San Francisco Bay Conservation and Development Commission
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February 24, 2017

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
Sharon Louie, Director, Administrative & Technology Services (415/352-3638; sharon.louie@bcdc.ca.gov)

SUBJECT: Draft Minutes of February 16, 2017 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, First Floor, San Francisco, California at 1:07 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Addiego, Butt, Chan (Represented by Alternate Gilmore), Cortese (represented by Alternate Scharff) DeLaRosa, Gibbs (arrived at 1:15 p.m.), Gorin (arrived at 1:18 p.m.), Kim (arrived at 1:16 p.m.), Lucchesi, McGrath, Nelson, Sartipi (represented by Alternate McElhinney), Sears, Showalter (arrived at 1:10 p.m.), Spering (represented by Alternate Vasquez), Techel and Wagenknecht.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Department of Finance (Finn), Contra Costa County (Gioia), Governor (Randolph, Zwissler), U.S. Army Corps of Engineers (Hicks), San Mateo County (Pine) and U.S. Environmental Protection Agency (Ziegler).

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda.

Chair Wasserman called for public comment on subjects that were not on the agenda.

Mr. Steve K. Cooper addressed the Commission: I am here to speak about Alameda Marina. I live nearby and there is a move to develop the whole place into something it is not. They want to turn into something like a Mission Bay. It is a hub right now for a lot of marine activities that have been eliminated in other parts of the Bay. I hope the Commission can look at Alameda Marina for the help it gives to maritime businesses instead of just more restaurants.

Ms. Betty Kwan was recognized: I am from the Bay Planning Coalition. I am here to make an announcement about an expert briefing that we have on March 9th developed by our Marinas and Boatyards Committee. The briefing is to talk about the industry trends as well as impacts of the recreational boating community in the San Francisco Bay Area region. In addition to that we will have two expert panels; one will be on copper regulation and another on abandoned and

derelict vessels. Again, the event is on March 9th at Brickyard Cove Marina in Point Richmond. I will leave some flyers at the front.

Ms. Amy Rose commented: I live one half-block from the Alameda Marina. This project is related to Bay conservation and development. It is going to be a massive development that will raze most of the historic working marina to put in over 600 housing units up to five stories high and to evict many of its thriving businesses.

The project includes a tidelands zone where the boat slips will be saved but construction activity there could disturb the wildlife.

My main concern is that a world-renowned maritime business, Stewart Marine that is being threatened with imminent eviction despite earlier promises from the developer to save the many maritime businesses that need estuary access. This business has been here for 25 years designing and making submersible vehicles that can perform research, sampling and repairs in almost any body of water. This company can do so much good for the Bay and I do not have any connection to them other than being a friend and finding their work fascinating. It is one of the most exciting scientific companies in Alameda yet Bill Poland the rich developer from Marine is threatening to evict at any time.

The developer did not offer them any lease so it is harder for them to get contracts which hurts their cash flow. The developer has not offered any of the businesses relocation assistance. The city of Alameda has offered to help evicted businesses but so far there is nothing suitable for this company because they need the big warehouse space for their cranes and their subs.

So please take a closer look at this project while the developer is writing his EIR.

Chair Wasserman moved to Approval of the Minutes.

4. **Approval of Minutes of the December 15, 2016 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of January 19, 2016.

MOTION: Commissioner Scharff moved approval of the Minutes, seconded by Vice Chair Halsted.

VOTE: The motion carried with a vote of 18-0-1 with Commissioners Addiego, Butt, Gilmore, Scharff, DeLaRosa, Gibbs, Gorin, Kim, Lucchesi, McGrath, Nelson, McElhinney, Sears, Vasquez, Techel, Wagenknecht, Vice Chair Halsted and Chair Wasserman voting, “YES”, no “NO”, votes and Commissioner Showalter abstaining.

5. **Report of the Chair.** Chair Wasserman reported on the following:

a. New Commissioners. Chair Wasserman continued: I want to welcome and introduce two new Commissioners. The Association of Bay Area Governments has selected Mayor Tom Butt of Richmond as ABAG’s East Bay representative on BCDC. Mayor Butt is new as a Commissioner instead of as an Alternate. He is not new to us or to this body because he has served as an Alternate and has participated frequently with us. The San Leandro Mayor Pauline Russo-Cutter is Mayor Butt’s Alternate.

I am also pleased to let you know that ABAG has at long last filled the South Bay seat by selecting Mountain View Council Member Pat Showalter as a Commissioner. Welcome Pat. (Applause)

Staff is planning to hold a new Commissioner and Alternate orientation prior to our March 16th meeting. All Commissioners and Alternates will be invited.

b. **Bay Fill Polices Workgroup.** I would now request that Commissioner Nelson give us a brief account of the Bay Fill Policies Workgroup meeting that was held earlier today.

Commissioner Nelson reported the following: Our Work Group held a discussion to synthesize the many briefing we have received over the last two years from a wide variety of stakeholders. We are pulling that information together in preparation for the first Commission workshop that will address ways in which we are likely to need to amend our Bay Plan and policies. That first workshop will be in April and we will continue next month of efforts to finalize preparations for that Commission workshop.

c. **Next BCDC Meeting.** At our March 2nd meeting, we will hold a public workshop here in the Yerba Buena room on updating our Strategic Plan.

I do not know if we will be able to learn enough from the significant lesson we have learned in the last few weeks with Highway 37; a very major transportation artery in the North Bay where the rains have closed it for a very significant amount of time. If you can, visualize it closed and now visualize base sea level rise; let's call it a foot and a half higher, and think about how long that would have been closed with this kind of rain.

Whether it is from rain or storm surge or high tide and king tide, that level of increase in the base sea level is going to increasingly cause very significant disruptions in our traffic, our ability to move at all, in our utilities and in our daily lives although most of the time we can ignore it and pretend it is not going to happen.

We are hosting the first of a new series of working groups, this one on financing the future. This is related to our campaign on what we can do, what we should do and how we are going to pay for it. This is the next wave of workshops to get us to the point where we can actually make some very significant changes and start and improving and protecting our natural and our built environment from what we know is going to happen. We envision about an 18 month process.

d. **Ex-Parte Communications.** If anyone wants to report an ex-parte communication keeping in mind you do need to do that in writing regardless of whether you report it here and you only need to do it about appeals, adjudicatory matters – not legislative and policy matters, although you can do that too if you want to. Anyone who wishes to do so?

Vice Chair Halsted commented: Point of order. The various emails with regard to the next matter on the Agenda that the whole Commission has received probably do not need to be reported.

