



*Chris Pattillo, Chair
Jim Moore, Vice Chair
Jahaziel Bonilla
Michael Coleman
Jahmese Myres
Adhi Nagraj
Emily Weinstein*

**October 8, 2014
Special Meeting**

ROLL CALL

Present: Pattillo, Moore, Bonilla, Coleman, Myres.

Excused: Nagraj, Weinstein.

Staff: Darin Ranelletti, Robert Merkamp, Christina Ferracane, Heather Lee, Cheryl Dunaway.

WELCOME BY THE CHAIR

Committee Matters

Chair Pattillo announced the committee assignments. There are no changes to the Design Review and Zoning Update Committees. Residential Appeals Members are: Commissioner Moore, Chair and Commissioners Coleman and Myres. Special Projects members are: Commissioner Nagraj, Chair and Commissioners Bonilla and Myres. Policies and Procedures members are: Commissioner Weinstein, Chair and Commissioners Bonilla and Myres.

Commissioners Nagraj and Weinstein recused themselves from hearing this item due to a conflict of interest.

Vice Chair Moore announced the upcoming Grand Opening of the Cat-Town café which is a public/private non-profit that supports Oakland's Animal Shelters. Grand Opening will be on 10-25-14 on 29th Street and Broadway.

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the ***Planning Department at 510-238-3941 or TDD 510-238-3254*** at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.



1.

Location:	Lake Merritt Station Planning Area is generally bounded by 14 th Street to the north, I-880 to the south, Broadway to the west and 5 th Avenue to the east.
Proposal:	Conduct a public hearing to provide comments on the Final Environmental Impact Report (FEIR), Final Station Area Plan, and associated General Plan amendments, Municipal Code and Planning Code amendments, and Design Guidelines (collectively called "Related Actions").
Applicant:	City of Oakland
Case File Number:	ZS11225, ER110017, GP13268, ZT13269, RZ13270
General Plan:	<u>Land Use and Transportation Element (LUTE) Areas:</u> Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use <u>Estuary Policy Plan Areas:</u> Planned Waterfront Development 1, Mixed Use District
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:	All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Lake Merritt Station Area Plan
Historic Status:	The Plan Area includes cultural/historic resources that include CEQA Historic Resources and may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D by the Oakland Cultural Heritage Survey; and Landmark properties.
Service Delivery District:	Metro, 3
City Council District:	2, and a small portion of 3
Status:	The RTC/FEIR and Specific Plan was released on July 28, 2014.
Action to be Taken:	Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the Final Station Area Plan and Related Actions.
For Further Information:	Contact Christina Ferracane at 510-238-3903 or cferracane@oaklandnet.com Project website: http://www.business2oakland.com/lakemerrittsap

Mr. Ranelletti gave opening remarks on the history of the plan.

Ms. Ferracane gave a PowerPoint presentation.

Commissioner Bonilla stated, in the PowerPoint presentation it stated there were 24 intersections that were studied, but in the Staff Report it states there were 25 intersections studied. Which one is correct?

Ms. Ferracane responded stating, conservatively there were 25 intersections studied.



Commissioner Coleman stated, on page 34 of the standard conditions of approvals -Impact UTL5 has a double negative in it. The word “not” is used twice in a row, and one should be removed.

QUESTIONS ASKED BY COMMISSIONER MYRES:

- Please repeat the limited height exceptions.
- Is the purpose for this is to incentivize development?
- In LM 175 where 3 buildings can go up to 275 feet is anywhere in the dark orange section of the map and could potentially occur next to the King block or the Library.
- What’s the status of the citywide impact fee assessment study and implementation?
- When the impact fees are implemented, will the buildings already in the planning process, but hasn’t received a building permit be subjected to those fees?
- Is there is a shading simulation or study on how the building heights around the Lake Merritt channel will affect the shading around that area and open space?
- Where’s the massing located in this plan?

