

MINUTES

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

**LANDMARKS PRESERVATION
ADVISORY BOARD MEMBERS:**

**Christopher Andrews, Chair
Peter Birkholz
Stafford Buckley
Eleanor Casson
Frank Flores**

**July 11, 2016

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

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A. ROLL CALL 6:07 pm

**Board Members present: Andrews, Birkholz, Buckley, Casson, Flores, Joiner
Staff present: Betty Marvin, La Tisha Russell**

B. OPEN FORUM – No speakers

C. APPROVAL OF MINUTES – of June 13, 2016 – Moved by Casson, agreed by consensus (Birkholz recused, Flores and Joiner abstained), to postpone review pending more detail on Claremont Hotel discussion. Staff could transcribe video, or applicant’s transcript might be obtained and incorporated into the minutes.

D. INFORMATIONAL PRESENTATION – None

E. NEW BUSINESS - Action Items

1.	Proposal:	Heritage Property Nominations by owner applicants, associated with the Mills Act contract applications: 1) LM16-001: 523 41st Street (APN 012-1012-055-00); City Council District 1 - Kalb 2) LM16-002: 1824 Myrtle Street (APN 005-0410-020-00) City Council District 3 – Gibson McElhaney 3) LM16-003: 369 MacArthur Blvd. (APN 001-0785-021-02); City Council District 3 – Gibson McElhaney 4) LM16-004: 1733 10th Street (APN 006-0023-006-00); City Council District 3 – Gibson McElhaney
	Environmental Determination:	Exempt Sec. 15331 of . State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Sec. 15183 Projects consistent with General Plan or Zoning
	Service Delivery District:	Citywide program; applications from 1, 2, & Metro this year
	City Council District:	Citywide program; applications from Districts 1 and 3 this year
	Action to be taken:	Determination that the properties are eligible for Heritage Property status, and designation of the properties as City of Oakland Heritage Properties
	For Information:	Contact Betty Marvin (510) 238-6879 , bmarvin@oaklandnet.com

2.	Proposal:	Mills Act Contract Application Selection: Recommendations for 2016 Mills Act Program Contracts 1) MA16-001: 523 41st Street (APN 012-1012-055-00); City Council District 1 - Kalb 2) MA16-002: 1824 Myrtle Street (APN 005-0410-020-00) City Council District 3 – Gibson McElhaney 3) MA16-003: 369 MacArthur Blvd. (APN 001-0785-021-02); City Council District 3 – Gibson McElhaney 4) MA16-004: 1733 10th Street (APN 006-0023-006-00); City Council District 3 – Gibson McElhaney 5) MA16-005: 1506 Linden Street (APN 005-0381-024-00); City Council District 3 – Gibson McElhaney
Environmental Determination:		Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning
Service Delivery District:		Citywide program; applications from 1, 2, & Metro this year
City Council District:		Citywide program; applications from Districts 1 and 3 this year
Action to be taken:		Forward to Planning Commission as Informational Item. Forward recommendations to City Council.
For Further Information:		Contact Betty Marvin (510) 238-6879 , bmarvin@oaklandnet.com

Betty Marvin, Historic Preservation planner - summarized the Heritage Property and Mills Act staff reports (and corrected the total number of participating properties on p. 1 of the Mills report: **41** as of 2015). She did a PowerPoint presentation on the Heritage Property and Mills Act applications. She spoke in detail on the history of the homes, what year they were built and by whom, the work that is proposed to be done to the homes, the process for local designation, and the obligations under a Mills Act contract. The applicants at 369 MacArthur had withdrawn their application for this year, to take more time to explore their options and development plans, as recommended in the staff report.

Ian Morales, applicant at 1506 Linden in the Oak Center S-20 district, reported that he was already pursuing the staff recommendation to investigate removing larger amounts of stucco from the building.

Valerie Coleman, applicant at 1733 10th Street in the Oakland Point API, said she welcomed the opportunity to restore the house and to learn more about its history and neighborhood.

BOARD COMMENTS/QUESTIONS

Board Chair Andrews – wanted to thank the owners and says it always great to hear from them. He also asked Betty how we compared in the Mills Act applications with other cities. **Marvin** – the Urban Legend reports that San Diego has hundreds of them, doing them by districts, but not having an extensive work program requirement as we do. San Francisco has one but might have added more within the year. **Andrews** – says maybe at some point we’ll reach 50 and suggest OHA do a tour of the Mills Act properties. One of the great things about the Mills Act, he says, it inspires ordinary people to get involved with their neighborhoods and the history of the city.

Board Vice-Chair Birkholz – asked about the research that was done on the 10th Street property and wanted to know what was the Great Register of Voters and the WPA Housing Survey. **Marvin** – the 1896 ‘register’ was a big printed book that came out every two years during election time. It gave a very, very detailed description of every listed registered voter; where they worked, their eye, skin and hair color, height and weight to distinguishing marks. There were no photo ID’s at the time and the 1890 Census doesn’t exist. The 1936 WPA Housing Survey (a set of cards) was a program that was set up to

go to every dwelling unit in the county, focusing on housing conditions. Just like the ‘register’ it had to know every detail about the dwelling, including how the structure was built, how many rooms, how many people lived there, did they work or were they on relief, it was like the residential building records at the County Assessor’s Appraisal Section from the 50’s. (The cards from the WPA survey are still located *deep* in the Building Department).

