

**LANDMARKS PRESERVATION  
ADVISORY BOARD MEMBERS:**

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

**LANDMARKS PRESERVATION  
ADVISORY BOARD MINUTES:**

**July 11, 2022**

**Special Meeting: 5 PM**

**Via: Tele-Conference**

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**MEETING CALLED TO ORDER BY: Vice-Chair Fu @ 5pm**

**ROLL CALL: PSR, Stephanie Skelton**

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

**Board Members absent:**

**Staff present: Karen August, Stephanie Skelton, Betty Marvin**

**WELCOME BY CHAIR - Vice-Chair Fu, welcomed everyone to the meeting and asked **Board Secretary Karen 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](mailto: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 Board Matters – Secretary August** - the minutes for May 23, 2022 that were listed in the published Agenda for this meeting will not be available.

**Thank you and presentation of a Certificate of Appreciation to our former Chair, Klara Komorous.**

**Secretary August** – it’s fair to say that all Boards, Committees and Commissions are challenging. We have expectations, wrestling with each other for divergent needs. There’s demands from the public,

applicants and staff, from your Secretary, from the Government, from the past, the future and our individual ethical commitments. It's challenging to rise to the task of holding one's ground and more so, knowing what ground to hold. It's no small feat being a Board Member of the LPAB, it's a harder task to put your personal opinions to the side and to rise to the needs of your community. I appreciate the dedication of all the Board Members who've spent hours and days outside of these meetings, preparing, researching and contemplating. It's an honor to work with you each month, in and out. All Boards are challenging but it's fair say that the LPAB has an extra challenge of having a reputation of having a little extra weight.

To be the Chair is an honor, it's a commitment and it's a test to how you can hold that weight and it is something that Klara has handled with grace. As many of you know and can testify, Klara rose to the position of Chair at the same moment I became Secretary and Deb French became our PSR. We learned from each other's capacity to question, research and to rely on you all, the Board Members and on the wonderful colleagues at the City of Oakland. I could not have done this without you, Klara, and I will always appreciate your integrity, your strength, your conviction and your resistance to mincing words. Thank you so much.

**Vice-Chair Fu** – Klara, I've been on the Board for a couple of years now and you've been instrumental in settling me into the role and expectations for the Board. Your knowledge, not just in preservation but your knowledge of the City, is unparalleled. I've learned a lot just by watching you operate every meeting, and your comments as well. Keeping us straight in terms of operation, getting us going in terms of motions and getting conversation and dialogues going, that takes a lot of skill. The rest of us will work really hard to try to keep up to fill those large shoes that you left for us. Thank you for your service and I sincerely appreciate your leadership, thank you.

**BM Andrews** – Klara, I'm sure you know that I'm very grateful to have served on this Board with you. I'm on my second round of service on the LPAB so I just want to warn you, you may step down from the Board for a little while but you may be called back to serve the City of Oakland. This is a special job to have and I'm honored to be asked to serve in this way. Of course, it's difficult sometimes when you work with folks, developers and applicants. We want to serve them as well as the City, and it's always hard to balance that. I do think that most developers walk away from the LPAB - at least to our faces they tell us – feeling that it's been helpful, and I want to believe that is true. You've certainly helped me and guided me. We'll miss you and who knows, we may see you again, thank you.

**BM Johnson** – it's been my pleasure to have this time, my entire term, with you. To watch you seamlessly go from Board Member to the Chair, maintaining that passion and that energy towards preservation. It's been a real pleasure for me and I wish you the best.

**BM Rice** – Klara, you know I'm new to the Board and you've led the Board the whole time I've been here, and thank you so much for that. I had contacted you a couple of years ago about the Mary Bowles building, which you had worked on. You were very helpful, clearly doing what's right for Oakland, for preservation and that building. I felt comfortable contacting you for different issues that have come up on this Board. I appreciate you always taking that call and guiding me through the preparation for that night's meeting. I walk past your office every day and see your plaque on 12th Street. I'll continue thinking of you as I go past your building. One day, I'll see you and we'll have a conversation in person. I appreciate your guidance as I've begun my service to the community and to preservation, thank you so much.

**BM Mollette-Parks** – like BM Johnson, my entire term here so far has overlapped with Klara's. I learned so much from serving here with her, both in terms of knowledge (as Secretary August alluded to) and also about having a role model of how to conduct yourself in this public way. Klara's time here has made me

better on a personal level and has made the City of Oakland better, more importantly. So, a heartfelt thanks for all you've done, thank you.

