

Oakland City Planning Commission

Design Review Committee

STAFF REPORT

Case File Numbers: ER 04-0009, GP 06-009, RZ 04-384, PUD 06-010,
TTM 7621, CP 06-051, T 06-0001, DA 06-011

January 25, 2006

#1	Location:	Oak Street to Ninth Avenue Approximately 64.2 acres bounded by Embarcadero Road, the Oakland Estuary, Fallon Street, and 10 th Avenue. Assessor Parcel Numbers: various
	Proposal:	This is the second Design Review Committee meeting to discuss the architecture, massing, Design Guidelines, and other development issues for a new mixed use development which includes up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (total 170 boat slips), and a wetlands restoration area. The first Design Review Committee meeting was held on December 14, 2005 to discuss site planning and public improvements.
Applicant:		Oakland Harbor Partners (Signature Properties & Reynolds and Brown)
Contact Person/Phone Number:		Michael Ghielmetti, Signature Properties (925) 463-1122 Dana Parry, Reynolds and Brown (925) 674-8400
Owner:		Port of Oakland
Case File Number:		ER 04-0009, GP 06-009, RZ 04-384, PUD 06-010, TTM 7621, CP 06-051, T 06-0001, DA 06-011
Planning Permits Required:		General Plan Amendment (Estuary Policy Plan text and land use map); Central City East Redevelopment Plan Amendment; Central District Urban Renewal Plan Amendment; New Waterfront Planned Development Zoning District and Zoning Map Designation; Vesting Tentative Subdivision Map; Preliminary Development Plan; Design Review; Creek Protection Permit; Tree Removal Permit. OHP is also requesting a Development Agreement.
General Plan:		Estuary Policy Plan Designations: Planned Waterfront Development-1 and Park, Open Space, and Promenades
Zoning:		M-40, Heavy Industrial and S-2/S-4 Civic Center/Design Review Combining Zone
Environmental Determination:		The Final Environmental Impact Report is near completion and is expected to be available by January 30, 2006.
Historic Status:		Ninth Avenue Terminal – Oakland Cultural Heritage Survey (OCHS) Rating A; City of Oakland Landmark Status Pending
Service Delivery District:		Downtown Metro and San Antonio 3
City Council District:		2 – Pat Kernighan, 3 – Nancy Nadel
Action to be Taken:		Receive public comments and provide direction to staff regarding architecture, massing, Design Guidelines, and other development issues.
For Further Information:		Contact project planner Margaret Stanzione at (510) 238-4932 or mstanzione@oaklandnet.com

SUMMARY

Oakland Harbor Partners (OHP), the project sponsor, has submitted a preliminary development plan application and a vesting tentative subdivision map for a mixed use project on 64.2 acres of waterfront property from Oak Street to Ninth Avenue. The proposed project consists of 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (total 170 boat slips), and a wetlands restoration

area. The existing buildings on the site will be demolished with the exception of a portion of the Ninth Avenue Terminal shed building and the Jack London Aquatic Center.

The project sponsor is seeking design review comments on the Preliminary Development Plan, the Vesting Tentative Subdivision Map, and the proposed Design Guidelines. Staff has scheduled two meetings with the Design Review Committee because of the size and complexity of the proposed project.

This first meeting held on December 14, 2005 (see staff report, **Attachment A**) discussed site planning issues and focused on public areas and how they integrate with each other and the developable portions of the project. The staff report described the proposed layout of the site, circulation, public streets and access, mews, view corridors, gateways, parks and open space, bay trail alignment, surface parking and structured parking locations, streetscape treatments, among other issues.

Public comments were received from ten speakers and are summarized below.

