

San Francisco Bay Conservation and Development Commission

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TO: Design Review Board Members

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdc.ca.gov)
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SUBJECT: Draft Summary of the December 9, 2024 BCDP Design Review Board Meeting

1. **Call to Order and Meeting Procedure Review.** Design Review Board (DRB) Chair Jacinta McCann called the hybrid meeting to order on Zoom, at approximately 5:00 p.m.
 - a. **BCDP Board Members:** Vice Chair Gary Strang, Bob Battalio, Kristen Hall, Tom Leader, Stefan Pellegrini.
 - b. **BCDP Staff:** Ashley Tomerlin, Yuriko Jewett, Lisa Herron, and Katharine Pan.
 - c. **Marina Point Project Team:** Marcia Vallier, CSWST2, Landscape Architect, Mike Vidar, CSWST2, Civil Engineer, David Burton, KTGy, Architect, Bryan W. Wenter, AICP, Miller Starr Regalia, Legal Counsel, Glen Powles, Guardian Capital, Owner
2. **Staff Update.** Ashley Tomerlin reminded Board members to complete the mandatory ethics training by the end of 2024. She also provided the following updates:
 - a. The Regional Shoreline Adaptation Plan was adopted by the Commission on December 5, 2024. The RSAP framework and public draft were brought to the Board in June and October of this year. Staff look forward to bringing updates on the planning and technical guidance as the implementation of those efforts move forward.
 - b. Staff are working on the permit application for 1499 Bayshore; the research and development campus in Burlingame which came to the Board in November 2023.
 - c. Channel Park, phase 3 of the Brooklyn Basin mixed-use development project in Oakland is tentatively scheduled to be presented to the Board in Spring 2025. The Brooklyn Basin project most recently came before the Board in April 2019.
 - d. The next DRB Meeting will be held January 6 and to review of the San Francisco Recreation and Parks District East Harbor and Marina Green project.
3. **Marina Point in City of Richmond, Santa Clara County (First Application Review).** The Design Review Board held a preliminary review for the proposed 4.92-acre residential development located at 2100 Marina Way South. The proposed project is a residential development with 70 market-rate, single-family homes and 30 junior additional dwelling units. Within the shoreline band, there are 12 separate single-family units, walkways, utilities, and landscaping. Public access improvements are proposed along the Bay Trail

connecting Richmond Ferry Terminal to Lucretia Edwards Shoreline Park. Improvements include additional seating, landscaping, signage, bike infrastructure, as well as a viewing platform, picnic, and fitness area.

- a. **Staff Presentation.** Lisa Herron provided a staff introduction to the project site and context. The Board had the following clarifying questions regarding the presentation:
 - 1) Jacinta McCann requested that staff provide guidance on what is allowable within the 100-foot shoreline band jurisdiction. Staff responded that within the 100-foot shoreline band, the Commission may only deny a project application based on a finding that the project is not providing maximum feasible public access to the Bay and shoreline consistent with the project. There are many Bay Plan policies that relate to public access and are used to determine what can be approved or denied within the shoreline band. Staff have considered parks, structures and other uses within the shoreline band, but they must be consistent with the site context. Chair McCann clarified that the original intent of the shoreline band was to allow for additional scrutiny of the shoreline due to the sensitivity and vulnerability from an access standpoint. Staff also noted that another basis for consideration of approval or denial is when a Priority Use Area is designated at a site.
 - 2) Gary Strang requested a summary of the permit history at the site. Staff responded that while the site does not have a specific permit for development, the overall Marina Bay housing development project was issued a BCDC permit in 1989, which authorized the public access within the vicinity of the Marina Point site, such as the Bay Trail frontage and Lucretia Edwards Park. The most recent amendment to the permit occurred in 2008, where an office complex was permitted for the site, but staff stated that research is ongoing to understand why it was not built.
 - 3) Kristen Hall requested the status of the 505 East Bayshore Project in Redwood City which also featured homes in the shoreline band that the Board reviewed in 2021. Staff responded that the project was approved by the Commission in June 2024 and staff-level design changes were made to reconfigure the project related to shoreline protection and public access based on the Board's past discussion of the project.
 - 4) Gary Strang asked about the land use designation for the site. Staff responded that the City of Richmond General Plan identifies the site as a "high intensity mixed use major activity area." The local zoning is also consistent with this designation.
 - 5) Gary Strang asked if there is a height limit restriction for the area. Staff and the project team confirmed that the height limit is 125 feet.
 - 6) Tom Leader added that he recalls a ballot measure failed for the site to provide single family homes at one point. Staff responded that there is information in the file on this topic, but staff will need more research will be required to summarize the final outcome.
- b. **Project Presentation.** Landscape architect Marcia Vallier provided an overview, with a slide presentation of the local context, existing site conditions, and a detailed description of the proposed project. At the end of the design presentation, Bryan

