

NANCY McPeak

From: Patricia Gannon <pg3187@gmail.com>
Sent: Thursday, January 18, 2018 4:05 PM
To: NANCY McPeak
Subject: rezoning of parcel at 2350 Harbor Bay Parkway to allow a hotel

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Nancy McPeak
Alameda Planning Department
Community development

Dear Ms. McPeak

I am strongly opposed to amending the zoning for this parcel for the following reasons:

The design, mass and height of a hotel structure on this site obstructs public access and views of the bay.

A 100 room hotel, along with its parking structures and cars will dominate both the Shoreline Parks next to the parcel and the Bay Trail.

There is no way to fit all the necessary parking spaces on that parcel and nearby business park offices have full parking lots.

Shortening the hotel (from 5 stories to 4) but keeping 100 rooms, actually widens the footprint of the hotel.

The hotel creates an intimidating presence for the public--effectively blocking views of the bay.

They have never offered public amenities. The developer's architect admitted in public meeting in June 2017 that public amenities like a coffee shop, restaurant are empty promises on paper and will NOT remain open or in business in that location.

The above statements by the proponents of the hotel clearly make this proposal absolutely inappropriate and unsuitable for this location and in no way beneficial to Alamedans.

I strongly urge that this parcel NOT be rezoned to allow a hotel.

Thank you.

Patricia M. Gannon
1019 Tobago Lane
Alameda, CA 94502
pg3187@gmail.com

NANCY McPeak

From: T Krysiak <tsitjk@gmail.com>
Sent: Thursday, January 18, 2018 10:28 PM
To: ANDREW THOMAS
Cc: NANCY McPeak
Subject: Please Vote No on the Mina Patel Hotel Project

Follow Up Flag: Follow up
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Dear Andrew,

I recently heard that a revised Harbor Bay Hotel Project has once again emerged on the Planning Board's Jan 22, 2018 agenda for a zoning amendment. The new hotel building proposal is now shorter but much wider and the outsized proportions will still definitely obstruct the beautiful panoramic bay vistas and deny the local residents of the enjoyment of the precious shoreline park and path. My family and many of my Harbor Bay neighbors frequently use this area and strongly urge the City of Alameda's Planning Board to hold off on changing the zoning to allow for this hotel project. If something has to be built here, a much smaller, less obtrusive structure with public amenities would be better suited for this highly desirable parcel. Please listen to your concerned Alameda constituents and don't amend the zoning to allow for a large, ugly hotel building. Thank you.

Sincerely,

Tom Krysiak
308 Sweet Road
Alameda, CA 94502

NANCY McPeak

From: Patricia Lamborn <patricia.lamborn@aol.com>
Sent: Friday, January 19, 2018 4:24 PM
To: David Burton; Ronald Curtis; Jeffrey Cavanaugh; Kristoffer Koster; David Mitchell; Sandy Sullivan; Alan Teague
Cc: NANCY McPeak
Subject: Public Hearing Jan. 22,2018 Consider Zoning Amendment- hotel at 2350 Harbor Bay Parkway
Attachments: Parcel 4-Uncompleted Shoreline Park.jpg; BCDCAIamedaHotel permit DenialFindings.pdf; BCDC COmmissioner Wilma Chan Statement BCDC Feb. 16, 2017.docx

Follow Up Flag: Follow up
Flag Status: Flagged

RE: Item 7B, Jan. 22, 2018- Public Hearing to Consider a Zoning Amendment to allow construction of a hotel at 2350 Harbor Bay Parkway

Dear Planning Board President and Board Members,

I am writing to ask that you vote **NO** on recommending a zoning amendment to allow hotel construction at 2350 Harbor Bay Parkway. This zoning change is proposed in response to the current Ram Hotels application to build a 4 story, 100-room hotel on Parcel 1, which is 1.17 acres of land (50,958 sq. feet).

This is Ram Hotel's second hotel development application to the Planning Board for this site – their previous application was for a 5-story 100-room hotel. The proposed site for the hotel - Parcel 1 - is located between two sections of Shoreline Park. It sits behind Parcel 4 — a .33 acre, (14,837 sq. foot) piece of land that was dedicated to the City of Alameda by HBIA (Harbor Bay Isle Associates) to complete Shoreline Park. Parcel 4 sits right on the Bay.

