposing to eliminate City Charter Article 26 or Measure A so that we can create more high density housing and hope that some of it will be affordable and that this will somehow curb greenhouse gas emissions.

I would like to refresh everyone's memory. While Measure A was passed in response to a very large proposed development by Utah Corporation, in 1973, at the time of its passage, Alameda was losing three Victorians *a week* to demolition. These structures are the repository of the old growth redwood that was logged across our state and they help make our community a desirable place to live.

With regard to the current proposal, let's start with one inescapable, salient fact: Alameda is **an island**. An island that does not have sufficient means of ingress and egress for its current population. Ten years ago, at a Suncal charrette, I asked about building an additional bridge and was told that it would cost "a billion dollars" and was "impossible". If you add housing for, say, 20,000 more people they still have to come and go. Busses still have to sit in traffic. Being trapped on our island significantly lowers quality of life for everyone. Sitting in traffic increases stress, especially for vulnerable population such as those with autoimmune and other stress related diseases.

The State of California does indeed have a housing crisis, however, it is a fallacy to think that this is something we can build our way out of. I understand that the city is trying to work within the Regional Housing Needs Association, but I think it is time to stand up and say that the Emperor Has No Clothes. The Bay Area does not have the infrastructure or the *water resources* to accommodate millions more people. And much of the land is vulnerable to flooding.

As an island, Alameda sits only a few feet above sea level. We are, therefore, especially vulnerable to flooding and outright inundation in the coming decades. It is irresponsible to build thousands more homes without a plan to keep them (and the existing structures) safe from flooding.

And adding more housing in no way guarantees affordability. According to the Staff Evaluation, the average price for a multi-family unit in Alameda is \$742,000 which is not affordable. Building high density housing means that some units must be "affordable", but will that be enough to stem the housing crisis for low-income residents? And how many historic properties will need to be torn down to build an acre of high density housing? What kind of disruption will that cause in existing neighborhoods as streets are closed for months and piles are driven and saws go all day long? And what will the high density housing look like? Will it look like the abominations built in the '60s on Pearl Street between San Jose Avenue and Otis Drive or the singularly uninspired building built recently at Buena Vista Avenue and Sherman Street? They certainly will not look like the gorgeous "Examples" on page 6 of the Staff Evaluation.

My former neighbors moved to Texas and then used the Accessory Dwelling Unit Ordinance to build two rental units, one next door to me and the other on College Avenue. The neighbors lived in a constructions zone for a year. The unit next door to

my house is 3' from the property line and between decking, astroturf and pavers, three lots are at risk of flooding during every atmospheric river storm. The result? A 396 square foot unit that is being rented by a young couple from New York (with an automobile) for a whopping \$2,800 a month! And all the money from four rental units goes to Texas. So that didn't really work out as hoped.

Finally, I would like to address global warming. Because if we do not do something on that front, we are rearranging deck chairs on the Titanic and we should all sell our properties today, take our million dollars and move to higher ground. Building housing creates greenhouse gasses, it does not reduce them. And tearing down existing structures takes natural resources already used, throws them in the dump and uses more resources for the replacement structures.

There are other ways to reduce our carbon footprint that the City is not looking at. Reducing food waste is the number one thing everyone can do every day to reduce methane in the atmosphere. Planting trees, composting, mulching and carbon farming are all great ways to sequester carbon. (Piling up wood chips 3' high on the old railway line near the Fruitvale Bridge is less than optimal.) It would also be an excellent idea to work with ABAG to figure out what low lying communities need to do to mitigate the flooding that is coming.

There is plenty of undeveloped property at Alameda Point and the City is already using the Density Bonus ordinance to construct multi-family units in Alameda. I fail to understand how eliminating Section 26/Measure A of the Alameda City Charter is going to create low-cost housing, reduce greenhouse gasses, create transit hubs etc. What it will do is encourage people to come in, buy up lots and raze historic structures for a profit. Just like they were doing in the 1960's.

