

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

October 26, 2018

TO: Design Review Board Members

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653 larry.goldzband@bcdc.ca.gov)
Andrea Gaffney, Bay Design Analyst (415/352-3643 andrea.gaffney@bcdc.ca.gov)
Walt Deppe, Coastal Program Analyst (415/352-3622 walt.deppe@bcdc.ca.gov)

SUBJECT: **Jack London Square, F3 Hotel Site; Second Post-permit Issuance Review**
(For Design Review Board consideration on November 5, 2018)

Project Summary

Project Proponents & Property Owners. CIM Group (Developer) and the Port of Oakland (owner)

Project Representatives. Jenny Gant Pham, Sean Buran (CIM Group); Sarah Kuehl, Chelsea DeWitt (Einwillerkuehl, Inc., Landscape Architect);

Project Site. The site is located at the southeastern portion of Jack London Square extending from Harrison Street to Alice Street and from Water Street to the Bay, in the City of Oakland, Alameda County.

Existing Conditions. The approximately 2.4-acre Jack London F3 Hotel project site, with a shoreline measuring about 284 feet long, extends west from Harrison Street eastward to Alice Street, and from Water Street south to the Bay. An approximately 51,966-square-foot (1.2-acre) area is located within BCDC's 100-foot shoreline band. To the west of the site is a marina, a pier and pathway that are dedicated public access required by BCDC permit No. 1985.019(A), and a plaza and grassy park area that make up the East Green, which is a 41,900-square-foot dedicated public access area required by BCDC permit No. 2004.003. On the eastern edge of the site are Alice Street and a small shoreline plaza between Alice Street and the Bay, which is part of a 13,918-square-foot dedicated public access area required by BCDC permit No. 1994.008.04 (that also includes a portion of the pathway at the project site between the proposed hotel and the Bay). Located to the north of the site, is a residential project that is currently under construction. The southern shoreline edge of the project site is a riprap interface between the site and the Oakland Estuary. The site is the former location of the Jack London Village including Shenanigan's Restaurant, which were demolished in 2001.

The project site consists of a vacant parcel, a designated public access area referred to as the "Estuary Green," and the adjacent portions of Water Street and Alice Street. In its current state, the proposed hotel site is fenced off for construction staging for the residential development. The public access area of the Estuary Green has a mixture of grass, trees, shrubs, and a section of the Bay Trail running through it with decomposed granite paving. The section of Water Street between Harrison and Alice Streets is part of a parking lot. The plaza terminus of Alice Street includes a sculpture wall, trees, and decomposed granite paving. The plaza along with the waterfront pathway at Estuary Green was built in 1996.

Proposed Project. BCDC Permit No. 2004.003, originally issued on September 2, 2004, and amended for the fourth time on March 10, 2017 authorized the hotel development and required several public access areas. On May 10, 2004, the DRB reviewed the Jack London Square proposal for a third and final time pre-permit issuance. The Board asked that phased portions of the project, and their associated public access, be brought back to the Board at the design development stage to allow careful review of project details. At these future reviews, the Board planned to focus on paving finishes and materials, landscaping, site furnishings, and other public access improvements. On June 11, 2018, the DRB reviewed the first post-issuance review of the redesigned Jack London Square proposal, provided comments, and requested that the project return to the Board for another review after addressing their comments. This report represents the revised summary for the hotel parcel and associated public access amenities for the Board's second post-permit issuance review.

The F3 Hotel project site development requires three areas of public access improvements as part of the phased set of developments in Jack London Square, including: (1) the 27,080-square-foot "Estuary Green" south of the proposed hotel, (2) Water Street from Harrison Street to Alice Street, and (3) Alice Street from Embarcadero to the Bay. Of these areas, only the Estuary Green, a small portion of the hotel site (approximately 2,000-square-feet), and the area between the terminus of Alice Street and the Bay are within BCDC's 100-foot shoreline band. BCDC Permit No. 2004.003.04 requires that these yet-uncompleted phased public access improvements, which are the subject of this DRB review, be completed before the development sites are occupied (See Appendix A: Permit Dedicated Public Access).

