

3.	Location: Oak Street to Ninth Avenue Approximately 64.2 acres bounded by Embarcadero Road, the Oakland Estuary, Fallon Street, and 10 th Avenue. Assessor Parcel Numbers: various
	Proposal: First LPAB meeting to discuss proposal for a new mixed use development which includes up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, up to 3,950 parking spaces, 28.4 acres of parks and public open space, two renovated marinas (total 170 boat slips), and a wetlands restoration area, as the proposal relates to historic resources. The project proposes the partial demolition of a historic resource - the Ninth Avenue Terminal, and total demolition of a potential historic resource, Philbrick Boat Works. A second LPAB meeting will be held to finalize comments and recommendations to the Planning Commission.
	Recommendation: Receive public comments; Board discussion of proposal as it relates to historic resource(s) within the proposal, and Board discussion of LPAB sub-committee recommendations. No final recommendations are proposed for this meeting.
	Applicant: Oakland Harbor Partners (Signature Properties & Reynolds and Brown)
	Contact Person/Phone Number: Michael Ghielmetti, Signature Properties (925) 463-1122 Dana Parry, Reynolds and Brown (925) 674-8400
	Owner: The Port of Oakland
	Planning Permits Required: General Plan Amendment (Estuary Policy Plan text and land use map); Central City East Redevelopment Plan Amendment; Central District Urban Renewal Plan Amendment; New Waterfront Planned Development Zoning District and Zoning Map Designation; Vesting Tentative Subdivision Map; Preliminary Development Plan; Design Review; Creek Protection Permit; Tree Removal Permit. OHP is also requesting a Development Agreement.
	General Plan: Estuary Policy Plan Designations: Planned Waterfront Development-1 and Park, Open Space, and Promenades
	Zoning: M-40, Heavy Industrial and S-2/S-4 Civic Center/Design Review Combining Zone
	Environmental Determination: Draft Environmental Impact Report published from September 1, 2005 to October 24, 2005. Responses to comments currently being prepared.
	Historic Status: Ninth Avenue Terminal – Oakland Cultural Heritage Survey (OCHS) Rating A; City of Oakland Landmark Status Pending Philbrick Boat Works – Notice of Intent to Submit an Oakland Landmark and S-7 Preservation Combining Zone Application Form - See Agenda Item #2. No OCHS rating
	Service Delivery District: Downtown Metro and San Antonio 3
	City Council District: 2 – Pat Kernighan, 3 – Nancy Nadel
	For Further Information Contact Joann Pavlinec (510) 238-6344, jpavlinec@oaklandnet.com

SUMMARY

Oakland Harbor Partners (OHP), the project sponsor, has submitted a preliminary development application for a mixed use project on 64.2 acres of waterfront property from Oak Street to Ninth Avenue (See Attachment A). The proposed project consists of 3,100 residential units, 200,000 square feet of ground-floor commercial space, up to 3,950 parking spaces, 28.4 acres of parks and public open space, two renovated marinas (total 170 boat slips), and a wetlands restoration area. The existing buildings on the site will be demolished with the exception of a portion of the Ninth Avenue Terminal shed building and the Jack London Aquatic Center.

The project sponsor is seeking comments with respect to the historic resources, on the Preliminary Development Plan. Staff has scheduled two meetings with the Landmarks Preservation Advisory Board (LPAB, Board) because of the size and complexity of the proposed project.

This first meeting will focus on Board discussion of the historic resource(s), with recommendations from the LPAB Sub-committee on the Oak to Ninth Project. Staff recommends that the Board discuss the sub-committee's recommendations and any further areas the sub-committee should investigate and/or discuss for further recommendations to the full Board, compliance with the required findings, and demolition/retention of Ninth Avenue Terminal options along with design implications. The Board should request any additional required information from the applicant, and discuss any suggestions for mitigations, conditions of approval and/or development agreement provisions, with respect to the historic resource(s). Agenda Items #1 and #2 of this meeting will also review issues related to this project, a Notice of Intent to Submit a Landmark Application for 603 Embarcadero and confirmation of previous LPAB Action to forward a recommendation to the Planning Commission to Landmark Ninth Avenue Terminal.

The second meeting scheduled for February 13th, 2006 will be for the Board to finalize their comments and recommendations. These recommendations will be forwarded to the Planning Commission and City Council during their deliberations about the project.

