

Landmarks Preservation Advisory Board

8/29/22

DOSP Zoning Amendments

Notes

Next Steps

- Staff will bring the revised zoning amendments to the LPAB prior to going to Planning Commission (PC), they can advise on additional changes, and we can include it in a report that would go to PC so they could hear about additional changes they would like
- At that time Staff will focus the presentation on the areas the LPAB has discussed today that are specific to landmarks

Open Forum

- The Moss House needs to be discussed at the very next available board meeting.
 - Preservation and maintenance are ideal for a subcommittee. Process? Board member Johnson must reach out to his subcommittee and then we would work with the PSR to put it on the agenda under subcommittee reports.
- Naomi Schiff, Oakland Housing Alliance (OHA)
 - LPAB members who haven't seen the Moss House should see it. Sept 10th from 11-3 historic preservation fair.
- Christopher Buckley, OHA
 - Would like to screen share during a meeting, is it possible, if they submit materials in advance? Would like the board to arrange.
 - LPAB is in line with the directive of the city clerk, would need to address with their office.
 - Make a motion to pass that we allow the public to share material. Limitations.

LPAB Questions

- Andrews
 - Are the changes being looked at for the removal of 980 in terms of reconfiguring in the context of an overall traffic study and freeway removal study?
 - JW- DOSP has been recommending a study of the removal of 980, a far-off big idea for further study; DOT is beginning to work on the process of more of an in-depth study.
 - EM- If that study recommends preliminary feasibility, if 980 becomes a potential project, we would most likely revisit zoning in the corridor - what can we do now to improve the current condition? We don't know until there is a preliminary design of its replacement.
 - Is freeway removal being considered in general?
 - EM- freeway corridors will be looked at in more detail in Phase 2 of General Plan Update; we will revisit all corridors through that process.

- Johnson
 - Could you show the historic resources?
 - JW showed a map of APIs and ASIs
- Mollette-Parks
 - What zoning changes protect historic districts? Can you talk specifically about the zoning that are intended to help with those protections, where are they coming from.
 - NG- developing objective design standards, they will go into depth about the historical districts.
 - JW – Amendments are about protecting not just the buildings but the character of the uses in the areas
 - The sending site needs to be the same or lower height.
 - NG – That’s the way it’s written now to shift development from less intense areas to more intense areas, and so it’s not out of scale with what’s in the receiving site, but we want input on that
 - NG – Encourages revisiting allowing sending sites to be historic buildings outside APIs/ASIs
- Rice
 - Any distance limit on the transfer? Has seen long-distance transfers devaluing more adjacent transfers (but if we do allow long distances, not concentrating them to value other opportunities closer by). Would be good to keep them in a limited area - if there's an intended outcome but a transfer from far away would increase it, it could be an unforeseen consequence.
 - NG – No limit currently. Distance is limited by having them in the API/ASI.
 - Agree with including individual properties
 - It’s a twenty-year plan – does the fee follow inflation over time?
 - LK – We can have it do that in the same way the Impact Fees go up with inflation

Public Comments

- James Vann, CALM
 - Appreciates and requests to be associated with a comprehensive analysis. We address the fire alarm building site. The fire alarm building site is located in the lakeside API district, specifically dedicated to the City, inappropriately treated in the draft of the DOSP, a 90ft height building will destroy the scenic view. The fire alarm building is by civic landmark and is not being respected in that regard its seen as an opportunity site, should not exceed 45 ft.
 - Instead of "Opportunity site for private development" the site should be rezoned as civic use. The ENA that was given by the city happened long before the rezonings of the parcel and the rezoning plan, we feel that historic areas are primary importance. We feel parcels should not apply to. We hope that there is a concern for the fire alarm building site.
- Daniel Levy, OHA
 - Comment on the DOSP, sent a letter of detailed comments. Under item 2 in their letter, the proposed mechanism is insufficient, look at SF as a starting

