

MINUTES OF THE CONTINUED NOVEMBER 16, 2021  
REGULAR CITY COUNCIL MEETING  
TUESDAY- -NOVEMBER 30, 2021- -5:00 P.M.

Mayor Ezzy Ashcraft convened the meeting at 5:03 p.m.

ROLL CALL - Present: Councilmembers Daysog, Herrera Spencer, Knox White, Vella, and Mayor Ezzy Ashcraft – 5. [Note: Councilmember Knox White arrived at 5:12 p.m. The meeting was conducted via Zoom]

Absent: None.

CONTINUED REGULAR AGENDA ITEMS

(21-773) Workshop to Review and Comment on the Draft Housing Element Update to Accommodate the Regional Housing Needs Allocation (RHNA) for the Period 2023-2031 in Compliance with State Law.

The Planning, Building and Transportation Director gave a Power Point presentation.

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(21-774) Vice Mayor Vella moved approval of allowing 5 minutes for the presentation.

Councilmember Knox White seconded the motion, which carried by the following roll call vote: Councilmembers Daysog: Aye; Herrera Spencer: Aye; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 5.

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The Planning, Building and Transportation Director concluded the Power Point presentation.

Expressed support for recommendations provided by the Alameda Architectural Preservation Society (AAPS) and Alameda Citizens Task Force (ACT); urged Council to consider adding more units along the main transit corridors and seek to preserve architectural elements throughout the City; expressed support for Council refraining from up zoning in the R-2 through R-6 neighborhoods and for adopting an emergency ordinance related to Senate Bill (SB) 9: Carmen Reid, Alameda.

Stated that she is pleased to see a draft site inventory; urged Council not to consider the inventory finalized until the required, companion Fair Housing Analysis is included; stated the City must maintain adequate capacity for its housing throughout the entire planning cycle; if the Council decides not to put 1,000 units of housing at shopping centers at a future time, other locations within the City must be found to make up the units; expressed support for an affordable housing overlay: Sophia DeWitt, East Bay Housing Organizations (EBHO).

Stated that her ideal housing neighborhood has a variety of housing types, including racial, ethnic and income diversity; expressed support for including neighborhoods built in compliance with Article 26 and for moving forward with the reuse of existing buildings; stated reuse will avoid displacing low-income residents and increasing the carbon footprint; up zoning will provide incentive for demolition; she looks forward to the balancing act needed to provide more

housing and ensure equity, inclusion and anti-displacement: Betsy Mathieson, Alameda.

Expressed support for the draft Housing Element; stated the included goals, policies and programs are sensible and admirable; she especially appreciates Goal 3; the Housing Element is lofty and a lot of work must be done in order to reach the goal; the Housing Element goals will put the City on the right path in addressing the housing crisis; expressed support for the proposed zoning changes, including increasing density in residential zones R1 to R6; stated the changes are needed to reverse exclusionary and inequitable land use practices and will strengthen the vibrancy and diversity of the City; increased density will support more sustainable and walkable lifestyles; urged City staff to look at further increasing density; expressed support for the City following all State laws, including putting forth a compliant Housing Element: Elizabeth Kuwada, Alameda.

Encouraged smart growth, raising Alameda Point housing limits and raising shopping center height limits to accommodate additional housing; expressed opposition to up zoning: Devon Westerholm, Alameda.

Expressed support for the attempt to discuss the housing cap being raised for shopping centers; stated the raised cap is key to not over burdening residential areas; the current Housing Element density increases avoid Article 26; expressed concern over developers buying buildings for demolition; questioned the message being sent to voters; urged Council consider acting on the AAPS proposals: Dolores Kelleher, Alameda.

Stated the draft Housing Element does not adequately reflect the 2010 Webster Street Vision Plan, nor does it implement the November multi-family overlay zone proposal; the Vision Plan calls for retaining the existing architectural character of Webster Street south of Lincoln Avenue; discussed WABA's multi-family overlay proposal height limits; expressed concern about the Housing Element not reflecting WABA's housing proposal and for higher density limits exceeding the desired three story limit; urged the inclusion of a strategy to integrate the State density bonus law: Linda Asbury, West Alameda Business Association (WABA).

Stated that she strongly opposes the up zoning of R1 to R6 zones; discussed the initial passing of Article 26; stated the proposal will not build affordable units; 373 people have signed a petition to oppose the Housing Element; elected officials have an obligation to act according to the will of the electorate; discussed an anticipated Statewide initiative petition for zoning and land use to be under local control: Karen Miller, Alameda.

Stated that he is in favor of up zoning R1 to R6 areas; expressed support for an affordable housing overlay; stated cities need compliant Housing Elements; urged Council to support the proposals: Jake Price, Housing Action Coalition.

Stated people are scared of change; Alameda has better transit access than most surrounding cities; Alameda has invested in transit, which elevates home values; Alameda has a mid-century mindset; actions taken have proven to be racially prejudicial and classist; State laws have passed for the Regional Housing Needs Allocation (RHNA): Josh Geyer, Alameda.

Stated that she has not heard an answer to whether the Navy cap can be lifted; expressed support for the Democratic party; questioned how the City can meet the housing laws; expressed concern about overreaching: Cherie Winkler, Alameda.

Expressed support for not removing the Harbor Bay recreation area; stated promoting health and well-being is fundamentally important to communities; the recreation area provides many resources; mental and physical program access is important after the isolation due to the pandemic: Jason Gerke, Alameda.

Stated RHNA includes minimum limits set by the State; the minimums only include half of the amount truly needed; urged Council go above and beyond with zoning changes; stated housing is needed near transit; expressed support for less focus on parking and automobile traffic; urged Council not to make the minimum the goal: Paul Bickmore, Alameda.

Expressed support for the staff recommendation and draft Housing Element; stated the City has to look at considering up zoning R1 to R6 in order to break down historical systems of segregation; years of exclusionary zoning have left a lasting impact and must be corrected; the City must allow for higher density and affordable housing; he is not swayed by the arguments from organizations seeking to deny housing in Alameda; Article 26 is not enforceable and violates State housing law: Zac Bowling, Alameda.

Stated the Encinal Terminals site is a third of the City's RHNA; urged Council to allow the site to move forward; stated there are practical, legal and moral limits to building all-new housing; expressed support for the proposed sub zoning and for more housing in shopping center districts; expressed concern about owners of commercial areas not being open to development; stated that he would like to see the Park and Webster Street areas expanded for more than the estimated 300 units; the areas could use 1,000 units or more and are transit-rich; discussed development in downtown Oakland: Joshua Hawn, Alameda.

Expressed support for the matter; stated that he is confused by people saying more housing is needed, then not supporting utilizing State density bonus law; the State density bonus law is one of the strongest tools Alameda has to construct affordable housing; urged Council to ensure the up zoning allows for State density bonus law to apply everywhere: Sidharth Kapur, Alameda.

Expressed support for the Housing Element, increased density and up zoning; stated everyone is in this together; urged Council ensure sufficient housing for all persons at all life stages, regardless of Article 26: Kathleen Mertz, Alameda.

Stated that she appreciates the presentation and staff report; the materials provided clarity; the recommendation does not work unless all of Alameda participates; the RHNA obligation cannot be met unless everyone does their part; the RHNA obligation will be met as required by law and will provide a safe place to live; urged the public to overcome fears: Savanna Cheer, Alameda.

Stated that she is in favor of low to moderate income housing; outlined concerns about Accessory Dwelling Units (ADU): Birgitt Evans, Alameda.

Expressed support for keeping the Harbor Bay Club zoned as recreation; stated there have been trade-offs in order to keep the land zoned recreational; expressed support for adding residential to the shopping center at Bay Farm: Charles Johnson, Alameda.

