

Good Afternoon Commissioners,

I am here today to demand that the BCDC Commission require that Harbor Bay Hospitality LLC, developer of the Marriot Residence Inn at 2900 Harbor Bay Parkway, Alameda, submit an application for a BCDC permit, pay the appropriate fees and go through the complete public review process.

For today's meeting you included as supplementary materials an article from the East Bay Times titled:

["Exclusive: How this \\$225 million East Bay housing, hotel and restaurant project was redesigned to deal with sea level rise."](#) The project is located in San Leandro in the Marina.

The article cites the fact that there were 92 public hearings to arrive at that headline.

Your staff memo argues that the Marriot Residence Inn project simply sign an outdated TSA ( Third Supplementary Agreement ) dating from 1989 , despite it's proposed location 35 feet from the public Shoreline Park/ Bay Trail. The location of this project within BCDC jurisdiction mandates a permit process. Your staff memo makes legal arguments both for and against the permit process. As elected officials is your usual approach- "when in doubt- take the easiest route" A route that eliminates public hearings? If you allow the staff to take the easy route, you are in actuality approving a 5 story hotel with 275 parking spaces without even examining the drawings, set backs or public access points. The public has no opportunity to review or provide input into the agreement BCDC would sign with this development company.

BCDC was founded to protect the San Francisco Bay FROM the cities circling the bay. Cities allowed in fill, privatization and destruction of public access. Your permit process was added as an oversight and check on the Bay Cities. It is your only reason for existence—the organization that fought for the legislation founding BCDC- Save the Bay- created a multicity, multi government enforcement tool- BCDC permits within a 100 bandwidth of jurisdiction circling the Bay.

I don't trust the City of Alameda to make the tough decisions to defend public access as strongly as BCDC does- We , the people here ,have seen the City Of Alameda violate it's own zoning laws and FAR requirements in other Harbor Bay developments. Our City Planning Department approved this project. I believe their approval violates **Objective 6 of BCDC's Public Access Guidelines**

**"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. "**

Our Planning Department approved the Marriot residence Inn for a 35 foot setback from Shoreline Park, - the Bay Edge bike and pedestrian paths- for a 5 story 170 room hotel. The City staff cited a City ordinance table of "minimum" setbacks from Shoreline Park, in the City of Alameda Planning Ordinance 1203, and argued that the hotel is in the same category as **a restaurant, commercial, retail, entertainment – 25 feet setback required. They applauded the fact that the developer would set the hotel back an extra 10 feet.** The chart our City Planner cites, actually goes on to describe setbacks for Offices which clearly mandate setbacks in line with the height of a building. For example, on the chart, Offices up to 100 feet in height would be setback- you guessed it - 100 feet from Shoreline Park. Is it

ridiculous to argue that a 5 story building should have the same setback as a restaurant? Yes it is. It's also wrong, according to your own policies and the power you have to enforce them. You have the power to review the sizing, height, setbacks, and public access for a project of this magnitude on the Bay.

The developer has held community meetings regarding the project. Under intelligent examination by the community he quickly admits that features he touts as public access points are flimsy – misrepresentations. The so called public meeting rooms? He admitted they will be way too small to accommodate public events such as weddings, parties. The restaurant? Well, it's existence is dependent on another private operator willing to try to survive in an isolated location. A fake promise of a restaurant doesn't qualify as a public access product- BCDC can't require that restaurants stay open and lose money.

Scrutiny of this developer is critical. Our City won't do it. They are anxious for the promised revenue and well, they just like to say yes. At any cost. We appeal to you to act and do the right thing- and according to your own staff memo-- a very legal act- require a BCDC permit.

44. Minimum setbacks within the Harbor Bay Business Park shall be as follows:

USES PROPOSED	A. Other CM-PD zoned Land & Uses	B. Residential	C. Lagoon	D. Shoreline Park	E. Airport	F. Harbor Bay Pkwy	G. Catalina Ave. (measured from north curb face) (d)	H. Street separating non-residential uses.
1. Parking Lot, drives, rec, vehicle & mini-warehouse storage (a)	10', 15', 20', for each side or rear yard fro small, med., lg. lots. (c)(e)	35 <sup>(b)</sup>	25	25 <sup>(b)</sup>	15	50 <sup>(b)</sup>	67 <sup>(b)</sup>	20
2. Restaurants, retail, comm.. entertainment	10', 15', 20', for each side or rear yard fro small, med., lg. lots. (c)(e)	35 <sup>(b)</sup>	25*	25*	15	50	82 <sup>(b)</sup>	20
3. Lt. mfg., offices/research up to 35' in ht. FAR 0.5 TO 1.	10', 15', 20', for each side or rear yard fro small, med., lg. lots. (c)(e)	35 <sup>(b)</sup>	25	35	15	50	82 <sup>(b)</sup>	20
4. Offices/Research up to 50' in ht. FAR 0.5 to 1.	10', 15', 20', for each side or rear yard fro small, med., lg. lots. (c)(e)	100	35	50	15	50	132 <sup>(b)</sup>	35
5. Offices/Research up to 50' in ht. FAR 2 to 1.	10', 15', 20', for each side or rear yard fro small, med., lg. lots. (c)(e)	100	35 ↓ to	50 ↓ to	15	50	132 <sup>(b)</sup>	35 ↓ to
6. Offices/Research up to 100' in ht.	10', 15', 20', for each side or rear yard fro small, med., lg. lots. (c)(e)	100	55	100	15	50	144 <sup>(b)</sup>	65
7. Offices Research up to 156' in ht. w/approved variance	10', 15', 20', for each side or rear yard fro small, med., lg. lots. (c)(e)	125	55	100	15	50	167 <sup>(b)</sup>	100
8. Other mfg/storage	10', 15', 20', for each side or rear yard fro small, med., lg. lots. (c)(e)	100 <sup>(b)</sup>	NA	NA	15	50 <sup>(b)</sup>	82 <sup>(b)</sup>	35 <sup>(b)</sup>

- (a) = Recreational vehicle storage or mini-warehouse storage areas require dense/tall landscape screening to minimize their visibility from adjoining areas. They shall not be located adjacent to the Catalina Avenue frontage.
- (b) = Berm, dense/tall planting or grade separation greater than 6', or a combination thereof.
- (c) = Parking to a side or rear lot line is permitted if adjoining property incorporates a minimum 15' wide landscaped area along the common boundary.
- (d) = Building heights within the business park shall be measured from the top of the north curb of Catalina Avenue.
- (e) = small lots = 0.5 – 1.5 acres, med. lots = 1.5 – 5.5 acres, lg. lots = > 5.5 acres.
- \* = Restaurant may encroach subject to Staff approval.

Flameta Planning Ordinance 1203