

**LANDMARKS PRESERVATION
ADVISORY BOARD MEMBERS:**

Ben Fu, Chair
Tim Mollette-Parks, Vice-Chair
Chris Andrews
Marcus Johnson
Alison Lenci
Craig Rice

**LANDMARKS PRESERVATION
ADVISORY BOARD MINUTES:**

August 29, 2022
Special Meeting: 5 PM
Via: Tele-Conference

.....

MEETING CALLED TO ORDER BY: @ 5pm

ROLL CALL: PSR, Deb French

**Board Members present: Andrews, Johnson,
Lenci, Mollette-Parks, Rice**

Board Members absent: Fu

Staff present: Karen August, Deb French, Betty Marvin

WELCOME BY CHAIR - Acting-Chair Mollette-Parks - welcomed everyone to the meeting and asked Board Secretary August, to give a helpful explanation on the meeting and some pointers on how this works for everyone in attendance either by Zoom or by phone.

By Zoom: To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Raise-Hand-In-Webinar.

By Phone: To comment by phone, please call on one of the listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “*9” to request to speak when Public Comment is being taken on an eligible agenda Item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone. If you have any questions, please email Deb French at: DFrench@oaklandca.gov. You can also view the hearing on KTOP Live on television as well, instead of this platform if you so choose.

BOARD BUSINESS

Agenda Discussion – Secretary August – the minutes for July 11, 2022, that were listed in the published Agenda for this meeting, will not be available.

Acting-Chair Mollette-Parks – asked the Board if they could extend the public speaker time, from 2 minutes to 3 minutes, in regard to Item #2 (the DOSP) in the Agenda. BM Rice – made a motion, to

extend the public speaker time to 3 minutes per individual. **BM Lenci – seconded PSR French** – did a verbal vote – **5 ayes, 0 nays, 1 absentee. Secretary August – motion passes.**

Board Matters – None

Subcommittee Reports – BM Johnson – received a letter from OHA in regard to the Moss House. He said this would be a perfect opportunity for the sub-committee to meet and discuss its current conditions (maintenance and preservation), then bring it back at the earliest time available, to the full Board.

Acting Chair Mollette-Parks – asked Secretary August, what would be the procedure to have this item added to the next LPAB Agenda. **Secretary August** – advised that once BM Johnson organizes with his sub-committee, return the information to myself or our PSR and the item will be added to the Agenda.

BM Johnson – also, since former Chair Komorous is no longer with us, the sub-committee has one open seat for any Board member who wants to join it. We'll try to arrange a date with OHA to meet with them. **BM Rice** – wanted clarification on the duties of the sub-committee. **BM Johnson** – the sub-committee was formed to look at City and privately owned Landmarks, in an effort to help preserve and maintain them. We started visiting the different sites, to look at any apparent issues that would put the property at risk. We've already lost a couple of properties due to fire and, this is what made this sub-committee necessary. The intent is to visit the site, observe any risks or liabilities and see what steps we can take to encourage the mitigation or abatement of the hazards to Landmark properties.

Secretary Reports – None

OPEN FORUM - During this time members of the public may speak on any item of interest within the Board's jurisdiction. At the discretion of the Chair, speakers are generally limited to three minutes or less.

Naomi Schiff, Oakland Heritage Alliance (OHA) – thanked both BM Johnson and the Board for talking about the Moss House. For any Board members who haven't seen the interior of the house and if we have adequate notice, we can set that up. I would like to work with you on this long running project. Thanked the Board for the 3 minutes to speak on items. Also shared that on Saturday, Sept. 10 from 11am to 3pm, a Historic Preservation Fair will be held at the Camron-Stanford House, 1418 Lakeshore Drive. Several groups are participating including OHA, I encourage everyone to come out. The cost is \$5 unless you have an Oakland Public Library card, in which case, it's free! For more information, please go to: www.cshouse.org under events.

Christopher Buckley, OHA – for many of these meetings, we have images we'd like to screen share, like photographs and maps. We were wondering if a screen share arrangement can be set up. We'd submit the materials to staff in advance, then work with PSR French during our remarks and the administrator could put the image on the screen while we're speaking.

Secretary August – currently, by the directive of the City Clerk, the Planning Commission, the Design Review Committee and the City Council are not operating screen share by the public.

CONSENT CALENDAR

The Board will take a single roll call vote on the items listed below in this section. The vote will be on approval of the staff report and recommendation in each case. Members of the Board may request that any item on the Consent Calendar be singled out for separate discussion and vote.