Stated affordability is not being addressed; discussed rent prices for new apartments at Alameda Point; stated there is not a lack of housing, there is a lack of income to afford the available housing; affordable housing is built through high-end housing; expressed support for

more housing at Alameda Point, which requires 25% affordable housing; stated the rest of Alameda only has a requirement of 15% affordable housing; ADUs do not have to be affordable; urged transit corridors be considered: Margaret Hall, Alameda.

Stated it is a myth that R1 through R6 zones are exclusionary; many of the housing within R1 through R6 include rentals with affordable rates; if housing is torn down, displacement will occur; greater density land is more expensive; construction costs are expensive; rent control will leave from old units; expressed concern over gentrification: Paul Foreman, Alameda.

Expressed concern over too much density being pushed on R1 through R6; stated established, historic neighborhoods need to be protected; increased density will cause more traffic and transit problems; urged a focused density that does not impact buses and is closer to Alameda Point; outlined State density bonus law related to units on a single lot; urged Council increase density, but not go over the top: Erich Stiger, Alameda.

Stated the proposed blanket up zoning of R2 through R6 is unnecessary and overkill; blanket up zoning will encourage demolition and replacement of historic buildings and threaten the exiting stock of relatively low-cost, privately owned rental units by encouraging developers to replace buildings using the State density bonus law; urged Council get the word out to the public about City happenings; discussed distribution of flyers for the meeting: Brenden Sullivan, Alameda.

Stated that she would like to live in a community that is welcoming, inclusive and diverse; expressed support for the draft Housing Element; stated the draft Housing Element will help meet RHNA obligations; she would like an update on the status and enforceability of Article 26 and State preemption: Kristi Black, Alameda.

Expressed concern over the proposed up zoning in residential areas; stated that he is not convinced the up zoning is necessary; expressed support for looking to large underutilized sites such as shopping centers, Alameda Point and Encinal Terminals; discussed alternative zoning locations near the College of Alameda; stated the up zoning is reckless due to difficulty in downzoning; recommended a limited version of the residential proposals be included in the draft Housing Element; discussed State density bonus law height limits: Christopher Buckley, Alameda Architectural Preservation Society.

Stated the draft Housing Element represents an attempt to meet the RHNA obligation, State law and growth; discussed the commute from the Valley into the Bay Area; stated the City must grow in order to accommodate jobs and the economy: Jes McBride, Alameda.

Discussed her experience living in high density locations; stated the traffic has gotten crazy in the City; much of her life is outside of her home; expressed support for housing at Bay Farm not being at a site which had previously been designated for open and recreational space; expressed concern over changes to the view and shore line; urged the City look at vacant spaces for housing at Bay Farm and Harbor Bay: Michelle Russi, Alameda.

Stated parcels in job rich areas located near high quality public transportation are eligible for up to 10 units per parcel; all parcels within the single family neighborhoods may be split without any discretionary review or compliance with the California Environmental Quality Act; she is part of those that voted to maintain single family homes in Alameda under Article 26; State legislation overrides local zoning restrictions; rezoning needs to be postponed until a vote by the people: Therese Hall, Alameda.

Urged Council to rezone the Harbor Bay Club back to its original intent as a recreational, commercial space; stated there is a reclamation district bond for bay dredging; Harbor Bay Club is considered an amenity for the community; urged Council to stand up for the Harbor Bay Club and not let developers take precedence over people: Lesa Ross, Alameda.

Stated that he would like Harbor Bay Club to be zoned as recreational; the Harbor Bay Club never paid a reclamation district bond assessment; the bond financed the filling of Harbor Bay Isle and has been paid off; allowing a private developer to profit at the expense of assessment paid by the public would be inequitable; many people like the Harbor Bay Club as a recreational space: Behrad Aria, Alameda.

Urged the City to move more aggressively on discussions with the Navy to lift the cap at Alameda Point; stated lifting the cap will result in greater capacity for additional housing units in an area which can accommodate much more than the current cap allows; there is a need for more affordable housing in the City; the City is straining to meet its infrastructure commitments to the community; a large increase in housing units will further exacerbate the problem; expressed opposition over any effort which will rezone areas within the community for high density housing: Bill Pai, Community of Harbor Bay Isle Board.

Expressed support for the draft Housing Element; stated the plan is sensible and goes a long way towards fulfilling the legal and moral obligations to produce housing; the Bay Area produces many jobs; the City must accommodate and do its part to build housing for the people here; expressed concern about the lack of housing production: Doug Letterman, Alameda.

Expressed support for the housing policies; stated it is important that the policies further fair housing and the right of first refusal for those who have been displaced; it is important that all Alameda neighborhoods provide opportunity for affordable housing development to take place; expressed support for at least 60 units per acre of density in all housing, commercial and industrial sites; stated higher density is important to allow flexibility in developing challenging sites for projects to be built; expressed support for up zoning residential areas: Lynette Jung Lee, Alameda.

Stated that she is in favor of most of the proposal; discussed local obesity statistics in relation to recreation access; expressed concern about the development of the Harbor Bay Club; stated the Harbor Bay Club area supports people in open spaces; there is need for open recreation spaces; urged the City to consider sites which can support housing, not developers building on a recreational area: Lily, Alameda.

Stated parks are meant to be played in; expressed support for the staff recommendation and draft Housing Element; urged the City to take an all of the above approach; stated the City should build all and then some; discussed architecture: Kyle Navis, Alameda.

Expressed support for the draft Housing Element and for comments provided by Speakers Cheer and Geyer; stated the draft Housing Element is a good first step: Alexia Arocha, Alameda.

Stated walkability, density and transit issues will resolve itself; the market will not take care of the housing issue; it is important to affirmatively further fair housing by developing in high opportunity areas near schools, transit, shopping and parks: William Smith, Alameda.

Urged Council to vote no on the matter of up zoning; expressed concern about the future of Alameda and residential neighborhoods; stated development will be indiscriminate; expressed concern over a future lack of open land: Kevin Frederick, Alameda.

Mayor Ezzy Ashcraft requested clarification about the Housing Element changes around the WABA district.

The Planning, Building and Transportation Director stated the business area corridors are transit-oriented, commercial corridors that would be good for adding housing; one of the criticisms received is staff is not pushing enough; staff will begin to look at more sites and talk with neighbors in the area; staff has questioned how to tailor zoning to get more housing on Webster Street without sacrificing or losing some of the historic character; staff believes the goal of tailoring zoning can be accomplished; zoning can be carefully tailored to obtain desired results.

Mayor Ezzy Ashcraft requested clarification about the Harbor Bay Club zoning.

The Planning, Building and Transportation Director stated the Harbor Bay Club site is currently zoned for mixed use, which allows for commercial and residential; the historic use for the space has been for a health club under a commercial use; the owners have indicated a desire to sell; the potential buyer has indicated an interest in replacing the health club with a new health club facility, plus residential; the development application will go through the normal process.

Mayor Ezzy Ashcraft inquired whether the matter of Harbor Bay Club is before the Council, to which the Planning, Building and Transportation Director responded in the negative; stated Harbor Bay Club is separate from the Housing Element.

Mayor Ezzy Ashcraft requested clarification about the different types of housing at Alameda Point.

The Planning, Building and Transportation Director stated Alameda Point has a variety of housing; the area has market rate and affordable housing; there is agreement in the need for affordable and subsidized housing; market rate housing pays affordable housing subsidies; there can be no affordable units without market rate housing unless a tax is implemented, which generally does not happen; the City relies on the private sector to provide affordable housing.

Mayor Ezzy Ashcraft stated a number of different zones have been referenced; requested clarification be provided regarding R1 through R6; expressed support for an update on the current status of Article 26 and SB 9; stated that she would like more information on whether developers can tear down historic homes.