- point. Many historic structures for TDRs are not eligible. These buildings would be available in SF but not in Oakland.
- Reduce heights in Old Oakland and National Register areas - to compensate, upzone other areas
 - Naomi Schiff, OHA
 - This should not be the last time that this appears at LPAB; would like it to be presented at every meeting. Asking that there is a regular meeting to tell what's changing at every meeting.
 - It's hard to tell what's changing.
 - The base and densities are being increased rather than reduced, which works against the zoning incentive program. We think there needs to be some strategic downzoning or else the ZIP program isn't going to happen and the State Density Bonus (SDB) won't get used. We think there is some functional limitations to that the way this thing is constructed.
 - Please integrate DOSP provisions with previously zoned heights in the Lake Merritt specific areas. Keep the height as it was in the Lake Merritt Station Area Plan.
 - Don't include civic uses in opportunity sites.
 - Nico Nagle, Housing Action Coalition
 - Appreciates the work that has been done
 - Agrees that if the ZIP is not as useable as the state density bonus, it won't work, we'll end up with no housing and an ineffective plan,
 - Make sure the ZIP is competitive with the SDB.
 - Is Old Oakland resident, and curious why there is downzoning from 85 to 65 on the edge of old Oakland.
 - Mary Harper, OHA
 - For the ZIP program, affordable housing and below market commercial space are most important, but is concerned that developers could provide less affordable housing than under the SDB
 - The number of affordable units needs to be increased.
 - Civic sites should not be included; it seems to appear to incentivize the City to sell off its sites.
 - Christopher Buckley OHA
 - We are asking that strategic downzoning be included in the ZIP, as comparison for maximum intensity, Oakland's 20.0 seems very problematic, and Oakland's max is 30 with the zip. Transferable development right's program, we are urging the program be modeled closely to SFS
 - In 2019 they identified specific areas at risk because the height/FAR is too high
 - Need clarifications from staff; staff is working with them on it, looking forward to future discussions
 - Base intensities too high for TDR or ZIP to work - not enough incentive
 - SB8 allows reduction if up zoning elsewhere

- Mollette-Parks
 - 90' at Fire Alarm Building is out of proportion w/the site and relationship to lake and historic fabric
 - Consider reducing height to pre-2009 levels in Old Oakland and Produce Market
 - Include standalone buildings in TDR
 - Selective zoning to help ZIP
- Johnson
 - Concerns around the ZIP in-lieu fees, the cost doesn't seem to match.
 - Timeline – are there going to be some ongoing meetings prior to going to PC? Not clear on any incorporation of comments during that time – concerned it'll go to PC with edits they're not aware of; typically attending a Landmarks Board precedes going to PC so we understood; unclear on the process
 - Would like Staff to come back to LPAB and talk about the API and the ASI.
- Rice
 - Transfer distance? If transfer rights were extended to individual properties, highlighted by several people if the far limits by right limits are so generous that those aren't valuable in the first place. See Portland case: zoning allowed more density downtown, bought some from historic property across river, illustrated that there wasn't enough limitation.
 - If the FAR limits are too generous program won't be valuable
- Andrews
 - Need more time and space to review these ideas, would like to see Staff come back
 - The TDR is concerning. Would like to understand the context in which we raise and lower height limits. Needs more context when height limits change and understand the development climate. Not versed in the planners' logic.
 - The concerns of the fire alarm building need to be looked at. Would like Staff to come back with more context.
 - LK - Some context is that the specific plan started as a plan looking at bringing more development and density to downtown. It was funded partially by a BART grant, with the intent of bringing more employment into Oakland, to take advantage of reverse commuting and address car crowding.
- Mollette-Parks
 - Timing for finding a way for updates and changes on the DOSP as it changes presenting at the LPAB, raise that as a discussion with the board,
 - Suggesting this gets back on the agenda, and as these updates are continuing to change, due to the constant work.
- Johnson
 - Needs to come back to LPAB before planning commission.
- Lyncee
 - Wants a tailored focus on the presentation to guide discussion.
- Rice

- Wants an update at every meeting until its adopted. Add frequency of each session until we are satisfied that the updates have captured everything.
- Staff (JW)
 - Clarified that there will only be one revised version (not constant changes/iterations), and Staff can return to LPAB with that version before it goes to PC.
 - Requested specifics of what the LPAB would like to hear during that follow-up meeting.
- Andrews
 - Monthly or bi-monthly seems a bit much to ask - maybe an interim?
 - Include a case study? What would happen under this zoning update to a particular historic property or historic district?
- Staff (LK)
 - If LPAB were to meet again prior to the changes being made Staff wouldn't have any updates to give, unless there's something specific the LPAB wants Staff to talk about more
 - City also has a community meeting discussing these topics, in addition to the CAG meeting and Stake Holder meetings
- Motion was made and approved to bring the revised Zoning Amendments to LPAB prior to the Planning Commission
 - At that meeting, LPAB can advise on additional changes and Staff can include their comments in a report that would go to PC so PC can hear about additional changes the LPAB would like to see.
 - Staff would focus that presentation on the areas they have discussed today that are specific to landmarks.