# 1	Location:	Citywide
	Assessor's Parcel Number:	N/A
	Proposal:	Renew the Adoption of a Resolution Determining that Conducting In-Person Meetings of the Landmarks Preservation Advisory Board And Its Committees Would Present Imminent Risks to Attendees' Health, and Electing to Continue Conducting Meetings Using Teleconferencing In Accordance With Landmarks Preservation Advisory Board Resolution, dated October 11, 2021, and renewed at every Landmarks Preservation Advisory Board meeting thereafter, to Allow Continuation of Landmarks Preservation Advisory Board Meetings.
	Applicant:	Karen August, Secretary to the Landmarks Preservation Advisory Board
	Phone Number:	510-238-6935
	Owner:	NA
	Case File Number:	NA
	Planning Permits Required:	Renew the adoption of Resolution Pursuant to AB-361
	General Plan:	NA
	Zoning:	NA
	Environmental Determination:	Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Common Sense Exemption).
	Historic Status:	NA
	City Council District:	NA
	Status:	NA
	Staff Recommendation:	Receive public testimony and consider renewing the adoption of the Resolution
	Finality of Decision:	Decision Final.
	For further information:	Contact case planner Karen August at 510-238-6935 or by e-mail at kaugust@oaklandca.gov

Secretary August – on the renewal of the resolution; to continue conducting the LPAB meetings via teleconferencing. **PSR French** – did a verbal vote – **5 ayes, 0 nays, 1 absentee**. **Secretary August** – motion passes.

PUBLIC COMMENTS/QUESTIONS – **Naomi Schiff, OHA** – I'm writing to the City Clerk, the League of Women Voters, the Mayor and the City Administrator, to say "enough." We are repeatedly going to meetings where developers and staff can show pictures, but the public cannot. It seems like a violation of the Brown Act. It is embarrassing that the City of Oakland cannot do as much public interaction as a tiny city like Alameda. I would like to recommend to the Board, to make a motion to encourage a better implementation of our Sunshine Laws in Oakland.

BOARD COMMENTS/QUESTIONS – **BM Andrews** – made a motion, to support the idea that the public be allowed to present visual material at the meetings. **BM Johnson** – seconded. **PSR French** – did a verbal vote; **5 ayes, 0 nays, 1 absentee**. **Secretary August** – motion passes.

INFORMATIONAL PRESENTATIONS

PUBLIC HEARINGS / APPLICATIONS

Location:	Area bounded generally by 27th Street to the north, I-980 and Brush Street to the west, the Jack London estuary waterfront to the south, and Lake Merritt and the Lake Merritt Channel to the east.
Assessor's Parcel Number(s):	N/A
Proposal:	Amend the Zoning Map, Planning Code and General Plan to implement the Downtown Oakland Specific Plan, with the Final Draft Amendments accompanying the Final Draft Downtown Oakland Specific Plan (Draft Plan) for adoption consideration.
Applicant:	City of Oakland
Phone Number:	
Owner:	N/A
Case File Number:	SP16001
Planning Permits Required:	N/A
General Plan:	<u>Land Use and Transportation Element (LUTE)</u> Business Mix; Central Business District; Community Commercial; General Industry and Transportation; Institutional; Mixed Housing Type Residential; Neighborhood Center Mixed Use; Urban Park and Open Space; Urban Residential <u>Estuary Policy Plan (EPP)</u> Light Industry 1; Mixed Use District; Off-Price Retail District; Parks; Planned Waterfront Development 1; Planned Waterfront Development 4; Produce Market; Retail Dining Entertainment 1; Retail Dining Entertainment 2; Waterfront Commercial Recreation 1; Waterfront Mixed Use; Waterfront Warehouse District
Zoning:	C-40, C-45, CBD-C, CBD-P, CBD-R, CBD-X, CC-1, CC-2, CC-3, CIX-1A, CIX-1B, D-LM-2, D-LM-3, D-LM-4, D-LM-5, D-OTN, IG, M-20, M-30, M-40, OS(LP), OS(NP), OS(RCP), OS(RCA), OS (AF), OS (AMP), OS(SU), R-80, RU-3, RU-4, RU-5, S-2
Environmental Determination:	The City has prepared an Environmental Impact Report (EIR) for the Downtown Oakland Specific Plan project, which includes the proposed amendments. The Draft EIR was available for public review (SCH No. 2019012008) on August 30, 2019, and brought before the Planning Commission on October 2, 2019, with a 45-day public review and comment period ending October 15, 2019. The Response to Comments on the Draft EIR (comprising the Final EIR) will be brought before the Planning Commission, for recommendation on certification, along with the Final Draft Downtown Oakland Specific Plan and the Final Draft Zoning Map, Planning Code and General Plan Amendments.
Historic Status:	52 Landmarks, 21 Areas of Primary Importance (API);

