



**SIERRA
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NORTHERN ALAMEDA COUNTY GROUP

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February 1, 2019

Commissioner R. Zachary Wasserman, Chair
Commissioner Anne Halsted, Vice Chair
Commissioner Wilma Chan, Alameda County
Larry Goldzband, Executive Director
All BCDC Commissioners
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019

Subject: BCDC Permit Process for Proposed Marriott Hotel, 2900 Harbor Bay Parkway, Alameda, CA.

Dear Commission Members and Staff,

The Sierra club respectfully requests that the Bay Conservation and Development Commission (BCDC) require the developer of the Marriott Hotel, Harbor Bay Isle Hospitality, LLC (HBIA) obtain a BCDC permit, pursuant to the McAteer-Petris Act. This discussion and decision will come before the Commission on February 7, 2019.

The project falls well within your jurisdiction and appropriate law. The proposed project is a five story hotel set on the shoreline of the San Francisco Bay with a setback from the shoreline of only 35 feet from their property line adjacent to the Shoreline Park bike and pedestrian trails. The McAteer-Petris Act 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."

Past BCDC agreements with HBIA exempted HBIA from the permitting process. However, this site has been owned by a successor owner for several years. All past agreements between BCDC and HBIA, including the most recent 3rd Amendment to the 3rd supplementary Agreement, state **"This ... Agreement does not constitute modification or application of BCDC jurisdiction or controls as to any other party than HBIA."**

Rather than offer HBIA the choice of entering into a contract with BCDC or following the normal permitting process, the Sierra Club urges BCDC to fulfill its mission in the manner prescribed by State Law and follow BCDC policies and procedures. This impactful project should be required to follow the normal BCDC permitting process, which insures transparency, public hearings, and the protection of public access on the San Francisco Bay.

Sincerely,



Sophie Hahn
Chair, Sierra Club Bay Chapter Northern Alameda County Group

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: New Marriott in Alameda
Date: February 6, 2019 at 2:11 PM
To:



From: liu_helen@yahoo.com
Date: February 2, 2019 at 10:55:19 PM PST
To: wilma.chan@acgov.org
Cc: larry.goldzband@bcdc.ca.gov
Subject: New Marriott in Alameda

Dear Ms. Chan,

Hello. My name is Helen Liu, and I live on Bay Farm in Alameda. I understand that you are the Alameda Commissioner for BCDC, so I wanted to share my concerns with you about the new Marriott Hotel that the city planning board has approved. I am not against the building of a hotel in the proposed area; however, I have a few concerns. My issues are as follows:

- 1) I understand that an adequate traffic study has not yet been conducted. As a mother of two kids who will likely bike alone to Alameda Martial Arts which is located in that vicinity, I am concerned about additional traffic, particularly Uber/Lyft/taxi drivers since it's a hotel. It's no secret that Uber and Lyft drivers are not courteous and are blind to children on bikes.
- 2) I do not think an environmental impact report from 1974 is sufficient to know if we may be doing harm to the existing ecosystem present in that area today. I think conducting an EIR for 2019 is not too much to ask for given the scope of this project.
- 3) I feel that a five story building will affect the peaceful vibe that area currently embodies. A two or even three story building would be more consistent with the current landscape.

Thanks for your consideration.

Sincerely,
Helen

From: Kalra, Jaidev jaidev.kalra@bcd.ca.gov
Subject: Fwd: Important concerns regarding proposed Marriott Hotel on Harbor Bay, Alameda
Date: February 6, 2019 at 2:09 PM
To:



From: Amelia Foos <ameliafoos@gmail.com>
Date: February 2, 2019 at 3:54:25 PM PST
To: larry.goldzband@bcd.ca.gov, wilma.chan@acgov.org
Subject: Important concerns regarding proposed Marriott Hotel on Harbor Bay, Alameda

Dear Mr. Goldzband and Ms. Chan,

We have been Bayfarm residents for nearly 9 year, and are writing to express our concern and opposition to the proposed Marriott Residence Inn Hotel on Bayfarm Island, adjacent to the Bayfarm ferry terminal. Please note that we are not necessarily opposed to new development for our community. We are, however, in favor of development that will benefit our community without imposing undue and excessive strain on local infrastructure and residents in terms of traffic, noise, safety, and aesthetic.

This hotel in it's current form is too big, and we are writing to ask for your assistance with stopping this project, or the very least, helping to scale the project back to 3 stories, not the proposed 5.

Our concerns include:

- 1. The size, inappropriate design and poor fit within the community.** This massive hotel, if approved, would sit oppressively over the existing neighborhood, which consists primarily of 2 story dwellings and an occasional 3 story structure in the business park. It would be a wall on the bay. There are currently NO buildings currently on Bayfarm that exceed 3 stories, let alone 5 stories. This proposed structure would drastically alter the coastline and skyline, and is simply too tall for that parcel of land. The proposed hotel is nearly TWICE as tall as the recently built McGuire-Hester building on the adjacent lot! This is not about neighbors "losing their view." If this 5 story hotel is approved, nearby neighbors would not be able to see the sky from their homes, let alone the water; we'll be living in the shadow of a sky scraper. This is about a building that is grotesquely out of proportion with the neighborhood in terms of scale and size, and aesthetic.
- 2. Inadequate traffic studies.** The developer has provided one traffic study for this project, and we urge you to examine that report closely. This traffic study ONLY provides an assessment of traffic on Harbor Bay Parkway, and even with that limited data, 4 out of 10 data point analyses were given a score of an "F" ("Operation with extreme congestion, with very high delays and long queues unacceptable to most drivers"). The traffic report contains literally NO information regarding the impact that this hotel traffic will have on the residential streets of Bayfarm and on the Bayfarm bridge. We find this appalling and woefully inadequate. The residents of Bayfarm have a right to know this information BEFORE this project should even considered for approval. There are hundreds of children that bike and ride to school daily on these streets. A more comprehensive traffic analysis of the residential streets of the Bayfarm community is critical, including Mecartney Drive, Island Drive, Robert Davey Jr, and the Bayfarm Bridge, at a minimum.
- 3. Noise impact.** The noise level associated with a project of this magnitude and size will pose a significant burden to the local neighborhoods and those enjoying the coastal path. The businesses on adjacent lots are currently 9-5 operations, whereas this hotel is a 24/7 operation, resulting in 24/7 noise from the guests and numerous and daily delivery and service trucks.
- 4. Question of demand for more hotels.** It is rumored that there are at least 2 other additional hotel proposals on Bayfarm, with at least one currently being built. With several local businesses planning to leave the business park, including the North Face and the Raiders, it is imperative to examine the level of demand for so many more hotels.

Much of the Bayfarm community has been alarmed at how quickly this hotel proposal has been pushed through the Alameda Planning Board review process. There has been inadequate and tardy information disseminated to the local residents, with many people only learning about this proposed project within the past few months. Some of the information put forth by the developer has not been true. Many of our local HOAs are AGAINST his project. It is imperative that all of these concerns be closely examined before considering approving such a massive project that will undoubtedly have significant implications on our coastline and the local community. We are asking for you to please assist with opposing or amending this project: it is not the right project for this piece of land on the coast and neighborhood.

Thank you for your time and consideration,

Amelia Foos
Jonathon Foos



Cox, Castle & Nicholson LLP
50 California Street, Suite 3200
San Francisco, California 94111
P: 415.262.5100 F: 415.262.5199
Christian H. Cebrian
415.262.5123
ccebrian@coxcastle.com

File No. 099999

February 4, 2019

VIA E-MAIL

Honorable Commissioners
Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019

Re: Marriott Hotel and Restaurant Project, 2900 Harbor Bay Parkway, Alameda

Dear Chair Wasserman and Honorable Commissioners:

On behalf of Harbor Bay Hospitality, LLC (“HBH”), the owner and developer of the Marriott Hotel and Restaurant Project (“Marriott Project”) located at 2900 Harbor Bay Parkway in Alameda, California, we write to concur with BCDC’s staff that BCDC cannot require this Project to obtain a permit under the McAteer Petris Act (“Act”). This is because the Project is covered by a settlement agreement (known as the Third Supplementary Agreement or “TSA”) that expressly exempts development covered by the agreement from the permitting process under the Act and establishes an alternative development and public review process. Consistent with the TSA, the Project consulted with staff on the project’s design, made changes requested by staff and was thereafter determined to be consistent with the TSA.

We urge the Commission to adhere to its obligations under the TSA, just as the Project has. A well-established course of conduct over many years supports the conclusion that the TSA was intended to function as a covenant running with the land. Under the TSA, BCDC has a clear **legal obligation** to exempt the Marriott Project from the Act’s permitting requirements. Should the Commission nonetheless attempt to impose a permit requirement on the Marriott Project, HBH would consider this to be a breach of the TSA. If litigated, we are confident a court would independently interpret the agreement, using standard rules for contract interpretation. Based on the nature of the contract, the language, and BCDC’s well-established course of conduct, we are also confident a court would find that the Marriott Project is covered by the TSA and thus exempt.

The Commission has already received several analyses about why this project is exempt under the TSA. The first is your staff’s thoughtful analysis dated December 21, 2018. Daniel Reidy, counsel for Harbor Bay Isle Associates (“HBIA”) submitted another analysis dated January 11, 2019. Mr. Reidy’s contemporaneous knowledge of the original intent of the TSA and the reasons for the various amendments over the years compellingly supports your staff’s conclusion that this Project is exempt. We will not repeat those points but instead explain

further why the Marriott Project cannot, without its consent, be the only development within the Harbor Bay Business Park not afforded the contractual rights granted under the TSA.