- Why separate the discussion about site planning and building/architecture?
- Are the angled streets good urban design? Do they reduce visibility of the water?
- This is an isolated site that is separated from downtown by freeways and trains
- Parking will be prominent because cannot go far beneath the surface for underground parking
- Housing should be appropriate to the waterfront setting and respect the Estuary Policy Plan
- EPP and Tidelands Trust prohibit housing
- The parks are not visible
- Prefers DEIR Alternative 2 because it creates a separation between housing and the roadway and the public parks are visible from the roadway
- Staff report and EPP say preserve the Ninth Avenue Terminal
- Concerned about impact of proposed project on Fifth Avenue community
- Fifth Avenue should somehow be connected to proposed project
- Is the open space around Clinton Basin sufficient
- Is the space between buildings wide enough
- Request a public meeting with the Urban Design Consultant
- Does not like public review process
- Where is the cross section from the Embarcadero to the water
- EPP was a public process that included compromises
- Proposed project reduces the amount of open space by 40%
- Estuary Park should be expanded
- EPP has parks on area west of Fifth Avenue
- Proposed project wipes out Crescent Park
- Measure DD ballot measure quotes the EPP and refers to parks. 80% of voters passed Measure DD
- Port promised to keep Ninth Avenue Terminal so it should be incorporated into the plans
- Objections to process of combining approvals together
- There should be ways to keep as much of the building as possible; not just trusses, but the roof, too
- Grass and parks on the wharf present just as many problems as leaving the building there

- Need to leave the building longer than wider
- Concerns raised earlier about impacts on the Jack London Aquatic Center have been addressed in the revised plans (i.e., parking)

Planning Commissioners commented as follows:

- Bias towards EPP and Alternative #2
- Remove building behind Estuary Park
- One-half to all of Ninth Avenue Terminal should be preserved
- Wants to continue discussion on all issues, not just design issues, at next meeting
- Why reduce the amount of housing behind Estuary Park when people make a park safer. Park is very isolated.
- Will design have to be in scale with Fifth Avenue community? They have different zoning. Will they commit to leaving it the way it is?
- Supports two levels on the promenade around Clinton Basin. Upper level offers good views for diners; lower level good for a bike/pedestrian trail.
- Likes the original configuration of the roadway next to Parcel A where it splits off into two directions
- Does not care for Alternative #2 as it makes through-traffic cut through a neighborhood
- Like Pearl District model in Portland
- Believes that the scale of the proposed project is a more walkable neighborhood
- Buildings are different heights at the intersections, so there is always daylight in the intersection
- People will know where the open space is—do not need to direct a major street through the neighborhood
- Why can't Bay Trail go over Fifth Avenue property
- City must consider the development of a new neighborhood vs. the EPP and parks. City access to open space needs to come before the creation of a neighborhood.
- Need to balance residents and public open space
- The issues discussed at this meeting can be continued at the next meeting

This second meeting is focused on the architectural design of the residential and commercial development. Building placement, massing, heights, setbacks, integration with the Fifth Avenue Point artist's community, building massing adjacent to major open spaces, and the Embarcadero frontage are all identified issues. Some members of the public also expressed a desire to continue the site planning and public improvement discussions from the first meeting. Design Guidelines have also been prepared for the proposed project and comments and direction on this document is also desired (see **Attachment B**).

Ken Kay Associates, an Urban Planning, Landscape Architecture, and Urban Design firm was retained in October to assist staff with an urban design analysis of the proposed site plan. Several meetings were held over a 10-week period to discuss various aspects of the proposal. The urban design consultant process is discussed in more detail below. The information presented in this staff report is the culmination of that effort.

The comments and direction received on the plans, issues, and Design Guidelines will be used by staff and the project sponsors to further refine and revise the project. All of this information will be presented to the full Planning Commission as the development review process moves forward.

BACKGROUND

Oakland Harbor Partners (OHP) has submitted a development application for the proposed project. The application consists of a request for a General Plan Amendment to the Estuary Policy Plan (EPP) text and land use map; an amendment to the land use maps for the Central City East Redevelopment Plan and the Central District Urban Renewal Plan; a new Planned Waterfront Zoning District and Zoning Map Designation (PWD-1); Vesting Tentative Subdivision Map; Preliminary Development Plan, Design Review; Creek Protection Permit; and Tree Removal Permit.

OHP is requesting preliminary comments from the Design Review Committee on the Preliminary Development Plan (PDP), the Vesting Tentative Subdivision Map, and the proposed Design Guidelines.

