

**From:** [Yibin Shen](#)  
**To:** [CityCouncil-List](#)  
**Cc:** [Eric Levitt](#); [Montague Hung](#); [Lara Weisiger](#)  
**Subject:** FW: [EXTERNAL] Re: FW: Comments on City Council Agenda Item 5-K; September 15, 2020  
**Date:** Tuesday, September 15, 2020 7:51:15 PM

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Dear Mayor and Council,

Below please find communications from Deputy City Attorney Montague Hung to Boatworks (hopefully) addressing their concerns regarding 5-k (repeal of AP DIF).

Many Thanks

Y

Yibin Shen  
City Attorney  
City of Alameda  
2263 Santa Clara Avenue, Room #280  
Alameda, CA 94501  
(510)747-4750

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**From:** Montague Hung  
**Sent:** Tuesday, September 15, 2020 5:10 PM  
**To:** Yibin Shen <yshen@alamedacityattorney.org>  
**Cc:** Nicki Collins <nicki@fdcollins.com>; Debbie Potter <dpotter@alamedaca.gov>; Shona Armstrong <shona.armstrong@harperarmstrong.com>; Celena Chen <cchen@alamedacityattorney.org>; Mayhew, Thomas <TMayhew@fbm.com>  
**Subject:** RE: [EXTERNAL] Re: FW: Comments on City Council Agenda Item 5-K; September 15, 2020

Nicki,

As Yibin has stated, the September 15, 2020 City Council Agenda Item 5-K is not an item that impacts Boatworks. This item simply repeals the Alameda Point Development Impact Fee in its entirety. The item does not impose any new or additional fees. Boatworks's letter dated September 14, 2020, alleges that the City seeks to fund the proposed Regional Sports Complex through both the DIF and "a new fee system." This allegation is incorrect because the amended Master Fee schedule only removed the Alameda Point DIF and did not add any new fee. Further, Boatworks's projects will not be impacted by the repeal of the Alameda Point DIF.

We are open to further discussion if you feel that the Alameda Point DIF repeal somehow affects Boatworks, but hope that this clarification will allay any misunderstanding that Item 5-K implicates a violation of the Mitigation Fee Act.

Best,  
Montague

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**From:** Yibin Shen

**Sent:** Tuesday, September 15, 2020 9:54 AM

**To:** Montague Hung <[mhung@alamedacityattorney.org](mailto:mhung@alamedacityattorney.org)>

**Cc:** Nicki Collins <[nicki@fdcollins.com](mailto:nicki@fdcollins.com)>; Debbie Potter <[dpotter@alamedaca.gov](mailto:dpotter@alamedaca.gov)>; Shona Armstrong <[shona.armstrong@harperarmstrong.com](mailto:shona.armstrong@harperarmstrong.com)>; Celena Chen <[cchen@alamedacityattorney.org](mailto:cchen@alamedacityattorney.org)>; Mayhew, Thomas <[TMayhew@fbm.com](mailto:TMayhew@fbm.com)>

**Subject:** RE: [EXTERNAL] Re: FW: Comments on City Council Agenda Item 5-K; September 15, 2020

Hi Montague,

I talked w/ Nicki and assured her that this change in the law has nothing to do w/ Boatworks nor will it impact Boatwork at all. She appreciated the conversation and asked for a slightly longer confirming email. Could you please do so at your convenience.

Many Thanks

Y

Yibin Shen

City Attorney

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**From:** Nicki Collins [<mailto:nicki@fdcollins.com>]

**Sent:** Tuesday, September 15, 2020 9:39 AM

**To:** Yibin Shen <[yshen@alamedacityattorney.org](mailto:yshen@alamedacityattorney.org)>

**Subject:** [EXTERNAL] Re: FW: Comments on City Council Agenda Item 5-K; September 15, 2020

Hi Yibin,

Did you speak with Shona? Feel free to give me a call to discuss. 415-860-0948

Hope all is well,

On Mon, Sep 14, 2020 at 1:58 PM Yibin Shen <[yshen@alamedacityattorney.org](mailto:yshen@alamedacityattorney.org)> wrote:

Hi Shona,

The City received this somewhat surprising objection from Tom/Boatworks today. Our efforts are intended to simply repeal certain existing fees and have no impact on the Boatworks Development. We are baffled by the objection, and especially so given that we are well on our way to resolving all conflicts w/ Boatworks. Would you mind giving me a call to share some insights to this message when convenient?

Many Thanks

Y

Yibin Shen  
City Attorney  
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**From:** Lara Weisiger  
**Sent:** Monday, September 14, 2020 1:52 PM  
**To:** Yibin Shen <[yshen@alamedacityattorney.org](mailto:yshen@alamedacityattorney.org)>; Debbie Potter <[dpotter@alamedaca.gov](mailto:dpotter@alamedaca.gov)>  
**Subject:** FW: Comments on City Council Agenda Item 5-K; September 15, 2020

FYI – I'll get this out to Council shortly, but wanted to forward to you two immediately.

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**From:** Thomas Roth [<mailto:rothlaw1@comcast.net>]  
**Sent:** Monday, September 14, 2020 1:48 PM  
**To:** Lara Weisiger <[lweisiger@alamedaca.gov](mailto:lweisiger@alamedaca.gov)>  
**Subject:** [EXTERNAL] Comments on City Council Agenda Item 5-K; September 15, 2020

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Please see attached.

**Tom Roth**  
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**San Francisco, California 94105**  
**(415) 293-7684**