

Allen Tai

From: Yibin Shen
Sent: Monday, August 9, 2021 5:48 PM
To: Andrew Thomas; Celena Chen; Allen Tai
Subject: Fwd: Planning Board 7/26/21

Begin forwarded message:

From: Trish Spencer <tspencer@alamedaca.gov>
Date: August 9, 2021 at 5:41:40 PM PDT
To: Joe Ernst <jernst@srnernst.com>
Cc: Eric Levitt <elevitt@alamedaca.gov>, Yibin Shen <yshen@alamedacityattorney.org>, Tony Daysog <TDaysog@alamedaca.gov>
Subject: Re: Planning Board 7/26/21

Dear Joe,

Thank you for your email. This will confirm our discussion that I will hereby withdraw your item from my call for review.

Sincerely,

Trish

Trish Herrera Spencer
Councilmember

On Aug 9, 2021 1:05 PM, Joe Ernst <jernst@srnernst.com> wrote:

Dear Trish:

I just heard about a call for review of all items that were on the Planning Commission agenda dated July 26, 2021. I understand this has to do with one of the phone numbers or Zoom links in the public notice being outdated. But it is my understanding others were able to call in using the other information provided. As you may know, we had an item on the Consent Calendar that evening. After the one other item on Consent had been moved to the regular meeting, our item was approved 7-0 without any questions or conversation by the Commission or correspondence received from the public. The item was PLN21-0299 and had to do with a building setback along the Harbor Bay Parkway frontage. The planned development guidelines for the business park call for the main façade of buildings be setback 50' from the property line fronting on the Parkway, or 57' from the back face of curb. It is a big setback. Unfortunately there was a surveying error that occurred very early in the project and the building as-built

encroaches 6-8” into this setback area. It is not visible to the naked eye, nor does it have any impact on function.

This building, 1310 Harbor Bay Parkway, is a new office building for Penumbra. It has already been delayed by the pandemic. They are anxious to get in. We were scheduled to close the sale and financing of the building tomorrow, 8/10. But the sale cannot go forward without this item resolved. Aside from other issues, the City is to get nearly \$1 million in transfer tax if/when this deal closes. And of course, it puts Penumbra back on track to get their move-in complete which they desperately want to do.

So, I am writing to ask if you can agree to exclude this item from the call for review since it is not controversial, none of the Planning Commission members had any questions or comments and there was no correspondence from the public on this matter before or after the hearing. Thank you for your consideration. Hopefully we can move this one forward. Thank you.

Joe

Joe Ernst

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Allen Tai

Subject: FW: 1435 Temporary Use Permit

From: Trish Spencer

Sent: Thursday, August 12, 2021 5:05 PM

To: Linda Asbury <linda@westalamedabusiness.com>

Cc: Eric Levitt <elevitt@alamedaca.gov>; Yibin Shen <yshen@alamedacityattorney.org>; Tony Daysog <TDaysog@alamedaca.gov>

Subject: Re: 1435 Temporary Use Permit

Dear Ms. Asbury,

Thank you for your email. This will confirm our conversation that I will hereby withdraw your item from my Call for Review.

Sincerely,

Trish Herrera Spencer
Councilmember

On Aug 12, 2021 4:55 PM, Linda Asbury <linda@westalamedabusiness.com> wrote:

Councilmember Spencer:

On behalf of the West Alameda Business Association I am asking that our approved Temporary Use Permit **not** be included in the review of the July 26th Planning Board Meeting so that we are able to move forward with our events through the end of December. Based on good faith we have contracted entertainment that are binding contracts and to cancel comes at a cost.

WABA had already received an approval on a Special Event application sunsetting Nov.30th. This Use Permit was to extend the date to the end of December 2021.

Background: the Temporary Use Permit was to be an action item on the Planning Board's agenda on July 12th #2021-1169. There was an error on the posted notification for the meeting, therefore the item became a Study Session. Those living within the area had many opportunities to respond in writing and their comments were included in the staff report. The Study Session was open to public comment.

This item was included in the July 26th Planning Board Agenda as a consent item for approval, but was pulled to be reviewed again. Open to public comment, it was approved 6-1 by the Planning Board with guidelines.

Thank you in advance for your consideration of our request. **Linda**

Linda Asbury
Executive Director
West Alameda Business Association
linda@westalamedabusiness.com
510.523.5955