

UNITEHERE! Local 2850

1440 Broadway, Suite 208, Oakland, CA 94612 510/893-3181 Fax: 510/893-5362

November 24, 2014

Planning Board
City of Alameda
2263 Santa Clara Ave
Alameda, CA 94501

Dear Planning Board Members:

I am writing on behalf of UNITE HERE Local 2850, the hotel and food-service workers' union in the East Bay. We pay close attention to hotel development throughout the East Bay, and we are familiar with the unique and often very significant impacts that hotel development has on the environment and on the surrounding community. While we are particularly concerned with the effects of such development on the working conditions and livelihoods of our members and other hotel workers, our members are affected by development not only as workers, but also as residents who live, work, shop, and play in communities throughout the East Bay, including the City of Alameda. For example, hundreds of our members work very close to the site of the proposed hotel at 2350 Harbor Bay Parkway, at the Oakland Airport and the Oakland Airport Hilton.

I am writing to urge you not to approve the staff recommendation on the Final Development Plan and CEQA determination for the proposed Fairfield Inn at 2350 Harbor Bay Parkway. As detailed below, the project does not satisfy the City's parking requirements, and the results of a recent study indicate that it would likely suffer from chronic parking shortages. Furthermore, contrary to the staff report's assertion, the project does not meet the requirements for the infill-development exemption from the California Environmental Quality Act (CEQA).

Parking

As the staff report and accompanying letter on trip generation and parking demand both acknowledge, the minimum parking required by chapter 30-7.6 of the Alameda Municipal Code for a hotel with 105 rooms is 131, 59 more than what the project proposes to provide. The applicant provides a letter from Abrams Associates claiming to demonstrate that the project will only generate demand sufficient to require 69 parking spaces. However, this letter does not constitute a "Parking Demand Study" as required by Code chapter 30-7.13, but merely a statement of Marriott parking requirements, average parking demand for a "business hotel" from the International Transportation Engineers' (ITE) *Parking Generation Manual*, and a set of unsubstantiated assumptions related to the proposed hotel's location, shuttle service, and speculation regarding possible agreements with nearby property owners. It should be noted that the parking demand ratio cited from the ITE manual (0.66 spaces per room) does not represent maximum parking demand, but the demand generated on the *average Saturday*. The same manual

gives a ratio of 0.75 spaces per room for weekdays at the 85th percentile. (Again, this is not a maximum; it means that on 15% of weekdays, the parking demand ratio would be greater than 0.75.) Using this more appropriate ratio, the proposed hotel would be assumed to require 79 parking spaces, 7 more than it proposes to provide.

Furthermore, even this more conservative estimate is not the result of a Parking Demand Study, but merely the application of a ratio derived from a broad survey not specific to the context of the proposed project. Fortunately, an actual study was performed recently that is applicable to this project. In August of this year, the Planning Board reviewed a proposal for another hotel on Harbor Bay Parkway, about half a mile away from the project site. The Home2 hotel project also proposed to provide fewer parking spaces than normally required by the Code, and the applicants commissioned a study by Kittelson & Associates to justify the reduced parking. Accordingly, Kittelson & Associates observed actual parking demand generated by the 105-room Hampton Inn at 1700 Harbor Bay Parkway, which in terms of size and type of hotel is perfectly comparable to the proposed hotel at 2350 Harbor Bay Parkway. (Fairfield Inn and Hampton Inn are equivalent midscale limited-service hotel brands in the Marriott and Hilton brand families, respectively. Also, the Hampton Inn provides free shuttle service to and from the Oakland Airport, Park Street, and elsewhere, just as the proposed hotel would do.) Using data from observation of occupied parking spaces at approximately 6:00 am on 77 mornings, the study found that the *average* ratio of occupied parking spaces to occupied rooms was 0.99, much higher than either the average ratio or the 85th-percentile ratio taken from the ITE manual. The same data set showed that the average room occupancy was approximately 79%, suggesting that *on the average day*, 82 parking spaces were occupied overnight. Considering that the proposed project would provide only 72 spaces for a hotel with the exact same number of rooms, it can be anticipated that the proposed hotel would suffer from significant parking shortages not only on the days with the highest level of demand, but on the *average day*. On nights with the highest hotel occupancy (over 85%), the study found a lower ratio of occupied parking spaces to occupied rooms: 0.82. Given that the average occupancy on these nights was approximately 96%, this suggests an average parking demand on high-occupancy nights of approximately 83 spaces. It should be noted that these projections are for the average night (and average high-occupancy night), and therefore the parking shortages would likely be even worse than this roughly half of the time.