Please do not approve the removal of Section 26 from the Alameda City Charter. I am a voter and I promise that I will not vote for anyone who votes to eliminate Measure A.

Very truly yours,

Birgitt Evans

To: Planning Board Department

From: Rasheed Shabazz, Masters of City Planning student, University of California, Berkeley

RE: Equity Analysis of Alameda's Exclusionary Zoning Ordinance: Measure A (1973)

Date: January 13, 2020

Summary

California has experienced ongoing housing crises. In the past five years, the City of Alameda has experienced increased concerns of rent increases, evictions, and homelessness. This past summer, a subcommittee of Alameda's City Council requested staff evaluate Article 26 of the City Charter, known as "Measure A." Measure A is an exclusionary zoning charter amendment adopted by the Alameda electorate in 1973 which banned construction of multifamily housing. Proponents framed growth controls as necessary for the environment and in response to a city council and "power structure" unresponsive to residents' concerns with overdevelopment (Shabazz, 2018). Measure A has faced multiple legal challenges for its racially and economically exclusionary impacts. A staff evaluation found Measure A contrary to the general welfare of Alameda, not supportive of the city's goals, and inequitable. This analysis examines Measure A from an equity lens and calls for the Planning Board to recommend the City Council place Measure A on the November 2020 ballot for repeal, in order to empower the city to provide its fair share of housing, including the "missing middle," and further fair housing.

Analysis

- Measure A emerged as one example of the postwar suburban tax revolt and exclusionary growth controls (Self, 2004). Frieden (1979) argued that different groups, under the auspices of "environmental protection," adopted a "no-growth politics" for suburbs. The result: limited housing for low- and middle-income families, increased home prices, increased sprawl as families migrated to exurbs, and a lack of housing development planning.
- Racialized segregation is not simply de facto, but in fact the intentional policy of local, state, and federal government (Rothstein, 2014). Predominantly white jurisdictions and neighborhoods used various strategies, tactics, and methods to maintain racial exclusivity and segregation (Jackson, 1985; Massey and Denton, 1993; Rothstein, 2014). While various non-white groups have experienced residential segregation, Black or African Americans are consistently the most segregated in metropolitan areas (Massey and Denton, 1993). The national history of racially restrictive covenants, redlining, public housing segregation, urban renewal, rental housing discrimination, gentrification, and displacement have all taken place in Alameda (James, 2013).
- An analysis of the demographic changes in Alameda after Measure A demonstrate links in what scholar Rolf Pendall called the "chain of exclusion." Exclusionary zoning reduces housing stock, which excludes multifamily housing, and raises the proportion of single-family detached dwellings. This all reduces affordability and indirectly excludes low-income families and people of color, particularly Black people.
- Growth controls, specifically the "low density zoning" led to a "chain of exclusion. Low-density zoning reduced housing stock, excluded multifamily housing and raised the proportion of single-family detached dwellings. This all reduced affordability and indirectly excluded low-income families and people of color. Additionally, the longer moratoriums on buildings stayed in place, the more exclusion occurred (Pendall, 1993).
- Measure A opponents expressed concerns Measure A leading to the "damaging effects" in Alameda and beyond. Mayor Terry LaCroix wrote that, "By creating an artificial scarcity,

[Measure A] would increase the cost of housing and deny people of modest income the opportunity to live or remain in Alameda.” Fair housing advocates opposed Measure A, as well as representatives and members of the island chapter of the national racial justice organization, the Alameda NAACP (Shabazz, 2018).

Measure A experienced three legal challenges on the basis of racial exclusion.