The main conclusions of this letter are:

- A. The TSA is an agreement about the use and development of *land*, not about the identity of the owners of that land. It expressed BCDC's "final determination of public access and development" on the land covered by the agreement and was recorded as a covenant on title to that land. As such, it was intended to, and does, "run with the land," providing benefits (and burdens) to HBIA's successors in interest. Section 19 of the Second Amendment to the TSA (the "Second Amendment") expressly says the TSA applies to future owners.
- B. Course of conduct is persuasive evidence of the parties' intent in interpreting a contract. For years, BCDC has been exempting projects covered by the TSA from permitting requirements no matter who owns the land.
- C. Mr. Sack (counsel to certain neighbors who oppose the Project) attempts to show that the TSA does not cover the land but only covers the land if it is developed *by HBIA*. These arguments run counter to standard rules of contract interpretation.
 1. Rules of contract interpretation call for harmonization between various sections of an agreement. Mr. Sack's interpretation of Sections 5 and 19 *creates* conflict between these sections when none exists. A harmonized reading of Sections 5 and 19 supports the conclusion that the term "HBIA" in Section 5 includes HBIA's successors because Section 19 expressly references "future owners."
 2. Mr. Sack's reliance on revisions to section 19 in the Third Amendment to the TSA (the "Third Amendment") is misplaced.
 - As explained further below, the Third Amendment (in which revisions to Section 19 on which Mr. Sack relies were made) does not apply to the property on which the Marriott is proposed. Because the Third Amendment applies only to the Shoreline Restaurant/Office parcel, the Third Amendment (and any revisions it made to the Second Amendment) are not relevant here.

- Even if the Third Amendment to the TSA did apply (which it cannot as a matter of law), the revision of the language in Section 19 was only intended to reflect that the TSA had been recorded against the property subject to the TSA; not to negate the applicability of the agreement to future owners.

D. If litigated, we are confident a court would apply independent judgment to the contract. It would not defer to the Commission's interpretation.

A. Read as a Whole, the TSA Applies to Development of Land, Not To Any Particular Owner of That Land.

A review of the language of the TSA supports the conclusion that the intent of the agreement was to govern development of land within Phase III of the Business Park, regardless of ownership.

- Recital B to the Second Amendment explains that the TSA sought to resolve was whether “HBI” [*Harbor Bay Isle*] – a geographic area -- is “exempt from BCDC controls and jurisdictions.” It does not talk about whether HBIA, as an entity was individually exempt from BCDC jurisdiction. Instead, the stated purpose of the TSA was to “define the nature and extent of public access for the remaining area along the shoreline at HBI” The subject of the TSA is “the shoreline at HBI,” a defined *land* area.
- Recital E helps cement the conclusion that the agreement was about land, not particular entities. This Recital states that “BCDC in no way waives any rights to controls or jurisdiction over the nature and extent of public access in the Shoreline Band for the remaining portion of the BFI [*Bay Farm Island*].” In other words, the TSA only addresses jurisdiction over the Phase III area and not areas of the BFI not subject to a supplementary agreement.
- Section 1 includes the mandate that BCDC “shall” rely on the TSA to ensure public access within Phase III. Again, this mandate applies to land, and does not terminate if the identity of the owner Phase III changes.
- Section 3 states that “the terms of the agreements concerning BCDC jurisdiction herein are *final determinations by these parties as to public access and private development and uses inland of Elevation 103 at the Project*. The Parties agree that any work, construction or uses in areas of the Project bayward of Elevation 103 contour line will require a BCDC permit.” Section 3 likewise establishes that the agreement governs the need for a permit with respect to certain land areas, not just for HBIA.

- Section 4 is entitled “Applies to Project Area Only,” meaning that lands within the BFI but outside of Phase III are not exempt from BCDC’s permitting requirements under the TSA.
- Section 19 of the Second Amendment to the TSA requires that the agreement be recorded so that it would be “a binding agreement affecting general duties and obligations of present and future property owners of Parcels in the Project area within the Shoreline Band.” *Section 19 expressly states that the TSA was intended to apply to future owners—i.e. run with the land.*

In summary, the plain language of the TSA strongly supports the conclusion that the TSA was intended to reflect the final determination of public access within Harbor Bay Business Park – Phase III and that this determination “runs with the land.”

B. Course of Conduct Provides Persuasive Evidence of the Intent of the Parties.

“The acts of the parties done under a contract afford one of the most reliable means of arriving at their intention.” *Skousen v. Herz* (1933) 135 Cal.App. 116, 120–121. Here, the parties course of action overwhelmingly supports the conclusion that BCDC intended the TSA to run with the land to HBIA’s successors-in-interest, a course of conduct on which the Project has reasonably relied:

- Other Supplementary Agreements. BCDC has exempted private development subject to other supplementary agreements from its permitting requirements for years and years regardless of whether HBIA was the owner of such development. This includes homes built in Residential Villages Three and Four of HBI subject to the First Supplementary Agreement and in Residential Village Five subject to the Fourth Supplementary Agreement. There is no indication in the recitals to the TSA that the same approach would not be applied to Phase III.
- Stacey-Witbeck Building. In 2011, BCDC agreed this project could proceed under the TSA even though owned by a party other than HBIA.
- McQuire & Hester Building. In 2016, BCDC agreed this project could proceed under the TSA even though owned by a party other than HBIA.
- Westmont Living Senior Residential Facility. In 2016, BCDC agreed this project could proceed under the TSA even though owned by a party other than HBIA.
- Marriott Hotel. BCDC has already taken several actions consistent with the interpretation of the TSA supported by staff:

- Staff Correspondence. Through email correspondence and a letter dated September 25, 2018, BCDC staff confirms in writing that the Marriott project could proceed under the TSA.
- Project Plans. Staff also requested the project plans be revised to reflect the 103' contour line established under the TSA to ensure the setbacks required under the TSA were complied with. The Project complied with this request.
- Draft Assumption Agreement. BCDC legal counsel requested that HBH and HBIA execute a new agreement stating that "HBH has recognized and acknowledges that the Subject Property is subject to the provisions of the [TSA]" and that the Marriott project is generally consistent with the TSA. The draft agreement also contemplates the termination of the exemption going forward, such that project revisions would be subject to the Commission's regular permitting jurisdiction in the future. If the Project were not currently exempt, there would be no need for a prospective termination of the exemption.
- Staff Report. BCDC's Executive Director and Staff Counsel issued a staff report on December 21, 2018 recommending that "that the Commission not require a permit of HBH to develop the project in question."

Mr. Sack argues that because (in his view), there is no ambiguity on the face of contract, BCDC's course of conduct is irrelevant. This is incorrect. Whether evidence is admissible to construe an ambiguity is not based on whether the contract language is plain and unambiguous on its face, but instead on whether the evidence presented is relevant to prove a meaning to which the language is reasonably susceptible. *PG&E v G.W. Thomas Drayage & Rigging Co., Inc.* (1968) 69 Cal.2d 33 (Where the meaning of the words used in a contract is disputed, the trial court must provisionally receive any proffered extrinsic evidence which is relevant to show whether the contract is reasonably susceptible of a particular meaning). Thus, "[a]n ambiguity exists when a party can identify an alternative, semantically reasonable, candidate of meaning of a writing." *Solis v Kirkwood Resort Co.* (2001) 94 Cal.App.4th 354, 360. Here, BCDC's course of conduct provides evidence which is relevant to the question of whether the TSA is reasonably susceptible of being interpreted as running with the land.

C. Opponent's Arguments About the Interpretation of the TSA Run Counter To Standard Rules of Contract Interpretation.

Mr. Sack advances two primary arguments for why BCDC should deviate from its long standing interpretation of the TSA: (i) A conflict exists between Section 5 and Section 19 of the TSA and Section 5 should control; and (ii) the revisions to Section 19 in the Third

Amendment evidence an intent that the TSA should not run with the land. Both arguments are unavailing.

1. Mr. Sack's interpretation makes no attempt to harmonize the contract as required by rules of contract interpretation.

- An interpretation which gives effect to all provisions of the contract is preferred to one which renders part of the writing superfluous, useless or inexplicable. *Carson v. Mercury Ins. Co.* (2012) 210 Cal.App.4th 409, 420; *see also* Civil Code § 1643 (contract should “receive such interpretation as will make it . . . operative . . . and capable of being carried into effect, if it can be done without violating the intention of the parties”).
- Instead of harmonizing the agreement, Mr. Sack attempts to manufacture a conflict between Section 5 and Section 19 in order to deny HBH the benefits of the TSA. No such conflict exists. Section 5 grants exemptions from BCDC permitting requirements to “HBIA.” Section 19 extends those benefits to HBIA’s successor in interest within the Phase III. The purported conflict can be avoided by interpreting the term “HBIA” to include HBIA’s successors as supported by Section 19 and the contract as a whole.
- Mr. Sack’s interpretation would read the statement in Section 19 that the TSA binds future owners completely out of the agreement. BCDC Staff, Mr. Reidy, and HBH’s interpretation would give effect to both Section 5 and Section 19 and is therefore the preferred interpretation under standard rules of contract interpretation requiring harmonization.

2. Reliance on revisions made to Section 19 by the Third Amendment is misplaced.

Mr. Sack makes much of revisions to Section 19 made in the Third Amendment to the TSA. These revisions fail to support Mr. Sack’s interpretation for the following reasons:

- The Third Amendment has no relevance to HBH’s rights under the TSA because it was made after HBIA had already conveyed the Marriott Project parcel to a third-party. The Third Amendment was executed without the Marriott Project parcel owner’s involvement or consent and in all events was recorded against a different property altogether and not the Marriott Project parcel.
 - The Third Amendment is only recorded against the Shoreline Restaurant/Office Site and not the Marriott Project site. *See* Third

Amendment -- Legal Description for Shoreline Restaurant/Office Site. On its face, the Third Amendment doesn't apply to Marriott Project site.

