

# San Francisco Bay Conservation and Development Commission

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May 27, 2016

**TO:** Design Review Board Members

**FROM:** Lawrence J. Goldzband, Executive Director (415/352-3653; [larry.goldzband@bcdc.ca.gov](mailto:larry.goldzband@bcdc.ca.gov))  
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**SUBJECT: Draft Minutes of May 9, 2016 BCDC Design Review Board Meeting**

1. **Call to Order and Attendance.** Board Member Gary Strang called the meeting to order at approximately 5:40 p.m. Other Design Review Board (DRB or Board) members in attendance included Karen Alschuler, Cheryl Barton, Tom Leader, and Jacinta McCann. BCDC staff in attendance included Jhon Arbelaez, John Bowers, Erik Buehmann, Brad McCrea, Jaime Michaels, and Ellen Miramontes.

2. **Approval of Draft Minutes for the April 11, 2016 Meeting.** The Board approved these minutes with two revisions. With regard to the proposed San Leandro Shoreline Development Project, they stated that they would like the following two conclusions to be more clear: the proposed hotel should not form a wall blocking views to the Bay to such a great extent and also the design of the parking lots should be improved to be more visually pleasing and also more useable.

3. **Harbor Bay Hotel, City and County of Alameda (First Review).** The Board reviewed a proposal to construct: an approximately 18,326-square-foot, 63-foot-high (5-story), 100-room hotel; an 82-space parking lot (including an above-ground parking structure); a bayside public access area with associated landscaping; public access connections from Harbor Bay Parkway to the Bay; an inland bicycle path adjacent to Harbor Bay Parkway; and public access amenities. The Board's review will focus on the design of the public access, the adequacy of the proposed public access widths, amenities, connections and parking, and the potential project impacts on scenic views.

a. **Staff Presentation.** Jhon Arbelaez-Novak introduced the project and the issues identified in the staff report, which focused on the adequacy and design of the public access, public access routes and connections, public access amenities, public views, public parking, and sea level rise. He also described the current Settlement Agreement (Third Amendment to the Third Supplementary Agreement) between Harbor Bay Isle Associates (HBIA) and BCDC that governs the site, and its requirements.

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Mr. Arbelaez-Novak also summarized comments received from members of the public, which related to private views, traffic congestion, zoning changes made by the City of Alameda, effects on endangered birds, interference with airplanes at Oakland International Airport, public safety due to alcohol served inside the proposed hotel, and concerns that this project would increase parking along Harbor Bay Parkway that would serve as overflow parking for the ferry terminal. He explained that these concerns are outside BCDC's purview, and could not be addressed by the DRB. Some public comments raised concerns regarding public views and adequate public access to the shoreline, which are within BCDC's purview, and were presented to the DRB.

**b. Project Presentation.** Nikhil Kamat and Kristoffer Köster, the project's architects, presented the project. Mr. Kamat described the 100-room hotel project located at 2350 Harbor Bay Parkway, in Alameda. It is located within the Harbor Bay Business Park on a flat site that is approximately 65,000 square feet in size. The main access to the site is from Harbor Bay Parkway. The site currently has an asphalt path that connects to the existing Bay Trail on either side of the property but no other public access amenities. Part of the project lies within BCDC's 100-foot shoreline band jurisdiction. Mr. Kamat mentioned that the project has received approval from the City of Alameda (City), the Harbor Bay Business Association, and the Marriot Group. The applicant is seeking BCDC approval for shoreline and public access improvements. Additionally, the project has received Federal Aviation Administration (FAA) approval, and meets City zoning requirements, which allow for structures up to 100 feet in height. The proposed hotel project is 63 feet tall.

Mr. Köster explained that the site's unique configuration limits the project's design options. He went on to explain the building design, saying that light colors can be found on top, with dark colors receding at the bottom. The building is designed to promote views of the Bay by providing outdoor terraces to be enjoyed by hotel guests. Public access improvements are currently lacking on site with the exception of the asphalt path. Discussions with Alameda Public Works led to proposed improvements off-site as part of the project. The proposed concrete promenade along the shoreline is 12-feet, eight-inches wide, with benches and lighting provided. Access provided in the landscaped areas where the benches are located, provide additional space. Proposed landscaping would use Bay-friendly plants that are low in height in order to preserve Bay views. Multiple access points would be located to allow for public access to the shoreline. High-glazed windows would allow for views to the Bay through the first floor lobby. Connections through the parking lot would have special paving. Mr. Kamat added that the applicant believes this project would help revitalize the area and improve public access.