**BM Lenci** – it's hard to follow all of those. I think I'm the newest among all of you along with BM Rice. It's been a true pleasure to serve with you, Klara. A few years back, I attended many of the Board meetings in person just to observe. I have to say, you always stood out as one of the most impressive members who is just always so prepared and participates, a true role model for all of us. I want to show my appreciation and thank you for your insights and all the service that you've given. You've left a big hole on the Board and you will be dearly missed, thank you.

**Betty Marvin, Historic Planner** – first, what everybody else already said. The word that stands out to me that makes Klara different from many Board Members one has known is 'passion' and not holding back on showing it. And yet, absolutely professional, with wide-ranging expertise, diplomatic, and has given so much to Oakland's appearance. Even without LPAB, Oakland would look very different without Klara and the architectural work her firm (Komorous-Towey Architects) has done. The work that I've most been in contact with has been the Commercial Façade Program in Downtown and in the neighborhoods, from the aforementioned Mary Bowles Building to the cocktail glass on Fruitvale Ave. Even though you're termed out, Klara, I'm sure you will continue contributing to Oakland in a big way and we look forward to seeing what else you come up with. Don't be a stranger, come and show your projects to the LPAB, and as BM Andrews said, we're all hoping for you to come back. Thank you, thank you.

**Former Chair Komorous** – Thank you all so much. This has been the most amazing appreciation, much more than I would ever have expected. Of course, it's been a great privilege and an honor to have been on this Board with you. Thank you all so much for everything you have contributed, you know this is a team effort. I'm very proud of my work, and driving around Oakland you can see the difference that this Board has made. I know you will continue the good work and I hope to stay in touch with you. Like Betty said, my passion for preservation and architecture continues to be undiminished. I can't thank you enough, all of you, for what you have done. Thank you so much for today, you have made me feel really good. Thank you, thank you, all of you. We will see each other I'm sure, maybe I'll come before the Board or maybe the 'call' will come. Thank you so much.

**Vice Chair Fu** – asked the Board Members to make a motion to elect the new Chair and the new Vice-Chair. \*(in accord with LPAB's 1974 *Rules of Procedure*, Article 2.F)

**Annual Election of Chair\*- BM Andrews – nominated Vice-Chair Fu to become the new Chair. Seconded by BM Mollette-Parks. PSR Skelton – did a verbal vote. 6 ayes, 0 nays. Secretary August – motion passes, unanimously. Benjamin Fu was elected as the new Chair of the LPAB.**

**Annual Election of Vice-Chair\* - Chair Fu – nominated BM Mollette-Parks to become the new Vice-Chair. Seconded by BM Andrews. PSR Skelton – did a verbal vote. 6 ayes, 0 nays. Secretary August – motion passes, unanimously. Tim Mollette-Parks was elected as the new Vice-Chair of the LPAB.**

**(Both elects said they were honored, grateful, and appreciated being nominated and will serve the LPAB to the best of their ability.)**

**Subcommittee Reports – BM Rice – reported on 1431 Franklin St.** - says he met three times with the applicant; the first time, we talked about schedule, scope and process. We met two other times with other outside participants and gave them input on their design progress. They have requested a return date to the Board, to present their most current plan. It was a successful process to that point, and they'll bring that project for everyone's review at an upcoming LPAB meeting.

**BM Johnson** – asked BM Rice, did the applicant make enough progress to address the issues the Board had, and are they returning with incorporation of those things? **BM Rice** – BM Andrews, Chair Fu and I gave them input on their design progress. We did not approve or make any determination of what they presented. We all felt they made good progress, they're better meeting the intent of the Downtown Historic District and should bring it back to the Board for another review. **Chair Fu** – the applicant is working with staff to confirm a date to bring it back for the Board to review and for their comments. **BM Johnson** – would it be possible to have a “before and after” visual of what they presented to us before and what they're presenting to us the next time, side by side, so it's clear what has changed? **BM Rice** – yes, that seems like a reasonable request. **Chair Fu** – asked Secretary August, if she could connect with the project planner to seek the before and after illustrations, and see if that could be presented to the Board for a preview, which would be helpful.