PROJECT DESCRIPTION

A detailed description of the project was presented in the Planning Commission staff report dated September 28, 2005 and is contained in Chapter 3, Project Description, pages III-1 to III-29 in the Draft Environmental Impact Report. Following is a summary of the project description.

OHP is proposing to redevelop 64.2 acres of waterfront property by converting an underutilized, maritime and industrial area into a mixed-use neighborhood with residential, retail/commercial, open space, and marina uses. The majority of existing uses and structures on the project site would be demolished. Approximately 29.9 acres (or 46%) of the site would be developed with parks and open spaces, including the existing Estuary Park and Jack London Aquatic Center.

The project would consist of approximately 3,100 residential dwelling units (a mix of flats, townhomes, and lofts) on 13 separate development parcels. Approximately 200,000 square feet of ground-floor retail/commercial space would be distributed throughout each of the 13 development parcels and would be designed to provide a variety of active retail, restaurant, service, and small office uses to support the new residential neighborhood and serve visitors to the site.

A maximum of 165,000 square feet of the existing 180,000 square-foot Ninth Avenue Terminal building and a portion of its existing wharf would be demolished to create the largest (9.7 acres) of a series of interconnected parks and waterfront space. The project would retain a minimum of 15,000 square feet of the Terminal's Bulkhead Building envisioned to contain a variety of uses consistent with the Tidelands Trust. A continuous public pedestrian trail and Class I bicycle facility along the entirety of the project's waterfront would also be created as a segment of the Bay Trail.

Building heights would range from six to eight stories (up to 86 feet) in height, with high rise tower elements of up to 24 stories (240 feet) on certain parcels. A variant to the project allows consideration of increased maximum building heights from 86 feet to 120 feet on certain development parcels (see DEIR, Figures III-5 and III-6).

The project would rebuild and expand the existing Fifth Avenue Marina and Clinton Basin Marina, which would entail dredging activities and straightening the existing undulating and unprotected condition of Clinton Basin's shoreline. The project would improve the existing shoreline along the project site with varying treatments, including marsh habitats, the riprap, and bulkhead walls. Site remediation would also occur as part of the project.

The project would provide a minimum of approximately 3,950 onsite parking spaces: about 3,500 in enclosed parking structures, about 375 spaces along public streets within the project area, and about 75 spaces in surface lots in proximity to the proposed open space areas, primarily for use by park and marina users.

Project Phasing

OHP has proposed that the project be constructed in five phases over a period of approximately 17 years: 2008 to 2025. Each of the phases of development is described in the Planning Commission report prepared for the January 25, 2006 meeting. Please refer to Phasing Plan, **Attachment C**.

KEY DESIGN ISSUES

The staff report prepared for the December 14, 2005 Design Review Committee meeting (**Attachment A**) discusses site planning, access and circulation, public streets, parking, view corridors, gateways, parks, and the integration of the proposed development areas with the public realm. The report identified five geographic areas and discussed concerns about aspects of the site plan. This information was presented in several illustrative diagrams. Recommendations were made for changes to the site plan.

OHP responded by amending the site plan. The revised Preliminary Development Plan (December 2005) included with this staff report reflect many of those changes.

Draft Design Guidelines/Design Issues

1. Design Review Process

The design review process provides a basis by which the City of Oakland, the project applicant and the public can work toward creating a specific urban environment on the Oakland waterfront. Design Review is intended to assist new development through attention to prescribed design principles that contribute positively to Oakland's urban character, taking into account the sites distinctive character and surroundings conditions. The draft Design Guidelines are proposed to guide development of the Oak to 9th site throughout the entire buildout period.

Design review has three principal objectives:

- a. to encourage better design and site planning to enhance the character of the city and ensure that new development sensitively fits into neighborhoods;
- b. to provide flexibility in the application of development standards; and

- c. to improve communication and participation among developers, the City, and interested citizens early in the design and siting of new development.

2. Phasing Plan

The intent of the proposed design review process is to set the massing and form of buildings as part of the phasing plan. Implementation of the Design Guidelines will allow new development to respond better to the different phases of development as different portions of the project are presented for building approvals. The proposed project would be constructed over a period of approximately 17 years (from 2008 to 2025) in five phases, as mentioned above.