	27 Areas of Secondary Importance (ASI)
City Council District	2, 3
Status:	The Draft Plan and DEIR received public review and comment in 2019, have subsequently been revised, and will be finalized and brought before the Planning Commission in late 2022. The Draft Zoning Map, Planning Code and General Plan Amendments were released for public review in two parts: Part 1 (including the Zoning Map, Activity Table, and Special Districts) was released April 29, 2022, and Part 2 (including height and intensity maps, a Zoning Incentive Program, Transfer of Development Rights program and development standards) was released July 5, 2022.
Staff Recommendation	Provide comments on the Draft Downtown Oakland Specific Plan Zoning Map, Planning Code and General Plan Amendments and receive public comments.
Action to be Taken:	Staff will introduce the Draft Downtown Oakland Specific Plan Zoning Map, Planning Code and General Plan Amendments and receive public and LPAB member comments.
For further information:	Joanna Winter, Planner IV, (510) 238-2166, jwinter@oaklandca.gov

Joanna Winter, project planner team – did a PowerPoint presentation on the update of the Downtown Oakland Specific Plan (DOSP) Draft Zoning Amendments. The Draft Zoning Amendments include a full rezoning of the entire DOSP area, with updated activity tables, changes to height and intensity, new development standards and several new special districts and programs. The overview is a twenty-year plan, starting in late 2015. We re-launched the process in 2017/2018 with a racial equity lens and, in 2019, the public review draft of the DOSP and Draft Environmental report (DEIR) were published for review.

We did a disparity analysis, brought on a racial equity consultant team, expanded the membership of our community advisory group as well as doing some social equity group meetings. We wanted to make sure we were prioritizing racial equity, disparities and potential displacement impacts of the plan. Winter went over some of the elements of the proposed zoning amendments that included updated zoning districts, special districts, development standards and zoning incentive programs, general plan amendments and the next steps in the process. Also included are the main topics and objectives of the DOSP: equity and access, economic opportunities, housing and homelessness, culture keeping, community health and sustainability, and land use and urban form.

Once we receive the revised zoning amendments, following this round of public review that started in May 2022 and will run till Sept. 2022, we will take the revised zoning amendments and the final draft plan (EIR), to City Council and other entities, for the final adoption consideration process.

Neil Gray, project planner team – we’re proposing 10 base zoning districts plus 3 overlay districts. The main intent is to implement the new specific plan for Downtown, to permit housing in more areas, facilitate active pedestrian-oriented uses, preserve industrial activities, promote waterfront development, support new artisan activities, allow more flexible ground floor activities, and protect the Produce Market

buildings, Art and Garage and other historic districts. Gray went over five of the industrial zones including Jack London, where we're proposing an industrial area that's designed to be a transition into the West Oakland industrial area, to serve the Port of Oakland; a special zone for the Produce Market restricting residential development so there's less incentive to tear down the historic market buildings although work/live would be allowed in upper stories of existing buildings; the Estuary Waterfront commercial zone where we're proposing a mix of marine sales/retail and artisan service activities; the Planned Waterfront commercial zone, an area that is susceptible to sea level rise, where we're proposing that new developments must be large and at least 100ft. tall, with a significant amount of money to put in infrastructure to resist the sea level change; and a special zone for the Art and Garage District that encourages services and artisan activities.

Gray went over some of the special districts the DOSP is proposing. The sea level rise combining zone requires a sea level adaptation plan for any new construction. The BAMBD [Black Arts Movement Business District] Arts and Culture combining zone is the City's first officially designated cultural zone and we're considering using it as a pilot that can be used in other parts of the city. The Employment Priority combining zone requires a significant amount of commercial space to be included in any new development. The Green Loop, connects the areas with landscaping in front of buildings, and special treatment along the Lake Merritt channel, the Estuary and the Downtown area. The Interstate commercial zone proposes an expanded number of activities that can be held in freeway-underpasses (pop-up stores, recreation and other uses), at key locations that will connect Downtown to Jack London Square.

In the development standards, proposed regulations include requirements for tall buildings to have a base and tower design, to create a visual interest on all visible sides and on the ground floor of the building. Staff is also proposing to reduce the maximum parking requirement in Downtown, from 1.25 to 1 space per unit.