RESPONSES TO COMMISSIONER MYRES’ QUESTIONS:

Ms. Ferracane responded, in attachment E2 of the plan the key to the exceptions are described in the table. In the first column in the legend of the height areas map describes what the height limit is for the area.

Second column, the areas in red is 275 feet, orange 175 feet, lighter orange 85 feet and Yellow 45 feet.

Third column describes the exceptions, in the 275 feet area there are no additional height provisions, the 175 feet area buildings may build up to 175 feet, but additionally 3 buildings that are granted a conditional use permit stating they are compatible design wise and the goals of the plan is on a first come first serve basis would be allowed to build up to 275 feet. This allows property owners who want to or can develop more intensely, gives them those options and incentivize them to do this sooner rather than later before their options run out.

Similarly, for the 85 feet height area, it’s divided into 2. East and west of the channel, 2 buildings can go up to 175 feet and 1 building can go up to 275 feet. They should meet all of the conditions of approval requirements and discretion on if they will be permitted to build higher.

Ms. Ferracane explained there are multiple purposes including, incentivize development and allow as the market matures and higher density is economically feasible, have a way to allow that. In the meantime, discourage land banking that make property owners keep their land in the hopes that it’s worth more than the current housing market rate.



Ms. Ferracane responded yes, it has to meet the findings in the conditional use permit for compatibility design wise and compatibility with the station area plan goals. As long as it's a good project in the right location, it can move forward.

Mr. Ranelletti responded stating that the City of Oakland issued a Request for Proposal (RFP) to hire a consultant to conduct a citywide impact fee study, nexus study and an implementation strategy. The consultant was recently selected and the contract is currently being negotiated and will be presented to the City Council by the end of 2014 with an award of the contract and schedule of the scope of work. The nexus fee study will occur with periodic technical reports shortly after the contract is awarded such as: market studies, feasibility studies and so forth. Staff wants to ensure there's ample opportunity for community review and input as those technical studies are released and is envisioned as a staged phased project.

Mr. Ranelletti explained, if and when the impact fees are adopted, that action will specify which projects in the pipeline it applies to. The City Council in adopting the impact fees could decide for example, it applied to every project that hasn't started construction with the widest applicability or it doesn't apply to projects that an application hasn't been submitted or the City Council could theoretically discuss different options and delay implementation and become effective in 30 days, 6 months or 1 year. There may be general interest in having it applied to as many projects as possible. Typically, when the City Council adopt new planning and zoning regulations it doesn't apply to projects where an application was submitted and deemed complete by the City of Oakland standards.

Ms. Ferracane responded stating that the plan includes some massing studies, but staff currently doesn't have the specifics of what a particular proposed building's shape will be and how it will be sculpted to make the detailed solar and shade analysis that you may be speaking of.

Ms. Ferracane responded stating that the massing study area is on page 4-15 in the plan. The gray buildings shows existing buildings and the orange buildings shows potential new buildings based on what may potentially occur on each opportunity site.

Chair Pattillo further explained that some of the massing is covered in the design guidelines.

QUESTIONS ASKED BY CHAIR PATTILLO:

- Please explain in detail, the large per unit feasibility gap that's discussed on page 2-24 concerning market feasibility assessment and states there's a discrepancy of 240,000, which seems a bit extraordinary.
- In the materials received from the Chinatown Coalition, they provided recommendations for reduced critical dimensions and a chart that compared similar documents in Vancouver, San Francisco and Oakland. Please explain why their recommendations were lower than staff's.
- Why was Alice Street removed as a Festival Street? On page 6.5 in the plan shows a very small portion of a festival street that was hidden. Where is the festival streets located?
- What's the status of the letter received from EBHO that made reference to reforms to the City Of Oakland's condominium conversation ordinance?



- In the Oakland Heritage Alliance's letter they supported transfer of development rights, but it wasn't located in the plan. Is this a part of what's already being reviewed? Please explain how it can be added if it's not.

