

November 13, 2018

Commissioner R. Zachary Wasserman, Chair
Commissioner Anne Halsted, Vice Chair
Commissioner Wilma Chan
Larry Goldzband, Executive Director
Steven Goldbeck, Chief Deputy Director
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019

**Subject: Proposed Marriot Hotel, 2900 Harbor Bay Parkway, Alameda
in Harbor Bay Business Park**

Dear Commission Members and Staff,

We are writing regarding the proposed development of a Marriot Residence Inn at 2900 Harbor Bay Parkway, in the City of Alameda. We are members of the Alameda Community, including many residents who live near the proposed development. We are writing to request that BCDC, the Bay Conservation and Development Commission, require the current developer, to obtain a BCDC permit, pursuant to the McAteer-Petris Act.

The project falls well within your jurisdiction and appropriate law.

The proposed project is a five story hotel right on the Bay; the footprint is 113,000 square feet; the hotel would have 172 rooms, a restaurant and bar and a proposed parking lot with 294 parking spaces. The height shown on the plans is 73 feet, and with a setback from the shoreline of only 35 feet from their property line adjacent to the Shoreline Trail.

The sheer size and scale of this massive project far exceeds anything that has ever been built, or even contemplated, at this location- including when the land was previously owned by HBIA, Harbor Bay Isle Associates.

In 2008 the Esplanade Plan was established for this site and that plan includes only 2 story office buildings, with a much smaller total footprint with substantial view corridors between buildings. Therefore, this proposed hotel is, in its substance, a totally different use and will greatly affect the public who enjoys the Shoreline Trail, in addition to markedly impacting many Bay Farm residents.

Past BCDC agreements with HBIA did exempt HBIA from the permitting process. However this is an entirely different situation because this site has been owned by a successor owner for several years. All past agreements, including the most recent 3rd Amendment to the 3rd supplementary Agreement between BCDC and HBIA, have been consistent and very clear that

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non permitting applies to HBIA only and not to successors. We reference the most recent agreement which states:

“Section 5. This Third Amended Third Supplementary Agreement does not constitute modification or application of BCDC jurisdiction or controls as to any other party than HBIA. “

Additionally, your own legal staff in several internal memos, have stated that research confirms that historically, and as precedent, any non permit was to apply to HBIA only and not to third party successors.

For BCDC to exempt a project of this magnitude from its permitting requirements is cause for great concern in our community. We believe that such an exemption goes against the very purpose and heart of the McAteer-Petris Act, which expressly mandates that “Any person or governmental agency wishing to place fill, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the commission's jurisdiction shall secure a permit from the commission.”

A significant factor in BCDC not requiring its own permitting in Harbor Bay Business Park was supposed to be its reliance on the land use review and documentation by the City of Alameda. The subdivision approval and development agreement for Harbor Bay Business Park, which BCDC knew about, calls for a setback from Shoreline Park not just the shoreline itself, of 100 feet for buildings taller than 35 feet. In contrast, the Marriott Residence Inn project, at 73 feet high, proposes a set back from Alameda’s existing Shoreline Park on their property line of only 35 feet.

We, as undersigned Alameda residents, strongly urge BCDC to fulfill its mission in the manner prescribed by State Law and established BCDC policies and procedures, by requiring this impactful project to go through normal BCDC permitting requirements applicable to all major developments.

Sincerely,

Anna Linetsky	Mary Ann Quittman
Dorothy Freeman	Reyla Graber
Joseph Cloren	Diane Molter
Patricia Gannon	Jim Sweeney
George Humphreys	Lincoln Yick
Mary Tigh	Gretchen Lipow
Steven Gortler	Ken Peterson
Janet Gibson	Donna Fletcher