

March 3, 2014

TO: Andrew Thomas, City Planner
David Burton, President, Planning Board
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

FROM: Harbor Bay Neighbors

RE: Proposed Harbor Bay Residential and Athletic Club Project

On behalf of the 860+ members of Harbor Bay Neighbors, the undersigned request that the Planning Board and City Staff schedule a public hearing immediately to deny the applications by Harbor Bay Isle Associates (HBIA) to:

- a) rezone the current Harbor Bay Club property for housing or a hotel/conference center
- b) remove the Club from its existing location within the master planned community and build a new Club at Harbor Bay Business Park.

We request the hearing to deny the rezoning on the grounds that the Planning Board and City Council have sufficient information *now* to determine that the proposals do not meet the City's stated requirements to justify a change in zoning or a change in the City General Plan.

In order to approve a change to the General Plan and Zoning Ordinance, the City Council ***must find that the proposal meets all four of the following criteria:***

- that the proposal is in the ***best interests of the community,***
- that the proposal ***supports the general welfare of the community,***
- that the proposal ***maintains the integrity of the General Plan,***
- ***and*** that the proposal ***is equitable.***

At the requested public hearing our community members will demonstrate to the Planning Board that the proposed projects are *not in the public benefit, are contrary to the General Plan, are inequitable to Alameda citizens, and are detrimental to the general welfare of the community.*

Summary of grounds for denial of the HBIA projects:

- 1. THE CITY HAS CONCLUDED THAT IT DOES NOT NEED MORE HOUSING INVENTORY.** The City of Alameda has satisfied the housing element of its General Plan, and in July 2012, the State of California certified that the City of Alameda is in compliance with requirements to provide adequate housing for its community. This fact will be substantiated again in the City's updated housing element for 2014-2022 just released last week. ***Rezoning the Harbor Bay Club property for housing would be contrary to the City's stated housing needs and guiding housing policy documents.***

Changing zoning of the Harbor Bay Club property to entitle additional housing development on a high-density cul de sac, would not only perpetuate an imbalance between commercial and residential land use in Alameda and undermine the integrity of the General Plan, but would inequitably favor the interests of the developer over the general welfare and interests of the community.

2. **MOVING THE CLUB TO THE BUSINESS PARK SITE REDUCES OPPORTUNITIES FOR JOB GROWTH.** The Harbor Bay Business Park parcel is zoned “commercial,” and when fully-developed, will result in the creation of new, long-term jobs for Alamedans, as well as more local tax dollars than housing generates. ***Shifting existing Club jobs to the Business Park has no net effect on job growth and in fact reduces the opportunity for job growth in the Harbor Bay Business Park.*** The City of Alameda is already struggling to create a healthy balance between jobs and housing. (A recent staff report at the February 10 Planning Board meeting showed that, of Alameda County cities, only the City of Piedmont has a lower ratio of jobs to housing.)

It is not in the general welfare of the community for the City to approve a project that reduces job growth and reduces City funding.

3. **CONVERTING A COMMUNITY ASSET TO DEVELOPER ENTITLEMENT.** The developer’s assertion that he is “entitled” to build more homes in the master planned Community of Harbor Bay Isle is erroneous and has no legal standing. The City does not have an obligation to “create” residential land within a *completed* Planned Unit Development (PUD). This assertion was legally resolved in the October 9, 2007 settlement between the City of Alameda and HBIA.

This third attempt by HBIA to convert (rezone) land within the Community of Harbor Bay Isle and the Harbor Bay Business Park for residential use should be seen for what it is, a transparent attempt to increase the value of the land for personal gain, while *removing a 35+ year asset from the community it was designed to serve.* Clearly this would *not be equitable* to the residents of the Harbor Bay Isle PUD. Additionally, removing the Club from its current location *violates homeowner’s property rights* to a recreational facility within the Community of Harbor Bay Isle. Historical documents reveal that HBIA was allowed to build additional homes on Harbor Bay acreage originally designated as recreation space. The City of Alameda granted HBIA the right to swap 44 acres for a 10-acre Harbor Bay Club under the provision that ***“the purpose of the Harbor Bay Club is and shall continue to be to provide quality recreation facilities for the residents of Harbor Bay Isle residential development.”***

Rezoning the Harbor Bay Club property ignores previous legal settlements, is inequitable to the residents of Harbor Bay Isle PUD, and undermines community interests and protections in favor of HBIA interests.