The project was reviewed by the Design Review Board on June 11, 2018, for its first post-permit issuance review. The design presented at that meeting is shown in Exhibit 2. The Board requested that the project proponents consider the arrival experience from different transportation modes, provide invitations to stay in addition to allowing space for passing-through the public access, overlay existing and proposed public access in a diagram, consider how the design provides for a variety of comfortable microclimates and for wind and sun protection, and consider how the design provides for the ages 8-to-80 population and connects to the diversity of surrounding communities. The Board also commented that Jack London Square is a regional destination and asked the project proponents to consider how the Estuary Green could contribute to this experience and requested that the project proponents better define and connect the different spaces proposed and consider the idea of a semi-public plaza at the northwest corner of the estuary green and hotel to develop an active zone on northwest side and passive quiet zone on southeast side. Significant design changes have been proposed since the June DRB meeting to address those comments and the sections below include summaries to explain how the revised proposal addresses the Board's comments on specific project elements. The revised project proposal (Exhibit 5) is detailed below.

1. **Hotel (Exhibits 5, 7, 10-11).** The permit authorizes the construction, use, and maintenance of "a 36,000 square-foot footprint, twelve-story hotel (2,000 square feet of the structure are located within the Commission's jurisdiction) located between Harrison and Alice Streets."

Working within the approved massing for a much larger, 250 room hotel, the redesigned hotel proposed on parcel F3 at Jack London Square is a smaller-scaled, six-story, 155 room building with a ground floor footprint of approximately 29,595 square feet. The hotel's massing fronts Alice Street, perpendicular to the waterfront. A two-story wing with public hotel functions line Water Street, creating an L-shaped building facing the waterfront. The project proponents further note: "Each side of the hotel addresses the public realm with a site-specific design of planting, circulation, and indoor and outdoor programming that relates to the surrounding context. The materials: dark framed clear glass, light colored plaster walls and wood accents reflect the palette used in the residential building to the north, which in turn respond to the strong maritime and portside industrial buildings of the immediate area." New program elements extend from the hotel as illustrated in Exhibits 8-9.

2. **Required Public Access (Appendix A, Exhibits 27-28).** The permit requires that the public access guaranteed at Jack London Square generally "shall be made available exclusively to the public for unrestricted public access for walking, bicycling, sitting, viewing, fishing, kayaking, swimming, picnicking, and related purposes. If the permittees wish to use the public access area for other than public access purposes, they must obtain prior written approval by or on behalf of the Commission." It also requires that for all public access improvements required, "the permittees shall provide an appropriate number and type of site furnishings including, but not necessarily limited to, seating, trash and recyclables receptacles, lighting, railings, Bay Trail, interpretive, directional, and Public Shore signs, drinking fountains, landscaping, street trees, and restrooms, as reviewed and determined appropriate by the Design Review Board or staff." The permit requires a "27,080-square-foot 'Estuary Green' south of the new hotel including amenities such as, but not limited to, landscaping, paving, lighting, and seating." These improvements are required to be completed prior to the occupancy of the new hotel. The proposed landscape design for the Estuary Green consists of 27,000 square feet of public open space between the hotel and the Oakland Estuary (Bay). The boundaries of the proposed public access area are reconfigured somewhat from the version presented in the public access exhibit in the permit. (See Appendices C-F for 2004 design which is the basis for the public access area documented in the permit.)
3. **Estuary Green Proposed Improvements (Exhibits 5, 8, 15, 19-20).** The proposed Estuary Green is a large flexible lawn and event space, augmented with a new wider and more commodious trail and new programming to extend the variety of uses that can occur there. The proposed Bay Trail through this park area has a minimum width of 12 feet with 3-foot-wide, level shoulders on either side, and includes a soft decomposed granite edge, as well as an asphalt trail framed with concrete headers. It would connect the Bay Trail on the west at the adjacent public access pier and on the east between the terminus of Alice Street and the Bay. Bay Trail signage is proposed at both ends of the path through the site and one interpretive sign is proposed near the Alice street turnaround. The trail is proposed to be relocated from its current alignment to increase direct views to the water as well as to allow for additional ground to compensate for anticipated sea level rise. Another approximately 6-foot-wide pedestrian path is proposed across the lawn from the public access pier to the west, to a gateway to the hotel courtyard area.

Planting proposed for the Estuary Green includes a limited number of large shade trees as well as a narrow, but robust, border planting adjacent to a flowering garden hedge planted in front of the hotel fence. Benches are proposed to be tucked into the border planting between the hotel and the Esuary green, three along the west edge of the hotel pool area, facing the marina to the west of the site, and four along the south side of the hotel, facing the bay to the south. One picnic area with approximately three tables and trees is proposed between the Bay Trail and the Bay, and another with one table is proposed north of the Bay Trail, adjacent to the Hammock Grove at the terminus of Alice Street. Fitness equipment stations are proposed at two locations along the Bay Trail, one on the north side of the trail, and one on the west side of the trail, adjacent to the public access pier. Pedestrian scaled lighting, bike parking (at the intersection of Water Street and Harrison Street, and at the Hammock Grove at the terminus of Alice Street), and appropriate receptacles for trash and recycling are also proposed along the trail. The park is designed to comply with ADA standards for accessibility.