Dan Reidy, project attorney and attorney for HBIA, explained the background of the site, emphasizing that the project needs to be looked at in greater context beyond just the site. Mr. Reidy said that HBIA agreed to provide 3.3 acres of public access throughout Bay Farm Island. Most of the business park area is not on the shoreline, except four sites, including the subject site. This site was originally planned as the ferry terminal site, with the idea that it would rival the Ferry Building in San Francisco. However, the terminal was not developed at this location due to shallow water depths. The site was already carved out, so it remained as "sort

of an oddball” compared to other nearby sites. He pointed out that landscape park areas surround the site, with Bay views starting near the lagoon to the south and continuing to the cornice area north of the site, thus Bay views would not be disturbed. The other development sites near the shoreline are located farther north, closer to the ferry terminal.

c. **Board Questions.** Following the presentation, the Board asked a series of questions:

Ms. Barton asked about plans for sea level rise. Robert Wong, civil engineer for the project, responded that the proposed promenade would be at 12.5-foot elevation. Currently, mean high water (MHW) is 9.54-foot NAVD 88 (all elevations noted here reference the NAVD 88 datum). By using estimates of 16-inch sea level rise (SLR) by 2050, and 55-inches by 2100, and adding it to the current MHW line, they arrived at levels of 7.72-feet for 2050, and 10.52 feet for 2100. The project would raise the elevation of the promenade to 14.5-feet. He mentioned that proposals to raise the promenade to the proposed building height of 17-feet would not work because it would cause the paths in the surrounding areas to exceed five-percent slopes.

Ms. McCann asked if the north parcels in the business park are being raised. Mr. Reidy said that they don’t know, that it’s up to the City. However, the shoreline parks surrounding the project site are currently at 12 to 13 feet in elevation.

Ms. Barton asked if the trail would be left at existing grade while the hotel would be raised. Mr. Wong said that the proposed promenade would be raised two feet to an elevation of 14.5-feet. The current project 2100 SLR level is 10.52-feet. Mr. Köster added that the site slopes up towards the shoreline where there is a slight berm, while the inland area is lower. So, in any case, the building would have to be raised to match grade along the path.

Mr. Leader asked if the proposed promenade is still below the 100-year flood level. Mr. Wong responded that the 100-year level is 9.54-feet. Mr. Leader asked if the 100-year flood level is one foot below the projected 55-inch SLR and Mr. Wong answered yes.

Ms. Barton asked if 10.5-feet is the 55-inch projected increase and Mr. Wong responded yes. Ms. Barton asked if the path is 12.5-foot high. Mr. Wong responded yes, and that the 100-year flood is currently at 9.54-feet.

Mr. Leader added that he remained confused by the provided information, and asked if the promenade proposed in front of the hotel is above current 100-year flood levels. Mr. Wong answered yes, and that it is above the 2100 projections. He added that studies predicted a 55-inch SLR by 2100 on the northern tip of Alameda. Using that as a base, they added 55-inches to the current MHW, which is currently 9.54-foot elevation. They are proposing to increase the promenade by two-feet to 14.5-feet.

Ms. Barton noted that the existing promenade would be above water, but the connections would not be.

Mr. Leader asked if storm surge was accounted for. Mr. Wong responded that storm surge is not a number that is combined with projections and it is looked at separately.

Mr. Leader followed by asking that if current projections for the site were based on static levels. Mr. Wong answered yes.

Ms. Barton asked what the storm surge at the site is. Mr. Wong responded that the wave projections are one-foot in Alameda.

Mr. Leader asked if that was one-foot higher than the 100-year flood line, and if the proposed promenade would still be above it. Mr. Wong answered by saying that the promenade would still be above it.

Mr. Strang asked who would be the users of the hotel. Mina Patel, project representative, answered that it is a Marriot hotel, catering to corporate visitors during the weekdays, and locals during the weekends. She mentioned that Alameda used to be a destination for people to get away from San Francisco, and while it is no longer that, the project seeks to bring back some of that nostalgic feeling. The landscaping, benches, and amenities would be inviting and vibrant. The Planning Board wants an iconic hotel, which they believe is incorporated into the current design. Marriot buildings tend to be boxier, but this design was made to be more welcoming.

Mr. Strang asked if there would be parking designated for the public. Ms. Patel answered that parking would be for guests. The current Settlement Agreement calls for public parking on the East Meadow Park, but the City doesn't want to "pave the park." They are currently working with the City to provide public parking along Harbor Bay Parkway. Ms. Miramontes added that BCDC staff has indicated acceptance of public parking being provided along Harbor Bay Parkway instead of within the existing park area.

Ms. Alschuler asked where the property line was, and if there are improvements off-site. Mr. Kamat answered that most of the landscaping improvements would be off-site, with low plantings. He noted on the site plan where the property lines are located.

Ms. Barton asked what the blue line on the provided site plans represented. Mr. Kamat said that it represented view access through the lobby, but explained that the lobby would not be available for the public, only hotel guests.

Ms. McCann asked whether there were any restrictions from the FAA regarding height since the hotel is 63-feet tall but has a potential to be 100 feet tall. Mr. Kamat responded that the FAA said the building could go as high as 85 feet.

