

**LANDMARKS PRESERVATION
ADVISORY BOARD MEMBERS:**

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

**LANDMARKS PRESERVATION
ADVISORY BOARD MINUTES:**

**May 2, 2022
Special Meeting: 5 PM
Via: Tele-Conference**

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MEETING CALLED TO ORDER BY: Chair Komorous @ 5pm

ROLL CALL: PSR, Deb French

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

Board Members absent:

Staff present: Karen August, Deb French, Betty Marvin

WELCOME BY CHAIR - Chair Komorous, 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. 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 - No

Board Matters – Chair Komorous –regarding Oakland owned historic buildings and checking in on the status of Capital Improvements, which was suggested by OHA, I followed up on that and I’m working on it with our esteemed Board Secretary and I will report back at our next meeting.

Subcommittee - No

Reports - No

Secretary Reports – Secretary August – our LPAB website, is having a few adjustments and, if the Board has any feedback, critiques, comments or suggestions, please email me. The City is open to comments on how to make our information more accessible, understandable, straight forward and easier to access.

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) – asked the Board, to allow attendees more time (4 minutes) to speak on the Agenda Item #2, (1431 Franklin St.). **Chair Komorou** – asked, shall we put the motion before the Board. **BM Andrews** – made motion to allow the time. **BM Lenci** – seconded the motion

PSR French – took a verbal vote, **7 ayes, 0 nays. Secretary August – motion passes**

Per Chair Komorou – this motion is limited to the Franklin St. project for today’s meeting only.

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.

Chair Komorou - the Board will vote on Item #1 on the Consent Calendar, to continue conducting our Board meetings via Teleconferencing, rather than in-person.

BOARD COMMENTS/QUESTIONS – No

PUBLIC COMMENTS/QUESTIONS – No

# 1	Location:	Citywide
	Accessor’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

PSR French – took a verbal vote, **7 ayes, 0 nays. Secretary August** – motion passes

INFORMATIONAL PRESENTATIONS - None

PUBLIC HEARINGS / APPLICATION

#2	1431 Franklin Street
Location:	
Assessor's Parcel Number:	008 062100807
Proposal:	Major Conditional Use Permit and Regular Design Review to construct a 27-story (424-foot tall) 419,480 square feet office tower with a parking garage above grade.
Applicant:	TC II 1431 Franklin, LLC
Phone Number:	Kyle Winkler, Tidewater Capital, (510) 290-9901
Owner:	TC II 1431 Franklin, LLC
Case File Number:	PLN20124
Planning Permits Required:	Major Conditional Use Permit for large scale development; Regular Design Review
General Plan:	Central Business District
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
Environmental Determination:	Determination Pending, Environmental analysis to be conducted prior to any discretionary action.
Historic Status:	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
City Council district	3
Status:	In review
Action to be Taken:	Receive public and Landmarks Preservation Advisory Board comments on the design.
For further information:	Contact case planner, Michele T. Morris at 510-238-2235 or mmorris2@oaklandca.gov

Michele Morris, case planner – this project came before the LPAB earlier this year on January 10, 2022. The proposed project is a major Conditional Use Permit (CUP) and regular Design Review, to construct a new, 27 story office tower with an above ground car garage @ 1431 Franklin St. The project site is currently a parking lot and located in the center of the block between 14th & 15th St. and, one block east of Broadway. This is a 20,974 square-foot parcel in the heart of Downtown Oakland within the Historic Downtown District, an Area of Primary Importance (API) to the City of Oakland and on the National Register of Historic Places. The property is in the CBD-P, Central Business District & Pedestrian Retail Commercial Zone. Staff has worked with the applicant to refine the proposed design of the office tower. The applicant has revised the design in terms of fenestration patterns and architectural style. The project complies with the underlying zoning regulations however, there remains a lack of detail in the plans for the proposed parking which still exceeds what's required in the zoning district, where no parking is required.

The applicant team has worked to improve the overall design of the building, but staff believes the design should be revised to better relate to the API in rhythm, ornamentation, projections, materials and level of detailing. These details have not been adequately communicated on the proposed plans, therefore, staff would like the Board to provide direction on the recommendations regarding the design of the proposed building as listed on page ten of the Staff Report (under Recommendations), 2A through 2E.

Kyle Winkler, Construction Director, Tidewater Capital – Mr. Winkler has been responsible for the management of entitlements @ 1431 Franklin St. for the last 2 years. We're proud of our initial designs and believe they were consistent with the early guidance we received from staff. We now understand and acknowledge that they were not appropriate for the API, as related to us in our planning process and our recent LPAB hearing. We heard you and have worked very hard to address all the feedback from our various stakeholders. We have incorporated vertically aligned windows and punched openings, brick, terra cotta or masonry-like elements, relatively flat walls and a blind window detail on the side core elevation.