Board member Joiner – asked if the homes had to be under renovation to qualify, age of the homes and can the homes be included on a walking tour once renovation is completed. **Marvin** – homes generally have to need some work to be strong candidates, there is no actual age limit, the program seeks a wide range of properties to better diversify the Mills Act participation, with a more geographical and chronological distribution. The walking tours sponsored by OHA this summer will include a tour that goes up Wood Street and should include 1733 – 10th Street, which is just around the corner. It’s also a great opportunity for people to include their homes on a walking tour and do the research on their neighborhoods especially for surveys that haven’t been worked on yet, we have files on West Oakland but the 41st Street property was new to us.

Andrews asked if there were other recommendations needed regarding the work programs. **Marvin** said her two concerns (postponing MacArthur, stucco on Linden) were already addressed. **Birkholz** asked how contract compliance was followed up – **Marvin** said ideally periodic inspections, realistically self-reporting. **Birkholz** commented on research sources for house histories.

Action, Item 1: Joiner moved that the Board approve Heritage Property designation of **523 41st Street, 1824 Myrtle Street, and 1733 10th Street**. Seconded by **Casson**; carried unanimously.

Action, Item 2: Joiner moved that the Board recommend to City Council that the following properties be approved for Mills Act contracts, and that the recommendations be forwarded to Planning Commission as an information item: **523 41st Street, 1824 Myrtle Street, 1733 10th Street, and 1506 Linden Street**. Seconded by **Casson**; carried unanimously.

3. Case File Number: ER15001

Location:	Mountain View Cemetery (Piedmont Avenue, near Pleasant Valley); 5000 Piedmont Avenue; APN: 048A700200302
Proposal:	Expand cemetery development in currently undeveloped portions of existing cemetery to accommodate future additional burial sites.
Applicant:	Mountain View Cemetery Association, Jeff Lindeman, (510) 658-2588.
Owner:	Mountain View Cemetery Association
Planning Permits Required:	Major Conditional Use Permit, Design Review, Tree Removal Permit, Creek Permit, compliance with CEQA.
General Plan:	Urban Park and Open Space
Zoning:	RD-1: Residential Low Density
Environmental Determination:	An Environmental Impact Report is being prepared for the proposed Mountain View Cemetery Project. The DRAFT EIR was released on June 15, 2016, and the 45-day public review period ends on August 1, 2016.
Historic Status:	“A1+” rating and API, OCHS
Service Delivery District:	2
City Council District:	1 -- Kalb

Action to be Taken:	Receive public and LPAB comments on the DRAFT EIR and related documents prepared to analyze the proposed project in compliance with CEQA. No decisions will be made at this hearing.
Finality of Decision:	NA
For further information:	Contact case planner Catherine Payne at 510-238-6168 , by email at cpayne@oaklandnet.com , or at 250 Frank Ogawa Plaza, Suite 2114, Oakland CA 94612

Board member Birkholz recused himself and left the dais.

Catherine Payne, Case Planner – did an informational presentation on the Mountain View Cemetery Expansion Project. The purpose of the hearing was to solicit public comments on the Draft EIR (Environmental Impact Report) with the focus on Cultural Resource analysis. The proposal is to develop approximately 7 acres at the top of the property, not adjoining the historic part of the cemetery. The “reduced” alternative #2 is identified as environmentally superior. Comments will be taken until August 1, and consultant Scott Gregory will prepare the Final EIR based on all comments received.

BOARD COMMENTS/QUESTIONS

Buckley asked for clarification that “historic part” meant the Olmsted-designed area of the cemetery.

Andrews asked if the project was the same as when Board members toured the site last fall. **Payne** said there were minor design changes but not enough to affect the grading and tree removal under the EIR.

Buckley asked how “at risk” trees were defined for the table on p. 4.3-25 (128 “protected trees, mostly oaks” – vs. the 124 “protected oaks” definitely proposed for removal), and expressed concern over the clearing of undergrowth that provides bird habitat. **Gregory** said the City’s tree ordinance requires protection within 30 feet of construction, and said the cemetery routinely clears brush as a fuel management measure; a biologist surveyed the site and did not find any rare, endangered, or threatened animal or plant species under CEQA.

Andrews thanked the cemetery for being open to Landmarks input and encouraged Buckley to work with them. He said Oakland is fortunate to have this “great economically viable landscape resource” whose stewards are dedicated to maintaining its historic character.

F. OLD BUSINESS - None

G. BOARD REPORTS - Leimert Bridge seismic retrofit – **Birkholz** and **Marvin** are attending multi-agency meetings coordinated by Public Works. Prior Caltrans design (2013) was rejected because of visual effect on the bridge, a designated City Landmark. Retrofit techniques are being investigated. Biggs Cardosa Associates is the prime consultant.

