

**LANDMARKS PRESERVATION
ADVISORY BOARD MEMBERS:**

**Ben Fu, Chair
Tim Mollette-Parks, Vice-Chair
Chris Andrews
Marcus Johnson
Alison Lenci
Craig Rice**

**LANDMARKS PRESERVATION
ADVISORY BOARD MINUTES**

May 01, 2023

**Regular Meeting 6 PM
City Hall, Council Chambers
1 Frank H. Ogawa Plaza
Oakland, California 94612**

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MEETING CALLED TO ORDER BY: Chair Fu @ 6pm

ROLL CALL:

PSR Stephanie Skelton

Board Members present: Fu, Mollette-Parks, Andrews, Johnson, Rice

Board Members absent: Lenci

Staff present: Aaron Lehmer, Catherine Payne, Stephanie Skelton

WELCOME BY CHAIR – Chair Fu - welcomed all participants to the meeting.

BOARD BUSINESS

Agenda Discussion - No

Informational Reports – Catherine Payne, Planning Manager (PM) – discussed changing the current format of summary minutes to action minutes for the LPAB, due to being under resourced. Payne stated, she will provide the Board with all the information at their next meeting.

Sub-committee Reports - No

Board Matters – BM Johnson – asked, if he could get the status of the appointees to the Board and, the new appointees and, where we stand. **PM Payne** – the mayor’s staff is working on this but, there are no updates yet.

OPEN FORUM - Tiffany Eng, Friends of Lincoln Square Park – for the past 6 years, we’ve been advocating and supporting the city, to complete a new recreation and community resiliency center, which will ensure our beloved park to continue being a welcoming and joyful place for generations to come. It’s been in the planning process for 27 years and, we’d like to see it move forward. She welcomed everyone to come and visit the park.

Naomi Schiff, Oakland Heritage Alliance (OHA) – asked, if the Board would allow 4 minutes to speak on Item #1 in the agenda and, clarity on the comment period deadline for the proposed zoning change amendments and the EIR.

CONSENT CALENDAR – No Items

APPLICATIONS

#1	Location:	Citywide
	APN:	N/A
	Proposal:	Conduct a public meeting to provide comments on proposed Planning Code amendments to implement actions proposed in the 2023-2031 Housing Element. Proposed revisions to the Planning Code include changes to development standards, such as increased heights; increased housing density; shifts in where additional density is allowed; reduced parking and open space requirements; eliminating conditional use permits for grocery stores in food deserts; creation of a new Artisan Production Commercial Activity ;creation of an Affordable Housing Overlay Zone and a Housing Sites Overlay Zone; amendments to address special housing needs; other amendments that would seek to avoid impacts to residential activities from truck-intensive industrial uses and facilitate the production of unique special housing types; and amendments to remove constraints to staff ability to process entitlements for housing development and to streamline the approval process.
	Applicant:	City of Oakland
	Phone Number:	N/A
	Owner:	N/A
	Case File Number:	GP21002; ZA 23002; GP21002-ER01
	Planning Permits Required:	
	General Plan:	Citywide
	Zoning:	Citywide
	Environmental Determination:	An Environmental Impact Report is being prepared.
	Historic Status:	
	City Council district	All Council Districts
	Status:	
	Staff Recommendation	The purpose of meeting this is to receive comments on the proposed Planning Code amendments from the public and the Landmarks Preservation Advisory Board.
	Action to be Taken:	Advisory to Staff
	For further information:	Contact Project Manager Lakshmi Rajagopalan at 510-238-6751 or lrajagopalan@oaklandca.gov Project Email Address: generalplan@oaklandca.gov Project Website: https://www.oaklandca.gov/topics/general-plan-update

Lakshim Rajagopalan, project planner – gave a PowerPoint presentation on the 2045 General Plan update, the project timeline, and the overview draft of the planning code amendments. The legal basis for development and conservation, is to establish citywide vision and supporting goals, policies, and the implementation measures. There are eight State required elements and a two-phase approach to the General Plan update.