The Planning, Building and Transportation Director stated residential zones R1 through R6 includes roughly 80% of the land area in Alameda; staff is proposing about 20% of the RHNA being distributed within the R1 through R6 ones; staff can tailor the zoning in concert with the historic preservation, rent control and anti-displacement ordinances to get housing added; the tailoring will not include many of the negative impacts or concerns brought by speakers; discussed current development applications and financial feasibility for tearing down and rebuilding; stated staff can craft zoning in a way which allows for careful infill development while maintaining the character of the residential neighborhoods; SB 9 is a new State law which goes

into effect January 1, 2022; the Planning Board will review staff's initial zoning amendments for the R1 district on December 13<sup>th</sup>; there are approximately 9,500 R1 parcels in the City; the R1 district allows an ADU up to 1,200 square feet and a junior ADU; the draft Housing Element proposal allows for an additional ADU; Council cannot stop State law and SB 9; SB 9 allows a property owner to perform a lot split and sale of the alternate unit; staff believes SB 9 will increase the capacity in the R1 zoning districts; staff is expecting a moderate increase in production and roughly 30 ADU projects per year due to SB 9; many ADUs are not discernable; the City's ability and authority to regulate land is passed down from the State; if the voters of Alameda adopt a measure in conflict with State law, the measure is unenforceable; Council adopted zoning regulations in 2012 which were in conflict with the City Charter since Article 26 is in conflict with State law; it is unfortunate that voters kept the conflict in the Charter since it is unenforceable; staff cannot maintain General Plan conformance with State law and respect the City Charter; should if City wishes to maintain its land use authority, a Housing Element must be adopted; the Housing Element is in conflict with the City Charter.

Mayor Ezzy Ashcraft inquired where the City is currently at with the Navy cap at Alameda Point.

The City Manager responded around 2011, the City and Navy came to an agreement which included a no-cost transfer of land to the City of Naval land; stated the no-cost transfer includes several stipulations, including the Navy having to clean up the land; the Navy cap allows only a certain number of housing units, which are included in the Housing Element; the Navy has had to review the agreement to ensure compliance with the National Environmental Policy Act (NEPA); the agreement and any subsequent amendments would also have to remain in compliance with NEPA; NEPA is required when a federal entity works with a local jurisdiction.

Mayor Ezzy Ashcraft inquired whether a penalty exists for non-compliance.

The City Manager responded in the affirmative; stated the City would have to pay \$50,000 per unit once the cap is exceeded; the \$50,000 has grown to about \$100,000 due to inflation; the City previously worked out an agreement with the Navy that affordable housing units do not count towards the cap; the City is working on an amendment to the agreement with the Navy; the Navy understands that conditions and market changes have occurred.

Mayor Ezzy Ashcraft inquired whether staff has been in discussion with the Navy about the penalty payment.

The City Manager responded in the affirmative; stated staff will report back to Council for direction by the end of the December; staff will continue to work with the Navy and make sure NEPA is followed.

In response to Mayor Ezzy Ashcraft's inquiry, the Planning, Building and Transportation Director stated R1 through R6 districts are the names of the six residential zoning districts; each zone has slightly different development requirements; any homeowners are within one of the R1 through R6 zoning districts.

Councilmember Daysog inquired whether Article 26 being unenforceable is the result of a court action; stated Article 26 has been voted on by the people and is the law of the land until there is a court order.

The City Attorney responded staff's obligation is to defend the City and its voter decisions to the

extent directed by the City Council; stated unless there is a direct appellant decision, it is not staff's place to declare an act of Council or an act of the voters is unlawful; given guidance received from the State, he recognizes staff's point, that there is some doubt with respect to the continued viability of Article 26; there is also the perspective that until a court order declares Council or a voter action unlawful, the Article remains law of the land.

Councilmember Herrera Spencer inquired whether Council could include clarification about the use of Harbor Bay Club in the Housing Element.

The Planning, Building and Transportation Director responded if Council wants to rezone the Harbor Bay Club space to recreation only, a zoning amendment would need to be done; a Planning Board public hearing needs to occur prior to Council approval; the purpose of the Housing Element is to identify the sites available for housing, it does not show where the City will not build housing.

The City Attorney stated that he agrees with the Planning, Building and Transportation Director that the Housing Element may not be the best way to address the matter; the General Plan item up next might be a better place to include direction about the Harbor Bay Club.

Councilmember Herrera Spencer stated that she would like to focus on the negativity about Alameda's racial history; the City currently has a minority-majority; the White population is 42.7%; the percentage has decreased over time; other data that does not depict Alameda as racist could have been presented; she is Mexican American and has a hard time reading a document with a negative portrayal; Alameda has done a good job; the report could include data showing the decrease in the White population is attributable to the housing offered; discussed the City of Berkeley and San Francisco's population; stated the City of Alameda has been providing things which result in the diverse community; expressed concern about the language used; stated multiple places depict Alameda negatively; she agrees with comments about the residential R1 through R6 areas; the residential areas are very diverse; people rent out rooms in big homes; she is a renter; her home is older; constructing a newer home in its place with a higher rent would cause gentrification; Council needs to be careful about what happens; she is not interested in doing any more within established neighborhoods than what the law currently requires; she would like to look at other sites; inquired where housing can safely be placed within the City; displayed slides depicting earthquake fault lines; stated it is important to keep high seismic risk factors in mind when selecting housing sites; displayed an image depicting damage to Alameda from the Loma Prieta earthquake.

The Planning, Building and Transportation Director responded new housing is built to current, seismic standards, while old housing is not; when an earthquake happens, the existing housing in Alameda built in the 1920s and 1930s is of concern; the original Alameda shoreline for Alameda is the most stable are, which is essentially the R1 through R6 districts; many have been opposed to up zoning of those areas; staff must show where housing is to be built; the proposal is to spread housing throughout the entire City to ensure no one area takes all of the housing.

Councilmember Herrera Spencer displayed an image depicting high liquefaction locations; noted high liquefaction areas include landfill spaces.

The Planning, Building and Transportation Director stated landfill areas are more susceptible to liquefaction; in order to avoid areas of high liquefaction, more housing would have to be in the



central areas; staff is proposing to spread the housing around.

Councilmember Herrera Spencer inquired whether there is concern for tsunami risks.

The Planning, Building and Transportation Director responded staff has raised the issue with the Association of Bay Area Governments (ABAG), which responded every city in the Bay Area has environmental risks and the risk cannot be a reason not to build housing; the concerns are real issues; however, none will allow the City to avoid identifying where to build housing.

Councilmember Herrera Spencer stated that she is concerned with how to evacuate or bring supplies to people and what mitigation can be done; ABAG offered support; expressed support for keeping access to the Estuary in mind; stated South Shore is problematic due to a lack of ferry access.

The Planning, Building and Transportation Director stated staff is working on the issues; a hazard mitigation plan exists; staff works with the community and surrounding agencies to prepare for the event of an emergency; staff should be working on these issues irrespective of a Housing Element; the Housing Element does not force the issues of safety and evacuation.

Councilmember Herrera Spencer stated Alameda Point is the better site due to ferry access; noted South Shore does not have boat access; boat access is available along the Estuary as well.

The Planning, Building and Transportation Director stated pieces of the draft Housing Element are not yet complete; a full demographic report and a fair housing analysis will be completed; if previous land use patterns show discrimination, the City must show ways the patterns are being corrected.

Councilmember Herrera Spencer stated the tone of the Housing Element could be changed; expressed concern over comments showing one side town in a negative way.

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Mayor Ezzy Ashcraft called a recess at 7:17 p.m. and reconvened the meeting at 7:35 p.m.

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Councilmember Knox White stated the City has to follow State law; inquired what happens if the City be out of compliance with the State.