We have provided detail including dimensions, materials, window details and, other information typical of a project in its entitlement stage. Our proposed design is compatible with the API and is composed of high quality and durable materials. Our design solution for the parking structure, to set back floors 2 and 3, is thoughtful and responds to the community request to include parking. We look forward to receiving specific and constructive feedback that we can respond to in advance of our DRC meeting and keep this planning process moving forward.

Alan Grant, principal architect, Large Architecture – did a PowerPoint presentation. The site is mid-block on Franklin St. just north of 14th St. The site is surrounded by historic buildings. A side elevator core makes for more usable space in the center of the building. We looked at the different levels and tried to analyze those in terms of the window rhythm. We simplified the base of the building, and we brought the lines right through from both sides. Each building on the left and the right is different, so, we couldn't literally stitch the two together, but we kept it very close to the rhythm and the horizontal lines.

The building we presented before, didn't seem to fit in with the existing buildings. We went for a more simplistic design using the punched window motif. At the base of the building, we kept the podium as strong as possible and set it back, to give a break between the base and the upper floors. From there, we brought the building up with another relief towards the top and, also some in the back. We also made some breaks which match with some of the adjacent buildings. In the front view from the street, the punched window aesthetic fits into the environment much better and matches better with the buildings on both sides. We pulled the parking back away from the façade and made those punched windows more like cathedral windows, which brings more light into the lobby area.

The materials on the front of the building we kept to brick and a little darker as not to mesh with the other buildings. On the set-back at the first level, we maintained that podium line with the windows continuing through and we pulled it back to give that sense of the building not just continuing up to the sky. The set-back on the upper level, which becomes a terrace garden, is a darker metal.

PUBLIC COMMENTS/QUESTIONS – **Patrick Traver, Oakland resident** – lives and works near the proposed project and stated that the proposal looks awesome but without the on-site parking. Says the project should have been reviewed and approved far more quickly and could have been productively used for office space or housing. He'd like for the LPAB to focus less on making new buildings look old and focus more on what helps Oakland residents. We should be pushing for more modern designs that work for that location and embrace the creativity of the developers and architects, even though this is a historic district.

Naomi Schiff, Oakland Heritage Alliance (OHA) –this is a National Register historic district and an API, it is not the same as everything in Oakland. Thanked the staff for recognizing that this design does not rise to the level it needs to for this site and pointed out ways in which it does not comply with requirements. In the letter of comments OHA submitted to the Board, we're trying to suggest more specific ways in which the building could comply. It is improving and heading in a better direction but we have some caveats: toning down the façade treatment is good; we are concerned about the rather unstable looking voids; the amenity notches can be addressed in a way that doesn't make the building feel like it's looming over us; the peel-away look of the building; the dark colors used (gray and black), without matching either building on the sides; use a continuous brick pattern that eliminates or masks the joints between the brick panels. The windows in front of the garage level don't read as punch out windows instead, they're more like recesses with those angled tunnels, they seem jumpy with the different sizes and in different orientations within those angled depressions. Also, it is not with an interest in imitative architecture that we make these comments, it is about a holistic urban fabric and contextual design. It is not being against modernism; it is about an appropriate design for this site.

Christopher Buckley, OHA – continued with the comments presented by OHA. Regarding the inwardly flared windows, we suggest deleting the inwardly flared aluminum panel surrounds and making the openings look more like double hung windows. On the parking plot level, consider grills in the openings so they read like mullions. On the podium level, we suggest not to inset and differentiate the right end section. The applicants indicated concern about the symmetrical composition of the building to the right but in these historic downtown areas building compositions can be either symmetrical or asymmetrical, it's not an important consideration. We are suggesting a stronger cornice-like horizontal articulation at the top of the podium and the first floor, in approximate horizontal alignment with the corresponding adjacent buildings. The front façade is a big improvement from what was there before but, it needs some refinement. Concerning the window sub-divisions on the tower, OHA is recommending a symmetrical muntin and mullion pattern, which would relate better to the National Register contributors than the proposed asymmetrical pattern. The carve-outs on the upper floors are positioned to relate to the height of the neighboring buildings, but that is not necessary in this type of district. The carve-out immediately above the podium is also not necessary. A continuous façade is fine but there does need to be a strong, horizontal articulation at the top of the podium to clearly differentiate the podium from the tower. On the south elevation, the pre-cast system of brick façade metal panels on the elevator core is a good starting point and a big improvement over the essentially blank wall. We suggest using spandrel glass, it would work better than metal panels (either should be non-reflective). The materials could use warmer, earth tone colors and the brick pattern should be continuous.