Ms. McCann asked how many rooms there would be in the hotel. Mr. Kamat responded that the hotel would have 100-rooms, with a maximum occupancy of 90 people. Some rooms would be single occupancy. Ms. McCann commented that the occupancy numbers seemed unusual.

Ms. McCann asked for a breakdown of the parking spaces including how many would be in the enclosed parking structure. Mr. Kamat answered that the enclosed structure would have 32 spaces with lifts and 50 spaces would be located outside in the lot. Ms. Patel added that the project is close to BART, the ferry, the airport, and that the hotel would provide a shuttle to all those destinations.

Ms. McCann asked how the applicant arrived at the number of parking spaces. Mr. Kamat said that a traffic study was conducted based on occupancy and number of rooms. The study concluded that 65 parking spaces would need to be provided.

Ms. McCann asked if members of the public could park on-site to get a cup of coffee or enjoy the shoreline. Mr. Kamat answered that bike parking is provided for the public but the enclosed parking structure and surface parking would be for guests only. Mr. Reidy added that benches and an outdoor patio would be provided for the public, and would be inviting to the public. Ms. Patel noted that outdoor benches would be provided for the public, and tables inside would be for guests only. The outdoor benches could be used by both the public and hotel guests. Mr. Kamat added that windows would let guests inside the hotel enjoy views of the Bay.

Ms. McCann asked if the public could use the indoor areas. Mr. Köster stated that the public would not be allowed to use hotel amenities.

Mr. Leader asked if the terraces would be for guests only. Mr. Kamat responded yes, that an access key would be required to access the terraces. The public would only be allowed to use the path connections. The blue line on the site plan represents views, not public access.

Ms. McCann asked if the off-site landscaping improvements were designed to complement the hotel, or solely as improvements to the parks. Mr. Kamat answered that the improvements were designed mostly for the neighboring properties. Ms. Patel added that landscaping would be low to the ground to allow views of the Bay. Mr. Kamat added that all landscaping would complement the surrounding parks, and meet local guidelines.

Ms. Barton asked about the condition of the existing soil. Mr. Reidy answered that the site is comprised of non-native fill. Ms. Barton commented that native plants may not be successful in the non-native soils.

Ms. Barton asked whether irrigation water would be reclaimed or potable. Mr. Kamat answered that potable water would be used for irrigation.

Ms. Alschuler stated that while it is not unusual for the Board to see projects that are located mostly inside the shoreline band and it is acceptable to build in the shoreline band, this proposed building would be too close to the Bay. She noted that the only proposed public access improvements included the path with landscaping along the edge of the Bay. She questioned what the hotel would do for public access and enjoyment of the Bay. The hotel would have meeting rooms, a pool, and other amenities, but these would not be accessible to the public. She questioned why the building was so close to the Bay.

Mr. Strang followed by asking the applicant to respond to the question of why the bike path is located away from the shoreline. Mr. Kamat explained that a 17.5-foot easement along Harbor Bay Parkway had been provided to accommodate a sidewalk and bike path. The location of the main entry point to the site, and the desire to hide parking from the shoreline led to the current design.

Ms. Alschuler asked for more information about the two perpendicular path connections. Mr. Kamat explained that the connection between the hotel and enclosed parking structure would be primarily enclosed but have some openings to prevent it from "looking like a tunnel." Mr. Wong added that the path connections would be raised at the vehicular crossing points.

Mr. Kamat further commented regarding the question about the bike path location. He explained that Alameda Public Works dictated for the bike path to be adjacent to Harbor Bay Parkway and for the pedestrian path to be provided along the shoreline.

Mr. Strang asked if the easement would be for a bike path and sidewalk, and not for utilities, to which Mr. Kamat responded affirmatively.

d. **Public Hearing.** Thirteen members of the public provided the following comments:

Kari Thompson, with the Alameda Chamber of Commerce, spoke in favor of the project. She said that the project is already approved by the City Council, which took into account BCDC policies, and their approval was upheld after an appeal. She mentioned that the project would enhance the public access by creating a nice walkway. It would not block access, but rather improve it. She further noted that right now it is “just an empty field and no one uses the field.”

Daniel Franco spoke in opposition of the project. He provided handouts to the Board members. He said that the project needs to be looked at in a bigger context, including the future of children and bird species. He stated that more recent data for sea level rise projections should be used, rather than ten-year old data. He noted that counties are voting on a ballot measure for wetland restoration although this site would flood in the future. He mentioned the example of Washington Harbor in D.C.: it got permits, was flooded, was rebuilt, and then flooded again. He added examples of Miami and Jack London Square in Oakland, and mentioned that there is no scenario in which this project would not flood in the future.