Ken Kay Associates, an Urban Planning, Landscape Architecture, and Urban Design firm was retained in October to assist staff with an urban design analysis of the proposed site plan. Several meetings were held over a 10-week period to discuss various aspects of the proposal. The graphic plans of their recommendations are attached (Attachment C). These were discussed at the December 14, 2005 Planning Commission Design Review Committee (DRC) meeting and continued to the January 25, 2006 (DRC) meeting.

BACKGROUND

Development Application

Oakland Harbor Partners (OHP) has submitted a development application for the proposed project. The application consists of a request for a General Plan Amendment to the Estuary Policy Plan (EPP) text and land use map; an amendment to the land use maps for the Central City East Redevelopment Plan and the Central District Urban Renewal Plan; a new Planned Waterfront Zoning District and Zoning Map Designation (PWD-1); Vesting Tentative Subdivision Map; Preliminary Development Plan, Design Review; Creek Protection Permit; and Tree Removal Permit.

The proposed Planned Waterfront Zoning District (PWD-1) will include the land uses, development standards, and design guidelines for the entire project site according to the site plan proposed for the Preliminary Development Plan. This “master plan” zone will be similar to the Wood Street Zoning District. Development applications for proposals within the Planned Waterfront Zoning District will be processed similarly to the City’s current PUD, Planned Unit Development permit requirements using the PWD-1 zoning district as the underlying zone. Final Development Plans (FDP) will be submitted for each development proposal and will be processed according to the requirements specified in PWD-1. All Final Development Plans will need to be in “substantial compliance” with the approved PDP including design review, similar to the process approved for the Jack London District (JLD) project. According to the JLD process, future FDP project plans are submitted for administrative review for determination of compliance with the PDP. Those plans are then submitted to the Design Review Committee for confirmation of compliance.

OHP is also requesting a Development Agreement with the City. The development agreement would result in a 20 year “lock in” of the approvals for the proposed project including the Planned Waterfront Zoning District (including land uses, development standards, and design guidelines), Preliminary Development Plan, Vesting Subdivision Map, among other negotiated items. The Development Agreement can only be changed by mutual consent of both parties.

OHP is requesting preliminary comments from the LPAB on the Preliminary Development Plan (PDP), with respect to historic resources.

PROJECT SITE

The 64.2 acre project site adjoins the Oakland Estuary to the south, the Embarcadero and I-880 to the north, 10th Avenue to the east, and Fallon Street to the west. The project area does not include approximately six acres of privately-held property along and east of 5th Avenue that contain a mix of commercial and industrial uses, as well as a small community of work/live facilities. The eastern part of the project site contains commercial and industrial uses (the Ninth Avenue Terminal, a retail furniture store, a

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metal recycling facility, and outdoor storage of shipping containers). The central portion of the project site contains commercial and industrial uses, a concrete batch operation, and a mix of manufacturing and outdoor storage uses. The western part of the site contains public open space and industry (Estuary Park and Jack London Aquatic Center, and an East Bay Municipal Utility District dechlorination facility).

Access to the site is directly from The Embarcadero. In addition, 5th Avenue extends in a north-south direction from the waterfront to East 18th Street and also provides direct access to the site. The nearest southbound I-880 on-ramp is at 10th Avenue and the Embarcadero, and the nearest northbound I-880 on-ramp is at 6th and Jackson Streets. Southbound and northbound I-880 off-ramps nearest to the project site are located at Oak Street, on 5th and 6th Streets, respectively.

PROJECT DESCRIPTION

OHP is proposing to redevelop 64.2 acres of waterfront property by converting an underutilized, maritime and industrial area into a mixed-use neighborhood with residential, retail/commercial, open space, and marina uses. The majority of existing uses and structures on the project site would be demolished. Approximately 28.4 acres (or 44%) of the site would be developed with parks and open spaces, including the existing Estuary Park and Jack London Aquatic Center.

The project would consist of approximately 3,100 residential dwelling units (a mix of flats, townhomes, and lofts) on 13 separate development parcels. Approximately 200,000 square feet of ground-floor retail/commercial space would be distributed throughout each of the 13 development parcels and would be designed to provide a variety of active retail, restaurant, service, and small office uses to support the new residential neighborhood and serve visitors to the site.

