

**AGENDA**

**LANDMARKS PRESERVATION  
ADVISORY BOARD  
OAKLAND, CA 94612**

**LANDMARKS PRESERVATION  
ADVISORY BOARD MEMBERS:**

**Christopher Andrews, Vice-Chair  
Peter Birkholz  
Stafford Buckley  
Eleanor Casson  
Frank Flores  
Valerie Garry, Chair  
Mary E. MacDonald**

**August 11, 2014**

**Regular Meeting 6 PM  
City Hall  
Sergeant Mark Dunakin  
Hearing Room 1  
1 Frank Ogawa Plaza  
Oakland, California 94612**

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This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter or assistive listening device, contact Betty Marvin at 510-238-6879, bmarvin@oaklandnet.com, or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so those with chemical sensitivities may attend.  
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**A. ROLL CALL**

**B. OPEN FORUM**

**C. APPROVAL OF MINUTES of July 14, 2014**

**D. LANDMARK OF THE MONTH or other features of interest**

Charles S. Greene Library, 659 14th Street, Landmark #48 (LM81-12, Ord. 10047 CMS, 4/14/1981), 1900-04, Bliss & Faville, architects: presentation by Boardmember Andrews.

**E. NEW BUSINESS - Action Items****1. Lake Merritt Station Area Plan**

<b>Location:</b>	Lake Merritt Station Planning Area is generally bounded by 14th Street to the north, I-880 to the south, Broadway to the west and 5th Avenue to the east.
<b>Proposal:</b>	Conduct a public hearing to provide cultural-resource related comments on the Final Environmental Impact Report (FEIR), Final Lake Merritt Station Area Plan, and associated General Plan amendments, Municipal Code and Planning Code amendments, and Design Guidelines (collectively called "Related Actions").
<b>Applicant:</b>	City of Oakland
<b>Case File Number:</b>	<b>ZS11225, ER110017, GP13268, ZT13269, RZ13270</b>
<b>General Plan:</b>	Land Use and Transportation Element (LUTE) Areas: Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use Estuary Plan Areas: Planned Waterfront Development 1, Mixed Use District
<b>Zoning:</b>	CBD-X, CBD-P, CBD-P/CH, CBD-R, CBD-C, OS-(SU), OS-(LP), OS-(NP), OS-(RCA), S-2, RU-4, RU-5, M-40/S-4
<b>Environmental Determination:</b>	All comments that were received during the DEIR public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the Draft Environmental Impact Report (DEIR). The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Station Area Plan
<b>Historic Status:</b>	The Plan Area includes cultural/historic resources that include CEQA Historic Resources and may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark properties.
<b>Service Delivery District:</b>	Metro, 3
<b>City Council District:</b>	2, and a small portion of 3
<b>Status:</b>	The RTC/FEIR and Final Plan will be released on July 28, 2014.
<b>Action to be Taken:</b>	Receive public and Board member cultural resource-related comments on the FEIR, Final Plan and Related Actions.
<b>Finality of Decision:</b>	N/A
<b>For Further Information:</b>	Contact project planner Christina Ferracane at <b>510-238-3903</b> or <a href="mailto:cferracane@oaklandnet.com">cferracane@oaklandnet.com</a> Project website: <a href="http://www.business2oakland.com/lakemerrittsap">http://www.business2oakland.com/lakemerrittsap</a>

**F. OLD BUSINESS**

**G. BOARD REPORTS**

**H. SUB-COMMITTEE REPORTS**

Hive facades, 2335-45 Broadway

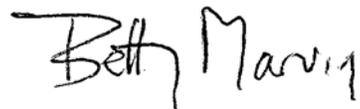
**I. ANNOUNCEMENTS**

**J. SECRETARY REPORTS**

**K. UPCOMING**

Children’s Hospital DEIR, September  
Coliseum Area Specific Plan, September  
Camron-Stanford House landscape/lighting  
Cathedral Building - ground-floor bar, tenant improvements and facade work  
Claremont Hotel entry area  
Emerald Views / Schilling Garden  
General Electric plant demolition  
Ninth Avenue Terminal  
Oakland Auditorium-Kaiser Convention Center – RFQ and request for tour  
Open Government training, likely October

**L. ADJOURNMENT**



**BETTY MARVIN  
Historic Preservation Planner**

**NEXT REGULAR MEETING:  
September 8, 2014**

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The Landmarks Board welcomes public comment on all agenda items. The Board requests that speakers limit comments to no more than three minutes. Correspondence received by the Monday prior to the meeting will be included in the Board’s agenda packet.

**Landmarks Preservation Advisory Board  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612  
Fax 510-238-6538**

Draft MINUTES

**LANDMARKS PRESERVATION  
ADVISORY BOARD  
OAKLAND, CA 94612**

**LANDMARKS PRESERVATION  
ADVISORY BOARD MEMBERS:**

**July 14, 2014  
Regular Meeting 6 PM**

**Christopher Andrews, Vice-Chair  
Peter Birkholz  
Stafford Buckley  
Eleanor Casson  
Frank Flores  
Valerie Garry, Chair  
Mary E. MacDonald**

**City Hall  
Sergeant Mark Dunakin  
Hearing Room 1  
One Frank Ogawa Plaza  
Oakland, California 94612**

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**A. ROLL CALL**

**Board Members present: Andrews, Birkholz, Buckley, Flores, MacDonald  
Absent: Casson, Garry (excused)  
Staff present: Betty Marvin, La Tisha Russell**

**B. OPEN FORUM**

**Naomi Schiff**, Oakland Heritage Alliance (OHA), passed out information about OHA’s walking tours, including a railroad tunnel in Montclair and terra cotta and tile decoration which is “spectacularly rich” in the Uptown Oakland area. Ms. Schiff also gave an update on the state tax credit bill AB1999. It passed the Finance Committee of the State Senate unanimously, and is moving on to further committees hearings this week.

**C. APPROVAL OF MINUTES** of June 9, 2014: Moved by Birkholz, seconded by MacDonald. Approved with 4 ayes, one abstention (Flores, absent in June).

**D. LANDMARK OF THE MONTH**

**City of Oakland’s Feather River Park Camp, 5469 Oakland Camp Rd., Quincy, CA**  
Board member **Peter Birkholz** gave a PowerPoint presentation on the scenic park that opened to the public on June 28, 1924 “for the average citizen to have an opportunity to live, eat, and sleep in the open.” J. Nash, Oakland Superintendent of Parks and Recreation, spent the summer of 1923 searching for another camp site since the previous camp site in Tuolumne had burnt down. The site was chosen in Plumas County because it was flat, had a great water supply, large pine trees, and Western Pacific railroad access. The City leased the land from Plumas National Forest with a special use permit, for one dollar per year. The City immediately built a kitchen and tent platforms, furnishings were shipped in, and a railroad bridge was built by the County over the creek.

Over the next few years, other improvements were made to the camp site; a rock pile was dynamited for a swimming hole, an enclosed dining hall was built and a natural amphitheater. The first year of opening, 150 people attended the camp site.

The camp did well until World War II. Each year was more successful than the last. In the 1920s and 30s you had two ways to get to the camp, either by train which took eleven hours from Oakland or Highway 70 out of Chico for an all day car trip.

By the '50s, federal law changed and the City was hit with back charges of \$1250 for Feather River and \$1100 for Tuolumne. The City closed the Tuolumne side and sold it to San Jose. In the '60s more rustic cabins were built, also more car traffic, by the '70s buses were added that brought you right to the camp.

The Camp is now operated by Camps in Common, a non-profit operation since 2003. It supports the City of Oakland by keeping the camp alive and vital for the community. The park has amenities for the whole family to enjoy a rustic and outdoors feeling including lodging, both tents and wood cabins, swimming, boating, horseback riding, science fairs, dancing, music, nature walks, ping pong tables and three meals a day. They also have a Camp Kids and Camp Sierra for boys and girls aged 7 to 14. With picturesque views, waterfalls and mountains, it's a beautiful place to vacation and get back to nature. It is "utilitarian, not a resort image," with "hand-me-down Oakland firetrucks and trucks." A recent cultural resources evaluation found it potentially eligible for the California Register for its association with the railroad and the camping and naturalist movements.

Programs for children who don't get into nature are up to a week at a time with counselors on site; families can stay any length of time. At Memorial Day weekend, "if you're bargain hunter like myself," you can stay for free but it is a work week, "you have to rake leaves 24/7."

Andrews asked about other landmarks or historic properties that are not actually in the City of Oakland. Marvin mentioned the Davie Stadium which is in Piedmont, not a landmark but a PDHP. There are some boats that are landmarks or on the National Register that are no longer here, the fireboat and the Lightship Relief, and (in reverse) we have two of San Francisco's earthquake shacks on 5th Avenue.

## **E. NEW BUSINESS**

	<b>Proposal:</b>	<b>Heritage Property Nominations by owner applicants, associated with the Mills Act contract applications:</b> <b>1) LM14-001: 851 Trestle Glen Road</b> (APN 023-0436-020-01); City Council District 2 - Kernighan <b>2) LM14-002: 80-82/88-90 Ninth Street</b> (APN 002-0093-008-00) ; City Council District 2 - Kernighan <b>3) LM14-003: 619 15th St.</b> (APN 003-0071-015-00) City Council District 3 – Gibson McElhaney
	<b>Environmental Determination:</b>	Exempt Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning
	<b>Service Delivery District:</b>	Citywide
	<b>City Council District:</b>	Citywide
	<b>Action to be taken:</b>	Determination that the properties are Eligible for City Heritage Property Designation, and Designation of the properties as City of Oakland Heritage Properties
	<b>For Further Information:</b>	Contact <b>Betty Marvin (510) 238-6879</b> , <a href="mailto:bmarvin@oaklandnet.com">bmarvin@oaklandnet.com</a>

2.	<b>Proposal:</b>	<b>Mills Act Contract Application Selection: Recommendations for 2014 Mills Act Program Contracts</b> <b>1) MA14-001: 851 Trestle Glen Road</b> (APN 023-0436-020-01); City Council District 2 - Kernighan <b>2) MA14-002: 80-82/88-90 Ninth Street</b> (APN 002-0093-008-00); City Council District 2 - Kernighan <b>3) MA14-005: 619 15th Street</b> (APN 003-0071-015-00) City Council District 3 – Gibson McElhaney <b>4) MA14-004: 918 18th Street</b> (APN 005-0410-019-00) <i>City Landmark #67, case # LM 82-417</i> City Council District 3 – Gibson McElhaney
<b>Environmental Determination:</b>		Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning
<b>Service Delivery District:</b>		Citywide
<b>City Council District:</b>		Citywide
<b>Action to be taken:</b>		Forward to Planning Commission as Informational Item. Forward recommendation to City Council.
<b>For Further Information:</b>		Contact <b>Betty Marvin (510) 238-6879</b> , <a href="mailto:bmarvin@oaklandnet.com">bmarvin@oaklandnet.com</a>

Planner Betty Marvin presented the Mills Act program and the four properties recommended for 2014 Mills Act contracts, including three Heritage Property nominations.

This is the 7th year of Oakland's Mills program which will have 35 contracts throughout the City. The Mills Act is a 1970s California state law that allows a potential property tax reduction for historic properties, using an alternate appraisal formula. The state law establishes certain other parameters such as the ten year perpetually renewing contract term and penalties for non-fulfillment of the contract. Local governments (city or county) that elect to participate design other aspects of their own programs, such as eligibility and work program requirements.

A two year pilot Mills Act property tax abatement program was adopted by City Council in November 2006. In 2009 the City Council expanded and made the program permanent. Any property entering into a Mills Act contract with the City must be locally designated. Most applicants seek Heritage Property status. Heritage Properties are defined in the Preservation Element as warranting preservation but not Landmarks or Preservation Districts – a less exclusive and more expeditious designation than City Landmark. Heritage Properties may be designated by the Landmarks Board or the Planning Commission. They may also be designated by the Director of City Planning, subject to confirmation within 45 days by the Board or the Commission.

Four complete and well-documented applications were under review for Mills Act contracts and three for Heritage Property. Property owners in attendance spoke briefly. One of the properties, 918 18th Street, owned by Jacob Myles, is already a City Landmark, designated in 1982. Mr. Myles is a ceramic artist and engineer and his major work item is to restore the ornate brick and tile chimney that was destroyed in the 1989 earthquake. Exterior shingles, windows, side balcony, and trim will also be repaired and the exterior will be painted.

851 Trestle Glen Road, long known as the Sisters of Social Service house, was built in 1921-22 by John B. Peppin. The applicant proposed reroofing and window repair/replacement. Staff

recommended adding restoration of the original (pre-1989 earthquake) appearance of the chimney to the work program, to go beyond maintenance and make a visible statement in the neighborhood. The existing metal flue could probably be clad. This is the third Mills Act property on this block, the nucleus of a potential historic district.

80-82/88-90 Ninth Street is a pair of two Colonial Revival duplex rowhouses that were built c.1904 by E.R. Tutt. They were originally at 10th and Harrison and were moved to Ninth Street in 1916-17 when Tutt redeveloped the 10th Street site. Marvin described the research to identify their original location. The applicant proposed exterior painting, roofing, reinforcing foundations, window and front door repair/replacement, and repair/replacement of capitals and other trim either missing or crusted with paint.

619 15th Street is a remarkably unaltered Italianate rowhouse, built in 1876-77 probably by banker and developer Galen M. Fisher. It was recorded by Cultural Heritage Survey in the early 1980s as part of a mini-district representing a rare surviving microcosm of 1870s central Oakland and was determined eligible for the National Register in a 1989 HUD project review. The applicant, Brittney Edwards, proposes repair of gutters and downspouts, paint for the exterior, window repair/replacement, re-roofing, landscape and driveway repairs, and repair of damaged trim and siding. She noted that the Mills Act justifies the expense of wood-sash windows.

Board discussed and voted individually on the designations (accepting the staff evaluation, finding the property eligible, and designating it a Heritage Property) and Mills Act contract recommendations (forwarding to Planning Commission for information and to City Council for action).

851 Trestle Glen: Birkholz and Flores discussed the chimney and end bay. Flores moved and MacDonald seconded Heritage Property designation (carried 5-0) and recommending to City Council for a Mills Act contract with a strong suggestion to recreate the chimney (carried 5-0).

80-82/88-90 9th Street: Birkholz wanted assurance that window replacement is done properly – a concern with all properties – and suggested that foundation work should precede other repairs. Marvin suggested that a subcommittee or individual Board members might help applicants fine-tune their work programs. Birkholz moved and MacDonald seconded Heritage Property designation (carried 5-0). Buckley moved and Birkholz seconded recommending to City Council for a Mills Act contract (carried 5-0).

619 15th Street: Commenting “I love these little lost neighborhoods,” Birkholz moved and Buckley seconded Heritage Property designation (carried 5-0). Buckley moved and MacDonald seconded recommending to City Council for a Mills Act contract (carried 5-0).

918 18th Street (existing City Landmark): Flores moved and Buckley seconded recommending to City Council for a Mills Act contract (carried 5-0).

F. **OLD BUSINESS** – None

G. **BOARD REPORTS** - None

**H. SUB-COMMITTEE REPORTS** - None

**I. ANNOUNCEMENTS**

No August recess - Lake Merritt Station Area Plan and EIR review

**J. SECRETARY REPORTS**

Cathedral Building - ground-floor bar, tenant improvements and facade work

Latham plaza and fountain – community meeting June 12

Mountain View Cemetery – materials samples approved by staff

Oakland Auditorium-Kaiser Convention Center – RFQ and request for tour

**K. UPCOMING**

Lake Merritt Station Area Plan, August

Children's Hospital DEIR, September

Coliseum Area Specific Plan, September

Camron-Stanford House landscape/lighting

Claremont Hotel entry area

Emerald Views / Schilling Garden

General Electric plant demolition

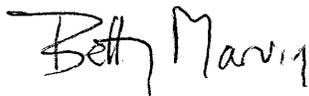
Ninth Avenue Terminal

Open Government training, September or October

**L. ADJOURNMENT** – 7:50 pm

Minutes prepared by La Tisha Russell and Betty Marvin

Respectfully submitted:



BETTY MARVIN

Historic Preservation Planner

**NEXT REGULAR MEETING: August 11, 2014**

Written correspondence should be addressed to:

**Landmarks Preservation Advisory Board**

**250 Frank H. Ogawa Plaza, Suite 3315**

**Oakland, Ca 94612**

**Fax: 510-238-6538**

## Proposed New Zoning Regulations

The Planning Code (zoning regulations) will be updated in order to reflect new policy direction contained in the Station Area Plan, providing specific land use and physical development regulations, such as permitted activities, buildings heights and tower design, required parking and open space.

### a. Proposed Zoning Framework

The proposed zoning for the Lake Merritt Station Area Plan would include five (5) new district-specific zoning districts, using the naming system “D-LM-#” (where “D” stands for District to indicate there is an associated Specific Plan, and “LM” stands for Lake Merritt Station Area Plan). These new zones would be applied to the entire Planning Area, with the exception of public open spaces that would be designated with existing OS (open space) zones.

- **D-LM-1 (Residential Mixed Use) Zone** would create, maintain, and enhance areas appropriate for high-density residential development with compatible ground-level commercial uses.
- **D-LM-2 (Pedestrian Retail) Zone** would create, maintain, and enhance areas for ground-level, pedestrian-oriented, active storefront uses, and upper story spaces for a wide range of office and residential activities.
- **D-LM-3 (General Commercial) Zone** would create, maintain, and enhance areas appropriate for a wide range of ground-floor commercial activities, and upper-story spaces for a wide range of residential and office or other commercial activities.
- **D-LM-4 (Flex) Zone** would designate areas appropriate for a wide range of residential, commercial, and compatible light industrial activities.
- **D-LM-5 (Institutional) Zone** would create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses.

The new zoning framework would also designate key corridors with special requirements for active ground floor uses. For example, new construction would be required to provide ground floor commercial space, and provide features, such as a minimum storefront depth and width, minimum height of the ground floor, and location on a corner, that help to create viable commercial space. The zoning will identify two types of corridors:

- **Commercial Corridors** - Streets that have an existing pattern of continuous ground floor commercial, and the intent is to maintain and promote that pattern.
- **Transition Commercial Corridors** - Streets that have some ground floor commercial space and the intent is to expand the amount of ground floor commercial space along the corridor.

Development intensity would be regulated by a Height Map, separate from the zoning districts. Each Height Area would have an associated set of property development standards, including Height, Density, Bulk, and Tower regulations. Height Areas are further described in section **h** below.

### b. Proposed Zoning and Height Maps

Proposed zoning maps are included at the end of this attachment.

**c. Open Space Zoning**

In November 2002, over 80% of Oakland voters passed Measure DD, a \$198.25 million bond measure focused on waterfront improvements at Lake Merritt and the Estuary. Funded projects include parks, trails, bridges, a recreation center and an arts center, land acquisition, and creek restoration. These projects are being phased in over a number of years, but many are already complete and many others are in progress.