Deputy Attorney General Tiedemann spoke: The mail should be made a part of the administrative record and members of the public should have access to those emails.

Executive Director Goldzband added: My suggestion is that Vice Chair Halsted forward every single email you received to me and I will make sure that it is a part of the record.

Vice Chair Halsted replied: To the best of my ability I will do that.

Commissioner Gibbs reported: I did have a phone conversation with the representatives of the applicant for the hotel.

Chair Wasserman continued: Larry Goldzband will now present the Executive Director's report.

e. **Executive Director's Report.** Chair Wasserman continued: Larry Goldzband will now present the Executive Director's report.

6. Report of the Executive Director. Executive Director Goldzband reported:

During the past four days we have worn sunglasses, played tag on our lawns and remembered how much we enjoyed life outdoors before the atmospheric rivers were unleashed. And while we think constantly of those who have been hurt or displaced by the vast amounts of rain that we've experienced in such a short time we also need to be thankful for it and take advantage of the opportunity it affords us. We need to prepare for a consistently and constantly changing relationship with water, whether it comes from the side, from below or from above. As the great Roger Miller, the King of the Road, used to say, "Some people walk in the rain, and others just get wet." We prefer the former.

Spending totals are in and we're close to closing the second quarter. We haven't quite finalized it but we are on our way. I am very happy to let you know that we have promoted Lindy Lowe, our Chief Planner, to a Career Executive Assignment position (commonly known as a CEA position). That signals that our Planning Unit is being led by an individual classified in the topmost segment of the State's civil service system. Next up for us will be to reclassify the head of our Administrative unit, Sharon Louie.

I want to let you know of two emergency permits that Chair Wasserman has approved during the past couple of days.

The first request, from the California Department of Fish and Wildlife last week was to authorize CDFW to make further emergency repairs to its levee system in Novato at the same Burdell Unit of the Petaluma Marshes Wildlife Area on which CDFW worked last month. The levee breach occurred during yet another extreme high tide event during which water overtopped the system and had to be closed so that brackish water would be prevented from flowing into and affecting a freshwater wetland located behind the levee. CDFW is working with Jaime Michaels of your staff to complete and submit a permit application for the work and receive a formal permit with conditions.

The second emergency permit request arrived last Friday from the U.S. Army Corps of Engineers. The Corps let us know of its intent to issue an emergency permit to authorize emergency repairs of the levee around the Sunrise Duck Club located in Suisun Marsh in Solano County. The levee around the island has overtopped in eight different areas and requires approximately 2,235 linear feet of needed repairs to prevent flooding at the duck club. While the levee has not been breached, the club needed to begin repairs while the sun was shining.

Consistent with BCDC's emergency marsh development permit practices, the Sunrise Duck Club is working with the Commission staff to complete and submit a marsh development permit application for the work and will receive a formal permit with conditions.

One bit of good news. You will remember that Commissioner Gioia asked that BCDC's ART Program staff brief the five petroleum refineries in the East Bay on the results of the Program's Contra Costa project in order that they may become more familiar with ART and perhaps even participate in it. That will occur later this month thanks to our good colleagues at the Western States Petroleum Association.

I want to point out a few things in your packets. First is the meeting notice that, immediately following this meeting; "Financing the Future Workgroup" will meet. You are all invited to participate. Second, our coalition that has successfully advocated on behalf of increased beneficial reuse of dredged materials has requested that our elected representatives, led by Senators Feinstein and Harris and Representatives Denham and Garamendi, organize a Bay Area delegation effort to ensure that one of the ten beneficial reuse pilot projects to be organized nationwide by the U.S. Army Corps of Engineers be located in the Bay Area. In your packet you will find letters to those elected officials and to the Corps requesting just that, along with a blog post from *Scientific American* describing the Corps' new authorizing legislation that includes the pilot project. We are working hard to make sure that the Bay Area is actually one of those ten. We Steve Goldbeck, Marc Zeppetello and I are in Washington a week after next we will be lobbying on your behalf.

Third, we fully hope and expect that each of you and each of your Alternates will be here in two weeks in this room in order that you can work hard with members of the public and our staff to revise our Strategic Plan. We had a solid kick-off event with our staff and our consultants last Monday and you will find it very stimulating, a bit difficult and very thought provoking. We shall be inviting both you and your Alternate and we certainly hope that you will be here.

Oh, finally, I do have one more announcement. Your FPPC Form 700s are due on April 1, 2017.

7. Consideration of Administrative Matters. Chair Wasserman announced: That brings us to Administrative Matters. We have received a copy of administrative actions. Jaime Michaels is here to answer any questions any of you may. (No comments were voiced)

That brings us to Item 8 and I am going to yield the gavel to Vice Chair Halsted because I am recused on this matter. (Chair Wasserman exited the room)

8. Possible Public Hearing and Vote on Daxa Patel's Application for BCDC Permit Application No. 2016.003.00 for Construction of a Hotel and Parking Structure Located at 2350 Harbor Bay Parkway, in the City of Alameda, Alameda County

Acting Chair Halsted announced: Item 8 is a proposed public hearing and vote on the proposed Harbor Bay Hotel. Jhon Arbelaez-Novak will introduce the project.

Permit Analyst Arbelaez-Novak addressed the Commission: On August 4, 2016 the Commission opened and closed a public hearing for the proposed project. On August 10, 2016 the applicant temporarily withdrew the application from Commission consideration and

extended the time in which the Commission could act on the application through February 27, 2017. During that time the hotel project was revised. Because of the amount of time that has transpired since the public hearing and the revisions to the project, the staff recommends the Commission reopen the public hearing.

On February 10th you were mailed the staff recommendation on the subject permit application to build a 98-room, four- story hotel and improve and construct public access space within the Commission's 100 foot shoreline band jurisdiction on Harbor Bay Island.

I will present how the project design has been revised since it was first reviewed by the Design Review Board on May 9, 2016 and presented to the Commission on August 4, 2016 and today.

On May 9, 2016 the Commission's Design Review Board reviewed the proposed project. At the time the project included an approximately 18,350 square foot, five-story, 100-room hotel with an adjacent enclosed parking structure and 82 parking onsite parking spaces. The building was located approximately 25 feet from the shoreline and immediately next to the property line.

At that meeting the DRB advised the project proponent and Commission staff that the overall massing and layout of the project dominated the relatively small site. The DRB advised the project proponent to remove parking spaces and relocate the hotel farther from the shoreline in the direction of Harbor Bay Parkway. They also recommended that the project move the bike path to the shoreline area to make the site more welcoming for the public, relocate an enclosed public pathway on the south side of the building and return to the DRB for further review.

