

Attachment C

MINUTES

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

**LANDMARKS PRESERVATION
ADVISORY BOARD MEMBERS:**

**Christopher Andrews
Thomas Biggs
Valerie Garry, Vice-Chair
John Goins III
Mary MacDonald
Anna Naruta, Chair
Daniel Schulman**

**January 9, 2012
Regular Meeting 6 PM**

**City Hall
CITY COUNCIL CHAMBERS
One Frank Ogawa Plaza
Oakland, California 94612**

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

ROLL CALL

Present: Andrews, Garry, Goins, Naruta, Schulman. **Absent:** Biggs, MacDonald
Staff Present: Marvin, Pearson. **Absent:** Pavlinec.

OPEN FORUM

Naomi Schiff called for a moment of silence in memory of Sanjiv Handa.

APPROVAL OF MINUTES

(Taken out of order after Action Item) Approval of December 5, 2011, minutes was moved by Garry, seconded by Goins, carried unanimously.

BUSINESS – Action Item

Location: 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. (See map on reverse, p. 4.)
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	The City is preparing a Lake Merritt Station Area Plan (Station Area Plan) and Environmental Impact Report (EIR) for the area surrounding the Lake Merritt BART Station that will provide a roadmap for how the area develops over the next 25 years. At this meeting, staff will present the concepts contained in the Draft Preferred Plan, including those for land use and open space policies, affordable housing strategy, circulation, access and parking plan, and building height proposals, which will become the basis for the Draft Station Area Plan and studied in the EIR.
Proposal:	
Applicant:	City of Oakland
Case File Number:	ZS11225, ER110017
Planning Permits Required:	N/A
General Plan:	Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use
Zoning:	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
Environmental Determination:	An EIR will be prepared as part of the Lake Merritt Station Area Plan.
Historic Status:	The Plan Area includes several Areas of Primary Importance; Areas of Secondary Importance; properties individually rated A, B, C, D; and Landmark properties.
Service Delivery District:	Metro, 3
City Council District:	2, and a small portion of 3
Status:	Ongoing
Action to be Taken:	Recommendations to Planning Commission Provide feedback on the Draft Preferred Plan, which will be the basis for the Draft Lake Merritt Station Area Plan and studied in the Environmental Impact Report.
Staff Recommendation:	
Finality of Decision:	N/A
For Further Information:	Contact project manager Ed Manasse at 510-238-7733 or emanasse@oaklandnet.com . Project message line: 510-238-7904 Project email address: Lake_merritt_plan@oaklandnet.com , Project website: http://www.business2oakland.com/lakemerrittsap

Planners Christina Ferracane and Ed Manasse presented the staff report. The area planning project began in 2008 with a needs assessment, followed by extensive community outreach and well-attended workshops. The Draft Preferred Plan developed out of this process was now being presented to boards and commissions and City Council for comment. “Land most likely to redevelop” in the plan area was already vacant, notably the numerous parking lots. Historic resources are recognized in the plan’s Vision and Goals, notably under Goal 8, Community and Cultural Anchor and Regional Destination. The plan encourages adaptive reuse, protection of individual resources, strengthening connection in districts, interesting and fine-grained new development that respects the historic context, and creation of “cultural heritage districts.” Some

height limits were reduced to acknowledge districts that the Central Business District study identified as having height as a character defining feature, e.g. reducing to 45' along 7th Street in the 7th Street-Harrison Square Residential District. Limits were made higher within the district on the side adjoining the BART blocks where taller new buildings were expected.

Public speakers (allowed 8 minutes each):

Naomi Schiff, representing Oakland Heritage Alliance, said OHA supported the Chinatown Coalition comment letter. The whole 7th Street-Harrison Square API should have the 45' height limit – new buildings outside the district should be the ones to make the height transition. King Block should not have a 400' tower added – the alley could be “extremely upscale and charming.” Relocation of buildings is mentioned but no receiving area is identified. Creative uses are possible under the freeways, such as commercial complex of shipping containers in New York. Fire Alarm Building should be classified as Open Space; “proximity to the library means it might have a future use.” Two-way streets promote historic character and “community friendliness.” State Historical Building Code can save owners money. Facade Improvement Program has been partly funded by mitigations, so it can survive the end of Redevelopment, if the City insists on Community Benefits.