The Planning, Building and Transportation Director responded there is a deadline for Council to adopt a new Housing Element; stated if Council misses the deadline, the City is considered out of compliance; when out of compliance, the City no longer has a valid General Plan or the ability to govern land use; the City would be found out of compliance by the California Department of Housing and Community Development (HCD) which cuts off all State grants and funding sources; funding includes affordable housing and park funds; many grants received by the City would not have been possible without being in compliance with State law; the City would likely immediately be sued; State law is set up to encourage people and interest groups to sue the City; if the City loses the case, the City has to pay attorney fees; State law includes penalty fees for being out of compliance; adoption of the Housing Element would likely be forced via Court order; a Housing Element in compliance with State law will be adopted at some point, whether the City willingly adopts it or if it is by court order; the cost will ultimately be borne by the

Alameda taxpayers; staff recommends adopting the draft Housing Element.

Councilmember Knox White inquired how the draft Housing Element identifies where the impacts are in order to affirmatively further fair housing and how the City is looking at furthering fair housing.

The Planning, Building and Transportation Director responded staff is aware of affirmatively furthering fair housing; stated HCD produces maps; the maps show areas of less opportunity on the West End; most of the affordable housing is being built on the West End; staff is proposing to spread out the housing; there is more land available on the West End; however, a conscious effort is being made to show HCD that all new and affordable housing is not being placed on the West End; the R1 through R6 districts play an important role in furthering fair housing by providing the most equitable way of spreading the RHNA through all of Alameda.

Councilmember Knox White stated Alameda has a couple large policy guidance choices which will be beneficial for all; one of the choices is how Council will prioritize historic aesthetics over affirming fair housing; he is confident that the City can build new housing and also protect a lot of the older buildings; the City being out of compliance is about the worst thing; he would like to understand whether or not there is Council unanimity to having a compliant Housing Element; if Councilmembers do not support a compliant Housing Element, he hopes members will be willing to more affirmatively seek judicial input on whether Article 26 trumps State law; if there not be support for a compliant Housing Element, it would be interesting for Council to give direction to have a Closed Session on how the City might proactively and affirmatively have judicial review of the questions in order to avoid harm before certifying the Housing Element; the wise choice is to have a certified Housing Element; however, State laws have to be followed.

Vice Mayor Vella stated that she would like to have a dialogue to see where Councilmembers are; bigger picture questions need to be answered in order for staff to have adequate direction to move forward; several presentations have been provided on the topic; the discussion has been happening for quite some time; Council must acknowledge that the policies in place have created and contributed to the reason for the State taking action; all communities have had discussions about local control relative to planning and zoning; there is a housing and affordability crisis; the affordability crisis is due to lack of supply; Council must have discussions; many of the spaces not impacted by sea level rise or liquefaction are located in the R1 through R6 zones; expressed support for Council doing the right thing in adopting a compliant and equitable Housing Element.

Councilmember Daysog stated each Councilmember has their own view and perspective; November 2020 resulted in a resounding defeat of Measure A and residents declared the Article 26 growth control tool was needed in order to preserve neighborhoods; many things included in the draft Housing Element would undo the resounding defeat of Measure A; if Council adopts the draft Housing Element, growth would occur throughout the Island by up zoning R1 through R6 neighborhoods; Council needs to do something for the R1 neighborhoods as soon as possible; Council can do better than the proposed draft Housing Element; Council has an obligation to do better; questioned how the City will meet its RHNA obligation; stated that he prefers an allocation less than 5,000; the opportunities to meet the RHNA goal are at Alameda Point, in the West End or within the business corridors; Alameda Point had previously been designated as a Planned Development area due to an abundance of resources providing space for housing and transportation; the City should double its effort at Alameda Point; getting the Navy to change its current cap will be an uphill battle; by virtue of the vote on Measure Z,

Council should save neighborhoods; there are options for housing adjacent to Bayport; questioned whether the Main Street ferry terminal site is currently being used; stated the City must offer other spaces for housing; Neptune Park could be looked at; higher densities at Webster Street make sense; he does not have specific recommendations related to past discrimination; he would like to ensure an understanding of a number of State and federal laws, which ensure fair housing; there has been a history of racism; however, there have also been successes; the disparity seen cannot be solely due to racism; expressed support for having a balanced review of past discrimination as well as successes; stated elements of the draft Housing Element are difficult to support; he was the campaign chair for the No on Measure Z campaign; many things included in the draft Housing Element undermine the success of the campaign; the City needs to find another way to meet its RHNA obligation; he respects that fellow Councilmembers come from different perspectives and will fight hard for said perspectives; he has his own perspective of what Alameda needs in order to move ahead in a well-planned manner.

Councilmember Knox White stated that he is hearing one of his colleagues desire to remain non-compliant; his question remains about rather than taking a huge risk in provoking two State groups going after non-compliance, that the City ask the Courts whether or not non-compliance is allowed; the proposed outline from Councilmember Daysog is non-compliant; the goal of the process is to have HCD sign-off on the Housing Element; he is looking for a way forward that does not result in trouble; expressed concern about Council paying legal fees and losing control of land use planning; stated if Council moves forward with a Housing Element which conforms to State law, he would like to note concern about not coming anywhere near the needed numbers for Park and Webster Streets; the proposed 900 units for the residential districts areas is not realistic will not be reached; previous housing plans have been too conservative causing the need to look at additional places for more housing; now that Council knows non-compliance yields its own penalties, he would like to make sure there is enough of a buffer in place to meet the RHNA obligation; 1,000 units placed at shopping centers will kill main street businesses; Council should be looking at what needs to be done to place between 1,500 and 2,500 units on Park and Webster Streets; the zoning could take a little pressure off of the residential districts; it makes sense to place units at Park and Webster Streets near existing transportation infrastructure and historic transit streets; it is clear that the City cannot meet the RHNA requirement for affirmatively furthering fair housing and not touch the R1 through R6 districts; he is not willing to actively continue the exclusionary and segregationist policies of the past which have been shown to continue on into the future through land ownership and access to homes; if Council does not take action against the policies, Council is taking action to support the policies.

Councilmember Daysog stated there is a way for the City to be fully compliant; expressed support for putting more housing at Park Street; stated that he has confidence staff can figure out ways to meet the affirmative fair housing obligations throughout the City in a reasonable way.

Councilmember Herrera Spencer expressed support for the concerns raised by WABA; stated that she would like to find out the desires of the Park Street and other business districts; the City should look to Harbor Bay Business Park; a significant amount of funding support for Measure Z came from Harbor Bay businesses; it is important to consider opening up the business parks to allow for housing near businesses.

Vice Mayor Vella stated Council cannot simply say that staff will find places for housing in a reasonable manner; the matter needs to be articulated; expressed support for knowing how

many units will be found; stated Council needs to equitably address how to spread housing throughout the City; saying the City will find reasonable ways to provide housing is not enough; Council needs to have the numbers and find places for the units designated on a map; negate housing locations is not enough; outlined Alameda Point historic buildings discussions during her time on the Historic Advisory Board; expressed concern about the hypocrisy of housing arguments; stated concerns related to access points for getting on and off Island do not coincide with placing all housing at Alameda Point; it is difficult to listen to conflicting concerns; policies are not the only things which address a racist past; racist deed covenants still exist; historic wealth exists due to racist pasts; Council must ensure equity in housing; the notion of the market taking care of itself is not enough; Council must vote and provide direction to certify the Housing Element; she hopes Council's actions can meet its words; the City's current position is due to policies being in place which put restrictions on and prevented multi-family housing and generational wealth; the City can ensure it has public housing; Council must approve the units being built; Alameda is not the only city providing housing arguments and pushback; expressed support for equitable distribution throughout the City; stated transit options throughout the City can be expanded; it is not fair, equitable or practical to place all housing at Alameda Point.