Phase 1 includes 2023-2031 housing element, safety element & environmental justice element and zoning code amendments. Phase 2 includes land use and transportation element, open space, conservation and recreation element, capital facilities and infrastructure element, noise element and zoning code updates. The proposed planning code text amendments, implements actions in the 2023-2031 HAP, further fair housing, encourage a variety of multi-unit housing, incentivize affordable housing, advance environmental justice by reducing pollution and reduce constraints on housing developments. The draft package includes more detailed information for these amendments. The timeline, September 2022 thru February 2023, laid the groundwork, March 2023, the draft text amendments published, March 2023 – May 2023, public review period and Summer thru Fall 2023, the final zoning amendments released and the adoption hearings.

Khalila Haynes, project planner – continued the presentation with the missing middle proposed changes which include a variety of small-scale multi-unit housing types, duplexes to townhouses and apartment buildings. The development standards include new RD zones that combine RD-1 and RD-2, all RD, RM and RU zones now allow 4 or more units on lots, the max FAR and lot coverage increased to 55% in RD and RM zones, new residential facility types, two-to-four family residential zone and eliminate conditionally permitted densities. The setbacks include side setbacks; reduced to 3ft for lots less than 3,000sf, rear setbacks; reduced to 20ft to 10ft in RD zones and 15ft to 10ft in RM zones and, front setbacks; 20ft to 15ft in RD, RM-1, and RM-2 zones. Other general changes include no minimum parking requirements for residential types within ½ mile of major transit stops, within S-15, D-CO-1 zones, for 100% affordable projects and rooming houses except in very high fire hazard severity zone. The affordable housing overlay (AHO) zone is to create affordable housing restricted for extremely very low and/or moderate-income households with the components by-right (ministerial) approval, CEQA exemption and non-appealable. The AHO proposed development standards include permitted density, rear setbacks, maximum lot coverage, height regulations for all lots with a footprint slope of 20% and minimum parking.

Rajagopalan – continued with the other planning code amendments. The purpose is to comply with State regulations for special housing regulations, improve public noticing to include building occupants, remove constraints on staff's ability to process entitlements for housing projects and streamline the project approval process. Also, change CUP requirements for certain activities, provide clarification regarding specific activities such as agriculture, sidewalk cafes, civic and commercial, remove/reduce limitations to construction of new ground floor residential facilities, extend planning entitlement periods to further support a project's ability to move forward in the building permit stage, construction, and completion. To learn more about the General Plan update, visit the website @: bit.ly/OaklandGPU and sign up for updates.

BOARD COMMENTS/QUESTIONS – Chair Fu – didn't hear much reference to the Historic Preservation Element (HPE) in the General Plan (GP). Can you confirm this effort will have an impact on that section of the GP? **Rajagopalan** – as part of Phase 1 & 2, we will not be obtaining the HPE, that will be a separate process after this one. **Fu** – at what time will there be another presentation to help the LPAB understand what those changes will be. **Rajagopalan** – it will be after the GP process.

BM Andrews – can you give us an example of how there might be some considerations for the severity zone in terms of both the missing middle and the affordable housing element and how that might be detected. **Laura Kaminski, Strategic Planner** – as part of the safety element, we're looking at evacuation route scenarios. We're analyzing within a 1,000ft of a parcel, red and yellow areas (high to low severity zones) and, the fastest access to a major interstate for egress purposes. We've been working with our Fire Dept., Transportation (DOT) and the consultant, to analyze this situation if or when a wildfire evacuation should occur. **BM Andrews** – relating to schedule, if these amendments are adopted in a timely way by the Planning Commission (PC), at what point will they become affective?

Rajagopalan – we're hoping to bring the Planning Code amendments before the PC for adoption in Aug. 2023, then to City Council in Sept. 2023. They would become affective in Oct. 2023.