- The Third Amendment was executed by HBIA and BCDC in 2013, approximately nine years after HBIA no longer had title to the Marriott Project site. For the Third Amendment to have applied to the new owners of Marriott Project parcel, those new owners would have had to consent to the Third Amendment. Since HBH's predecessor in interest was neither a party to the Third Amendment nor was it recorded against their land, ***the TSA covenants applicable to the Marriott Project land are those in the Second Amendment to the TSA, not the Third Amendment.*** Section 19 in the Second Amendment remains unamended and is clear that the agreement binds future owners.
- In any event, even if applicable, the Third Amendment did not “*delete*” Section 19, contrary to Mr. Sack's assertion. As explained by Mr. Reidy, the revision merely confirmed that HBIA had undertaken all actions necessary to make the Second Amendment “a binding agreement affecting general duties and obligations of present and future property owners of Parcels in the Project area within the Shoreline Band.”
 - The Third Amendment's references to satisfaction of the Second Amendment's recordation obligation cannot reasonably be interpreted to reflect an intent to have the Second Amendment no longer run with the land. There is no language in either the Third Amendment's recitals or revisions that support such a dramatic change that would deny future property owners of the benefits of *already constructed and dedicated public access*.
 - The recitals to the Third Amendment reveal that BCDC was well aware that parties other than HBIA would be potential developers within the Project subject to the TSA. Introductory Recital G is clear that since 1990, HBIA contemplated a new owner developing the Shoreline Restaurant/Office Site. This Recital is inconsistent with Mr. Sack's position that the parties intended that HBIA alone should benefit from the TSA.

For all of the above reasons, the contract should be interpreted as applying to future owners. If BCDC attempts to strip HBH of the benefits of the TSA to appease project opponents, it will be in breach of its clear legal obligations.

D. A Court Would Give No Deference to BCDC in a Breach of Contract Claim.

HBH would like to avoid litigation but is prepared to protect its rights if BCDC veers from its contractual obligations. If there were litigation related to the meaning of the TSA, we are confident a court would apply its own independent judgment as to the intent of the parties and would grant the Commission no deference as to what it thinks the contracts means. See *Mammoth Lakes Land Acquisition, LLC v. Town of Mammoth Lakes* (2010) 191 Cal.App.4th 435, 461 (in action between city and developer over the meaning of a Development Agreement, court owed city no deference as to its interpretation of the agreement). Thus, the Commission would be on an equal footing with HBH in any contract dispute and would need to explain why BCDC's multi-year course of action should not be considered persuasive evidence of the parties' intent. *Cf. Vermeer Manufacturing Company v. RDO Equipment Company* (Cal. Ct. App., Feb. 27, 2018, No. B280400) 2018 WL 1062684, at *4-5 ("there is no evidence to suggest or reason to believe that their understanding in 2015 about their 2012 agreement was any different than their understanding at the time they entered into the earlier agreement").

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For the forgoing reasons, HBH respectfully requests that the Commission honor HBH's rights under the Second Amendment and to not request staff attempt to require HBH to obtain a BCDC permit for the Marriott Project.

Sincerely,



Anne E. Mudge and
Christian H. Cebrian

AEM/CHC/mlh

cc: City Council, City of Alameda
Celena Chen, Asst. City Attorney



February 4, 2019

The Honorable R. Zachary Wasserman
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

RE: February 7, 2019, Item #11 - Marriott Hotel Project, 2900 Harbor Bay Parkway, Alameda

Dear Mr. Chairman and Commissioners:

We urge the Commission not to approve staff's recommendation to waive permit requirements for the proposed project.

Since we worked to establish BCDC five decades ago, and throughout the Commission's history, Save The Bay has advocated for protection not only of San Francisco Bay, but of the Commission's mandate, jurisdiction and regulatory authority. When individuals, organizations, legislators or governors have tried to erode BCDC's authority, we have fought to protect the Commission. And when the Commission has considered inappropriately or unwisely ceding its own authority, we have opposed that as well.

We disagree with the staff's recommendation to not require a permit for the proposed Marriott Hotel Project at 2900 Harbor Bay Parkway in Alameda. The developer of this project should be required to apply for and obtain a permit, per the Commission's regulations and statutory authority. This proposed five-story hotel falls within BCDC's shoreline jurisdiction on property adjacent to the Shoreline Park bike and pedestrian trails.

Although BCDC made previous agreements with a prior owner to exempt it from the Commission's permitting process, the successor owner is not entitled to that exemption. The proposed hotel is planned to be larger than any building in Harbor Bay and its impacts to the Bay and Bay Trail deserve the full scrutiny and analysis that BCDC's permitting process affords, including opportunities for thorough review of impacts and alternatives by the public and Commissioners.

We encourage the Commission to retain its full authority to review, regulate and permit any project at this shoreline site.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "David Lewis". The signature is written in a cursive, flowing style.

David Lewis
Executive Director

From: Kalra, Jaidev jaidev.kalra@bccdc.ca.gov
Subject: Fwd: Proposed 5 story Marriott on Harbor Bay
Date: February 6, 2019 at 2:36 PM
To:



From: Susan <sue13dives@comcast.net>
Date: Monday, February 4, 2019 at 1:18 PM
To: Larry Goldzband <larry.goldzband@bccdc.ca.gov>
Subject: Proposed 5 story Marriott on Harbor Bay

Dear Mr. Goldzband,

I not only live in Harbor Bay and take the ferry every day to work but I also own a home that will be directly behind this hotel. So not only will this monolithic 5 story building block the sun but every time the homeowners along the lagoon are in our yards or look out a window it's just BOOM in the way. It's all we will see. It's a giant wall.

We will also have to deal with the additional noise and emissions from increased traffic on the access road that is between the lagoon and the proposed hotel.

This includes headlights that shine right into our homes from those cars as well as those lighting up the building and parking lot.

The quality of life my neighbors and I have will be greatly diminished from this hotel as it's currently designed.

We implore you to demand current environmental impact studies for this project. This includes traffic studies with a better than passing grade for all areas of egress.

So far only 1 study has been done and in only 1 direction- between the airport and the lot.

However if anyone staying there wants to go into Alameda, San Francisco or any points east or north they will have to travel through our neighborhood and on city streets to get to the freeway.

That is a reality that can't be ignored.

This study should include all delivery trucks too. The developer makes promises that these trucks will only come at certain times of the day and only from the airport side.

They can't control that once the project is up and running.

It's just another false promise made to get the project put through. How can he possibly dictate what happens 6 months after completion and occupancy?

There are already several big hotels in the area. There is one going up on Park street and I believe another proposed out by Ballena Bay and another giant one on or near the naval base.

I think we are putting up too many too fast and then what?

This is irreparable.

They build a giant 5 story hotel and it fails?

What is that building now going to be converted to?

What contingencies are in place for that and for how long?

The land it's on and the bay will be forever changed and ruined in my opinion.

Please demand the proper permitting process and help us stop this project.

Or at the very least let's get it down to a reasonable scale that is in line with the other buildings in the area (2 story).

The hotel is not only going to be all I see from my home but I walk to & from the ferry every day. I walk my dog twice a day along the bay edge right where this project is

slated to be.

There will be no avoiding it. No coexisting. There has not been any compromise made in the favor of the homeowners.

It's just too big!

It is forever ruining the last bit of untouched coastline we have.

Please help.

Thank you,
Susan Natt
318 McDonnel Rd
Alameda

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Proposed Marriott Hotel in BayFarm Alameda
Date: February 6, 2019 at 2:37 PM
To:



From: Leda Nelson <leda.nelson@gmail.com>
Date: Monday, February 4, 2019 at 4:00 PM
To: Wilma Chan <wilma.chan@acgov.org>, Larry Goldzband <larry.goldzband@bcdc.ca.gov>
Subject: Proposed Marriott Hotel in BayFarm Alameda

Dear Wilma and Larry,

I have just been made aware of a proposed 5-story Marriott hotel to be built along the bay shoreline trails on the open space in Bay Farm, Alameda.

Not only does the proposed hotel seem to pose some traffic, and open space issues, but it apparently is relying on an EIR from 1974 that was last updated in 1987. I understand as that Wilma, as the BCDC Alameda Commissioner, and Larry as the BCDC Executive Director, you are in the position to determine if this proposed hotel requires a BCDC permit. I deeply urge you to require a BCDC permit for this. The hotel is slated to be 5-stories and only set off the shoreline trails by 35 feet, and will create both a visual and physical blockage for access to the shoreline. The hotel will create more car traffic and parking, which creates run off that will directly flow into the bay as it filters through the coastal foliage- damaging the plants and ultimately creating more pollution in the bay.

I hope that you will consider my comments on this matter, and require a BCDC permit for this proposed development so close to our shoreline. The BCDC is the only governing body that is protecting our shorelines and access to the San Francisco Bay, the heart of our expansive communities and one which fuels our economy.

Sincerely,
Leda Nelson

Alameda, CA

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Proposed Marriott Hotel
Date: February 6, 2019 at 2:38 PM
To:



From: Helen Simpson <HSimpson@MPBF.com>
Date: Monday, February 4, 2019 at 1:08 PM
To: "wilma-chan@acgov.org" <wilma-chan@acgov.org>, Larry Goldzband <larry.goldzband@bcdc.ca.gov>
Subject: Proposed Marriott Hotel

On February 7th, the BCDC will be holding a meeting regarding the massive proposed 5-Story – 172 room Marriott Hotel on Harbor Bay Parkway in Alameda, which will only be 35 feet from the property line.