Wenter with Miller Starr Regalia presented the legal context of the project, which is reiterated in the attached comment letter submitted to the DRB.

The Board had the following clarifying questions for the project proponent's presentation.

- 1) Bob Battalio asked if water access was considered as part of the project. The project proponent responded that water access was not included in the design since there is existing water access adjacent to the site, including Lucretia Edwards Shoreline Park which features water stairs used for launching small watercraft.
- 2) Bob Battalio asked why the project considered only 3 feet of sea level rise. Typically, 3 feet is the minimum and we often see 6-7 feet toward the end of the century. If you are only considering 3 feet it will be difficult to adapt. The project proponent responded that projections were taken from NOAA and the IPCC and that the project team can reevaluate as needed. Board Member Battalio reiterated that the site is in a V-zone and therefore has high velocity wave action and will require a special foundation when a building is in that zone.
- 3) Bob Battalio asked how much settlement is anticipated as part of the development and how that factors into the finished floor elevation for the buildings. The project proponent responded that the intent is to surcharge the site for up to a year and the floor elevations will be established after the surcharge.
- 4) Bob Battalio asked why the development encroaches into the shoreline band given that it could be set back. The project proponent responded that the development includes three-story single-family homes with roadways, paseos and parking; the project team was aiming for 100 units for the project to be feasible.
- 5) Tom Leader inquired about the legal status in regard to the project application with the City and what sort of communication has occurred to date. The project proponent stated that they have reached out to the City and that the legal status of the application is deemed consistent as a matter of law, which is explained in the letter submitted by the project's legal counsel. The project is being reviewed by both the BCDC and the City's design review board and CEQA documentation is in process.
- 6) Kristen Hall asked what other city approvals are required. The project proponent stated that the project requires a subdivision map and may require design review. A non-legislative approval still requires CEQA and documentation for the infill exemption under CEQA is underway now. Board Member Hall noted that it appears that people in the area are looking for a denser project with more mixed-use, but that single family homes are being proposed because it pencils out better. The project proponent responded that the project must make financial sense and projects with higher density are not financially feasible and won't happen for decades.
- 7) Kristen Hall asked what the vision for the Richmond Wellness Trail is and how it being incorporated into the project. The project proponent responded that it is currently designed as a shared street at the end of Marina Way South because that's what fits

with the city and their budget. There is a section of the Wellness Trail that is installed that has separated bikeways. There is a limit on space due to the existing parking near the terminus of Marina Bay South so there is no room to put in a protected bikeway.

- 8) Gary Strang confirmed that all the units will be for sale and asked to confirm the number of below market rates for sale units. The project team stated 10% of the housing units will be affordable (7 of the single-family homes).
 - 9) Gary Strang asked the team to provide more detail on how the site will be maintained. The project proponent responded that the homeowner's association will take care of the area associated with their property and the City is responsible for maintaining the Bay Trail.
 - 10) Gary Strang asked the design team to display the site plan and walk the Board through how a member of the public would access the middle of the site. He noted that the paseos connect to the road and not to the water. They connect to the Wellness Trail and then with the sidewalk and then to the water. The architect noted that they were designed to allow for better vehicular circulation within the development.
 - 11) Stefan Pelligrini asked if the project has considered adaptation strategies for when the Bay Trail is no longer accessible. The project proponent responded that the additional path adjacent to the homes which is approximately 3 feet above the Bay Trail now is available. The public paths open up from the front yards and connects to the Marina Way South cul-de-sac.
 - 12) Jacinta McCann requested clarification on how people will turn around at the edge of the development adjacent to the Rosie the Riveter Museum, observing the service road ends between the two units. The project team stated that curb to curb the driveway is 24 feet, a standard space for a car to turn around.
- c. **Public Comment.** The following comments were received by the Board in the room and online.
- 1) Jordan DeStaebler (in person): Resident of Point Richmond neighborhood in Richmond with a landscape architecture background and served on Berkeley Planning Commission. Mr. DeStaebler stated that the project has gotten to this point due to the City of Richmond failing to submit a project review letter in a timely manner. He stated that he supports housing to be on the site - but it is inappropriate to build single family residences on a site designated for transit-oriented and high-density site with the Richmond Ferry Terminal within 1000 feet. Maybe the financials don't pan out at this time, but there's a growing demand for housing and it seems a shame to build single family housing along the waterfront and thinks we can do better here and open the site to more units/residences. He's against this current iteration and is very disappointed in the City's response, once built, they'll be there for decades.