A maximum of 165,000 square feet of the existing 180,000 square-foot Ninth Avenue Terminal building and a portion of its existing wharf would be demolished to create the largest (9.7 acres) of a series of interconnected parks and waterfront space. The project would retain a minimum of 15,000 square feet of the Terminal's Bulkhead Building envisioned to contain a variety of uses consistent with the Tidelands Trust. A continuous public pedestrian trail and Class I bicycle facility along the entirety of the project's waterfront would also be created as a segment of the Bay Trail.

Building heights would range from six to eight stories (up to 86 feet) in height, with high rise tower elements of up to 24 stories (240 feet) on certain parcels. A variant to the project allows consideration of increased maximum building heights from 86 feet to 120 feet on certain development parcels (see DEIR, Figures III-5 and III-6).

The project would rebuild and expand the existing Fifth Avenue Marina and Clinton Basin Marina, which would entail dredging activities and straightening the existing undulating and unprotected condition of Clinton Basin's shoreline. The project would

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improve the existing shoreline along the project site with varying treatments, including marsh habitats, the riprap, and bulkhead walls. Site remediation would also occur as part of the project.

The project would provide a total of approximately 3,950 onsite parking spaces: about 3,500 in enclosed parking structures, about 375 spaces along public streets within the project area, and about 75 spaces in surface lots in proximity to the proposed open space areas, primarily for use by park and marina users.

Project Phasing

The project sponsor has proposed that the project would be constructed in phases over a period of approximately 11 years: 2007 to 2018. However, the proposed Development Agreement provides for certain extensions of these phases for a total development time frame of approximately 20 years.

The development of Shoreline Park is currently scheduled in the Draft Development Agreement to occur during Phase 1, within the first five years after approval.

ENVIRONMENTAL REVIEW

A Draft Environmental Impact Report (DEIR) for the project was prepared and released for public comment from September 1, 2005 to October 24, 2005. Fifty comment letters were received and responses to these comment letters are currently being prepared by the environmental consultant. The Final Environmental Impact Report (FEIR) is expected to be released in mid-January 2006.

The Cultural Resources section of the DEIR (pages IV.E-1 to IV.E-33) discusses the archaeological and paleontological resources of the site. The DEIR analysis concludes that “there are no recorded Native American or historic-period archaeological resources listed with the Historical Resources Information System within or adjacent to the project site” but recognizes that there is a possibility, although limited, of encountering subsurface cultural resources. Two potentially significant impacts are identified, but with the application of mitigation measures the impacts are reduced to less-than-significant.

The DEIR also discusses impacts to Historical Resources, specifically the partial demolition of the Ninth Avenue Terminal. Three project impacts and one cumulative impact are identified as “significant” (Impacts E.3, E.4, E.5 and E.8). Even with mitigation the impacts remain “Significant and Unavoidable.”

The DEIR also considered several alternatives to the proposed project including full and partial preservation of the Ninth Avenue Terminal. The Cultural Resources section and the Alternatives to the Proposed Project are discussed on pages 4 through 7 in the attached Landmarks Preservation Advisory Board staff report dated October 17, 2005 (See Attachment B).

LPAB SUB-COMMITTEE RECOMMENDATIONS: Sub-committee members Muller, Parish, Peterson, Meeting dates: December 7th and 22nd, 2005

The LPAB Sub-Committee met twice to discuss 9th Avenue Terminal within the Oak to 9th proposal, a historic resource recommended for Landmark Designation by the LPAB to the Planning Commission. The sub-committee made recommendations regarding:

- Required findings;
- Confirmation of the Board’s unanimous recommendation to Landmark the Ninth Avenue Terminal;
- Retention of all or a portion of Ninth Avenue Terminal: and,
- Contingency compensation/consequences for demolition of a historic resource, should the Planning Commission and/or City Council not adopt the LPAB’s recommendations.

The LPAB Sub-committee did not make any recommendations on the Philbrick Boat Works Notice of Intent to Landmark due to time constraints for discussion of this application. The majority of the sub-committee members’ recommendations outlined below are related to the sub-committee’s goal of retention of the 1920’s portion of the Ninth Avenue Terminal. Their recommendations to the full Board are stated and discussed below.

Recommendation #1 concerning Required Findings:

Recommendation #1: The sub-committee finds that the current proposal for the substantial demolition of 9th Avenue Terminal, the proposed design of the new west façade of the remaining portion of Ninth Avenue Terminal and of the adjacent Shoreline Park design is not equal in quality to the existing design and therefore the findings for General Plan Historic Preservation Element (HPE) Policy 3.5 could not be made.