During the June 2018 DRB project review of the previous proposal, the Board commented that the three distinct zones proposed in that design (the meadow, boardwalk, garden) did not add up to a distinctive waterfront place with sufficient invitations for the public to stay and they suggested mixing or reconfiguring these three elements to improve the public access and maintain the desired distinction between the hotel open space and the public access. For the proposed boardwalk in that design, the Board suggested that the pathway could be reconfigured to help to define a semi-public space adjacent to the hotel and to make the pathway a place to stay and linger. The Board also commented that light vertical separation of zones can help transition spaces from highly public to private hotel pool area but that there are alternatives to a large planted buffer proposed then. The new design proposed here addresses these comments by expanding the useable space provided with the Estuary Green, presenting a new Bay Trail configuration, and scaling down the planted buffer that separates the Estuary Green from the hotel uses.

4. **Improvements to Water Street (Exhibits 7, 9, 13-14).** The permit requires “[i]mprovements to Water Street from Clay Street to Alice Street, including but not limited to, the following amenities: landscaping, street trees, modified paving pattern in selected areas, and, where appropriate lighting, seating, and other site furnishings. All of the improvements to Water Street shall help create a consistent streetscape to overall Jack London Square area.” These improvements “shall be constructed no later than the time the hotel or the Retail, Parking, Office, and Health Club (located between Harrison and Alice Streets and outside the Commission's jurisdiction) are constructed, whichever is earlier.” During the June 2018 DRB project review of the previous proposal, the Board requested that the project proponents ensure the activation of space with invitations to the public, particularly on the hotel side of Water Street. The revised proposal creates public spaces along the south side of Water street, and at the intersection of Water Street and Harrison Street, that open up to hotel uses.

The project proponents describe the design proposed for Water Street to the north of the hotel and to the south of the future residential building to have a “garden character,” allowing access for emergency vehicles, but heavily planted. The Water Street pedestrian walkway is proposed to be approximately 26 feet wide. (Water Street from Clay Street to Harrison Street measures a minimum 32 feet in width.) This walkway would be bordered

to the north by an outdoor dining area (20 feet wide) at the intersection of Harrison Street and elevated private porches along the majority of the frontage to Alice Street. On the south side, in front of the hotel, plantings and public seating would be distributed along a series of ramps and stairs to three large porches opening to the hotel program that would include a park cafe, a wellness spa, a restaurant and bar, and the lobby, moving west from Harrison Street to Alice Street.

5. **Improvements to Alice Street (Exhibits 5 & 22).** The permit requires “[i]mprovements to Harrison and Alice Streets (from Embarcadero to the Bay) including, but not limited to landscaping, paving, lighting, and seating. All of the improvements to Harrison and Alice Streets shall help create a consistent streetscape to the overall Jack London Square area.” These improvements “shall be constructed no later than the time the hotel or the Retail, Parking, Office, and Health Club... are constructed, whichever is earlier.” The park between the terminus of Alice Street and the Bay is a public access area required by BCDC Permit No. 1994.008. During the June 2018 DRB project review of the previous proposal, the Board asked the project proponents to consider, along Alice Street, the public’s experience on sidewalk adjacent to hotel parking façade, to consider views to the water and how planting may obscure the view, and to consider widening and incorporating turnaround into a plaza-like design.

Along Alice Street, street trees and planting, and a large drop off for the hotel and for ride share is proposed. The entrance and exit to the hotel parking garage for valet only is proposed to be located along Alice Street. The existing park between the foot of Alice Street and the Bay is proposed to be redesigned as an approximately 3,000-square-foot “Hammock Grove,” with approximately six hammocks situated in lawn with trees between the sidewalk at Alice Street and the Bay Trail, which would run through this park section, connecting directly from the Estuary Green path to the west. The grove would be bordered to the east and west by two approximately 8-foot-wide pathways with approximately four perimeter benches, and by an approximately 45-foot by 20-foot plaza section with approximately five sunbenches to the south of the Bay Trail, facing an existing public art piece with views of the Oakland Estuary.