Finally, it should be noted that the plans submitted with the application show 70 parking spaces, not 72 as claimed—12 fewer than what would be needed on the average day.

CEQA

The staff report claims that the project is exempt from CEQA under the categorical exemption for infill projects under CEQA Guidelines section 15332. This categorical exemption has a number of requirements, including consistency with all applicable General Plan policies and zoning regulations and that the site have “no value, as habitat for endangered, rare or threatened species.” The foregoing discussion of parking

requirements demonstrates that this project is not consistent with all of the applicable zoning regulations. Furthermore, the project is not consistent with the applicable General Plan regulations regarding floor area ratio (FAR). The project site's General Plan land use designation is "Business Park," for which "maximum FAR is .5, with increases up to a maximum of 2 permitted, proportional to the amount of required parking enclosed in a structure." Since this project does not propose any structured parking, the standard maximum FAR of 0.5 applies. The project proposes a total building area of 62,979 square feet on a lot with an area of approximately 50,958 square feet (1.17 acres), for an FAR of 1.24.

In claiming that the project site has no value as habitat for endangered, rare, or threatened species, the staff report refers to a letter from WRA Environmental Consultants regarding the burrowing owl. The letter states that, based on observation conducted by a WRA wildlife biologist, "no burrowing owls are currently present within or adjacent to the study area." However, the letter notably does not state that the site has "no value" as habitat for the burrowing owl. Rather, it notes the presence of "approximately 30 burrows" of the type used by burrowing owls. For a number of reasons, the letter concludes that "the site provides only poor-quality habitat"; however, this is not the same as concluding that the site "has no value as habitat," which is the standard established by CEQA Guidelines Section 15332. Furthermore, the letter goes on to say that although the site and the surrounding area "appear to lack the potential to support year-round burrowing owl occupation," that there is nevertheless "some limited potential for burrowing owl wintering to occur at the site." The letter notes that burrowing owls have been known to winter in similar "marginal, urban habitat areas" in the Bay Area. Accordingly, the letter recommends an additional pre-construction survey to ensure that construction of the hotel does not disturb burrowing owls that may be present at the site, as well as consultation with the California Department of Fish and Wildlife should any owls or signs thereof be observed. This is precisely the sort of additional study and consultation that should be performed in a CEQA study and/or identified as a mitigation measure in an EIR or Mitigated Negative Declaration.

In conclusion, we believe it is clear and unambiguous that the proposed project neither satisfies the City's parking requirements, nor qualifies for an exemption from CEQA and therefore should not be approved in its current form. We trust that the Planning Board will take seriously its duty to administer the development regulations in the Alameda Municipal Code and the City's obligations under CEQA. If you have any questions, please do not hesitate to contact me at thudson@unitehere.org.

Sincerely,



Ty Hudson
Research Analyst

Erin Garcia - Fwd: 2350 Harbor Bay Parkway 94502

From: Andrew THOMAS
To: Garcia, Erin
Date: 12/29/2014 11:31 AM
Subject: Fwd: 2350 Harbor Bay Parkway 94502

>>> Karen Armes <karen.armes2014@gmail.com> 11/24/2014 5:58 PM >>>

I am writing in hopes that you will provide my comments at this evening's public meeting concerning the proposed hotel project at 2350 Harbor Bay Pkwy. in Alameda. I am unable to attend the public meeting this evening however, I felt it important to voice my opposition to the current plan for a five-story hotel.