Following that DRB meeting Commission staff worked with the applicant to incorporate the advice of the DRB. Changes to the project included moving the bicycle path to the shoreline, reducing the overall size of the building and moving the building farther away from the shoreline to approximately 40 feet.

On August 10, 2016 the applicant temporarily withdrew the permit application from Commission consideration and extended the time in which the Commission could act on the application through February 27, 2017. At the time the staff did not believe the project would provide maximum, feasible public access consistent with the project. The staff believed that it was feasible to move additional parking offsite, provide better public access areas and amenities to make areas more inviting to the public and reducing the height of the building to provide a less-intimidating experience. Following discussions with the city of Alameda regarding their building and parking requirements it was confirmed that all changes recommended by staff were feasible.

On January 27, 2017 the applicant further revised the project to include additional Commission and staff recommendations including an improved public access area, in part by reducing the height of the building, moving onsite parking to an offsite location, moving the building slightly farther away from the shoreline resulting in a wider shoreline public area, providing dedicated public parking along Harbor Bay Parkway and extending the existing bicycle along Harbor Bay parkway. The proposal presented to the DRB included an approximately 8800 square foot, 25 foot-wide shoreline public area with a five-story, 63-foot tall building.

On August 4th the applicant presented a project to the Commission which increased the distance from the shoreline to the building and slightly reduced the height of the building. The building was still five stories high as can be seen in this slide. The current proposal maintains a roughly equal distance of the building from the shoreline but moves the bicycle path to the street in order to maintain continuity with existing bike paths. Additionally, the building height is reduced to 48 feet and four stories.

Following the August 4th hearing the Commission requested information on additional topics including: what was the development footprint authorized in the existing settlement agreement, local zoning for the project site, stability of soils in the proposed shoreline path and additional comparable sites and projects previously authorized by the Commission. That information is provided to you on the staff recommendation.

The settlement agreement specified .2 acres for a shoreline path and .14 acres for a bicycle and pedestrian path along Harbor Bay Parkway. It did not provide specifics for a building footprint or size; it just mentioned a restaurant or office building. A public comment letter provided to you today states that the current settlement agreement between HBIA and BCDC was entered in the context of a 1981 planned development approval for the Harbor Bay Business Park at which the project site is located which requires buildings to be set back at least 50 feet from Harbor Bay Parkway and 25 feet from the shoreline. However, the planned development approval is not mentioned in the current settlement agreement thus is not relevant and would be inappropriate to take into account when considering set-backs for this proposed project.

The project presented to the DRB in May 2016 included a 25-foot wide shoreline path, a seven-foot wide public path on the northern end of the building and an eight-foot wide path that was covered by the building. It also included the bicycle path and pedestrian path along the street and four benches, 12 path lights along the public shoreline and some bicycle racks.

On August 4, 2016 the applicant presented a project and moved the bike path to the shoreline to widen the distance between the building and the shoreline. However, this design came at the expense of public access along Harbor Bay Parkway and was not supported by the Commission and the public at the time.

The project being presented today places the bike path along Harbor Bay Parkway again, offering a wider public access area along the street. This was achieved by moving parking offsite without sacrificing space along the shoreline. The revised project provides a total of approximately 16,750 square feet or .38 acres of public access areas larger than the required .34 settlement agreement. In the August 4th Commission hearing the building had been pushed back from the shoreline and the property line.

The building footprint as presented today is slightly different from the one presented during the Commission hearing with some areas being pushed slightly back from the shoreline. Although the applicant did not return to the Commission's DRB for further review, the plan presented to you today responds to much of the DRB's and Commission's advice.

I would now like to introduce James Heilbronner the project architect and representative who will present the revised project.

Mr. Heilbronner presented the following: I am the architect for the applicant. This has been a process of molding clay to keep the project within the context of being minor in its effect on anything environmentally or land use regulations and the conditions of approval granted by the city of Alameda. Back in August it was crystal clear that we needed to do more remolding of the clay. We have done that which included what Jhon presented.

We have worked hard to manipulate geometry on a site that is relatively small. We were able to park a good portion of the cars offsite. The City's parking requirement is 1.25 cars per room which is pretty high for the Bay Area and the direction we are going in using Uber and Lyft. The car count requirements for hotels have gone down to .6, .7 now particularly in urban areas.

Everything we have done so far has stayed within the existing gross area of the building as originally presented to you and approved by the City. It is the same FAR; a little slightly less footprint on the ground as we have reduced the building width to widen passageways near it.

The building was cut back to allow a greater passageway through the site. We have widened access ways to the Bay. We have put the bike path back now at the request of the City. They want to maintain the sidewalk and bike path. The most significant change is the height reduction of the building. We lowered the building and spread out the mass without changing the big stats; FAR, gross area and footprint.

All of the land use constrictions have been met. Our revisions have worked out and the architecture may need some finesse and this design was approved by the City. There is a large expanse of public land on the north and the south that is protected from development. This building sits without neighbor buildings.

Acting Chair Halsted announced: We have a public hearing to reopen. I thank you for your input and ask for a motion and a second to reopen the public hearing.

MOTION: Commissioner Vasquez moved to reopen the public hearing, seconded by Commissioner Scharff.

VOTE: The motion carried with a vote of 18-0-0 with Commissioners Addiego, Butt, Gilmore, Scharff, DeLaRosa, Gibbs, Gorin, Kim, Lucchesi, McGrath, Nelson, McElhinney, Sears, Vasquez, Showalter, Techel, Wagenknecht and Acting Chair Halsted voting, "YES", no "NO", votes and no abstentions.

Acting Chair Halsted continued: We have 15 or more speakers therefore I am going to ask you to restrict your comments to two minutes per speaker.

Ms. Mona Patel addressed the Commission: I am here from the Asian American Hotel Owners Association. Jim has done all the changes that the Commission has asked him to do and it looks beautiful. I am here to support this project because Alameda does need corporate lodging. There are not enough rooms in the city of Alameda for lodging and this would provide good rooms for corporate and family-oriented hotel. This hotel will provide the city of Alameda almost half a million dollars a year and Alameda can really use these funds to beautify the Marina Bay and the City. I hope you approve this much-needed hotel in the city of Alameda.

Mr. Dave Brown spoke: I am Chief of Staff to Supervisor Wilma Chan who could not be here today. She is a BCDC Commissioner and represents the city of Alameda on the Board of Supervisors.

I went out to the site this morning because I was worried that I was romanticizing how beautiful that stretch of land was and it turns out I was not wrong. It is a beautiful shoreline. It is about one mile long where there are no buildings between the pathway and the roadway.

