

**From:** [Lara Weisiger](#)  
**To:** [CITYCOUNCIL-List](#)  
**Cc:** [Abby Thorne-Lyman](#); [Andrew Thomas](#); [Cara Silver](#)  
**Subject:** Fw: Item 7-A Questions - Inclusionary Housing Ordinance Amendments  
**Date:** Tuesday, May 19, 2026 9:55:12 AM  
**Attachments:** [Outlook-city-of-Al.png](#)  
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Good morning,  
Forwarding this communication from staff which will be attached to the 7-A staff report.  
Lara

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**From:** Abby Thorne-Lyman <[athornelyman@alamedaca.gov](mailto:athornelyman@alamedaca.gov)>  
**Sent:** Tuesday, May 19, 2026 9:15 AM  
**To:** Andrew Thomas <[anthomas@alamedaca.gov](mailto:anthomas@alamedaca.gov)>; Greg Boller <[gboller@alamedaca.gov](mailto:gboller@alamedaca.gov)>  
**Cc:** Adam Politzer <[apolitzer@alamedaca.gov](mailto:apolitzer@alamedaca.gov)>; Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>; Cara Silver <[csilver@alamedaca.gov](mailto:csilver@alamedaca.gov)>; Amy Wooldridge <[AWooldridge@alamedaca.gov](mailto:AWooldridge@alamedaca.gov)>  
**Subject:** Re: Item 7-A Questions - Inclusionary Housing Ordinance Amendments

In addition, Lara, it would be helpful to share the memo from Street Level Advisors which was included with the December 2, 2025 Council Study Session, which explains how the breakdown of percentages was established and how they are of comparable economic value to the City (based on the per square foot cost to the developer). That memo can be accessed via the following link, which directly opens the PDF: <https://alameda.legistar.com/View.ashx?M=F&ID=14917962&GUID=C472967D-C78C-44F1-8F6A-E562FB68E2FF>

Abby Thorne-Lyman (she/her)  
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City of Alameda  
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 [Book time to meet with me](#)

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**From:** Andrew Thomas <[anthomas@alamedaca.gov](mailto:anthomas@alamedaca.gov)>  
**Sent:** Tuesday, May 19, 2026 8:58 AM  
**To:** Greg Boller <[gboller@alamedaca.gov](mailto:gboller@alamedaca.gov)>; Abby Thorne-Lyman <[athornelyman@alamedaca.gov](mailto:athornelyman@alamedaca.gov)>  
**Cc:** Adam Politzer <[apolitzer@alamedaca.gov](mailto:apolitzer@alamedaca.gov)>; Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>; Cara Silver <[csilver@alamedaca.gov](mailto:csilver@alamedaca.gov)>; Amy Wooldridge <[AWooldridge@alamedaca.gov](mailto:AWooldridge@alamedaca.gov)>  
**Subject:** Re: Item 7-A Questions - Inclusionary Housing Ordinance Amendments

Lara: I think Councilmember Boller would like this email exchange added to the public record

for this item tonight.

Greg: It was a pleasure discussing the inclusionary housing ordinance amendments with you yesterday. After thinking further about it, I don't think we should change the "clustered" housing provision any further. It already has a clear requirement for conditions of approval to ensure that the affordable is built concurrently with the market rate housing.

Regarding your suggestion regarding the somewhat confusing provision about the developer options, I do think some additional explanatory language would be helpful to future developers and staff. If you and the City Council wish, the Council could consider amending Section 30-16. C to read as follows to further clarify the intent: (the new text is shown in bold underline):

Section 30-16,4 c. Types of Inclusionary Units: Inclusionary Units shall be provided at one of the following ratios, as chosen by the developer and approved in the Affordable Housing Plan. **The three options shown in the tables below are designed to require an equivalent subsidy. Therefore, an option with a lower percentage of affordable units requires a higher subsidy cost per unit than an option with a higher percentage of units. The developer may propose** An economically equivalent ratio of affordable units in one or more affordability categories, **which** may be approved as part of the project entitlement based on a cost **of subsidy analysis** demonstrating rough equivalence to the basic requirement. Any such adjustment shall be approved by the Planning Board and may be appealed to the City Council pursuant to Chapter 30-25.

I am passing this email on to the City Clerk, City Manager and City Attorney's office so that there will be no surprises if you choose to suggest this or similar language to the full council.

Hope this is helpful,

Andrew

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**From:** Andrew Thomas <anthomas@alamedaca.gov>

**Sent:** Monday, May 18, 2026 2:28 PM

**To:** Greg Boller <gboller@alamedaca.gov>; Abby Thorne-Lyman

<athornelyman@alamedaca.gov>

**Cc:** Adam Politzer <apolitzer@alamedaca.gov>

**Subject:** Re: Item 7-A Questions - Inclusionary Housing Ordinance Amendments

Hello Greg: Here are some quick answers;

1. With respect to the rental and ownership affordability tables on pages 3 and 4 of the staff report, is staff recommending that developers be permitted to choose among all listed compliance options, or is staff instead seeking Council direction to select a single standard for rental projects and a single standard for ownership projects?