- 2) Bruce Brubaker (online): Focused his comment on the Richmond Wellness Trail. The trail is planned right now as Class IV, where this project is proposed it's a Class III sharrow. He stated that to switch from Class IV to Class III is confusing and hazardous to bikes. There will be additional traffic here if the project moves forward with the new units. He noted that the plan shows that there is perpendicular parking along the street, so cars would be backing up in the street where there are sharrows. The project should have a better connection to the Bay Trail, continue Class IV trail to Bay Trail, eliminate some parking on street, and make it a more slow, shared street. He recommends that the project narrow the street and make changes to the roadway paving.
- 3) Ahmad Anderson (online): Former Chair of the Richmond Economic Development Department. He highlighted that his mother was the former Richmond mayor who led the effort to bring the ferry service back to the city. He voiced similar concerns to the previous comment stating that the city slept on this item and the voice of the people were concerned about congestion, transportation between the iron triangle and the shoreline. The community has said single family residences is not the way to go. He is asking that the project pause and really look at what's good for the community and the people.
- 4) Bruce Beyaert (online and letter): Chair of TRAC Trails for Richmond Action Committee. He stated that he supports the comments from Lee Huo including the widening of the trail and it should be raised to address sea level rise. He referred to Exhibit 6 and stated that the development should be moved back to support public access. He noted that the only way to access the front door of the home is via a public path, which would have to be shared with deliveries and service personnel. He also noted that the City of Richmond Shoreline District Overlay Zoning requires that there be no non-marine, non-water related property within the 100-foot shoreline band.

The following written public comments were received prior to the meeting, and are included at the end of this summary. In order of reception:

- 5) Tom Butt, Richmond resident
- 6) Lee Huo, MTC Bay Trail
- 7) Bryan W. Wenter, Miller Starr Regalia legal counsel for the developer Guardian Capital
- 8) Trust for Public Land, developers of the Richmond Wellness Trail
- 9) Bruce Beyaert, Richmond TRAC
- 10) Llisel Ayon, Caltrans

Chair McCann thanked all members of the public that provided comments on the project, stating that they are valuable for a project of this importance observing that one would have to expect a realistic and legitimate community process for how the development is approached.

- d. **Board Discussion.** The Board discussed how the project addresses the seven objectives for public access found in the Public Access Design Guidelines, provided feedback on the proposed public access improvements with respect to the Commission's policies on sea level rise, and environmental justice and social equity, and addressed the staff questions listed below.

The seven objectives for public access are:

- (1) Make public access **PUBLIC**.
- (2) Make public access **USABLE**.
- (3) Provide, maintain, and enhance **VISUAL ACCESS** to the Bay and shoreline.
- (4) Maintain and enhance the **VISUAL QUALITY** of the Bay, shoreline, and adjacent developments.
- (5) Provide **CONNECTIONS** to and **CONTINUITY** along the shoreline.
- (6) Take advantage of the **BAY SETTING**.
- (7) Ensure that public access is **COMPATIBLE WITH WILDLIFE** through siting, design, and management strategies.