H. SUBCOMMITTEE REPORTS -

585 22nd Street and 570-602 21st Street, in Cathedral District API, Case Files PLN16046 and PLN16047, proposal for new construction of a five story 76 unit residential building with ground floor parking and amenity spaces along with the relocation of two buildings – Andrews, Birkholz

Boardmember Flores recused himself and left the dais.

Andrews explained that since this is an administrative case the Board is advising staff, not the Planning Commission as they usually do. The subcommittee had met “a few times” with the applicants, neighbors, and Oakland Heritage Alliance. The applicant would present the latest changes.

PUBLIC COMMENTS/QUESTIONS

Charles Kahn, architect, showed renderings of successive revisions, each “further pulling back the shoulders” of the building, de-emphasizing the top stories, and increasing setbacks.

Naomi Schiff, Oakland Heritage Alliance, distributed a letter stating that the building’s size and style made it unlikely to meet findings of “compatible with the existing API” and “consistent with the visual cohesiveness of the API.” The letter offered suggestions for diminishing the apparent height on 22nd Street, mainly by reducing sizes of units.

Sven Dummer, neighbor, representing the 6 members of the OHA adjoining the project, said that his building would be affected both by the “intrusive” new building and by the house move on 21st Street which “violates easements.” They would appeal if the project is approved.

Matthew Ticknor, developer, said that the site was now an active, noisy post office parking lot, and “our job is to improve neighborhoods.” They were well aware of the historic district, but the project design was entirely within the City’s zoning and area plan parameters, and they were creating setbacks and other modifications purely to respect the neighbors.

Joiner said this was an instance of old vs. new residents – Oakland needs housing, so how can it be made a win-win? The democratic process provides for appeal to the Planning Commission.

Sven Dummer, in response to a question from **Casson**, said the proposal looks like all the other condos downtown, doesn’t fit in the district, and wouldn’t be allowed in Germany. Neighbors were not informed until after the fact; the Board should look into process and transparency.

Casson said it was “necessary to balance our historic charge with the broader needs of Oakland;” on that basis, she was comfortable with the project. **Buckley** asked about the process – “we kick it around, and then what?” **Andrews** explained that though the Board is usually advisory to the Planning Commission, this time the Board is advising staff. Staff will take Board’s comments and make findings and a decision with possibility of appeal to the Planning Commission.

Charles Kahn agreed that the process is confusing – if a use permit were required the project would be going to Planning Commission. A 5-story building in a historic district is a challenge, but City regulations allow it. He welcomed the challenge of reconciling density and preservation.

Birkholz brought up CEQA review. The infill exemption only applies if there is no impact on historic resources. The consultant report doesn’t adequately address height as a characteristic of the API. The existing 75’ height limit is just not appropriate. The Board has tried to bring down the massing as much as it can. As for “housing at all costs,” we have to “turn it over to the City and let them sort it out – that’s not our purview.”

Andrews said the Board’s job is to preserve historic resources, so moving the two 21st Street houses was “a fantastic thing.” The new building is too large to fit in, but it’s what zoning allows, and the architect and developer have tried to make it work. The building itself has high design quality, and the applicant wants to avoid an appeal. We will be seeing more projects like this because the specific and

general plans allow them, and they will be coming to us. We are “cobbling together ways to deal with this,” including using subcommittees for in-depth design review, but we need guidance from the Planning Commission and/or City Attorney. He asked for a motion.

Buckley moved that the Board seek advice from the City Attorney on the process for projects that are not going to Planning Commission but are heard at Landmarks Board, and clarification on subcommittees and the Brown Act. Seconded by **Birkholz**.

Naomi Schiff said notification should be required to owners and tenants within 300 feet.

Noelle Martin, neighbor, asked why the City didn’t notify the neighbors when the land was sold. If developers notify neighbors after they have bought property, that’s too late. **Andrews** said the City does not control sale of property, this is outside the Board’s purview. **Joiner** encouraged her to stay involved.

Andrews closed the public hearing and called for a vote on the motion – carried unanimously (i.e. Andrews, Birkholz, Buckley, and Joiner - Flores was recused and Casson had left the meeting).

Birkholz moved that Planning staff should evaluate whether the 21st Street project is really exempt from CEQA and verify the adequacy of the consultant report’s findings relative to impact on the API prior to approval of the project. **Buckley** seconded, carried unanimously.

I. ANNOUNCEMENTS - none

J. SECRETARY REPORTS – none

K. UPCOMING

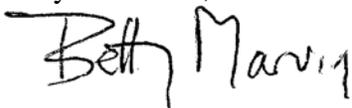
Heritage Property nomination, The Alley, 3325 Grand Avenue, and possibly also the Kingfish

Lucasey project, 2744~ East 11th Street, work-live project, historic tax credit applicant

L. ADJOURNMENT – 8:35pm

Minutes prepared by La Tisha Russell and Betty Marvin

Respectfully submitted,



Betty Marvin, Historic Preservation Planner