



City of Alameda • California

November 15, 2017

Joanne Park
Agency Manager
Architectural Dimensions
300 Frank H Ogawa Plaza, Suite 375
Oakland, CA 94612

Subject: 2350 Harbor Bay Parkway Hotel

Dear Joanne,

Thank you for your submittal of November 2, 2017 in response to our incompleteness letter. We have reviewed your transmittals and have the following update on our review of your application.

Compliance with Zoning Use Requirements: In March of 2013, HBIA and the San Francisco Bay Conservation and Development Commission (BCDC) entered into the Third Amendment to the Third Supplementary Agreement (Settlement Agreement) allowing for the use of the subject property for a "restaurant/office building". In January of 2014, the Alameda City Council adopted an ordinance rezoning the subject site (APN 74-1362-5) to CM PD. The ordinance (Attachment 1) includes the following provision: "Consistent with the Third Amendment to the Third Supplemental Agreement, dated March 15, 2013, between the San Francisco Bay Conservation and Development Commission and Harbor Bay Isle Associates, use of the site should be limited to *"restaurant, office or a mixed-use of office and visitor-serving commercial."*

In a February 10, 2017 staff report to the BCDC Board of Commissioners, BCDC staff states that the proposed hotel use is not consistent with the Third Amendment (Settlement Agreement), and that if the BCDC Board wishes to approve the hotel, the Settlement Agreement would need to be amended. As you know, the BCDC Board did not approve the proposal and the Settlement Agreement has not been amended.

Given these circumstances, Alameda staff has determined that to proceed with the proposal for a hotel on this site will require a zoning amendment to establish whether the City of Alameda wishes to pursue a hotel on this site or whether the City of Alameda wishes to limit the use of the site to *"restaurant, office or a mixed-use of office and visitor-serving commercial"*.

Staff will be preparing a draft zoning amendment for Planning Board consideration that would resolve this question. The draft amendment would revise the language to state that the use of the site is limited to: *"restaurant, office or a mixed-use of office, or visitor-serving commercial uses, including but not limited to a free standing hotel"*.

We will package the proposed zoning amendment with your application for Development Plan and Design Review approval, so that the Planning Board is able to make a recommendation to the City Council on the zoning amendment to the City Council at the same time that they make a decision on the Development Plan and Design Review application. Any decision by the Planning Board to approve the Development Plan and/or Design review would be contingent on the City Council approving the necessary zoning amendment.

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Submitted by Pat Lamban
Order Oral Communications
3/20/18
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With the upcoming holidays, we believe you should plan for a January Planning Board hearing and February City Council hearings on the zoning amendment.

Site Ownership: Your letter of November 2, 2017 includes conflicting information regarding the ownership of "Parcel 4" (APN 74-1362-6, the "waterfront parcel"). We believe your response #2 stating that the parcel is owned by Ram Hotels is incorrect. We believe that your statements in response #4 that indicate that Parcel 4 is owned by Harbor Bay Island Associates (HBIA) is correct. We believe that Parcel 4 is not owned by Ram Hotels and is owned by HBIA.

Under a separate Development Agreement between the City of Alameda and HBIA, Parcel 4 is to be conveyed to the City of Alameda to complete the shoreline park. The site is zoned Open Space. For these reasons, our review of your proposal's conformance with zoning development standards such as Floor Area Ratio (FAR) and Lot Coverage, which are based upon "land area" will assume that the land area is limited to the area of land owned by RAM (APN 74-1362-5), which is 50,959 square feet in size. Parcel 4 (APN 74-1362-6) will not be included in these calculations. For the purposes of determining conformance with Alameda Municipal Code (AMC) Standards, the City's review will be based upon the single parcel owned by Ram Hotels.

Conclusions and Next Steps: At this time, we are progressing with our review of your proposal. Although projects that require rezoning are not subject to the Permit Streamlining Act, we do hope to have your proposal before the City of Alameda Planning Board at one of the two January 2018 Planning Board meetings.

If you have any questions about our determinations or the next steps or believe we are mistaken in our understanding of your project, please let us know as soon as possible.

Sincerely,



Andrew Thomas, Assistant Community Development Director

Cc. Debbie Potter, Community Development Director

Mr. Tim Hoppen, HBIA

Good Evening Mayor Spencer and Council members:

My Name is Pat Lamborn.

I am speaking tonite to ask that you agendize Taking Title to Parcel 4 in April of 2018-

It has been a year since I attended Alameda City Council meetings to support a referral to Study Taking Title to Parcel 4-- a parcel of land dedicated to the City of Alameda by HBIA (Harbor Bay Isle Associates) to complete Shoreline Park. The parcel is about 1/3 of an acre, sitting right on the Bay, at 2350 Harbor Bay Parkway. The parcel sits between two sections of Shoreline Park that are complete. On April 18, 2017 you voted 4-1 to study taking title to Parcel 4. You gave the item a "moderate" urgency rating.

Inaction on completing Shoreline Park has once again led the owner of the neighboring parcel, a developer, to believe the park Parcel, 4 belongs to them and they continue to advance plans that violate zoning, parking, and setback laws.

The developer who owns the neighboring parcel has re-submitted an application to the Alameda Planning Dept, in July of 2017 to build a 4 story 100 room hotel. Earlier applications for a 5 story 100 room hotel set the hotel building right on the boundary of the Park Parcel. Current diagrams set the hotel building a few feet back from park parcel. The developer's land is not even zoned for a hotel.

In Nov. 15th, 2017 Alameda planner Andrew Thomas wrote in this letter to the developer's architect :

"Site Ownership" Your letter of Nov 2 2017 includes conflicting information regarding the ownership of Parcel 4- the waterfront parcel" . We believe that your response #2 stating that the parcel is owned by Ram Hotels is incorrect.we believe Parcel 4 is not owned by Ram Hotels and is owned by HBIA. Under a separate Development Agreement between the City of Alameda and HBIA Parcel 4 is to be conveyed to the City of Alameda to complete Shoreline Park. The site is zoned Open Space. "

You have it in black and white, Parcel 4 is dedicated public park land. Our city does not have to buy it- just take title. Harbor Bay Business Park owners already pay fees for the maintenance of Shoreline Park. It's time—next month there will be proclamations to support Earth Day—you have the power to DO something. Complete and protect a Public Park.

Sincerely,

Patricia Lamborn 3226 Encinal Ave. Alameda