Staff has outlined below required findings related to the historic resources:

Historic Preservation Element, Policy 3.5: Historic Preservation and Discretionary Permit Approvals

- For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that
- (1) the design matches or is compatible with, but not necessarily identical to the property’s existing or historical design; or
 - (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or
 - (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that:

- (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or
- (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure;
- (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

Recommendation #2 concerning Confirmation of the LPAB's Previous Unanimous Recommendation to Landmark Ninth Avenue Terminal (March 8, 2004 and May 10, 2004):

Recommendation #2: Confirm the previous LPAB unanimously adopted Preliminary Evaluation Sheet for Landmark Eligibility for Ninth Avenue Terminal (March 8, 2004), unanimously adopted Resolution and unanimous direction to staff to forward the nomination of Ninth Avenue Terminal to the Planning Commission for a Public Hearing (May 10, 2004).

Sub-Committee Discussion: The LPAB unanimously adopted the Preliminary Evaluation Sheet for Landmark Eligibility for Ninth Avenue Terminal (March 8, 2004) and unanimously adopted the Resolution and unanimously directed staff to forward the nomination of the Ninth Avenue Terminal to the Planning Commission for a Public Hearing (May 10, 2004). Confirmation of these Actions is on this agenda for Board consideration. The LPAB sub-committee recommends confirmation of the previous Board Action as outlined above. No changes have been made to the Ninth Avenue Terminal that would affect its current status. Therefore, the Landmark application should proceed for review by the Planning Commission and City Council at the same meetings that the Oak to Ninth Project is being deliberated or prior to the Oak to Ninth Project review by Planning Commission and City Council.

Staff has outlined additional findings that the Board may wish to consider in light of the potential Landmark designation of Ninth Avenue Terminal, including the required findings for *Section 17.102.030 Special Regulations for designated landmarks*.

Design Review is required for designated Landmarks under Section 17.102.030B of the Planning Code. Design review approval may be granted only upon determination that the proposal conforms to the general design review criteria set forth in the design review procedure in Chapter 17.136 and the criteria set forth in subdivisions 1) and 2) below or to one or both of the criteria in 3) below.

- 1) That the proposal will not adversely affect the exterior features of the designated landmark;
- 2) That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their settings;
- 3) If the proposal does not conform to the criteria set forth in subdivisions 1 and 2:

- a) That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or
- b) That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by considerations of equity.

Section 17.136.070B. Design review criteria for Nonresidential Facilities and Signs

- 1) That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030;
- 2) That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of private and public investments in the area;
- 3) That the proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.

The sub-committee finds that the required findings above could not be made for the current proposal. A recommendation discussed later in this report made by the sub-committee would require Design Review by the LPAB of any exterior alteration(s), regardless of Landmark designation.

Recommendation #3 concerning retention and rehabilitation of the 1920's portion of Ninth Avenue Terminal

Recommendation #3: Retain and rehabilitate the entire 1920's portion of Ninth Avenue Terminal.

1. Program and reuse the 1920's Ninth Avenue Terminal space, including those uses already recommended in the DEIR.
2. Add parking outside of the 1920's portion of the Ninth Avenue Terminal, but within the overall project area, and transit measures, to accommodate the use(s) in the 1920's portion of the Terminal.
3. For every square foot of the 1951 portion of Ninth Avenue Terminal demolished (i.e., the 1951 portion of Ninth Avenue Terminal), the project shall provide a minimum of one square foot of park area to the Shoreline Park (i.e. facing the Brooklyn Basin).
4. Prior to design review approval, the Landmarks Preservation Advisory Board shall review and make recommendations to the appropriate review

body or administrator on the final design of the remaining portion of the building and its new proposed west façade.

Sub-Committee Discussion: While members of the sub-committee recognized the ideal goal would be to rehabilitate and reuse the entire Ninth Avenue Terminal, the sub-committee took into consideration the extensive structural repair that would be required to retain the entire Terminal and the fact that the 1920's portion of the Terminal is more structurally intact and architecturally of a higher quality than the 1950's portion of the Terminal.

In order to provide the greatest potential for successful rehabilitation and re-use of the Terminal, the sub-committee is recommending that parking be provided (not within the Terminal, but on the Oak to 9th proposal site), as required, for any uses in the 1920's portion of the Terminal.

