

LARA WEISIGER

From: Patricia Lamborn <patricia.lamborn@aol.com>
Sent: Wednesday, March 29, 2017 1:08 PM
To: LARA WEISIGER
Subject: City Council Agenda Item April 4, 9-C
Attachments: Mar. 29,2017 Memo re Taking Title to Parcel 4.docx

Dear Ms. Weisiger,

I am attaching a memo, as part of the public correspondence regarding Referral 9-C, which is on the agenda for April 4th, 2017. I have sent it to the Mayor and the City Council members as well. I am going to forward you, in my next email, a very brief video of a little girl riding her bike, on Parcel 4-- the subject of Referral 9-C. If it would be possible to show this, when I speak (hoping we get to the referrals !) that would be very helpful in sharing the geography of the location of Parcel 4. If you have any questions, don't hesitate to call me !

Thank you,
Patricia Lamborn Cell (510)910-5117
patricia.lamborn@aol.com

March 29, 2017

Memo To Alameda City Council

From: The Committee to Complete Shoreline Park

Re: City of Alameda taking title to Parcel 4 at no cost for purposes of completing Shoreline Park between Harbor Bay Parkway and San Francisco Bay

Parcel 4, is an approximately .33-acre, 14,838 square feet bay front parcel on Harbor Bay. It was identified in Parcel Map 6024, which was approved by the Alameda City Council in 1991. Parcel 4 is a strip of land bordering San Francisco Bay, directly in front of Parcel 1 (APN 074-1362-005). The street address for the 2 parcels is 2350 Harbor Bay Parkway. Parcel 1, a 1.17-acre parcel, was zoned O-Open Space up until Feb 19th of 2014 when it was rezoned under the City of Alameda Ordinance No. 3086 to C-M PD (Commercial Manufacturing, with a Planned Development Overlay with Specified Conditions). Use for Parcel 1 is: Office/Restaurant. Zoning Ordinance 3086 was approved with the condition that: "Redevelopment of the site (Parcel 1) must include reconstruction of the public shoreline in front of the site." (Parcel 4)

In correspondence dated Sept. 17, 2013, in support of the Feb 2014 Zoning change for Parcel 1 from O to CM-PD, Harbor Bay Isle Associates attorney Dan Reidy wrote, "When HBIA processed a major revision of the Planned Development for the Harbor Bay Business Park that was approved by the City of Alameda in 1985, a revised placement of Harbor Bay Parkway included a bump out of the roadway in the middle of its extent along the Bay edge that purposely provided enough space for a commercial development site **next to the strip of land reserved for the Shoreline Park.**" [Emphasis added]

Parcel 4 is that strip of land, reserved for the Shoreline Park. It sits between the existing sections of City owned Shoreline Park, approximately ½ mile south of the Harbor Bay Ferry Terminal. In settlement agreements between HBIA (Harbor Bay Isle Associates) and the City of Alameda, Parcel 4 is identified as part of the Shoreline Park, Phase III development area. Numerous settlement agreements between HBIA and the City of Alameda identify shoreline acreage to be dedicated – not sold – to the City for a Shoreline Park. The City has taken title to most of that acreage.

In Dan Reidy's Sept. 17, 2013 correspondence he states: "In the Harbor Bay Development Agreement between HBIA and the City of Alameda that was approved by the City Council on April 4, 1989, the schedule and requirements for completion of the Shoreline Park along the edge of Harbor Bay Business Park were organized by phases, skipping over the shoreline strip along the subject parcel, (Parcel 1) which was held back for completion of the final landscaping and public access improvements until the actual commercial facilities were installed in the subject parcel (Parcel 1). The bike and pedestrian pathways along the parcel are temporary installations **and there is an unfinished gap in the Shoreline Park public access improvements at this location.**" [Emphasis added]

It is time to finish Shoreline Park. HBIA designated it as part of the agreed upon dedicated acreage to give to the City in Settlement and Development agreements dating back to 1977. It is also time for the City to take title to Parcel 4 and conform with this section of the City of Alameda Planning Board Resolution No. 1203, Dated Dec. 1, 1981: Section # 71: "Each final development plan for properties adjoining the Bay Edge Park shall incorporate permanent design features to clearly define property boundary between public park areas and adjoining private properties."