RESPONSES TO CHAIR PATTILLO'S QUESTIONS:

Mr. Ferracane responded stating that the plan includes a section on the market feasibility of development in the plan area written 2010 report. There's recent feasibility data that's not particularly as focused on the Lake Merritt Plan Area, but the City Of Oakland recently completed a Downtown development feasibility study updated in 2014. It included one site in the station planning area, but because of rent increases a smaller gap still exists. It varies from 40,000 per unit to 95,000 per unit in which the higher number is for high rise construction because it's more expensive to build.

Ms. Ferracane explained that staff started with the existing regulations in which the proposed regulations create more slender towers than the current regulations and will significantly sculpt and slenderize new towers while allowing enough development potential for buildings to be economically feasible.

Ms. Ferracane responded stating that festival streets is a concept described in the plan where a block or two of a street could potentially be closed for activities on a regular basis. Special paving, more flow between the sidewalk and roadway and an existing place where a festival street is, without it slightly designed differently along 10th Street in front of the Oakland Museum where every Friday they close the street for activities. The plan identifies the block between Laney College and the Lake Merritt Bay Area Rapid Transit (BART) Station parking lot as a potential site for festival streets and doesn't preclude other sites from becoming festival streets. The other Alice Street locations that were in the draft preferred plan were in front of Harrison Square Park adjacent to the Freeway and next to the Oakland Hotel near 14th Street. Those locations haven't been discussed as much in the community, but concerns were raised about those locations related to the area adjacent to the Freeway, some of the uses weren't very compatible such as: Harrison Square Park and the blank wall created by the Oakland Hotel weren't as compatible with the festival streets. Staff wants to include the concept and one specific place where stakeholders were in agreement about having festival streets.

Ms. Ferracane responded stating that the affordable housing strategy section of the plan discuss existing condominium conversion ordinance and recommendations on how it could be strengthened. The housing element includes policies about changes and reforms to the condominium conversion ordinance and is recommended that this occur in the spring of 2015.

Ms. Ferracane explained that the concept of development rights is in the current planning code which refers to the property owner being able to develop adjacent property owner development rights. Perhaps the Downtown Specific Plan will refine that concept particularly, in the downtown area where it will be most useful.

Speakers: Naomi Schiff, Marina Carlson, Joel Ramos, Ener Chiu, Elizabeth Wampler, Zhang Zhi Long, Pan Hai Bo, Xu Da Ning, Feng Jin Cai, Li Shao Yu, Shao Fang, Li Hui Zhen, Lisa Cheng, Alvina Wong.



Commissioner Myres – Please explain why the floor area ratios FAR of 12 is much higher than San Francisco's FAR of 10 and requests to be lower than that with an exchange for a community benefit for a higher FAR. Why is this in the proposal and so high?

Ms. Ferracane explained, the proposed intensity limits include a range of floor area ratios between 2.5 and 12 being in the highest 275 feet height areas and the general plan is the guiding document that allows a floor area ratio of 20 which is a bit higher. The vision is to have high density intense development especially, in the downtown area. That's the reasoning behind the proposal.

Commissioner Myres – Is there an openness to explore developer incentives that may increase FAR abilities for community benefits, and if a building is built with the highest FAR, there is absolutely no incentive for community benefit?

Ms. Ferracane responded stating that the plan discussed the concept of a developer incentive program. There is some development incentives in the zoning code related to parking and open space reductions more of a relaxation of regulations type of incentives. Other incentives are: allowing more development potential for a development that provides a community benefit. This is a concept that staff would like to apply to a larger geographic area, not just the Lake Merritt Specific Plan Area. Staff doesn't want to put this geographic area at a competitive disadvantage to across the street. Staff is moving forward with a Downtown Plan, the general plan was updated in 1998 where the high density around transit stations, 20 FAR for downtown and the area was rezoned to implement those policies in 2009. There was a planning process that didn't occur between those interim years and the Downtown Specific Plan may allow for that process to occur for the larger downtown.