The Transfer of Development Rights (TDR) program will allow transfer of Floor Area Ratio (FAR) and density from historic sites in the DOSP, to non-historic ZIP (Zoning Incentive Program) sites in the DOSP area. As currently written, development rights could be purchased from either a designated historic property (DHP) or a potentially designated historic property (PDHP) that contributes to an Area of Secondary Importance (ASI) or an Area of Primary Importance (API) and the historic site must be in a less densely zoned area than the receiving sites. The FAR and density cannot exceed the maximum allowed by the Zoning Incentive Program (ZIP). A transfer also requires a Conditional Use Permit (CUP) with a finding that the height and bulk of the proposal for the receiving site is consistent with the desired character of the block and the area.

Winter – the Zoning Incentive Program (ZIP) provides community benefits in return for increased development intensity: affordable housing; below market-rate (50%) ground floor commercial space and streetscape; a maximum height and FAR incentive; open space and other neighborhood improvements; allowing public restrooms in building lobbies; and assistance with job training/employment that would contribute to the City's existing employment programs. The program also offers benefits and bonuses: a developer can earn either additional residential units or commercial square footage/floor area. On-site benefits are encouraged with a 10% discount over in-lieu fees.

Intensity Map changes include lowering heights (from 85' to 65') at the western edge of Old Oakland; lowering heights (from 85' to 55') on 2nd and 4th Streets on Broadway; developing an industrial transition to the West Oakland Industrial area; increasing heights along 3rd Street and decreasing heights (from 175' to 85') adjacent to Howard Terminal. In the General Plan Amendments for the Land Use and Transportation Element (LUTE), we divided the Central Business District (CBD) into three different intensity areas and brought the CBD across 880, to prevent 880 from being the barrier it's always been.

For the Estuary Policy Plan area (EPP), south of 880, we have eliminated the EPP's Off-Price Retail District and created a light industrial transition area into the West Oakland Industrial area.

In the Zoning Amendments Engagement plan, we have materials to help the public understand these extensive proposed changes, including a video series, a summary of key changes, and an interactive on-line document that has the full extended amendments. We're having our third meeting on Tuesday, 09/13/22, about the Zoning Incentive Program, the Development Standards, and the Transfer of Development Rights program. We're doing some additional stakeholder outreach meetings and surveys in communities that will be directly impacted by the zoning changes and we're also meeting with our community advisory group on Monday, 09/19/22. We will have additional information posted at Lincoln Square Park and Franklin Plaza.

BOARD COMMENTS/QUESTIONS – **BM Andrews** – asked about reconfiguring or removing the freeway. Is it being looked at in the context of an overall traffic study or a freeway removal study for the entire City of Oakland, or just a test for this idea? **Winter** – the DOSP has been recommending a study of the removal of 980 and replacing it with something else, there's a few options on the table. The Department of Transportation (DOT) is beginning the process to do more of an in-depth study. **Ed Manasse, Deputy Director** – I haven't been involved but if that study recommends preliminary feasibility and, if 980 becomes a potential project, then we would most likely, in parallel, revisit zoning again in the corridor. **BM Andrews** – is freeway removal or abandonment throughout the City being considered in general, or are we waiting for the DOT to lead? **Manasse** – the freeway corridors will be looked at in more detail in phase 2 of the General Plan Update when we look at the LUTE.

PUBLIC COMMENTS/QUESTIONS – **James E. Vann, Coalition of Advocates for Lake Merritt, (CALM)** – is concerned that the Fire Alarm Building, at 1310 Oak St. in the Lake Merritt API district and adjacent to the Alameda County Courthouse, the Main Library, and the Camron-Stanford House, is not being appropriately treated in the DOSP. Instead of being designated as an opportunity site, it should be designated as a civic use and not exceed the current 45' height limit.

Daniel Levy, Oakland Heritage Alliance (OHA) – went over comments from the letter of 8/28/22 that OHA distributed to the LPAB, stating that the proposed TDR program is insufficient and should use the highly successful TDR program in San Francisco as a starting point. It should include free-standing Potential Designated Historic Properties (PDHPs) and the proposed increased height/FAR limits for APIs and ASIs should stay as-is or be reduced.

Naomi Schiff, OHA – stated that the base intensities are increased more than reduced and that tends to work against the Zoning Incentive Program and the SB 8 State Density Bonus program to increase residential building. There needs to be some strategic downzoning coupled with compensatory up-zoning as needed or the ZIP is not going to work or be used. We already have a State program that is more than generous to housing than this 'voluntary only' ZIP program would be. Also, please integrate the DOSP provisions with the previously zoned heights in the LMSP (Lake Merritt Specific Plan) areas where over the last 20 years, we've prevented high rise projects from blocking the views of the County Courthouse. She also asked the Board if they could request a representative of the DOSP to keep them updated on any changes that will be made to the plan in the future.