Councilmember Herrera Spencer stated that she would like to look at housing at the Harbor Bay Business Park.

Mayor Ezzy Ashcraft discussed rents paid to the City; stated zoning designations exist to support various uses; the City will hurt itself if it takes away from business parks, which provide revenue; housing placement should not be a punishment for supporting a ballot measure; expressed concern about the staff report explanation of furthering fair housing requirements; stated that she would like to make sure the report cites new housing and lower income or affordable housing in areas near schools and parks; expressed concern about references to better wealth and services being located on the East End of town; stated all housing should not be put on one end of town in order to not over-burden schools, parks and resources; wealth should be spread throughout; decisions made by Council reflect values and the commitment to fair housing and addressing the housing crisis; one side of the Island should not point to the other side to meet the RHNA obligation; expressed support for housing being disbursed throughout the City and for housing at shopping centers, including Harbor Bay; stated Council is not discussing a tear-down of businesses located at Harbor Bay; examples of housing being integrated into shopping centers can be provided; expressed support for the City being creative and open-minded about the combination of residential and retail at Harbor Bay, South Shore, Marina Village and Alameda Landing shopping centers; stated the racist past of Alameda did exist; the City is moving forward, away from the past; the City still has a long way to go; however, the challenges are not addressed by pretending non-existence; she understands the proposal to have a Court rule on the enforceability of Article 26; however, she is mindful of staff being stretched thin across a number of different obligations; expressed support for Council approval of the Housing Element; stated seeking out a Court determination is not high on her list of things to do; many things are needed to meet the housing obligation; other sites and different unit amounts can be considered; this is a listening session; the item will return to Council with Council comments incorporated in the future; Council should remain solution-oriented; there is a housing crisis regardless of how many people are moving in and out of the City; the City has been under-housed; she looks forward to being part of the solution; inquired whether staff requires additional information from Council.

The Planning, Building and Transportation Director responded in the negative; stated the comments provided have been helpful; staff will be publishing the December draft.

Councilmember Herrera Spencer stated that she is trying to come up with solutions; when two businesses give \$60,000 to a campaign and have large parking lots, a ferry and are close to the airport, the businesses might be interested in trying to figure out how to put housing in the Harbor Bay Business Park.

The Planning, Building and Transportation Director stated the December draft will be better than the November draft; staff will continue to work through issues based on feedback provided.

Mayor Ezzy Ashcraft inquired how the public can stay up to date on the matter.

The Planning, Building and Transportation Director responded via the General Plan update website at: <https://www.alameda2040.org/>; stated staff is posting all Housing Element information on the website, including upcoming meetings.

The City Planner stated there is an upcoming HAB Housing Element workshop on Thursday, followed by a Planning Board meeting on December 13<sup>th</sup>, which will include draft zoning amendments related to SB 9 as well as objective design standards.

The Planning, Building and Transportation Director stated the Commission on Persons with Disabilities will hold a workshop on the Housing Element on December 8<sup>th</sup>.

Councilmember Herrera Spencer stated that she would like a check-up on the progress for raising the Navy cap at Alameda Point.

(21-775) Public Hearing to Consider Resolution No. 15841, "Certifying the Final Environmental Impact Report, and Adopting Findings and a Statement of Overriding Considerations, Mitigation Measures and a Mitigation Monitoring and Reporting Plan for the General Plan Amendment to Update the Alameda General Plan." Adopted; and

(21-775A) Resolution No. 15842, "Adopting Alameda General Plan 2040." Adopted.

The Planning, Building and Transportation Director gave a PowerPoint presentation.

Councilmember Herrera Spencer stated that she has spent time with staff making grammatical changes; inquired whether any of the changes have been made.

The Planning, Building and Transportation Director responded in the negative; stated the document is the Planning Board recommended General Plan; staff will create a final, Council-adopted version; a Councilmember can move approval of the General Plan with direction to staff to go through the document and update all typographical errors; noted some residents volunteered time to go through the document to provide comments and edits; staff will be happy to go through another round of edits.

Councilmember Knox White stated Council has received correspondence from the Elders of Lisjan; inquired whether staff can address the matter.

The Planning, Building and Transportation Director responded in the affirmative; stated the letter received from the Lisjan people includes a series of adjustments and changes; staff has reached out to work on a comprehensive update; staff can make changes and additions to

policies with the Lisjan people, which should go through the normal General Plan amendment process; the process of taking changes through the Planning Board and community for review is an educational process; the changes surround sensitivity to the types of issues for staff and decision-making bodies; staff will return with a 2022 General Plan amendment for the Housing Element; a Transportation Element appendix amendment is also coming.

Councilmember Herrera Spencer requested clarification about the zoning options of the Harbor Bay Club parcels.

The Planning, Building and Transportation Director stated the issue of Harbor Bay Club came up in the context of the General Plan; staff and the Planning Board decided that the question for zoning at the Harbor Bay Club should be decided in the Housing Element process; it would be premature for the General Plan to predict the process; the current designation for the Club, which is commercial recreation, was kept in the General Plan; the matter is related to the General Plan designation, not the zoning for the site; changing the designation is possible, if desired; Council can also direct staff to bring back a zoning amendment to change the underlying zoning from mixed use to open space; classifications established in the General Plan are implemented by the zoning code; the General Plan is the policy document that guides future zoning, not the zoning code.

Councilmember Herrera Spencer inquired what can be done with the proposed document to clarify keeping the current commercial recreation use.

The Planning, Building and Transportation responded the General Plan cannot establish zoning; stated the General Plan is adopted by resolution and zoning is adopted by ordinance; the General Plan cannot do anything specific to change the zoning; the General Plan can include policy statements such as: consider changing the zoning, which does not create a commitment; the General Plan can show a priority for site zoning decisions; Council may add an action for staff to have the matter go through the ordinance adoption process to change the zoning.

The City Attorney stated that he believes Councilmember Herrera Spencer seeks to modify the General Plan to clarify that the policy Council wishes to effectuate are pure recreational uses; the process will begin the conversation about staff bringing back conforming zoning updates if Council establishes overarching General Plan policies that the area should be pure recreation.

The City Planner stated the Harbor Bay Club site is a single site; consideration from Council might include how the policy effects the individual site versus a broader area; the nature of the General Plan is to consider general policy, as opposed to specific spot zoning.

Councilmember Herrera Spencer stated a section of the General Plan references open space where no housing is allowed at the Harbor Bay Club site.

The Planning, Building and Transportation Director stated the section references park areas under Land Use Classifications at the end of the Land Use Element.

In response to Councilmember Herrera Spencer's inquiry, the Planning, Building and Transportation Director stated it is absolutely possible for the General Plan to state the area has a land use designation which does not allow housing; the problem which will immediately occur will be a direct conflict between the underlying zoning and the General Plan designation; if Council takes the next step to prohibit housing on the site and zone the site for open space,

legal issues will be generated.

Councilmember Herrera Spencer inquired whether the zoning could not be changed, but instead it could be clarified that the site for recreation or commercial use.

The Planning, Building and Transportation Director responded the situation is complicated; stated the site has been designated commercial recreational in the General Plan for 30 years and has been zoned mixed use to allow residential; residents would like Council to zone the space not to allow housing, which is acceptable; he is struggling with what to change the zoning to; questioned whether the City is committing to owning and running the site as an open park or public facility if the City designates the site as open space; stated if the City does not allow housing, the property owner will not be allowed a return on investment and other issues will arise; staff has left the designation and zoning alone.