Robert Raburn, elected BART director for Area 4: BART needs density around stations so they have more than just commute traffic. BART “intends to fully develop” its two blocks – “of course there’s zero displacement” – but large-scale construction is complicated by the subway, control center, and other uses below ground on those blocks. BART also owns the MTC block which will support conventional construction. BART intends to retain Madison Park and support activities relevant to the Chinatown community such as night markets and community gardens. Residents of the landmark Madison Park Apartments want the area to be safer at night: “now people *flee* when they get off our trains.” BART will issue an RFQ for its blocks next week. To Daniel Schulman’s question whether the proposed heights were appropriate, Raburn said it was it was unlikely the maximum would be built but he would see what the development teams offered.

Joel Ramos of TransForm: As stated by Chinatown Coalition, housing in the area is now 30% affordable and should be kept that way to maintain the diversity of incomes that supports Chinatown’s character and businesses. TransForm supports density and transit-oriented development but sees a need to protect against indirect displacement through speculative development. Inclusion of affordable housing should be a mitigation for building height. Stronger tenant protections are needed. New jobs will be retail and service, and workers need to be able to live locally. Requiring less parking would free up resources for better buildings. Parking maximums, in-lieu fees, and unbundling parking from residential units are options. One-way street are dangerous and out of keeping with the historic character of the area.

Anna Naruta noted that the Landmarks Board’s comments would go to the Planning Commission for its January 18 meeting and that the Board was supposed to have received the comment letters from previous community meetings. Planners Ed Manasse and Christina Ferracane said their presentation had reflected the major concerns, that the letters would be provided to the Board, and that all comments will be addressed.

Board members commented in turn.

Anna Naruta: There has been a request for a workshop for the Community Stakeholder Group on FAR and heights. Work with study results from the Revive Chinatown project, e.g. on one-way streets. Draft Plan lists historic preservation as a Community Benefit: it is not an extra “benefit” or mitigation, it is a statutory requirement. Show boundaries of all APIs and ASIs on all maps to insure that historic context is considered in all decisions. Consultants’ historic study does not

inspire confidence – refer to Willard Chow’s study on how redevelopment has affected affordability, also Chinatown history by Kelly Fong.. Archaeological mitigation plan will be needed. Check timeliness of economic and population projections as recommended by Chinatown Coalition. Need for fine-grain zoning; “new development should provide the transitional heights.” Receiving areas for relocated buildings should be identified. Activate space under freeways. Establish mitigation fees and transfer of development rights. Fire Alarm Building should be Open Space. Opportunity site map bisects cleaner shop at 14th and Jackson. Insure an appropriate use for “amazing King Block” and alley.

Daniel Schulman: Questioned relatively low heights proposed for Laney College parking lot and Area 9 on Franklin Street: Manasse replied that the intent was to match heights across the street on Franklin, and Laney’s height was unchanged from existing. Schulman: “Height isn’t necessarily what puts something out of historic context, it’s a matter of quality.” Higher buildings at 12th and Franklin might take pressure off the rest of Chinatown. The small Areas 2b on 8th Street in the API should be merged into Area 1, and let development on the BART blocks be what it will. TransForm’s discussion of parking and affordability was “not really within the vocabulary of historic preservation” and two-way streets make a lot of sense but shouldn’t be labeled “historical.” As stated in OHA’s letter, explicit historic preservation language should be in the Vision and Goals which now “speak around” preservation. Endorses other OHA points except height limits for BART blocks.

Valerie Garry: Praised the staff report. The Plan must have a more explicit statement about importance of historic resources in the area. Asked for clarification of reference to signs and “displays of items in store windows.” Design guidelines have to be very specific and contextual. Building of towers over existing historic resources such as the King Block is a very controversial practice and a problematic precedent (“if you can’t demolish, drop something on top of it”). It “could compromise the integrity of the district” and is seldom done well. Transfer of development rights would be another way to address low-rise buildings. (Ed Manasse pointed out that the CBD zoning had no height limit at the King Block.)

Chris Andrews: Asked about the relation of the staff report to prior comment letters. Ed Manasse said all comments were being collected and would be taken into account; nothing had yet been dismissed or responded to. Andrews asked as an architect, is massing and height really the only tool to insure compatibility with historic resources – maybe good architecture is another way to respond. The attitude seems to be “with modern technologies and economies ... we can’t make buildings like that anymore so let’s make buildings the same size.” The successful commercial development of the alley behind the 4900 block of Telegraph in Temescal is a model for the King Block but it would “not have that quality” of “tactical urbanism” if surrounded by towers.