BM Andrews - I'd like to move that we do grant a 'four' minute period to speakers since this is a relatively important complex topic for this item.

Chair Fu – so moved, we will allow 'four' minutes for speakers.

PUBLIC COMMENTS/QUESTIONS – **Naomi Schiff, (OHA)** – in general, we support the idea of densifying housing in Oakland. Our goal is to address the historic neighborhoods and resources of Oakland, to look at these changes on API's, ASI's, landmarks and find ways to protect these impacts on the historic properties. We should retain the existing two-tiered height limit system, there should be consideration for the front setback reduction, avoid up-zoning to allow projects to stay within the local density increase but not trigger the state density bonus law. We can also have our cake & eat it too by incentivizing development within existing structures. In the affordable housing overlay zones, we're curious about how it interacts with the state density bonus and what will protect our historic areas and how we can best structure the densification, so we don't have taller buildings in a historic neighborhood. When you increase height limits by up-zoning, adding residential density and reducing setbacks, you're likely to increase property values, therefore, the land cost for an affordable housing development may rise. There is an inter-play when up-zoning in rather you are causing gentrification instead of combating it and we are forcing people out of our city not being able to afford their units.

Lastly, on the EIR, it doesn't address the relationship of the density bonus law to the historic preservation resources of the city. We have appended a report from Alameda County that describes this in greater detail. We are concerned the EIR is rather minimal and doesn't address the impacts nor does it suggest a strong mitigation. We are suggesting as a mitigation, the cultural heritage survey should be updated, it's been over 40 years and, it's a possibility that some of the ASI's may become API's.

Christopher Buckley, OHA - focused on some items from the letter that was sent from OHA to the up-zoning committee on March 14, 2023, that concerns the relationship of the state density bonus law to these up-zonings. With the state density project, you are entitled to increases in height limits, reduce setbacks and waivers of other zoning standards. If you have a height limit of 40ft with a density bonus project, you can go much higher. We've provided some illustrations on how this could happen which shows a building that's been approved for 23rd St. & Telegraph Ave where the height limit is 45ft, but they were able to get a 78ft tall building that's within an ASI. And, with that type of increase scale could totally disrupt these low-rise ASI's and API's. There needs to be some analysis in the EIR and, be part of the zoning amendments themselves and how these waivers to existing zoning standards and the state density bonus law could interact with the up-zonings and what impacts that would have on existing neighborhoods.

BOARD COMMENTS/QUESTIONS – **Chair Fu** – can you confirm if the missing middle applies to API's and ASI's in terms of retaining height limits, setbacks and if they are applicable to the housing overlay zone as well. **Rajagopalan** – for the housing overlay zone, this is an optional program. **Kaminski** – the heights are not increasing. **BM Andrews** – thanked OHA for their comments on how this plan will affect both the historic properties and districts. Asked staff, since you're not addressing that issue within this plan and the specific language says this is something that will be addressed more fully at that time, some of these may be modified to comply better with the historic buildings and the historic neighborhood charter of the City of Oakland. **Rajagopalan** – staff will be updating the housing element after we are done with Phase 1 & 2 of the General Plan update process. **BM Andrews** – my concern is there should be some language in this amendment saying, parts of this amendment may be adjusted once we look at the historic charter again. **Rajagopalan** – the affordable housing overlay has restrictions or exceptions specific to the historic API's. Parcels in historic districts that are designated as Areas of Primary Importance (API), has the adoption date of the 2023-2031 housing element, are exempt from the higher height limit allowance but, 100% of affordable housing development shall not be subjected to the density requirements. The development must still meet the height, setbacks, and maximum lot coverage requirements and, any existing structure cannot be demolished

as part of a qualifying project. The development must also meet the applicable design review standards for historic building. **BM Andrews** – per an idea provided by OHA, have you considered providing zonings which would allow for additional units in existing buildings. **Kaminski** – as part of both the missing middle

and the affordable housing overlay zone, someone could easily develop within an existing building, especially in the missing middle, we would encourage that process and it would also be financially beneficial.