I have lived in Alameda for 25 years and 24 of those years have been on Harbor Bay and Bay Farm. When we decided to buy and house and raise a family on Harbor Bay/Bay Farm, we did not vision a massive hotel being built, basically in our “backyard,” in a residential area. Harbor Bay Parkway is huge and there are already 2 hotels; 2 hotels being built and one of the existing hotel is adding an addition to the hotel. Having 5 hotels on Harbor Bay Parkway is too many hotels. It has always been my understanding that the site in question would have 7 to 9 two-story office buildings. As of now, there are 2 two-story office buildings, which are very nice. Now there is a proposal to build a 5-story hotel pre-fabricated box hotel next to these nicely architectural buildings. The hotel will create noise and traffic through the quiet neighborhoods 24/7 whereas office buildings would most likely be during the day time.

I am requesting that BCDC require a permit from Bob Leach, the developer of the massive proposed Marriott. It is my understanding that the hotel falls within 100 feet of the shoreline which is the responsibility of BCDC. Since the settlement agreement is only between HBIA and BCDC regarding the issue that no permitting is necessary in the business park, only pertains to HBIA only. The parcel of land is owned by a private party and not HBIA, therefore, the developer is required to go through proper permitting processes with BCDC.

Thank you.
Helen Simpson
(415) 962-2847

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Marriott Hotel, 2900 Harbor Bay Parkway, Alameda
Date: February 6, 2019 at 2:38 PM
To:



From: Patricia Gannon <pg3187@gmail.com>
Date: February 4, 2019 at 3:30:48 AM PST
To: wilma.chan@acgov.org
Cc: Larry Goldzband <lgoldzband@bcdc.ca.gov>
Subject: **Marriott Hotel, 2900 Harbor Bay Parkway, Alameda**

Honorable Wilma Chan, Commissioner, BCDC
Dear Commission Chan:

I am writing to urge the BCDC to require a full public hearing and permit process for this massive hotel adjacent to our beautiful bay and shoreline park. BCDC legal staff determined that it does not demand a full hearing process because it falls within the settlement agreement between HBIA and BCDC which says no permitting is necessary within the Business Park. However, the agreement states that permit exemption applies only to HBIA and not to their successors. That parcel is now owned by a successor and not HBIA.

Equally important, the hotel does not meet several of BCDC objectives stated by you in your objection to the Patel hotel; it would interfere with the public's access and enjoyment of the Bay and Shoreline Park. It would not enhance the public's visible access to the Bay and would not enhance and dramatize views of the Bay. It does not utilize the shoreline for Bay related activities. It does not ensure that public access is compatible with wildlife through site design and management strategies.

This project would seriously diminish the rich wildlife that inhabit this pristine site and seriously diminish their ability to travel back and forth from the upland areas to the bay for foraging and migrating. The Bay is an important part of the Pacific Flyway and the birds that use this corridor for migrating and foraging are federally protected.

In closing, please make sure that this project goes through the full permitting process since it is within the 100 foot band which falls within BCDC's jurisdiction.

Thank you.

Patricia M. Gannon
1019 Tobago Lane
Alameda, CA 94502
pg3187@gmail.com

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Proposed Marriott Hotel on Harbor Bay in Alameda
Date: February 6, 2019 at 2:39 PM
To:



From: <bassnjenn@aol.com>
Date: February 4, 2019 at 8:46:30 PM PST
To: lgoldzband@bcdc.ca.gov, zwasserman@wendel.com, Wilma.chan@acgov.org, melgilmore@gmail.com
Subject: Proposed Marriott Hotel on Harbor Bay in Alameda

To: Larry Goldsband, Executive Director, Bay Conservation and Development Commission
Chairman Zach Wasserman
Commissioners Wilma Chan and Marie Gilmore:

I am writing in support of the proposed Marriott Harbor Bay hotel that you will consider at the February 7, 2019 meeting of the Bay Conservation and Development Commission (BCDC). I have lived on Harbor Bay since 2001. Our first home was located in Bay Colony (7 Rutland Court), directly behind the ferry terminal parking lot. When we purchased the home, I recall inquiring what the zoning requirements were regarding the space around the ferry parking lot. We knew then there was the potential for a commercial property to be built along the water where this hotel is seeking approval to build. Almost two decades later, I am glad to see that we have a responsible and reasonable developer willing to add a much-needed hotel, restaurant, and coffee shop to our community.

As our family grew, we moved a few blocks away into a larger property but still within walking distance to the ferry terminal so that my husband and I could continue to utilize the ferry as transportation to our professional work in San Francisco. Over the past five years, the traffic on the Harbor Bay ferry has significantly increased, both into San Francisco for work and from San Francisco into the Harbor Bay Business Park for work. The business park continues to grow into a vibrant business community with great access to the Oakland airport and to San Francisco via the ferry. At public comment during the recent Planning Board meeting for this item, business owners from the Harbor Bay Business Park spoke of their growing need for hotel space for business conducted with out of town guests in Alameda. A new restaurant and coffee shop in the proposed area is greatly needed given the new growth the area has experienced and will experience in the future. The revenue and jobs that this new hotel will create is a huge opportunity for Alameda that I hope you support.

A new hotel will also serve existing Alamedans in new and exciting ways. I am the former PTA President at Bay Farm School on Harbor Bay and we struggled to book school functions off Harbor Bay because there was no space to hold events in our neighborhood. This hotel will change that with its plan for community space that the many nearby schools could access. It will also provide much needed hotel accommodations for not just the business community but for friends and family as well. My father is in a wheelchair now and the few ADA-accessible rooms at neighboring hotels on Harbor Bay are usually booked. I was thrilled to learn of the ADA-accessible space and multiple rooms that are incorporated into the plans for the Marriott Harbor Bay. This project is a win-win for our community members and visitors with disabilities.

The developer of this hotel has met every demand that the city of Alameda has placed on this development. He has held numerous community meetings to talk with community members and to address their concerns. He has been reasonable and thoughtful in designing this space and I believe it will thrive in this proposed location. Please support this great addition to our waterfront. Thank you for considering my letter.

Sincerely,

Jennifer Williams

From: **Kalra, Jaidev** jaidev.kalra@bcdca.gov
Subject: Fwd: Reconsider Marriott Residence Inn @ 2900 Harbor Bay Parkway
Date: February 6, 2019 at 2:39 PM
To:



From: D Learn <dlearn1@gmail.com>
Date: February 4, 2019 at 9:36:39 PM PST
To: mezzyashcraft@alamedaca.gov, mvella@alamedaca.gov, jknnoxwhite@alamedaca.gov, tdaysog@alamedaca.gov, joddie@alamedaca.gov
Cc: lweisiger@alamedaca.gov, larry.goldzband@bcdca.gov, wilma.chan@acgov.org
Subject: Reconsider Marriott Residence Inn @ 2900 Harbor Bay Parkway

Dear Mayor and City Council Members:

We live on Harbor Bay Isle in the Cantamar development that abuts the Harbor Bay Business Park. When I moved into my home in 1997, I was well aware that the Harbor Bay Business Park and the Oakland Airport were my neighbors. Having lived in Alameda since 1985, I marveled at the positive growth and appeal many new projects have brought to our community. I have supported much of the growth immediately surrounding me until most recently.

This is only the second letter I've sent to the Mayor and City Council in 33 years of living in our community, and both have been to voice my concern and disagreement with decisions our City's Planning Board have made regarding the development of new hotels. I am pleased to say that one such project's approval was ultimately overturned. I am hopeful with your thoughtful consideration of the objections to the newly approved plans to build a Marriott Residence Inn at 2900 Harbor Bay Parkway, next to the Harbor Bay Ferry Terminal, your actions will result in overturning the Planning Board's decision to allow this type of building at this location.

Our objections may be consistent with others you have undoubtedly heard, but bare repeating:

- * Hotels bring crime - all you have to do is read the weekly police report in our local newspaper to see that there are numerous vehicle thefts and other illegal acts occurring at the existing hotels in Alameda. The proposed location of the Marriott Hotel is a desirable residential neighborhood which will quickly become less desirable when the hotel is built and crime increases in the area. This will result in lower home values.
- * A five story building is out of proportion to the surrounding residential structures, and those in the Business Park (with the exception of the high-rise addition that has been allowed at the existing Hampton Inn, on Harbor Bay Parkway.)
- * A five story building in the path of hundreds of airplanes daily is a security risk. Not only for the residents of such a hotel, should a plane misjudge its path or have an emergency, but also for the airplane and it's passengers who could be in even more danger from someone in the hotel taking aim at the plane, whether it be with a laser, drone or weapon - all of which could bring an airplane down.
- * The proposed setback for this oversized project is not in accordance with maintaining our beautiful coastline and access for all. We live near one of the few remaining areas of the bay where open space meets the bay and people can enjoy nature. The proposed building setback of only 35 feet will cut off easy Bay access and quickly become absorbed as part of the hotel property, much as has happened at the existing nearby hotels.
- * Added traffic, parking and congestion. As a daily commuter off of Harbor Bay Island, I can assure you 175 more hotel residents will only make our roads more congested. Traffic already backs up the whole length of Island Drive in peak commuting times - can you image just how long it will take to get off island with hundreds more vehicles? Similarity, parking for the Harbor Bay Ferry already spills out onto city streets and residential neighborhoods. I believe there will be inadequate parking for both commuters and the proposed hotel.
- * Outdated Environmental Impact Statement. How can such a substantial project not impact the environment. It is imperative that a current EIS be conducted so those impacts be evaluated, and not rely on a severely outdated EIS.
- * Is there really a need for more hotel rooms? We do not believe Alameda itself has such a high demand for hotel rooms that our community needs to develop yet another hotel. Just this week the Alameda Sun highlighted yet another hotel plan on Park Street that is up for review. The Hampton Inn on Harbor Bay Parkway is currently building an addition that looks to double it's capacity. There are already several exiting hotels both on Harbor Bay and on the main island.