**Secretary August** – One way of moving it forward, would be to say to the applicant when they're returning to the Board with the project, that we are particularly requesting you show an image of the proposal when it first arrived to the Board and a image of the proposal after the discourse with the Board and maybe some key highlights of it. If the Board so chooses, they could make a motion to have it included in a staff report perhaps as an attachment that would go on to another hearing, but that would be at the discretion of the Board. **Chair Fu** – from my understanding, the three of us on the sub-committee will be happy to reach out to the applicant and make that request. Are you suggesting for the Board to make a motion for that direction or is the sub-committee communication sufficient? **Secretary August** –given there is a sub-committee for 1431 Franklin St. and you're engaging with them at this moment, you have that discretion to make that communication with that request. **Chair Fu** – with my next communication with that applicant, I'll be sure to communicate that and encourage BM Andrews and BM Rice if they have further communication with the applicant, to also stress that we do want to see a before and after rendering.

**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)** – wanted to add her thanks to Klara Komorous-Towey for her excellent work as Chair of this Advisory Board. I appreciate it, and all her good work. OHA is back to running Walking Tours around Oakland on the current weekends. You can find more information on our website [www.oaklandheritage.org](http://www.oaklandheritage.org) , click the Events button and, you will find our upcoming tour, the Borax Smith Legacy. Many people have gone on this tour, it's one of our stars and it's fabulous. I hope you can come to that or one of the later tours and join us in learning more about our City.

**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.

<b># 1</b>	<b>Location:</b>	<b>Citywide</b>
<b>Assessor's Parcel Number:</b>	N/A	
<b>Proposal:</b>	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.	
<b>Applicant:</b>	Karen August, Secretary to the Landmarks Preservation Advisory Board	
<b>Phone Number:</b>	510-238-6935	
<b>Owner:</b>	NA	
<b>Case File Number:</b>	NA	
<b>Planning Permits Required:</b>	Renew the adoption of Resolution Pursuant to AB-361	
<b>General Plan:</b>	NA	
<b>Zoning:</b>	NA	
<b>Environmental Determination:</b>	Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Common Sense Exemption).	
<b>Historic Status:</b>	NA	
<b>City Council District:</b>	NA	
<b>Status:</b>	NA	
<b>Staff Recommendation:</b>	Receive public testimony and consider renewing the adoption of the Resolution	
<b>Finality of Decision:</b>	Decision Final.	
<b>For further information:</b>	Contact case planner <b>Karen August</b> at 510-238-6935 or by e-mail at <a href="mailto:kaugust@oaklandca.gov">kaugust@oaklandca.gov</a>	

**Chair Fu** - the renewal of the resolution to continue conducting the LPAB meetings via Teleconferencing.

**BOARD COMMENTS/QUESTIONS** – None

**PUBLIC COMMENTS/QUESTIONS** - None

**PSR Skelton did a verbal vote – 6 ayes, 0 nays. Secretary August – vote passes.**

## INFORMATIONAL PRESENTATIONS

<b># 2</b>	<b>Location:</b>	<b>Citywide</b>
<b>Assessor's Parcel Number:</b>	N/A	
<b>Proposal:</b>	Continued from May 23: Informational Report on Mills Act program, 2022: Pausing new applications for 2022, improving monitoring and inspections, and focusing on opportunities for equitable participation and benefit	
<b>Applicant:</b>	Betty Marvin, Historic Preservation Planner	
<b>Phone Number:</b>	510-238-6879	
<b>Owner:</b>	N/A	
<b>Case File Number:</b>	N/A	
<b>Planning Permits Required:</b>	N/A	
<b>General Plan:</b>	N/A	
<b>Zoning:</b>	N/A	
<b>Environmental Determination:</b>	Mills Act program: Categorically Exempt per CEQA Guidelines Sections: 15301 (Existing Facilities); 15305 (Minor Alterations in Land Use Limitations); 15306 (Information Collection); 15308 (Actions by Regulatory Agencies for Protection of the Environment); 15331 (Historical Resource Restoration/Rehabilitation); Section 15183 (Projects consistent with the General Plan or Zoning).	
<b>Historic Status:</b>	Potentially applicable to all Designated and Potential Designated Historic Properties	
<b>City Council District:</b>	Citywide	
<b>Status:</b>	N/A	
<b>Staff Recommendation:</b>	Receive LPAB and public comments	
<b>Finality of Decision:</b>	N/A	
<b>For further information:</b>	Contact case planner <b>Betty Marvin</b> at 510-238-6879 or by e-mail at <a href="mailto:bmarvin@oaklandca.gov">bmarvin@oaklandca.gov</a>	

**Catherine Payne, Development Planning Manager** – we're coming back to you with a more formal presentation and staff report on why we are not considering a 2022 Class of applications for the Mills Act. Betty Marvin previously introduced this concept at the May LPAB meeting, and now we want to explain what we're doing this year. This is not an end to the program, this is an opportunity to strengthen the program and strengthen historic preservation to better correlate with our goals for equitable preservation, development, and life in Oakland. We did not receive any complete applications for the 2022 Mills Act year or stop anyone from applying. We did have inquiries, and we encouraged them to build their applications for next year, pending the research we want to do this year.