Chair Fu – asked BM Andrews to make a motion for the Board. **BM Andrews** – wants the Board to ensure that this general plan amendment to allow for affordable housing and denser housing within the City of Oakland is commendable and make sure it does not jeopardize the character of our neighborhoods and our historic fabric. We also want to make sure that this amendment encourages the adoptive re-use of the existing housing and increase density as well. **BM Johnson** – seconded. **PSR Skelton** – took a verbal vote **5 ayes, 0 nays, 1 absentee. Secretary Lehmer** – vote passes unanimously.

#2	Location:	200-220 Alice Street; 236 2 nd Street
	APN:	001 015700500; 001 015700100; 001 015700600
	Proposal:	Demolition of nonresidential buildings and new construction of a five-story mixed-use building with 160 residential efficiency units (including 30 deed-restricted moderate-rate affordable units) and 1,250 square feet of ground-floor retail space. The applicant is seeking additional dwelling units and a waiver for the minimum required amount of usable open space under the State Density Bonus Law.
	Applicant:	Riaz Capital
	Phone Number:	925-858-4724
	Owner:	220 Alice LLC
	Case File Number:	PLN22117
	Planning Permits Required:	Regular Design Review for new construction and establishment of dwelling units. Minor Conditional Use Permit for density.
	General Plan:	Estuary Policy Plan -- Mixed-Use District
	Zoning:	C-45 Community Shopping Commercial Zone / S-4 Design Review Combining Zone
	Environmental Determination:	Exempt from the California Environmental Quality Act per the following sections of the State CEQA Guidelines: 15332 – Infill Development; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning (final Environmental Determination Pending).
	Historic Status:	220 Alice Street is a Local Register Property and in the Waterfront Warehouse District Area of Primary Importance.
	City Council District	3
	Status:	Pending
	Staff Recommendation	Review and provide input to staff.
	Action to be Taken:	Advisory
	For further information:	Contract Planner: Jana Wismer; Phone: (341) 203-1653; email: jwismer@interwestgrp.com

Jana Wismer, consultant planner – this item is for review of a new mixed-use building partially located within the Waterfront Warehouse District API. This project would demolish the Prime Smoked Meats complex at

220 Alice St. a non-contributor to the district also, 220 and 236 Alice Streets. The project would demolish all three buildings to construct a new, five-story mixed-use, multifamily building with 160 residential units with 1,250sq ft. of commercial retail on the ground floor. The project is located directly across the street from the Amtrak Train station. The project was originally proposed as a seven-story mixed-use building with 210

units with 2520sq. ft of retail space however, due to cost construction the proposal was reduced to the five-stories with 30 moderate rate affordable units. In response to staff comments for the design of the building, they modified the façade to include a terminus on the top level of the façade including a more regular grid pattern that better reflects the warehouse architecture in the district. The applicant has further revised their façade and will present it to the Board tonight. Staff is asking the Board to provide comments to us regarding the façade and how it relates to the district.

Becky Urbano, architect historian, ESA – wanted to point out to the Board, that there are several strict preservation issues up for consideration with this project. First, is your agreement with the report that was submitted with the applicant packet, that the existing property that will be demolished, is a non-contributor to the historic district and it doesn't qualify individually in the historic resource. The second, is the proposed design in keeping with the architectural integrity of the district itself.

Lisa Vilhauer, VP of Design & Entitlement, RIAZ Capital – gave a PowerPoint presentation of the proposed project at 220 Alice St. and, an overview of the design. The project was originally submitted for planning review in May 2022. Since then, we've been working with staff through the different design process. The project is 160 residential units, five-stories and 30 of those units will be of moderate rate. We built out our concept, it is affordable by design with smaller scale studios and the proposed retail on the corner of 2nd & Alice Streets. As mentioned by staff, Connor Turnbull, architect historian, completed the Historic Resource Evaluation on 4/5/23. The report was prepared because half of the 220 Alice site is within the Waterfront Warehouse district which is an API, and the building is not a district contributor per the 1985 State Historic Resource Inventory nor the 2000 National Register Nomination form. The report also indicated the building is not associated with any significant individuals or events and was built in July 1953.