Chair Komorous - reminded the Board members what we are here to review and the charter of the Landmarks Board. The question isn't whether we like this design, the question is how well does it fit in a National Register district that's full of architectural gems. The staff gave us five questions, I'd like to highlight some of them; is the design compatible, how is the intensity of the detailing and does it have the high-quality detailing and craftsmanship that's expected in such a wonderful National Register district. The bottom line is, would anyone guess that this design was prepared for a National Register API and how it relates to the API.

BOARD COMMENTS/QUESTIONS – BM Andrews – thanked staff and OHA's Naomi and Chris, for a very thorough analysis of what's good about the re-design and what's not so positive. This is a tremendous improvement; I give credit to the architect and developer for that.

I'd also like to address the member of the public who said, "we don't need the LPAB; just to approve buildings in Downtown and stop wasting everyone's time." We have a charter from the City of Oakland; it's been passed, reviewed and gone through City Council. Consultants, developers and architects have said, we have these incredible treasures of historic buildings in Oakland. When we build new buildings, we must preserve that character of those neighborhoods. This isn't something we arbitrarily decided to do, this is a legal charter that's been passed to us by the City and the people of Oakland. Think about cities that don't have this charter and the buildings that have been destroyed and the faceless character of those places. Maybe you want to live there, we don't. The LPAB is not wasting people's time doing this, and I find that a little objectionable to hear that you think we're just here to approve new modern buildings, which could be here today and gone tomorrow.

My main comment is that this is a tremendous improvement, better than what was shown to us before. I'm hoping that the architect can think about the comments that Naomi Schiff and Chris Buckley put forward, so very thoughtful, spending hours and hours of their time to try and preserve this historic district of Oakland, with its incredible beauty of historic buildings.

BM Rice – in full disclosure, I previewed the updates with the presenting team about a week ago. I want to share some of the following comments with the Board to consider. It's a much-improved project from what we last saw, and it does meet the objectives of the API. The base in its materiality and scale is matching the ground bases of the buildings on the block; the randomized apertures in the punched openings were not consistent with what buildings have done in the past; the top level apertures are more symmetrical and better than the ones below. I agree with OHA about the asymmetrical window frame patterning, that would be an improvement; the notch that helps create the base mass is effective in establishing that base and brings life to the street; the notch higher in the building takes away from the base, middle and top reading, so I suggested to the team to raise that notch. I agree with the coloring of brick in this district, it is very identifiable, and matching that coloring where possible would strengthen its match to the district. I do think we can get a building that meets the scale, rhythm, size, massing of the district in a contemporarily detailed building, that's well on its way getting there.

****Note of clarification** – BM Rice was invited by the presenting team, to review the proposed project. (It was an open invitation to all the Board members).

Vice Chair Fu – did not meet with the applicant. I do agree with some of the comments presented by Board Members Rice and Andrews. It is an improvement, but it went from one extreme to another. This has the appearance of being overly stark, dark and cold. The punched windows are a good texture and reflective of the neighborhood and the adjacent buildings but some of the punches are overly deep, an opposite effect than what the team may have tried to achieve. I agree with the colors and tones, having the building be a little more inviting, and the way it's presented now, it does look more massive. He asked staff if this presentation we reviewed is the same materials that staff reviewed. The staff report indicated

that more information and materials would be necessary, to complete the review. **Morris** – yes, these are the same materials.

Chair Komorous - overall, I agree with the other Board members, especially Vice Chair Fu. I like the way he described the base as being, ‘stark, dark and cold’ with those punches being overly deep. The asymmetrical odd punch-ins with those slanted planes is not a success and does not look particularly well in an API. There’s a real problem with the detailing of the brick, it has the look of a design by an architect that’s never worked with brick before, it’s almost like ‘sticky-brick.’ Brick gives you so much opportunity for design, this makes the craftsmanship look poor and the level of detail does not rise to what is expected in an API. Agrees with BM Rice that the notches that relate to buildings on the block look odd and random and the base of the building looks simplistic.

You have made some improvements, but they have a way to go before this building is worthy of its location. I did not hear from any of our Board members that they thought the design was at a point where it met the staff’s questions and recommendations. I think that there should be another round of design. She asked if any Board member would like to make a motion for that.

BM Mollette-Parks - a lot of good conversation and comments have happened here tonight, I’d like to echo the appreciation for OHA’s notes and the thoroughness of the staff report. There are three things I’d like to reiterate from the staff and OHA: the panelized brick; the angled window depressions; and the material compatibility in terms of tones. The changes are headed in the right direction, but I advocate for continued consideration of the tone of the materials. OHA mentioned looking at actual materials on the site and, the context to the other adjacent materials. It’s hard to make materiality calls based on rendering and photographs without seeing the real relationship in an API of this importance, that level of investigation is definitely warranted. Regarding the parking, anything that makes a more vibrant and pedestrian activated realm on Franklin St., we should support.