Presentation of the Mills applications is always a wonderful thing and highlight of the year, to see historic preservation in action and see the City financially supporting it. What we intend to do this year is to analyze successes and failures of the contracts from the past 14 years. Betty and her previous colleague, Joann Pavlinec, processed over 80 Mills Act cases since the inception of the program in the City of Oakland. There are many, many successful cases but also some that have us a little worried. These are cases where we don't have evidence that they've completed the work required under the Mills Act and their contract with the City. We're concerned that we've been forgoing valuable tax dollars to support private owners for historic preservation that is not happening. We want to take a moment in 2022, to follow up on those cases, both in terms of bringing them in line or applying prescribed tax repercussions,

and to better understand where applicants haven't followed up. Do we need more inspections over the life of the contract, to see if people are following through? And, if so, how - would we line up Inspection Services through Building? We want to consider right-sizing the program and making sure that when there's a financial impact to the City, when we lose tax revenue to the Mills Act, that we're getting the benefit of the historic work that's supposed to go along with that. If there's just a few cases here and there, that's good information too, it gives us a sense that we're doing this right and we don't need to invest in new services or staffing to support the program. Either way, it's good information to go back and look at the existing contracts.

Standard Operating Procedures (SOP) to right-size the program might change some of the steps that we undertake, or we might propose a request for additional inspection staffing in the next budget cycle, or seeing if we have inspectors today that can do that work. Based on the analysis we do, we would come up with some recommendations to increase the success of the program over time. The other piece would be to follow up on the 'stragglers' where we're not getting full compliance.

Betty Marvin has also proposed, in response to the City's stated Goals and Objectives, to look at how the Mills Act does and can fit into our equity goals over time. Right now, it primarily benefits owners who have a high tax assessment today - properties that have been newly acquired and have a high property value because of the neighborhoods they're located in or the type of property they are. This tends to benefit the wealthy. Of course, encouraging and supporting historic preservation is a good thing, no matter who's doing it. But we have an opportunity to look at ways we might affect how the Mills Act is applied in Oakland, to encourage lower assessed properties to benefit. Or in the future we can look for other ways we can support historic preservation of homes that have been owned for a long time in modest neighborhoods and of publicly owned resources that are not obvious fits for the tax-based Mills formula. We would also bring that analysis back to you.

As we move forward on the 2023 Class, we will try to implement some of this cleanup, efficiencies, and new procedures if needed, and make sure we have brought existing participants into compliance as we start to bring more cases on board. Betty, as the assigned planner and technical expert for the Mills Act, will be reporting back to you.

**PUBLIC COMMENTS/QUESTIONS** – **Naomi Schiff, OHA** – if the program needs to be re-configured, is that something that must go through a legislative process, to be suggested by the LPAB, voted by the Planning Commission and adopted by the City Council? **Payne** – It depends, we don't quite know what we'll come up with. We need to look back at 80 or more cases to see where we've had non-compliance and figure out what might be needed. If we have multiple cases with the same issue, it maybe that something legislative is required, or as simple as changing our SOP. It's the same answer for how we would address strengthening equity within the Mills program or how we bring equity to preservation in Oakland. When we come back to the Board with any recommendations, we will note whether any would require budget or legislative action. We will look for changes with the least amount of resources invested and will bring that information back so you can advise staff moving forward.

**Marvin** – our ordinance is a standard Mills Act ordinance based on the State law. The most Oakland-specific thing it prescribes is the limit on the dollar amount of City tax loss for each year's contracts. The limit can be overridden by vote of the City Council, which seems appropriate as real estate prices, taxes and rents go up. The Mills Act tax reductions for the three years 2018-2020 exceeded the \$25,000 tax loss cap by a few thousand dollars. Other years, it's been well below. The rest of our ordinance is basically model language from the 1972 State law that is the Mills Act that authorizes localities to use this program. It spells out what constitutes non-compliance and the mechanisms for correcting it, either

specific performance ('do your work program') or tax penalties up to a potential 12 ½ percent of the market value of the property. Los Angeles just completed and published a two-year-long, in-depth consultant report on their Mills program. Among other things, they received input from 30 of the approximately 100 jurisdictions in California that have Mills Act programs. No city or county has ever collected on the 12 ½ percent but some have threatened and gone through legal proceedings. If we got to that point, we would need City Attorney and Council involvement for enforcement.