I am wondering what happens if I am on one end of this shoreline where you have unfettered access and viewpoints; that hotel is going to block your view no matter where you are in this stretch of shoreline.

Among the BCDC guidelines is to make sure that a user is not intimidated nor the user's appreciation diminished by large, nearby buildings. Clearly this size of a hotel would do that. This would not help enhance or dramatize the view of the Bay. Someone's infringement may be some else's amenity. There are plenty of guidelines and rules that this could be denied.

Mr. Ty Hudson commented: I am with Unite Here Local 2850. We are the hotel workers' union in the East Bay. You have a letter from me in your packet. I want to talk about maximum feasible public access to the Bay. I believe this is a very appropriate thing for the Commission to consider. This building goes beyond the setbacks that were required for both parking lots and restaurants in the original planned development agreement. You ought to consider whether this building is too large to fit on the site.

Mr. Daniel Reidy spoke: I am speaking on behalf of Harbor Bay Isle Associates, the master developer of the Harbor Bay Isle development in Alameda. We have been working with BCDC now for over 40 years on this and we have a master agreement in which we agreed to build a shoreline park three and a half miles long around the edge of Harbor Bay and BCDC agreed that some of it could be less than 100 feet and other parts would be more than 100 feet wide from the tidal line. BCDC wanted the park areas put in early and not wait for development and we agreed to do that.

There is a proposed resolution and we hope that you will approve it. There is a condition in the proposed resolution, Special Condition II (A) about amending and updating another settlement agreement and Harbor Bay Isle Associates is onboard to do that. We will work with the Executive Director and the attorneys at BCDC and with the permittee to update the settlement agreement as appropriate.

In our view the revised updated plans will achieve maximum, feasible public access improvements consistent with a viable hotel development on this site. The McAteer-Petris Act promotes good development to bring people to the Bay and this is the kind of project you should approve the resolution.

Ms. Marcy Marks commented: I am with GS Management Company and we manage the Harbor Bay Business Park Association. I represent Harbor Bay and they are made up of a lot of property owners and large companies and we have been discussing this for some time. They strongly recommend having this hotel in the Harbor Bay Business Park. They feel it will help them as far as developing their businesses and for providing for people that need to come and see them.

In addition, I did not see in your packet; the Architectural Review Committee for Harbor Bay has approved the new plans for this hotel. We think it will be a great fit for Harbor Bay and we hope that you will approve it.

Ms. Taliah Mirmalek commented: I am read a letter from the Golden Gate Audubon Society. I wanted to read some excerpts from the letter.

Ms. Mirmalek read the letter provided to the Commissioners into the record. Among a number of issues mentioned in the letter it stated that the proposed hotel would have deleterious effects on Bay wildlife, public access and future defensible shoreline planning for a number of reasons. Ultimately this project represents a destruction of the migratory flight path for a myriad of species. We urge BCDC to deny a permit for the Patel project.

This land is not zoned for its intended use and this is a crucial fact that is inexplicably disregarded in BCDC's staff report. This hotel is inconsistent with the promise made years ago to preserve the integrity of the immediate shoreline for the local public's access and enjoyment.

Approving the project for this site would betray BCDC's mission to preserve the Bay ecological resources, unique viewscapes and shoreline access for the Bay Area public in perpetuity.

The proposed project would be an eyesore marring the view and the public's experience of that whole trail. This project represents yet another project that will compromise Alameda resident's access and enjoyment of that community shoreline.

We urge you to reject this project.

Mr. Jim Hager commented: I live in Cantamar, a nearby community. We have had developments across from us that have gone crazy with lighting. As a result of this the damage has been done to our wildlife which used to be extremely abundant. I am worried about bright lights coming off of the hotel signs. You could put this hotel on North Loop Road without all the problems involved in this location. I don't like the idea of this five-story hotel blocking my view. There are other properties out there that are more suited for a hotel. Don't forget that there is a Hilton Hotel, a Holiday Inn and a Marriott on Hegenberger. Do we really need all that hotel space? Let's put this hotel in an area that would allow us to continue enjoying the open space we now have.

Ms. Pat Lamborn addressed the Commission: I am a 25-year resident of Alameda. I remain opposed to this hotel. I will speak to three issues and I have brought hand-outs. I will show you a video that shows you how this new hotel violates your own policies regarding access. I will also talk about manipulation and how this hotel is manipulating the Alameda City planning codes and the role that the supplementary agreements have had in that. I am going to share maps with you

as well. The Airport Land Use Commission and they have Floor to Area Ratios (FAR) that are recommended. They are recommended because this parcel sits in Safety Zone 3 right off the Oakland Airport runway. It is an inter-airplane turning zone and the recommendation is; .46 FAR and 30 percent air space. Your policies state that public access design guidelines and public access areas must be designed in a manner that feels public, provides, maintains and enhances visual access to the Bay and provides connections and continuity. This is a video of the parcel. There will no longer be a public bike path. There will be a concrete sidewalk. That was zoned as open space until 2014. BCDC's supplementary agreement changed that. You are privatizing through your agreements that open space.

Ms. Joyce August commented: I come before you as a resident of the area. At the last meeting I spoke about the effect of having a wall. I understand that the architect has had quite a bit of difficulty to fit all of the parking that is required for this size structure and use.

The vistas of Harbor Bay Park have lost out to the adjustments that have been made. The building is still 48 feet high and it is much wider. This site was set for either a restaurant or an office. It is not specified for a hotel.

Mr. Gary Thompson commented: I represent the Cantamar Homeowner's Association which has 120 homes adjacent to this proposed hotel. We are not opposed to a hotel or to development. We just don't think it belongs on this piece of land. This hotel does nothing to protect or enhance the public right to enjoy what precious little remains of our Bay shoreline. This is still a great big building on a little, bitty lot. It will appear as a monstrosity in a small, unbroken strip of land that all of us enjoy. I would ask you on behalf of our association to please withhold your approval.

Mr. Chad Otten was recognized: I am on the Board of Directors of the Headlands Association in a nearby neighborhood. I am also a commercial real estate developer. I do understand a property owner's right to build and develop their own property. This particular development is neither sensible nor is it compatible. The applicant has stated that they have been trying to shove a box around to try to make it fit. It is still like trying to put a size 12 foot into a size 6 shoe.

In the literature that the City and BCDC has put together I could not find any mention of the Hampton Inn which is just a half mile away. It is 35 feet high and this hotel is still proposed to be 48 feet high. The Hampton Inn sits on three and a half acres and this is barely over an acre. The Hampton Inn provides 150 parking spaces, this is going to provide somewhere around 60 with a proposal for offsite parking.