The City Attorney stated the City runs greater risk in limiting possible uses; the City runs less risk in limiting less uses and remaining open to other uses; there is a sliding scale where the judicial decisions on zoning allow the Council great flexibility in zoning; however, if all viable uses are eliminated, a compensatory taking argument is possible; if Council wishes to set broad policy about the kinds of uses desired, Council may direct Planning staff to designate recreational uses for the site; Council may even designate recreational with ancillary commercial uses for the site; Council may direct staff to create a zoning for the types of uses which still create opportunity while limiting the number of uses; if Council places limits, judicial review is likely.

Councilmember Herrera Spencer stated page 51 of the General Plan document speaks to parks and wildlife; there is a category called commercial recreation, which the Harbor Bay Club is under; other categories listed designate that housing is not permitted in certain areas; inquired whether Council may direct staff to add similar language under commercial recreation, to which the Planning, Building and Transportation Director responded in the affirmative.

Councilmember Herrera Spencer expressed support for input from the City Attorney; stated the commercial recreation section has not prohibited housing; the section could be expanded without touching the zoning similar to the other listed categories.

The Planning, Building and Transportation Director stated the General Plan designations that indicate no housing is allowed have underlying zoning which prohibits housing; discussed the public parks designation, which does not allow for housing; stated a covenant preventing housing at the Harbor Bay Business Park was placed by the Port of Oakland when Harbor Bay was originally developed; the covenant is the result of a prior lawsuit about building housing close to the airport; Councilmember Herrera Spencer's proposal would create a General Plan designation which states no housing is allowed even though the zoning allows for housing; the conflict would have to be resolved by changing the zoning; staff and the Planning Board chose to leave the matter as-is and punt the issue to the discussion of the project or Housing Element if the City decides housing is needed at the site; if housing is needed at the site, the General Plan designation would need to be changed and the zoning would remain as-is; staff felt as though it is premature to have the City make decisions on the matter.

Councilmember Herrera Spencer stated that she would like to hear from the City Attorney.

The City Attorney stated that he believes there is no problem in adding commercial or ancillary

uses to the end of page 51 under Commercial Recreation.

Councilmember Herrera Spencer outlined the prior category language; suggested adding: “the new development supports or enhances the mission of the institution...” in the Commercial Recreation category to “support or enhance the recreation facility;” stated there are carve outs for recreation areas; expressed support for coming up with language to limit residential use.

The City Attorney stated adding any of the commercial categories creates no concern; if Council wishes to add language stating: “residential uses are not authorized,” staff will have to return to Council with conforming zoning changes due to the creation of inconsistencies between the General Plan and underlying zoning.

The Planning, Building and Transportation Director stated an application to completely rebuild the recreation center will be submitted; the application will have 6 tennis courts, rather than 18; the land from the remaining courts will be used for housing; discussed the process for building a new health club; stated neighbors in the area do not support the application and desire land preservation; neighbors would like a community-owned recreation facility; community-owned means the facility is either owned by the City or the Home Owner’s Association (HOA); if Council includes language in support of recreation use, an applicant can defend the use of housing as supporting recreation; if the goal is not to have housing on the site, Council must direct staff to provide the zoning change via ordinance.

In response to Councilmember Herrera Spencer’s inquiry, the City Attorney stated Council may amend the General Plan to provide for a wide range or semi-wide range supporting ancillary commercial uses; a wide of commercial uses is most helpful for Planning staff; Planning staff will return to Council for conforming zoning changes, which would presumably eliminate housing for the site and seek to up zone elsewhere; under State law, staff needs to create housing opportunity neutrality; the neutrality can be achieved elsewhere.

Councilmember Herrera Spencer inquired whether it is necessary to add the term “ancillary” and whether the commercial uses are limited or unlimited, to which the Planning, Building and Transportation Director responded the current commercial zoning is broad.

The City Planner stated the zoning for the site is the same zoning that applies to shopping centers, which allow residential; there is not a standalone commercial zoning that allows an athletic club and prohibits residential; staff would likely need to create a new zoning district.

Expressed support for the General Plan as-is; stated dedicating so much discussion to one parcel is unfortunate; downzoning could be considered a taking issue causing litigation concerns; the City would also run afoul of SB 330; the equivalent housing loss for the site would have to be created elsewhere; the discussion is not a prudent discussion for a General Plan; expressed concern about Brown Act violations due to un-noticed rezoning discussions: Zac Bowling, Alameda.

Expressed support for the General Plan; stated the Plan is impressive and will guide in the years ahead; she applauds the work done on the mobility element; the vision turns today’s challenges of safety, affordability and climate crisis into opportunities; urged Council to support the General Plan and take every opportunity to resource efficiently through infrastructure and increasing staff budgets; stated transformative projects are complex and need a doubling down on commitment: Cyndy Johnsen, BikeWalk Alameda.



Stated the current General Plan draft looks very good and addresses previous concerns; expressed concern about typos; stated provision CC26A should be strengthened to call for an improved tree preservation ordinance; the section needs prominent and effective enforcement provisions and expanded species protections; urged Council to consider modifications he submitted: Christopher Buckley, Alameda Architectural Preservation Society.

Expressed support for the latest draft General Plan; stated that she supports designating the Harbor Bay Club as commercial recreational; the Community of Harbor Bay Isle Owners Association pays for security, fire, schools and must also account for the recreational space; discussed the sale and development price for the site; expressed concern about the people of Harbor Bay receiving nothing; stated the recreational space is needed; owners pay for the available amenities: Lesa Ross, Alameda.

Expressed concern about putting the City in a lose-lose situation where court cases are bound to appear Statewide; urged Council not to go too far in any one direction that goes against the general wishes of the public: Jim Strehlow, Alameda.

Stated that he agrees with the commercial recreational designation for the Harbor Bay Club; questioned why the Harbor Bay Club shares the same C2 zoning as the Harbor Bay shopping center; stated the zoning makes no sense since the land uses are completely different; the zoning should reflect the differences; expressed concern about C2 zoning allowing housing to be built at the Harbor Bay Club site; urged the issue be put to rest by clarifying or correcting the zoning for Harbor Bay Club; stated the zoning clarification should have been made 40 years ago: Chris Aria, Alameda.

Stated that she feels as though there is perception of something different happening on Harbor Bay and Bay Farm that is not accurate; expressed concern about the potential for no options of private and public recreation on Bay Farm and safety issues; stated the perception of a divide between the East and West Ends needs to stop: Michelle Russi, Alameda.

Councilmember Herrera Spencer expressed support for staff addressing concerns raised by Speaker Aria.

The Planning, Building and Transportation Director stated Speaker Aria raises a good point; the similar C2 zoning is a result from a Council of 40 years prior; the proposed Housing Element places a multi-family (MF) overlay to the shopping centers desired for housing, which allows staff not to draw in the question of the Harbor Bay Club.

In response to Councilmember Herrera Spencer's inquiry, the Planning, Building and Transportation Director stated public institutional use areas are things like schools; City Hall and high schools are designated as institutional uses.

Councilmember Herrera Spencer inquired whether commercial recreation can be moved up to parks and wildlife and include the general policy of no residential.

The Planning, Building and Transportation Director responded that he thinks the goal is to clarify the City's policy to have no housing in the commercial recreational land use designation, similar to parks and open space; Council can add language to the commercial recreational land use designation similar to parks and open space; however, there is implication in doing so; the

designation will only apply to one site and staff will need to return with a zoning amendment to prohibit residential.

Councilmember Herrera Spencer stated the designation for commercial recreational should be moved up under parks and wildlife.

The Planning, Building and Transportation Director stated staff can move the designation, if Council desires to do so.

Mayor Ezzy Ashcraft questioned whether a motion is being made.

Councilmember Herrera Spencer moved approval of moving the commercial recreation under parks and wildlife on page 51 of the General Plan and adding that no residential uses are permitted in all areas, as well as any commercial use needed to enhance the use.

The Assistant City Attorney stated that she recommends Council take action on the final Environmental Impact Report (EIR) prior to a motion on the General Plan.