As illustrated in the *Proposed Zoning Map* (at the end of this attachment), the recommendation is to expand the Open Space zoning districts adjacent to Lake Merritt, in order to incorporate new parks created during implementation of Measure DD projects. The new four-acre park, and additional space adjacent to the Lake itself would be designated as OS-RSP (regional-serving park), expanding the OS-RSP designation found in existing Lake Merritt park space. Along the eastern side of the Lake Merritt Channel, near the 12th Street bridge, the OS-RCA (resource conservation) zoning district is being expanded in order to reflect the creation of a new tidal wetland. Existing open space adjacent to the Kaiser Auditorium facility will be rezoned from OS-LP (linear park) to OS-SU (special use), better reflecting the intended use for the space as a children's play area. The existing band of OS-RCA and OS-LP (linear park) along the length of the Estuary Channel remains and will be expanded to include publicly owned property south of I-880 and reflect the Lake Merritt and Estuary Policy Plan's vision of connecting Lake Merritt to the Estuary via public open space. Laney College land on the western side of the channel will be rezoned to OS-AF to reflect the existing athletic fields, while open space zoning designation has been removed from portions of the campus on the eastern side of the Channel, reflecting the presence of College classrooms and buildings. The existing zoning designations for Lincoln Square Park (OS-NP, neighborhood park), Madison Square Park (OS-SU, special use), and Chinese Garden Park (OS-SU) would remain the same. Open Space zoning has also been expanded into the space between Lincoln Square Park and Lincoln Elementary School to reflect the recreational space recently created here.

**d. Permitted Activities and Facilities**

The Planning Code determines what types of land use activities and facilities are allowed in particular locations, helping to encourage desired land use activities and avoid land use conflicts. Section 17.10 of the Oakland Planning Code defines over 75 land use activities within the general categories of Residential, Commercial, Civic, Industrial, and Agricultural. The City's individual zoning districts specify when each of these land use activities is allowed by right (permitted), potentially allowed (with a Conditional Use Permit) or prohibited. Each zoning district may also include additional limitations related to specific land use activities, such as size limits, restrictions on types of uses allowed on the ground floor, and required distance separation from similar types of uses. The Planning Code also defines 21 different facility types (meaning a structure, open area, or other physical object) in the general categories of Residential, Non-Residential, Signs, and Telecommunication facilities. Facility regulations can specify requirements for new construction to be a certain facility type, such as commercial (non-residential) or residential, and prohibit certain types of facilities.

The proposed new D-LM-1 Urban Residential Zone would apply to the portion of the Planning Area, which is currently primarily zoned RU-5, with some areas along the Channel currently zoned S-2. The proposed activities and limitations in the D-LM-1 zone are very similar to those in the RU-5 zone. Residential uses are allowed by right, along with a wide variety of commercial uses, as long as those commercial uses are

located on ground floors or within existing multi-story commercial facilities. For certain commercial uses that require a Conditional Use Permit, D-LM-1 would restrict these to only being considered for parcels with frontages along the commercial corridors of 1st Avenue, East 12th Street or International Boulevard. The D-LM-1 zone is meant to maintain the primarily residential character of upper stories and side streets, and to focus larger commercial uses (that would include upper stories) to Downtown. This area contains three "Transition Commercial Corridors" - 1st Avenue, International Boulevard and East 12th Street. New construction on parcels that have frontages on those streets are required to provide a minimum amount of ground floor commercial space if the frontage is more than 35 feet wide and is either within an opportunity site or on a corner lot.

The proposed D-LM-2 Pedestrian Commercial Core zone would be applied to the Chinatown Commercial Core, to the 14th Street corridor, and to the area immediately adjacent to the Lake Merritt BART Station. These areas are currently mostly zoned CBD-P (the area around the BART station is zoned CBD-X), which restricts the types of uses allowed to locate on the ground floor to small-scale, retail-oriented activities that create significant pedestrian traffic and support the existing pattern of commercial uses. For example, "General Retail Sales" (like a gift shop or shoe store) and "Full-Service Restaurant" are allowed by right on the ground floor, but "Medical Service" (like a dentist or acupuncturist office), and "Consultative and Financial Service" (like a bank or real estate office), require a Conditional Use Permit if located within the front 30 feet of the property. During the planning process, some stakeholders asked for more flexibility in the regulations for ground floor activities, particularly for the core of Chinatown, to allow activities that had traditionally been allowed prior to the 2009 zoning process that established the CBD-P zone. In December 2010, as a placeholder until the new Lake Merritt District zoning is established, ground floor use and size restrictions were relaxed for the area between 7th, 10th, Harrison and Franklin Streets, via a "CH" combining zone. The "CH" combining zone allows a greater variety of activities to locate on the ground floor without the need for a Conditional Use Permit, including "Medical Service", and "Consultative and Financial Service". Planning Commissioners approved the "CH" Combining Zone as an interim solution, but recommended that the new Lake Merritt District zoning include regulations that would do more to maintain the critical cluster of retail uses in the core of Chinatown. Retail uses perform better when clustered together; retail customers are more likely to support adjacent retail if it's next door to other retail. To that end, the proposed new D-LM-2 zone balances the desire for more flexibility with the need to keep a continuous street frontage of retail uses. The proposal would allow non-retail uses (such as health clinics, real estate offices, offices) to have a street presence on the ground floor, but would limit the length of frontage per business, in order to maintain the predominantly small size of existing storefronts that contribute to the area's pedestrian-oriented character.

Commercial Corridors in the D-LM-2 zone would include 14th St; and portions of Broadway, 8th St, 9th St, Franklin St, Webster St, Harrison, and Oak St. Transition Commercial Corridors include portions of 8th St, 9th St, Webster St, Franklin St, Harrison, and Oak St. On Commercial Corridors, new construction would be required to incorporate a minimum amount of ground floor commercial space if the frontage is wider than 35 feet. On Transition Commercial Corridors, new construction would be required to incorporate a minimum amount of ground floor commercial space if the frontage was more than 35 feet wide and is either within an opportunity site or on a corner lot.

The proposed D-LM-3 Commercial Zone is mapped in a small portion of the Planning Area between 10th and 14th Streets, near Franklin Street. The area is currently zoned CBD-C. The proposed D-LM-3 zoning

would allow a similar variety of uses, but would allow, with some limitations, residential uses in ground floors of existing and new buildings.

The proposed D-LM-4 Flex Commercial Zone is mapped along the I-880 freeway, along 7th Street, on the Peralta District property, on the Kaiser Auditorium, and in portions of the Planning Area between 10th, 14th, Harrison and Oak Streets. These areas are currently zoned CBD-X, CBD-R (mostly south of 10th Street) and S-2 (Kaiser and Peralta). The proposed D-LM-4 zoning would allow the variety of uses allowed in CBD-X. The areas previously zoned CBD-R would have an expanded list of allowed commercial activities. The areas previously zoned S-2 will also have an expanded list of allowed commercial uses.

The proposed D-LM-4 zone would establish requirements for construction of ground floor commercial space in new development (CBD-X, CBD-R and S-2 do not have this requirement for ground floor commercial space). Transition Commercial Corridors in D-LM-4 include portions of 8th St, 9th St, Webster St, Franklin St, Harrison St, and Oak St. On these Transition Commercial Corridors, new construction would be required to incorporate a minimum amount of ground floor commercial space if the frontage is more than 35 feet wide and is either within an opportunity site or on a corner lot.

The proposed new D-LM-5 Institutional Zone would apply to portions of the Planning Area with large institutional uses, such as Laney College, the new Downtown Educational Campus, Lincoln Elementary School, the Oakland Museum of California, and Alameda County buildings. These areas are currently zoned with a combination of CBD-X and S-2. The proposed D-LM-5 activity regulations are very similar to those in the CBD-X zoning district; D-LM-5 would allow residential and a wider variety of commercial activities by right than the current S-2 zoning. For example, areas that are currently zoned S-2 require a Conditional Use Permit for activities such as “General Food Sales” (like grocery stores or bakeries), “Full-Service Restaurant”, and “Limited Service Restaurant and Café” or “General Retail Sales” (like a gift shop or office supply store), but those would be allowed by right in the new D-LM-5 zone. D-LM-5 would also allow Civic uses, permitting “Community Assembly Civic” (like churches, recreation centers and public gyms) by right, providing more flexibility than the current CBD-X zoning, which requires a Conditional Use Permit for that activity.

The D-LM-5 includes Transition Commercial Corridors on Oak Street, requiring new construction to incorporate a minimum amount of ground floor commercial space if the frontage was more than 35 feet wide and is either within an opportunity site or on a corner lot. New commercial facilities (upper and ground-floor) would be allowed in all D-LM-5 locations.

In addition, historic resources would be allowed a greater degree of flexibility in terms of allowed uses in order to encourage adaptive reuse of those buildings.

#### **e. Proposed Parking Requirements**

The purpose of the Oakland Planning Code’s parking regulations (contained in Chapter 17.116) is to ensure that new or changed land use activities provide an adequate number of off-street parking, thereby reducing traffic congestion, allowing more efficient utilization of on-street parking. Parking requirements vary based on the zoning district and the particular land use activity. Requirements are only triggered if there is new construction, or a new land use activity on a parcel (within existing buildings if they were built after 1965),

and if that activity occupies an amount of space above a certain size threshold. The number of required parking spaces is typically calculated based on square footage of the space occupied by the activity, number of proposed employees, or number of residential units.

Existing zoning regulations for the portion of the Planning Area west of the Estuary Channel (mostly Central Business District zoning) require zero parking spaces for Commercial, Civic or Industrial uses, while Residential uses must provide one parking space for every unit. Existing zoning regulations east of the Estuary Channel (a mix of Urban Residential and Commercial and Industrial Mix zoning today) requires one parking space for every residential unit, and a range of parking spaces for Commercial, Civic and Industrial uses based on the specific zone and land use classification. Generally, there is a size threshold of 3,000 square feet before an activity is required to provide parking space.

In general, the new zoning proposes reductions in parking requirements, because the Planning Area is a walkable and transit-rich environment, served by multiple BART stations (Lake Merritt and 12th Street), regional AC Transit bus lines (including high frequency trunk lines and the soon-to-be-completed Bus Rapid Transit system), numerous shuttles and an Amtrak Station. The Planning Area also includes many neighborhood services and destinations within a ten-minute walking radius. As a reflection of this walkability, according to the 2010 U.S. Census data, the car ownership rates in the Planning Area vary between 0.64 and 0.84 per household. Throughout the nation, the current trend for zoning regulations in downtown areas, including in cities like Seattle, Portland, San Diego, is to reduce parking requirements and allow the market to determine the demand for parking. This allows project developers the flexibility to dedicate funds in ways that maximize the value of their project. While a developer can choose to provide parking above the requirements; they might also want to market some units without parking, resulting in development that is less costly, since non-surface parking spaces can cost from \$20,000 to \$30,000 per space to construct.

For the Downtown area, the draft proposal recommends maintaining the zero parking space requirements for Commercial, Civic and Industrial uses, and reducing the requirements for Residential uses, with the most significant reductions provided for affordable housing units and units within converted historic resources. For the Eastlake area, the proposal also reduces the requirement for Residential uses, and proposes raising the threshold that triggers commercial parking requirements to 5,000 to 10,000 square feet and also reducing the ratios, so that not as much parking is required. The Development Incentives (described below) that would be created for the Downtown area, could also allow for additional reduction in parking requirements for market-rate housing, in exchange for a series of public amenities, such as the provision of transit passes for residents.

The proposal recommends reductions in required parking for affordable housing projects in particular, because they tend to have a lower demand for parking spaces. A review of recently completed senior affordable housing development projects in the vicinity of the Planning Area, shows they provided approximately 0.25 parking spaces per unit, significantly below the existing requirement. Additionally, in discussions with architects and developers that build affordable housing, the existing one-to-one parking requirements are higher than needed based on post-occupancy analysis. The draft regulations propose reducing the parking requirement for senior affordable housing to 0.25 spaces per unit, and the requirements for other types of affordable housing to 0.5 spaces per unit. The reduction in parking requirements for affordable housing is consistent with the State of California's Density Bonus provisions, and senior housing

is already allowed to reduce to 0.25 spaces per unit with a Conditional Use Permit. However, allowing this reduction by right would save time and money for affordable housing developers.

Reduction in parking requirement for new residential units in historic buildings are an important part of the proposal, because existing historic buildings often do not physically have space to provide parking; making re-use of the historic resource more challenging. Initial results of a parking occupancy survey led by the City of existing residential buildings in Oakland seems to indicate that buildings that don't have parking (existing historic residential buildings) tend to attract residents with lower car ownership rates, and therefore parking demand is lower.

Parking space requirements for both residential and commercial activities may be further reduced or waived with a Conditional Use Permit *and* with the payment of an in-lieu fee. As a result, no variances would be allowed for reduced parking. This is the same approach implemented for the recently adopted Broadway Valdez District (D-BV) zoning districts.

#### **f. Residential Usable Open Space Requirements**

Existing zoning regulations require new residential developments to include a certain amount of Usable Open Space per unit. These open areas are meant to serve the need for leisure, recreation, and space of the residents of the specific parcel that is being redeveloped; they are not meant to satisfy the open space needs of an entire neighborhood. Usable Open Space regulations also prescribe standards for the development and maintenance of this open space. Under existing zoning, no other development type (beyond residential developments over two units) requires open space.

Current regulations in the Downtown require 75 square feet of open space per unit. The proposed regulations would reduce the requirement for Usable Open Space for particular types of uses, such as affordable housing and conversions/additions to Historic Resources, in order to facilitate those types of developments. Affordable housing already has the option of reducing open space requirements through the State Density Bonus and senior housing in particular, tends to have a lower demand for usable open space. Also, conversions or additions to Historic Resources often have difficulty incorporating new open space, so reducing these requirements would facilitate re-use of those buildings. As with parking requirements, reduced open space requirement provide affordable housing developers and project involving historic resources with the flexibility needed to achieve these types of development.

The proposal would also expand the definition of required usable open space to include new off-site space (within 1000 feet of the proposed development) and community center space or other recreational space, like a gym (within the existing building envelope), allowing additional flexibility in providing for the recreational and leisure needs of the residents.

The stakeholders in the Station Area Plan process have noted that one of their biggest needs is for additional recreation/youth centers (to relieve the burden on existing centers) and better maintenance of existing parks. The Draft Plan recommends that all new large developments (including non-residential uses, such as office buildings or large retail spaces) dedicate ten percent (10%) of the site area to publicly accessible open space. However, these proposed open space requirements will require the completion of a nexus study to demonstrate the nexus between the impact of the new development and the amount of public open space

being required. Chapter 10 of the Draft Plan describes implementation measures (beyond zoning regulations) for new recreational/youth center and improved maintenance at existing parks.

Related to the need for improved public open space, during the planning process, stakeholders observed that school children often utilize public open space as recreational areas in the Planning Area. There are numerous schools in the Planning Area that have located in office buildings that do not contain their own open space. However, this proposal does not include a recommendation for requiring schools to provide open space, because of concerns related to the effect of limiting the potential sites for schools (they would be limited to locations that had associated open space).

Open space requirements may be further reduced or waived with a Conditional Use Permit *and* with the payment of an in-lieu fee. As a result, no variances would be allowed for reduced open space. This is the same approach implemented for the recently adopted Broadway Valdez District (D-BV) zoning districts.

**g. Development Standards**

The proposed zoning would include Design Regulations that would provide minimum design standards for new development. The Design Regulations are numerical, prescriptive requirements; examples include specific setback requirements and transparency requirements. The Lake Merritt Station Area Plan Design Guidelines will complement the regulations contained in the new Lake Merritt zoning districts. Zoning regulations are requirements that a developer must comply with. Guidelines are generally used to describe design concepts that are not readily quantifiable (such as, a prominent pedestrian entrance), or to suggest multiple ways of meeting a desired design goal (such as the use of awnings or window design as a way to create a pedestrian scale at the sidewalk level). Design regulations, included in the proposed zoning, are utilized when parameters can be quantified, or when the City wants to ensure a particular outcome (such as, a specific amount of window glazing, or a specific maximum building height). The proposed design regulations vary from zone to zone, based on the desired character of that zone.

The proposed zoning includes specific requirements for storefront design, including minimum frontage width and minimum depth of storefront bay, to ensure that new commercial facilities are viable spaces for businesses. These regulations are drawn from guidelines developed by the City's Economic Development staff, based on analysis of business needs. The proposed zoning also includes requirements for transparency (glazing) for commercial storefronts, with higher requirements in the D-LM-2 Pedestrian Commercial Core Zone. There are also setback and step-up requirements for ground floor residential uses to provide a buffer between the street and the residential use.

**h. Height Areas - Intensity, Density, Height and Tower Regulations**

The proposed new Height Area regulations are meant to ensure that new buildings contribute to the development of great streets and neighborhoods in the Station Area, while promoting high-density transit-oriented development. The maps at the end of this attachment contain the location of each new Height Area within the Station Area.

The proposed zoning recommends three height and massing levels:

- **Base heights** should complement the existing context, and ensure that a consistent character is maintained from the pedestrian perspective. These heights should be consistent with breaking points in cost of construction for different construction types.
- **Total tower height** would be an additional amount of height above the base height and would be the maximum height allowed. In order to ensure slender towers, tower portions of a building would be subject to massing regulations, such as setbacks, percent lot coverage above the base, and tower length limits.
- **Additional tower height** could be conditionally permitted for a limited number of buildings in distinct geographic areas within the Station Area up to a specific maximum height. The Conditional Use Permit process would include findings for design compatibility and consistency with the policies and goals of the Station Area Plan.

The proposed new height areas are as follows:

- **Height Area 1** would have a total height limit of 275 feet to accommodate the highest density, transit-oriented development closest to the Lake Merritt BART Station and along the Broadway corridor near the core of Downtown. This Height Area would also be located along portions of the I-880 Freeway in order to provide a buffer to reduce noise and air quality impacts.
- **Height Area 2** would have a total height limit of 175 feet to accommodate high density, transit-oriented development closest to the 12th Street BART Station (on Broadway between 12th and 14th Streets), and along the civic/office corridors of 11th, 12th and 13th Street. This height limit reflects the existing context of larger buildings and larger parcel sizes that exist on the northern end of the Planning Area. The zoning will specify a maximum of three (3) buildings could be conditionally permitted for additional tower height (up to 275 feet).
- **Height Area 3** would have a total height limit of 85 feet to accommodate high-density, transit-oriented development in the largest portion of the Planning Area, including the core of Chinatown, and many historic landmark buildings or districts that occupy a full block area—such as the Historic King block (bound by Harrison, Webster, 13th, and 12th Streets), the Hotel Oakland and the County Courthouse—to maintain heights consistent with the historic character. The zoning will specify a maximum of three (3) buildings could be conditionally permitted for additional tower height (two buildings could go up to 175 feet and one building could go up to 275 feet).
- **Height Area 4** would have a total height limit of 85 feet to accommodate high-density, transit-oriented development in the Eastlake area. The zoning will specify a maximum of three (3) buildings could be conditionally permitted for additional tower height (two buildings could go up to 175 feet and one building could go up to 275 feet).
- **Height Area 5** would be consistent with the heights of existing historic buildings, with a total height limit of 45 feet. It is proposed along 7th Street in the most intact portions of the 7th Street/Harrison Square Residential Historic District Area of Primary Importance, where height is a character-defining feature. This Height Area is also proposed for the Fire Alarm Building site given its height as a character-defining feature.