Offsite parking looks good on paper. It is not practical. It is not usable. One of the first rules in development is that the development is supposed to be able to take care of itself and not burden adjacent property. This is burdening adjacent property by using parking from elsewhere. The closest setback that any of these comps have that the staff provided was 55 feet from the shoreline, the average was 80 feet; this is still a mere 40 feet away. I would urge you to deny the application.

Ms. Irene Dieter spoke: I am a resident of Alameda. I hope that every Commissioner here has gone to the site because a graphic on a piece of paper does not capture what is at stake, what the views are and how small the lot is.

There is a reason why this project did not go back to your Design Review Board and that is because it did not address the things that they asked to be addressed.

They said that it lacked a host of public benefits such as a public observation terrace or a plaza and a restaurant. And even if it did, to quote one of your DRB members; it is shoe horning a building that does not fit. No matter what they do this project will not fit on this site. It is not compatible to it.

It is not in an urban area such as other hotels and you would know that if you visited the site. This is in the middle of a green corridor. This would be the only building structure along the shoreline and it would block the views from the street.

I would hope this Commission would use the conservation part of your duties not just the development part and save the shoreline from an unnecessary building that will mar the landscape.

Mr. Kristoffer Köster commented: I am a member of the Alameda Planning Board. I have recused myself from previous meetings as my firm had previously worked on one of the designs for this project. I am also recusing myself from the future meetings coming up.

As a resident of Alameda I would like to recommend strong support for the approval of the hotel project at Harbor Bay. The client has been willing to accept the BCDC recommendations and has worked tirelessly with the city of Alameda City Council and the Alameda Planning Board to win approval. Harbor Bay was originally fill and many of the nearby residents have access to shoreline and open space due to Bay fill which occurred before the formation of boards such as BCDC.

It is my belief that this project is the right project and best use of the site. It will provide Alameda with tax revenues that will further help fund schools, parks and continued maintenance in our city. The developer has listened to the community through three years of concerns for designs on this project and has acted in good faith to accommodate community concerns and gain project approval.

Please allow this to move forward.

Ms. Gretchen Lipov commented: I am a longtime resident of Alameda. I have been saving the Bay and the environment for most of my life. The Green Bay Alliance has done a study entitled, “Bay Area Open Space Is At Risk” the study warns.

Bay Farm Island was farmland. I used to run out there when it was the farm and then it was dunes and it has been slowly built up. There are 5,000 homes out there now. I have looked at this plan and it is a wall. I do not want to build a wall along the Bay.

I am really opposed to this. This article talks about all of the land that has been lost to development in the last few years throughout the Bay Area.

We know that we need housing. But this is not for affordable housing. This is a hotel.

For those of us who see ourselves as stewards of the land we need to take the long picture and see what we can do to preserve some of our environment before it is gone.

Ms. Tulsee Nathu was recognized: I was born in Oakland and remain in the area. I am a constituent of Supervisor Jane Kim. I help with my family's business along with my parents Jianti Nathu and Mina Patel. While we are not a large, corporate hotel developer we have been successful in developing and operating hotels with an appreciation for the entitlements process and compassion for employees.

With some very creative work from our design team in collaboration with your staff we are confident that the design you see today incorporates all the changes BCDC requested last year.

We believe a preference to have no development on this site is not a valid basis to deny the project. The project provides maximum, feasible public access consistent with the project.

This project has been approved by the FAA and the Airport Land Use Commission. Thank you.

Acting Chair Halsted continued: That concludes our public hearing and I would ask for a motion to close the public hearing.

MOTION: Commissioner Vasquez moved to close the public hearing, seconded by Commissioner Gorin.

VOTE: The motion carried with a vote of 18-0-0 with Commissioners Addiego, Butt, Gilmore, Scharff, DeLaRosa, Gibbs, Gorin, Kim, Lucchesi, McGrath, Nelson, McElhinney, Sears, Vasquez, Showalter, Techel, Wagenknecht and Acting Chair Halsted voting, "YES", no "NO", votes and no abstentions.

Mr. Arbelaez-Novak spoke: The question that Ms. Lamborn had was regarding the pathways that access the shoreline. They come from Harbor Bay Parkway from the bike path and sidewalk all the way to shoreline access path. Only one section would completely cover the existing pathways.

Commissioner Gorin had questions: I am wondering if there is available a visual simulation of the profile of the front of the hotel in comparison with the neighboring buildings because that seems to be an issue; the loss of visual space into the Bay. And secondly, I am still a little confused; there is a bikeway across the front of the hotel but there is a pathway across the rear of the hotel – will bicycles be able to access along the rear of the hotel and be a continuation of the bike pathway?

Mr. Heilbronner replied: There is nothing that precludes the use of the bike path on the water side from bicycles. We have a ring of bicycle pathways on the street side and on the water side.

With respect to view corridors, in August we prevented views from the residential area on the eastern side of the Harbor Bay Park. We had different eye points and you cannot see the building from the residential area. We did a lot of view angle looking from the neighborhood. Clearly from across the street you can see the building but that is a commercial area.

Commissioner Goring continued: August was a few months ago and I do not recall seeing that but obviously I did. Is there any way that we can pull that back up again?

Mr. Arbelaez-Novak answered: I had the front and side elevations for the four story hotel; I just removed them from my presentation.

Commissioner Nelson commented: We have heard a couple of comments about consistency with local zoning. My assumption is that the local zoning decision is a decision that the local jurisdiction has to address themselves and our question is whether they have secured all of their local permits for construction. Can you summarize again where we stand with local approvals?

Regulatory Program Director McCrea stated: Commissioner I would rather have either the applicant or perhaps someone from the City staff reply to this.

Mr. Heilbronner added: The interesting process that we have it's the cart before the horse with respect to entitlements on this project; BCDC was not engaged as thoroughly as the City was early on. The project was fully entitled by the City with exemption under CEQA. An initial study was done. Everything with respect to zoning meets zoning code. A hotel is an allowed use; setbacks, height limits and land use constricts were all met.

We do not have building permits yet. The construction documents are not done so we have not submitted for a building permit which would also have to come before BCDC. Entitlements, clearance of planning and CEQA have all been wrapped up for quite some time with the City.

Mr. McCrea added: Andrew Thomas is also here from the City staff. I think it would be helpful if he told what the process is, what has been approved at the local level and what may have to occur after Commission action.

Mr. Thomas addressed the Commission: I am Andrew Thomas, Assistant Community Director with the city of Alameda. This has been through our entire entitlement process. On appeal to the City Council it was approved.