The proposed façade was submitted, 11/23/22. In February 2023 we met with staff and received the following comments, add parapet to top of building to provide a building terminus, create a consistent grid pattern, add awnings above residential and retail entrances and accentuate building articulation. We took the city's comments into account also, we updated the façade per comments from the LPAB members. We softened the contrast of black & white façade and considered shades of gray to reference adjacent buildings, darken the ground floor, add window muntions to reference warehouse facades and provided a reference to mid-block alley/building break. We do feel our design is complementing the Warehouse district with a consistent grid pattern and alternating color, warmer color palette references neighboring buildings and the muntions echo warehouse vernacular and reflects the historic industrial and historical uses. The size and height are consistent with the neighboring buildings which range between 3 to 6 stories, ours is at 5 stories. As a fun idea, we're saving one of the iconic Prime Smoked Meats signs that's been part of the neighborhood, included into our interior.

PUBLIC COMMENTS/QUESTIONS – **Wolfe Freed, volunteer, Home Assoc., 280 3rd St.** – said he's very impressed with the renderings and supports the density initiative. A letter from our Board president was sent to Ms. Wismer regarding our primary concerns, I'm here to voice them in person. We support the plan for increased housing but understanding the proposal, there's a waiver request to have no automobile parking provided for this facility with 160 units. We feel it's unrealistic with this many units they would not add at least 100 if not the full 160 parking spaces potentially adding more crowding in the streets, so we oppose the parking waiver in this project. Adding to our concerns regarding the parking congestion, more area property crime, increase of breaking & entering the building, residential package

thefts, larceny, more catalytic converters thefts from automobiles while parked on neighborhood street. Per the Oakland Police Dept., statistics show crime has increased in Area 1 to 25% with 1,797 cases reported in 2022. Therefore, we are requesting denial of any parking variance or waiver for this project.

BOARD COMMENTS/QUESTIONS – **BM Andrews** – overall the building in terms of its proportion and general massing, feels consistent without upsetting the character of the neighborhood. I'm concerned with the details of the parapet; the roof has a parapet but not at the street level. Then we I look at the historic character of these buildings in these warehouse districts, one of two things can be emphasized, one would be a horizontal tandem at the roof that you could observe from the street and the other would be, the vertical pilaster between the windows which are consistent from the ground floor to the roof are articulated vertically and that's a very common thing in industrial buildings.

BM Rice – met with the applicant prior to this meeting. We talked about the mid-block breaks, encourages the design team to make it stronger, the overall scale and the relationship to the neighboring buildings is good, the frame and in-fill ratio has improved, has some concerns with the materiality and the detailing. Overall, the project is consistent and a good contributor to the neighborhood.

Chair Fu – I support our fellow Board Members comments. Overall, this project is good, maybe a little bit more of a break-up of the massing would help. The verticality where you have the darker color to show the separation and at the pedestrian level to look more consistent with the area. I'm in support of the project and the demolition. Asked BM Andrews to make a motion.

BM Andrews – made a motion that first, we agree with the demolition, second, we agree with the overall proportion layout of the building is exemplary and, there's more work that needs to be done on the detail and articulation on some of the parts of the building. **BM Rice – seconded.**

PSR Skelton – took a verbal vote. **5 ayes, 0 nays, 1 absentee.**

Secretary Lehmer – vote passes unanimously.

BOARD BUSINESS

Approval of Minutes for: April 3, 2023, meeting was cancelled.

ADJOURNMENT: 7:31pm

NEXT REGULAR MEETING: June 12, 2023

Minutes prepared by: LaTisha Russell