BM Rice – I would advocate for designing those parking levels (if parking is included) in a way that is convertible to another use in the future.

BM Johnson – also had an opportunity to meet with Tidewater. Remind the Board that we have an option to send this to a sub-committee rather than bring it back to the full Board, before we think of making a motion. The design is almost there, there’s some things we want to see but, it may not rise to the level of coming back to the full Board. **Chair Komorous** – if it goes to a sub-committee, it does have to come back to the Board, but a sub-committee may be a very good option.

Vice Chair Fu – echoed Chair Komorous’ comments on the façade treatment. To follow up on my comments on the depths of the punch-outs: the façade needs a little more three dimensionality. The punch-outs are interesting and create depth and texture, but it’s introverted. I’d like to see some of that being brought up to the façade. Brick materials (as the Chair pointed out) is a material that you can do a lot with, in terms of texture. The three dimensionalities that you see in the adjacent buildings, I think that’s missing in this façade, from the bottom third level and the ground floor.

Chair Komorous – asked the Board again, if anyone wanted to make a motion or be part of a sub-committee. **BM Rice** both said they would be happy to be part of a sub-committee and look at this again for the Board. **BM Andrews** – sub-committee review in the past was one of the ways we helped developers not come back to the Board - has that changed?

Board Secretary August – requested a brief ten minute recess.

Michael Branson, Deputy City Attorney – to the Chair, staff wants to make sure that we have a clear motion, that we understand fully what the proposal is, both in terms of the recommendations that the Board is making on the design as well as the recommendations in terms of the next actions for this project. I understand that the recommendation in terms of the design may just be to recognize the comments that have occurred in this meeting so far. We would also be looking for the maker of the motion to provide direction on what the next steps would be, moving this project to a sub-committee or in a different direction.

Chair Komorous – the Board was leaning towards creating a sub-committee where BM Rice and Vice Chair Fu would represent the recommendations of this Board and work with the architects to specifically address the comments from the Board, so they could be translated into the design. For myself, I think it would be better if the project did come back in front of the Board, then we would all get to see the result of the work of the sub-committee. In the past, the sub-committee would always report back to the Board, so they could see that the sub-committee did represent the entire Board. Or, are you saying that you would like for us to summarize the design comments that the Board members heard today?

Michael Branson, Deputy City Attorney – to the Chair, it's not necessary to summarize the design comments because the members of this Board spoke with consistency on the design issues. If a member feels differently, that would be appropriate for them to make a motion and recommend certain design changes. It would be sufficient to include in the motion to recommend the developer incorporate the design changes that were discussed at this meeting. Or, if the desire of this Board is for that to occur after an initial meeting of the sub-committee, that would be helpful to clarify.

Chair Komorous – BM Andrews also wants to be part of the sub-committee.

BM Andrews – I volunteered to do that and, I'm happy to serve at the pleasure of the Board.

Chair Komorous – made a proposal/request to the Board to make a motion to have a sub-committee meet with the applicant and their architect to address the Board's comments, and whatever they work out with the applicant will come back to the full Board for review after the meeting with the sub-committee.

BM Rice – so moved the motion and captured the comments by Chair Komorous, to have the sub-committee meet with the applicant and have the applicant bring a revised proposal back to the full Board at a future date.

Michael Branson, Deputy City Attorney – clarified the motion: move to recommend that a sub-committee comprised of Board Members Rice, Andrews and Vice Chair Fu, meet with the applicant and have a discussion of the recommendations that were discussed at this meeting and have the applicant bring a revised proposal back before the LPAB at a future date. **BM Andrews** - seconded the motion.

PSR French - took a roll call; 7 ayes, 0 nays - Secretary August – motion passes

ANNOUNCEMENTS – Secretary August – on Wednesday, May 4, the City of Oakland will be 170 years old. There will be various celebrations across the City and in front of City Hall, with music, singing Happy Birthday, and cake.

UPCOMING – No items

APPROVAL OF MINUTES – for March 7, 2022. **BM Andrews** – moved to approve the minutes. **BM Johnson** – seconded the motion. **PSR French** – did a roll call; **6 ayes, 0 nays, 1 absentee**
Secretary August – motion passes to approve minutes of March 7, 2022.

ADJOURNMENT – 6:50pm

NEXT REGULAR MEETING: May 23, 2022

Minutes prepared by: **LaTisha Russell**