On April 18, 2017, the Alameda City Council approved a Referral to direct city staff to prepare a report on taking title to Parcel 4 to define and clarify the legal setbacks that would apply for a public park located directly on the bay, next to the privately owned Parcel 1. The Council has not yet reviewed that study, although from the minutes of April 18th 2017, the City Attorney stated preliminary research of the documents and the strip of land indicates it is ready to be dedicated to the City.

You are being asked to change the zoning to “Hotel” on Parcel 1 without access to:

1. **The City Council study on Parcel 4**
2. **The hotel design Ram Hotels is proposing**
3. **The BCDC (Bay Conservation and Development Commission) document that governs the parcel, which is the BCDC 3rd Amendment to the 3rd Supplemental Agreement. That document spells out the building mass,use(office/restaurant), public access requirements, bike and pedestrian trails and completion of Shoreline Park. It was signed by HBIA and BCDC in March 2013**
4. **The Feb. 16, 2017 BCDC Decision to turn down Ram Hotel's application for a building permit for a 5-story, 98-room hotel on this parcel. That decision spells out why a hotel of this size does not comply with San Francisco Bay Plan policies.**
5. **Planning Board Resolution No. 1203 and No. 1533 which were vested by the City Council when it approved the 1989 Development Agreement. These Resolutions govern development in the Harbor Bay Business Park and 2350 Harbor Bay Parkway. They require 25-foot setbacks from Shoreline Park on all sides.**
6. **Airport Land Use Commission Policy and Recommendations - 2350 Harbor Bay Parkway is in Airport Safety Zone 3, an airplane turning zone. Open space recommended - 30%.**

The fact is, this parcel is too small to support hotel use. Hotels by definition are larger structures. A 100-room hotel currently requires 125 parking spaces for guests, as well as employee parking and truck deliveries. A hotel does not fit on Parcel 1. It has been tried—and it has failed.

Parcel 1, owned by HBIA, was zoned -O- Open space for 25 years, restaurant use allowed. The Alameda City Council changed the zoning in Feb. of 2014 to C-M PD – with a Planned Development overlay with Specified Conditions governed by the BCDC agreement-- office/restaurant use only. During the public hearings to change the zoning from open space to commercial, the BCDC agreement was referred to, and HBIA attorney Dan Reidy vigorously championed the zoning change to office/restaurant.

Ram Hotels bought Parcel 1 in July of 2014. When their hotel design/application was brought before the Planning Board in meetings in Nov. 2014, Feb. and April of 2015, and finally approved in July of 2015—**Zoning Ordinance 3086 WAS NEVER INCLUDED IN THE EXHIBITS. Neither was the BCDC Agreement.**

When the City Council called for a review of the Planning Board hotel decision on Sept. 1, 2015, Zoning Ordinance 3086 was not included in the exhibits. Again, neither was the BCDC Agreement. The Council voted 3 – 1 to approve the hotel. Mayor Spencer voted No, Council Member Matarrese had to be recused from voting as he owned property near the proposed hotel development at the time.

The developer then had to bring their hotel design before the BCDC Design Review Board in May of 2017 and their application for a building permit went before the entire BCDC Commission in March of 2017. It was denied. A rare occurrence in BCDC history.

Was the developer duped by our City into believing Parcel 1 was zoned for a hotel? Dan Reidy, HBIA attorney, represented Ram Hotels during the BCDC process. The developer attached the BCDC Agreement to their Title Insurance application—when they brought the property. The lawsuit pointing out that building a hotel would violate the zoning was brought to their attention in Nov. of 2015.