Chair Pattillo asked what's the timeline for the Downtown Specific Plan.

Mr. Ranelletti explained that the City Of Oakland recently received a grant to prepare a Downtown Specific Plan that will cover the geographic area between the West Oakland Specific Plan Area, Broadway Valdez District and the Lake Merritt Station Area Plan. Staff is currently preparing a Request for Proposal (RFP) for a consultant which should be presented this fall with the idea that the planning process will begin in early 2015. A Specific Plan's planning process can be lengthy so, as that process unfolds it will run concurrently with other citywide issues, studies and policy deliberations around incentive programs, impact fees and affordable housing strategies with the hope of communicating with each other and synthesized to be consistent and supportive.

PLANNING COMMISSION QUESTIONS, COMMENTS AND CONCERNS:

The Planning Commission agrees that affordable housing is greatly needed among all ages throughout the City of Oakland. More affordable housing was built in the past 4 to 5 years during the recession, but with a caveat that market forces were at work and the developers couldn't get a return on their investment by building market rate housing because those condominiums weren't selling. Very concerned with the rising housing market and may take us in the opposite direction. This will create development of expensive housing that will displace the residents in many areas in Oakland that can't afford these market rates. There's currently no answer on how to balance this, but there are many of intelligent individuals in this audience tonight that can assist in incorporating some of those strategies, even if it's impact fees. We don't want a city with absentee landlords who don't visit their property as seen in other cities like Seattle and some areas of San Francisco. The goal of establishing 15% to 28 % for affordable housing seems right and a good place to start. We should pay close attention to this



particular plan and the City of Oakland's overall general plan and the direction it's going in to develop affordable housing to keep hard working blue collar residents in Oakland.

Strongly support restrooms and enclosed areas in the park. The lack of restrooms and covered space for people to utilize can be resolved with the impact fees. What's been accomplished has affected the other Area Plans and may've been difficult for staff to keep up with all of them because they were sort of underway at the same time and there were some inconsistencies they've all worked hard to manage. Other areas of the plan should be considered such as: connections from this plan area to Eastlake, International Boulevard and East 12th Street. Hopefully, there will be a reasonable proposal for an adaptive reuse for the Oakland Unified School District (OUSD) buildings and is supportive of increasing the setback from the channel of 100 feet or more to assist with what may be developed there. Encouraged by Laney College's plan for pedestrian over crossing connecting to the estuary channel. A lot of work was done on the street scape and circulation which is fine, but could be a little better and pleased that a plan is in place to study it along with the Downtown Plan. The zoning update activity table still indicates that crop raising requires a conditional use permit in this area. The design guidelines should be more reflective of what other design guidelines are in small projects and commercial corridor design guidelines dictate. Pleased to see chapter 3 added to the design guidelines particularly, the addition of the description of character defining features, which is the pillar of historic preservation and important that it received that recognition. The parking structure façade design should encourage some small format retail like a flower or newsstand.

The explanation for floor area ratio and variation from 2.5 to 20 is fine after hearing the explanation on it. The Commission is pleased with the concept of exploring a view corridor opening up from Interstate 880 into the City. We should find a way to deal with the increased traffic coming from Alameda through the Broadway Tunnel into Chinatown during their development stages.

The Commission is appreciative of the outreach effort from Staff and the Community which conducted over 50 meetings. The plan has improved as a result of every one of those meetings and has progressed greatly within the past 6 years. The original vision and goals were very good guiding principles particularly, the emphasis on the preservation of historic resources. The challenge has been to find a way to strike a balance where we minimize restrictions placed on developers so that development is promoted and encouraged because this neighborhood has been stagnant for far too long. We should find a way to achieve the goal of supporting density in the downtown area and protect this neighborhood. It's time to approve this plan after 6 years of working on it.

The Commission believes the unbundling of parking is a good idea and would like to see this become a routine policy for most of the neighborhoods in Oakland. They were also pleased to see a very clear message about how valued Madison Park and this plan, as its written, sent a very clear message that Madison Park is here to stay.