Gary Thompson, with the Cantamar Homeowners Association, spoke in opposition to the project. He objects to the location and construction of the hotel, calling it “unsightly and out of character with the neighborhood.” He stated that all existing buildings in the area are currently two floors, and that a five-story building “would be a distraction and look like a wall along the water.” Other existing development is set far from the water. On-site parking, even with the stacker system, would be 45 spaces short of meeting requirements for a facility this size. The City approved the project hoping to locate additional nearby parking in the future. He mentioned that the City wants additional parking near the hotel for the ferry, but that the ferry is far away, and the parking would be used by the hotel. He is dismayed that such a small parcel would go from open space, to a two-story building, and now to a five-story hotel in the span of two years. Only a handful of residents know the hotel is proposed. Nearby business users are in the area only during the day, while the hotel would be active all the time, bringing light and noise to the area. In 1984, BCDC’s DRB stated that views from the site area are great, and that parking should be prohibited. He asked what has changed now and how a high rise could help with keeping the area open. He then quoted BCDC policies on Appearance, Design, and Scenic Views and asked who this development would serve.

Richard Bangert, with the Sierra Club, spoke in opposition to the project. He objected to the proposed view access from the project. He stated that this project might have been something built before BCDC’s creation, and that if this project is approved, BCDC would be “grandfathering the past,” without thinking of the future. If all that we address is people getting to the Bay, then why not build a podium building so that the public can walk through it. Local and regional governments are planning to improve wetlands in the Bay, not build structures. This has

to do with public open space that is rare around the Bay, and rare in Alameda. He stated that Alameda is zoning everything for development and asked what is preventing them from changing the zoning laws for other open spaces. He mentioned that in other areas, like Alameda Point, the proposed structures are set back 200 feet from the shoreline.

Robin Seeley, an Alameda resident, spoke in opposition to the project. She was “troubled by the words heard from project applicants.” Mr. Kamat had mentioned that it would revitalize the area, but she questioned why the area needs any work and stated that the area is “nice enough.” She goes there to walk her dogs and to enjoy the Bay. Mr. Reidy had said that there are plenty of view corridors already and so “it doesn’t matter if this one is taken away.” She asked what the criteria is for having enough view corridors. By placing the bike path in a location where the view of the Bay is blocked, bikes would use the pedestrian path so they can see the Bay and this would raise public safety concerns with bicycle and pedestrian conflicts.

Pat Lamborn, an Alameda resident, spoke in opposition to the project. She said that the design of the project has not changed since she first saw it. There is a 25-foot setback from the Bay, and then a five-story hotel. There is also a five-foot setback from the property line, which is not allowed in Alameda. She questioned how a covered path could be called public access when “it’s just a tunnel.” The nearby Esplanade has one completed building, one under construction, and then open space. The Stacy Witbeck building has a 14-foot-wide path, 20 feet of grass, and 35 feet of landscaping to the edge of the building, and that building is only two stories. The McGuire Hester building has the same size path and same open space areas, an almost 75-foot setback. She questioned whether bikes would really use the inland bike path, since many bikers want to view the Bay. Bikes using the shoreline promenade would create a safety hazard for pedestrians. She questioned whether a taller building should be allowed to have smaller setbacks than nearby sites. BCDC needs to protect open space, because the City won’t.

Marcy Parks, with the Harbor Bay Business Park Association, spoke in favor of the project. She serves on the architectural review committee for the Association and stated that they had approved the design and plans for the hotel in 2015. The committee found the proposed design to be agreeable and the associated public access to be adequate. The committee believes that increasing the setback would jeopardize the project. Many businesses have endorsed the development. The committee approved the colors, height, materials, landscaping, and paving. The committee recommends approval of the plans as proposed and asks that no changes or conditions that would prevent the construction of the hotel be imposed.

Sandra Threfall, with Oakland Waterfront Action, spoke in opposition to the project. She stated that a 100-foot setback should be enforced, because the “shoreline is a rare commodity and should be protected.” She recommended that BCDC follow the Oregon model, in which for every story that is added, a 25-foot setback is required. She concluded by stating, “Save the shoreline.”

Wei-Ling Huber, with Unite Here Local 2850, spoke in opposition to the project. She said that BCDC should be aware that the City entitlements to the property are in dispute. In 2014, the City Council did not approve a hotel. Alamedans for Responsible Development have asked the City to rescind the entitlements, and asks BCDC not to process a permit until the entitlements question is resolved. She provided a copy of the memorandum they presented to the City. She showed a picture of her daughter who likes to bike through the area, and said the site is pleasant as it is now.

Allen Tai, with the City of Alameda, said that there are no City documents that explicitly state no hotel is allowed on the site and further stated that the site conforms to the BCDC agreement. The City would like for the required public parking to be provided along Harbor Bay Parkway rather than in East Meadow Park.

Trish Spencer, Mayor of Alameda, spoke in opposition to the project. She explained that proposed projects are first reviewed by the City Planning Board prior to City Council review. For this project, the Council approved the project 4-1, with her being the dissenting vote. She believes that the project does not conform to BCDC standards and that the public won't have access to interior amenities. The current Settlement Agreement proposes a shoreline restaurant, which is a use that is more available to the public, while the hotel won't be available to the public. The area is bicycle and pedestrian friendly, and this project contradicts the charge that the public should have direct access to the shoreline. The proposed paths would not be adequate for normal users because people want to see the water. She requested for the bike path to be moved adjacent to the shoreline. She said this project does not provide access to the public, and that the footprint of the hotel is too big for the site.