3. Design Intent

The design intent of the project is that the massing of buildings contributes to the overall form and structure of the community and to the spatial definition of public places and streets. Buildings towers of up to 240 feet are proposed to accentuate the significance of Clinton Basin and to mark the key edges of the site. Mid-rise buildings of up to 86 feet would define the built character of local streets. Buildings step down to 55 feet along Clinton basin, with the exception of the tower locations, and along streets with a smaller residential scale. Additional variation in building heights and facade articulation occur in the horizontal plane and vertical profile of proposed buildings to add architectural interest to harmonize the mass and bulk of structures.

4. Building Pattern, Heights and Setbacks

The development pattern provides for blocks at intervals of 300 to 400-feet designed to extend the City grid and offer various routes and passageways to the Embarcadero and the shoreline for motorist, pedestrians, and bicyclists alike. The base building height for most buildings would generally range up to 86 feet (from six to eight stories). A variant to the project allows consideration of increased maximum building heights from 86 feet to 120 feet on certain parcels (see DEIR, Figures III-5 and III-6).

Buildings with an additional height up to 120 feet are permitted on parcels B, C, D and H provided that the additional height: will not result in excessive shading of public and pedestrian-oriented spaces; is located to articulate key intersections, gateways, and/or street and building geometry's; and does not exceed 25% of the area of the topmost floor below the 86-foot height. By contrast, a reduction of building height below the 86 feet level (equivalent to the total floor area of the additional height above 86 feet) is allowed, provided that areas of reduced height are located so that they will not result in an overall decrease in solar access to streets, plazas, passageways, mews, or other areas of public space.

Tower buildings would range from 120 feet up to 240 feet high, located on specific parcels. In general, the recommendations for street wall setbacks (see below) will not apply to site specific portions of parcels that contain a building tower zone.

5. Building Frontages and Street Wall

- a) Building frontages will be varied in the horizontal and vertical plane and will avoid extended unarticulated street walls. Building walls above 20 feet provide a break at the cornice line and along the plane of the facade with setbacks of five (5) feet (minimum) for at least ten (10) feet in length at intervals of no more than 100 feet.
- b) The upper floors of buildings above 65 feet (55 feet at Clinton Basin) are proposed to be differentiated through the use of setbacks and changes in materials.
- c) A change in building massing, defined as a building offset, setback or stepback of not less than five (5) feet and a height of not less than one story, would be provided above a height of 30 feet and within 30 feet of a fronting property line. These changes would be incorporated at specific intervals along a building frontage, depending on the scale of the adjoining street and/or public space. Intervals would occur under the following conditions and locations:
 - i) 150 feet on Main Street, Clinton Basin, Shoreline and Channel Park, the Embarcadero;
 - ii) 100 feet along all other internal streets; and
 - iii) 60 feet along pedestrian mews.
- d) Variation in building materials and volumetric proportion are encouraged with in a coherent design approach. Balconies, bay windows, loggia and extensions from the face of the building at appropriate locations are also encouraged.

6. Building Elevations and Facades

Proposals for elevations for buildings on different parts of the site reflecting various conditions and locations are noted below.

a) Retail Frontages

Along Main Street (between 8th Street and the Embarcadero), and along the Clinton Basin frontage, at least 75% of the building frontage would be in retail use including shops, restaurants, and cafes.

b) Commercial Work/Live Frontages

Along Main Street (between 8th and 9th Streets, and along Gateway Park, at least 75% of the building frontages would be developed with a retail frontage as described above, and/or with a commercial work/live frontage that includes ground floor work spaces (e.g., workshops, studios, galleries, offices, for example) with a direct orientation to the street or public space.

c) Mixed Use Street Frontages

Along 5th, 7th and 8th Avenues, and along Brooklyn Way and Harbor Lane East and West, the ground level would be designed to provide an attractive building base, utilizing high quality materials (e.g., stone, precast masonry, etc.) detailing and treatments that complement the public environment.