Niko Nagel, Housing Action Coalition - appreciates all the work being done on the DOSP but agrees with Ms. Schiff regarding the ZIP program, if it's not as usable as the State Density Bonus it simply won't work. It needs to be more competitive with the Density Bonus so we can get the housing that we need. As an Old Oakland resident, I'm curious to know why there is downzoning on the edge of Old Oakland.

Mary Harper, OHA –affordable housing and below market rate commercial space should be the most important thing about the ZIP program, but as it's structured, developers can provide less affordable housing than they would under the State Density Bonus program. The number of affordable units should be increased under the ZIP. Also, civic sites should not be included in the ZIP program, it appears to incentivizes the City to sell off those sites.

Christopher Buckley, OHA –current base intensities are too high for either the ZIP program or the TDR program to work, there must be more strategic downzoning included, not just more up-zoning. Staff has asserted that SB 8 prohibits the City from reducing the development intensity of residential sites in the Downtown Plan area. But this ignores the SB 8 provisions that allow reduction of development intensity if there is concurrent compensatory up-zoning elsewhere or the downzoning is done specifically to preserve or facilitate production of affordable housing. We've asked to meet with staff to clarify these issues. On the TDR program, we'd like to thank the Board members for picking up some of our comments and asking staff to look at them. As was previously noted, we're urging that Oakland's program be modeled as closely as possible to San Francisco's program, which has been highly successful.

BOARD COMMENTS/QUESTIONS – **Acting Chair Mollette-Parks** – has concerns that the proposed height around the Fire Alarm Bldg., is not in proportion with the historic site. He also recommended lowering the heights in Old Oakland and the Downtown National Register District, including stand-alone properties as part of the TDR program, and including selective downzoning in the Zip program.

BM Johnson - wanted clarification on the timeline that shows some on-going meetings prior to going to the Planning Commission (PC). Is there going to be any incorporation of comments during that time, will it go to the PC with edits that we're not aware of? I thought going to the LPAB preceded going to the PC so we understood what they would see and get our input. It would be great if the DOSP team did come back and focus on the APIs and ASIs for us.

BM Andrews – we need more time and space to review these ideas. I hope this isn't the last time we're going to see this. The TDR program is especially concerning, to try to understand its context, in which we raise and lower height limits. I think we all need to understand it better.

Laura Kaminski, Strategic Planning Manager – the idea is to bring more development to Downtown, both residential and commercial/office space. We received a grant from BART as part of this project because BART wanted to bring more employment to Oakland and lessen the crowding to San Francisco. We're also doing a Housing Element that is required by the State, that allocates housing units the City is supposed to add within the next 8 years. The development of Downtown pays tax revenue for City services in Oakland, which is the premise of the up-zoning, in return for community benefits.

Acting Chair Mollette-Parks – asked if the LPAB could have updates on changes to the DOSP as it moves forward prior to going to the Planning Commission. He asked the Board if a motion could be made for the DOSP to return as an agenda item, as the updates are being made.

BM Johnson – made a motion: that this item returns prior to going to the Planning Commission.

BM Lenci – seconded with a proposed friendly amendment: that we have a more tailored, focused presentation on the scope of what is in the Board's purview, i.e., the TDR program and reducing zoning heights, to guide our discussion.

Secretary August – asked staff if they had any questions or points of clarification on this motion.

Winter –to clarify the ongoing changes, we are only planning to make one set of revisions and we can come back after that. On the tailored presentation, if you could give us some specific direction on what it is you want to hear from us at the follow-up meeting, that would be very helpful.

BM Andrews – asked if there was an interim stage between coming back to the LPAB and before going to the PC. The tailoring might include what would happen under this zoning update to a historic property or a historic district, so we can understand the effect on the things we're concerned with.

Kaminski – we're working on the changes. We're not planning on presenting until we have all the changes that would then be put in a draft that would then go to the PC. We heard some good comments tonight about the TDR program. We'll also have additional comments from various group meetings that we can combine and bring to the LPAB, then you can advise us on any additional changes, prior to going to the PC.

PSR French – did a verbal vote on the motion. **5 ayes, 0 nays, 1 absentee**
Secretary August – motion passes.

ANNOUNCEMENTS - No

UPCOMING – No

APPROVAL OF MINUTES – for July 11, 2022, postponed till next meeting

ADJOURNMENT – 6:55pm

NEXT REGULAR MEETING: September 12, 2022

Minutes prepared by: **LaTisha Russell**