

CITY OF ALAMEDA RESOLUTION NO. _____

RESOLUTION OF INTENT TO APPEAL AND SEEK TO REDUCE THE CITY'S FINAL REGIONAL HOUSING NEEDS ALLOCATION AND TO PREPARE A HOUSING ELEMENT UPDATE FOR THE PERIOD 2023-2031 THAT MAXIMIZES THE USE OF CITY-OWNED LAND AND PERMITS MULTIFAMILY HOUSING AND RESIDENTIAL DENSITIES OF AT LEAST 30 UNITS PER ACRE TO THE EXTENT NECESSARY TO ACCOMMODATE THE REGIONAL HOUSING NEEDS ALLOCATION AND COMPLY WITH STATE HOUSING LAW

WHEREAS, the California legislature has found that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (Gov. Code § 65589.5); and

WHEREAS, the legislature further found that "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration." (Gov. Code § 65589.5); and

WHEREAS, the legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that "In 2018, California ranked 49th out of the 50 states in housing units per capita...California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years"; and

WHEREAS, State Law requires that the City Council adopt a Housing Element update for the period 2023-2031 (Gov. Code §§ 65000-66499.58); and

WHEREAS, the Housing Element must make adequate provision for the housing needs of all economic segments of the community (Gov. Code § 65580, subd. (d)); and

WHEREAS, on May 25, 2021, the Association of Bay Area Governments (ABAG) released the Draft Regional Housing Needs Allocation (RHNA) for the City of Alameda (City) Housing Element for 2023-2031 of 5,353 housing units, comprised of 1,421 very low income units, 818 low income units, 868 moderate income units, and 2,246 above moderate income units; and

WHEREAS, the City of Alameda's 5,353 unit RHNA allocation for the 6th Housing Cycle is approximately three times the 1,725 unit RHNA Alameda received for the prior 5th Cycle; and significantly higher than all previous cycles, which were approximately 2,000 or less units; and

WHEREAS, the City of Alameda's total land mass is only approximately 10 square miles; and

WHEREAS, the City of Alameda is comprised of an island and a peninsula each with limited access and significant geological, seismic, rising ground water, and rising sea level hazards; and

WHEREAS, significant portions of the City were created by filling in the San Francisco bay, which are particularly vulnerable to seismic events and susceptible to liquefaction; and

WHEREAS, the main island of the City is only accessible through four vehicular bridges, one bike/pedestrian bridge, and one tunnel; and

WHEREAS, the 5,353-unit RHNA allocation is unreasonable given the size of the City, it's unique physical limitations, and the various hazards described above; and

WHEREAS, the City intends to seek all available remedies, including administratively appealing the RHNA allocation, to reduce the 5,353 RHNA allocation; and

WHEREAS, the City anticipates that previously approved projects will result in construction of approximately 1,522 housing units during the 2023-2031 housing element cycle; and

WHEREAS, the City-owned land at Alameda Point is the best location to accommodate much of the City's final RHNA allocation; and

WHEREAS, the City Council has approved the Waterfront Town Center Specific Plan and Main Street Neighborhood Specific Plan to support housing development on the City-owned land at Alameda Point; and

WHEREAS, the City-owned lands at Alameda Point create more affordable housing than in any privately owned location in the City of Alameda because the Council is able to require that 25% of all new housing on City-owned land at Alameda Point be affordable to lower income households, which is 10% more than the Council is able to require on privately-owned land elsewhere in Alameda under the Inclusionary Housing Ordinance; and

WHEREAS, the City Council's ability to maximize the use of City-owned land at Alameda Point for construction of affordable housing to accommodate the RHNA is limited by a financial cap imposed by the U.S. Navy, which imposes a financial penalty on the City of Alameda of approximately \$100,000 on the City of Alameda for every market rate unit constructed after the 1,425th market rate unit; and

WHEREAS, the financial penalty will increase every year by the Case Shiller Real-estate Index; and

WHEREAS, the Navy's financial penalty represents a significant constraint on housing development and affordable housing development on City owned lands at Alameda Point that have been planned for residential use in the Town Center and Main Street Specific Plans; and

WHEREAS, the Council intends to direct staff to take all necessary actions to reduce or eliminate the Navy's financial penalty, in order to facilitate the development of housing at Alameda Point; and

WHEREAS, the City Council has approved plans for housing at Encinal Terminals, that has not been constructed yet, but should be constructed to accommodate the regional housing need in the Housing Element, and

WHEREAS, State law requires that Alameda must make zoning available for all types of housing, including multifamily housing (Gov. Code §§ 65583.2 and 65583(c)); and

WHEREAS, Alameda City Charter Article 26 prohibits construction of multifamily housing and residential densities above 21 units per acre; and

WHEREAS, State law generally states that the Housing Element and the City's zoning must support housing for all income levels (Gov. Code § 65583.2(c)(3)(B)(iv)); and;

WHEREAS, to address similar inconsistencies with state law, in 2012 the City adopted the Multi-Family (MF) overlay zone in AMC § 30-4.23(b)(1) which allows densities of 30 residential units per acre and states, "In the event of a conflict between the provisions of the MF Combining District and the provisions of the underlying district or the Alameda Municipal Code or Alameda City Charter Article 26, the provisions of the MF District shall govern"; and

WHEREAS, the analysis of available sites to accommodate the City's RHNA of 5,353 housing units, if finalized, demonstrates that multifamily housing at densities of greater than 21 units per acre is necessary in some locations in Alameda to accommodate the RHNA as was necessary in 2012 to accommodate the RHNA

NOW, THEREFORE, BE IT RESOLVED, that the City of Alameda City Council:

- Directs staff to take all necessary actions to administratively appeal and reduce the City's final RHNA allocation to the maximum extent authorized by law;
- Direct staff to expedite and prioritize the negotiations with the U.S.Navy to remove or modify U.S.Navy imposed financial constraints and caps on housing development on City owned lands at Alameda Point.
- Declares its intent to prepare a draft Housing Element, all necessary programs and zoning amendments necessary to comply with State Law;

BE IT FURTHER RESOLVED that this action is not a project under Public Resources Code section 21065 and CEQA Guidelines section 15378. The City Council's action is simply declaring the City Council's intent to comply with state law and directing staff to prepare a draft Housing Element (i.e. project description) for consideration and subsequent analysis under CEQA.

* * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 6th day of July 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 7th day of July, 2021.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Yibin Shen, City Attorney
City of Alameda