Development of Harbor Bay- Bay Front property has been legally guided and enforced by Agreements and Amendments between the Bay Conservation and Development Commission (BCDC) and Harbor Bay Isle Associates (HBIA). The following in italics are excerpts:

Second Amendment to Third Supplement Agreement: BCDC- HBIA Nov. 13,1990

Section 6 Phase III Shoreline Park—Public Access Area pages 6- 7

- A. General Description and Dimensions: HBIA agrees, to provide in the Phase III Shoreline Park--- Public Access Area an area of not less than 8.5 acres labelled for public access and public recreation. The lineal extent of this public access and open space area is approximately 6,250 feet from the northwesterly end to the southeasterly end. Said public access and open space area shall in no case be less than 50 feet in width inland from the elevation 103 contour line except in 3 instances: (c) a 345 foot long segment along the Restaurant Site which varies in width inland from the Elevation 103 contour line from approximately 40 feet to 20 feet. (Restaurant Site refers to the Parcel at 2350 Harbor Bay Parkway.) Phase III B includes approximately .20 acres of the shoreline path and .14 acres of dedicated pathway easement along Harbor Bay Parkway in the Shoreline Restaurant Site.*
- B. Components: Phase III Shoreline Park Page 10 Shoreline Restaurant Site Area: Public Access Area shall provide a continuous pedestrian linkage along the Bay edge, but with a distinctive pathway treatment of decomposed granite, of varying widths in contrast to the concrete walkway in the adjoining East Meadow and West Meadow Park Areas. The Shoreline Park Restaurant Site Area shall also provide a seating area for resting, lighting fixtures and places for landscaping in the shoreline strip portion sized approximately .20 acre.*
- C. Dedication to city: page 13: HBIA shall agree to dedication to the city of the Phase III Shoreline Park—Public Access Area as a condition to development approval.*

Third Amendment to the Third Supplementary Agreement BCDC- HBIA Mar 15,2013

Section 6 Phase III Shoreline Park—Public Access Area page 9

Dedication to the City: HBIA has dedicated all of the Phase III Shoreline Park-Public Access Area to the city and has complied with the requirements for such dedication set forth in Paragraph 6.C of the Second Amended Third Supplementary Agreement.

Section 12. A. Maintenance - page 13: Until acceptance of any dedication of a respective component area of the Phase III Shoreline Park required in Paragraph 6.c by the city and upon completion of the improvements to be constructed thereon, HBIA shall keep such areas open for public access, recreation

and open space in perpetuity and shall be responsible for maintaining the public access improvements in good condition.

In Sept. of 2015, the Alameda City Council approved the development of a five-story hotel on Parcel 1. The proposed design of the five-story hotel placed the hotel building directly on the property line of Parcel 4 – the unfinished portion of the Shoreline Park. The developer claimed this public park as her contribution to public access in numerous public hearings for a permit before BCDC. The applicant was denied a permit by BCDC.

It is time for the City of Alameda to take title to Parcel 4, land dedicated to the City in development agreements as far back as 1977. In the City of Alameda Planning Board Resolution No. 1203: dated December 1, 1981, Planned Development PD 81-2, Tract 4500, Village 5, Harbor Bay Isle, Section #41 states: “Applicant shall submit an application to rezone the Shoreline Park to O, Open Space concurrent with filing of the first final subdivision map which includes property adjoining the shoreline park.” (“Applicant” refers to the various developers of Harbor Bay – including HBIA.)

It is time for the City of Alameda to close the gap in Shoreline Park by taking title to Parcel 4 and utilizing funds already collected by HBIA to landscape and clarify with signage that Parcel 4 is part of Shoreline Park. In doing so, the City would clarify that this is public property so that future development proposals cannot misrepresent Parcel 4 as being part of privately-owned Parcel 1 that the owner is generously donating to the community for shoreline access.

View of Parcel 4, existing pedestrian pathway.



LARA WEISIGER

From: Reyla Graber <reylagraber@aol.com>
Sent: Monday, March 20, 2017 2:11 PM
To: LARA WEISIGER
Subject: Lara, please forward to all Council members Regarding Tuesday's Agenda

Dear Mayor Spencer, and City Council Members

I'm asking you to vote this Tuesday evening, to approve City Staff looking into and reporting back on parcel 4 on that former restaurant site on Harbor Bay. As you know, the proposed hotel on that restaurant site was recently voted down by BCDC. I believe that every foot of our dedicated parks is precious to our City, and it is very important that we take every step we can to protect our parks and trails.

Sincerely Reyla Graber
Alameda resident

LARA WEISIGER

From: Mary Tigh <marytigh@gmail.com>
Sent: Tuesday, March 21, 2017 8:33 AM
To: LARA WEISIGER
Subject: Parcel 4 on the Shoreline Trail

Please forward the following suggestion and concern to our city council members before the city council meeting tonight.
Thank you very much.

Dear City Council Members,

Please approve the mayor's referral asking City Staff to look into and report back on parcel 4 on Harbor Bay. Many of us in Alameda have reason to believe the city has ownership rights to parcel 4, which is designated part of the shoreline trail. If this is accurate we need to keep parcel 4 as part of that trail. It is so important for the well being of our families to have that space for walking, biking, etc.. We do have many parks in Alameda, but they don't offer the same kind of outdoor space as the shoreline trail does.

Thank you for talking my suggestion into consideration.

Respectfully,
Mary Tigh