The proposed regulations associated with each Height Area include standards for Floor Area Ratio (FAR); maximum height for both building base and tower; maximum height with a Conditional Use Permit (and maximum number of buildings allowed to achieve this height); minimum height for new principal buildings; maximum lot coverage for building base and average per story lot coverage above the base; and

tower massing regulations for: maximum average area of tower floor plates; maximum tower elevation length; maximum diagonal length; and minimum distance between towers on the same lot.

The proposed new Height Areas revise the height and tower regulations that currently apply in the area. Changes to existing standards will generally consist of reducing: maximum heights, Floor Area Ratio (FAR), and average per story lot coverage above the base. Minimum heights for new principal buildings will be maintained.

<b>Title:</b>	Lake Merritt Station Area Plan
<b>Location:</b>	Lake Merritt Station Planning Area is generally bounded by 14 <sup>th</sup> Street to the north, I-880 to the south, Broadway to the west and 5 <sup>th</sup> Avenue to the east.
<b>Proposal:</b>	Conduct a public hearing to provide cultural-resource related comments on the Final Environmental Impact Report (FEIR), Final Lake Merritt Station Area Plan, and associated General Plan amendments, Planning Code amendments, and Design Guidelines (collectively called “Related Actions”).
<b>Applicant:</b>	City of Oakland
<b>Case File Numbers:</b>	ZS11225, ER110017, GP13268, ZT13269, RZ13270
<b>General Plan:</b>	<u>Land Use and Transportation Element (LUTE) Areas:</u> Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use <u>Estuary Policy Plan Areas:</u> Planned Waterfront Development 1, Mixed Use District
<b>Zoning:</b>	CBD-X, CBD-P, CBD-P/CH, CBD-R, CBD-C, OS-(SU), OS-(LP), OS-(NP), OS-(RCA), S-2, RU-4, RU-5, M-40/S-4
<b>Environmental Determination:</b>	All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Station Area Plan
<b>Historic Status:</b>	The Plan Area includes cultural/historic resources that include CEQA Historic Resources and may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D by the Oakland Cultural Heritage Survey; and Landmark properties.
<b>Service Delivery District:</b>	Metro, 3
<b>City Council District:</b>	2, and a small portion of 3
<b>Status:</b>	The RTC/FEIR and Final Plan was released on July 28, 2014.
<b>Action to be Taken:</b>	Receive public and Board member cultural resource-related comments on the FEIR, Final Plan and Related Actions.
<b>Finality of Decision:</b>	N/A
<b>For Further Information:</b>	Contact Christina Ferracane at <b>510-238-3903</b> or <a href="mailto:cferracane@oaklandnet.com">cferracane@oaklandnet.com</a> Project website: <a href="http://www.business2oakland.com/lakemerrittsap">http://www.business2oakland.com/lakemerrittsap</a>

**SUMMARY**

The purpose of this Landmarks Preservation Advisory Board (LPAB) public hearing is to provide cultural-resource related comments on the Final Environmental Impact Report (FEIR), Final Lake Merritt Station Area Plan (LMSAP), and associated Design Guidelines, General Plan amendments and Planning Code

amendments, including Zoning and Height Maps (collectively called “Related Actions”), for the Lake Merritt Station Area Plan (LMSAP).<sup>1</sup>

This staff report includes a set of maps illustrating historic resources in the Plan Area as ***Attachment A***; proposed General Plan Amendments as ***Attachment B***; a summary of Planning Code Amendments (zoning regulations) as ***Attachment C***, including proposed Height and Zoning Maps; a summary of responses to Station Area Plan Comments as ***Attachment D***; a summary of changes to the Station Area Plan since last reviewed by advisory boards and the Planning Commission as ***Attachment E***; and an excerpt of the relevant cultural resources-related impacts and Standard Conditions of Approval and mitigation measures for the Project from Table 2-1 of the EIR as ***Attachment F***. These documents are also available for review on the City’s website at: [www.business2oakland.com/lakemerrittsap](http://www.business2oakland.com/lakemerrittsap).

The Lake Merritt Station Area Plan, Design Guidelines, and Final EIR were previously furnished separately to the LPAB, and are available to the public, through the City’s website: [www.business2oakland.com/lakemerrittsap](http://www.business2oakland.com/lakemerrittsap)

Limited copies of the Final EIR are also available, at no charge, at the Bureau of Planning, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California 94612. Reference copies of the Final EIR, Station Area Plan and Design Guidelines are also available at the Bureau of Planning; the Oakland Public Library, Social Science and Documents, 125 14th Street, Oakland CA 94612; and at the Oakland Asian Cultural Center, 388 9th Street #290, Oakland, CA 94607.

**Project Description**

The Lake Merritt Station Area Plan (Plan) encompasses approximately 315 acres generally bound by 14th Street to the north, I-880 to the south, Broadway to the west, and 5th Avenue to the east. The Planning Area includes the Lake Merritt BART Station, Oakland Chinatown business and residential districts, Laney College and Peralta Community College District facilities, the Oakland Public Library, the Oakland Museum of California, the Alameda County Courthouse and other County offices, the building currently occupied by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), the Lake Merritt Channel, and a portion of the East Lake district.

With a planning horizon to 2035, the Plan builds on extensive community feedback to articulate a roadmap for future development, continued revitalization and economic growth, and community enhancement in the Station Area. The Plan establishes a long-range vision for a high-intensity neighborhood, including the addition of 4,900 new housing units expected to accommodate 4,700 households, 4,100 new jobs, 404,000 square feet of additional retail, and about 1,230,000 square feet of office uses.

The Plan includes land use changes that will reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods. The Plan seeks to create an activity core around a rejuvenated Lake Merritt BART station. Simultaneously, the Plan seeks to reinforce and integrate the cultural and recreational resources that make this transit station unique. The Plan identifies ways in which streets,

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<sup>1</sup> The Draft Station Area Plan, and associated Design Guidelines, followed by the Draft EIR, Draft General Plan amendments and Zoning Concepts were presented at the January 30, 2013 and November 18, 2013 Landmarks Preservation Advisory Board meetings. The staff reports for those meeting are available online at: [www.business2oakland.com/lakemerrittsap](http://www.business2oakland.com/lakemerrittsap).

open spaces, and other infrastructure in the area can be improved, and establishes regulations for development projects that further the area's vitality and safety.

**Public Participation and Planning Process**

In 2009, the City of Oakland, Bay Area Rapid Transit (BART) and the Peralta Community College District, through a grant from the Metropolitan Transportation Commission (MTC), came together to prepare a Station Area Plan (a specific plan) for the area that encompasses a generally one-half mile radius around the Lake Merritt BART Station.

Community outreach for the Station Area planning process began in 2008 through the Lake Merritt BART Station Area Community Engagement Process, conducted by Asian Health Services (AHS) and other community-based organizations, in partnership with the City of Oakland. Research, public meetings and a 1,400-person survey were conducted in order to analyze the needs of residents, workers, visitors, students, businesses and BART users in area surrounding the Lake Merritt Bart Station.

The outreach process for the Station Area Plan has been guided by a Community Stakeholder Group (CSG), composed of key community-based organizations, merchant groups, advocacy groups, service providers, public agencies and other community members. The CSG met on an ongoing basis over the past several years to identify and review issues, vision and goals, as well as the Draft Station Area Plan and zoning concepts.

In close collaboration with the CSG, the City conducted five large community workshops, each attended by over 200 people and facilitated in English, Cantonese, Mandarin and Vietnamese. Attendees participated in hands-on, map-based activities to illustrate preferences for how the area should be developed and improved in the future and were able to directly engage with one another, and with key stakeholders and staff to discuss many of the concepts that are now included in the Station Area Plan.

In addition to large community workshops, focus group meetings were held for sectors of the public that may not typically attend large community workshops – including:

- Families (in partnership with Lincoln Elementary School)
- Laney College students and faculty
- Merchants (in collaboration with the Chinatown and Vietnamese Chambers of Commerce)
- Youth (in collaboration with Asian Health Services and Lincoln Recreation Center)

Focus group meetings, workshops, other public meetings, print and web materials have all utilized a multilingual presentation approach and have been organized in close partnership with community stakeholders to ensure authentic participation by both traditionally well-organized groups, such as local business associations, community based organizations and developers, as well as traditionally underrepresented lower-income, renter, and non-English speaking communities.

**Previous Review by Advisory Boards and the Planning Commission**

Between December 2012 and December 2013, the Draft Lake Merritt Station Area Plan, Design Guidelines, draft zoning concepts, including Zoning and Height Area Maps, draft General Plan Amendments, followed by the Draft Environmental Impact Report (DEIR), were presented to advisory boards, including the Zoning

Update and Design Review Committees of the Planning Commission, as well as the Bicycle and Pedestrian Advisory Committee, and Parks and Recreation Advisory Committee, each of which provided comments unique to their topic area.

Specifically, on January 30, 2013, the City of Oakland Landmarks Preservation Advisory Board and the City of Oakland Planning Commission held a joint public hearing to discuss the Draft LMSAP. Three duly noticed public hearings on the DEIR were held including a Landmarks Preservation Advisory Board public hearing on November 18, 2013, and two Planning Commission hearings on November 20, 2013 and December 4, 2013.

**Proposed General Plan Amendments**

Certain General Plan land use classifications in the Planning Area will be reclassified, to implement the Station Area Plan’s Land Use Character diagram. In addition to mapping changes, General Plan text amendments are proposed in the area east of the Lake Merritt Channel, where the Station Area Plan proposes development intensities that are somewhat higher than prescribed by the Land Use and Transportation Element’s Urban Residential and Community Commercial land use classifications. The General Plan mapping and text amendments are included in *Attachment B – General Plan Amendments*.

**Proposed New Zoning Regulations**

The Planning Code (zoning regulations) will be updated in order to reflect new policy direction contained in the Station Area Plan, providing specific land use and physical development regulations, such as permitted activities, buildings heights and tower design, required parking and open space. The proposed zoning for the Lake Merritt Station Area Plan would include five (5) new district-specific zoning districts.

The new zoning framework would also designate key corridors with special requirements for active ground floor uses. For example, new construction would be required to provide ground floor commercial space, and provide features, such as a minimum storefront depth and width, minimum height of the ground floor, and location on a corner, that help to create viable commercial space.

Development intensity would be regulated by a Height Map, separate from the zoning districts. Each Height Area would have an associated set of property development standards, including Height, Density, Bulk, and Tower regulations.

A summary of these proposed zoning regulations, including proposed Zoning and Height Area maps is provided in *Attachment C*.

**Design Guidelines**

The Station Area Plan is accompanied by a set of Design Guidelines for the Lake Merritt Station Area, which provide qualitative guidance and graphic and photographic examples that will complement the development regulations included in the zoning district regulations. The Guidelines are intended to give residents, building designers, property owners, and business owners a clear guide to achieving development that improves the area’s livability while retaining its character.

The Final Design Guidelines have been significantly updated, as described in the Key Issues section below and in *Attachment E – Summary of Plan Changes*, to incorporate additional information and guidelines related to compatibility and preservation of historic resources.

**Addressing Comments Received during the Previous Public Review Period**

Staff received numerous comments on the Draft Station Area Plan and Draft EIR during the previous public review period. Comments/responses related to cultural and historic resources are included in *Attachment D*, and some are also discussed in the Key Issues section of this staff report. Often more than one person or agency had the same comment so these have been summarized into more general comments. Also, CEQA-related comments are separately addressed in the Final EIR/Response to Comment document.

**Changes Made Since Publication of Draft LMSAP (December 2012)**

Changes made to the Station Area Plan and Design Guidelines since they were published in December 2012 are summarized in *Attachment E*. Key substantive changes are also discussed in the Key Issues section of this staff report.

**KEY ISSUES**

This section highlights key issues related to cultural and historic resources, which also correspond to the comments/responses addressed in *Attachment D*:

- Historic Preservation
- Cultural Heritage
- Historically Appropriate Design

***Historic Preservation***

During previous public hearings before the Landmarks Preservation Advisory Board, board members and speakers requested a fine grained exploration of how new development might occur in historic districts, in order to ensure preservation of those districts and individual historic buildings. To that end, the *Final Plan* includes a finer-grained height limit proposal than found in existing zoning regulations and in the *Draft Plan*. The *Final Plan* proposes reduced heights limits throughout much of the Plan Area in order to encourage a scale of development that better responds to the existing context while still encouraging high density transit-oriented development.

An 85-foot Height Area covers the vast majority of historic resources considered significant under CEQA and the Plan Area’s major historic landmarks, such as the Kaiser Auditorium, the Chinatown Commercial API, sites adjacent to Madison Park and the 7th Street/Harrison Square Residential API, and the block bounded by 9th, 11th, Webster and Harrison Streets. The height proposal remains unchanged from the *Draft Plan* for the King Block (proposal – 85 feet, existing – No Limit), the block bounded by 13th, 14th, Webster and Harrison Streets (proposal – 175 feet, existing – No Limit), and for the apartment buildings within the block bounded by 9th, 10th, Oak, and Fallon Streets (proposal – 275 feet, existing – 275 feet). While the height limits for these areas may be higher than the existing historic buildings, the *Final Plan* and Design Guidelines call for historic preservation and adaptive reuse of historic resources and do not envision the demolition or alteration of historic buildings in a way that would negatively affect their historic significance.

In fact, the LMSAP policies and regulations are actually more protective of historic resources than current regulations. For example, a new section in the Design Guidelines highlights the 10th and Oak Street Apartment Group is an important historic resource exemplary of early 20th Century building in the Lake Merritt Area. The Final LMSAP includes additional incentives for reuse existing historic buildings, including:

- Flex zoning district in some locations with historic resources in order to allow the maximum flexibility of uses, so that historic buildings can be adaptively re-used even after their original function is no longer viable.
- No parking or open space requirements when converting from commercial to residential use or vice versa when it is a Potential Designated Historic Property (PDHP) or a CEQA Historic Resource;
- If a PDHP or a CEQA Historic Resource is incorporated as part of a larger project, the area that is incorporated will be exempt from parking and open space requirements.

The Final LMSAP also highlights the adaptive reuse possibility of two City-owned historic resources, the Kaiser Auditorium and the Fire Alarm Building, identifying ideas for potential uses (such as a community workshop space, food court and/or auditorium) that would make them community amenities, and outlines steps necessary to move forward with reuse.

Furthermore, existing City regulations for historic properties require stringent City findings for any proposed demolition. And all historic resources are eligible for preservation incentives, such as the Mills Act (property tax reduction) or Federal Tax Credits for improvements of historic buildings.

### ***Cultural Heritage***

A key goal for the LMSAP is to celebrate the cultural heritage that is a unique aspect of the Planning Area. To that end, the LMSAP and Design Guidelines address the importance of enhancing streetscapes to support an active Chinatown Core, providing robust multilingual signage, and enhancing community gathering spaces to support a range of public events, as ways to enhance the cultural heritage of Chinatown.

The Design Guidelines specifically address a Chinatown Gateway, wayfinding systems, and the need for streetscape elements, such as lighting, seating, signage, and other street furnishings to respond to the cultural heritage of the Chinatown Core.

Finally, a brief subsection, “Lake Merritt BART Station,” has been added to Chapter 7 Community Resources. This acknowledges the interest in reconsidering the name of the Lake Merritt BART Station and notes that a new name could include references to Oakland Chinatown, Laney College, Oakland Museum of California, and/or Alameda County Services.

### ***Historically Appropriate Design***

It is important goal for the LMSAP and Design Guidelines to promote development that complements the Plan Area’s historic buildings. The Final Design Guidelines were revised to further emphasize the importance of design details, such as traditional storefront widths for ground floors, ample window placement and articulation above the ground floor, and distinction of ground floors from upper floors.

In addition, photos throughout the Design Guidelines have been updated to better illustrate all guidelines related to building massing, stepbacks, façade articulation, storefronts, entryways, and ground level design. Additional photos illustrate how new development could appropriately respond to and reinforce the existing historic character of adjacent buildings. All photos in the Historic Resource section of the Final Design Guidelines have been updated to provide examples of precedents for new buildings that are appropriate to their historic context.

A new chapter has been added to the Design Guidelines; Chapter 3 Historic Character describes the character-defining features of the Plan Area's historic building typologies, providing context not only for the building design guidelines directly pertaining to historic resources, but to other design guidelines related to building form, façade articulation, materials, and the ground level pedestrian experience that respond to the unique context of the Plan Area. This new chapter summarizes features relating to building scale and form, architectural styles, materials, ornamentation, and interaction with the right of way for the following categories of historic resources: Small-scale Residential, Midrise Residential, Chinatown Commercial, Downtown Commercial, and Civic. Emphasis has been given to the significance of Oakland's Chinatown, the 7th Street/Harrison Historic Residential District, the early 20th century mid- and high-rise buildings, and distinct historic landmarks in defining the Planning Area's aesthetic character.

## **ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) has been prepared for the Lake Merritt Station Area Plan (LMSAP). The LMSAP does not propose specific private developments, but for the purposes of environmental review, establishes the Lake Merritt Station Area Development Program, which represents the maximum feasible development that the City has projected can reasonably be expected to occur in the Plan Area over a 25 year planning period. In total, the Lake Merritt Station Area Development Program includes approximately 4,900 new housing units expected to accommodate 4,700 households, 4,100 new jobs, 404,000 square feet of additional retail, and about 1,230,000 square feet of office uses.

A summary of the environmental review for the project is as follows:

- Notice of Preparation (NOP) of an Environmental Impact Report (EIR) - published on March 1, 2012;
- EIR Scoping meeting - held before the Landmarks Preservation Advisory Board on March 12, 2012;
- EIR Scoping meeting - held before the Planning Commission on March 21, 2012;
- Public comment period on the NOP closed on April 1, 2012;
- "Notice of Availability / Notice of Release of a Draft EIR" - issued on September 20, 2013;
- Draft EIR was published on November 1, 2013;
- Landmarks Preservation Advisory Board Meeting (LPAB) on the Draft EIR - November 18, 2013;
- Two Planning Commission hearings on the Draft EIR - November 20, 2013 and December 4, 2013;
- Public comment period on the Draft EIR closed on December 16, 2013;
- "Notice of Availability/Release of a Final EIR" and the Final EIR were published on July 28, 2014;

The following are actions anticipated as part of the environmental review for the project:

- This LPAB meeting to provide cultural-resource related comments on the Final EIR;

- Planning Commission certification of the Final EIR to be recommended at the September 3, 2014 public hearing;
- Meetings of the Community and Economic Development Committee of the City Council and full City Council to consider certification of the Final EIR on September 30, 2014, and October 7, 2014, respectively.

**Less-than-Significant Impacts**

As detailed in Chapter 3 of the DEIR, the analysis found that for the following environmental topics there were no impacts or less than significant impacts with incorporation of Project mitigation measures or implementation of Standard Conditions of Approval: Aesthetics, Air Quality, Biology, Cultural Resources, Geology and Geohazards, Greenhouse Gases, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Population and Housing, Public Services, and Utilities/Service Systems.

**Significant and Unavoidable Environmental Impacts**

The LMSAP will potentially result in significant and unavoidable impacts associated with the following environmental topics: Air Quality; Cultural Resources; Greenhouse Gases; and Traffic and Transportation. Therefore, in order to approve the LMSAP, the City will have to adopt Statements of Overriding Consideration for these significant unavoidable impacts, finding that the benefits of the Project outweigh any significant and unavoidable impacts. A discussion of significant and unavoidable environment impacts related to Cultural Resources is provided below:

*Impact CUL-1 – Historic Resources*

The Planning Area contains 187 properties that meet the City of Oakland’s criteria for significant historic resources (see ***Attachment A***). Three of these properties are identified as Opportunity Sites under the LMSAP:

- Kaiser Auditorium;
- 1025 2nd Avenue (OUSD Administration Building); and
- 121 East 11th Street (Ethel Moore Building, OUSD).