Irene Deiter, an Alameda resident, spoke in opposition to the project. She said it is a good idea to have a hotel close to the business park, but that this site is too small. There are other nearby spots that have not yet been developed. She suggested creating a park on this site. The views are unobstructed and beautiful. The hotel would serve as an obstruction. She believes it is an ill-conceived idea to build such a large building that would block views on this site. She recommended denial of the project.

Greg McConnell, associated with the project, spoke in favor of the project. He said the project tries to create economic opportunity throughout the Bay due to the need for hotels in the area. Hotels serve nearby residents, and also bring visitors to Alameda. BCDC's charge is to protect the shoreline that belongs to everyone, not just local residents. This requires a good use of the land. This lot could have been developed in other ways but the hotel "came along" and this proposal would bring more people to the area to enjoy the scenic views of the Bay.

e. **Board Discussion.** The Board members discussed the following:

Ms. Alschuler asked for clarification from the staff regarding the Settlement Agreement, and specifically whether the site was limited to office/restaurant uses. Brad McCrea (BCDC Regulatory Program Director) explained that a restaurant use had been specified in the Agreement for a long time and then a few years ago the Agreement was amended so that the site could have either an office building or a restaurant. A low-scale office development with massing similar to a restaurant was envisioned. Normally, BCDC is not involved in land use

designations but this is an unusual case due to the Agreement. In a normal permitting process related to a project proposed in BCDC's 100-foot Shoreline Band, the Commission's main charge would be to determine whether the project provides maximum feasible public access consistent with the project. In this case, the Settlement Agreement is between HBIA and BCDC, which arose from a claim of exemption at the time the Commission was formed in 1965. This Agreement allowed for the area to be exempt from BCDC's permit jurisdiction. The proposed land use change from restaurant/office to hotel will require a public hearing and vote by the Commission. Mr. McCrea directed the Board to review the project as they would any other project subject to the McAteer-Petris Act. He acknowledged that the site is constrained. He advised the Board to follow "business as usual" as they review the visual and physical public access including public access on-site and off-site, parking, etc.

Ms. Barton stated that she does not believe the project provides maximum feasible public access, and that it sets a dangerous precedent.

Ms. McCann stated that the project could do more to improve access and views. The Board had not heard enough about the benefits of the project to the community. She had imagined that the project would provide amenities, such as a coffee shop, and maybe terraces that would be available to the public. Enhancements to adjacent areas should be stronger, considering that the property is maximized in terms of parking. She was struggling to reconcile 100 rooms, 82 parking spots, and 90-person maximum occupancy, and could not understand how these numbers were arrived at. She would like the applicants to reconsider the location of the building: either move the building closer to Harbor Bay Parkway or use podium parking to move the building away from the shoreline. If the project had more community benefits, she would be more enthusiastic about the project. She commented that the design is interesting, and that the designers "did a good job of making it interesting, but there's not enough for the community."

Mr. Leader stated that the applicants did the "minimum necessary" and did not do "enough to make the site more positive." He further stated, "There's nothing there for the public, except for continuing of the existing path with cheap amenities." He believes that the applicant is trying to "fit a project on a site where it doesn't fit." A meaningful public amenity would be more successful in bringing the public to the shoreline. He does not believe that a hotel lobby would draw the public.

Ms. McCann wondered if the upper terrace on the enclosed parking structure could be open to the public, perhaps on weekends.

Ms. Alschuler stated that the hotel could bring people to the shoreline if it provided a gathering point for an enjoyable experience. The covered walkway from which people won't see the Bay is not public access and she suggested trading the enclosed walkway for more open paths to the water. She stated that, "There's no graciousness from the applicant." The site should have a similar character as it does now and be designed to bring people to the Bay; a shoreline restaurant would do that. It's an amazing experience in this area, and this project would lose that.

Mr. Leader said that he is concerned about the inland location of the bike path. Ms. Alschuler commented that the inland bike path could accommodate the faster riders.

Mr. Strang observed that, given how tight the site is, that if the design could be flipped (with the building closer to the street and the bike path moved to the shoreline), then the promenade could double in size.

Ms. Alschuler stated that it would be undesirable to move the parking closer to the shoreline. She expressed concern that there would not be adequate parking for special events held at the hotel. Mr. Strang wondered how many spots would be needed for staff. Mr. Barton said that the parking should be put under the hotel.

Ms. Alschuler asked the Board to consider how the project could be improved for the public and also how the project would respond to sea level rise. Ms. Barton mentioned that if the Board were to support projects such as this, they would expect more ability for the public to use all the amenities, not just guests. She stated, "We expect more." Ms. Alschuler commented that maybe the community could use the ground floor in order to make the hotel welcoming and useful to the community. Ms. McCann wondered if maybe the community could use the conference areas on the weekends.