4. **VIOLATION OF A PLANNED UNIT DEVELOPMENT.** The Community of Harbor Bay Isle was designed and approved by the City as a PUD, which provides the City with all the advantages associated with a long-term land use plan, and protects buyers/residents from encroachment. Rezoning a completed PUD—requiring changes to the General Plan,

Zoning Ordinance, and Harbor Bay Master Plan—in order to remove a needed community amenity harms the community and undermines the integrity of the General Plan because:

- **Rezoning the HBC property is contrary to the very concept of a PUD**, which is to provide a long-term land use plan with a known balance of residential, commercial and recreational land use. Changing a PUD after completion upsets this balance.
- **Rezoning the HBC property sets a dangerous precedent for PUDs in the City.** Violating the sanctity of an existing PUD will make it more difficult to successfully negotiate the development of Alameda Point. Additionally, owners of similar properties, such as Harbor Bay Landing (the sole shopping center on Bay Farm Island) may decide to raze their commercial properties because they can make more money by building houses. The City should not support removing needed community amenities to satisfy a developer with unreasonable demands.
- **Rezoning the HBC property is inequitable to residents who purchased homes at Harbor Bay Isle** because the very purpose of a PUD is to provide security against encroachment. *A breach of contract by the City may constitute fraud and will likely result in protracted legal action initiated by homeowners who were misled when buying their homes.*

For the City to promote the advantages of a PUD and then violate its sanctity is *not equitable to its citizens, does not support the general welfare of the community, and does not serve the City's best interest.*

5. **UNIQUE RELATIONSHIP PLANNED BETWEEN HARBOR BAY CLUB AND CENTRE COURT.** Centre Court has an integral design relationship with the Harbor Bay Club, one which was created and promoted by the very same developer who is threatening to destroy it. At the very center of Centre Court is a large common area that leads to residents-only access to the Harbor Bay Club. In addition, the Club's tennis courts are lined up with the entire southern edge of Centre Court, forming tennis court and open space views. ***This direct relationship with the Harbor Bay Club is a primary feature and key selling point of Centre Court.***

Removing the Harbor Bay Club from its current site would affect property values for the 112 homes at Centre Court and would therefore be inequitable to the 112 homeowners who were guaranteed the protections of the PUD when they purchased their homes.

6. **“ALTERNATIVE” PROPOSAL DEFIES COMMON SENSE.** HBIA's alternative proposal for the existing Club property is for a 212-room hotel and conference center with 11 buildings and an 8,000 sq. ft. restaurant/banquet hall. ***This “alternative” is grossly inappropriate for the existing Club parcel under any conceivable scenario and defies common sense.*** A transient population yards from a large elementary school would create a public nuisance, and is vehemently opposed by Alameda citizens. Additionally, it would require a change in the land use designation in the General Plan. *Alameda citizens unanimously and vehemently oppose the proposal for a hotel/conference center at the current Club site.*

HBIA's alternative proposal is *not in the best interest of the community and undermines the City's General Plan for the Harbor Bay Isle PUD*. Further consideration of this alternative proposal would be a waste of valuable City resources.

7. **SQUANDERING CITY AND COMMUNITY RESOURCES.** Proceeding further with HBIA's ill-conceived proposals will result in a massive waste of City resources on public hearings; community communications; proposed changes in the General Plan, Zoning Ordinance, and the Harbor Bay Isle Master Plan; potential homeowner litigation; and associated legal costs. Furthermore, there is ***no overriding economic consideration that would justify continuing with HBIA's proposals***. The City has serious, critical issues regarding important developments that require their full attention and will provide a real benefit to the City and its citizens such as development of Alameda Point and waterfront areas, focus on jobs and employment, and attention to sea-level rise. *It is not in the best interest of the community for City resources to be wasted on an ill-conceived plan that clearly offers no public benefit.*

SUPPORT FOR IMPROVEMENTS TO THE HARBOR BAY CLUB. Harbor Bay Neighbors supports the improvement of the Harbor Bay Club on its current site. Many of us are members of the Harbor Bay Club and have witnessed its calculated decline. ***If HBIA were to propose improvements to Harbor Bay Club at its current location*** (within the PUD of Harbor Bay Isle *with easy access for those residents it is specifically designated to serve*), ***Harbor Bay Neighbors would enthusiastically support the proposal***, subject to a collaborative plan/design review process.

SUMMARY. *Neither the rezoning application for houses, nor a hotel/conference center on the current Club parcel is in the best interest of the public; nor do they meet the requirements for justifying a change in the Zoning Ordinance AND a change to the City General Plan.*

We believe the Planning Board, the City Council, and their staffs have enough information to make a decision **now** to deny this application without delay.

We respectfully request that the Planning Board immediately ***schedule a public hearing at a special meeting on Monday, April 7, 2014***, to deny the application submitted by Harbor Bay Isle Associates and that the City Council uphold the denial.

Thank you for your thoughtful consideration of our request.

Harbor Bay Neighbors Working Group:

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cc: *Planning Board Members:* Dania Alvarez-Morrone, Mike Henneberry, Kristoffer Köster, Stanley Tang, John Knox White, Lorre Zuppan; *Mayor Marie Gilmore and City Councilmembers:* Vice Mayor Marilyn Ezzy Ashcraft, Stewart Chen, Tony Daysog, Lena Tam