The Kaiser Auditorium is expected to be adaptively reused rather than redeveloped, but that is not necessarily the case for the two OUSD buildings. The City of Oakland’s existing Standard Conditions of Approval (SCAs) and regulations protecting historical resources, as well as proposed Plan policies and design guidelines, would mitigate any potential impact of overall development in the Planning Area, but will not be able to reduce the potential impact of demolition of one or more of the OUSD buildings to a level that is less than significant. The Station Area Plan includes an additional mitigation measure to implement Historic Preservation Element policy 3.8, and provides for multiple measures and approaches. Some approaches could reduce the impacts on historic resources to a less than significant level, and others could reduce impacts on historic properties, but not to a less than significant level. If demolition or substantial alteration of historically-significant resources is identified by the City as the only feasible option for development in the Planning Area, the impact of development under the proposed Plan would be considered significant and

unavoidable. This finding should be viewed as conservative, as it is not certain that historic resources on opportunity sites will be demolished or otherwise impacted.

*Cumulative Impact CUL-5 – Historic Resources*

Cumulative analysis includes a review of the proposed LMSAP and its relationship with past, present, and reasonably foreseeable maximum development in Planning Area and the vicinity, taken as the five-block radius around the Planning Area. In addition to projected LMSAP development on opportunity sites in the Planning Area, there are 12 projects on the City of Oakland’s Major Active Development Projects list within the Planning Area and its vicinity. Three of these projects would affect known historic resources. Two of these projects would restore, adapt, and reuse historic resources as part of new development, while demolition of a historic resource is proposed as part of the Brooklyn Basin (Oak to Ninth Avenue) development. Potential impacts on historic resources within the Planning Area are considered significant and unavoidable as described under Impact CUL-1, even with existing City of Oakland regulations and proposed Plan policies and mitigation that support conservation of historic resources. The overall cumulative impact of active development projects and projected development under the LMSAP is expected to be significant and the proposed Plan’s contribution to the impact is cumulatively considerable.

**CEQA Alternatives**

Chapter 4 of the Draft EIR includes the analysis of four potentially feasible alternatives to the proposed project that meet the requirements of CEQA, which include a reasonable range of alternatives to the Project that would feasibly attain many of the Project’s basic objectives, and avoid or substantially lessen many of the Project’s significant environmental effects. These alternatives include: Alternative 1: the Alameda County Transportation Commission (ACTC) Defined No Project Alternative, Alternative 2: the Planning Area Trends-Based No Project Alternative, Alternative 3: the Reduced Scope Alternative, Alternative 4: the Enhanced Transportation Demand Management (TDM), and Alternative 5: Maximum Theoretical Buildout Alternative. As presented in the EIR, the alternatives were described and compared with each other and with the proposed project.

- **ACTC Defined No Project Alternative 1** — Under the ACTC Defined No Project Alternative, the LMSAP would not be adopted, and therefore the Lake Merritt Development Program would not occur. However, the ACTC Defined No Project Alternative does include reasonably foreseeable development that could occur even without adoption and development under the LMSAP. The ACTC Defined No Project Alternative assumes continuation of the current General Plan and zoning regulations with growth projections consistent with ACTC growth projections. The ACTC Defined No Project Alternative would result in virtually the same overall population and job growth as the Station Area Plan, with approximately 200 fewer persons and just under 100 jobs more than the Station Area Plan (see Table 4.2-1 in the Draft EIR). This alternative would differ from the proposed Plan in terms of type and location of development, resulting in less retail and office development, and more institutional development.
- **Planning Area Trends-Based No Project Alternative 2** - Under the Planning Area Trends-Based No Project Alternative, the LMSAP would not be adopted, and therefore the Lake Merritt Development Program would not occur. The Plan Area would be developed at a reduced intensity

(roughly 50 percent of the residential development, 44 percent of the office development, 18 percent of the retail development and 185 percent of the institutional development, compared with the LMSAP Development Program), assuming future growth based on current and historical trends (see Table 4.2-1 in the Draft EIR).

- **Reduced Scope Alternative 3** – The Reduced Scope Alternative assumes reduced maximum height limits for key height areas, thereby resulting in a lower development program than the Project. All other aspects of the LMSAP would be adopted with this Alternative. Under this Alternative, retail development would be reduced by 30 percent; office development would be reduced by 30 percent and residential development would be reduced by 20 percent or 1000 fewer units, as compared to the proposed Plan. Institutional uses for this Alternative and the Project are assumed to be the same (see Table 4.2-1 in the Draft EIR).
- **Enhanced Transportation Demand Management (TDM) Alternative 4:** The Enhanced TDM Alternative is a policy-based alternative that focuses on a range of transportation demand management measures and parking management strategies, over and above those identified in the LMSAP. The additional measures consist of reducing off-street residential parking standards, the creation of a parking management district, additional bicycle parking policies and employer-based TDM measures. All other aspects of the LMSAP, including the Lake Merritt Station Area Plan Development Program, would be adopted with this Alternative.
- **Maximum Theoretical Buildout Alternative 5** – The Maximum Theoretical Buildout Alternative evaluates the theoretical possibility that every parcel would be built out to the new maximum level permissible under the General Plan and Planning Code regulations as revised through adoption of the LMSAP. Under this alternative, the Plan Area would be developed at an increased density/intensity (roughly 7 times the residential development and 19 times of the non-residential development assumed in the LMSAP Development Program). All other aspects of the Plan would occur with this Alternative.

The set of selected alternatives above are considered to reflect a “reasonable range” of feasible alternatives in that they include reduced scenarios that lessen and/or avoid significant and unavoidable effects, as well as less-than-significant effects, of the LMSAP and generally would align with the basic objectives of the Plan, which the City would assess when it considers the merits of the Plan and the alternatives.

The Reduced Scope Alternative was identified as the environmentally superior alternative. Due to the lower development program assumed, this Alternative would reduce but not avoid several of the Significant and Unavoidable (SU) Transportation impacts, as compared to Plan impacts; this Alternative also would result in slightly less severe impacts with respect to Greenhouse Gases, Noise and Air Quality (regarding Toxic Air Contaminants and odors), however, these impacts would still be less than significant for both this Alternative and the proposed Plan; all other impacts would be similar to the proposed Plan. Moreover, under this Alternative, the proposed land use policies and zoning regulations, height and massing, and other policies in the proposed Plan would be adopted.

The alternatives are being rejected in favor of the Project because they do not meet the basic project objectives to encourage new attractive transit-oriented development that is context-sensitive and also provides needed housing at range of affordability levels, transportation improvements, and additional recreation and open space.

**Responses to Draft EIR Comments (Final EIR)**

City staff received comments on the Draft EIR from nine public agencies. Additional oral comments were provided at the Landmarks Preservation Advisory Board meeting on November 18, 2013 and at the Planning Commission hearings on November 20, 2013 and December 4, 2013. Responses to all of the comments provided by agencies, organizations and individuals are provided in the Final EIR/Response to Comment document, including certain revisions and changes to text in the Draft EIR. None of these changes to the Draft EIR involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from that presented in the Draft EIR. Recirculation of the Draft EIR is not warranted.

As noted in the Final EIR, several comments stated they would like a new EIR alternative that assumes adaptive reuse of the two historic OUSD buildings, resulting in no significant impacts to historic resources in the Planning Area. Although measures are available that could help reduce the potential impact to these CEQA historic resources (see Mitigation Measure CUL-1 in Chapter 3.8 of the DEIR), they would still not reduce impacts to a less-than-significant level. These two historic resources are not owned by the City of Oakland, nor are they under City of Oakland jurisdiction, so the preservation of these resources cannot be guaranteed. In fact, as noted on page 4-103 of the DEIR, the No Project alternative still shows significant and unavoidable impacts to historic resources.

However, in response to comments received on the DEIR, City staff developed a more robust set of zoning incentives to preserve and enhance existing CEQA historic resources, including the OUSD buildings. An overview of these changes is provided below:

- CEQA Historic Resources will not be required to provide new parking when converting from a commercial to residential use; and
- CEQA Historic Resources will have reduced open space requirement when converting from a commercial to residential use and would be able to remove the requirement altogether with payment of an in-lieu fee; and
- If CEQA Historic Resource is incorporated as part of a larger project, the square footage that is incorporated will be exempt from open space requirements.

The intent of these new incentives is to reduce the Significant and Unavoidable impacts to historic resources. Nevertheless, due to the ownership/jurisdiction issues stated above, the Plan would still result in a significant and unavoidable impact with respect to historic resources and requires a statement of overriding consideration prior to certification of the EIR and Plan adoption.

**Level of Analysis and Streamlining Future Environmental Review**

The EIR is intended to assess the environmental impacts of the LMSAP. The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent, so that future environmental review of specific projects are expeditiously undertaken without the need for repetition and redundancy, as provided in CEQA Guidelines section 15152 and elsewhere. Specifically, pursuant to CEQA Guidelines Section 15183, streamlined environmental review is allowed for projects that are consistent with the development density established by zoning, community plan, LMSAP, or general plan policies for which an EIR was certified,

unless such a project would have environmental impacts peculiar/unique to the project or the project site. Likewise, Public Resources Code section 21094.5 and CEQA Guidelines Section 15183.3 also provides for streamlining of certain qualified, infill projects. In addition, CEQA Guidelines Sections 15162-15164 allow for the preparation of a Subsequent (Mitigated) Negative Declaration, Supplemental or Subsequent EIR, and/or Addendum, respectively, to a certified EIR when certain conditions are satisfied. Moreover, California Government Code section 65457 and CEQA Guidelines section 15182 provide that once an EIR is certified and a LMSAP adopted, any residential development project, including any subdivision or zoning change that implements and is consistent with the LMSAP is generally exempt from additional CEQA review under certain circumstances. The above are merely examples of possible streamlining/tiering mechanisms that the City may pursue and in no way limit the City's ability to conduct future environmental review of specific projects.

When a specific public improvement project or development application comes before the City, the proposal will be subject to its own, project-specific, environmental determination by the city that either: 1) the action's environmental effects were fully disclosed, analyzed, and as needed, mitigated within the LMSAP EIR; 2) the action is exempt from CEQA; 3) the action warrants preparation of a (Mitigated) Negative Declaration; or 4) the action warrants preparation of a supplemental or subsequent focused EIR limited to certain site-specific issues. Again, the above are merely examples of possible streamlining/tiering mechanisms that the City may pursue and in no way limit the City's ability to conduct future environmental review of specific projects.

**RECOMMENDATIONS:**

Staff recommends that the Landmarks Preservation Advisory Board take public testimony, close the public hearing, and provide cultural-resource related comments on the Final Environmental Impact Report (FEIR), Final Lake Merritt Station Area Plan (LMSAP), and associated Related Actions.

Prepared by:

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Approved by:

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Approved for forwarding to the  
City Planning Commission:

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Darin Ranelletti, Deputy Director  
Bureau of Planning

**ATTACHMENTS**

- A. Historic Resources in the Plan Area
- B. Proposed General Plan Amendments
- C. Summary of Planning Code Amendments (zoning regulations), including Height and Zoning Maps
- D. Summary of Responses to Station Area Plan Comments
- E. Summary of Changes to the Station Area Plan
- F. Excerpt of Cultural Resources-related Impacts and Standard Conditions of Approval and Mitigation Measures for the Project

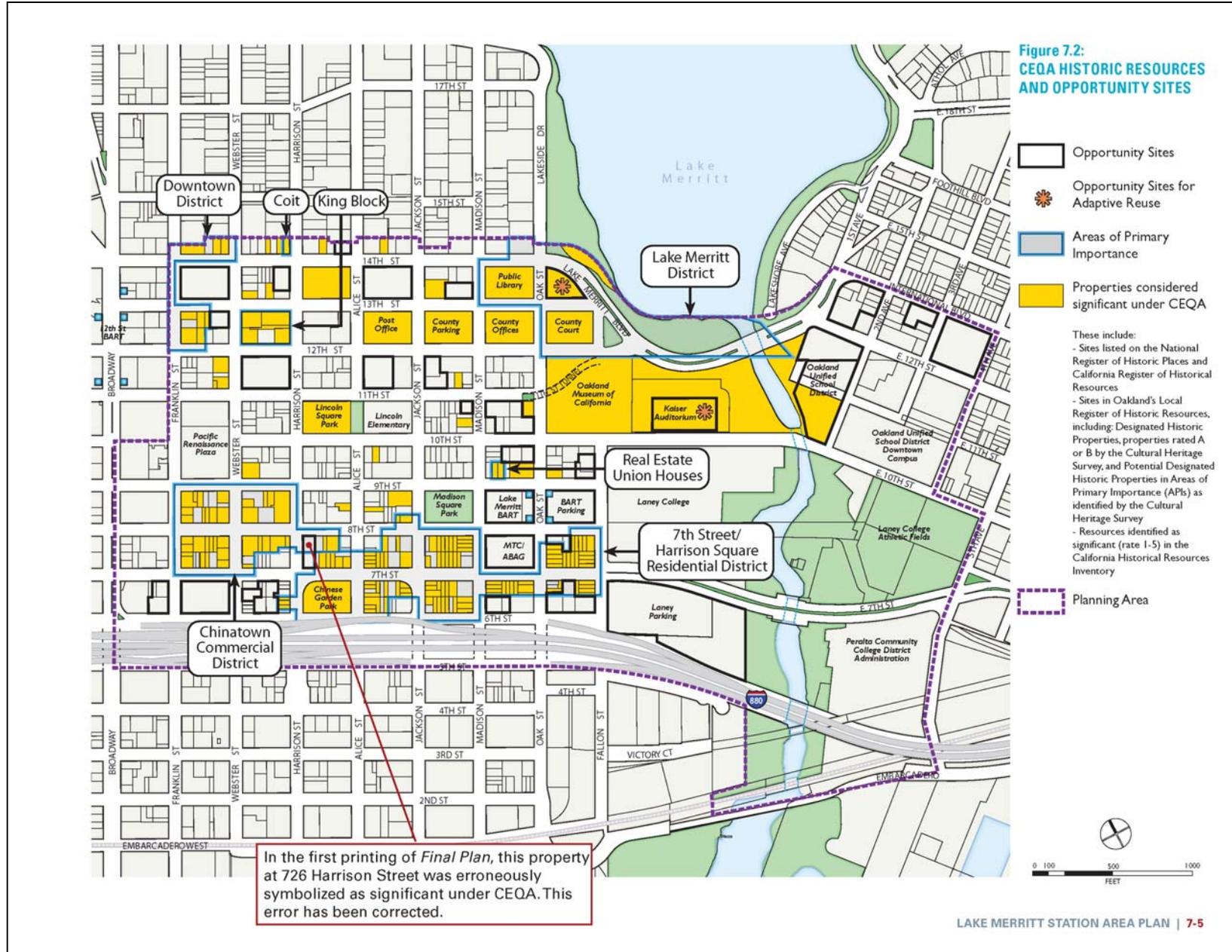
*NOTE: The LMSAP, Design Guidelines and the Final EIR were previously furnished separately to the Landmarks Preservation Advisory Board, and are available to the public, through the City's website:*

*LMSAP and Design Guidelines: [www.business2oakland.com/lakemerrittsap](http://www.business2oakland.com/lakemerrittsap)*

*Final EIR: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>*

*Limited copies of the Final EIR are also available, at no charge, at the Oakland Planning Division office, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California 94612.*





## GENERAL PLAN AMENDMENTS

Implementation of the Lake Merritt Station Area Plan will require amendments to the General Plan and to the City of Oakland Planning Code (“Planning Code”) to ensure that broad City policy and specific development standards are tailored to be consistent with this Plan. These amendments will be adopted concurrently with the Plan. Upon adoption, the objectives and policies contained in this Plan will supersede goals and policies in the General Plan with respect to the Plan Area. In situations where policies or standards relating to a particular subject are not provided in the Station Area Plan, the existing policies and standards of the City’s General Plan and Planning Code will continue to apply. When future development proposals are brought before the City, staff and decision-makers will use the Station Area Plan as guide for project review. Projects will be evaluated for consistency with the intent of Plan policies and for conformance with development regulations and design guidelines.

### I. TEXT AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)

The following are proposed text changes to the General Plan, Land Use & Transportation Element. Additions to the Plan are underlined; deletions are in ~~strikeout~~.

#### Oakland General Plan, Land Use & Transportation Element (LUTE)

##### Chapter 3: Policies in Action

##### The Land Use Diagram

##### Land Use Classifications

##### Urban Residential

**Intent:** The Urban Residential classification is intended to create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structure in locations with good access to transportation and other services.

**Desired Character and Uses:** The primary future use in this classification is residential. Mixed use buildings that house ground floor commercial uses and public facilities of compatible character are also encouraged. If possible, where detached density housing adjoins urban residential the zoning should be structured to create a transition area between the two.

**Intensity/Density:** Except as indicated below, the maximum allowable density in these areas is 125 units per gross acre.

- Within the Lake Merritt Station Area Plan area, the maximum allowable density is 250 units per gross acre.

**Policy Framework Basis for the Classification:** Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N5, N6, N8, N9, N10, N11, and related policies. Waterfront Objectives W8, W12, and related policies. Downtown Objectives D1, D2, D3, D6, D10, D11 and related policies.

## **Community Commercial**

**Intent:** The Community Commercial Classification is intended to identify, create, maintain, and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers.