ANSWER: The idea is that developer can choose from one of the three, all of which are roughly equal in value to City.

2. If the intent is to provide multiple compliance options, how does staff recommend ensuring that the ordinance maintains predictability and consistency while still preserving project feasibility?

Answer: We are providing three options, anyone of which is "good" for City. Developer gets to choose which one makes most sense to them for project feasibility.

3. The supplemental memorandum references "economically equivalent" affordability ratios. Has staff concluded that the listed alternatives — including the 8% VLI rental option and the 10% low-income ownership option — satisfy the TOC economic-equivalence framework as currently drafted, or would additional feasibility or economic-equivalence analysis still be required?

Answer: My understanding is that ABAG has provided detailed spreadsheets for lots and lots of alternatives. We can use those spreadsheets to help us determine equivalence. We also don't expect that it will be hugely complicated. An example might be: Ordinance allows for 8% very low or 5% very low and 5% low. Developer comes in and says they want to do 7% very low and 3% low. We need to decide if that is equivalent. My gut would be "yes". If they said they want to do 3% very low and 7% low, my gut would say: "not equivalent".

4. Would it be advisable for the ordinance or Council findings to expressly state that any reduced-percentage affordability option is intended to satisfy TOC through deeper affordability or economic equivalence, rather than representing a reduction in overall affordable housing obligations?

Answer: I think that is a good idea so that the public does not think 8% very low is "less good" than 5% very low and 5% low. I think developers will understand it intuitively.

5. Regarding clustered or off-site affordable housing development, is staff envisioning this tool primarily for rental affordable housing projects, ownership projects, or both?

Answer: It can be both. Del Monte is market rate rental with a AHA rental building next door. Site A is market rate ownership townhomes, with affordable rentals next door in separate building managed by non-profit. West Midway is same.

6. What comparable California jurisdictions have implemented clustered/off-site inclusionary housing approaches similar to the proposed framework, and what lessons or best practices has staff identified from those jurisdictions?

Answer: Good question. I don't know of any that have done this, but Alameda has a long history of it, going back to Bayport in 2001. I think it is because we have big sites (Alameda Point, former Naval lands, and big old waterfront industrial lands), and so it makes a lot of sense for a market rate developer with a 15% or 25% inclusionary requirement, to partner with a non-profit or AHA, because they have the extra needed land and can accommodate multiple buildings on that land.

7. The draft ordinance includes findings regarding transit access, high-opportunity areas, and equitable geographic distribution for clustered projects located more than one-quarter mile away from the primary development site. Does staff believe these guardrails are sufficient to avoid unintended concentration of affordable housing in lower-opportunity areas over time?

Answer: Yes. The problem is that most of our available land is in West Alameda. I think this language is sufficient to prevent a rare instance like Southshore Shopping Center or Harbor Bay Shopping Center proposing market rate housing at southshore and off site affordable somewhere in West Alameda.

8. Would staff recommend additional findings or criteria to ensure that clustered/off-site projects provide equal or greater affordable housing value, affordability depth, or public benefit compared to on-site inclusionary units?

Answer: I think not. Every single "clustered, off-site" project we have ever done has basically been "on site", but in different buildings. Project feasibility has generally been tight, even meeting the basic requirement of 15% or 25%. Alameda has never done a truly "off-site" affordable project. There was one proposed over the last 23 years, but it proved to be impossible to get the approvals for a market rate project in one neighborhood and an affordable in a different neighborhood.

9. The proposed change from 59-year to 99-year affordability restrictions appears broader than current TOC minimum requirements. Is staff recommending this change for rental inclusionary units only, or also for ownership inclusionary units?

Answer: Interesting. We are proposing 99 for both. I need to look into the TOC requirement.

10. If the 99-year restriction is intended to apply to ownership inclusionary units as well, has staff evaluated potential impacts on resale structures, mortgage financing, lender participation, or long-term ownership affordability models used in other

California jurisdictions?

Answer: We have been requiring 59 year terms on ownership for the last 23 years, so I don't foresee problems with extending to 99 for the issues you are discussing. These restrictions limit the resale value of the property, but that is the point. If you are low income, own a deed restricted home, and then sell it, you don't get to sell it for market value. You need to sell at a value that is affordable to a low income household. Am I missing something in your question?

11. The proposed amendments would apply retroactively to certain entitled but unbuilt projects, including Alameda Marina Phase 3 (The Foundry) and the Marina Village Parkway / Mariner Square Drive project. What specific public-policy rationale supports allowing already-entitled projects to elect into the revised standards?

Answer: If a project is entitled and not built, the assumption is that it cannot be financed. If revising their inclusionary requirement allows them to finance the project and actually build the affordable and market rate units, the public policy to build more housing is supported.

Practically, it is also problematic to say no. If City says "no", then applicant would only need to notify city that it has terminated project. Then applicant, under new name, applies for same building under new 2026 AMC requirements, and gets new inclusionary requirements.