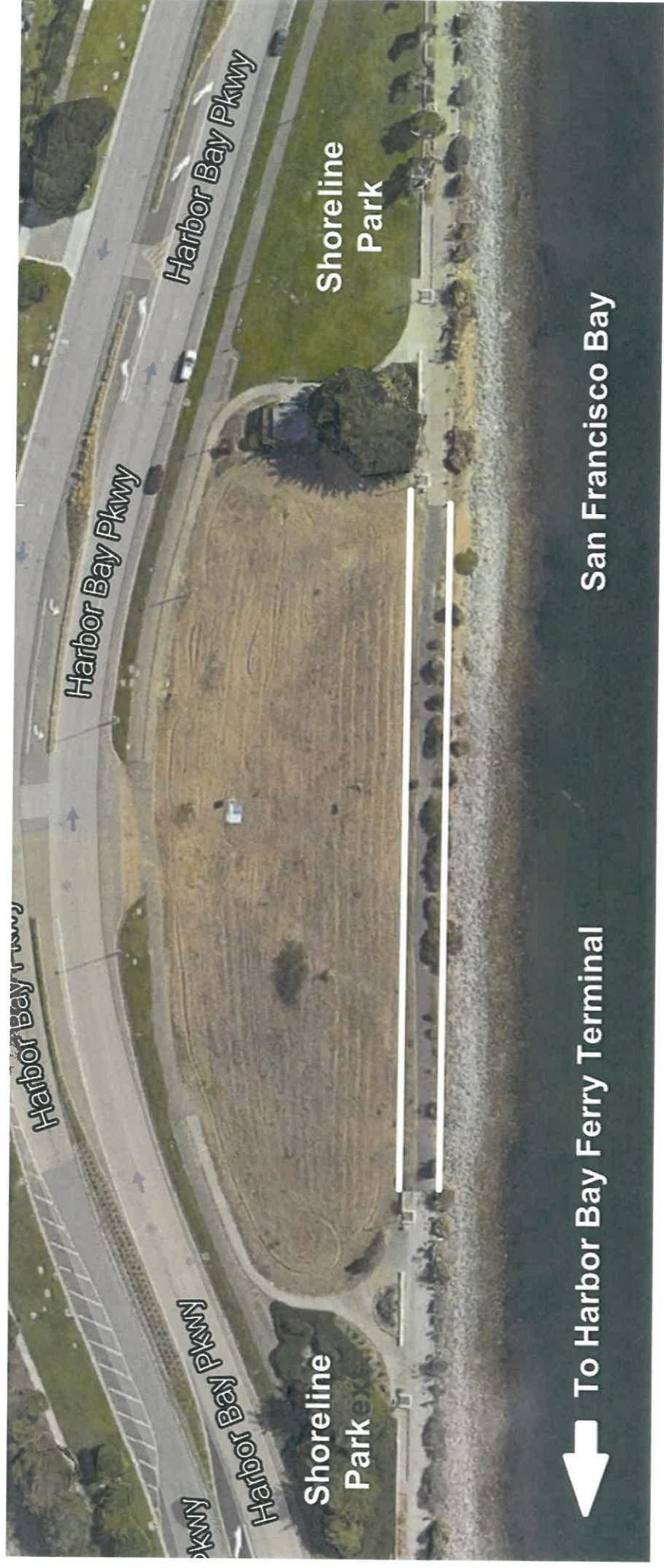
It is now in your hands—your vote.

The decision-making process for this hotel development has shown disregard for the law and disrespect for the people. The lack of information provided to you, our Planning Board, and to the public, to make this decision is a continuation of that disrespect. Building a hotel on this 1.17 acre, next to public land and parks is a serious decision – with serious and permanent consequences, perhaps setting a precedent. The hotel development has been opposed by Alameda residents, nearby residents, the Sierra Club, the Golden Gate Audubon Society, and our representative to BCDC, Wilma Chan.

The current zoning reflects the use that fits the parcel- and maximizes public access on a Bay Front Property. It is in line with the law, state policy, and respects the input and voice of the Alameda residents who took the time over the last 2 years, to bring to light the truth. This property isn't zoned for a hotel. It never has been, and by now the reasons should be obvious.

Sincerely,

Patricia Lamborn 3226 Encinal Ave. Alameda, CA 94501
patricia.lamborn@aol.com



San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

February 24, 2017

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Marc Zeppetello, Chief Counsel (415/352-3655; marc.zeppetello@bcdc.ca.gov)
Jhon Arbelaez-Novak, Coastal Program Analyst (415/352-3649; jhon.arbelaez@bcdc.ca.gov)

SUBJECT: **Staff Recommendation for Proposed Findings to Support Denial of Application for BCDC Permit Application No. 2016.003.00**
(For Commission consideration on March 2, 2017)

Staff Recommendation: Findings to Support Denial of Application for BCDC Permit Application No. 2016.003.00

The staff recommends that the Commission adopt the following findings:

1. In 1984, the San Francisco Bay Conservation and Development Commission (Commission) and Harbor Bay Isle Associates (HBIA)—the main developer for Harbor Bay Island— entered into an agreement to resolve a disagreement between the Commission and HBIA over the Commission’s jurisdiction under the McAteer-Petris Act over development at Bay Farm Island in the City of Alameda. Since that time, the island, which includes the 1.51-acre project site, has been governed by the provisions of this agreement in which HBIA agreed to define the nature and extent of public access provided at the island in conjunction with development, and the Commission agreed, with the exception of the ferry terminal, not to require a permit of HBIA for private development, uses, and associated facilities within its 100-foot shoreline band jurisdiction, while work in the Bay continues to require a Commission permit. As originally written, the agreement designated the project site for a ferry terminal.
2. On several occasions, the agreement has been amended to reflect revised development plans at the project site, at the ferry terminal, and for public access. On November 13, 1990, the Commission and HBIA entered into the *Second Amendment to the Third Supplementary Agreement* (TSA), which allowed the ferry terminal site designation to be moved from the subject property to a location further northwest and, in turn, for the subject property to be designated for a restaurant development. The Second Amendment to the TSA, provided for an on-site 0.20-acre (8,712-square-foot) easement for a shoreline pedestrian pathway, a 0.14-acre (6,098-square-foot) easement at Harbor Bay Parkway for a sidewalk and bicycle path, and ten public parking spaces within the

grounds of the adjacent East Meadow Park, owned and operated by the City of Alameda. The restaurant project was never realized. On March 15, 2013, the *Third Amendment to the TSA* was issued, which changed the land use designation for the subject property to “restaurant/commercial office” instead of only “restaurant.” This amendment included the same conditions regarding public access and public parking that were contained in the Second Amendment to the TSA.

3. In 2014, HBIA sold the subject project site to Ms. Daxa Patel, who proposed a five-story hotel at the site. The Commission staff subsequently informed Ms. Patel that a Commission permit was needed for construction because a hotel was not consistent with the use, noted above, for the site as specified in the Third Amendment to the TSA.
4. On May 9, 2016, the originally-proposed public access design was reviewed by the Commission’s Design Review Board (DRB). At that meeting, the DRB advised the project proponent and Commission staff that the overall massing and layout of the project dominated the relatively small site. The DRB advised the project proponent to:
 - a) remove parking spaces and relocate the hotel farther from the shoreline in the direction of Harbor Bay Parkway; b) move the bike path to the shoreline area; c) make the site more welcoming for the public; d) relocate an enclosed public pathway at the south side of the building; and e) return to the DRB for further review.
5. On August 4, 2016, the Commission opened and closed a public hearing on the project, and concerns were raised about whether the project would provide maximum feasible public access consistent with the project. On August 10, 2016, the applicant temporarily withdrew the permit application from Commission consideration, and extended the time under the Permit Streamlining Act in which the Commission could act on the application through February 27, 2017.
6. At the time of the August 4, 2016 meeting, the staff did not believe the project would provide maximum feasible public access consistent with the project. The staff believed that it was feasible to move additional parking off-site, provide better public access areas and amenities to make the areas more inviting to the public, and reduce the height of the building to provide a less intimidating experience. Following discussions with the City of Alameda regarding their building and parking requirements, it was confirmed that all changes recommended by staff were feasible.
7. On January 27, 2017, the applicant requested that its application, as revised, be reinstated for active consideration by the Commission. Due to the limited time available prior to the February 27, 2017 deadline for the Commission to act on the application, it was not possible to return to DRB for review of the revised application.
8. Due to the amount of time that had transpired since the public hearing, and the revisions to the project, the Commission re-opened the public hearing on the permit application on February 16, 2017.
9. After considering the revised project application summary, the staff recommendation, and the comments of the applicant’s representative and members of the public, the Commission took a roll call vote. There were eleven affirmative votes, six negative votes,

and one abstention---less than the necessary 13 required affirmative votes for approval of the permit application, as required by Section 66632(f) of the McAteer-Petris Act. The Commissioners who voted to approve the BCDC permit application were Commissioners Addiego, Scharff, Gibbs, Lucchesi, McGrath, Nelson, McElhinney, Vasquez, Techel, Wagenknecht, and Acting Chair Halsted. The Commissioners who voted to deny the application were Commissioners Butt, Gilmore, Gorin, Kim, Sears, and Showalter. Commissioner DeLaRosa abstained from voting on the application.