Councilmember Knox White moved approval of the final EIR [including adoption of the related resolution.]

Mayor Ezzy Ashcraft inquired whether separate votes are needed for the matter.

The Assistant City Attorney responded one vote certifying the final EIR and adopting the findings is needed.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Daysog stated that he will not be supporting adoption of the final EIR due to the contemplation of certain areas which are still at the heart of the previous matter, the amount of housing at shopping centers and the possibility of multi-family housing overlays and associated impacts; the General Plan discussion is intriguing and carefully vetted questions are needed.

On the call for the question the motion carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Mayor Ezzy Ashcraft requested clarification of the motion made by Councilmember Herrera Spencer.

The Planning, Building and Transportation Director stated the motion is to move the commercial recreation land use category into the parks and wildlife category to make a general statement that all three land use classifications under park and wildlife prohibit residential use.

The City Clerk stated the motion also includes any accessory commercial uses need to enhance the use.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Daysog inquired whether the City Attorney's office would have to take some time to do additional analyses for any legal implications related to the takings clause; noting takings clauses are usually associated with zoning changes; questioned whether the takings clause still arises under the General Plan designation; inquired whether the City Attorney's office needs more time for analysis.

The City Attorney responded that his initial read of the motion is allowing a wide range of commercial uses; stated the range provides comfort that there is the likelihood of a successful, defensible, takings claim; the more Council narrows the use, the more difficult it will be for staff to defend actions on a takings claim; staff cannot predict how a Court will rule in any litigation.

Councilmember Daysog stated the commercial recreation designation in the General Plan is under the institutions category on page 51; the designation consists of two paragraphs, which do not reference housing; inquired whether the absence of any reference to housing means that there cannot be a reliance on the General Plan land use designation to seek housing.

The City Attorney responded the absence of the reference does not mean housing is prohibited; stated many things are not prohibited but are not mentioned in the General Plan; the General Plan is a high-level policy document and is not intended to cover every detail; people will read the General Plan in conjunction with the zoning ordinance to determine what can be done; Council can set specific policy which creates limits as proposed by Councilmember Herrera Spencer's motion.

Councilmember Daysog inquired whether there is any reason why Council would need to approve the current motion; questioned whether it is possible to table the matter in order for further legal analysis to occur on the topic of the taking clause; stated the risks are high; given the magnitude of risk involved, he would feel more comfortable with tabling the motion.

Mayor Ezzy Ashcraft noted Councilmember Daysog can withdraw his second for the motion.

Councilmember Daysog stated the matter will still need to return.

Mayor Ezzy Ashcraft stated Council can provide staff with direction.

Councilmember Daysog expressed support for providing staff direction; stated that he seconds the motion with a friendly amendment that staff perform further legal analysis to supplement the observations shared.

Councilmember Herrera Spencer stated that she understands Council will vote on accepting the General Plan; if Council does not make the change, the General Plan will be approved as-is and the City will continue to have the issue; her preference is to hear from staff.

The Planning, Building and Transportation Director stated that he recommends Council adopt the General Plan as-is with direction to staff to come back with additional analysis on the Harbor Bay Club issue; he shares concerns raised by Councilmember Daysog; Council should tread carefully; the Harbor Bay Club is a separate issue filled with legal implications on both sides; holding off on the General Plan to sort through the implications of the Harbor Bay Club would be a shame.

The City Planner stated whether or not Council adopts the General Plan, if a residential

development application for the Harbor Bay Club comes in tomorrow, the current zoning would require the developer to go through a conditional use permit as well as an amendment to the zoning; the provisions of the current zoning allow the Planning Board and City Council sufficient discretion whether residential uses are compatible for the site.

Councilmember Daysog stated part of the problem is that he does not agree with the General Plan; while he is seconding the motion made by Councilmember Herrera Spencer related to the Harbor Bay Club, he generally does not agree with the General Plan.

Councilmember Herrera Spencer withdrew her motion.

Councilmember Herrera Spencer stated that she hopes staff can bring the Harbor Bay Club matter forth sooner rather than later; she disagrees that there is no impact by waiting 40 years to address the issue.

Councilmember Herrera Spencer moved approval of moving up the commercial recreation designation under parks and wildlife as opposed to institutions on page 51.

Councilmember Daysog inquired whether additional changes are being proposed or whether the two sentences are simply moving, to which Councilmember Herrera Spencer responded that she would like the commercial recreation to fall under parks and wildlife.

Vice Mayor Vella inquired the intention and purpose of moving the designation; stated that it seems as though Council is trying to sell a bill of goods to the public or create a foundation for an action which has not yet been reviewed by legal staff; expressed concern about the motion.

Councilmember Herrera Spencer responded the sentence under commercial recreation speaks to similar things listed in the categories under parks and wildlife; stated the designation speaks to indoor and outdoor recreation, open space for public access or habitat preservation.

Vice Mayor Vella stated the difference is that the Harbor Bay Club is privately owned; open spaces are not privately owned; expressed concern about creating intent; inquired whether the change indicates the City is taking the first steps to do something.

The Planning, Building and Transportation Director responded the distinction made by Vice Mayor Vella is on staff's mind; stated the parks and wildlife categories are 100% publically owned and maintained lands; the institutional category includes some publically owned, areas such as schools; however, privately owned land is also included; whether staff moves the commercial recreation under parks and wildlife, a message is being sent.

Councilmember Herrera Spencer stated the definition states: "...and recreational facilities, including commercial marinas, restaurants, boat rentals and repair businesses;" the definition includes commercial businesses.

The Planning, Building and Transportation Director stated the definition is related to publically owned land; the marinas and golf courses are leased.

Councilmember Daysog seconded the motion.

Under discussion, Councilmember Knox White stated that his understanding is that staff has

already outlined a process in which they are going to look at whether or not housing is a useful need on the site in the context of the overall Citywide Housing Element discussion and will come back with recommendations which could include changing the zoning to have no housing based on other housing decisions across the City.

Councilmember Knox White made a substitute motion to approve providing direction to continue following the process outlined by staff with the understanding staff will return with zoning recommendations as a part of the Housing Element, including recommending whether or not housing should be an allowable use at the Harbor Bay Club.

Mayor Ezzy Ashcraft inquired whether Councilmember Knox White wanted to make the direction in connection with a motion to approve the General Plan [including related resolution], to which Councilmember Knox White responded in the negative.

Councilmember Daysog stated that he seconded Councilmember Herrera Spencer's motion.

Mayor Ezzy Ashcraft stated a substitute motion has been made; inquired whether the substitute motion vote would take precedent, to which the City Clerk responded in the affirmative.

Vice Mayor Vella seconded the motion.

Under discussion, Councilmember Herrera Spencer stated that she does not believe her motion and Councilmember Daysog's second can be disregarded.

The City Clerk stated a substitute motion is being made; Council needs to consider the substitute motion.

On the call for the question the motion carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

Mayor Ezzy Ashcraft stated Council still needs to consider adoption of resolution adopting the Alameda General Plan 2040.

