

REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: City of AlamedaFiling Party: ☐ HCD ☒ Jurisdiction: City of AlamedaContact Name: Andrew Thomas Title: Planning DirectorPhone: 510-7476881 Email: athomas@alamedaca.gov**APPEAL AUTHORIZED BY:**

Name: _____

Signature: _____

Date: _____

PLEASE SELECT BELOW:

- ☐ Mayor
- ☐ Chair, County Board of Supervisors
- ☐ City Manager
- ☐ Chief Administrative Officer
- ☐ Other: _____

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ☐ ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- ☐ Existing and projected jobs and housing relationship.
 - ☐ Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - ☐ Availability of land suitable for urban development or for conversion to residential use.
 - ☐ Lands protected from urban development under existing federal or state programs.
 - ☐ County policies to preserve prime agricultural land.
 - ☐ Distribution of household growth assumed for Plan Bay Area 2050.
 - ☐ County-city agreements to direct growth toward incorporated areas of county.
 - ☐ Loss of units contained in assisted housing developments.
 - ☐ Households paying more than 30% or 50% of their income in rent.
 - ☐ The rate of overcrowding.
 - ☐ Housing needs of farmworkers.
 - ☐ Housing needs generated by the presence of a university campus within a jurisdiction.
 - ☐ Housing needs of individuals and families experiencing homelessness.
 - ☐ Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - ☐ The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - ☐ Affirmatively furthering fair housing.
- ☒ ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).
- ☒ A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click [here](#))

Number of units requested to be reduced or added to jurisdiction's Draft RHNA Allocation:

☒ Decrease Number of Units: 2,703 ☐ Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

As described in the attached letter, the proposed Regional Housing Needs Allocation for the City of Alameda will result in the construction of housing, including housing for lower income households, in areas of that will be heavily impacted by regular flooding, rising ground water, and increasingly vulnerable to the severe ground shaking and public safety threats that will occur in future seismic events.

The land use patterns resulting from the RHNA are not equitable and do not promote the creation of the sustainable, resilient Bay Area as described in Plan Bay Area 2050, nor do these decisions further the objectives of the RHNA as stated in Government Code Section 65584 (d).

A September 2020 study by Silvestrum Climate Associates entitled THE RESPONSE OF THE SHALLOW GROUNDWATER LAYER AND CONTAMINANTS TO SEA LEVEL RISE documents a significant and unforeseen change and new hazard that merits reconsideration of the RHNA allocation.

List of supporting documentation, by title and number of pages

1. City of Alameda Appeal Letter (3 pages) _____
2. _____
3. _____



The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

Click here to
attach files



City of Alameda • California

July 9, 2021

Matt Maloney
Director, Regional Planning
Metropolitan Transportation Commission
Association of Bay Area Governments
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Subject: City of Alameda Appeal of Regional Housing Needs Allocation

Dear Mr. Maloney,

The City of Alameda appreciates the work that has been completed by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) to comply with State Housing Law and distribute the regional's housing needs allocation among our region's cities and counties.

On July 6, 2021, in response to requests from the Alameda community, the City of Alameda City Council voted 3-2 (Mayor Ezzy Ashcraft and Vice Mayor Vella dissenting) to direct staff to appeal the RHNA allocation for the City of Alameda and request a reduction of the City of Alameda RHNA from 5,353 to 2,650 units, for the following reasons:

The Measure A Constraint. Over 60% of Alameda voters recently upheld the voter adopted City Charter provision that prohibits construction of multifamily housing in Alameda. Although, the City Council has adopted multifamily zoning districts and approved density bonus waivers to construct approximately 215 mostly multifamily units per year over the last 8 years at densities of 30 units per acre or more, the Council believes that the Alameda RHNA should be limited to approximately 331 per year for a total of approximately 2,650 over the eight year period for the following reasons:

The US Navy Constraint. Alameda largest housing opportunity site, the former Naval Air Station (NAS Alameda) is subject to a financial constraint imposed by the Federal Government and Department of the Navy (NAVY) to limit housing development. The Navy has imposed a financial impact fee on every market rate unit constructed at Alameda Point after the 1,506th. The impact fee, which is approximately \$80,000 in 2021 and is projected to be over \$100,000 per unit during the 2023-2031 cycle makes any additional residential development beyond the initial 1,506 units infeasible at Alameda Point. By January 2023, just over 500 of the 1,506 unit allocation will be constructed leaving less than 1,000 units available (without the fee) to accommodate Alameda's RHNA for 2023-2031. This constraint by the United States government significantly limits Alameda's ability meet the currently imposed 5,353 unit obligation. Under State Housing Law, the City of Alameda cannot accommodate its RHNA allocation on sites that are not

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economically feasible to develop. Additionally, development constraints imposed by external regulatory sources, such as the federal government, is a basis for RHNA reduction.

The Natural Hazard Constraints. The City of Alameda is approximately 10 square miles comprised of an island and a peninsula each with limited access and significant geological, seismic, rising ground water, and rising sea level hazards. Access to the larger region limited to four vehicular bridges, one bike/pedestrian bridge, and one tunnel, all of which projected to fail in a major seismic event.

MTC/ABAG studies document that less than 50% of the City of Alameda's urbanized area is outside of a Natural Hazard zone. (See https://abag.ca.gov/sites/default/files/factor_o1_natural_hazards_v2.pdf) Based upon ABAG/MTC's own studies and the excellent work done by the San Francisco Bay Conservation and Development Commission (BCDC) it is clear that it is not possible to construct Alameda's 5,353 unit RHNA outside of Natural Hazard area as recommended by the ABAG Methodology. A review of projected sea level rise inundation maps (see at 5-to-6-foot levels shown below) confirms that all of Alameda's potential housing sites to accommodate 5,535 additional units are located within future inundations zones. None of Alameda vacant or underutilized lands are located outside of these hazard areas.



Compounding the sea level rise hazard is the rising ground water hazard in Alameda. A September 2020 report by Silvestrum Climate Associates entitled THE RESPONSE OF THE SHALLOW GROUNDWATER LAYER AND CONTAMINANTS TO SEA LEVEL RISE reveals that as the seawater level rises, the shallow ground water also rises. It increases the liquefaction risk in an earthquake. Rising ground water elevates subsurface pollutants that have been capped with clean soil to the surface causing environmental and health hazards. Rising ground water weakens building foundations and underground utilities, such as the water supply. Sea walls will do nothing to stop rising groundwater. During wet winters this groundwater will emerge above the land surface at the three, four and 5 ½ foot levels (all well within sea level rise predictions through 2050) with more than half the island submerged at the 5 ½ foot level. The rising groundwater hazards in Alameda will occur ahead of the rising sea level hazards and will be even more expensive and problematic to mitigate.

The Financial Costs to the Region. Constructing 5,353 units in Alameda over the next eight years will require constructing new housing in high hazard areas inconsistent with Plan Bay Area 2050 goals and the ABAG RHNA Methodology. The costs to the region of mitigating these mistakes in the future will be enormous. A recent Washington Post article reveals that the city of Miami is projecting the expenditure of four billion dollars over the next 40 years to mitigate the impact of building within inundation zones. Clearly, the City of Alameda and ABAG/MTC should be doing everything possible to avoid repeating the mistakes made in Miami.

The Transportation Constraint. With access to the larger region limited to four vehicular bridges and one tunnel all connecting to the already congested I-880 in Oakland, accommodating 5,353 units in an 8-year period will result significant transportation problems locally and for the region. Despite the slow but steady improvements that the region is planning for with Plan Bay Area 2050, the effects to the local and regional transportation system in Oakland and Alameda from the construction trucks and future residents of 5,353 units will be significantly detrimental to the region and our neighbors in Oakland.

For these reasons, the City of Alameda is requesting that MTC/ABAG reduce the City of Alameda RHNA by 2,703 units to a total of 2,650. Thank you for considering this request. If you have any questions, please do not hesitate to contact me at (510) 747-6881 or athomas@alamedaca.gov.

Sincerely,



Andrew Thomas,

Planning, Building and Transportation Director

Cc: Eric J. Levitt, City Manager, City of Alameda