d) Mews Frontage

Two pedestrian streets providing public pedestrian and visual access between 8th Avenue and Shoreline Park would be designed as smaller scaled mews lined with residential stoops that provide primary access to individual units.

e) *Waterfront/Park Edge*

Ground level treatment of buildings facing waterfront open space including those along Shoreline Park (9th Avenue), South Park, Channel Park and Estuary Park would be designed to create a strong and visually attractive edge to the parks. While ground level activities are encouraged along these edges to the maximum extent practicable, it is particularly important for the buildings to introduce high quality architectural finishes and treatments that reinforce the public and civic nature of the open spaces.

f) *Embarcadero Frontage*

Ground level treatment of buildings along the Embarcadero should provide an attractive visual edge to this important street, while offering a buffer from the adjacent freeway. Because of noise issues and the lack of on-street parking, significant street-oriented ground level uses are not anticipated. A setback greater than 25 feet would be established along the street, with generous provision for landscaping to create a suitable buffer.

7. Building Fenestration

Building Elevations would be articulated to provide an attractive architectural environment. The following recommendations are proposed to be employed, as appropriate, for different architectural treatments.

a) *Blank Walls*

Blank walls are generally discouraged on public streets and open spaces. Where unavoidable, blank walls would be treated with high quality materials integral with the building design.

b) *Awnings and Canopies*

Storefront awnings and/or canopies are encouraged on ground level commercial street frontages, to provide articulation and interest, avoid solar heat gain and glare within the buildings, and to provide sun and rain protection to pedestrians.

c) *Parking Garage Facades*

Specific architectural treatments would be implemented where parking garages are exposed to public street fronts (e.g., the Embarcadero or Fifth Avenue) to reduce the visual dominance of parking areas and integrate them into the style and character of the adjacent building.

d) *Service Areas and Equipment Screening*

Service areas, doors and gates on street fronts and public access ways would be generally screened and incorporated as an integral part of the building design. These areas, along with mechanical equipment, should be generally screened from public view. All equipment within twenty (20) feet of a street front or setback line would be screened from public view.

e) *Waste Handling Areas*

Waste handling and trash pick up areas would be enclosed within the structure of the building or screened by a wall or fence. Screen walls would be designed to prevent view of trash or recycling containers from public view and would be constructed in materials that are consistent with the architectural character of the adjacent buildings.

8. Tower Locations and Massing

Five tower building are proposed for the site. Tower buildings above 120 feet and up to 240 feet high are distributed across the site in specifically selected tower zones located at the edge of the Clinton Basin and at visible locations along the Embarcadero at Channel Park and Shoreline Park. Towers are organized to provide a substantial distance between them so as not to appear as a building cluster and to allow unobstructed views between the tower locations. The specific location of each tower within their respective parcel will be determined when buildings are presented for Planning Commission approval at the time that architectural designs are developed. The Preliminary Development Plan will provide a general footprint for the tower locations.

- a) Towers would be sited to reinforce the spatial character of public spaces, parks and streets on which they are located. The maximum tower floorplate would not exceed 15,000 square feet and tower structures would be spaced at least 260 feet from each another.
- b) Architectural treatments would activate vertical proportions of the towers through articulation of line, change in floorplate, stepbacks, shape, fenestration, and use of materials. Tower tops would have an interesting silhouette, profile and volumetric form and the topmost floors of the building would generally be differentiated, as appropriate, to the overall architectural expression of the building.
- c) Architecturally, towers would be integrated with the perimeter base architecture on the site on which it is placed. The vertical architectural expression of towers is encouraged while “wedding-cake” architecture is discouraged. Stepbacks may be appropriate at the base of the building.
- d) The use of mirrored or highly reflective glass walls is discouraged. However, tower buildings combining transparent curtain walls with punctured wall elevations are encouraged. The use and placement of balconies and building extensions would avoid repetitive treatment patterns and be located to reinforce the overall building form.

9. Solar Access and Views

The layout of the project and the alignment of buildings on the site have been organized to take advantage of solar access to public streets and open space. Buildings are arranged within a larger physical context with various distinct features and characteristics. Streets are generally arranged in a north-south and east-west direction and are aligned to offer direct views to the waterfront and oriented to ensure maximum exposure to the sun throughout the day and year.