In order to provide the greatest potential for successful rehabilitation and re-use of the 1920's portion of the Terminal the sub-committee is not requiring additional resources of the project budget or project land area (i.e., the sub-committee is not recommending a greater park area square footage than is already proposed, nor is the sub-committee recommending any compensation for the demolition of the 1951's portion of the terminal.)

In order to meet the required findings for quality of design, the sub-committee recommends that the LPAB review the proposed design of any alterations to the Ninth Avenue Terminal. Even without this recommendation, design review by the LPAB would be required if the landmarking application is approved by the City Council.

Recommendation #4 concerning alternate proposals with respect to the California State Lands Commission (SLC, Tidelands Trust)

Recommendation #4: Pursue alternate uses of the historic terminal building with the California State Lands Commission (Tidelands Trust).

1. Include the Ninth Avenue Terminal and land area in the Oak to 9th Avenue District Exchange Act, SB 1622, so that potential feasible uses of the historic terminal building are not restricted by the Tidelands Trust.
2. The applicant shall report to the Landmarks Preservation Advisory Board and Planning Commission on the California State Lands Commission (Tidelands Trust) review and final Tidelands Trust determination/agreement of the project proposal, including past and current uses proposed to the Trust for their consideration

Sub-Committee Discussion: The sub-committee requested that, when researching possible uses, the uses not be limited to those permitted by the Tidelands Trust as the State Lands Commission (SLC) will not review any requests for alternate uses until the City of Oakland entitlements are granted. Any current and/or future feasible uses should

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be kept open and pursued for approval by the SLC at that time. Further, in order to provide the greatest potential for feasible rehabilitation and reuse of the land area (i.e., Terminal) where the 1920's portion of the Terminal is situated, the sub-committee has recommended that the applicant add the 1920's portion of the Ninth Avenue Terminal in the Oak to 9th Avenue District Exchange Act, SB 1622. If this area of land were added to the areas for which the applicant is already requesting an exchange, potential feasible uses for re-use of the 1920's portion of the Terminal could possibly be expanded. However, the Trust could still put use restrictions on a land exchange.

Recommendation #5 concerning additional information required prior to further review of the application:

Recommendation #5: Prior to further review of the proposal application,

1. Study appropriate modifications to the grading and overall elevations of the site in order to provide and improve views of the Estuary from all public areas of the site.
2. Consider additional feasible uses for the historic terminal building, including, but not limited to, the following:
 - a. residential;
 - b. live-work;
 - c. destination retail (e.g., big box, grocery store);
 - d. high-tech office;
 - e. conference center;
 - f. Submit a professional "use feasibility study" to include feasible alternate uses for Ninth Avenue Terminal, including uses that would and would not comply with Tidelands Trusts restrictions, to be considered in review of the proposal for any City of Oakland entitlements. The uses studied shall be open to any uses and not be limited to uses suggested by the applicant or other previous studies. The study must be performed by a professional land economics firm experienced in services related to real estate development and market analyses.

Sub-Committee Discussion: One result of demolition of any portion of Ninth Avenue Terminal will be a more direct connection to the water from areas within the Oak to Ninth proposal. In order to facilitate this, the sub-committee recommends appropriate modifications to the grading in order to provide and improve views of the Estuary from all public areas of the site.

The sub-committee also made recommendations requesting additional information with respect to investigation of the most potentially successful uses for the terminal with respect to today's market.

Recommendation #6 concerning Updated Use Feasibility Study:

Recommendation #6: Prior to any demolition (partial or full) of Ninth Avenue Terminal, update the “use feasibility study” to reflect changes in market trends, economics, etc. If new uses of the historic structure are determined to be feasible, the applicant shall work with the Tidelands Trust as necessary to seek approval for these uses.

Sub-Committee Discussion: The sub-committee acknowledged that market conditions could change over a 20 year agreement and that the “use feasibility study” will need to be updated to reflect future market conditions at the time of development of Shoreline Park.

Recommendation #7 concerning continued maintenance of the Terminal prior to rehabilitation/demolition:

Recommendation #7: Within two months of City of Oakland entitlements, the applicant and/or Port shall submit a protection and maintenance plan for the Ninth Avenue Terminal building. The Terminal shall continue to be used if possible, and the applicant and/or Port shall maintain access for trucks to the site through any new development. The maintenance and protection plan shall be reviewed for approval by the Development Director. The applicant shall begin implementation of the plan, within three months of the City of Oakland entitlements (following Development Director approval).