I support the goal of building a business on the property, my concern however, is with the proposed height of the building. Most, if not all existing buildings in the business park are two stories. The proposed 5-story project is grossly out of proportion with the surrounding structures. A 5-story structure will degrade the waterfront and the public's access to the superior bay and sky views and coastline access that currently exist.

This may be the last piece of waterfront property that Alameda has to offer. As such, any proposed building at this prominent site, should be architecturally stunning and a project the citizens of Alameda will be proud of. I do not believe the proposed structure is such a project or is in the best interest of the community.

Regardless of the business that will ultimately occupy this building site, I feel strongly that the height of the building should not exceed two stories.

Thank you for considering my comments on this matter.

Respectfully,
Karen

Karen E. Armes
27 Duarte Ct.
Alameda, CA
510-529-1354

Erin Garcia - Fwd: Harbor Bay 5 story building

From: Andrew THOMAS
To: Garcia, Erin
Date: 12/29/2014 12:12 PM
Subject: Fwd: Harbor Bay 5 story building

>>> D Learn <dlearn1@gmail.com> 11/24/2014 6:15 PM >>>

----- Forwarded message -----

From: **D Learn** <dlearn1@gmail.com>
Date: Mon, Nov 24, 2014 at 6:09 PM
Subject: Harbor Bay 5 story building
To: egarcia@alameda.ca.gov, athomas@alameda.ca.gov

Dear City of Alameda;

Please read this statement at the meeting tonight on my behalf.

Please do not allow a 5 story Hotel to be built at the 2350 Harbor Bay Parkway site. This building is too tall for this very small lot. It will not fit into the aesthetics of the surrounding area, where most buildings are now 2 stories.

Fairfiled Inns are known for value oriented services. Usually the buildings have very large, white, sterile looking architecture. They are not known for being attractive.

I do not want an ugly concrete style 5 story building to be sitting at the beautiful edge of the bay.

I also raise concerns regarding public access to the shoreline, traffic congestion, increased auto exhaust, increased crime rates, and possible alcohol consumption, which leads to many public safety issues.

This land has remained undeveloped for years. Please do not rush into building a monster, which the community may regret and will lower the standards of this jewel location within Alameda.

Donna Learn
Resident
Duarte Court
510-508-9449+



Ms. Karen E. Armes
27 Duarte Court
Alameda, CA 94502

December 29, 2014

Community Development, City of Alameda, City Hall
c/o Mr. Andrew Thomas, City Planner
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

Dear Mr. Thomas

I am writing in regards to a proposed hotel project, PLN14-0305, located at 2350 Harbor Bay Parkway in Alameda. I understand there is a Planning Board Public Hearing scheduled for this project on January 12, 2015, which I hope to attend in person. However, I also felt it important to present my written concerns to the current proposal for a five-story hotel at this bay-front location.

I moved into my current residence over 18 years ago with the complete understand that the property in the Harbor Bay Business Park would one day be developed. As such, and as expressed previously in my November 24, 2014 email to Messrs. Thomas and Sablan, and Ms. Garcia, I support the goal of business development in the City of Alameda, and in particular in the Harbor Bay Business Park.

My concern over this proposed project is the projected height of the building. The vast majority of existing buildings in the Business Park are two stories. The proposed 5-story structure is grossly out of proportion with the surrounding structures and the environment in which it is proposed to be sited.

A 5-story structure will degrade the waterfront and the public's access to the uninhabited bay and sky views that currently exist, among other things impacted. A structure of this size, with proposed neon signage on the 4th and 5th stories will quite simply be an eyesore to everyone concerned – hundreds of residents in the immediate area, those who work in the Business Park, those that commute to and from the Harbor Bay Ferry and those that simply come to the bay front for recreational activities.