We will not issue a building permit until they have a BCDC permit. In terms of the process moving forward; if you do approve this project with these changes I will then have to take it back to my Planning Board and Council to approve the changes that you are making to the plan that they approved.

If you approve it and they approve the changes you have made then the path is free for them to move forward with a building permit.

Commissioner Nelson asked: So Brad, from the Commission's perspective, the staff feels that we have met the requirements for local approvals?

Mr. McCrea responded: Yes.

Commissioner Nelson inquired about the Master Agreement: Can you walk us through the consistency of this project with the Master Agreement we have with Harbor Bay Isle?

Mr. Arbelaez-Novak responded: In response to Commissioner Gorin's request; this slide shows the view looking up from the Bay. This is what it looks like now and this is what it looked like when you saw it in August.

Commissioner Gorin replied: I took note of that and there have been a number of letters talking about the loss of the scenic corridor and this does not directly answer that. But let's not dwell on it. Thank you.

Mr. Arbelaez-Novak added: At the time the parking structure was already 15 feet high. In the opinion of Commission staff moving this floor does not add any additional impacts that were not already present at the time.

I want to go back to the settlement agreement map. In 2013 HBIA and BCDC signed a settlement agreement for this site. The settlement agreement contains many other sites along the shoreline.

For this particular site what it says is that when development of this site occurs the developer shall provide .20 acres for a shoreline access path along the shoreline. It also states, they shall provide .14 acres for a bicycle and pedestrian path along Harbor Bay Parkway.

It just says restaurant/office. It does not say anything about the size, the footprint, the height and the one thing –

Commissioner Nelson clarified: That was my question. So there is nothing there that gets to – I am not sure that from BCDC's there is a big difference between a restaurant and an office building and a hotel; but the size matters.

The settlement agreement did not have anything about the specific footprint of the building or the height of the building?

Mr. Arbelaez-Novak answered: Unfortunately not. It was vague.

Mr. McCrea clarified: It was silent on that matter; not vague, it is not vague.

Commissioner Showalter commented: It seemed like there were a lot of changes suggested and many of them responded to the DRB. It seems odd that the applicant did not go back to the Design Review Board to show that these changes had been made. Is this standard procedure or what happened here?

Mr. McCrea replied: Pursuant to the Permit Streamlining Act this Commission has until a couple of weeks from now, until February 27th to act on this matter. By the time the changes were made – the DRB meets once a month; by the time the changes were made there was no time to bring this back to the Design Review Board. It is indeed standard practice to have the Board review changes that were made. In this case that was not possible.

Commissioner Showalter asked: So in effect they would have had to have a special meeting for that?

Mr. McCrea answered: Yes.

Commissioner McGrath commented: I am left with one question on the impact on public access and that is the offsite parking. That seems to be the element that could potentially affect whether or not this provides maximum feasible public access consistent with it. My concern here is that where there is not sufficient parking onsite people start to park offsite in public access parking. How is this going to work so we the 17 public spaces actually available for the public?

Mr. Heilbronner replied: Consistent with study and approval by the City the allocation of parking offsite utilizes existing paved areas that are underutilized today; still in very close proximity to the building.

We have studies that we and the Marriott have done about the reality of parking demand today which I pointed out earlier is probably .7 to .75; Oakland just changed its criteria to that to lessen parking requirements for hotels. That quantity of car spaces, .7 is on the site. Parking spaces onsite are about 62 and approximately 62 offsite.

The amount of cars onsite is about what we would expect today to see in demand. We have done a number of hotels in the Bay Area with parking structures with a 1:1 ratio that are half utilized today thus prompting a lot more study to make the argument to lower parking requirements.

In this case the .7 is onsite and the remaining is offsite. That would be good utilization of existing parking for a building that is off traffic pattern at peak hours from other uses like restaurants or offices.

Commissioner Kim had a question for the City Planner: In the case that BCDC does approve a reduced project with the 62 parking spots instead of the 83 and the City Council does not approve the reduced project; what then occurs?

Mr. Thomas replied: It does not move forward. The project is dead.

Commissioner Scharff had a question for staff: When this came to us in August there were a number of concerns and questions we raised. In looking at the staff report it looks like staff worked with the applicant and came forward with a bunch of solutions to those. It seems to me that the applicant worked with staff and came the concerns were resolved.

Was there anything that was not resolved to your satisfaction or anything that we should be concerned about?

Brad McCrea replied: The answer is no.

Commissioner McElhinney had questions for the architect: The building as proposed now; what percent decrease of the footprint was there?

Mr. Heilbronner replied: The foot print defined as building touching the ground was reduced by 3500 square feet. That 3500 is replaced with landscaping.

Commissioner McElhinney continued: So in addition to reducing one floor - -

Mr. Heilbronner added: Yes. That is a net reduction of about five percent of the gross building area. It is a small reduction in building, a small reduction in FAR but less of impact of structure on the ground.

Commissioner McElhinney continued his inquiry: What are the widths of the two walkways across the property? Are those going to be properly signed for pedestrians?

Mr. Heilbronner answered: Yes. ADA code compliance here requires minimum slopes. We have that all incorporated into the project from the front to the back so you have to have full pedestrian access at accessibility standards on private property so that has been taken into account.

The width of the passageways that were widened is now about 14 feet wide. So the actual sidewalks about six, the hard walk surface; the rest is landscaping.

Acting Chair Halsted asked: Would the hotel be able to close off any of those walkways at any time?

Mr. Heilbronner responded: No. That is part of the permit agreement conditions that we cannot build on those areas or block them off from pedestrian access and the hotel operator will know that.

Commissioner Butt had design questions: What is the width of the shoreline walk?

Mr. Heilbronner explained: The shoreline walk average is 18 feet wide along the entire path north to south.

Commissioner Butt continued: So what is the minimum and the maximum?

Mr. Heilbronner answered: I believe the minimum is just a hair less than 18 feet at its skinniest part and up to 19 feet and two inches at a wide spot. And that is the paved portion not the landscaping, benches or other amenities.

Commissioner Butt continued: I notice in the summary of the Design Review Board comments, Item 5 says, what project issues were identified by the Commission's Design Review Board and one of them said, make the site more welcoming to the public including opening hotel areas such as a lobby, conference rooms and terraces. Could you comment on this?

Mr. Heilbronner explained: The lobby areas in the center portion of the project, the pools and other areas are pretty common to a hotel. When we shortened the first floor we eliminated two hotel rooms.

Commissioner Butt asked: Is there any restaurant or café or anything like that?