- In 1980, three tenants and Alamedans with HOPE sued the city of Alameda, alleging the “actions of the City alleged to frustrate the development of low-income housing in Alameda and to perpetuate the non-Black character of Alameda.” This case was dismissed but without prejudice.
- In 1989, two Black tenants sued the City of Alameda again. A judge ruled that Alameda’s land-use policies discriminated against poor people in the region. Before a judgement was reached on whether Measure A was racially discriminatory, the parties settled. The “Guyton settlement” permitted a 325 unit exemption to Measure A.
- In 2012, the threat of a lawsuit by Renewed Hope and Public Advocates led the City of Alameda to adopt its first compliant housing element in twenty years. “Creating affordable homes for lower-income households in the Bay Area almost always requires building “multifamily” rental housing, such as apartment buildings. In the face of high land and construction costs, multifamily housing creates economies of scale that can translate into lower rents,” according to Public Advocates.

An analysis of Alameda’s housing stock and demographics since the passage of Measure A both affirms and complicates claims that Measure A has increased “diversity.”

- Alameda’s population was 90 percent white in 1970 and shrank to 79 percent by 1980.
- Alameda’s housing tenure shifted from 38 percent to 41 percent owner-occupied from 1970 to 1980, and 46 percent in 1990.
- Alameda’s Black population grew from
- Black residents became more segregated after Measure A and less likely to own their own homes. Alameda’s Black proportion is smaller than other nearby cities and has a high proportion of renters, 93 percent (U.S. Census).
- Alameda’s white population decreased, although those who remained and moved to the island have been of higher socioeconomic group status. White Alamedans have become more likely to own their own homes (U.S. Census).
- As exemplified by a comparison between Census Tracts 4271 and 4276, Measure A has prolonged racial exclusion and exacerbated racialized disparities in housing tenure and poverty rates, and the concentrations of different types of housing structures. Black Alamedans have been most likely to live in denser communities with more multifamily housing (Shabazz, 2019).

Options

The planning board can:

- Adopt the staff report and recommend the City Council place Measure A on the November 2020 ballot for repeal.
- Consult organizations like Policylink, Government Alliance for Racial Equity, or the Othering and Belonging Institute to obtain an in-depth equity analysis of Measure A, seeking solutions to affirmatively further fair housing and racial diversity in Alameda.
- Uphold the status quo and maintain Measure A

Recommendations

Based on the above analysis, I recommend the Planning Board adopt the staff report and recommend the City Council place Measure A on the November 2020 ballot for repeal.

Selected References

- Field, B. (1993). Why Our Fair Share Housing Laws Fail. Santa Clara L. Rev., 34, 35.
- Massey and Denton. (1993) American Apartheid: Segregation and the Making of the Underclass.
- James, R. L. (2013). 'Alameda is our Home': African Americans and the Struggle for Housing in Alameda, California, 1860-present. UC Berkeley: Institute of Governmental Studies. Retrieved from <https://escholarship.org/uc/item/7pp2q0gh>
- Shabazz, R. (2018, April 24). The Contentious History of Measure A. Alameda Free Library. In possession of author.
- Rothstein, R. (2017). The Color of Law: A Forgotten History of How Our Government Segregated America.
- Self, R. (2004) American Babylon: Race and the Struggle for Postwar Oakland.
- Shabazz, R. (2018, April 24). The Contentious History of Measure A. Alameda Free Library. In possession of author.
- Silver, Christopher. (1991) The racial origins of zoning: Southern cities from 1910–40, Planning Perspectives, 6:2, 189-205, DOI: 10.1080/02665439108725726.
- <https://missingmiddlehousing.com/>

NANCY McPeak

From: Laura Gamble <lgamble05@gmail.com>
Sent: Monday, January 13, 2020 8:51 PM
To: NANCY McPeak
Subject: Repeal Measure A

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Please repeal measure A. It is nightmare and bad for the community.