6. **Special Events (Exhibit 21, Appendix B).** The permit designates an 11,810-square-foot “Festival Zone” at Estuary Green in which “the permittees may use” for special event types outlined in the permit. The permit requires that “[a]t all times, a 20-foot-wide unobstructed corridor shall be maintained within the festival zones for the public to walk through.” The proposed Bay Trail through the festival zone has a minimum width of 12 feet with 3-foot shoulders on either side, but a clear event path of 20 feet is proposed to be maintained. This zone has not been used for special events in recent years, likely due to a lack of programmed development on the adjacent parcels. During the June 2018 DRB project review of the previous proposal, the Board requested that the festival zone be considered in design. The new design proposed provides more than the required usable space for special events in the Estuary Green while maintaining the required corridor.
7. **Maintenance (Exhibit 29).** The permit requires that “the areas and improvements within the....dedicated public access area....and the area of required improvements....shall be permanently maintained by and at the expense of the permittees or their assignees. Such maintenance shall include, but is not limited to, repairs to all path surfaces; replacement of any trees or other plant materials that die or become unkempt; repairs or replacement

as needed of any public access amenities such as paving, signs, benches, drinking fountains, trash containers and lights; regular and periodic cleanup of litter and other materials deposited within the access areas and in trash containers; regular cleaning of paving within public access areas that are excessively soiled (e.g., oil or gas spills) associated with deliveries made by trucks, etc.; removal of any encroachments that prevent required use of the access areas; and assuring that the public access signs remain in place and visible.”

8. **Accessibility to Persons with Disabilities.** The permit requires that “All public access facilities authorized or required under terms of this authorization shall be designed so that they are accessible to persons with disabilities or provide pleasant, comfortable, convenient and safe alternative access to the same public access areas.”

Resilience and Adaptation to Rising Sea Level (Exhibits 23-24). BCDC Permit No. 2004.003 was originally issued prior to the Commission’s adoption of Public Access policies related to climate change in 2012. As a result, these policies do not apply to the design of the proposed public access areas. However, public access is permanently guaranteed with maintenance requirements specifying the repair or replacement of public access amenities. Resilience and adaptation to the rising sea level for this project site should be considered only from a maintenance perspective.

As proposed, the shoreline at the project site within the Commission’s jurisdiction would primarily contain public-serving facilities. According to the Federal Emergency Management Agency (“FEMA”) current 100-year-flood elevation for the project site is approximately 9.6 feet.¹ As proposed, the developed site elevations along this area of the shoreline would be approximately: 11.5 feet for the Estuary Green, Hammock Grove, and Bay Trail. The 2018 State of California Sea-Level Rise Guidance for Medium to High Risk Aversion for the High Emissions scenario estimates 23 inches (1.9 feet) of sea level rise by 2050 and 83 inches (5.7 feet) by the end of century. Under these conditions, the park areas and Bay Trail are projected to be resilient to storm-related flooding events at mid-century. By the end of the century, the estuary green and other areas at the site would experience flooding with daily tides without adaptation measures.

The project proponents proposed the use of berms along the shoreline as an adaptation measure for future sea level rise during the June 2018 DRB project review of the previous proposal and the Board requested that they consider how drainage would work for that proposal and mentioned that they might need to accommodate for future pumping. The revised proposal includes phased adaptation measures past mid-century, including a curb to protect from initial flooding and then a combination of berms and walls to protect from inundation for the long-term effects of sea level rise.

Prior DRB Reviews, Pre-Permit Issuance (Appendices C-F). The project was reviewed by the Design Review Board before the permit was issued at three meetings dated November 10, 2003, February 9, 2004, and May 10, 2004. At its last review in May 2004, the Board concluded that “the overall project provided excellent visual access to the Bay” and that “the system of open spaces appeared to be developed responsibly.” The Board asked that “phased projects, and their associated public access, be brought back to the Board at the design development stage.” At these future reviews, the Board would “focus on paving finishes and materials, landscaping, site furnishings, and other public access improvements.”

¹ All elevations are provided using the NAVD88 datum.

The Board also had the following comments related to this project's review: (1) Regarding the hotel site and the adjacent public access area to the south of the proposed building, the Board agreed that "the open space, as currently proposed (in 2004), does not provide obvious cues that the area north of the serpentine seat wall is part of the open space," (Appendix F). Board members stated that "a person should be able to move into the space from both ends of the lawn and that the height, location and details of the grass berm would add to the success of making the spaces feel public." (2) The Board requested that "the applicants carefully design the locations where pedestrian/vehicular conflicts might exist." (3) The Board stated that "the parking garages will be important arrival points to the waterfront and...visual connections and signage should be carefully considered and developed." The Board asked that "the bridge to the parking garage should be designed as an attractive element that contributes to the sense of arrival to the Bay."