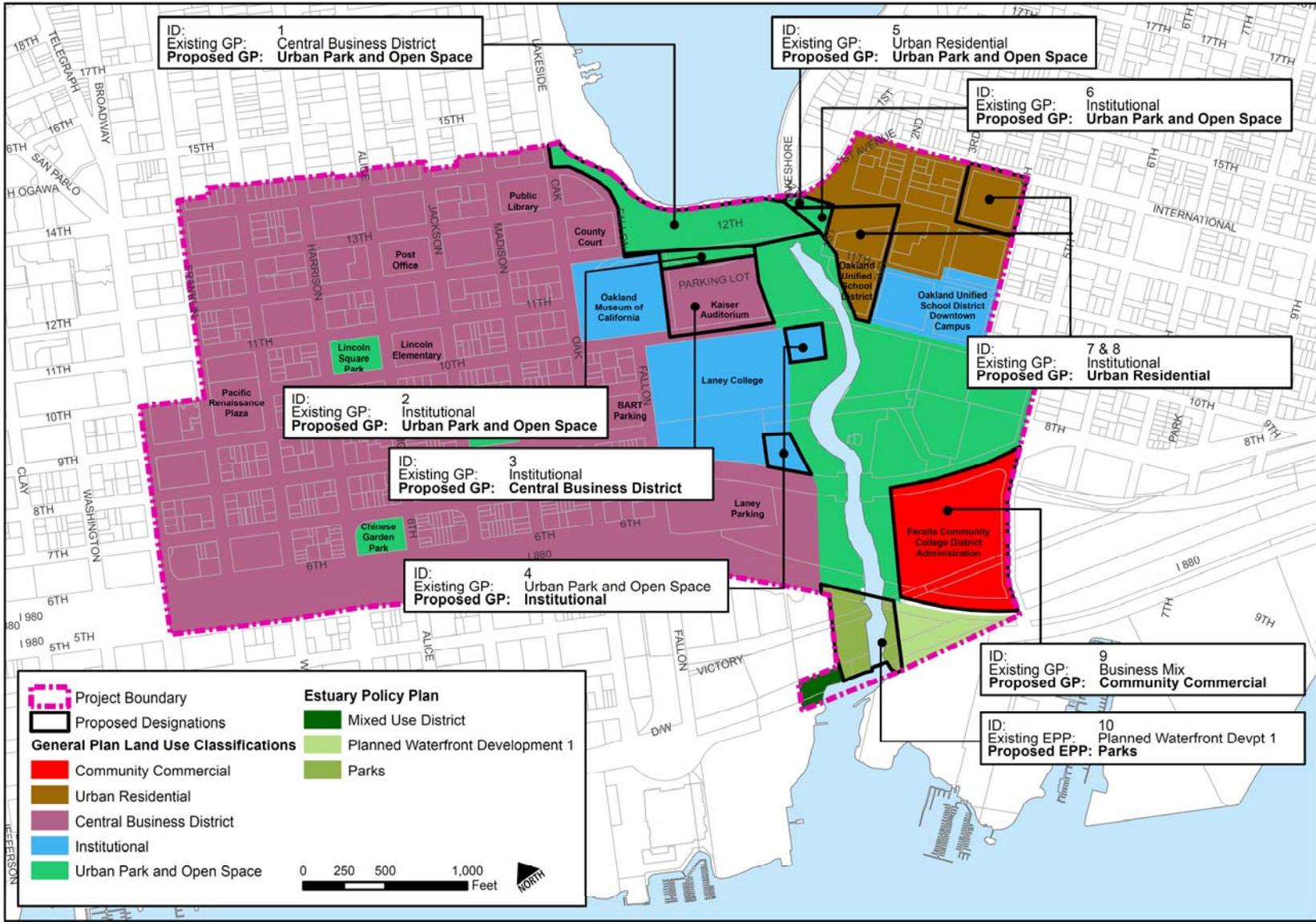
**Desired Character and Uses:** Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health services and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development.

**Intensity/Density:** Except as indicated below, the maximum FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum FAR for this classification is 8.0.
- Within the Lake Merritt Station Area Plan area, the maximum FAR for this classification is 12.0. Maximum residential density is 250 units per gross acre.

**Policy Framework Basis for the Classification:** Neighborhood Goals; Neighborhood Objectives N1, N2, N3, N6, N8, N9, N10, N11, and related policies. Industry and Commerce Goals; Industry and Commerce Objectives I/C 1, I/C 2, and I/C 3, I/C 5. Transportation Objective T2.

II. MAP AMENDMENTS TO THE CITY OF OAKLAND GENERAL PLAN, LAND USE & TRANSPORTATION ELEMENT (LUTE)



## Proposed New Zoning Regulations

The Planning Code (zoning regulations) will be updated in order to reflect new policy direction contained in the Station Area Plan, providing specific land use and physical development regulations, such as permitted activities, buildings heights and tower design, required parking and open space.

### a. Proposed Zoning Framework

The proposed zoning for the Lake Merritt Station Area Plan would include five (5) new district-specific zoning districts, using the naming system “D-LM-#” (where “D” stands for District to indicate there is an associated Specific Plan, and “LM” stands for Lake Merritt Station Area Plan). These new zones would be applied to the entire Planning Area, with the exception of public open spaces that would be designated with existing OS (open space) zones.

- **D-LM-1 (Residential Mixed Use) Zone** would create, maintain, and enhance areas appropriate for high-density residential development with compatible ground-level commercial uses.
- **D-LM-2 (Pedestrian Retail) Zone** would create, maintain, and enhance areas for ground-level, pedestrian-oriented, active storefront uses, and upper story spaces for a wide range of office and residential activities.
- **D-LM-3 (General Commercial) Zone** would create, maintain, and enhance areas appropriate for a wide range of ground-floor commercial activities, and upper-story spaces for a wide range of residential and office or other commercial activities.
- **D-LM-4 (Flex) Zone** would designate areas appropriate for a wide range of residential, commercial, and compatible light industrial activities.
- **D-LM-5 (Institutional) Zone** would create, preserve, and enhance areas devoted primarily to major public and quasi-public facilities and auxiliary uses.

The new zoning framework would also designate key corridors with special requirements for active ground floor uses. For example, new construction would be required to provide ground floor commercial space, and provide features, such as a minimum storefront depth and width, minimum height of the ground floor, and location on a corner, that help to create viable commercial space. The zoning will identify two types of corridors:

- **Commercial Corridors** - Streets that have an existing pattern of continuous ground floor commercial, and the intent is to maintain and promote that pattern.
- **Transition Commercial Corridors** - Streets that have some ground floor commercial space and the intent is to expand the amount of ground floor commercial space along the corridor.

Development intensity would be regulated by a Height Map, separate from the zoning districts. Each Height Area would have an associated set of property development standards, including Height, Density, Bulk, and Tower regulations. Height Areas are further described in section g below.

### b. Proposed Zoning and Height Maps

Proposed zoning maps are included at the end of this attachment.

## **Open Space Zoning**

In November 2002, over 80% of Oakland voters passed Measure DD, a \$198.25 million bond measure focused on waterfront improvements at Lake Merritt and the Estuary. Funded projects include parks, trails, bridges, a recreation center and an arts center, land acquisition, and creek restoration. These projects are being phased in over a number of years, but many are already complete and many others are in progress.

As illustrated in the *Proposed Zoning Map* (at the end of this attachment), the recommendation is to expand the Open Space zoning districts adjacent to Lake Merritt, in order to incorporate new parks created during implementation of Measure DD projects. The new four-acre park, and additional space adjacent to the Lake itself would be designated as OS-RSP (regional-serving park), expanding the OS-RSP designation found in existing Lake Merritt park space. Along the eastern side of the Lake Merritt Channel, near the 12th Street bridge, the OS-RCA (resource conservation) zoning district is being expanded in order to reflect the creation of a new tidal wetland. Existing open space adjacent to the Kaiser Auditorium facility will be rezoned from OS-LP (linear park) to OS-SU (special use), better reflecting the intended use for the space as a children's play area. The existing band of OS-RCA and OS-LP (linear park) along the length of the Estuary Channel remains and will be expanded to include publicly owned property south of I-880 and reflect the Lake Merritt and Estuary Policy Plan's vision of connecting Lake Merritt to the Estuary via public open space. Laney College land on the western side of the channel will be rezoned to OS-AF to reflect the existing athletic fields, while open space zoning designation has been removed from portions of the campus on the eastern side of the Channel, reflecting the presence of College classrooms and buildings. The existing zoning designations for Lincoln Square Park (OS-NP, neighborhood park), Madison Square Park (OS-SU, special use), and Chinese Garden Park (OS-SU) would remain the same. Open Space zoning has also been expanded into the space between Lincoln Square Park and Lincoln Elementary School to reflect the recreational space recently created here.

### **c. Permitted Activities and Facilities**

The Planning Code determines what types of land use activities and facilities are allowed in particular locations, helping to encourage desired land use activities and avoid land use conflicts. Section 17.10 of the Oakland Planning Code defines over 75 land use activities within the general categories of Residential, Commercial, Civic, Industrial, and Agricultural. The City's individual zoning districts specify when each of these land use activities is allowed by right (permitted), potentially allowed (with a Conditional Use Permit) or prohibited. Each zoning district may also include additional limitations related to specific land use activities, such as size limits, restrictions on types of uses allowed on the ground floor, and required distance separation from similar types of uses. The Planning Code also defines 21 different facility types (meaning a structure, open area, or other physical object) in the general categories of Residential, Non-Residential, Signs, and Telecommunication facilities. Facility regulations can specify requirements for new construction to be a certain facility type, such as commercial (non-residential) or residential, and prohibit certain types of facilities.

The proposed regulations for permitted activities and facilities associated with the new Lake Merritt zoning districts are described below in section c.

The proposed new D-LM-1 Urban Residential Zone would apply to the portion of the Planning Area, which is currently primarily zoned RU-5, with some areas along the Channel currently zoned S-2. The proposed activities and limitations in the D-LM-1 zone are very similar to those in the RU-5 zone. Residential uses are allowed by right, along with a wide variety of commercial uses, as long as those commercial uses are located on ground floors or within existing multi-story commercial facilities. For certain commercial uses that require a Conditional Use Permit, D-LM-1 would restrict these to only being considered for parcels with frontages along the commercial corridors of 1st Avenue, East 12th Street or International Boulevard. The D-LM-1 zone is meant to maintain the primarily residential character of upper stories and side streets, and to focus larger commercial uses (that would include upper stories) to Downtown. This area contains three "Transition Commercial Corridors" - 1st Avenue, International Boulevard and East 12th Street. New construction on parcels that have frontages on those streets are required to provide a minimum amount of ground floor commercial space if the frontage is more than 35 feet wide and is either within an opportunity site or on a corner lot.

The proposed D-LM-2 Pedestrian Commercial Core zone would be applied to the Chinatown Commercial Core, to the 14th Street corridor, and to the area immediately adjacent to the Lake Merritt BART Station. These areas are currently mostly zoned CBD-P (the area around the BART station is zoned CBD-X), which restricts the types of uses allowed to locate on the ground floor to small-scale, retail-oriented activities that create significant pedestrian traffic and support the existing pattern of commercial uses. For example, "General Retail Sales" (like a gift shop or shoe store) and "Full-Service Restaurant" are allowed by right on the ground floor, but "Medical Service" (like a dentist or acupuncturist office), and "Consultative and Financial Service" (like a bank or real estate office), require a Conditional Use Permit if located within the front 30 feet of the property. During the planning process, some stakeholders asked for more flexibility in the regulations for ground floor activities, particularly for the core of Chinatown, to allow activities that had traditionally been allowed prior to the 2009 zoning process that established the CBD-P zone. In December 2010, as a placeholder until the new Lake Merritt District zoning is established, ground floor use and size restrictions were relaxed for the area between 7th, 10th, Harrison and Franklin Streets, via a "CH" combining zone. The "CH" combining zone allows a greater variety of activities to locate on the ground floor without the need for a Conditional Use Permit, including "Medical Service", and "Consultative and Financial Service". Planning Commissioners approved the "CH" Combining Zone as an interim solution, but recommended that the new Lake Merritt District zoning include regulations that would do more to maintain the critical cluster of retail uses in the core of Chinatown. Retail uses perform better when clustered together; retail customers are more likely to support adjacent retail if it's next door to other retail. To that end, the proposed new D-LM-2 zone balances the desire for more flexibility with the need to keep a continuous street frontage of retail uses. The proposal would allow non-retail uses (such as health clinics, real estate offices, offices) to have a street presence on the ground floor, but would limit the length of frontage per business, in order to maintain the predominantly small size of existing storefronts that contribute to the area's pedestrian-oriented character.

Commercial Corridors in the D-LM-2 zone would include 14th St; and portions of Broadway, 8th St, 9th St, Franklin St, Webster St, Harrison, and Oak St. Transition Commercial Corridors include portions of 8th St, 9th St, Webster St, Franklin St, Harrison, and Oak St. On Commercial Corridors, new construction would be required to incorporate a minimum amount of ground floor commercial space if the frontage is wider than 35 feet. On Transition Commercial Corridors, new construction would be required to incorporate a

minimum amount of ground floor commercial space if the frontage was more than 35 feet wide and is either within an opportunity site or on a corner lot.

The proposed D-LM-3 Commercial Zone is mapped in a small portion of the Planning Area between 10th and 14th Streets, near Franklin Street. The area is currently zoned CBD-C. The proposed D-LM-3 zoning would allow a similar variety of uses, but would allow, with some limitations, residential uses in ground floors of existing and new buildings.

The proposed D-LM-4 Flex Commercial Zone is mapped along the I-880 freeway, along 7th Street, on the Peralta District property, on the Kaiser Auditorium, and in portions of the Planning Area between 10th, 14th, Harrison and Oak Streets. These areas are currently zoned CBD-X, CBD-R (mostly south of 10th Street) and S-2 (Kaiser and Peralta). The proposed D-LM-4 zoning would allow the variety of uses allowed in CBD-X. The areas previously zoned CBD-R would have an expanded list of allowed commercial activities. The areas previously zoned S-2 will also have an expanded list of allowed commercial uses.

The proposed D-LM-4 zone would establish requirements for construction of ground floor commercial space in new development (CBD-X, CBD-R and S-2 do not have this requirement for ground floor commercial space). Transition Commercial Corridors in D-LM-4 include portions of 8th St, 9th St, Webster St, Franklin St, Harrison St, and Oak St. On these Transition Commercial Corridors, new construction would be required to incorporate a minimum amount of ground floor commercial space if the frontage is more than 35 feet wide and is either within an opportunity site or on a corner lot.

The proposed new D-LM-5 Institutional Zone would apply to portions of the Planning Area with large institutional uses, such as Laney College, the new Downtown Educational Campus, Lincoln Elementary School, the Oakland Museum of California, and Alameda County buildings. These areas are currently zoned with a combination of CBD-X and S-2. The proposed D-LM-5 activity regulations are very similar to those in the CBD-X zoning district; D-LM-5 would allow residential and a wider variety of commercial activities by right than the current S-2 zoning. For example, areas that are currently zoned S-2 require a Conditional Use Permit for activities such as “General Food Sales” (like grocery stores or bakeries), “Full-Service Restaurant”, and “Limited Service Restaurant and Café” or “General Retail Sales” (like a gift shop or office supply store), but those would be allowed by right in the new D-LM-5 zone. D-LM-5 would also allow Civic uses, permitting “Community Assembly Civic” (like churches, recreation centers and public gyms) by right, providing more flexibility than the current CBD-X zoning, which requires a Conditional Use Permit for that activity.

The D-LM-5 includes Transition Commercial Corridors on Oak Street, requiring new construction to incorporate a minimum amount of ground floor commercial space if the frontage was more than 35 feet wide and is either within an opportunity site or on a corner lot. New commercial facilities (upper and ground-floor) would be allowed in all D-LM-5 locations.

In addition, historic resources would be allowed a greater degree of flexibility in terms of allowed uses in order to encourage adaptive reuse of those buildings.

**d. Proposed Parking Requirements**

The purpose of the Oakland Planning Code's parking regulations (contained in Chapter 17.116) is to ensure that new or changed land use activities provide an adequate number of off-street parking, thereby reducing traffic congestion, allowing more efficient utilization of on-street parking. Parking requirements vary based on the zoning district and the particular land use activity. Requirements are only triggered if there is new construction, or a new land use activity on a parcel (within existing buildings if they were built after 1965), and if that activity occupies an amount of space above a certain size threshold. The number of required parking spaces is typically calculated based on square footage of the space occupied by the activity, number of proposed employees, or number of residential units.

Existing zoning regulations for the portion of the Planning Area west of the Estuary Channel (mostly Central Business District zoning) require zero parking spaces for Commercial, Civic or Industrial uses, while Residential uses must provide one parking space for every unit. Existing zoning regulations east of the Estuary Channel (a mix of Urban Residential and Commercial and Industrial Mix zoning today) requires on parking space for every residential unit, and a range of parking spaces for Commercial, Civic and Industrial uses based on the specific zone and land use classification. Generally, there is a size threshold of 3,000 square feet before an activity is required to provide parking space.

In general, the new zoning proposes reductions in parking requirements, because the Planning Area is a walkable and transit-rich environment, served by multiple BART stations (Lake Merritt and 12th Street), regional AC Transit bus lines (including high frequency trunk lines and the soon-to-be-completed Bus Rapid Transit system), numerous shuttles and an Amtrak Station. The Planning Area also includes many neighborhood services and destinations within a ten-minute walking radius. As a reflection of this walkability, according to the 2010 U.S. Census data, the car ownership rates in the Planning Area vary between 0.64 and 0.84 per household. Throughout the nation, the current trend for zoning regulations in downtown areas, including in cities like Seattle, Portland, San Diego, is to reduce parking requirements and allow the market to determine the demand for parking. This allows project developers the flexibility to dedicate funds in ways that maximize the value of their project. While a developer can choose to provide parking above the requirements; they might also want to market some units without parking, resulting in development that is less costly, since non-surface parking spaces can cost from \$20,000 to \$30,000 per space to construct.

For the Downtown area, the draft proposal recommends maintaining the zero parking space requirements for Commercial, Civic and Industrial uses, and reducing the requirements for Residential uses, with the most significant reductions provided for affordable housing units and units within converted historic resources. For the Eastlake area, the proposal also reduces the requirement for Residential uses, and proposes raising the threshold that triggers commercial parking requirements to 5,000 to 10,000 square feet and also reducing the ratios, so that not as much parking is required. The Development Incentives (described below) that would be created for the Downtown area, could also allow for additional reduction in parking requirements for market-rate housing, in exchange for a series of public amenities, such as the provision of transit passes for residents.

The proposal recommends reductions in required parking for affordable housing projects in particular, because they tend to have a lower demand for parking spaces. A review of recently completed senior

affordable housing development projects in the vicinity of the Planning Area, shows they provided approximately 0.25 parking spaces per unit, significantly below the existing requirement. Additionally, in discussions with architects and developers that build affording housing, the existing one-to-one parking requirements are higher than needed based on post-occupancy analysis. The draft regulations propose reducing the parking requirement for senior affordable housing to 0.25 spaces per unit, and the requirements for other types of affordable housing to 0.5 spaces per unit. The reduction in parking requirements for affordable housing is consistent with the State of California's Density Bonus provisions, and senior housing is already allowed to reduce to 0.25 spaces per unit with a Conditional Use Permit. However, allowing this reduction by right would save time and money for affordable housing developers.

Reduction in parking requirement for new residential units in historic buildings are an important part of the proposal, because existing historic buildings often do not physically have space to provide parking; making re-use of the historic resource more challenging. Initial results of a parking occupancy survey led by the City of existing residential buildings in Oakland seems to indicate that buildings that don't have parking (existing historic residential buildings) tend to attract residents with lower car ownership rates, and therefore parking demand is lower.

Parking space requirements for both residential and commercial activities may be further reduced or waived with a Conditional Use Permit *and* with the payment of an in-lieu fee. As a result, no variances would be allowed for reduced parking. This is the same approach implemented for the recently adopted Broadway Valdez District (D-BV) zoning districts.

#### **e. Residential Usable Open Space Requirements**

Existing zoning regulations require new residential developments to include a certain amount of Usable Open Space per unit. These open areas are meant to serve the need for leisure, recreation, and space of the residents of the specific parcel that is being redeveloped; they are not meant to satisfy the open space needs of an entire neighborhood. Usable Open Space regulations also prescribe standards for the development and maintenance of this open space. Under existing zoning, no other development type (beyond residential developments over two units) requires open space.