Thank you,
Laura Gamble

NANCY McPeak

From: ps4man@comcast.net
Sent: Tuesday, January 14, 2020 9:17 AM
To: 'jcavanaugh@alamedaca.gov'; 'ateague@alamedaca.gov'; 'rrothenberg@alamedaca.gov'; 'asaheba@alamedaca.gov'; 'truiz@alamedaca.gov'; 'hhom@alamedaca.gov'; Ronald Curtis
Cc: NANCY McPeak; ANDREW THOMAS; Eric Levitt; Yibin Shen; Marilyn Ezzy Ashcraft; John Knox White; Malia Vella; Jim Oddie; Tony Daysog
Subject: FW: Jan. 13, 2020 Planning Board Agenda Item #7A Study Session to Discuss Article 26 of the City Charter - CORRECTION AND CLARIFICATION

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Dear Planning Board Members:

I need to correct the statement I made in Item #1 of my letter to you below. Placing the multi-family overlay over Park and Webster as part of our next Housing Element, while allowing for high density housing, would still constrain affordable housing because the one unit per 2000 sq. Ft. density limit of Article 26 combined with the minimum 5 unit requirement for obtaining a density bonus under State law would preclude a density bonus for any property under 10,000 sq. ft.

The only practical way to open up Park and Webster to affordable housing would be to exempt these districts from Article 26. Alameda Citizens Task Force wrote to you last week indicating that it is open to amending Article 26 to provide for such an exemption for the non-historic areas of Park and Webster. I was the drafter and a signatory of that letter and it is my personal position on Article 26 in all respects.

I want to thank you for giving the speakers a full three minutes and the limited allowance of ceding time to another speaker. You had the right to follow the more stringent rules set forth in our Sunshine Ordinance and instead recognized the importance of this issue to the community. Your receptiveness to public input is much appreciated.

Sincerely,

Paul S Foreman

From: ps4man@comcast.net <ps4man@comcast.net>
Sent: Monday, January 13, 2020 11:00 AM
To: 'jcavanaugh@alamedaca.gov'; 'ateague@alamedaca.gov'; 'rrothenberg@alamedaca.gov'; 'asaheba@alamedaca.gov'; 'truiz@alamedaca.gov'; 'hhom@alamedaca.gov'; 'rcurtis@alamedaca.gov' <rcurtis@alamedaca.gov>
Cc: 'nmcpeak@alamedaca.gov' <nmcpeak@alamedaca.gov>; 'athomas@alamedaca.gov' <athomas@alamedaca.gov>; 'elevitt@alamedaca.gov' <elevitt@alamedaca.gov>; 'yshen@alamedacityattorney.org' <yshen@alamedacityattorney.org>; 'mezzyashcraft@alamedaca.gov' <mezzyashcraft@alamedaca.gov>; 'jknoxwhite@alamedaca.gov' <jknoxwhite@alamedaca.gov>; 'mvella@alamedaca.gov' <mvella@alamedaca.gov>;

'joddie@alamedaca.gov' <joddie@alamedaca.gov>; Tony Daysog <tdaysog@alamedaca.gov>

Subject: Jan. 13, 2020 Planning Board Agenda Item #7A Study Session to Discuss Article 26 of the City Charter

Dear Planning Board Members:

Council members Knox-White and Daysog were prudent to seek an Evaluation of Article 26 as part of their general investigation of possible amendments to our Charter. However they were imprudent in requesting Andrew Thomas, our Planning Building and Transportation Director, to conduct the evaluation. Mr. Thomas has previously expressed his disdain for Article 26 to me and I am sure that his view well known to both Mr. Knox-White and Mr. Daysog. As they should have anticipated, the Evaluation is not a neutral investigation of the impact of Article 26 on the City, but is obviously based upon Mr. Thomas's hypothesis that Article 26 is bad and then supporting his hypothesis by confining his investigation to "facts" that support his conclusion.