I would ask you to seriously consider challenging this current hotel proposal and all future high-rise development that

I would ask you to seriously consider challenging the current hotel proposal and an future high-rise development that is not in the community's best interest.

Thank you,

Karen Armes & Donna Learn
Duarte Court
Harbor Bay Island, Alameda

From: Kalra, Jaidev jaidev.kalra@bcdcc.ca.gov
Subject: Fwd: BCDC Permit for Marriott Residence Inn , Alameda
Date: February 6, 2019 at 11:29 AM
To:



From: Patricia Lamborn <patricia.lamborn@aol.com>
Date: Tuesday, February 5, 2019 at 3:30 PM
To: "zwaserman@wendel.com" <zwaserman@wendel.com>, Anne Halsted <ahalsted@aol.com>, Mark Addiego <mark.addiego@ssf.net>, Eddie Ahn <eddie.ahn.bcdc@gmail.com>, Newsha Ajami <newsha.ajami@gmail.com>, Teresa Alvarado <talvarado@spur.org>, "iosharce.bcdc@gmail.com" <iosharce.bcdc@gmail.com>, Jesse Arreguin <JArreguin@cityofberkeley.info>, Rick Bottoms <Richard.M.Bottoms@usace.army.mil>, Jason Brush <brush.jason@epa.gov>, Thomas Butt <tom.butt@intres.com>, Wilma Chan <wilma.chan@acgov.org>, "chappell_jim@att.net" <chappell_jim@att.net>, Malia Cohen <malia.cohen@sfgov.org>, Damon Connolly <dconnolly@marincounty.org>, Dave Cortese <dave.cortese@bos.sccgov.org>, "Eckerle, Jenn@CNRA" <Jenn.Eckerle@resources.ca.gov>, Karen Finn <karen.finn@dof.ca.gov>, Katerina Galacatos <Katerina.Galacatos@usace.army.mil>, Marie Gilmore <melrgilmore@gmail.com>, John Gioia <john.gioia@bos.cccounty.us>, Federal Glover <district5@bos.cccounty.us>, Susan Gorin <susan.gorin@sonoma-county.org>, Carole Groom <cgroom@co.sanmateo.ca.us>, Dan Hillmer <dhillmer@cityoflarkspur.org>, Jeff Holzman <jholzman@google.com>, Jane Kim <jane.kim@sfgov.org>, "Jennifer.Lucchesi@sic.ca.gov" <Jennifer.Lucchesi@sic.ca.gov>, "McElhinney, Dan@DOT" <dan.mcelhinney@dot.ca.gov>, Jim McGrath <macmcgrath@comcast.net>, Barry Nelson - home <barrynelsonwws@gmail.com>, Sheri Pemberton <Sheri.Pemberton@slc.ca.gov>, Aaron Peskin <Aaron.Peskin@sfgov.org>, "dpine@co.sanmatio.ca.us" <dpine@co.sanmatio.ca.us>, David Rabbitt <David.Rabbitt@sonoma-county.org>, Belia Ramos <belia.ramos@countyofnapa.org>, Sanjay Ranchod <sranchod@tesla.com>, Sean Randolph <sean@bayareacouncil.org>, Greg Scharff <greg.scharff@cityofpaloalto.org>, Kathrin Sears <ksears@marincounty.org>, Patricia Showalter <Pat.Showalter@mountainview.gov>, Jim Spering <jimzspering@cs.com>, Tony Tavares <tony.tavares@dot.ca.gov>, Jill Techel <jtechel@cityofnapa.org>, John Vasquez <jmvasquez@solanocounty.com>, Brad Wagenknecht <brad.wagenknecht@countyofnapa.org>, Sam Ziegler <ziegler.sam@epa.gov>, Alex Zwissler <zwissler@comcast.net>
Cc: Larry Goldzband <larry.goldzband@bcdcc.ca.gov>, John Bowers <John.Bowers@bcdcc.ca.gov>
Subject: BCDC Permit for Marriott Residence Inn , Alameda

BCDC Commissioner R. Zachary Wasserman, Chair
BCDC Commissioner Anne Halsted, Vice Chair
All BCDC Commissioners and Delegates
Larry Goldzband, Executive Director BCDC
Steven Goldbeck, Chief Deputy Director BCDC

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102-7019

RE: Proposed Marriot Residence Inn, 2900 Harbor Bay Parkway, Harbor Bay Business Park, Alameda

Dear BCDC Commission Members, Delegates, and Staff,

My name is Pat Lamborn, I am a resident of Alameda and I am writing to ask that you require a BCDC permit for this proposed hotel development within BCDC's legal jurisdiction on the San Francisco Bay Shoreline in Alameda. The proposed hotel is for 172 rooms, 5 stories high with a requirement by the City of Alameda for 275 parking spaces. The Alameda Planning Board approved a 35 foot setback for the hotel from the public Shoreline Park. I've attached a picture of the parcel so that you see the path. Please envision a 5 story, pre fab hotel/motel 35 feet from that path as you walk by the Bay.

I believe the only legal path to safeguard BCDC's mandate to protect public access on the Bay is through a transparent public process that includes design review by your own experts – the BCDC Design Review Committee - and the public input during those public meetings and commission meetings approving major permits. This is a major, bay front project.

The BCDC Staff sent all of you a memo, on Dec. 21, 2018 concerning whether a permit can be required of the developer, Robert Leach, Harbor Bay Hospitality LLC. The memo states both a YES argument, permit required, and a NO argument- or maybe it's a MAYBE. I agree with the strong legal arguments I've quoted below. The staff cited arguments for permit exemption by Dan Reidy, HBIA's attorney. HBIA (Harbor Bay Isle Associates) was the former owner of the property. I did wonder, what is HIS legal standing in this? But then again, the staff effectively defeated his arguments. The sections of the memo that are crystal clear to me, and I hope to you, I quote below:

BCDC memo of Dec. 21, 2019

“Factors Favoring an Affirmative Answer to the Question of Whether Under the TSA Successors to HBIA Are Subject To the BCDC’s MPA Permit Authority. Proponents of the view that the TSA limits the applicability of an exemption from the BCDC's permit jurisdiction only to HBIA cite section 5 of the TSA, which provides as follows: **“5. No Modification of Jurisdiction:** This Third Amended Third Supplementary Agreement does not constitute modification or application of BCDC jurisdiction or controls as to any other party than HBIA.”

“3. BCDC Permits:” section 3 clearly states that the BCDC “will not require a permit *of HBIA* pursuant to [MPA] § 66632 for the private development...within the Shoreline Band at the Project, instead relying on this TSA...” (Emphasis added.) Thus, the permit exemption language of Section 3 of the TSA is clearly limited in its scope of applicability to HBIA as distinguished from successors to HBIA.

I thank the Commissioners for listening and for putting this on your agenda for Feb. 7th, 2019. I ask you to stay true to the permitting jurisdiction granted by the McAteer-Petris Act and to the agreements you've signed. Exempting a project of this magnitude from a permit, sets a dangerous precedent for the San Francisco Bay.

Sincerely,
Patricia Lamborn, Alameda Resident
patricia.lamborn@aol.com



From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Lack of traffic, environment study for Marriott hotel, Harbor Bay, Alameda, CA
Date: February 6, 2019 at 2:40 PM
To:



From: Hoa Tran <hoatransf@gmail.com>
Date: Tuesday, February 5, 2019 at 7:55 PM
To: Wilma Chan <wilma.chan@acgov.org>, Larry Goldzband <larry.goldzband@bcdc.ca.gov>
Subject: Lack of traffic, environment study for Marriott hotel, Harbor Bay, Alameda, CA

Link to photos/videos: <https://drive.google.com/drive/folders/1-1kVoKDFP0DIYFbfpoZnbi5J2LX2k3vy?usp=shari>

To: Wilma Chan, Alameda Commissionner for BCDC and Larry Goldzband, BCDC Executive Directore

From: Hoa Tran (Homeowner of 165 Bannister Way, Alameda, CA 94502)
Phone: 415-606-8038

Dear Mayor and Members,

I have been living in Harbor Bay since October 2014, and I take the ferry to work everyday. I am writing to appeal against the construction of the Marriott hotel. I do not support construction of Marriott hotel on Harbor Bay.

As someone who walks to / from the ferry terminal everyday, I see the volume of traffice of pedestrians, bikers, cars, publics buses, and private bus shuttles. Currently, I feel unsafe and am very cautious even when I cross the entrance of the ferry terminal (on Adelphian/Mecartney) and fully staying on the sidewalk the entire time.

I have not seen the city or the developer share any traffic study that would indicate how a Marriott hotel can cause more traffic due to more cars, more delivery trucks and more buses into a Marriott hotel. As a pedestrian, I would like to see such a studay and show that it will be safe for pedestrians and bicyclists (especially children and senior citizens), who all share the same walk and biking paths.

Please have the Developer prove their traffice study and share it with the public. Here are my photos and videos of that intersection as of 6.10pm today Feb 5, 2019: <https://drive.google.com/drive/folders/1-1kVoKDFP0DIYFbfpoZnbi5J2LX2k3vy?usp=sharing>

In addition, we have not seen recent environment study on the bayshore with the construction of a hotel of 5 stories and with a setback of only about 35 feet from Shoreline Park trails. We have also not seen any study on the impact on the ferry terminal with addition users to the terminal pier and waterfront.

Thank you.