Vice Chair Moore made a motion to recommend adoption of the California Environmental Quality Act (CEQA) findings for the Lake Merritt Station Area Plan and attachment A, including certification of the Final Environmental Impact Report (FEIR) rejection of alternatives as infeasible statement overriding considerations. Adoption of the standard conditions of approval and mitigate a monitoring reporting program in attachment B, recommend the City Council adopt the Lake Merritt Station Area Plan's new design guidelines, general plan and planning code amendments based in part on the Lake Merritt Station Area Plan adoption findings in attachment C. Authorize staff to make minor ongoing revisions to the



adopted design guidelines for the Lake Merritt Station Area Plan and to make non-substantive technical conforming edits essentially, corrections of typographical errors and/or clerical errors to the planning code that may've been overlooked in deleting old sections and cross referencing new sections of the Lake Merritt Station Area Plan zones regulations prior to formal publication of the amendments of the Oakland planning code, and return to the Planning Commission for major revisions only. Require a study of the view corridors from Interstate 880 to the Oakland Tribune Building and City Hall. Encourage adaptive reuse of the Oakland Unified School District (OUSD) Administration and Ethel B. Moore Buildings, support Chris Buckley's specific annotations and words smiths to the design guidelines, reduce height limits in the Area of Primary Importance (API) as recommended by the Oakland Heritage Alliance and support the tower lowering design standards as recommended by the Chinatown Coalition submitted in writing on July 11, 2012. Maximum floor plate of 6,500 to 8,500, maximum building length 90 to 100, maximum diagonal length 125, and distance between towers 115, channel setback at 150 feet from the top of the bank of the channel.

Commissioner Myres asked for clarification on the height limit recommendations.

Chair Pattillo and Vice Chair Moore responded stating that the Oakland Heritage Alliance requested that the height limits be reduced in the Area of Primary Importance. This is a historic district and may apply only to the King block which is fine grained zoning and a small historic district. This was based on the existing heights.

Commissioner Myres asked what were the specific height limit recommendations from the Oakland Heritage Alliance on the King block

Chair Pattillo responded stating the height limit on the King block is 55 feet, located in their letter dated August 27, 2014.

Commissioner Bonilla recommended that the setback of 150 feet be included as a condition of approval.

Seconded by **Commissioner Bonilla**.

Action on the matter: Approved 5 ayes, 0 noes.

Approval of Minutes

Commissioner Bonilla made a motion to approve the August 6 meeting minutes, seconded by Vice Chair Moore.

Action on the matter: Approved 5 ayes, 0 noes.

Commissioner Coleman found a grammatical error in the September 3, 2014 minutes on page 13 under the Planning Commission Questions, Comments and Concerns heading in the first "Commissioner Coleman" paragraph, second sentence states, "because the floor plans has a north arrow pointing". The correct word is, "have".

Commissioner Bonilla made a motion to approve the September 3, 2014 meeting minutes, seconded by Commissioner Myres.

Action on the matter: Approved 5 ayes, 0 noes.



Chair Pattillo asked that the topics the Planning Commission agreed to discuss at a future meeting be included in the minutes from the September 17, 2014 Planning Commission Retreat.

Vice Chair Moore made a motion to approve the September 17, 2014 Planning Commission Retreat Meeting minutes, seconded by Commissioner Coleman.

Action on the matter: Approved 5 ayes, 0 noes.

Mr. Merkamp reminded the Planning Commission of the Fall Schedule of Planning Commission Meetings included in their packet. A slight change in the DRC meetings which is usually held on the 4th Wednesday of each month. Staff asks that there be no DRC meetings in the months of November and December due to the Thanksgiving and Christmas holidays.

ADJOURNMENT

Meeting adjourned at approximately 8:50 P.M.


ROBERT MERKAMP
Development Planning Manager
Planning and Zoning Division

NEXT MEETING: October 15, 2014