Current regulations in the Downtown require 75 square feet of open space per unit. The proposed regulations would reduce the requirement for Usable Open Space for particular types of uses, such as affordable housing and conversions/additions to Historic Resources, in order to facilitate those types of developments. Affordable housing already has the option of reducing open space requirements through the State Density Bonus and senior housing in particular, tends to have a lower demand for usable open space. Also, conversions or additions to Historic Resources often have difficulty incorporating new open space, so reducing these requirements would facilitate re-use of those buildings. As with parking requirements, reduced open space requirement provide affordable housing developers and project involving historic resources with the flexibility needed to achieve these types of development.

The proposal would also expand the definition of required usable open space to include new off-site space (within 1000 feet of the proposed development) and community center space or other recreational space, like a gym (within the existing building envelope), allowing additional flexibility in providing for the recreational and leisure needs of the residents.

The stakeholders in the Station Area Plan process have noted that one of their biggest needs is for additional recreation/youth centers (to relieve the burden on existing centers) and better maintenance of existing parks. The Draft Plan recommends that all new large developments (including non-residential uses, such as office buildings or large retail spaces) dedicate ten percent (10%) of the site area to publicly accessible open space. However, these proposed open space requirements will require the completion of a nexus study to demonstrate the nexus between the impact of the new development and the amount of public open space being required. Chapter 10 of the Draft Plan describes implementation measures (beyond zoning regulations) for new recreational/youth center and improved maintenance at existing parks.

Related to the need for improved public open space, during the planning process, stakeholders observed that school children often utilize public open space as recreational areas in the Planning Area. There are numerous schools in the Planning Area that have located in office buildings that do not contain their own open space. However, this proposal does not include a recommendation for requiring schools to provide open space, because of concerns related to the effect of limiting the potential sites for schools (they would be limited to locations that had associated open space).

Open space requirements may be further reduced or waived with a Conditional Use Permit *and* with the payment of an in-lieu fee. As a result, no variances would be allowed for reduced open space. This is the same approach implemented for the recently adopted Broadway Valdez District (D-BV) zoning districts.

#### **f. Development Standards**

The proposed zoning would include Design Regulations that would provide minimum design standards for new development. The Design Regulations are numerical, prescriptive requirements; examples include specific setback requirements and transparency requirements. The Lake Merritt Station Area Plan Design Guidelines will complement the regulations contained in the new Lake Merritt zoning districts. Zoning regulations are requirements that a developer must comply with. Guidelines are generally used to describe design concepts that are not readily quantifiable (such as, a prominent pedestrian entrance), or to suggest multiple ways of meeting a desired design goal (such as the use of awnings or window design as a way to create a pedestrian scale at the sidewalk level). Design regulations, included in the proposed zoning, are utilized when parameters can be quantified, or when the City wants to ensure a particular outcome (such as, a specific amount of window glazing, or a specific maximum building height). The proposed design regulations vary from zone to zone, based on the desired character of that zone.

The proposed zoning includes specific requirements for storefront design, including minimum frontage width and minimum depth of storefront bay, to ensure that new commercial facilities are viable spaces for businesses. These regulations are drawn from guidelines developed by the City's Economic Development staff, based on analysis of business needs. The proposed zoning also includes requirements for transparency (glazing) for commercial storefronts, with higher requirements in the D-LM-2 Pedestrian Commercial Core Zone. There are also setback and step-up requirements for ground floor residential uses to provide a buffer between the street and the residential use.

**g. Height Areas - Intensity, Density, Height and Tower Regulations**

The proposed new Height Area regulations are meant to ensure that new buildings contribute to the development of great streets and neighborhoods in the Station Area, while promoting high-density transit-oriented development. *Attachment X – Proposed Height Area Map* contains the location of each new Height Area within the Station Area.

The proposed zoning recommends three height and massing levels:

- **Base heights** should complement the existing context, and ensure that a consistent character is maintained from the pedestrian perspective. These heights should be consistent with breaking points in cost of construction for different construction types.
- **Total tower height** would be an additional amount of height above the base height and would be the maximum height allowed. In order to ensure slender towers, tower portions of a building would be subject to massing regulations, such as setbacks, percent lot coverage above the base, and tower length limits.
- **Additional tower height** could be conditionally permitted for a limited number of buildings in distinct geographic areas within the Station Area up to a specific maximum height. The Conditional Use Permit process would include findings for design compatibility and consistency with the policies and goals of the Station Area Plan.

The proposed new height areas are as follows:

- **Height Area 1** would have a total height limit of 275 feet to accommodate the highest density, transit-oriented development closest to the Lake Merritt BART Station and along the Broadway corridor near the core of Downtown. This Height Area would also be located along portions of the I-880 Freeway in order to provide a buffer to reduce noise and air quality impacts.
- **Height Area 2** would have a total height limit of 175 feet to accommodate high density, transit-oriented development closest to the 12th Street BART Station (on Broadway between 12th and 14th Streets), and along the civic/office corridors of 11th, 12th and 13th Street. This height limit reflects the existing context of larger buildings and larger parcel sizes that exist on the northern end of the Planning Area. The zoning will specify a maximum of three (3) buildings could be conditionally permitted for additional tower height (up to 275 feet).
- **Height Area 3** would have a total height limit of 85 feet to accommodate high-density, transit-oriented development in the largest portion of the Planning Area, including the core of Chinatown, and many historic landmark buildings or districts that occupy a full block area—such as the Historic King block (bound by Harrison, Webster, 13th, and 12th Streets), the Hotel Oakland and the County Courthouse—to maintain heights consistent with the historic character. The zoning will specify a maximum of three (3) buildings could be conditionally permitted for additional tower height (two buildings could go up to 175 feet and one building could go up to 275 feet).
- **Height Area 4** would have a total height limit of 85 feet to accommodate high-density, transit-oriented development in the Eastlake area. The zoning will specify a maximum of three (3) buildings could be conditionally permitted for additional tower height (two buildings could go up to 175 feet and one building could go up to 275 feet).
- **Height Area 5** would be consistent with the heights of existing historic buildings, with a total height limit of 45 feet. It is proposed along 7th Street in the most intact portions of the 7th

Street/Harrison Square Residential Historic District Area of Primary Importance, where height is a character-defining feature. This Height Area is also proposed for the Fire Alarm Building site given its height as a character-defining feature.

The proposed regulations associated with each Height Area include standards for Floor Area Ratio (FAR); maximum height for both building base and tower; maximum height with a Conditional Use Permit (and maximum number of buildings allowed to achieve this height); minimum height for new principal buildings; maximum lot coverage for building base and average per story lot coverage above the base; and tower massing regulations for: maximum average area of tower floor plates; maximum tower elevation length; maximum diagonal length; and minimum distance between towers on the same lot.

The proposed new Height Areas revise the height and tower regulations that currently apply in the area. Changes to existing standards will generally consist of reducing: maximum heights, Floor Area Ratio (FAR), and average per story lot coverage above the base. Minimum heights for new principal buildings will be maintained.

Figure 2.4-2  
Existing Zoning Districts

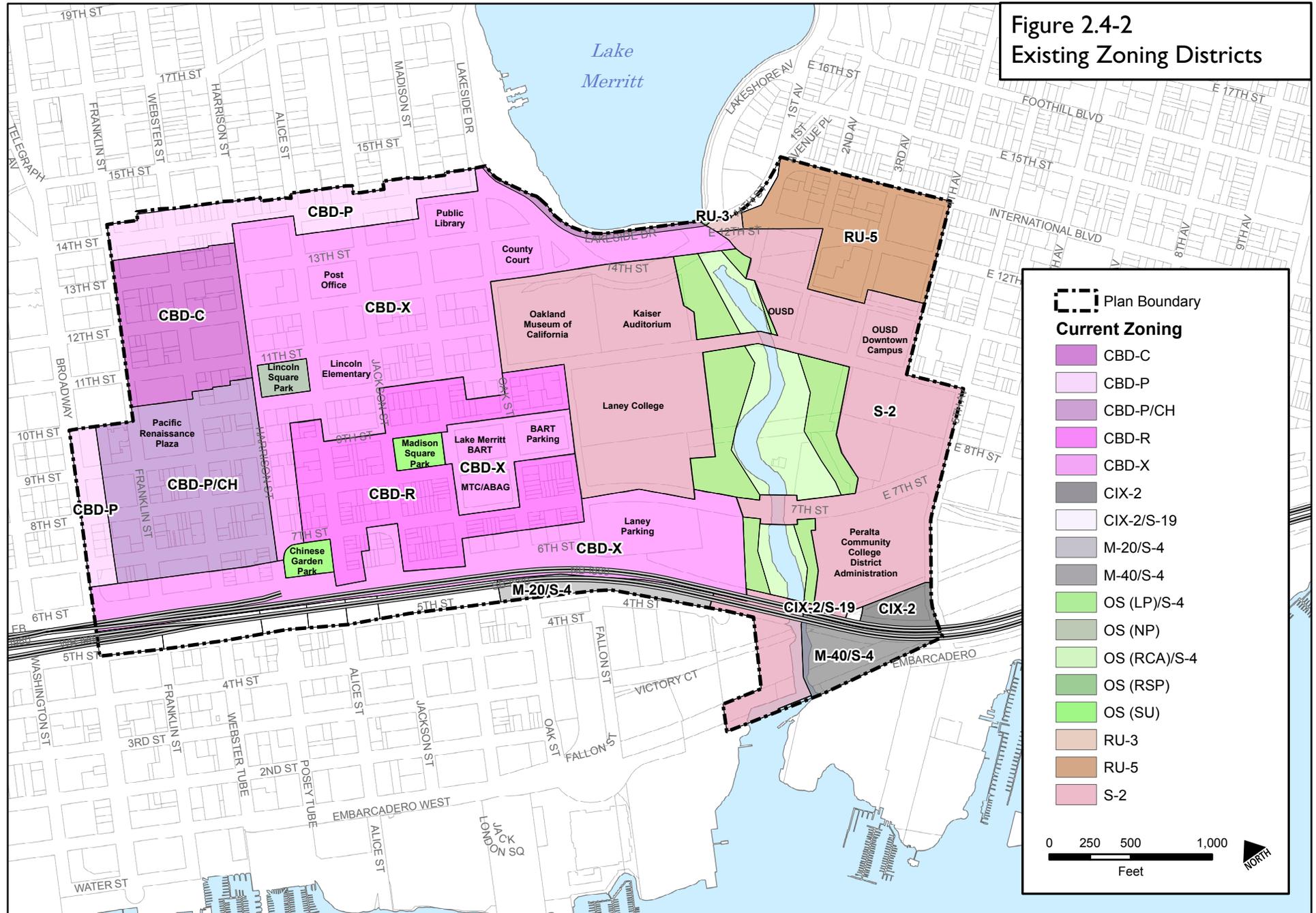
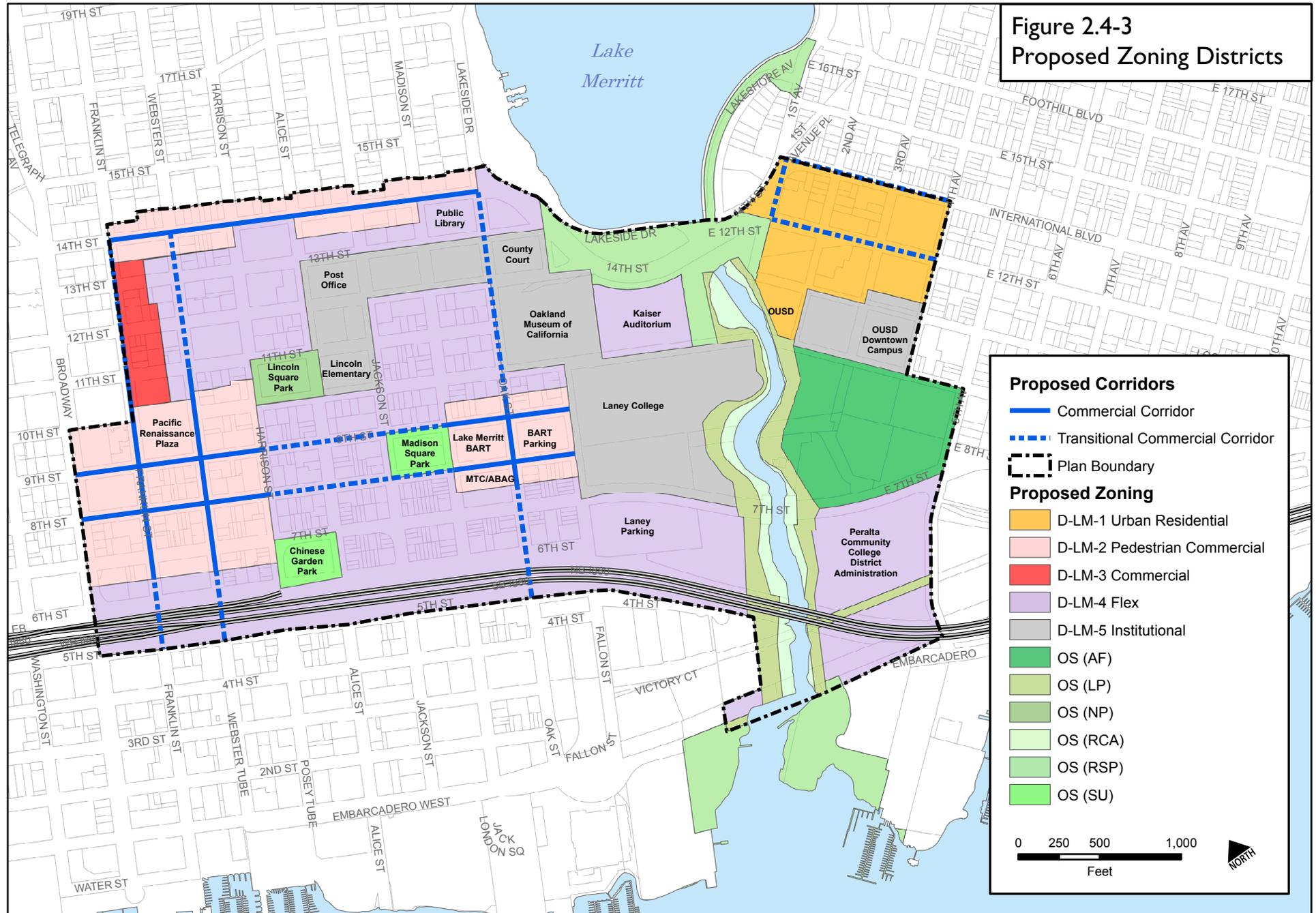
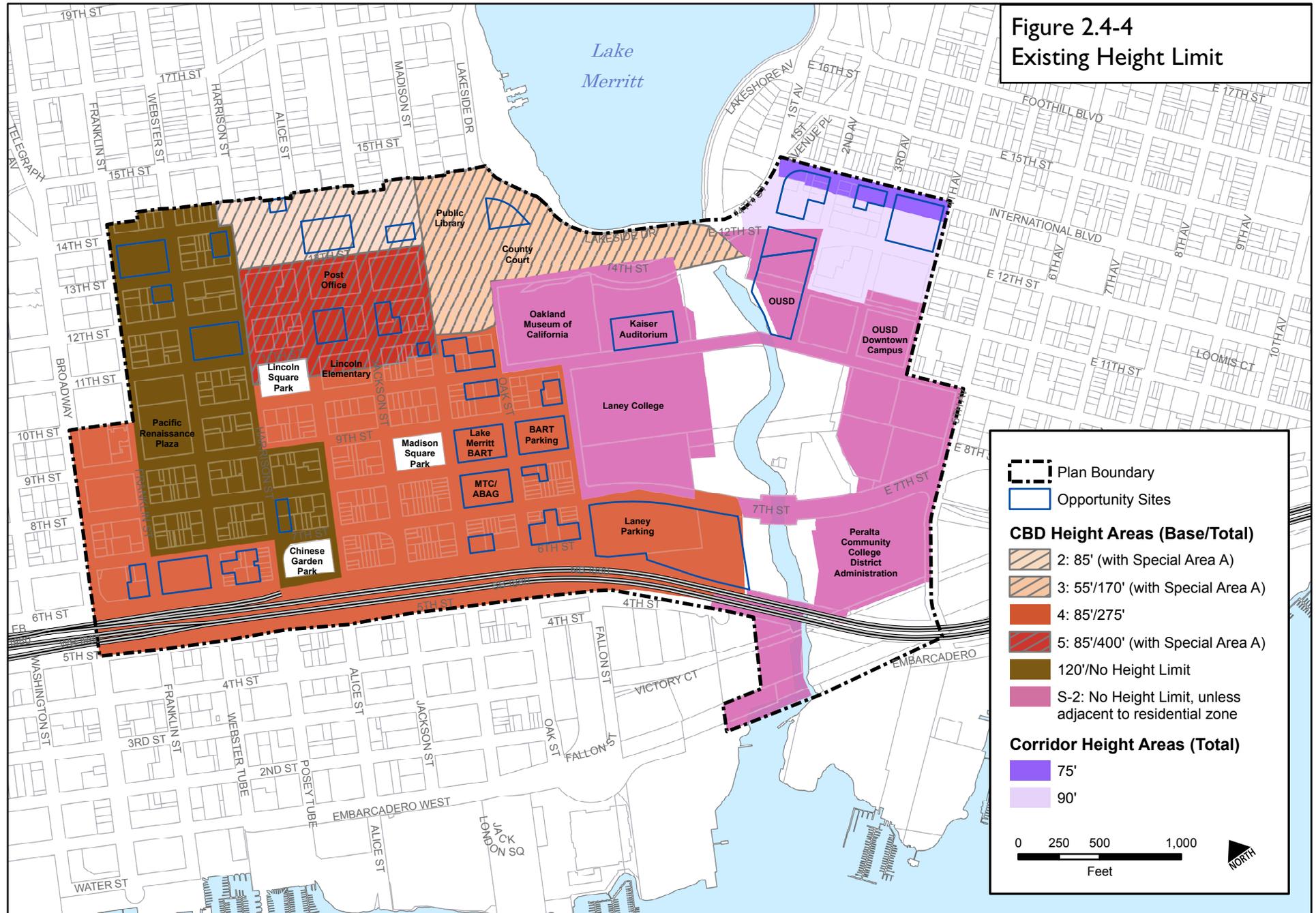
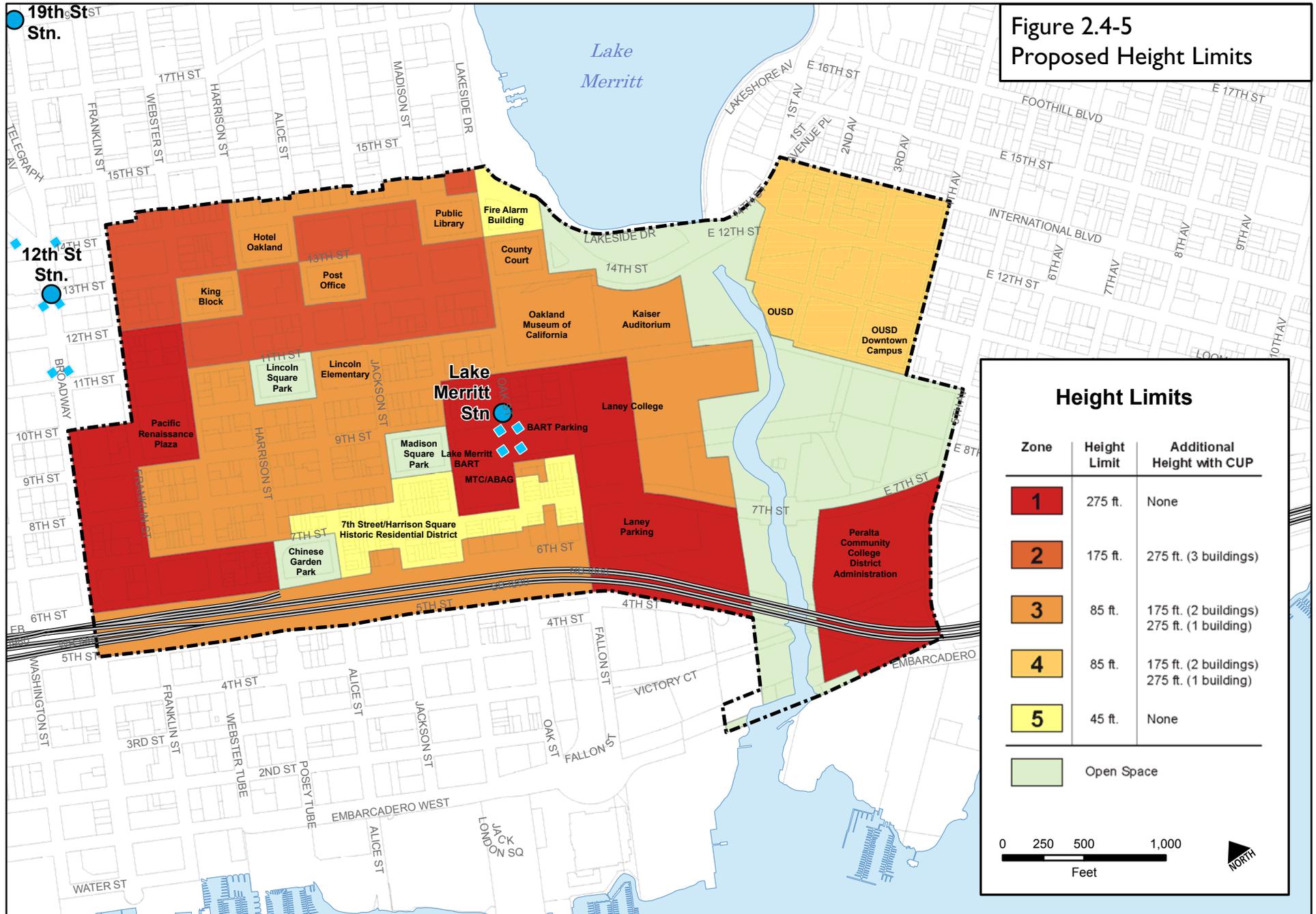