10. The Commission **denies** BCDC Application No. 2016.003.00 on the following grounds:

- a. The project fails to provide maximum feasible public access, consistent with the project, to the Bay and its shoreline, as required by Sections 66602 and 66632.4 of the McAteer-Petris Act.
- b. The project does not provide sufficient Bay-related activities and amenities to enhance the pleasure of the public to use and view the Bay, and fails to provide variety, interest and attraction to the adjacent shoreline public access areas, as required by the San Francisco Bay Plan (Bay Plan) Policy No. 2 on Appearance, Design, and Scenic Views, which states, in part, “[a]ll bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay,” and Bay Plan Policy No. 7 on Public Access, which states, in part, “public access improvements...should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline.”
- c. The building’s proximity to the shoreline, within the shoreline band, does not visually complement the Bay, the height and massing of the building will significantly obstruct views of the water, and the vertical separation between the proposed hotel lobby and the adjacent public access area would preclude desirable, beneficial activation of the shoreline, as required by Bay Plan Policy No. 4 on Appearance, Design, and Scenic Views, which states, in part, “structures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline.”
- d. The building design and its proximity to the shoreline, within the shoreline band, will create an intimidating presence for the public, making the shoreline and the public access provided within the shoreline band unwelcoming. A welcoming public access area is a guiding principle for all public access areas in the Bay, as stated in the Commission’s Public Access Design Guidelines, which state, in part, “public access areas must be designed in a manner that feels public....” The Guidelines should be used when designing public access areas, as required by Bay Plan Policy No. 12 on Public Access, which states, in part, “[t]he Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project.”

BCDC Bay Conservation and Development Commission Meeting February 16, 2017

Item: Possible Public Hearing and Vote on Daxa Patel's Application for BCDC Permit Application No. 2016.003.00 for Construction of a Hotel and Parking Structure Located at 2350 Harbor Bay Parkway, in the City of Alameda, Alameda County

Approved Minutes of February 16, 2017 Commission Meeting

Commissioner Gilmore read a statement from **Commissioner Wilma Chan**, who could not be present:

"As the County Supervisor elected to represent the city of Alameda and a Commissioner of BCDC, I urge my fellow Commissioners to vote no on the proposed project at 2350 Harbor Bay Parkway. If built, the proposed hotel would destroy one of the most beautiful stretches of shoreline in the San Francisco Bay." "During the past two weeks, I have received dozens of emails, letters and phone calls from individuals opposed to this project." "If you've been to the site, you know that this is a tiny parcel sandwiched between the shoreline and an adjacent roadway and there is no room to move the footprint of the proposed hotel to ensure that it falls within BCDC guidelines." "Quite simply, the project is too large for the parcel, will significantly obstruct views of the Bay, and substantially reduce access to the shoreline. And it violates protocols taken directly from BCDC's Public Access Guidelines which details seven objectives to be followed by shoreline projects."

"Objective 1: Make public access PUBLIC by ensuring that the user is not intimidated nor is the user's appreciation diminished by large building masses, structures or incompatible uses." "A 50-foot high hotel that close to the shoreline – in an area where there are no similar buildings – is clearly an intimidating presence. If built along this stretch of the shoreline the hotel would crop up out of nowhere."

"Objective 3: Provide, maintain and enhance VISUAL ACCESS to the Bay and Shoreline by locating buildings, structures, parking lots and landscaping of new shoreline projects such that they enhance and dramatize views of the Bay and the shoreline from public thoroughfares and other public spaces." Rather than enhance and dramatize the view of the Bay, this project detracts and destroys the views of one of the Bay's most beautiful stretches of shoreline."

"Objective 4: Maintain and enhance the visual quality of the Bay, shoreline and adjacent developments by utilizing the shoreline for Bay-related land uses as much as possible." "The proposed project clearly impacts the shoreline and is not set back nearly far enough to satisfy BCDC's practice of requiring that the setback be equal to the height of the project."

"Objective 6: Take advantage of the BAY SETTING so that uses which do not orient to the Bay are set well back from the Bay and sited, designed and managed so as to not impact the shoreline."

"As stated earlier, this project impacts the shoreline and is not "well set back from the Bay." "This review calls into question 4 of the 7 objectives from the BCDC Design Guidelines. I understand staff is working with the applicant to make the best of the proposed development and I appreciate the efforts of the developer to improve access and sightlines, but quite honestly, there is nothing that can be done to make this right." "A 50-foot high hotel this close to the water in one of the most beautiful stretches of shoreline in the entire San Francisco Bay cannot be mitigated. There is no way to provide adequate access and view lines. And there is no way to turn back the clock once this has been approved. My fellow Commissioners, please vote no on this issue."