Mr. Heilbronner answered: No. Typical with this type of hotel it is breakfast and support, coffee and refreshments out in the lobby on an ongoing basis.

Commissioner Butt requested: Could you put up the elevations of the hotel. So how far above the Bay Trail is the new design?

Mr. Heilbronner replied: The Bay Trail from north to south probably slopes about a foot drop in elevation.

Commissioner Butt clarified: The elevation of the Trail to the elevation of the first floor of the hotel.

Mr. Heilbronner explained: The hotel elevation in the center is at 17 and the Bay Trail ranges from 13.25 down to 12.5. So the Bay Trail slopes downward to the south and the building slab or the first floor is higher than the Trail by about 4.5 feet and that transition is with stairs and ramps on the water side of the building.

Commissioner Butt asked: So how is the first floor of the hotel connected to the elevation of the Trail. I do not see stairs on the plan here.

Mr. Heilbronner explained: There are stairs and ramps along the path here. We need about five or six steps to get up into the hotel and there is enough sidewalk area to slightly slope the sidewalk without even handrails.

Commissioner Butt continued: So in terms of this DRB comment about making hotel such as a lobby, conference rooms and terraces more welcoming to the public there is nothing in there for the public, right?

Mr. Heilbronner commented: As in most hotels, the public walks into a hotel into most lobbies and traverses, in this case, can go through. We added more glass. There were not doors on the west side originally so we have invited people to go through. There is interior seating. There is coffee and refreshments but like in most hotels people tend to stop and gather – -

Commissioner Butt added: But somebody who is not a guest could walk in the front door and through the lobby and come out the back.

Mr. Heilbronner responded: Yes, that is correct.

Commissioner McGrath was recognized: So I am back to parking. I reread the conditions and there is nothing in there that – you know, it is part of the project description to have 17 spaces. So the question for the staff is if it comes to pass that those are being used for other hotel employees or something like that; do we need anything additional to be able to take enforcement action or is the simple fact that the project description included that as a description sufficient for us to be able to enforce that?

Mr. Arbelaez-Novak explained: If you look at the special conditions on public access it does require them to build these 10 parking spots to be dedicated as public spaces only. It does say that they should not be used for hotel guests or business.

Commissioner Addiego commented: The architect alluded to some EMT access to the right side of the hotel and indicated that both left and right sides are city of Alameda property and maybe alluded to the fact that those are going a permanent view corridor. Maybe the City could comment on that.

Mr. Heilbronner responded: Not to speak for the City but I presume that the public park areas that the City has under its ownership would not redevelop those areas as a private matter or new facilities there. When I talked earlier about the open expanse north and south I will say that it is protected from development.

Commissioner Addiego pressed for clarification: so those are established city parks or open space?

Mr. Heilbronner replied: Yes.

Mr. Arbelaez-Novak read the staff recommendation: Before making our recommendation I would like to bring your attention to the errata sheet. In summary the sheet notes a minor correction to a special condition II (A) requiring amendment of the current settlement agreement prior to construction of the project.

As conditioned the recommendation contains other special conditions requiring the applicant to: provide and maintain approximately 10,050 square foot or .23 acres of dedicated shoreline public access areas improved with landscaping, paving, benches, lighting, signs and a fire pit, provide and maintain a dedicated sidewalk and bike path located within an approximately 4900 square foot or .11 acres, public easement at Harbor Bay Parkway, provide and maintain required public paths connecting the sidewalk at Harbor Bay Parkway to the shoreline totaling approximately 1700 square feet or .04 acres and provide and maintain 10 vehicle parking spaces designated for general public use at Harbor Bay Parkway east of the proposed project site.

The staff has analyzed the revised project and as conditioned believes that it is consistent with your law and Bay Plan policies regarding public access, including public views of the Bay and we recommend that you adopt the staff recommendation.

MOTION: Commissioner Scharff moved approval of the staff recommendation, seconded by Commissioner McGrath.

Acting Chair Halsted continued: I ask the applicant's representative whether he has reviewed the staff recommendation and agrees to it.

Mr. Heilbronner replied: Yes we have read the staff conditions and recommendations and agree 100 percent with the recommendations.

Commissioner Gilmore stated: At this point in time I would like to read a statement from Supervisor Wilma Chan into the record in its entirety. This is really important to her.

Commissioner Gilmore read a statement from Commissioner Wilma Chan, who could not be present:

"As the County Supervisor elected to represent the city of Alameda and a Commissioner of BCDC, I urge my fellow Commissioners to vote no on the proposed project at 2350 Harbor Bay Parkway. If built, the proposed hotel would destroy one of the most beautiful stretches of shoreline in the San Francisco Bay."

"During the past two weeks, I have received dozens of emails, letters and phone calls from individuals opposed to this project."

"If you've been to the site, you know that this is a tiny parcel sandwiched between the shoreline and an adjacent roadway and there is no room to move the footprint of the proposed hotel to ensure that it falls within BCDC guidelines."

"Quite simply, the project is too large for the parcel, will significantly obstruct views of the Bay, and substantially reduce access to the shoreline. And it violates protocols taken directly from BCDC's Public Access Guidelines which details seven objectives to be followed by shoreline projects."

"Objective 1: Make public access PUBLIC by ensuring that the user is not intimidated nor is the user's appreciation diminished by large building masses, structures or incompatible uses."

"A 50-foot high hotel that close to the shoreline – in an area where there are no similar buildings – is clearly an intimidating presence. If built along this stretch of the shoreline the hotel would crop up out of nowhere."

"Objective 3: Provide, maintain and enhance VISUAL ACCESS to the Bay and Shoreline by locating buildings, structures, parking lots and landscaping of new shoreline projects such that they enhance and dramatize views of the Bay and the shoreline from public thoroughfares and other public spaces."

Rather than enhance and dramatize the view of the Bay, this project detracts and destroys the views of one of the Bay's most beautiful stretches of shoreline."

"Objective 4: Maintain and enhance the visual quality of the Bay, shoreline and adjacent developments by utilizing the shoreline for Bay-related land uses as much as possible."

"The proposed project clearly impacts the shoreline and is not set back nearly far enough to satisfy BCDC's practice of requiring that the setback be equal to the height of the project."

"Objective 6: Take advantage of the BAY SETTING so that uses which do not orient to the Bay are set well back from the Bay and sited, designed and managed so as to not impact the shoreline."

"As stated earlier, this project impacts the shoreline and is not "well set back from the Bay."

"This review calls into question 4 of the 7 objectives from the BCDC Design Guidelines. I understand staff is working with the applicant to make the best of the proposed development and I appreciate the efforts of the developer to improve access and sightlines, but quite honestly, there is nothing that can be done to make this right."