This may be one of the last waterfront properties on Harbor Bay Island that the city of Alameda has within its authority to develop, and as such, any proposed buildings at this prominent site should be architecturally stunning and environmentally responsible. I do not believe the hotel project, as proposed, is such a project or is in the best interest of the whole community.

Additionally, I question the impact of the reduced parking requirement for a structure of this size. I also question the business need of another hotel in Alameda, and in particular on Harbor Bay Island. Are the current hotels at existing capacity? Is a hotel the best tax-generating project for Alameda? Does the proposed project meet environmental and bay conservation goals and standards?

Clearly a lot of work has already gone into the proposed project and in receiving clearances needed by federal, state and local governments; however, it is my understanding that the Planning Board plays a significant role in approving the project or in recommending adjustments to the proposed plan. I believe this project deserves further consideration by the Board and discussion with the community before being approved. I also advocate for your support, at a minimum, to request the Applicant, Mina Patel, to reduce the size and scope of this project.

I appreciate the work the Community Development Department and Planning Board are charged to perform, and hope that my concerns and appropriate alterations to the project will be addressed at the upcoming January 12, 2015 public hearing.

Respectfully,

A handwritten signature in blue ink that reads "Karen E. Armes". The signature is fluid and cursive, with "Karen" on the first line and "E. Armes" on the second line.

Karen E. Armes

cc: Alameda City Council

February 5, 2015

Planning Board
City of Alameda
2263 Santa Clara Ave
Alameda, CA 94501

Dear Planning Board Members:

I am writing on behalf of UNITE HERE Local 2850, the hotel and food-service workers' union in the East Bay. We pay close attention to hotel development throughout the East Bay, and we are familiar with the unique and often very significant impacts that hotel development has on the environment and on the surrounding community. While we are particularly concerned with the effects of such development on the working conditions and livelihoods of our members and other hotel workers, our members are affected by development not only as workers, but also as residents who live, work, shop, and play in communities throughout the East Bay, including the City of Alameda. For example, hundreds of our members work very close to the site of the proposed hotel at 2350 Harbor Bay Parkway, at the Oakland Airport and the Oakland Airport Hilton.

The proposed Fairfield Inn at 2350 Harbor Bay Parkway was originally scheduled to come before the Planning Board on November 24th of last year. At that point, Local 2850 submitted comments objecting to the project on the basis of its noncompliance with the City's parking requirements and its ineligibility for the CEQA exemption claimed by City staff. The November 24th hearing on the project was postponed, and since then the applicant has made certain changes to the project that purport to make it compliant with the City's parking requirements. To argue for the CEQA exemption, the applicant solicited a follow-up study on the potential for burrowing owls at the site and redefined the project site in an attempt to make the project appear compliant with the floor area ratio requirements of the City's General Plan. However, as I will explain below, the project is still not compliant with the City's parking requirements, and still does not qualify for the CEQA exemption, despite a blatant attempt to fudge the numbers with respect to floor area ratio.

Parking

The November proposal for the Fairfield Inn included 105 hotel rooms, which would require 131 parking spaces according to the City code. The current proposal

includes 100 hotel rooms (the application states there are 99, but the plans show 100). In any case, the code requires 124 or 125 spaces for a hotel of this size. The proposal includes a letter from Abrams Associates that purports to show that the hotel would create less parking demand than is reflected in the code requirements, but as we pointed out in our November letter, this letter does not constitute a "parking study" as required by the code, but rather a simple restatement of general data published by the Institute of Transportation Engineers (ITE), which is not at all specific to the site. A previous study completed by Kittelson & Associates for a hotel project last year observed a hotel nearly identical to the proposed Fairfield Inn (the Hampton Inn at 1700 Harbor Bay Parkway) and found an average ratio of parked vehicle to occupied room of 0.99; on high-occupancy nights (over 85%) the observed ratio was 0.82. Using these ratios, and assuming occupancy levels roughly equivalent to the Hampton Inn, the proposed Fairfield Inn should expect to require approximately 78 parking spaces on the average night, and on the average sold-out night should expect to require 82 spaces. It should be noted that these numbers represent expected average demand, not the number of spaces the project is likely to need, since the ratio of parked cars to occupied rooms can be expected to exceed the average ratio roughly half the time.