From: Kalra, Jaidev jaidev.kalra@bcdcc.ca.gov
Subject: Fwd: Re. Marriott Hotel on the Shoreline near Ferry Terminal in Harbor Bay
Date: February 6, 2019 at 2:41 PM
To:



From: Olav Hovde <olav_hovde@yahoo.com>
Date: February 5, 2019 at 3:46:45 AM PST
To: "wilma.chan@acgov.org" <wilma.chan@acgov.org>, "larry.goldzband@bcdcc.ca.gov" <larry.goldzband@bcdcc.ca.gov>
Subject: Re. Marriott Hotel on the Shoreline near Ferry Terminal in Harbor Bay

Dear Madam and Sir,

My name is Olav Hovde, a resident of the Bay Colony and with this note, i would like to express my grave concern and a great deal of anxiety since when we suddenly found out about the intention to construct a 5 story hotel with 172 rooms and 275 parking spaces right on the shoreline and within a residential area.

During the open meeting at the Alameda City Development Board, which i attended, we were told there was no other option than approving this construction, that the 1974 developer's agreement bound/forced the city/county to approve any proposal not exceeding 100th in height and that BCDC had "no leg to stand on" in regards to this development. Much have changed along the bay in regards to environmental situation, attitudes and regulations since 1974 but in this case the city/county and developer have decided to ignore these new realities.

If we look at the proposed construction; the 5 story building - this is completely out of the norm for the Harbor Bay business park where the maximum height today is 3 stories. The 5 story building was pitched as an improvement because it would offer "viewing corridors" to the bay. This pitch is ignoring the fact that the hotel completely blocks any other view than the hotel itself even with these narrow "viewing corridors" which will be dwarfed by the hotel. Your eyes will inevitable to be drawn to the shear size of the hotel.

Furthermore, we were told this 4 1/2 star hotel (as claimed by developer but Residence Inns tend to be 3 stars at most and most often 1 star down from Hampton Inns which already looks fades, tired and worn) would be "an elegant addition" to the area with its "beautiful design". This is a pre-fab design, box/container like construction which offer very little in the sense of elegance and beauty but will rather make it look cheap and hurried, which will quickly become an eyesore on the bay for both residents and commuters alike.

Allowing this construction so close to the bay will create a worrisome precedent for the whole of the Bay Area shoreline which will quickly lead to other cities and counties approving similar construction on the bay "because Alameda did so and got it approved (by BCDC, be it implicitly or directly approved)". Just to add to this, the smaller Fairfield hotel, which would have been of the same style, albeit smaller, was rejected by the BCDC even though it was about the same distance from the bay and it was having less of an impact on the residential

distance from the bay and it was having less of an impact on the residential area, being further away "inside" the business park itself. This distance, 35ft, we were told that was only because the developer so graciously took upon himself to do as the 1974 agreement allowed them to build right on the Bay if they wanted to do so.

In the Development council's business case and justification for this proposal, it was mentioned up to \$1M in tax revenues annually but none of the costs associated with increased traffic, road maintenance, policing etc were taken into consideration, no new traffic study commissioned. They also suggested that the new "destination restaurant" would be an "upscale restaurant" and a "great upside". But, we know how hard it is to run restaurants outside "downtown" Alameda (Park Street and Webster) and this will be no exception.

Harbor Bay/Bay Farm ferry terminal is not a place where people will hang out for coffee and burgers, this is a place to "park and run" before work and after work. (have anyone on the council ever visited the ferry terminal in the morning and/or in the afternoon???) This restaurant building will be empty in a short time and end up being dilapidated within 3-5 years, windows taped over with "for rent" signs. Don't just evaluate business cases based on the inflow and upside, use the time to look at outflows/costs and do some sensitivity analysis and apply critical judgment too.

It was also suggested that the hotel would have excess parking that could be used (for a fee) by the commuters. But, if this hotel were to be the success that the council and developer (hard to distinguish the two entities in their glee and excitement about the project) claim, then it would be easy to see how hotel guests, conference/meeting attendees would soon encroach on the parking space at the ferry terminal, causing further pain to the commuters. But, on the other hand, the new Home2 Suites that is being built next to Hampton Inn (both by Hilton brands) should alleviate the need for hotel rooms in the area and with Raiders and VF/North Face moving out, the business case will change dramatically.

I understand the desires of the businesses in the area, such as Penumbra and Exilix, to have adequate hotels and facilities for business travelers, meetings etc, but there are areas within the business park better suited for this purpose such as the soon to be available Raiders facilities and the area across from the FritoLay Distribution Center.

In sum, this seems to be a short-sighted, over-hyped, under-planned project that will create some (small) short term benefits followed by long term pain inflicted upon the residents in the area as well as the city of Alameda.

Please do not accept this as a fait accompli but dig in, think twice, use your critical judgment, think about the long term consequences to the bay, to the city and to the residents, and you will see this is not a thoughtful winning prospect for anyone but the developer who will be out of there as soon as the hotel is

developed and the operations have changed hands. If we want to develop and maintain a sustainable Bay with a quality of life for our residents and tax payers, we have to consider our residents too and not just accommodate the business interests.

Cheers,

Olav Hovde
165 Bannister Way,
Alameda, CA 94502
olav_hovde@yahoo.com
(415)420-1905

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Marriott Harbor Bay
Date: February 6, 2019 at 2:41 PM
To:



From: Adrienne <homerun.teacher@comcast.net>
Date: February 6, 2019 at 12:10:21 PM PST
To: lgoldzband@bcdc.ca.gov
Subject: **Marriott Harbor Bay**

My husband and I are 30 years residents of Harbor Bay and welcome the addition of the Marriott Inn with all its amenities.

Our Alameda Planning board **unanimously approved** the project several weeks ago and last night, the Alameda City Council **voted down the appeal** of the project 4-1.

We urge BCDC **not** to consider the appeal of the project that is before the board this week.

We look forward to having the Marriott Residence Inn in our neighborhood with a **new restaurant, coffee shop, public plaza** and improved **access to the bike-pedestrian paths**.

Thank you,

Adrienne & Roger Alexander

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: I support the Marriott for Harbor Bay
Date: February 6, 2019 at 3:07 PM
To:



From: Lauren Daley <daleylauren@gmail.com>
Date: February 6, 2019 at 1:46:01 PM PST
To: larry.goldzband@bcdc.ca.gov, zwasserman@wendel.com
Subject: I support the Marriott for Harbor Bay

Dear Mr. Goldzband and Mr. Wasserman,

I'm emailing you to voice my support for the proposed Marriott hotel adjacent to the Harbor Bay Ferry Terminal. I am a resident of Harbor Bay and would love to have this new amenity to serve our resident community as well as the businesses in the business park.

The neighbors near this parcel will battle any proposed development, no matter what. In reality this piece of land was always intended for commercial use and our city badly needs the revenue. The project will only increase the public's enjoyment of the bay by providing needed improvements along this stretch of waterfront. I look forward to having my parents stay here, and enjoying a cup of coffee at the cafe, or a pleasant meal with my family. A hotel with these type of amenities can be enjoyed by so many in our community, and is a better fit than another big box office building, of which we have in abundance out in Harbor Bay.

Thank you for your time,
Lauren Daley

From: Kalra, Jaidev jaidev.kalra@bccdc.ca.gov
Subject: Fwd: Marriott Residence Inn
Date: February 6, 2019 at 3:08 PM
To:



From: Katie Edison <kedison@mac.com>
Date: February 6, 2019 at 2:41:36 PM PST
To: larry.goldzband@bccdc.ca.gov, zwasserman@wendel.com
Subject: Marriott Residence Inn

Hello

The Marriott hotel residence inn with 170 rooms on Shoreline Park Trail is to close to the Bay. There are so many family's in Alameda and surrounding area's that enjoy this magical place shoreline trail and park. With the hotel being with in 35 feet of the water and trail it will impose on people that the trail some how belongs to this hotel. Will this give the hotel rights to kick people of the trail?

Plus they plan on using cranes on the Bay waters to construct this structure. What will happen to the wild life and the bay waters durning the construction? Will this cut everyone off from being able to enjoy the Bay Waters and Shoreline Park? Have you considered any of this when you ok a permitted for them to build on this sight.

My 10 year old would like to know what will happen to the Owl that flies from that field to the trees to the rooftops of our houses in our neighborhood. When you take away one of they areas that is mostly his main food source.

Sent from my iPad

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Marriott Residence Inn
Date: February 6, 2019 at 3:08 PM
To:



From: Kathleen Schumacher <kathleen.schumacher@gmail.com>
Date: February 6, 2019 at 2:35:34 PM PST
To: larry.goldzband@bcdc.ca.gov
Subject: **Marriott Residence Inn**

To Larry Goldzband,

Please do not ignore the permit process in regard to the Marriott Residence Inn in Alameda! The hotel is too close to the Bay Trail.

Sincerely,
Kathleen Schumacher

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Please! Alameda is drowning in new buildings
Date: February 6, 2019 at 3:09 PM
To:



From: Paula Silver-Manno <paula@senalt.com>
Date: February 6, 2019 at 2:05:54 PM PST
To: larry.goldzband@bcdc.ca.gov
Subject: Please! Alameda is drowning in new buildings

Mr. Goldzband,

Alameda is totally impacted. There are way too many people for our Island town and driving anywhere takes longer than even a year ago. We do not want another Hotel. We already cannot manage what we have. Please respect the integrity of our City and those of us who have made our homes here.

Many of us do not support this proposal.