"A 50-foot high hotel this close to the water in one of the most beautiful stretches of shoreline in the entire San Francisco Bay cannot be mitigated. There is no way to provide adequate access and view lines. And there is no way to turn back the clock once this has been approved. My fellow Commissioners, please vote no on this issue. Thank

Commissioner Butt commented: I don't think I could have said it better than Supervisor Chan but there are a couple of more detailed issues that I want to bring up. I have always found it strange that a hotel is located on this site. It is really isolated and it is not near anything. There are no amenities near it. You have to walk at least one-half mile to find a restaurant or a café or a bar or whatever.

It just seems like a strange place to put a hotel. But this is not really our issue. What I am most concerned about is that its relationship to the Bay is an urban relationship and I've stayed in a lot of hotels and have been in a lot of buildings that really crowd an esplanade or a Bay trail; but they do in a good way because they typically, let's say a hotel would have a lobby, a bar and coffee shop or a restaurant or other facilities that are there to serve the hotel guests but they are

also available to the public. If somebody is walking or biking along the Bay Trail and you feel like you want a cold beer you just walk in a get one and you sit out on the terrace. So there is a symbiotic relationship between a large building and the Bay Trail or esplanade and the Bay that really works.

In this case there is none of that. This building is about 250 feet long and about 120 feet of that are parking lots, another 60 feet is an indoor swimming pool; the rest of it is offices and conference rooms that really don't offer the public anything. There is really nothing for the public here. It's like, public don't bother us. I think that is really unfortunate and it goes against the principle of achieving maximum achievable public access. I don't think it's a good building for the location. I don't think it's a good design for the building itself. It doesn't work very well here.

Commissioner Scharff spoke: When this first came to us I had significant concerns about public access. I think the applicant really has addressed those with staff. I thought all of the changes they have made were really dealing with the questions we raised. The applicant took the direction we gave them and addressed our concerns.

Here we have an applicant who has done everything that was asked of them; our jurisdiction is under the MacAfee-Petris Act. It seems to me that under the Act they have met their burden. On page 15 of the staff report it says, since 1978 the Commission has authorized hotel projects around the Bay on smaller and larger sites than the subject site.

These earlier projects were approved in part because they provided maximum feasible public access consistent with the project. Our staff is telling us that they are providing maximum feasible public access consistent with the project.

The staff lists a whole table of projects that we have approved. It seems to me that the applicant has done what we have asked of them. And we should therefore approve their project.

The concerns that people have around whether or not they like the hotel or don't like the hotel; that is not really within our jurisdiction. Our role is not to say, we like the project or don't like the project; we are not the Alameda Planning City Council or the Planning Commission. We are BCDC. We are supposed to look at it in relationship to the Bay and whether or not they have provided maximum feasible public access. So I think we should approve the project.

Commissioner McGrath concurred: I agree with Commissioner Scharff. It was a great letter from Wilma Chan. It is hard to disagree with a fellow Commissioner with jurisdiction but the questions of design and lot size are with the Alameda County Planning Commission.

We can say that 1.5 is not an incredibly intense floor ratio. It is higher than recommended by ALUC but ALUC did approve this and that matters to me.

This is a little bit like one of calls in an NFL game when they say, the play stands. I don't think it is the best design in the world in terms of our uses but it is an effort to meet the requirements.

For the public access concerns I want to be a little bit more specific. When this came before us it had a bicycle plan that jogged from the street to the shoreline and then back. I thought that was dangerous. I thought it was not inviting and they fixed that.

People that are going to go by at any speed on a bicycle are going to be distinct from those that are walking slowly.

There are hotels that I have been by that are kind of tight. There is one on the Oakland Estuary.

I think fair is fair. Had we had a proposal before us that had half the square footage and approved a settlement basis on that I would vote no. But we did not put anything in about the square footage. They met the path and it is slightly bigger. A deal is a deal. We said this should be approved with a slightly smaller access path and it is there and they made it work so I am going to vote yes.

Commissioner Kim commented: I wanted to concur with Supervisor Chan's comments. While I agree with most of the Commissioners that the design could be significantly better I know that is not what is before the Commission here. I do have a lot of issues with the Bay and coastal access. I think it is hugely problematic that there is nothing on this hotel that is a public amenity that would actually provide greater access or even greater attraction and interest to the Bay.

Having worked with a lot of developers along the waterfront in San Francisco and I frankly thought the proposal was rather lazy in terms of its options and offerings for members of the public; again, no restaurant, no café and no public amenities beyond benches. No restrooms for bikers and families that are coming along, places to fix bikes; I just felt like there is a lot more that could have been done. I am very disappointed by what the final compromise was in terms of what is considered increasing access to the Bay.

I don't think more members of the public will come to this location because of this development. Often when we work with developers here in San Francisco we want a project to bring more people to the waterfront because of the amenities, public or for-pay that is going to be provided onsite and I think this hotel falls far beneath what I would like to see along our waterfront. So I won't be voting to support this project.

Commissioner Nelson commented: This is a close call. But I am going to agree with Commissioners Scharff and McGrath. In addition to the improvements made after our last meeting this proposal does meet the requirements of the agreement we have with regard to Harbor Bay Isle and we entered into that agreement knowing that this site would likely be developed with a restaurant or office space. I am not convinced that the difference between the two could get me to a no vote. I also think that the two public access pathways on this site are constrained. They are better than they were at our last meeting. It is important to note that the site is sandwiched on both sides with publicly-owned, publicly-accessible space.

On balance I am going to be a yes.

Acting Chair Halsted commented: While I am not a fan of this hotel per se I think that it does meet what we have asked it to do and therefore I will be voting in favor of the project.

VOTE: The motion failed with a vote of 11-6-1 with Commissioners Addiego, Scharff, Gibbs, Lucchesi, McGrath, Nelson, McElhinney, Vasquez, Techel, Wagenknecht and Acting Chair Halsted voting, "YES", Commissioners Butt, Gilmore, Gorin, Kim, Sears, Showalter voting, "NO", and Commissioner DeLaRosa abstaining.

Acting Chair Halsted announced: Thirteen votes are required so the project is not approved.

Commissioner Gibbs commented: Before we adjourn we should note that this is the last meeting for our Commissioner, Supervisor Jane Kim. She is not always a woman of many words but when they come they are to the point. She has been a valued, collegial and cheerful colleague and we need to wish her well. (Applause)

9. Adjournment. Acting Chair Halsted announced: We have a motion to adjourn in her honor. The meeting was adjourned in honor of Commissioner Kim at 3:06 p.m.