Councilmember Knox White stated that he has a number of proposed corrections: "pre-history" should be changed to "early history" on page 10 under milestones; on page 11, Coastal Miwok is not correct; he expects better language to be used in place for the 2022 update; he would like to add language to prioritize early engagement of historically ignored voices on page 22 LU-1d.; there have been a number of processes which consider voices at the end versus at the beginning; the beginning is where the work is being done; expressed support for Council being affirmative in the General Plan policies related to outreach; requested Electronic Vehicle (EV) language move from transportation demand management on page 31 LU-16d to parking requirements on page 31 LU-16e; "such as a significant proportion dedicated spaces and infrastructure to support clean air vehicles like EV's, carpooling vehicles and hybrids as well" should move to 16.e; expressed support for the language reading: "commute support and unbundle parking;" stated page 39 LU-25 proposes a new action, which should include a process to ensure the City is aware and helps to pass on costs; page 57 under empower should include an action requiring the City to report out on how outreach has been conducted; he would like to add: "prioritize solutions and strategies which support both the City greenhouse gas reductions and meet other City policies for transportation, housing and economic development"

on page 60 CC-7 at the end of the policy; “minimize sound walls” should change back to the existing: “prohibit sound walls” on page 62 CC-7f; he would like a similar change under page 62 CC-7h for the term “including transit” to “especially transit;” page 63 CC-10b under parking requirements, language should be changed to “maintain street parking requirements and include maximum parking requirements;” a Section should be added on page 64 CC-12b called “Revenues” which will utilize congestion management pricing revenues to fund improvements to transit and active transportation modes of travel; Council should make sure the City provides better options for people not to pay for expenses; page 74 CC-29 Alameda Point Marine Conservation Wildlife and Recreation Area discusses a new park which has not been discussed by Council and includes six to seven actions that have staff going out to find funding; expressed support for removing the actions putting staff in charge of the funding and change the first word to “support;” stated the City should be performing more outreach and stepping back to acknowledge a good thing while also being supportive; language should be changed back to: “prohibit widening” from the proposed: “discourage widening” on page 88 ME-7h.-i; he would like to add a Section e: “complete streets shall not be interpreted to prohibit pedestrian, bicycle and/or transit-only streets which provide direct connections for active transportation and transit users” on page 89 ME-10; the City can say it has complete streets and is developing streets for everybody and can also ensure that cars do not drive on all asphalt areas; the only action shown is to increase driving by building off-street driving zones on page 91 ME-12, Council should add a Section ME-12a: “prioritize the actions listed in ME-14 and support a safe mobility and access to school sites” and change the current Section 12a to 12b adding an intro stating: “where safety issues are identified, and drop-off areas can be accommodated without prioritizing drive to school trips consider...;” naming rights agreements that do not limit or change public access to the facility on should be added page 107 OS-3b; “seek” should be changed to “support” next to funding requests on page 115 OS-22 in order to enhance habitat values; he would like to ensure prioritizing outreach and outreach to communities which have not historically been contacted.

Mayor Ezzy Ashcraft stated she would like input on changes to page 74, CC-29, Alameda Point Marine Conservation Wildlife and Recreation areas; she does not want Council to eliminate necessary work for grant applications; grants can be time critical; she agrees with the concept on Council approval; the comments provided are recommendations and can be direction to staff.

The Planning, Building and Transportation Director stated removing the actions does not prevent the Recreation and Parks Department from seeking funding; the actions list seeking funding, but does not determine whether the action is priority over all other things seeking funding.

Vice Mayor Vella stated that she is fine with most of the recommendations proposed by Councilmember Knox White; expressed concern about changes to page 74, the Alameda Point Marine Conservation Wildlife and Recreation areas; stated that she would like feedback from partners; she would like to ensure Council does not do something which will impact relationships with other agencies; outreach should consider not only the who and what, but also the when; expressed support for equitable access early on without waiting.

Mayor Ezzy Ashcraft stated early equitable access is key across everything the City does; it would be difficult for the City to over-communicate; residents expect communication of the City.

Councilmember Herrera Spencer stated that she would like Council to consider adding:

“streamline and expedite permits for businesses” on page 27; the process is an ongoing issue for businesses; people of color and women are not included under the list in Section LU-11 on page 27; the Section needs to include people of color and women; the list should be alphabetically; people of color are a historically marginalized population; she is saddened to see the exclusions; the “partnerships” should be listed alphabetically; photos included throughout the General Plan are mostly white people; she is saddened to see the images.

Mayor Ezzy Ashcraft stated that she does not disagree with Councilmember Herrera Spencer regarding Section LU-11; she does not think the list was meant to be inclusive or exclusive; the Section states: “interventions that break down barriers to employment pre-historically marginalized populations such as: youth, seniors, people with disabilities...;” stated that she would have added unhoused individuals to the list; the term “such as” expands the definition; she would like to ensure the recommendations provided by Councilmember Knox White would not hamper the Recreation and Parks Department’s ability to pursue outside funding; since Council has not yet approved the project, the actions listed in the General Plan seem to be jumping ahead.

The Recreation and Parks Director stated that she does not think adding the term “support” would hamper either being lead agency or partner on a grant; the term change still shows the importance to the City; adding the term is fine.

Mayor Ezzy Ashcraft inquired whether removing the actions causes any difficulty.

The Recreation and Parks Director stated that she has come to the discussion late and would like time to read the details and provide an accurate answer.

Mayor Ezzy Ashcraft stated the recommendations provided should be considered to have staff look at all the potential ramifications and implications; staff should report back to Council.

The Planning, Building and Transportation Director stated staff can report back to Council; the list helps identify high priority matters; there is a way to re-write the policy and indicate support for efforts with partners; staff can list facilitation of seeking funding or pursue mapping, trash removal, signage, oil spill, public access structure and additional items; the General Plan is a policy level document; there has not been much Council discussion about the project; the General Plan takes a good idea and puts it out in the open.

Mayor Ezzy Ashcraft noted the section is listed as “Conservation Climate Action Element;” Council has held discussions about conservation and climate action; the description includes: “protecting and restoring natural habitats to support bio-diversity and to prepare for climate change is a key goal of the General Plan;” maps which establish a biological inventory should be done; expressed support for funding being acquired to help with oil spill booms and protection of sensitive habitat areas affected by oil spills; proposed language can be modified; however, she would like to give the Recreation and Parks Director and Planning, Building and Transportation Director the opportunity to confirm; inquired whether Council can provide direction to staff.

The Planning, Building and Transportation Director responded that he will need to know whether Council is adopting the General Plan and asking staff to come back with potential revisions; staff will return after working through tribal language with the Planning Board; the Transportation Appendix will be worked on with the Transportation Commission; it will be easiest if the General

Plan is adopt as-is; there is room for more discussion when the matter returns for a revised policy recommendation.

The City Manager stated that he concurs with the Planning, Building and Transportation Director's recommendation.

Councilmember Daysog stated a lot of the issues regarding intensity of uses are still tied to the Housing Element discussion; he is not supportive of the General Plan.

The Planning, Building and Transportation Director stated the intensity of uses proposed in the land use classification are specifically tied to existing zoning intensities; staff did not want to jump the gun on the Housing Element; the Planning Board set the land uses intensities to existing zoning; there are no proposed increases in intensities for the General Plan.

Councilmember Daysog stated the South Shore housing has prospects of 800 units; the actual amount could increase to 1,200 units; the amount is part of the General Plan discussion; he does not see himself supporting the General Plan; the matter is related to the impacts and EIR; the housing amount will affect the impacts; everything must work together.

Vice Mayor Vella stated that she thinks staff has explained that matters are related to zoning; she is supportive of the General Plan and the recommendations provided by Councilmember Knox White; proposed changes should be included in an updated appendix.

Vice Mayor Vella moved adoption of resolution.

Mayor Ezzy Ashcraft seconded the motion.

Under discussion, Councilmember Knox White inquired whether the motion includes giving staff direction to consider including comments made by Councilmember Herrera Spencer.

Vice Mayor Vella responded in the affirmative.

On the call for the question the motion carried by the following roll call vote: Councilmembers Daysog: No; Herrera Spencer: No; Knox White: Aye; Vella: Aye; and Mayor Ezzy Ashcraft: Aye. Ayes: 3. Noes: 2.

## ADJOURNMENT

There being no further business, Mayor Ezzy Ashcraft adjourned the meeting at 10:07 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Sunshine Ordinance.