Staff also has the following specific questions for the Board's consideration:

- 1) Does the project design enhance the user's access to and experience of the shoreline? What other opportunities are there to build connections or further improve existing public access as part of this project?
- 2) Does the project as designed provide sufficient capacity for future adaptation strategies? What can be incorporated into the current design to facilitate shoreline change in the future?
- 3) Do the landscaping and fitness program along the east edge of the development read as a public connection to the shoreline? What design recommendations can you provide to encourage public use for these areas?
- 4) Does the Board have recommendations on the proposed plant and materials palettes?

e. **Summary of Key Issues**

1) **Site Planning and Context**

- a) Kristen Hall stated that this feels like a missed opportunity at a significant waterfront site; it appears to be a feasibility study turned into a master plan with some landscape around the edges. She recognized the feasibility challenge for housing development in current conditions, but stated the site is undermining its own value with the current design.
- b) Kristen Hall noted on the topic of housing density, her understanding is that when there's inconsistency with general plans and zoning the greater shall prevail but would defer to legal counsel to confirm. It appears that it is the

intension of the city is to have a high-density mixed-use node at this location so it's hard to reconcile this waterfront proposal and agree that it is meeting the intent of all the plans.

- c) Tom Leader concurred and stated that this is the single most valuable and important parcel in the City of Richmond. The city will continue to develop around its most visited site which is the waterfront including the Rosie the Riveter Museum, the public activities associated with Craneway Pavillion, and the ferry terminal, the latter driving this site for transit-oriented development. He questioned why higher density development is challenging at this location, highlighting a nearby project by David Trachtenberg called The Point that features three-story attached townhomes with higher density that includes public amenities.
- d) Stefan Pelligrini recommended two case studies for the project team to consider that could help inform a creative approach to improve the site planning for the project. The Bayside development in Hercules which has approximately 335 units on 13 acres, predominantly 1–2-unit, fee simple buildings which are on 26 by 45-foot parcels. A key element that makes this 10-year-old development special is that the entry to the units is separated vertically from the street space using a traditional “stoop” design. Near the Bayside development is the Promenade development which is approximately 20 years old and features fee simple townhouses over live workspaces on very small parcels but benefit from the alley being at a higher elevation than the entry at the street. Both of those examples reflect a creative configuration without having to revert to a mixed-use or non-fee simple scenario.
- e) Jacinta McCann stated there isn’t sufficient space to allow for the proposed activities to feel comfortable and public. She noted the siting of the plaza area and the assembly stair are too close to the homes as an example.
- f) Gary Strang observed that the buildings at this site, when juxtaposed with the scale of the Ford building, would affect one’s enjoyment of the site and enhancement of the user experience. He recommended matching the scale of the structures and attaching the townhomes to improve the transition between the sites.

2) Circulation and Connectivity

- a) Kristen Hall noted that the paths are narrow and do not feel very public because they seem to connect to the unit doors. Public paths should also connect to other pathways and have more permeability and accessibility. She recommended that at minimum, at least one of the public paths should be designed to the Bay Trail guidelines. She noted the public path near the residences reads as an development-oriented path and a generous waterfront path would be preferred.

- b) Kristen Hall added that the bike lanes are not meeting the goals of the Wellness Trail to provide safer, more visible, and connected design. Instead of approaching the bike lane design through a section at the street, she recommended studying the site holistically. She expressed concern with the bike lane cutting through the cul-de-sac, observing that it appears to be dangerous.
- c) Kristen Hall noted that the “landscaped moat” between the Bay Trail and the public path emphasizes the private feel of the site.
- d) Gary Strang noted that the view corridors could be improved; even if one of the green spaces was rotated 90 degrees to allow those using the trail to see into the site, even if it’s limited to visual access into the development.