Respectfully,

Paula Silver-Manno

Paula Silver-Manno, MPH
Director of Community Relations

Senior Alternatives
Cell: 510-701-2831
Office: 510-482-3379

www.bayareaseniorcare.com

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Proposed Marriot Residence Inn, 2900 Harbor Bay Parkway, Harbor Bay Business Park, Alameda
Date: February 6, 2019 at 3:09 PM
To:



From: Brian Tremper <brian.g.tremper@gmail.com>
Date: February 6, 2019 at 2:31:47 PM PST
To: larry.goldzband@bcdc.ca.gov, zwasserman@wendel.com
Subject: Proposed Marriot Residence Inn, 2900 Harbor Bay Parkway, Harbor Bay Business Park, Alameda

BCDC Chair Zachary Wasserman
BCDC Commissioner Anne Halsted, Vice Chair
All BCDC Commissioners and Delegates
Larry Goldzband, Executive Director BCDC
Steven Goldbeck, Chief Deputy Director BCDC

Proposed Marriot Residence Inn, 2900 Harbor Bay Parkway, Harbor Bay Business Park, Alameda

Dear BCDC Commission Members, Delegates, and Staff,

I am writing this email to express my support for a full and complete BCDC permit process for the above listed development. This hotel will create a wall (the hotel) and a parking lot right on the Bay. It will overshadow the small narrow park in front of it that many people from all over the Bay Area now enjoy. Unfortunately the process in the City of Alameda has allowed for very little public input or investigation on how the project will impact the bay. Though the developer has said he had made many changes, they are mostly small and insignificant. The biggest problem with the project is that no one had taken a deep look into how the project will impact the bay and the public enjoyment of it.

I believe you are on strong legal grounds to conduct a full BCDC permit process. After three amendments to the TSA the successor owners were never included into the agreement.

Brian Tremper
Alameda Resident

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Proposed Marriot Residence Inn, 2900 Harbor Bay Parkway, Harbor Bay Business Park, Alameda
Date: February 6, 2019 at 3:09 PM
To:



From: Edward Sing <singtam168@att.net>
Date: February 6, 2019 at 2:11:21 PM PST
To: Zachary Wasserman <zwasserman@wendel.com>, "z.wasserman@wendel.com" <z.wasserman@wendel.com>, "larry.goldzband@bcdc.ca.gov" <larry.goldzband@bcdc.ca.gov>, Wilma Chan <wilma.chan@acgov.org>, "Brown, Dave, BOS Dist 3" <dave.brown@acgov.org>
Cc: Brian Tremper <brian.g.tremper@gmail.com>, Patricia Lamborn <patricia.lamborn@aol.com>, Donna Fletcher <ohprimadonna@gmail.com>
Subject: Proposed Marriot Residence Inn, 2900 Harbor Bay Parkway, Harbor Bay Business Park, Alameda

Dear BCDC Commission Members, Delegates, and Staff,

I am endorsing the email, below, which Patricia Lamborn sent to you earlier today, which supports BCDC conducting a full permit review process for the subject project. It is clear that the TSA applies only to the previous (original) owner (HBIA) and not to successor owners. Although Mr. Reidy has stated that it was the intention of the TSA to apply to successor owners, this specific requirement was never integrated into the TSA, even after 3 amendments to the TSA.

Conducting the full BCDC permit process brings into the process public input on the project, greatly needed as many residents and users of the shoreline have expressed great concerns regarding the impact of the project on our beautiful Bay shoreline. Any coordination to date between BCDC staff and the developer has been absent this much needed public input.

Reiterating Ms. Lamborn's conclusion, I thank the Commissioners for listening and for putting this on your agenda for Feb. 7th, 2019. I ask you to stay true to the permitting jurisdiction [and responsibility] granted [to BCDC] by the McAteer-Petris Act and to the agreements you've signed. Exempting a project of this magnitude from a permit, sets a dangerous precedent for the San Francisco Bay.

Ed Sing
Bay Farm Resident

FROM _ Patricia Lamborn

My name is Pat Lamborn, I am a resident of Alameda and I am writing to ask that you require a BCDC permit for this proposed hotel development within BCDC's legal jurisdiction on the San Francisco Bay Shoreline in Alameda. The proposed hotel is for 172 rooms. 5 stories high with a requirement by the City of

Alameda for 275 parking spaces. The Alameda Planning Board approved a 35 foot setback for the hotel from the public Shoreline Park. I've attached a picture of the parcel so that you see the path. Please envision a 5 story, pre fab hotel/motel 35 feet from that path as you walk by the Bay.

I believe the only legal path to safeguard BCDC's mandate to protect public access on the Bay is through a transparent public process that includes design review by your own experts – the BCDC Design Review Committee - and the public input during those public meetings and commission meetings approving major permits. This is a major, bay front project.

The BCDC Staff sent all of you a memo, on Dec. 21, 2018 concerning whether a permit can be required of the developer, Robert Leach, Harbor Bay Hospitality LLC. The memo states both a YES argument, permit required, and a NO argument- or maybe it's a MAYBE. I agree with the strong legal arguments I've quoted below. The staff cited arguments for permit exemption by Dan Reidy, HBIA's attorney. HBIA (Harbor Bay Isle Associates) was the former owner of the property. I did wonder, what is HIS legal standing in this? But then again, the staff effectively defeated his arguments. The sections of the memo that are crystal clear to me, and I hope to you, I quote below:

BCDC memo of Dec. 21, 2019

"Factors Favoring an Affirmative Answer to the Question of Whether Under the TSA Successors to HBIA Are Subject To the BCDC's MPA Permit Authority. Proponents of the view that the TSA limits the applicability of an exemption from the BCDC's permit jurisdiction only to HBIA cite section 5 of the TSA, which provides as follows: **"5. No Modification of Jurisdiction:** This Third Amended Third Supplementary Agreement does not constitute modification or application of BCDC jurisdiction or controls as to any other party than HBIA."

"3. BCDC Permits:" section 3 clearly states that the BCDC "will not require a permit of HBIA pursuant to [MPA] § 66632 for the private development...within the Shoreline Band at the Project, instead relying on this TSA...." (Emphasis added.) Thus, the permit exemption language of Section 3 of the TSA is clearly limited in its scope of applicability to HBIA as distinguished from successors to HBIA.

I thank the Commissioners for listening and for putting this on your agenda for Feb. 7th, 2019. I ask you to stay true to the permitting jurisdiction granted by the McAteer-Petris Act and to the agreements you've signed. Exempting a project of this magnitude from a permit, sets a dangerous precedent for the San Francisco Bay.

Sincerely,
Patricia Lamborn, Alameda Resident
patricia.lamborn@aol.com

From: Kalra, Jaidev jaidev.kalra@bcdcc.ca.gov
Subject: Fwd: 2900 Harbor Bay Parkway and Harbor Bay Settlement
Date: February 7, 2019 at 10:04 AM
To:



From: John Knox White <JknoxWhite@alamedaca.gov>
Date: Wednesday, February 6, 2019 at 10:35 PM
To: Zachary Wasserman <zwasserman@wendel.com>, "McCrea, Brad@BCDC" <brad.mccrea@bcdcc.ca.gov>, Marc Zeppetello <marc.zeppetello@bcdcc.ca.gov>, "Bowers, John@BCDC" <John.Bowers@bcdcc.ca.gov>
Cc: ANDREW THOMAS <ATHOMAS@alamedaca.gov>, Celena Chen <cchen@alamedacityattorney.org>, Dave Rudat <DRudat@alamedaca.gov>, Michael Roush <mroush@alamedacityattorney.org>, LARA WEISIGER <LWEISIGER@alamedaca.gov>
Subject: 2900 Harbor Bay Parkway and Harbor Bay Settlement

Chair Wasserman and BCDC staff,

Please find attached my letter regarding the issue of consistency in implementing BCDC's existing agreements. I ask that you please distribute the letter to the members of the Commission before the item 2900 Harbor Bay Parkway agenda item is heard.

I am not taking a position on the proposal for a hotel at 2900 Harbor Bay Drive, but there is an urgent and pressing need to ensure that municipalities can continue to count on BCDC to be a good faith partner in ensuring broad public access to the San Francisco Bay. This can only occur with BCDC living up to its past agreements, including the consistent implementation of them. A failure to do so casts all existing BCDC agreements into doubt as well as creates a two-tier approval process between past and future projects being built with the same legal environment. Such a future would make waterfront planning together unnecessarily difficult, even potentially adversarial, between cities and counties and the Commission. Such a future will not serve the public and only help those who look to make a buck at the expense of the public good.

It is with great respect that I submit my letter, I wholeheartedly support the work that the Commission does as it ensures a legacy of public access to the Bay for future generations.

Sincerely,

John Knox White
Vice Mayor, Alameda

510-277-2089



February 6, 2019

VIA E-MAIL

Chair Wasserman and Honorable Commissioners
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Re: 2900 Harbor Bay Parkway and Harbor Bay Settlement Agreement

Dear Chair Wasserman and Honorable Commissioners:

As the City of Alameda's Vice Mayor, and a strong advocate for protecting access to the shore in Alameda, I respectfully urge the Commission to honor the longstanding, good faith partnership between BCDC and the City of Alameda and continue its course of conduct to exempt projects covered by a settlement agreement from BCDC's permitting process. Both BCDC and Alameda have worked cooperatively over many decades to ensure maximum feasible public access for the citizens of the Bay Area throughout the City of Alameda. Our mutual success is the direct result of good communication and clear and consistent expectations and processes.

As it has for numerous other projects, the City of Alameda followed its practice of processing the discretionary approvals for a 172-room hotel and restaurant located in the Harbor Bay Business Park at 2900 Harbor Bay Parkway (Project) prior to BCDC approval. Following a robust public process, the Alameda Planning Board unanimously approved the Project, conditioned upon the applicant's verification of compliance with the settlement agreement and BCDC approval. The Planning Board's decision was appealed and subsequently upheld by the Alameda City Council, which again approved the Project over the objections of neighboring residents.