Mr. Leader mentioned that improving the project is not only related to an appropriate setback but also related to making it more welcoming to the public. Mr. Strang stressed the need to show the proposed landscaping in relation to the adjacent parks in order to provide more context for the project. He would like to see the relationship between the areas and how they fit together. Mr. Leader commented that the project "feels like it's jammed in there" and that "it's not proportional, and too tight."

Ms. McCann wondered if a row of parking could be removed, then the hotel could be pushed back from the shoreline. She said that other creative ways to move the building back are needed so that the path could be more beneficial to the public.

Ms. Miramontes mentioned that the Board could make a recommendation to see the project again if they choose. Mr. Strang stated that the Board should review the project again and all Board members agreed.

Ms. McCann said that she would like to see a list of public access improvements and benefits to the community when the project returns to the Board. Ms. Alschuler asked, "What will the Bay get out of the project?"

Mr. Arbelaez-Novak asked the Board's thoughts on the adequacy of the proposed view corridors. Ms. Barton stated that the view corridors are not adequate, taking into account all of the public access. Mr. Strang mentioned that cars narrow the north view corridor and block views. Ms. Miramontes asked if the Board had specific recommendations regarding the north view corridor.

Mr. Strang explained that the Board would like the applicant to be "more gracious" in terms of public access. Ms. Alschuler stated that she appreciated that the applicant had provided additional landscaping off the project site.

Ms. Jaime Michaels (BCDC's Chief of Permits) informed the Board that BCDC has received a permit application for this project. It is possible that the application could become filed and acted upon by the Commission before there is time for the project to return to the Board for further review. Due to this possibility, BCDC staff asks for the Board's advice now, so it may be presented to the Commission.

Ms. Miramontes explained that once an application is filed, the Commission must take action within 90 days of it being filed. Ms. Barton asked if this timeline could be changed. Ms. Miramontes explained that public access is not a filing requirement for applications, and that the permit processing deadlines cannot be changed by Commission staff. She further explained that some permits do have conditions that require projects (such as the next item on the agenda, Brooklyn Basin) to return for additional DRB review following permit issuance.

Mr. John Bowers (BCDC Staff Counsel) added that the 90-day deadline can be extended by the applicants but not by staff. Some applicants may believe that waiting for DRB review could be beneficial and, therefore, waive the 90-day requirement.

Ms. Michaels said that once an application is filed, BCDC is bound by the 90-day deadline. BCDC staff can recommend approval or denial of a project, based on the Board's advice. On behalf of the Commission, we would like to receive the Board's advice.

Ms. Alschuler stated that this project should be able to return to the Board within 90 days.

f. **Applicant Response.** Ms. Patel explained that they had discussed the public access with BCDC staff and that they are happy to provide it. She further stated that her team would discuss how to handle the Board's comments in light of liability concerns. She added that front and back doors to the hotel would be open everyday until 11:00 pm and then closed after for security reasons.

Mr. Reidy thanked the public who provided comments and assured them that their comments would be taken seriously.

Mr. Gianti \_\_\_\_\_(last name...), a partner with the hotel project, added that the project had considered a coffee shop, but that it would have "opened a whole new can of worms with regards to parking for coffee shop patrons." He said that the project is flexible, and would like to work to make the project fit with BCDC and City requirements while also considering their own goals.

g. **Board Summary and Conclusions.** The Board made the following summary and conclusions:

(1) **Overall, the project appears too tight for the site.** While the Board acknowledged that the Commission may authorize buildings within the 100-foot shoreline band, the proposed location of the hotel is too close to the shoreline and the parking areas take up too much of the site. The Board asked the applicant to explore design solutions that would allow for the building to move back from the shoreline and also to minimize the area of the site devoted to surface parking.

(2) **Additional public access areas and amenities are needed.** The Board encouraged the applicant to make the site more welcoming to the public, encouraging the public to visit the site and the shoreline. The Board recommended opening some hotel guest areas to the public, such as the lobby, conference rooms, and terraces, and also to include elements that would bring people to the Bay, such as a coffee shop.

(3) **View opportunities to the Bay need to be improved.** The Board expressed concerns regarding the adequacy of the proposed view opportunities. They recommended that the enclosed connection between the hotel and parking structure be moved to an open area, and that the applicant be more gracious by providing view opportunities that are not blocked by cars.

(4) **Consider moving the bike path proposed along Harbor Bay Parkway to the bayside of the hotel.** The Board recommended that the applicants consider moving the bike path closer to the shoreline both in order to move the building further away from the shoreline, and also to minimize potential conflicts between pedestrians and bicyclists that may want to remain adjacent to the shoreline.

(5) **Proposed landscaping should tie in with the existing park areas.** The Board appreciated the applicant's proposal to include low-level landscaping to preserve Bay views. However, the Board stressed the need to tie the design of this landscaping in with adjacent shoreline areas in order to provide continuity along the shoreline.