Figure 2.4-3  
Proposed Zoning Districts







## SUMMARY OF RESPONSES TO LAKE MERRITT STATION AREA PLAN COMMENTS

The following provides a summary of major comments related to *historic and cultural resources* that the City received on the *Draft Lake Merritt Station Area Plan (Draft Plan)* along with City responses. The comments/responses are organized by category, as shown below. The City has considered all comments received even though they might not be specifically listed here. Also, CEQA-related comments are separately addressed in the Final EIR/Response to Comment document.

1. Historic Preservation
2. Cultural Heritage
3. Historically Appropriate Design

### 1. HISTORIC PRESERVATION

- 1.1. **Comment:** Concerns were expressed regarding the Plan's height proposal. While some commenters wanted unlimited heights, many considered height limits to be too high and out of scale with the area's historic fabric. A specific request was for a finer grained exploration of how new development might occur in historic districts that would lead to a finer-grained height limit proposal.

Comments about specific properties and blocks included:

- An 85-foot height limit is still too high for the "King Block", which is the historical name given to the city block bound by 12<sup>th</sup>, 13<sup>th</sup>, Webster and Harrison Streets. The King Building is 60 feet, and other buildings on the block are lower. It should be designated as 45 to 55 feet.
- Heights should also be lowered on the block bounded by 13<sup>th</sup>, 14<sup>th</sup>, Webster and Harrison Streets, which is an extension of the King Block and link to the Downtown National Register District,
- Heights should be lowered for the historic apartment buildings within the block bounded by 9<sup>th</sup>, 10<sup>th</sup>, Oak, and Fallon Streets.
- Oakland Heritage Alliance recommended equivalent or additional height reductions for the properties described above as well as for a number of buildings in Areas of Secondary Importance (ASI), as well as for properties in the Chinatown Commercial Area of Primary Importance (API) and the 7<sup>th</sup> Street/Harrison Square Area of Primary Importance (API).
- Reduce base heights from 55 to 45 feet on the two Lake Merritt BART Station blocks to be consistent with the surrounding neighborhood height context.

#### **Response:**

The *Draft Plan's* Height Area proposal represents a finer-grained approach to height limits that the existing Height Areas in existing zoning regulations. The *Final Plan* includes an even finer-grained approach with substantial revisions to the height proposal that reduce heights limits throughout much of the Plan Area in order to encourage a scale of development that better responds to the existing context while still encouraging high density transit-oriented development. The new height proposal includes the following four Height Areas: "Historic" (45 foot height limit), "Mixed Use" (85 foot height limit), "Downtown" (175 foot height limit), and "Transit-Oriented Development" (275 foot height limit). It allows for additional

tower height (up to 275 feet) to be conditionally permitted for a limited number of buildings with findings for design compatibility and consistency with the policies and goals of the Station Area Plan.

The boundaries of the 45-foot “Historic” Height Area are consistent with the original height proposal in the *Draft Plan*, which represents a substantial reduction from existing zoning allowances (ranging from 170 to 275 feet).

The area proposed for the 85-foot “Mixed-Use” Height Area, covering half the Plan Area, represents a significant change to the height proposal in the *Draft Plan*. The area included in the Mixed-Use Height Area had formerly been proposed for Height Areas with height limits ranging from 175 to 400 feet. With minor exceptions, the existing zoning for this area provides a 275 foot limit or no height limit.

This 85-foot Height Area covers the vast majority of historic resources considered significant under CEQA and the Plan Area’s major historic landmarks. Historic resources affected by this height limit reduction include the following:

- Civic Center Post Office (formerly proposed for a 400 foot limit)
- Chinatown Commercial District API, Hotel Oakland, Oakland Museum of California, Kaiser Auditorium, Oakland Unified School District properties, and parcels adjacent to the south side of the 7th Street/Harrison Square Residential District API (all formerly proposed for a 275 foot limit)
- Oakland Public Library and Alameda County Courthouse (both formerly proposed for a 175 foot limit)

The new proposal has revised height limits for some, but not all, of the specific properties addressed in public comments. Height limits have been reduced from 275 to 85 feet for several properties that Oakland Heritage Alliance recommended for reductions, namely the Chinatown Commercial API, sites adjacent to Madison Park and the 7<sup>th</sup> Street/Harrison Square Residential API, and the block bounded by 9<sup>th</sup>, 11<sup>th</sup>, Webster and Harrison Streets.

Base heights have been reduced to 45 feet throughout the Planning Area, with allowances for additional base height as a Conditional Use.

The height proposal in the *Final Plan* remains unchanged from the proposal in the *Draft Plan* for the King Block (proposal – 85 feet, existing – No Limit), the block bounded by 12<sup>th</sup>, 13<sup>th</sup>, Webster and Harrison Streets (proposal - 175 feet, existing – No Limit), and for the apartment buildings within the block bounded by 9<sup>th</sup>, 10<sup>th</sup>, Oak, and Fallon Streets (proposal – 275 feet, existing – 275 feet).

It is important to recognize that historic properties are subject to stringent City findings for any proposed demolition. These buildings are also eligible for preservation incentives, such as the Mills Act property tax reduction for improvements of historic buildings. The City acknowledges that these buildings are of significant historic importance. A new section in the *Design Guidelines*, in fact, highlights the 10<sup>th</sup> and Oak Street Apartment Group is an important historic resource exemplary of early 20<sup>th</sup> Century building in the Lake Merritt Area. The City also believes that due to the existing intensity and high value of use of these properties, it is very unlikely that they will be redeveloped by property owners.

More information about the most recent proposal for Height Areas can be found in the staff report and *Attachment C – Summary of Proposed Zoning Regulations*.

- 1.2. **Comment:** Support high density development elsewhere to remove development pressure on historic resources.

**Response:**

The highest density areas supported by the new height proposal are in the “Transit-Oriented Development” Height Area, which proposes a 275-foot height limit. This Height Area includes the area around the Lake Merritt BART Station and along the Broadway corridor near the core of Downtown. This Height Area is also proposed for the Peralta Community College District Administration property and along a portion of the I-880 freeway to serve as a noise and air quality buffer.

The second highest Height Area, the “Downtown” Height Area, proposes a 175 foot height limit and covers a patchwork of blocks near the 12<sup>th</sup> Street BART Station and along the civic/office corridors of 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> Streets. It specifically excludes blocks with major historic landmarks, such as the Civic Center Post Office, Oakland Public Library, Hotel Oakland, Alameda County Courthouse, and others.

All other areas, including the Areas of Primary Importance and key historic landmarks are limited to 45-foot or 85-foot heights.

- 1.3. **Comment:** Ensure that the Plan treats both the Kaiser Auditorium and Fire Alarm Building as sites for adaptive reuse.

**Response:**

The *Final Plan* now highlights the Fire Alarm Building as another key Opportunity Site for adaptive reuse in addition to the Kaiser Auditorium. A new subsection called “Adaptive Reuse Sites” has been added to *Chapter 7 Community Resources* which further describes ideas for potential uses on these City-owned properties (such as a community workshop space, food court and/or auditorium) that would make them community amenities, and notes that both building sites include outdoor parking areas that could be creatively repurposed to complement the uses inside the buildings.

Consistent with this change, all maps showing Opportunity Sites have been updated to reflect the designation of both the Fire Alarm Building and Kaiser Auditorium as opportunities for adaptive reuse, and the *Final Plan’s* Implementation Chapter still includes a discussion of strategies for the City to pursue.

- 1.4. **Comment:** The proposed Flex Zone’s effect on locations with historic resources, such as in the 7<sup>th</sup> Street/Harrison Square Residential API, could erode the very things that make these areas special.

**Response:**

Compared to the other character districts proposed for the Planning Area, the proposed Flex Zone (D-LM-4) allows the maximum flexibility of uses, permitting a variety of commercial, residential, and light industrial uses. An important historic preservation strategy is to allow flexible use of historic properties in order to encourage reuse and restoration, and discourage demolition. The Plan explicitly recommends (page 7-7) incentives to facilitate reuses of historic buildings, such as allowing older single family residences to convert to multi-family uses while maintaining the appearance of a “house” or “converting older industrial building to

accommodate residential, office or light industry.” The flexibility in uses allows these historic buildings to live on even after their original function is no longer viable.

While the Flex Zone provides maximum flexibility in *uses*, the integrity of the building itself will be ensured through development regulations and design guidelines for the preservation and reuse of historic buildings (discussed further, below).

**1.5. Comment:** Consider applying a Heritage Overlay Zone.

***Response:***

The City is still assessing (on a citywide basis) whether Heritage or Preservation Overlay Zones are an appropriate tool for historic preservation in Oakland.

While the Station Area doesn’t currently apply a Heritage or Preservation Overlay Zone, it does include many of the elements that would typically be part of one, such as special permit process with required findings for demolition of a historic resource and specific design guidelines that require new development or alterations to be compatible with character-defining features of existing resources.

**1.6. Comment 1.9:** Include TDRs as a preservation strategy for historic resources. TDRs could be provided in exchange for additional development allowances (FAR and/or height) as has been done in San Francisco and elsewhere.

***Response:***

The City is still assessing (on a citywide basis) whether Transfer Development Rights (TDRs) would be a useful preservation strategy. Although the *Station Area Plan* does not currently incorporate TDRs, this concept could be incorporated at a later date. The *Station Area Plan* does include other measures (described in this document and in the Plan itself) for historic preservation.

**1.7. Comment:** In Implementation Table 10.1, get rid of the language describing costs to reactivate the Fire Alarm and Kaiser Auditorium buildings as “huge.” Consider “substantial cost, to be studied.”

***Response:***

The cost for Fire Alarm Building reuse is now indicated as “very large” and it’s noted as occurring over a long term.

**1.8. Comment:** Another reason to preserve historic buildings is that they are a source of affordable housing.

***Response:***

The City agrees. In the “Anti-displacement Strategies” subsection of *Chapter 4 Land Use*, lower height limits in the 7<sup>th</sup> Street/Harrison Square Residential API are discussed as a strategy for discouraging demolition of this housing stock. Given the close proximity of these homes to the Lake Merritt BART station, a 45-foot height limit in this area not only preserves the historic character of the area, but serves to reduce development pressure on existing residences.

## 2. CULTURAL HERITAGE

- 2.1. **Comment:** Several comments reflected a desire to celebrate the cultural heritage that is a unique aspect of the Planning Area. Suggestions included plaques to highlight local history, a gate marking entry into Chinatown, murals, and other visible cultural markers. Some expressed an interest in renaming the BART station to better reflect the identity of the surrounding neighborhoods.

**Response:**

The *Plan* and *Design Guidelines* address the importance of enhancing the streetscapes to support an active Chinatown Core, providing robust multilingual signage, and enhancing community gathering spaces to support a range of public events, as ways to enhance the cultural heritage of Chinatown.

Within the *Design Guidelines* document, *DG-134 Chinatown Gateway* addresses this issue directly. It reads, “Work closely with the community to identify gateways to the Chinatown core with signage and public art that identifies the unique and vibrant community and retail district, to help orient and greet visitors. Seek a public art installation as a gateway that consists of entryways and consistent elements throughout the neighborhood that celebrates the existing and cultural history of the neighborhood. This should be coordinated with the wayfinding system.”

In addition, *DG-126 Key Pedestrian Streets and Chinatown Core* (formerly *Key Pedestrian Streets*) has been revised to emphasize the fact that all of the streets in the Chinatown Core are key pedestrian streets. As such, the following language has been added to this Policy: “Lighting, seating, signage, and other street furnishings should respond to the cultural heritage of the Chinatown Core.”

Finally, a brief subsection, “Lake Merritt BART Station,” has been added to *Chapter 7 Community Resources*. This acknowledges the interest in reconsidering the name of the BART and notes that a new name could include references to Oakland Chinatown, Laney College, Oakland Museum of California, and/or Alameda County Services.

## 3. HISTORICALLY APPROPRIATE DESIGN

- 3.1. **Comment:** A number of comments sought to ensure that the *Design Guidelines* promoted design elements that complement the Plan Area’s historic buildings. Comments related to such concerns as the use of high quality materials, breaking up large facades with vertical elements and sufficient detail to reflect the widths and rhythm of historic buildings and storefronts, the alignment of rooflines and horizontal details such as cornices, and other concerns related to design details that are consistent with the character-defining features of historic districts in the Plan Area. Several comments reflected a desire for consistency with existing City design standards.

**Response:**

The *Draft Design Guidelines* included language that indicated that “new buildings should reinforce the historic pattern” (Building Massing and Scale section); “[h]istoric entrance patterns should be respected” (DG-29, now DG-30); horizontal lines on new buildings (such as cornices, windows or balconies) should “be in the same alignment or within three feet higher or lower than existing structures horizontal features” (DG-33); “[f]acades should

include stoops, porches, recessed windows, and bay windows or balconies” (DG-47), and encourage the use of awnings and entrance hierarchy and with prominent design details.

The *Final Design Guidelines* were revised to further emphasize the importance of design details. Examples include:

- Language has been added to Policy DG-40 Large Retail to indicate that fenestration (windows, glass storefronts and doors) should “[divide] the façade into traditional storefront widths.”
- Policy DG-31 was expanded to include the following underlined text:

DG-31 Window Coverage and Design. Ample placement of windows above the ground floor is required on all street-fronting facades, with limited exceptions for specific visual or aesthetic objectives. Whenever possible, windows should be placed on all sides of a tower. Placement, proportions, and design of windows should contribute to a coherent and appealing composition, add architectural interest to buildings, and differentiate the various components of the building (e.g. ground floor retail spaces, stair towers, corners, office suites, or residential units). Use window frames, sills, recesses, and/or transom windows to add visual interest.
- Policies DG-29 and DG-30 were combined to allow for a new Policy DG-29 that reads as follows:

DG-29 Distinct Ground Floor. The ground floor should be distinguished from upper stories through some combination of enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements.

In addition, photos throughout the *Design Guidelines* have been updated to better illustrate all guidelines related to building massing, stepbacks, façade articulation, storefronts, entryways, and ground level design.

**3.2. Comment:** Add a section on the character of defining features of historic districts and resources.

***Response:***

A new chapter has been added to the *Design Guidelines* to highlight the significant role of historic resources in shaping the urban form, building character and aesthetics of the Planning Area. *Chapter 3 Historic Character* describes the character-defining features of the Plan Area’s historic buildings and districts, providing context not only for the building design guidelines directly pertaining to historic resources, but to other design guidelines related to building form, façade articulation, materials, and the ground level pedestrian experience that respond to the unique context of the Plan Area. This new chapter summarizes features relating to building scale and form, architectural styles, materials, ornamentation, and interaction with the right of way for the following categories of historic resources: Small-scale Residential, Midrise Residential, Chinatown Commercial, Downtown Commercial, and Civic. Emphasis has been given to the significance of Oakland’s Chinatown, the 7th Street/Harrison Historic Residential District, the early 20th century mid- and high-rise buildings, and distinct historic landmarks in defining the Planning Area’s aesthetic character.

**3.3. Comment:** In Policy DG-58, regarding the recommendations that new buildings should seek to contribute to the existing historic and architectural character of the area, delete the clause “while also seeking to be recognized as products of their own time.” This promotes a modernist bias.

**Response:**

This clause has been removed.

**3.4. Comment:** Show examples of appropriate new buildings in historic context.

**Response:**

Previously, the Historic Resources section *Draft Design Guidelines* only included photos representing existing historic buildings in the Plan Area. The City agreed that it is important to illustrate how new development could appropriately respond to and reinforce the existing historic character of adjacent buildings. All photos in the Historic Resource section of the *Final Design Guidelines* have been updated to provide examples of precedents for new buildings that are appropriate to their historic context.

Examples include the restoration and reuse of a historic building (Oakland's StopWaste.org building); a small bungalow-style multifamily residential infill project in a West Oakland historic single family neighborhood; an example of a vertical addition to a historic building that expands the site's capacity for multifamily housing while responding aesthetically to the existing building's architecture; and new commercial buildings that match adjacent roof and floor heights, use complementary materials, and incorporate consistent cornice and windows lines;.

**3.5. Comment:** There were numerous requests for greater specification in the *Design Guidelines*, including requests to quantify upper-story setback requirements, specify roof slopes for new buildings in the 7<sup>th</sup> Street/Harrison Residential API District, and incorporate standards (requirements) modeled on the Codes of other cities, such as Vancouver.

**Response:**

The Lake Merritt Station Area *Design Guidelines* will complement the specific regulations contained in the new Lake Merritt zoning districts. Guidelines are generally used to describe design concepts that are not readily quantifiable (such as, a prominent pedestrian entrance), or to suggest multiple ways of meeting a desired design goal (such as the use of awnings or window design as a way to create a pedestrian scale at the sidewalk level). Design *regulations* in the proposed zoning are utilized when parameters can be quantified, or when the City wants to ensure a particular outcome; they are numerical, prescriptive requirements and include specific setback requirements, tower massing requirements (such as maximum tower elevation length, maximum tower diagonal length, average per story lot coverage above the base), and ground-floor transparency requirements.

