

City of Alameda



OPEN GOVERNMENT COMMISSION  
2263 Santa Clara Avenue, Suite 380  
Alameda, CA 94501  
(510) 747-4800

RECEIVED  
DEC 04 2018  
CITY OF ALAMEDA  
CITY CLERK'S OFFICE

## SUNSHINE ORDINANCE COMPLAINT

Complaint against which Department or Commission: Planning

Name of individual contacted at Department or Commission: n/a

☐ Alleged violation of public records access.

☒ Alleged violation of public meeting. Date of meeting: Dec. 10th 2018

Sunshine Ordinance Section: 291-5 Agenda Requirements  
Alameda Municipal Code  
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach all relevant documentation supporting your complaint. Documentation is required.

The attached BCDC letter is an important document.  
It refers to different courses of action for the  
developer; such actions have very different  
results and the public has the right to

A complaint must be filed no more than fifteen (15) days after an alleged violation of the Sunshine Ordinance.

Name: reya graber Address: 178 Basinside Way

Telephone No: 510-510-645 E-mail Address: reya.graber@alameda.com  
cell: 846-7151

Date: Dec. 4th 2018 Reya Graber  
Signature

know and to take remedial action as/if  
necessary. However, staff included this  
document only on the 10/8 lightly attended  
10/8 PB workshop. The 11/26 PB meeting  
which was cancelled this BCDC document  
was not included. Now for the Nov 14th

The public has the right to know  
This letter, and its contents are  
currently being contested and debated  
inside BCRC et al. The public  
has not had an opportunity to consider  
the implications of such issues  
if they are not provided the  
document and basic information

Sincerely

Reyla Graber

865-66045

cell # 510-846-7151

I respectfully request the  
City to remove this Agenda  
item for 12/10/18 PB meeting

City of Alameda



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**SUNSHINE ORDINANCE COMPLAINT**

Complaint against which Department or Commission: Staff Preparing Planning Board Agenda

Name of individual contacted at Department or Commission: Not Applicable

☐ Alleged violation of public records access.

☒ Alleged violation of public meeting. Date of meeting: December 10, 2018

Sunshine Ordinance Section: 2-91.5 Agenda Requirements; Regular Meetings  
(If known, please cite specific provision(s) being violated)

Please describe alleged violation. Use additional paper if needed. Please attach all relevant documentation supporting your complaint. Documentation is required.

The attached letter for the Bay Conservation and Development Commission was not included in the Agenda Package. In fact, In-House Counsel for BCDC was surprised to learn about this letter and staff is reconsidering it. At this time, there is no valid BCDC Permit, no permit application and there is no side agreement with BCDC as described in the letter. One might not happen. The public has not had an opportunity to consider the implications of such issues.

**A complaint must be filed no more than fifteen (15) days after an alleged violation of the Sunshine Ordinance.**

Name: Reyla Graber Address: 128 Basinside Way

Telephone No: 510-865-6645 E-mail Address: ReylaGrabers@aol.com

Date: December 4, 2018 \_\_\_\_\_  
Signature

**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

September 25, 2018

Robert Leach, Lead Developer  
Harbor Bay Hospitality, LLC  
191 N.Tully Rd  
Turlock, CA 98530

AND

James Woo, Managing Member  
Harbor Bay Hospitality, LLC  
191 N.Tully Rd  
Turlock, CA 98530

**SUBJECT:** Proposed Marriot Hotel, 2900 Harbor Bay Parkway in Harbor Bay Business Park;  
BCDC Legal Inquiry File MC.MC.7402.451.6

Dear Sirs:

We received the Conceptual Site Plan you submitted for the proposed Marriot Hotel and restaurant/café within the Harbor Bay Business Park, on Bay Farm Island, in the City of Alameda, Alameda County. The site plan is entitled "Marriot Residence Inn Alameda" ("Conceptual Site Plan"), and is dated September 20, 2018, prepared by HRGA Architecture. We also received a digital copy of the Preliminary Landscape Plans dated September 12, 2018, prepared by Wilson Design Studio.

Based on our review of the Conceptual Site Plan, we have determined that the plan, in concept, is generally consistent with the development standards contained in Section 6.B.2 ("Soft-Urban Landscape Area") of the Third Amendment to the Third Supplementary Agreement ("TSA"), Harbor Bay Isle Shoreline, Harbor Bay Business Park — Phase III, Alameda, California, dated March 15, 2013, and with the public access and landscape improvement plans dated November 13, 1990, and with the public access and landscape improvement plans approved for this area, titled "Landscape Improvement Plans, Alameda Shoreline Park, Tract 5905 & Tract 4500 — Phase 3B," dated October 1, 1989 and approved by our office on November 21, 1990.



Robert Leach and James Woo  
September 20, 2018  
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Although we have applied to your project the development standards for the "Soft-Urban Landscape Area" contained in the TSA and in plans approved by the BCDC under the terms of the TSA, it remains a matter of concern to BCDC that Harbor Bay Hospitality, LLC is not a party to the TSA. We are allowing Harbor Bay Hospitality, LLC. to avail itself of the benefit of the TSA (in the form of an exemption from the otherwise applicable permit requirements of the McAteer-Petris Act) and in exchange for that allowance we expect Harbor Bay Hospitality, LLC, in lieu of applying for and obtaining a BCDC permit, to be willing to enter into a contractual arrangement with BCDC. Through this contract, the development standards in the TSA would become legally binding on Harbor Bay Hospitality, LLC and its successors, and the exemption provided by the TSA would terminate upon the initial buildout of the property to which the TSA pertains, including but not limited to the property on which you are constructing your project.

As part of a previous proposal for this site (the senior living center,) we discussed with HBIA and its counsel a contractual mechanism that will achieve these results. If and when we have a draft contractual document designed for these purposes, we will forward it to you for your consideration and eventual execution. Again, execution of such contract is necessary in order for Harbor Bay Hospitality, LLC to enjoy the benefit of the exemption from BCDC's permitting requirements, which the TSA affords.

If you have any questions, please do not hesitate to contact me at 415-352-3643 or [andrea.gaffney@bcdca.gov](mailto:andrea.gaffney@bcdca.gov).

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'AG' with a stylized flourish.

ANDREA GAFFNEY  
Bay Design Analyst

AEG/gg

cc: HBIA, c/o Dr. Daniel Reidy, Henry Dong, City of Alameda

Robert Leach and James Woo  
September 20, 2018  
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HBIA, c/o Dr. Daniel Reidy  
3701 Sacramento Street, #386  
San Francisco, CA 94118

Henry Dong, Planner  
Community Development Dept.  
City of Alameda  
2263 Santa Clara Ave., Room 190  
Alameda, CA 94501