(6) **The Board would like to review the project again.** The Board recommended the project return for additional review.

4. **Brooklyn Basin, Shoreline Park, City of Oakland, Alameda County; BCDC Permit No. 2006.007.01 (Second Review of Shoreline Park).** The Design Review Board conducted a second review of the design by Zarsion-Oakland Harbor Partners (formerly Oakland Harbor Partners, LLC), the City of Oakland, and the Port of Oakland, for the shoreline park area of the Brooklyn Basin project authorized in BCDC Permit No. 2006.007.01. The approximately 10-acre proposed park site includes shoreline pathways for pedestrian and bicycle access, shoreline parking, public plazas, a redeveloped and rehabilitated approximately 20,000-square-foot portion of the Ninth Avenue Terminal building and adjacent private Bay-related commercial activity, and areas for special events. The Board reviewed the Brooklyn Basin project prior to permit issuance. The upcoming Board review of the Shoreline Park is required pursuant to the BCDC permit. For this remaining portion of the meeting, Karen Alschuler served as Chair.

a. **Staff Presentation.** Erik Buehmann introduced the project and the issues identified in the staff report, including pedestrian and bicycle connections along the shoreline, the use and design of the modified park, the impact to view corridors, the proposed water connections, and proposed special events.

b. **Project Presentation.** Patrick Van Ness of Zarsion-Oakland Harbor Partners gave a brief introduction, including the regulatory history of the park, its context within the larger Brooklyn Basin development, and the rationale for design changes to Shoreline Park.

Sarah Kuehl of EinwillerKuehl Landscape Architecture presented the modified Shoreline Park design in detail. She provided a brief overview of the current conditions at the site and the original park design. Ms. Kuehl summarized the communities' concerns about the original design, including concern that the large deck would not be activated in the absence of special events, the desire to retain remnants of the Ninth Avenue terminal building, and the concern that the park "did not look like Oakland." Ms. Kuehl addressed changes to the design, which is intended to be more inviting by providing a large grand entry to the Ninth Avenue Terminal building. The existing curvilinear forms of the site would be emphasized, and elements of the Ninth Avenue Terminal building would be used to provide shade and light. The path along the lawn area to the north has been relocated inland adjacent to the road, to provide more useable space along the shoreline. To address community desires for a near-water experience, the park includes ramps and docks down to the water. The redesigned park includes expanded event areas in the deck and lawn areas to activate the park.

c. **Board Questions.** Following the presentation, the Board asked several questions.

Ms. McCann asked about the uses for the buildings in the adjacent development and asked if the park would be constructed in phases. Ms. Kuehl responded that the first floor of the development buildings would be retail, with residential on remaining floors. Ms. Kuehl explained that the park would be constructed in one or two phases, beginning with the large deck and construction of the lawn following.

Mr. Leader asked for more detail about the community process that led to the redesign of the park. Ms. Kuehl explained that community input stressed that the original design "did not look like Oakland," and that the history of Oakland's industrial waterfront was important to the community. Catherine Payne, a Planner for the City of Oakland, explained that the redesign was very favorably received by the community and obtained unanimous support from the City Planning Commission.

Mr. Strang asked which remnants of the original Ninth Avenue Terminal building would be saved and how it would be removed. Ms. Kuehl described the demolition of the terminal building, how they would repurpose some walls and framing structures, but some of the decisions would have to be made once demolition has begun.

Ms. Alschuler asked about the use of the Ninth Avenue Terminal Building. Ms. Kuehl explained that the building would function as a restaurant, with an open and transparent design.

Mr. Leader inquired how the events of different scales would be managed and programmed and how demand would be created. Mr. Van Ness responded that the developer's goal is to create parks for public use, and that the developer would be responsible for maintenance, taking the lead in programming through the manager of the development, and coordinating permitting with the City Parks Department. Mr. Van Ness acknowledged that adjusting demand for the park over time is an issue that would have to be addressed. Ms. Kuehl emphasized that good maintenance would serve as a draw for demand to the park.

Ms. Alschuler asked about the sea level rise projections used to analyze the viability of the park to sea level rise and flooding. Mr. Van Ness stated that 36 inches of sea level rise at the end-of-century was used because this was the estimate used for the Brooklyn Basin project when it was originally permitted. He emphasized that there is sufficient height for the park to be resilient beyond that projection, however the ramps and near-water elements would likely be inundated sooner than 2100.

Ms. Alschuler asked about the removal of the large open lawn area in the original design. Ms. Kuehl explained that the structure would not accommodate such an expansive lawn due to weight restrictions on the existing structure.

Mr. Leader and Mr. Strang asked about stormwater management. Ms. Kuehl stated that the water would have to be pumped into the stormwater bioretention areas, then treated and released.

d. **Public Hearing.** Two members of the public provided the following comments:

Daniel Franco criticized the project, stating that the project would present a risk of flooding as sea levels rise. He stated that the project was originally designated by the City to be a wetland but that the designation was changed to accommodate development.