The revised Fairfield Inn plans show a total of 79 parking spaces (although the application claims there are 80). Consequently, we can conclude that even the revised plans are likely to lead to parking shortages when the hotel is sold out. Furthermore, because the figures in the previous paragraph are averages, it is reasonable to expect that random fluctuation would lead to parking shortages even on nights when the occupancy is not particularly high. While the Kittelson study does not include data about maximum parking demand (or demand at any percentile other than the average), the ITE manual cited by the Abrams letter indicates that demand at the 85th percentile is, on average, 13.6% higher than the median demand (0.75 parked cars per occupied room, as opposed to 0.66). This suggests that on 15% of nights with average occupancy (79%), the hotel should expect to generate demand for 89 or more parking spaces, significantly more than even the revised plans propose.

Referring to the project for which the Kittelson study was conducted, the staff report for the Fairfield Inn project claims that "the project has been revised to provide 0.81 spaces per room, or 80 spaces for 99 rooms, which reflects the parking to room ratio recently approved by the Planning Board for the hotel expansion at 1700 Harbor Bay Parkway." According to the plans, the revised project actually appears to provide 0.79 spaces per room (79 spaces for 100 rooms), but the most misleading part of the sentence is the claim that follows. The Planning Board did indeed approve a proposal to add a second hotel to the Hampton Inn site, but only on the basis that the owners of the Hampton Inn have reciprocal parking easements with adjacent property owners. The Kittelson study found that the proposed number of parking spaces on the property (141) was insufficient for the proposed number of rooms between the two hotels (177) and recommended 175 parking spaces (0.99 per room). The study concludes that "the reciprocal parking agreement, which

covers approximately 390 additional spaces, would have to be used with nearby businesses to accommodate the estimated 34 additional vehicles when both hotels are fully occupied." Applying the Kittelson recommendations to the Fairfield Inn project yields a requirement of 99 parking spaces, significantly more than what the revised plans propose.

While the staff report mentions the possibility of reciprocal parking agreements with neighboring businesses, there is no evidence that such agreements exist or assurance that the applicant will be able to obtain them. Furthermore, the only potential parking lots for such an arrangement are across Harbor Bay Parkway, and the nearest pedestrian crossing is about a quarter of a mile away in front of the North Face property, which has a relatively small parking lot. Alternatively, a parking arrangement with the property at the Venture Commerce Center would require hotel guests to walk a quarter mile to the crosswalk and then another quarter mile back to the hotel in order to cross Harbor Bay Parkway safely. These are not viable shared parking options.

In summary, the applicants have simply not provided a parking study or alternative parking plan that would justify providing 46 fewer parking spaces than what the City code requires (79 versus 125) and 20 fewer parking spaces than what the Kittelson study suggests would be necessary. The Planning Board should reject the project on this basis.

CEQA

Our November letter pointed out two reasons that the proposed Fairfield Inn fails to qualify for the CEQA exemption for infill projects: (1) it is inconsistent with applicable General Plan policies and zoning regulations and (2) the site may provide potential habitat for a protected species, the burrowing owl. The foregoing discussion of parking requirements demonstrates that the project does not comply with the City of Alameda's zoning regulations regarding parking, even with the revisions to the project. With respect to the burrowing owl, the applicant has provided a follow-up study to the study submitted in November, but this study, like the original one, does not conclude that the project site has "no value as habitat for endangered, rare or threatened species" (as required by CEQA for the infill exemption). Rather, it reports that no burrowing owls or evidence thereof have been observed on the site and that the site provides "only poor-quality habitat," which is not the same thing as "no value as habitat." Furthermore, the new study, like the original one, notes a potential for burrowing owls to winter on the site, noting that the owls "have been documented to winter (roughly from September through April) in marginal, urban habitat areas in the vicinity of San Francisco Bay." Consequently, this second study recommends further observation of the site, just as the first one did. As noted in our November letter, the studies' suggestions are precisely the sort of study that should be conducted and mitigation that should be adopted under the environmental review process required by CEQA. This is precisely the reason that the infill exemption establishes such a high standard ("no