1. He states that Article 26 constrains high density development in our mixed-use business districts on Park and Webster, but ignores the fact that Council is free to do what it did in the mixed-use properties along the Northern Waterfront; that is to use the authority of the CA Housing Element Law to pre-empt Article 26 by placing the multi-family overlay over these districts.
2. He states that Article 26 constrains the building of affordable housing, while ignoring the fact that since 2014 the city has approved more than five times the 748 unit market rate goal. (approximately 620 affordable, 3700 market rate) Thus, our failure to meet our affordable goal of 975 units has not been due to a lack of available building lots, but other factors such as increased construction costs, and a low affordable housing inclusion requirement which results in over 85% of most density bonus projects being dedicated to market rate housing.
3. He states that Article 26 forces the City to meet its Housing Element obligation by placing the multi-family overlay over land currently zoned for mixed use, which depletes our inventory of vacant land available for commercial development, thus subverting the job-producing goals of the 2018 City of Alameda Economic Development Strategy. This ignores the fact that our mixed use zoning ordinance, contrary to the goals of the Strategy, sets no minimum requirement for commercial vs. residential development. Thus leaving the City powerless to require any more than token commercial development. See Del Monte, Encinal Terminals and Alameda Marina. In the case of Alameda Marina there is a loss of 600 jobs that already were in place on the property. Thus, it is our mixed use zoning ordinance, not Article 26 that is constraining commercial development.
4. He states that Article 26 is inequitable in constraining low income and non-white populations from residing in Alameda. However census information clearly indicates that in 1970 Alameda was a 90% white population, while the 2010 census shows it reduced to just a fraction above 50% and the 2019 estimate has it below 50%. He also fails to note that Alameda's median income is significantly below that of Alameda County. He also ignores the fact that the 85% approval of market rate housing produced in our current housing efforts since 2014 will actually reduce the very diversity that he seeks!
5. He claims that Article 26 undermines our General Plan while totally ignoring the many positive references to Article 26 in the General Plan. See the letter from AAPS which has been filed to this agenda item.
6. He states that Article 26 does not preserve the character of our residential neighborhoods and produces several photos of multi-family housing that is consistent with the character of our neighborhoods. However all of these examples are buildings constructed decades before Measure A became an issue. He provides zero examples of the "wide spread quick and cheap building" squeezed into narrow lots previously occupied by single family homes that triggered Measure A. See John Platt's letter filed to this agenda item.

Mr. Thomas has been very open about his views, which I very much respect. He has stated many times to me and others that he believes Alameda has an obligation meet the Bay Area housing crises by not just meet our Housing Element obligations, but exceeding them. Since he cannot pre-empt Article 26 beyond our Housing Element obligations he can only accomplish his view if he achieves the total repeal of Article 26 and then achieves a majority on your Board and City Council to up-zone some of our low density residential districts to high density. That is the clear intent and purpose of his "Evaluation". Thus, it is not a neutral evaluation at all but a statement of his opinions on housing.

Sincerely,

Paul S Foreman

NANCY McPeak

From: ANDREW THOMAS
Sent: Monday, January 13, 2020 6:28 PM
To: NANCY McPeak
Subject: FW: Evaluation of Article 26 agenda item 7-A

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-----Original Message-----

From: Karin Sidwell [mailto:karinsidwell@earthlink.net]
Sent: Monday, January 13, 2020 1:38 PM
To: Ronald Curtis <rcurtis@alamedaca.gov>; Jeffrey Cavanaugh <JCavanaugh@alamedaca.gov>; Alan Teague <ateague@alamedaca.gov>; Rona Rothenberg <RRothenberg@alamedaca.gov>; Asheshh Saheba <asaheba@alamedaca.gov>; Teresa Ruiz <truiz@alamedaca.gov>; Hanson Hom <hhom@alamedaca.gov>
Cc: ANDREW THOMAS <ATHOMAS@alamedaca.gov>; Nancy McPeak <NMcPeak@ci.alameda.ca.us>; Erin Garcia <EGARCIA@ci.alameda.ca.us>
Subject: Evaluation of Article 26 agenda item 7-A

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Thank you for your consideration regarding this matter.

Karin Sidwell
Historic Resource Consultant
2025 Pacific Ave
Alameda