Recommendation #8 concerning timing of demolition (partial or full) of Ninth Avenue Terminal

Recommendation #8: Any demolition (partial or full) of Ninth Avenue Terminal shall not take place prior to

1. The submission for permits for the development phase that includes the land occupied by the terminal.
2. Approval of building permit plans for Shoreline Park(i.e. facing the Brooklyn Basin)
3. The City’s review and approval of a funding structure for the rehabilitation and re-use of the portion of the Ninth Avenue Terminal that will be preserved.

Recommendation #9 concerning compensation/consequences for demolition of historic resource:

Recommendation #9: Should the Planning Commission and/or City Council approve demolition of any of the 1920 portion of the Ninth Avenue Terminal, the Landmarks Preservation Advisory Board recommends the following:

- For every square foot of demolition of the 1920s portion of the Terminal, the project shall provide a minimum of two square feet of park area to the Shoreline Park facing the Brooklyn Basin. The

minimum two square feet is additional and beyond what is shown in the plan analyzed in the EIR.

- For every square foot of demolition of the 1920s portion of the Terminal, excluding the 18,000 square feet proposed for retention on the drawings dated December 2005, the applicant shall compensate for the loss of the historic resource at \$200/square foot, to subsidize the rehabilitation of a landmark(s) and/or preservation district(s) (S-7 or S-20) and/or establish a Historic Preservation Fund. The landmark(s) or preservation district(s) shall be determined by the Landmarks Preservation Advisory Board and shall be significant (e.g. Southern Pacific Railroad Station at 16th and Wood Streets, Moss House); and
- For every square foot of demolition of the 18,000 square feet proposed for retention on the drawings dated December 2005, the applicant shall compensate for the loss of the historic resource at \$400/square foot, to subsidize the rehabilitation of a landmark(s) and/or preservation district(s) (S-7 or S-20) and/or establish a Historic Preservation Fund. The landmark(s) or preservation district(s) shall be determined by the Landmarks Preservation Advisory Board and shall be significant (e.g. Southern Pacific Railroad Station at 16th and Wood Streets, Moss House).

Sub-Committee Discussion: The sub-committee also took into consideration that the Planning Commission and City Council may not adopt the LPAB's recommendations concerning retention of a portion of the Ninth Avenue Terminal.

The sub-committee believes that the current proposed Shoreline Park design could not meet the required findings. In order to be at least equal in design and quality to that of the Ninth Avenue Terminal, the proposed park area could not be substituted on a one square foot of park for one square foot of demolition of the Terminal; the exchange for one square foot of demolition should require a minimum of two square feet of park area. (However, in order to encourage retention of the 1920's portion of the Terminal, the sub-committee is not requesting additional park area in exchange for the demolition of the 1950's portion of the Terminal.)

Based on this, the sub-committee provided alternate requirements to meet the required findings (i.e., 2 square feet of Shoreline Park facing Brooklyn Basin for every one square foot of demolished area of the 1920's portion of the Ninth Avenue Terminal) and compensation for the loss of a historic resource based on a per square foot amount. The sub-committee proportionally gauged the compensation under the rationale that not even a surface parking lot could be constructed for \$100/square foot. Very basic construction is currently running between \$150-\$200/square foot.

RECOMMENDATION

1. Receive any testimony from the applicant and interested citizens;
2. Discuss the proposal as it relates to historic resource(s) within the proposal, with respect to required findings, design review, conditions of approval, mitigation measures and Development Agreement provisions;
3. Discuss outlined LPAB Sub-committee recommendations and any other issues raised by the Board;
4. Direct the sub-committee to study any further issues raised by the Board and make recommendations at the February 9, 2006 LPAB meeting to the full Board;
5. Request additional information required by the Board to finalize its comments and recommendations to the Planning Commission;

Respectfully submitted:

Claudia Cappio
Development Director

Prepared by:

Joann Pavlinec, Planner III
Historic Preservation, Major Projects

Attachments:

- A: Oak to 9th Development Plan
- B: Landmarks Preservation Advisory Board staff report dated October 17, 2005 (without attachments)
- C: Illustrative Development Plan, Urban Design Analysis prepared by Ken Kay Associates
- D: Figure III-4: Proposed Development Program and Parcelization Plan-DEIR