## Summary of Changes to the Lake Merritt Station Area Plan and Design Guidelines

The following summarizes changes made to the Lake Merritt Station Area Plan and Design Guidelines since publication of the *Draft Plan* in December 2012. This document emphasizes revisions that are particularly relevant to cultural and historic resources.

### A. Changes to the LMSAP:

- **Chapter 2: Existing Conditions**

An important revision to this chapter is that both the Kaiser Auditorium and Fire Alarm Building buildings are now identified as opportunities for adaptive reuse in the text and in *Figure 2.2 Opportunity Sites (Sites Most Likely to Redevelop)*. Additional minor changes were made to opportunity sites, including reducing the footprint of the opportunity site located near Madison and 10<sup>th</sup> Street (as described later in this attachment) and removing the County Parking Garage as the specific site where County will expand its facilities (their expansion is still incorporated in the development program, but is allocated in the general vicinity of their multiple properties in the northeastern portion of the Planning Area).

Minor updates to *2.4 Market Conditions* were also made.

- **Chapter 3 Vision**

The primary changes that were made to this chapter, beyond minor text clarifications, were revisions to the maps illustrating the Plan vision by District (*Figures 3.1 to 3.7*). These were modified to consistently include all key concepts, such as the Fallon Street festival street, Webster Street Green, and highway undercrossing improvements, across maps; update Opportunity Sites (consistent with *Figure 2.2* revisions); and correct the Plan Area boundary (consistent *Figure 2.3* revisions).

- **Chapter 4 Land Use**

Substantial revisions have been made in this chapter to the Plan's height proposal that reduce height limits through much of the Plan Area in order to encourage a scale of development that is more sensitive to existing heights, including those of historic buildings, while still encouraging high density transit-oriented development. The new height proposal includes the following four Height Areas: "Historic" (45 foot height limit), "Mixed Use" (85 foot height limit), "Downtown" (175 foot height limit), and "Transit-Oriented Development" (275 foot height limit). Additional tower height could be conditionally permitted for a limited number of buildings in distinct geographic areas within the Station Area up to a specific maximum height. The Conditional Use Permit process would include findings for design compatibility and consistency with the policies and goals of the Station Area Plan.

The boundaries of the 45-foot Historic Height Area are consistent with the original height proposal in the Draft Plan. The most significant change in the height proposal is the 85-foot Mixed-Use Height Area, which covers half of the Plan Area. This Height Area is intended to respond to existing height conditions, including historic buildings. The area included in the

Mixed-Use Height Area had formerly been proposed for Height Areas with height limits ranging from 175 to 400 feet. This Height Area covers the vast majority of historic resources potentially considered significant under CEQA and the Plan Area's major historic landmarks. Important historic resources affected by this height limit revision include the following:

- Civic Center Post Office (formerly proposed for a 400 foot limit)
- Chinatown Commercial District API, Hotel Oakland, Oakland Museum of California, Kaiser Auditorium, Oakland Unified School District properties, and parcels adjacent to the south side of the 7<sup>th</sup> Street/Harrison Square Residential District API (all formerly proposed for a 275 foot limit)
- Oakland Public Library and Alameda County Courthouse (both formerly proposed for a 175 foot limit)

Accompanying the revised height proposal is a substantially modified *Figure 4.4 Draft Height Map, to Be Finalized in Zoning*.

The following are other changes to this chapter that may affect historic resources.

- New content in Section 4.3 *Developer Incentive Program* indicates that zoning regulations accompanying the Plan could further incentivize adaptive reuse of historic resources (as well as other community benefits) by relaxing development requirements.
- The proposed General Plan amendments, reflected in the text and *Figure 4.2*, include the reclassification of the Kaiser Auditorium property from Institutional to Central Business District and of the Oakland Unified School District properties from Institutional to Urban Residential.

Other revisions to this chapter include updates to demographic and market data and edits to the affordable housing sections.

- **Chapter 5 Open Space**

Changes to this chapter include revised information on funding mechanisms, clarification of the role of developer contributions to open space and recreational facilities, additional detail about improvements to the Chinese Garden Park (formerly Harrison Square), and corrections to figures.

- **Chapter 6 Circulation**

A revision was made in this chapter to the "Reduce Parking Requirements" subsection to indicate that reduced parking requirements may be considered for projects that incorporate preservation of a historic resource. Other revisions to this chapter include clarifications in sections relating to project phasing, bicycle and pedestrian improvements; more information on the City's Complete Streets Policy; as well as numerous figure revisions to more clearly communicate plan concepts and correct minor inconsistencies.

- **Chapter 7 Community Resources**

This chapter of the Plan deals most directly addresses historical and cultural resources. The following summarizes updates made to historic resource designations; modifications to sites identified as opportunity development sites, including buildings identified for adaptive reuse.

Updates to historic resource designations were made based on the Oakland Cultural Heritage Survey's reevaluation of the historic significance of properties in the Plan Area that occurred during the environmental review phase. These updates are reflected in *Figure 7.1 Historic Resources* and *Figure 7.2 CEQA Historic Resources and Opportunity Sites* of the *Final Station Area Plan*, as well as in *Attachment A* to this staff report. Sites that were determined to not be significant under CEQA include: 178 10<sup>th</sup> Street, 726 Harrison Street<sup>1</sup>, and the block bounded by Webster, Harrison, 11<sup>th</sup>, and 12<sup>th</sup> Streets (301 12<sup>th</sup> Street). The ratings for several properties were also upgraded, so they are now considered significant under CEQA. Significantly, the County Parking Garage (on the block between 12<sup>th</sup>, 13<sup>th</sup>, Jackson and Madison Streets) and the Oakland Unified School District properties (the Paul Robeson Administration Building on 2<sup>nd</sup> Avenue, and the Ethel Moore Building on East 11<sup>th</sup> Street) now have a B rating. The following sites were also identified as CEQA historic resources although their ratings did not change: land surrounding Kaiser Auditorium, Chinese Garden Park (formerly Harrison Square), Lincoln Square Park, 1009 Madison Street, and 320 13<sup>th</sup> Street. These may have not been captured earlier, since they were not necessarily rated A, B or C, but they were included on the Local Register or identified in the State's Historical Resource Survey.

An important consequence of these changes relates to the overlap between historic resources and Opportunity Sites. Due to the redesignation of 1009 Madison Street as a CEQA historic resource, the footprint of the Opportunity Site on Madison between 10<sup>th</sup> and 11<sup>th</sup> has been reduced, since it was not likely the historic resource would be redeveloped. However, the Oakland Unified School District site (with the two previously unidentified CEQA historic resources) continues to be identified as an Opportunity Site for high density development. The *Final Plan* specifies that redevelopment could incorporate (or allow for the relocation of) the existing buildings, but as the property owner, OUSD would make the final decisions regarding how their properties are used.

Chapter 7 was also revised to clarify that both the Kaiser Auditorium and Fire Alarm Building are identified as sites for adaptive reuse. A new subsection, called "Adaptive Reuse Sites," was added to this chapter to provide detail on potential uses for the Kaiser Auditorium and the Fire Alarm Building.

Revisions to Section 7.2 *Cultural Resources* include a new section covering community interest in renaming the Lake Merritt BART station to better reflect the identity of the surrounding neighborhoods, as well as inclusion of the Oakland Museum's Friday night street festival in the inventory of regular events in the Plan Area that should be supported with streetscape and open space improvements. Other revisions highlight the expressed need for a variety of social, recreational, and business support services.

- **Chapter 8 Economic Development**

Revisions to this chapter include an additional emphasis on the importance of providing multilingual services and clarifications to such topics as local hiring and small business development programs.

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<sup>1</sup> In the first printing of the *Final Plan*, this property was erroneously symbolized as a property considered significant under CEQA in Figure 7.2. This error has since been revised.

- **Chapter 9 Infrastructure and Utilities**

Revisions to this chapter include the addition of information on potential funding sources for infrastructure improvements and minor figure and text corrections.

- **Chapter 10 Implementation**

Table 10.1 was modified to specify that the long term cost for rehabilitation of the Fire Alarm Building (and associated studies and environmental remediation) is “very large,” instead of “huge.” Other revisions made to the *Implementation* chapter include additional clarification and updates regarding potential implementation and funding mechanisms such as in-lieu fees and Impact Fees.

- **Appendix A Development Potential**

Modifications were made to *Figure A.2 Opportunity Sites (Sites Most Likely to Redevelop)* consistent with those made to *Figure 2.2*, described above. The table in this chapter has also been revised for consistency with *Figure A.2* revisions.

*B. Changes to Design Guidelines for the Lake Merritt Station Area Plan*

In order to highlight the significant role of historic resources in shaping the urban form, building character and aesthetics of the Planning Area, a new chapter has been added: *Chapter 3 Historic Character*. This chapter describes the character-defining features of the Plan Area’s historic buildings and districts, providing context not only for the building design guidelines directly pertaining to historic resources, but to other design guidelines related to building form, façade articulation, materials, and the ground level pedestrian experience that respond to the unique context of the Plan Area. This new chapter summarizes features relating to building scale and form, architectural styles, materials, ornamentation, and interaction with the right of way for the following categories of historic resources: Small-scale Residential, Midrise Residential, Chinatown Commercial, Downtown Commercial, and Civic. Emphasis has been given to the significance of Oakland’s Chinatown, the 7<sup>th</sup> Street/Harrison Historic Residential District, the early 20<sup>th</sup> century mid- and high-rise buildings, and distinct historic landmarks in defining the Planning Area’s aesthetic character.

To better emphasize active preservation and restoration of historic resources and express how new development could appropriately respond to and reinforce the existing character of adjacent historic buildings, the following changes were made to the *Historic Resources* section:

- *DG-58 Contribute to Historic Districts*: The clause that recommends that new buildings in historic districts and adjacent to historic properties should seek “to be recognized as products of their own time” has been removed.
- *DG-67 Adaptive Reuse*: The bullet that previous read “Avoid removal of historic resources or covering historic architectural details with cladding, awnings, or signage” has been changed to read: “Retain and repair historic materials and architectural details, and avoid covering these with cladding, awnings, or signage.” The bullet that read “Use historic photos to inform rehabilitation, if available now reads: “Identify historic materials and features, using historic photos when available, in order to preserve and rehabilitate historic character.”

- *DG-68 Preservation*: The bullet that read “Avoid removal of historic resources” has been changed to read: “Avoid removal of and rehabilitate historic resources.”
- The *Draft Design Guidelines* only included photos representing existing historic buildings in the *Historic Resources* section. In order to more effectively illustrate how contemporary infill development and adaptive reuse can be designed to reinforce the character of and complement historic buildings, all photos have been updated to provide examples of new buildings that are appropriate to their historic context.

The *Design Guidelines* were additionally revised to promote design elements that are consistent with and complement the Plan Area’s historic buildings. Revisions encourage incorporation of design details to divide large storefronts into traditional storefront widths and promote design features that create the level of architectural interest characteristic of historic buildings. Photos have been replaced throughout the *Building Design Guidelines* chapter to better illustrate guidelines related to building massing, stepbacks, façade articulation, storefronts, entryways, and ground level design.

Additions to *Policy DG-126*, which deals with key pedestrian streets, were made to further reinforce the importance of enhancing the local cultural heritage of the Plan Area by incorporating lighting, seating, signage and other street furnishings that respond to the cultural heritage of the Chinatown Core.

**Table ES-3: Summary of Impacts, Proposed Plan Policies that Reduce the Impact, Significance, and Mitigation**

#	Environmental Impact	Standard Conditions of Approval (SCA)	Proposed Plan Policies	Mitigation <sup>1</sup>	Level of Significance After Application of SCAs, Policies, and/or Mitigation
<b>3.8 Cultural and Historic Resources</b>					
Impact CUL-1	Future development under the proposed Plan would cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines section 15064.5.	SCA-56, SCA-57	CR-1, CR-4, CR-5, CR-6, LU-14, LU-15, DG-58 through DG-68.	<b>Mitigation Measure CUL-1:</b> Mitigation Measure CUL-1 involving (a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures; (b) Future Site-specific Surveys and Evaluations; (c) Recordation and Public Interpretation; or (d) Financial Contributions, would not reduce the impact to a less than significant level.	<b>Significant and Unavoidable</b>
Impact CUL-2	Future development under the proposed Plan would not cause a substantial adverse change in the significance of archaeological resources pursuant to CEQA Guidelines section 15064.5.	SCA-52, SCA-E	n/a	None Required	Less than Significant

<sup>1</sup> For complete mitigation measure text, see chapter 3.7.

**Table ES-3: Summary of Impacts, Proposed Plan Policies that Reduce the Impact, Significance, and Mitigation**

#	<i>Environmental Impact</i>	<i>Standard Conditions of Approval (SCA)</i>	<i>Proposed Plan Policies</i>	<i>Mitigation<sup>1</sup></i>	<i>Level of Significance After Application of SCAs, Policies, and/or Mitigation</i>
CUL-3	Future development under the proposed Plan would not disturb any human remains, including those interred outside formal cemeteries.	SCA-53	n/a	None Required	Less than Significant
Impact CUL-4	Future development under the proposed Plan would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	SCA-54	n/a	None Required	Less than Significant
Impact CUM CUL-5	The proposed Plan would contribute to a cumulative impact on historic resources.	SCA-56, SCA-57	CR-1, CR-3, CR-4, CR-5, CR-6, LU-14, LU-15, DG-58 through DG-68.	<b>Mitigation Measure CUL-1:</b> Mitigation Measure CUL-1 involving (a) Avoidance, Adaptive Reuse, or Appropriate Relocation of Historically Significant Structures; (b) Future Site-specific Surveys and Evaluations; (c) Recordation and Public Interpretation; or (d) Financial Contributions.), would not reduce the impact to a less than significant level.	<b>Significant and Unavoidable, Proposed Plan Contribution Cumulative Considerable</b>

**From:** Chris Andrews [mailto:chrisandrews@sbcglobal.net]

**Sent:** Tuesday, July 22, 2014 9:32 PM

**To:** Payne, Catherine; Marvin, Betty; Valerie K. Garry; Jamie Choy

**Cc:** stafford@garden-restoration.com; ellie.casson@gmail.com; marymacdonald77@gmail.com; Ranelletti, Darin; Kendall, Brian

**Subject:** Re: Hive facades - Landmarks subcommittee field trip next week?

**Dear LPAB members, Hive subcommittee members and City Staff,**

Enclosed herein are my notes from our productive site meeting today.

We were able to review the construction progress and proposed design on the three facades on Broadway, 2335-37 Broadway, 2343 Broadway, and 2345 Broadway in terms of the SOIS and the COA. This included the investigative demolition, the reconstituted cornice at 2335-2337, the proposed speculative reconstruction of the facade at 2345, and the proposed fenestration and spandrel panels/pony walls.

1. 2335-2337 Broadway--The reconstructed cornice and the repairs to the Plaster look appropriate. It would be nice to see the "Lakeside" painted sign replicated elsewhere on site.
2. 2343 Broadway--The proposed repair of this facade makes sense.
3. 2345 Broadway--This facade has the least original material to work from. I think that the proposed cornice molding is mostly appropriate, although I would prefer a cove molding rather than a bullnose/quarter round at the top, and that the lower flat fascia portion cove should be much closer to the bottom of the cornice rather than towards the middle of this fascia (Detail 1/A7.7).
4. I also agree with the comments of Brian Kendall, the C of O project manager for Facade Improvement that for all three facades it would be nice to see a little more depth in the leading/muntins in the transom window lights and that the more appropriate spandrel panels below the windows would be stone or marble rather than brick or stucco. I also agree with Betty Marvin and Brian Kendall that the fenestration of all three buildings should be distinguished from each other in the mullion/muntin detailing, including patterns, profiles and color.

I would generally agree that, from what we could see, and with my comments above considered, the project seems so far, to comply substantially with the "Secretary's Standards" and the "Conditions of Approval."

I hope we can continue to see the great progress on this project continue.

Best,

Christopher Andrews Architect  
Oakland CA  
LPAB Vice-Chair

**Item H**

On Tuesday, July 22, 2014 12:56 PM, "Payne, Catherine" <[CPayne@oaklandnet.com](mailto:CPayne@oaklandnet.com)> wrote:

Chris, Ellie and Stafford: Thank you for your time today reviewing the Hive facades. Based on our site visit, I believe you have decided to bring an oral report to the LPAB at the next regularly scheduled meeting indicating that the façades (and design) are, to the extent feasible, in compliance with the Secretary of the Interior's Standards. Can you each please confirm and provide any additional comments you might have so that Betty and I can discuss your review with the Deputy Planning Director? I will also use this email exchange as part of the record for compliance with the applicable condition of approval. I am attaching the previous documentation for your use. Thank you.

**Catherine Payne**, Planner III | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6168 | Fax: (510) 238-3254 | Email: [cpayne@oaklandnet.com](mailto:cpayne@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**Text of relevant conditions of approval:**

- a. To the extent feasible, the rehabilitation of the four historic facades, 2335-37 Broadway, 2343 Broadway, 2345 Broadway and 2366-98 Valley Street shall comply with the Secretary of the Interior's Standards. Historic preservation staff and an LPAB subcommittee (Garry, Andrews) shall review the proposed rehabilitations to evaluate compliance with the Secretary of Interior's Standards and provide a recommendation to the Planning Director or his/her designee who shall make a determination of compliance. Both the LPAB subcommittee report and the Planning Director or his/her designee's compliance determination shall be forwarded to the full Landmarks Board for informational purposes. If non-compliance with some or all of the rehabilitation standards is evident in the plans, the project sponsor shall submit a report demonstrating that compliance with said standard(s) is infeasible and the reasons why, for review and approval by the Planning Director or his/her designee, prior to building permit sign-off.
- b. All proposed materials for rehabilitation of the historic resources, including tile, marble, brick, cornice materials, obscure glass, signage, etc. to be reviewed by the staff planner and historic preservation staff, with final consideration by the Planning Director, prior to building permit sign-off.
  - ii. Specific to 2337-2345 Broadway: Following investigative demolition, if deemed by staff to be appropriate, consider:
    1. Transom windows facing Broadway should be restored to wood or original materials;
    2. Storefronts should be powder-coated aluminum with front-centered glass, and each storefront frame colors shall be differentiated from one another.
    3. Each storefront should be painted (or treated) a separate color to distinguish each from the other.
    4. Storefronts should have pony walls (or bases) of a substantive material, and storefront glazing should not extend to grade. Base design and material is subject to review and approval by the Planning Director or his/her designee.
    5. Facades should be restored and any damaged or missing materials should be replicated.
    6. The cornice replacement material for 2345 Broadway should be of high quality and is subject to review and approval by the Planning Director or his/her designee.
    7. For 2366-98 Valley Street (corner of Valley and 24<sup>th</sup> Streets), the applicant shall engage a Historic Architect to outline the maintenance process for the concrete walls and decorative features of the building exterior. Maintenance shall comply with Secretary of the Interior standard #7: "Chemical or physical treatments, if appropriate, shall be undertaken, using the gentlest means possible. Treatments that cause damage to historic materials shall not be used."