12. For any retroactive application, could staff provide a side-by-side comparison showing the currently applicable affordability obligations versus the proposed revised obligations, including affordability levels, number of units, bedroom mix, affordability term, and estimated overall affordable-housing value?

Answer: Absolutely.

13. Does staff believe the retroactive provisions are necessary primarily to improve feasibility and likelihood of construction commencement in the current market environment?

Answer: Yes. You named two projects that are currently stalled, one of which has already said that the new rules would allow them to move forward and build. The third project that is stalled is Encinal Terminals.

One more caveat: Alameda Point is still obligated by settlement agreement to do 25%, so this new inclusionary ordinance does not help Alameda Point projects.

14. In staff's view, how should Council balance the goal of preserving project feasibility and housing production against possible public concerns that retroactive modifications could be perceived as altering affordability obligations after project approvals have already been obtained?

Answer: Staff believes that the new ordinance is better tailored to Alameda's 2026 needs. For example, we don't need a previously approved rental project to provide 7% moderate income units. Those units are already available on the open market. Instead of the 4% very low and 4% low rental units we are getting from the new ordinance, we would now be getting 5% very low and 5% low rental units. That is what we really need right now in 2026, and it is better than what we would get under the 2004 inclusionary ordinance with its 4-4-7% requirement.

15. With respect to future in-lieu fee discussions, does staff anticipate returning with a nexus/feasibility analysis and benchmarking against comparable California jurisdictions before recommending a final fee structure?

Answer: Yes.

16. Does staff currently have any preliminary recommendations regarding whether future in-lieu fees should be structured on a per-unit basis, per-square-foot basis, or another methodology?

Answer: Best practice is per square foot basis, I believe.

Hope this is helpful. Let's talk at 5 pm.

- Andrew

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**From:** Greg Boller <gboller@alamedaca.gov>

**Sent:** Monday, May 18, 2026 12:22 PM

**To:** Andrew Thomas <anthomas@alamedaca.gov>; Abby Thorne-Lyman <athornelyman@alamedaca.gov>

**Cc:** Adam Politzer <apolitzer@alamedaca.gov>

**Subject:** Item 7-A Questions - Inclusionary Housing Ordinance Amendments

Thank you for the detailed staff report, supplemental memorandum, and draft ordinance amendments regarding the Inclusionary Housing Ordinance update. After reviewing the materials, I had several questions that I hoped staff could help address prior to the meeting.

1. With respect to the rental and ownership affordability tables on pages 3 and 4 of the staff report, is staff recommending that developers be permitted to choose among all listed compliance options, or is staff instead seeking Council direction to select a single standard for rental projects and a single standard for ownership projects?

2. If the intent is to provide multiple compliance options, how does staff recommend ensuring that the ordinance maintains predictability and consistency while still preserving project feasibility?

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6. What comparable California jurisdictions have implemented clustered/off-site inclusionary housing approaches similar to the proposed framework, and what lessons or best practices has staff identified from those jurisdictions?
7. The draft ordinance includes findings regarding transit access, high-opportunity areas, and equitable geographic distribution for clustered projects located more than one-quarter mile away from the primary development site. Does staff believe these guardrails are sufficient to avoid unintended concentration of affordable housing in lower-opportunity areas over time?
8. Would staff recommend additional findings or criteria to ensure that clustered/off-site projects provide equal or greater affordable housing value, affordability depth, or public benefit compared to on-site inclusionary units?
9. The proposed change from 59-year to 99-year affordability restrictions appears broader than current TOC minimum requirements. Is staff recommending this change for rental inclusionary units only, or also for ownership inclusionary units?
10. If the 99-year restriction is intended to apply to ownership inclusionary units as well, has staff evaluated potential impacts on resale structures, mortgage financing, lender participation, or long-term ownership affordability models used in other California jurisdictions?
11. The proposed amendments would apply retroactively to certain entitled but unbuilt projects, including Alameda Marina Phase 3 (The Foundry) and the Marina Village Parkway / Mariner Square Drive project. What specific public-policy rationale supports allowing already-entitled projects to elect into the revised standards?
12. For any retroactive application, could staff provide a side-by-side comparison showing the currently applicable affordability obligations versus the proposed revised obligations, including affordability levels, number of units, bedroom mix, affordability term, and estimated overall affordable-housing value?

13. Does staff believe the retroactive provisions are necessary primarily to improve feasibility and likelihood of construction commencement in the current market environment?

14. In staff's view, how should Council balance the goal of preserving project feasibility and housing production against possible public concerns that retroactive modifications could be perceived as altering affordability obligations after project approvals have already been obtained?

15. With respect to future in-lieu fee discussions, does staff anticipate returning with a nexus/feasibility analysis and benchmarking against comparable California jurisdictions before recommending a final fee structure?

16. Does staff currently have any preliminary recommendations regarding whether future in-lieu fees should be structured on a per-unit basis, per-square-foot basis, or another methodology?

Thank you again for the extensive work on this item. I appreciate any additional guidance or clarification staff can provide.