

# San Francisco Bay Conservation and Development Commission

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June 1, 2018

**TO:** Design Review Board Members

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**SUBJECT: Jack London Square, F3 Hotel Site; First Post-permit Issuance Review**  
(For Design Review Board consideration on June 11, 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. This report represents the post-permit issuance summary for the hotel parcel and associated public access amenities for the Board’s 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)

1. **Hotel (Exhibits 5-7).** 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 single-story wing with public hotel functions line Water Street, creating an L-shaped building facing the waterfront. The building composition creates space for the hotel’s outdoor amenities facing the water including an outdoor pool area and a rooftop bar. The project proponents further note: “The materials of the hotel and the residential building across Water Street (under construction) respond to the strong maritime and portside industrial buildings of the immediate area. By relating the buildings to each other and coordinating their design and landscape, the goal is to bring a strong sense of place to the east end of Jack London Square.”

2. **Required Public Access (Appendix A).** 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 & 10).** The proposed Estuary Green is separated into three distinct areas: a palm garden, boardwalk, and meadow. The **palm garden** (approximately 16,000 square feet) would comprise an upper terrace between the boardwalk and the hotel pool terrace, and would be planted with palms and low shrubs or ground cover plants. The **boardwalk** section would connect the Bay Trail on the west at the intersection of Harrison and Water Streets and on the east between the terminus of Alice Street and the Bay. A paved connection between the adjacent pier to the west and the boardwalk is also proposed. A tall grassland **meadow** (approximately 11,000 square feet) would make up the lower terrace between the boardwalk and the riprap Bay edge. A 3-foot-wide trail winding through the meadow would connect to the boardwalk at either end of the Estuary Green.

A picnic area with approximately four tables and palms is proposed at the southeast end of the Estuary Green on both sides of the boardwalk. On the meadow-side, this picnic area would connect to the meadow trail and on the palm garden side, it would connect to one trail through the palm garden to the hotel terrace and pool area and one trail to the traffic circle at the foot of Alice Street. Another smaller seating area is proposed at the northwest corner of the palm garden, adjacent to a walkway connecting the boardwalk to the hotel terrace.

The boardwalk is proposed to function as the Bay Trail though the site and additionally consists of retaining walls, seating, and other flexible furnishings for fitness, play, and relaxation. The East Green is proposed to be extended to meet the boardwalk at the intersection of Harrison and Water Street, reducing the paving in this area. The proposed boardwalk shifts the existing trail alignment inland and angles across the site to direct people to the waterfront. The proposed boardwalk would serve as the Bay Trail, and is approximately 20 feet wide at both ends, widening to approximately 55 feet at the widest point where it turns. The portions of the boardwalk that are wider than 20 feet would include seating and exercise features. Bay trail signage is proposed at either end of the boardwalk and one interpretive sign is planned, integral with the communal bench. A variety of seating options are proposed within the communal bench. Pedestrian-scaled lighting, bike parking, and appropriate receptacles for trash and recycling are also proposed along the trail. The amenities and paving propose to comply with ADA standards for accessibility.

4. **Improvements to Water Street (Exhibit 11).** The permit requires “Improvements 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.”

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 as a “garden alley” character, allowing access for emergency vehicles, but heavily planted. The Water Street pedestrian walkway is proposed to be 20 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 (15 feet wide) along the majority of the frontage to Alice Street. On the south side in front of the hotel, moving west from Harrison Street to Alice Street, the area would transition from a 10-foot-wide planting area with public seating, to an 8-foot-wide stoop with palm trees, and then to a 10-foot-wide planting area. At the corner of Harrison and Water Street, a wide planting area is proposed to soften the vast areas of pavement at Jack London Square.

5. **Improvements to Alice Street (Exhibit 12).** The permit requires “Improvements 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 was is public access area required by BCDC Permit No. 1994.008.

The proposal is to redesign the existing park between the foot of Alice Street and the Bay as an approximately 77-foot-long “Arrival Plaza”, approximately 10-feet-wide where it connects with the sidewalk at Alice Street and widening to about approximately 40-feet wide at the edge of the Bay. This plaza would be bordered to the east and west by planting areas with palm trees, would include approximately four perimeter benches, and four sunbenches facing an existing public art piece with views of the Oakland Estuary. The Bay Trail would run through this plaza, connecting directly with the boardwalk at the Estuary Green to the west.

6. **Special Events (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 “At 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 4-foot shoulders on either side. This zone has not been used for special events in recent years, likely due to a lack of programmed development on the adjacent parcels.

7. **Maintenance.** 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.** 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.<sup>1</sup> As proposed, the developed site elevations along this area of the shoreline would be approximately: 11 feet for the meadow area, between 11 and 12.5 feet for the boardwalk, and 15.5 feet for the palm garden area. The 2018 State of California Sea-Level Rise Guidance for Medium to High Risk Aversion for the High Emissions scenario estimates 23 inches of sea level rise by 2050 and 83 inches by the end of century. Under these conditions, the meadow area and the east and west portions of the boardwalk could experience storm-related flooding events by mid-century and all proposed areas, including the hotel terrace and pool area, would experience such flooding by the end of century. By the end of the century, the meadow and portions of the boardwalk would experience flooding with daily tides. The mid-century 100-year storm would flood the meadow and parts of the boardwalk by 6 inches. No adaptation plan has been proposed for the public areas.

**Prior DRB Reviews (Appendices C-F).** The project was reviewed by the Design Review Board at three meetings dated November 10, 2003, February 9, 2004, and May 10, 2004. At its last review, 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.”

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<sup>1</sup> 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 early 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." and "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 “Providing 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 Bay Plan **Transportation** Policy 4 states, in part, that “[t]ransportation projects on the Bay Shoreline... should include pedestrian and bicycle pathways... Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.”

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. Does the proposed design for the Estuary Green provide obvious cues that the palm garden, is part of the open space for public access?
3. Does the proposed boardwalk design and alignment activate some of the existing public access areas that 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, while the boardwalk only provides for approximately 1,300 square feet of space at the widened corner.)
6. Do the proposed public access improvements create diverse recreational opportunities for people of all races, cultures, ages, abilities, and income levels?

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

7. Is the proposed project designed to enhance the pleasure of the user or viewer of the Bay?
8. Would the proposed public access improvements 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?

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

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