NANCY McPeak

From: Chuck <wirelessquotes@yahoo.com>
Sent: Monday, January 22, 2018 6:33 AM
To: T Krysiak
Cc: ANDREW THOMAS; NANCY McPeak
Subject: Re: Please Vote No on the Mina Patel Hotel Project

Follow Up Flag: Follow up
Flag Status: Flagged

Andrew,

HBI does not need a massive hotel on this site. It is best suited for a restaurant with its views. Please vote NO on this.

Chuck Thompson
257 Creedon Circle
Alameda, CA

Sent from my iPad

> On Jan 18, 2018, at 10:28 PM, T Krysiak <tsitjk@gmail.com> wrote:
>
> Dear Andrew,
>
> I recently heard that a revised Harbor Bay Hotel Project has once
> again emerged on the Planning Board's Jan 22, 2018 agenda for a zoning
> amendment. The new hotel building proposal is now shorter but much
> wider and the outsized proportions will still definitely obstruct the
> beautiful panoramic bay vistas and deny the local residents of the
> enjoyment of the precious shoreline park and path. My family and many
> of my Harbor Bay neighbors frequently use this area and strongly urge
> the City of Alameda's Planning Board to hold off on changing the
> zoning to allow for this hotel project. If something has to be built
> here, a much smaller, less obtrusive structure with public amenities
> would be better suited for this highly desirable parcel. Please
> listen to your concerned Alameda constituents and don't amend the
> zoning to allow for a large, ugly hotel building. Thank you.
>
> Sincerely,
>
> Tom Krysiak
> 308 Sweet Road
> Alameda, CA 94502

NANCY McPeak

From: John Felts <jtfelts@earthlink.net>
Sent: Monday, January 15, 2018 10:36 AM
To: ANDREW THOMAS; NANCY McPeak
Cc: At&t Ns3 Online Acct; John Felts
Subject: Fwd: Proposed Hotel at 2350 Harbor Bay Parkway, Alameda

We recently received your notice regarding yet another Planning Board Public Hearing regarding the property at 2350 Harbor Bay parkway - per our (many) earlier emails, we are opposed to any change in zoning on the proposed property. There have been many reasons and we have communicated these via email and in person including:

1. The design, mass, and height of a hotel structure obstructs public access.
2. A 100 room hotel, along with its parking structures and cars will dominate both the Shoreline parks next to the parcel and the Bay Trail.
3. There is no way to fit all the necessary parking spaces on that parcel and nearby businesses park offices have full parking lots - the owner has said that their guests could park in our lot which is not acceptable (we own the parking lot NOT them) and our lot is typically full on a daily basis.
4. Shortening the hotel (from 5 stories to 4) but keeping 100 rooms, actually widens the footprint of the hotel and creates an eye sore
5. There are ONLY 2 story structures in our business park and this proposed design does not work
6. The developer hs never offered public amenities. The developer's architect admitted in a public meeting in June 2017, that public amenities like a coffee shop, restaurant, are empty promises on paper, and will NOT remain open or in business in that location.
7. The CITY has the right to take ownership to the land along the bay in front of the proposed development, this is the property of the city NOT the developer.

Please DO NOT APPROVE this zoning change. We will do everything in our power to oppose this development.

If there are any questions regarding the above or our earlier communications, please feel free to call me directly on my cell at 510-387-3421.

Best regards,

John Felts
Nano Scale Surface Systems, Inc.
2255 Harbor Bay Parkway
Alameda, CA 94502 USA
ph: 510-814-0340
WEBSITE: www.ns3inc.com
email: jtfelts@earthlink.net

Begin forwarded message:

From: John Felts <jtfelts@earthlink.net>

NANCY McPeak

From: Leslie Frierman Grunditz <leslie@grunditzart.com>
Sent: Tuesday, January 16, 2018 10:12 AM
To: ANDREW THOMAS; NANCY McPeak
Subject: Bay Farm rezoning hotel proposal

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Thomas and Ms McPeak,

We are very seriously opposed to the plans being pushed to rezone and allow for the hotel to be built on the waterfront parcel on Harbor Bay.

Do not allow for rezoning of this parcel!!!

This is an inappropriate and ill conceived idea that refuses to die. Please don't allow for the possibility of this horribly designed and ridiculously placed hotel.

Thanks,

Leslie and Åke Grunditz
Alameda residents