3) Public Access

- a) Kristen Hall stated it is difficult to state this space is maximizing public access when viewed in the context of the nearby public destinations - Rosie the Riveter Museum, the ferry terminal, commercial area, and adjacent waterfront parks. The extent of encroachment of the homes in the shoreline band and the minimal attention to design within the band doesn’t feel generous spatially or from a design perspective.
- b) Tom Leader also stated that when the Board reviews a project with encroachment within the shoreline band there is normally a public benefit that is provided in return, but that is not the case here. He recommended the development pull back from the shoreline band and provide a major promenade with public amenities at an expanded scale to create a significant public domain. He recommended the first floor of the building support public amenities and/or public facing commercial retail space with housing above. A new scenario like this could be a way to help the project pencil out and still provide public access.
- c) Jacinta McCann expressed concern for having a residential home only a few feet away from such a regionally significant site such as Rosie the Riveter and the compromise to the Bay Trail. She questioned having such a small buffer when there is a playground in the middle of the development, asking if units could be pulled out of the shoreline and increase density at another area of the site.
- d) Gary Strang agreed that thinking creatively about the site is a good idea, suggesting that the development could have more height in the back for example. They would be attached units, but they would have views which many of the homes don’t provide now. He stated that he understands that there is an economy of scale by repeating the same units but mixing it up could create some flexibility on site to get the units outside of the shoreline band.
- e) Stefan Pelligrini stated that the Board focus is on the public access and the nature of public space for the project but observed that the private use, the assumption that 100 identical units should be the basis for the build out of this site, are

compromising the public space. He noted that the architect for this project has done more innovative fee simple configurations in locations nearby.

4) **Sea Level Rise**

- a) Bob Battalio expressed deep concern regarding the limited amount of space for wave dissipation with sea level rise. He noted the Bay Trail will not be able to stay in place and the design does not propose the trail to be relocated upland. He stated that the project needs an adaptation plan that addresses higher levels of sea level rise throughout the life of the development. There are implications if FEMA is changing their maps besides the risk of real damage. Beyond that, the houses wouldn't be accessible or safe during certain times. He stated that a compromise to remove only several of the units would not be enough and recommended that all the bayside units should be located outside the shoreline band given that the site has space to do so.
- b) Bob Battalio also requested that the project team provide profiles of water depth for the site and better study the wave fetch condition for the area.
- c) Gary Strang agreed and noted that the development is for sale housing. He observed the responsibility for the coastal engineering and adaptation work that will be needed to address flooding at the site is a heavy lift for a homeowner's association take on the .
- d) Jacinta McCann agreed and added that when development does encroach within the shoreline band and is subject to flooding, it often affects a parking garage or a land use other than housing. She stated that the Board approaches housing differently, given that it is a 24-hour a day use and not an office use with weekday use only. With housing there is a level of enhanced risk in relation to future adaptation and is therefore a more serious consideration.

5) **Planting Palette**

- a) Jacinta McCann stated that the drawings should clearly show what planting is proposed within the public zone and the residential zone. She also favors a native plant palette.
- b) Tom Leader noted that the palette must be able to tolerate the strong wind conditions that are present at the site.
- c) Gary Strang agreed and stated that in addition to wind, the palette needs to lean toward durability given its placement in a public space. He also stressed drought tolerant and species suitable for assisted migration.

f. **Chair Summary of the Comments.**

- 1) The project is located on Richmond's most significant waterfront site and given that it is part of a transit-oriented node and in close proximity to the Rosie the Riveter Museum, further examination by the project team is necessary to study the Board's

concern regarding access and viability of the Bay Trail, as well as the public enhancement and experience of the site.

- 2) The design program that is shown in the current plan reflects the constraints of the site but it is not sufficient. Practical aspects of the user experience, circulation, and view experiences need improvement. The public path immediately adjacent to the homes is not sufficient and does not convey an adequate sense of a public space and requires more review, particularly if intended to serve as part of an adaptation strategy.
- 3) Adaptation and resilience. The design needs to address the viability and safety of the future homeowners that will reside in the development.

The Design Review Board stated the project should return for additional review as the design progresses.

- g. **Comments from the Project Proponent.** Landscape Architect Marcia Vallier thanked the Board for the comments and addressed one of the public concerns related to the development. She stated that the project team approached the Marina Bay Neighborhood Council for feedback, and they expressed that density was not desired for this area, stating that traffic was a concern. National Park Service expressed that more coordination on the interpretive program was desired. She also stated that as subconsultants to the Wellness Trail they will look at offsite impacts.
- h. **Meeting Adjournment.** Board Member Leader made a motion to adjourn the meeting. It was seconded by Vice Chair Strang. Meeting was adjourned at approximately 7:30 p.m.