Solar access to streets and sidewalks is maximized by the arrangement of the street layout and the placement of larger buildings elements to the south on the block on which they are placed. Architectural guidelines have been developed that respond to the need of access to sunlight; a street grid alignment that yields a nonstandard shape; views from the site of noteworthy structures or natural features; and views of the site from other parts of the City.

The five proposed towers would be spaced so that extended views to the water from the community, the Oakland hills and upland areas are maintained. From a distance the architectural profile of the development and the placement of the towers will represent an extension of the City. Along the I-880 freeway and the Embarcadero, the building wall will vary in height and shall be divided at regular intervals by streets and open spaces to provide views of the waterfront and the shoreline.

10. Rooftop Treatment and Materials

Roofs will be visible from surrounding structures and would be designed to be visually interesting, using non-reflective materials and colors. Terraces and roof open spaces would be employed for the use and enjoyment of residents. In addition, appliance vents, exhaust fans, and similar roof penetrations would be located so as not to be visible from streets or open space.

When potentially visible from the street or other areas of public space, roof penetrations would be organized to present a coherent appearance and exposed metal penetrations and roof accessories should be finished to match or compliment the adjacent roof color. Concrete or clay tile, high quality composition shingles, slate, and standing seam metal roofing are permitted roof materials for slopes of 2:12 or greater. Sheet or roll roofing, synthetic shakes or shingles, high glaze tiles or glossy painted concrete tiles are prohibited unless there is an extraordinary or compelling design rationale.

11. Exterior Building Colors

Project structures would employ a cohesive color palette that takes into consideration the finish of exterior elements and materials. Projects are encouraged to employ more than one major color to articulate the form, rhythm and scale of the building in a way that complements the architectural character and composition of the building. Accent colors are encouraged where they enhance the architectural character of the project.

SUMMARY OF DESIGN ISSUES

The following issues were identified above in the analysis of the project. Staff recommends the Design Review Committee provide guidance to the applicant and staff on identified issues as part of its discussion of the project.

1. Consider whether the proposed building heights and setbacks for the building facades provide an appropriate design standard for the proposed development.
2. Consider whether the proposed recommendations for street wall dimensions and building frontages provide sufficient articulation and variety in building form.
3. Consider whether additional recommendations are required to address building elevations and facade treatment. In particular, consider whether the 75% (minimum) retail frontage for Main Street, Gateway Park and at the Clinton Basin is sufficient to stimulate retail and commercial activity.
4. Consider whether facade recommendations for retail and commercial areas be extended to other areas of the site.
5. Consider whether minimum distances between entrances and doorways should be established along retail and residential frontages to ensure active street life.
6. Consider whether “celebratory” entrances to larger buildings and tower structures should be located on the major street on adjacent to the parcel on which the building is located.
7. Consider whether recommendations in the use of highly reflective glass walls or transparent curtain walls should be strengthen and made more specific at certain locations.
8. Consider whether the use of certain portions of the Ninth Street Terminal should be included in the development of detailed design guidelines.
9. Provide direction on whether the potential use of roof top areas and open space should be specified in design recommendations.
10. Provide direction on the location of the garage entrances relative to setbacks from the building frontage and corner locations (define minimum setback for vehicular stacking and access).
11. Provide direction on the development of detailed landscape plans for streets, parks and open space. In particular, provide guidance on the location of areas for passive and/or active use.

RECOMMENDATIONS:

Staff recommends that the Design Review Committee receive public testimony, consider the draft Design Guidelines, and provide comments and direction on the proposed project, with emphasis on the issues discussed above, as well as any other issues the Committee identifies during discussion of the project.

Prepared by:

Margaret Stanzione, Planner IV
Project Planner

Approved for forwarding to the
Design Review Committee of the
Oakland City Planning Commission:

CLAUDIA CAPPIO
Director of Development

ATTACHMENTS:

- A. Design Review Committee Staff Report dated 12/14/2005
- B. Draft Design Guidelines
- C. Phasing Plan

Preliminary Development Plans (Design Review Committee only)