Our Mills contract selection criteria were drafted by a LPAB sub-committee in 2008 when we first started the program. The criteria look at the necessity and historical appropriateness of the work proposed, its proportionality to the tax subsidy, its visibility and potential as a catalyst for neighborhood improvement, and diversity of building type and location. The criteria allow us to make morally defensible, equitable selections among applicants if need be. Some of the cities and counties cited in the Los Angeles report have made specific tweaks to their eligibility requirements such as restrictions on property value or use. Hopefully, we won't have to revise our Mills Act ordinance, it seems flexible and usable for the whole range of Oakland projects to date.

We do need to convey a clearer emphasis on equity. Some potential applicants have perhaps been led by the real estate 'grapevine' to think a historic property is an entitlement for tax reduction. I spend a lot of time on the phone and email explaining the selection criteria, necessity, appropriateness, catalyst potential, work you couldn't normally do without the City subsidy, not just routine maintenance because your building is old or significant. A lot of it is simply education and PR. A couple of potential applicants have wanted multiple contracts. A certain amount of perception needs to be cleaned up. Every year the letters I send out with the application materials hit a little harder on necessity and equity and sharing the wealth. This year seemed like an opportune time to 'blow the whistle' and market post-2022 as Mills Act 2.0, the new, grown-up, equitable version of Oakland's Mills Act.

**BOARD COMMENTS/QUESTIONS – Chair Fu** – is the program being paused for 2022 because there's no application? **Marvin** – that's enabling it. If we had complete applications submitted by May 1 I probably would have just charged ahead and processed them as usual. As far as timing, this also coincided with coming back to the office and the COVID disruption. Inspections have been neglected over the entire 14 years of the life of this program. The State law was revised a few years ago to require inspections for compliance every five years I have started sending out emails asking for updates to all 87 contract holders and found out that a lot of them are unreachable. One change I recommend is to amend the language of the contract to require the property owner to update contact and ownership information.

**BM Andrews** – thanked Catherine and Betty for this report. It's very heartening to hear that folks are working so hard for the City and doing an incredible job. The logistical challenges have been tremendous and the fact that you're undertaking this re-evaluation of the Mills Act program and what other cities have done, 'do you guys ever sleep?!'. I also think to look at this in the light of equity is a tremendous effort, I applaud that. Anything the LPAB can do, we offer our support. **BM Johnson** – agrees with BM Andrews. It sounds like this is the first time this pause and evaluation period has taken place since the inception of the Mills Act program. If that's the case, are there plans to make this re-evaluation every so many years? **Payne** – Betty has been informally evaluating the program as we go, we haven't had this as a work item to evaluate it. We only have Betty to work on the Mills Act, we don't have additional staff for inspections or other pieces that would go to insuring successful delivery of these contracts over time. One of our proposals might be to conduct yearly evaluations, and if we find enough cases that are sideways, that might be a great recommendation to at least spend some hours in a cycle, to look at and figure out the right-sizing of the program.



**Marvin** – because the Board’s Mills Act recommendations for each year’s new contracts go to the Planning Commission and then to City Council, the Council report always contains statistics to date as well as required sections on equity and how the program aligns with Council goals and City values. Year after year, staff and LPAB become aware of things to consider, such as signs that an applicant can follow through and understands the responsibility of the contract, this is implicit but not really spelled out in the selection criteria. It’s been 14 years of live and learn, we’re overdue for a sabbatical, and hopefully we come back more informed. **Chair Fu** – echoed BM Andrews comments as well. It’s rare to see a jurisdiction take the effort to re-evaluate existing procedures and process, this is a good effort. **Marvin** – BM Andrews asked if there’s anything the Board can do. BM Johnson, as we know, has a sub-committee that’s looking after the state of City-owned Landmarks. Up until 2019, Board Members often participated in the site visits when we were auditioning applicants for that year’s new contracts. If possible, in some of the field and inspection work, it would be great to have Board Members help out and serve as second pairs of eyes, whether as a formal sub-committee or any other way.

**PUBLIC HEARINGS / APPLICATIONS - None**

**ANNOUNCEMENTS - None**

**UPCOMING – None**

**APPROVAL OF MINUTES** – for **May 23, 2022** – will be presented at the next LPAB meeting

**ADJOURNMENT – 6:11pm**

**NEXT REGULAR MEETING: August 1, 2022**

Minutes prepared by: **LaTisha Russell**