value as habitat" as opposed to "limited value" or "only poor-quality habitat") for projects to qualify for the infill exemption. The proposed Fairfield Inn clearly does not meet this high standard.

With respect to the City's General Plan policies, the revised plans blatantly attempt to fudge the numbers to get around the problem that our November letter pointed out. The original proposal had a floor area ratio (FAR) much higher than the General Plan's maximum of 0.5. The project plans described a building with a floor area of 62,979 square feet on a parcel of approximately 50,958 square feet (1.17 acres), for a ratio of 1.24. The new plans contain two substantial changes: the floor area is larger (64,787 square feet), and the project now proposes to provide 35% of its parking in a parking structure, which under the General Plan allows an increased allowable FAR of 1.02. But the site itself is exactly the same, meaning that with the slightly higher floor area the FAR is now 1.27, still significantly higher than the higher maximum allowed due to the structured parking.

In order to obscure this inconvenient fact, the project plans have redefined the "total lot area" to include an adjacent parcel, thereby increasing the denominator of the FAR and artificially decreasing the ratio to 0.98. No part of the proposed hotel would be built on this adjacent parcel, and a comparison of the original plans with the revised plans demonstrates that this change was made only after it was pointed out that the FAR disqualified the project from the CEQA exemption. The original project plans designate only one parcel (the parcel on which the hotel is to be built) as the project site and give a lot area of 50,958 square feet (as noted above). The original staff report for the November 24th hearing also refers to the "property" as consisting only of the single main parcel and implicitly uses the square footage figure of 50,958 in its discussion of the project's lot coverage. Even the revised staff report for the February 9th hearing refers to the project site as "approximately 1.17 acres in size."

Finally, there is a third reason that this project does not qualify for the CEQA exemption for infill projects. CEQA Section 21061.3 defines "infill site" as a site that is either completely surrounded by parcels "that are developed with qualified urban uses" or 75% surrounded by such parcels, where the other 25% of the site adjoins "parcels that have previously been developed for qualified urban uses." Using the definition of the project site used by the revised plans (both parcels), one side of the site directly abuts the San Francisco Bay, which obviously neither is currently nor has been previously "developed for qualified urban uses." This side of the site constitutes about 27% of the total site perimeter, leaving only 73% surrounded by land. Furthermore, two undeveloped parcels designated as "open space" sit on either side of the parcel and reduce the percentage of the perimeter that is adjacent to urban uses (Harbor Bay Parkway itself) to well under 75%. (Using the previous definition of the project site, the percentage would be even lower, since the total perimeter would be smaller and the south side of the hotel parcel, which faces the undeveloped Bay-adjacent parcel, is irregular and therefore longer than the south side of the Bay-adjacent parcel, which is a straight line.) On a less technical note, the potential environmental impacts of a project that sits directly on the bayfront

certainly suggest that such a project would not fit the spirit of the infill exemption. As the project site does not meet the definition of "infill site," the project does not qualify for the CEQA exemption for infill projects.

In conclusion, we believe it is clear and unambiguous that the proposed project, even as revised, neither satisfies the City's parking requirements, nor qualifies for an exemption from CEQA and therefore should not be approved in its current form. We trust that the Planning Board will take seriously its duty to administer the development regulations in the Alameda Municipal Code and the City's obligations under CEQA. If you have any questions, please do not hesitate to contact me at thudson@unitehere.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Ty Hudson".

Ty Hudson
Research Analyst