Sandy Threlfall, a member of Oakland Waterfront Action, spoke in support of more public events at the redesigned park, and expressed concern that the park would be used for private events. She expressed concern about the number of bathrooms at the park in relation to the park's size and stated that more bathrooms should be provided. However, Ms. Threlfall emphasized that the park design has improved dramatically and that she was not concerned about the potential flooding of the near-water elements.

e. **Board Discussion.** The Board members discussed the following:

Ms. McCann commended the developer and designer on the new design, supporting the variety of the design and the scale. The entry bridge is a strong welcoming draw into the park. The potential flooding of the Cove area near-water elements is not a concern. Ms. McCann stated that programming will be a challenge and asked about children's play areas being included. Ms. Kuehl stated that the public trust restrictions at the site prohibit a formal playground, but the design incorporates elements for children to climb and explore.

Mr. Leader supported the use of the trusses as vertical elements, including using them to stage events and incorporate them into the use of the site. Mr. Leader stressed the need to integrate art into the design of the park, including using the context of the history of the site and its character. Mr. Leader wished the stormwater could flow out of the bioretention basins with gravity rather than pumps. Mr. Van Ness stated that the flat site made it difficult to move the water and that the deck is subject to stormwater treatment requirements.

Mr. Strang commented that the stormwater issue will become more serious as sea levels rise, with overland releases being more appropriate and necessary. Mr. Strang stated that the structure of the design is strong. The different parks at Brooklyn Basin will have different experiences, but there appears to be continuity throughout. Mr. Strang warned about

the potential to slip at ramps down to the water, and encouraged more rocky treatments for the surfaces. He responded favorably to the planting palette, although highlighted a concern about saltwater intrusion in the landscaping.

Ms. Barton also noted that the interface between salt water and soils should be addressed.

Ms. Alschuler emphasized the importance of strong programming at the park. She supported saving the remnants of the Ninth Avenue Terminal building. Ms. Alschuler supported the “bridge” arrival to the Ninth Avenue Terminal building, but commented on the importance of creating a “public” experience that will allow visitors to feel comfortable coming to the other side of the building when arriving from the Embarcadero or adjacent areas.

Mr. Leader asked whether the design of the building would allow pedestrians to walk through the building. Ms. Kuehl affirmed that the building was open to walk through.

Ms. Alschuler commented that the Ninth Avenue street side is important as well. The park tells the story of the place, which, like the Presidio, will engender loyalty to the site’s history.

f. **Applicant Response.** The applicant did not provide any closing statement.

g. **Board Summary and Conclusions.** The Board made the following summary and conclusions:

**(1) The redesigned park provides an interesting and functional variety of spaces.**

The Board supported the diversity of spaces proposed within the plan including the welcoming bridge entry, the deck area, the sloped lawn, and the areas that ramp down to the water; the water connections will need to be carefully designed in order to prevent hazardous slippery areas.

**(2) Preserving portions of the Ninth Avenue Terminal Building is a good idea.**

The Board supported preserving portions of the building and adding elements to it in order to provide shade, sound, light and other enhancements to make the preserved structures useful. The Board believed it may be difficult to save the actual building and in the end they may need to actually build a new structure in its place. Another challenge will be to make the spaces beneath the trusses appear more intimately scaled for public access when the areas are not being used for special public events.

**(3) The proposed planting plan is appropriate.** The Board supported the proposed planting plan and palette, while cautioning that it is very ambitious given the limitations regarding the amount of soil available for the trees and possible saltwater intrusion

**(4) Special public events are important to the success of the park.** The Board supported programming of public access for special public events and emphasized that it is a key element of making the park successful. The Board expressed concern that this programming will be very challenging given the large open nature of the deck area, the fact that this is the first park to be developed at Brooklyn Basin, and its relatively isolated location from the Embarcadero and adjacent pedestrian areas.

(5) **Public art should be incorporated into the park design.** Art should be carefully integrated into the design of public spaces and not simply “plop art” placed in specified locations. The art should "tell a story" and be integrated into the design.

(6) **Interpretive Elements should be incorporated.** The Board commented that telling the story of the place through interpretive elements is important in order to maintain a loyalty to the history of the place.

(7) **Stormwater management should be carefully considered.** There should be a natural connection to the Bay for stormwater overflow, to the greatest extent possible. The Board expressed concerns that reliance on electricity during major floods would present a risk to the stormwater management system.

5. **Adjournment.** Just prior to the meeting’s adjournment, Ms. Miramontes announced that Mr. Leader and Mr. Strang were both recently designated as Fellows in the American Society of Landscape Architecture. Those present extended their congratulations. Ms. Alschuler the adjourned the meeting at approximately 9:40 p.m.

Respectfully submitted,

ELLEN MIRAMONTES  
Bay Design Analyst