The Project is covered by a 1990 settlement agreement known as the Second Amendment to the Third Supplementary Agreement, which expressly exempts development covered by the agreement from the permitting process under the McAteer Petris Act and establishes an alternative development and public review process. The settlement agreement establishes requirements and standards and provides clear and consistent ground rules that apply to all development covered by the agreement. In compliance with the settlement agreement, BCDC has for decades followed the same approach and exempted private development from its permitting requirements when these projects are

generally consistent with the plans that were put forward to BCDC when these agreements were approved.

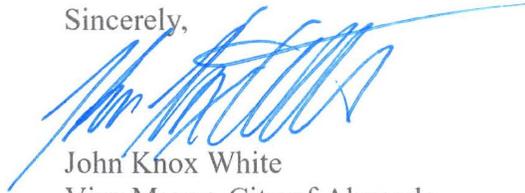
The Commission is now being asked by a number of Alameda residents to change BCDC's implementation of the settlement agreement, contrary to its legal obligations and decades of practice. To agree to an entirely different course of action at this time when the settlement agreement language remains the same calls into question all existing agreements, and certainly prevents development from being successful.

I respectfully ask that BCDC maintain its precedent for the following reasons:

1. Cities like Alameda depend on consistent and clear regulations by other local and regional agencies, like BCDC. Regional agencies cannot and should not change or reinterpret the regulatory requirements simply due to political pressure from interest groups. The economic health of the region depends on consistent and fair discretionary review processes for new development by local agencies, as well as regional agencies, including BCDC. Deviation from this practice raises concerns for localities that must process all planning work and discretionary approvals in advance of BCDC's determination, which necessarily involves hundreds of staff hours.
2. BCDC entered into the settlement agreement to avoid litigation, and its violation of the terms of the settlement agreement will in all likelihood result in new litigation. There is no reason why this Project should be subject to new and different permitting requirements than those established in the settlement agreement despite being consistent with the plans that were put forward to BCDC.
3. If BCDC takes the position that the settlement agreement applies only to property owned by HBIA, then BCDC must acknowledge that the settlement agreement applies to very few properties at all, since HBIA has sold or is selling all of its property assets, rendering the settlement agreement essentially meaningless. For example, provisions in the settlement agreement that prevent parking on Harbor Bay Parkway would only apply to HBIA, yet Harbor Bay Parkway is not owned by HBIA.
4. If BCDC takes the position that the Settlement Agreement applies to only property owned by HBIA, then BCDC must explain why it did not require permits for hundreds of properties within the 100 foot band at Harbor Bay for the last several decades. Are all of those residential and commercial properties now in need of permits? Are they now in violation of BCDC's obligation to review all development within the 100 foot band?
5. If BCDC deviates from its longstanding interpretation, all past agreements and any future agreements entered into by BCDC will be called into question. Development cannot be successful if local and regional agencies change the rules mid-stream and do not in good faith honor their longstanding requirements and standards due to political pressure from local residents who participated at local public hearings but were unsuccessful in halting a project at the local level.

Please stand behind the commitments described in the settlement agreement and the longstanding course of action taken by BCDC staff to faithfully implement that agreement. BCDC staff has determined that the proposed hotel is consistent with the terms of the settlement agreement. Now is not the time to walk away from that precedent.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Knox White", with a long horizontal flourish extending to the right.

John Knox White
Vice Mayor, City of Alameda

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: Hotel on Harbor Bay
Date: February 7, 2019 at 10:05 AM
To:

JK

From: Mary Foss <outlook_85E4595818C5EBC8@outlook.com>
Date: February 6, 2019 at 4:48:34 PM PST
To: "larry.goldzband@bcdc.ca.gov" <larry.goldzband@bcdc.ca.gov>
Cc: "myfoss718@sbcglobal.net" <myfoss718@sbcglobal.net>
Subject: Hotel on Harbor Bay

I live where the traffic to build this hotel, and the visitors to it will cause noise and pollution for our homes.

We bought our homes for the PEACE and sanctity of Harbor Bay. The proposal to build this is out of line. WE do not need any more traffic, and noise for our beautiful area.

Have you tried to leave this area in the morning/ Or come home in the evening? The traffic is lined up by hundreds of cars.

I cannot believe anyone that lives here would approve of this.

Mary Foss
122 Sweet Road, Alameda, Ca. 94502

From: Kalra, Jaidev jaidev.kalra@bcdc.ca.gov
Subject: Fwd: FEBRUARY 7TH, 2019 BCDC (Bay Conservation and Development Commission) Alameda Marriott Permit Review
Date: February 7, 2019 at 10:06 AM
To:



From: Cathy Leong <gocathyl@gmail.com>
Date: February 6, 2019 at 5:02:37 PM PST
To: wilma.chan@acgov.org, larry.goldzband@bcdc.ca.gov, zwasserman@wendel.com
Subject: FEBRUARY 7TH, 2019 BCDC (Bay Conservation and Development Commission) Alameda Marriott Permit Review

Dear Exec Director, Commission Chair, Honorable Ms Chan

Update: The Marriott Residence Inn- 172 rooms, 5 stories, 35 feet setback from Shoreline Park trail:

The hotel design and set back was approved by the Alameda Planning Board Dec. 10th 2018 and City Council upheld the Board's decision last nite, Feb 5th.2019. Council members and Planning Staff accepted a few initial suggestions and with that, gave City staff and the Planning BOD "direction" as to some possible mitigation, including but not limited to: working with the Alameda Community of a very open manor to create a much better overall, to see that additional set back from the Bay in incorporated. This was in response to the community outrage and concern about the bulk of this pre-fab box on the bay. And how it will encroach on the Bay but also remove the Hillside views.

But the concern is these may be empty promises as they could dismissed if no further help / guidance from you is supplied.

Your permitting process has power and garners respect. There are many who are asking BCDC not to give it up as it could easily open up the possibility that future developers may take advantage our Bay.

I hear the Sierra Club and Save the Bay have sent letters supporting the request for a BCDC permit process for this hotel project.

We look to our leaders, such as yourselves, for responsible actions. Thank you in advance.
Cathy Leong 32 year Alameda/Harbor Bay Resident and Concerned Citizen

On Mon, Feb 4, 2019 at 11:52 AM Cathy Leong <gocathyl@gmail.com> wrote:
Honorable Commissioner & Executive Director;

Thank you for agreeing to add the review of permitting requirements for the proposed Marriott Hotel on the Shoreline near Ferry Terminal in Harbor Bay - 5 stories, 172 rooms, 275 parking spaces

Many in our community maintain a review/changes are necessary considering all the major changes to this area since a permit was last run, more traffic, much less open space for wildlife,
These points of contention are non-starters and need to be reviewed/changed:

- 1.Design- it's a pre-fab modular box
2. Height- 5 stories, 72 feet high right on the Bay (WAY too large)
3. Setback- only 35 foot setback from Shoreline Park Trails- the same as a two story office building and this is SO much larger.
4. Inadequate traffic/parking studies (my how things have changed since 1987).
5. No new Environmental Impact Report (EIR) approval relied on an EIR from 1974, last updated in 1987.

Of concern also is how is it allowed to build this massive a structure when (example) Ascend Communications was built it was NOT ALLOWED to go more that TWO STORIES due to earthquake concerns. Living on Bay Farm/Harbor Bay during the 1989 quake, we witnessed serious liquefaction then. What happens now?

It would seem, design mitigation to the structure and surroundings can help minimize, to the extent possible, these major impacts to our shoreline as well as to the neighboring commercial and residential properties as to what works best for sustainability of life in Alameda. All things considered, that is how thoughtful government works. Besides, once this is built, there is no going back...what little open space left in Alameda will be gone. Sad legacy...

Thanks for caring about our Shoreline and wildlife.
Submitted respectfully, Cathy Leong Harbor Bay Resident and Active Community Supporter.

From: Kalra, Jaidev jaidev.kalra@bcdca.gov
Subject: Fwd: Proposed Marriott Hotel in Alameda
Date: February 7, 2019 at 10:06 AM
To:



Dear Exec Director, Commission Chair, Honorable Ms Chan

Helen Simpson
307 Capetown Drive
Alameda

Update: The Marriott Residence Inn- 172 rooms, 5 stories, 35 feet setback from Shoreline Park trail:

The hotel design and set back was approved by the Alameda Planning Board Dec. 10th 2018 and City Council upheld the Board's decision last nite, Feb 5th.2019.

Council members and Planning Staff accepted a few initial suggestions and with that, gave City staff and the Planning BOD "direction" as to some possible mitigation, including but not limited to:

working with the Alameda Community of a very open manor to create a much better overall, to see that additional set back from the Bay in incorporated. This was in response to the community outrage and concern about the bulk of this pre-fab box on the bay. And how it will encroach on the Bay but also remove the Hillside views.

But the concern is these may be empty promises as they could dismissed if no further help / guidance from you is supplied.

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I hear the Sierra Club and Save the Bay have sent letters supporting the request for a BCDC permit process for this hotel project.

We look to our leaders, such as yourselves, for responsible actions. Thank you in advance.

From: Kalra, Jaidev jaidev.kalra@bcdca.gov
Subject: Fwd: The Marriott Residence Inn - Shoreline Park Trail Alameda
Date: February 7, 2019 at 10:07 AM
To:



From: Erin Geiman <erin.t.sugiyama@gmail.com>
Date: February 6, 2019 at 10:35:48 PM PST
To: larry.goldzband@bcdca.gov, zwasserman@wendel.com
Subject: The Marriott Residence Inn - Shoreline Park Trail Alameda

Dear Executive director and commissioner chair,

Please protect the Shoreline Park Trail proposed to be destroyed by a massive hotel. Big business and greed motivated this hasty and unethical decision made by greedy developers. Both the Alameda planning board and city council approved this build with no current environmental studies. I've personally seen animals in this area and they deny any life on this property. Please HELP us save the shoreline.

- Erin Sugiyama