Project Approvals and Proposed Construction Timeline. City of Oakland Design Review and Planning Commission approved the project in early 2018. Project proponents are working to identify a hotel operator and, pending BCDC approvals, hope to begin construction in mid 2019. Construction is estimated to last 22 months.

Commission Findings, Policies & Guidelines

The Bay Plan **Public Access** policies state, in part, that "...maximum feasible public access should be provided in and through every new development in the Bay or on the shoreline...the access should be permanently guaranteed...should be consistent with the physical environment, including the protection of natural resources...provide for the public's safety and convenience...built to encourage diverse Bay related activities and movement to and along the shoreline...and connect to the nearest public thoroughfare where convenient parking or public transportation may be available....In some areas, a small amount of fill may be allowed if the fill is necessary—and is the minimum absolutely required to develop the project in accordance with the Commission's public access requirements...."

In the **Findings and Declarations in BCDC Permit No. 2004.003.04** for the Public Access policies, a section concentrating on **Maximum Feasible Public Access** states: "Overall the project adds valuable, new public access spaces and will improve existing public spaces at Jack London Square. The two "greens" that will result from this project, the "Estuary Green" and the "East Green," will provide multi-use spaces directly along the Estuary's edge; few lawn areas exist at Jack London Square now and these new spaces will allow visitors access to the Bay with the opportunity to enjoy passive or active uses....The improvements to existing dedicated public access areas will create a more consistent streetscape within the overall site and activate some of the existing public access areas that are currently underused. In general, the amount and type of public access that will be constructed with this project should easily offset any impact to existing public access areas that could result from the new development."

A section of the permit findings concentrating on **diverse Bay-related activities and movement to and along the shoreline** states: "The proposed public access will complete a shoreline trail in the project site. The proposed public access areas may be used for a variety of activities, such as the quiet solitude of reading on the lawn, bike riding or playing a Frisbee game, or participating in the organized public events at the overall site."

A section of the permit findings concentrating on **connection with public thoroughfares and other public access areas** states: “The overall design for the project site fits into the existing street grid, connecting the public spaces to the city streets. Both Water Street and the shoreline trail provide connections between the public spaces.”

The Bay Plan **Appearance, Design, and Scenic Views** policies state, in part, that “all bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay” and that “[m]aximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore. Views of the Bay from vista points, from roads, and from other areas should be maintained by appropriate arrangements and heights of all developments and landscaping between the view areas and the water. In this regard, particular attention should be given to all waterfront locations....”

The Bay Plan **Recreation** Findings state, in part, that “[p]roviding a variety of accessible, water-oriented recreational facilities and diverse recreational opportunities at these facilities for people of all races, cultures, ages and income levels, would accommodate a broad range of recreational activities.”

The Commission’s **Public Access Design Guidelines** state partly that public access should be designed “so that the user is not intimidated nor is the user’s appreciation diminished by large nearby building masses....” Furthermore, “public access improvements should be designed for a wide range of users,” should “provide basic public amenities, such as trails, benches, play opportunities, trash containers, drinking fountains, lighting and restrooms that are designed for different ages, interests and physical abilities,” and should be designed for the weather of the site. The guidelines also state that viewing the Bay is the “most widely enjoyed ‘use’ and projects should be designed to “enhance and dramatize views of the Bay.”

Board Questions

The Board’s advice and recommendations are sought on the following issues regarding the design of the proposed public access:

1. Would the proposed design for the Estuary Green encourage diverse activities and create a “sense of place,” which is unique and enjoyable, and inviting to the public?
2. Do the proposed public access improvements create diverse recreational opportunities for people of all races, cultures, ages, abilities, and income levels?
3. Does the proposed Bay Trail design and alignment activate and improve connections to the adjacent public access areas, some of which are currently underused?
4. Do the improvements proposed for Water Street and Alice Street help create a consistent streetscape to the overall Jack London Square area, that is inviting to the public?
5. Does the proposed design of the Estuary Green provide enough usable open space to allow for a festival zone to function for special events while maintaining a 20-foot-wide unobstructed corridor for the public to walk through? (The permit allows for 11,810 square feet for the festival zone.)

The Board's advice and recommendations are sought on the following issues regarding the design of the proposed physical and visual connections:

6. Is the proposed project designed to enhance the pleasure of the user or viewer of the Bay?
7. Would the proposed public access improvements encourage movement to and along the shoreline, and connect to the nearest public thoroughfare where convenient parking or public transportation may be available?

The Board's advice and recommendations are sought on the following issues regarding sea level rise:

8. Are the public areas appropriately designed to be resilient and adaptive to sea level rise from a maintenance perspective?