Discussion: Anna Naruta objected to the packet containing only excerpts from the Draft Plan plus a link to the full document online, and repeated that the Board had not received the previous community comment letters. It was difficult to comment without complete materials. She proposed that the Board send draft minutes to the Planning Commission as comment, as well as sending a speaker prepared with bullet points for a two-minute presentation.

Daniel Schulman moved – with amendments and input by Valerie Garry, Chris Andrews, and Anna Naruta - that the Board send a representative to the Planning Commission hearing on January 18 to present the following points:

- Larger statement on historic preservation needed in the Vision and Goals
- Inappropriateness of building on top of the King Block
- Request for workshop on height and FAR for the CSG

- Fire Alarm Building should be reclassified as Open Space
- All maps in the plan should show boundaries of APIs and ASIs
- Need for design guidelines carefully tailored to each context to maintain continuity
- Support finer-grained height and context map

Seconded by Valerie Garry, carried unanimously.

Later in the meeting, Valerie Garry moved that Anna Naruta present the above points at the January 18 Planning Commission meeting; Anna Naruta added that the draft minutes of tonight's meeting should also be presented to the Planning Commission. Seconded by Chris Andrews, carried unanimously.

Discussion continued about content and timeliness of meeting materials. Valerie Garry said she had just received the Chinatown Coalition letter by email and could not comment on documents she had not had a chance to read. Was it permissible to consider material that was not in the packet? Anna Naruta said the Community Stakeholders had been told their letters would go to the boards and commissions, her confidence in staff providing information was undermined, "we should reach out to the City Attorney." John Goins was concerned that the selected materials in the packet amounted to "someone deciding for us what the boundaries of this board are." Chris Andrews asked how board members came to receive email directly from the Chinatown Coalition rather than through staff: Betty Marvin explained that Board members' contact information is public record, and Ed Manasse suggested that the CTC may have sent the letter in lieu of appearing in person. Valerie Garry noted that the agenda said the Board would "provide feedback on the Draft Preferred Plan," not on historic preservation excerpts from the plan: what is the purview of this board? Manasse said complete copies would be provided, every comment would be addressed, and the Plan could be agendized at Landmarks Board again. John Goins asked why the Community Stakeholders hadn't been directed to send their comments directly to the Landmarks Board and expressed general concern about process and schedules. Chris Andrews mentioned a presentation on the Brown Act by the City Attorney's office last year, and that the Board was often asked to comment or act on matters without enough time; there should be a manual for boards, and it would be useful to have someone from the City Attorney's office present at some meetings to answer questions. Anna Naruta recalled situations when EIRs that affected historic resources had gone to the Planning Commission without being referred to Landmarks Board: this could jeopardize Oakland's Certified Local Government status with the State Office of Historic Preservation. Staff was directed to contact City Attorney.

BOARD REPORTS

California Preservation Foundation May 2012 Conference Steering Committee Meetings:

LPAB Representative report (Garry). Garry reported that planning continues for "really interesting sessions" and offered to forward details to anyone interested

Lake Merritt Station Area Plan, Community Stakeholder Group Meeting: LPAB representative report (Naruta).

Broadway/Valdez District Specific Plan, Community Stakeholder Group Meeting: LPAB Representative report (Biggs). Naruta reported that today was the deadline for comment on the Emerging Plan; expects it to be agendized for Landmarks Board.

West Oakland Specific Plan, Public Workshop January 31: LPAB representative report (Andrews). No report.

ANNOUNCEMENTS

Garry noted that Oakland was favorably mentioned in the *New York Times* travel section.

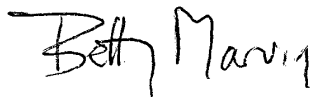
SECRETARY REPORTS

Marvin noted that three more meetings in 2012 will be in Council Chambers, all non-second Mondays: February 6, September 17, and November 5.

The two 2011 Mills Act contracts got signed and recorded.

ADJOURNMENT at 9:05 pm.

Respectfully submitted:



BETTY MARVIN

Historic Preservation Planner

NEXT REGULAR MEETING: February 6, 2012 (first Monday in February)

Written correspondence should be addressed to:

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

This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call Joann Pavlinec at 510-238-6344 or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so those who experience chemical sensitivities may attend. Thank you.