

LANDMARKS PRESERVATION BOARD MEMBERS:

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

LANDMARKS PRESERVATION ADVISORY ADVISORY BOARD MINUTES:

**May 23, 2022
Special Meeting: 5 PM
Via: Tele-Conference**

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MEETING CALLED TO ORDER BY: Chair Komorous @ 5pm

ROLL CALL: PSR, Deb French

**Board Members present: Komorous, Johnson, Lenci, Mollette-Parks, Rice
Board Members absent: Vice-Chair Fu, Andrews
Staff present: Karen August, Deb French, Betty Marvin**

WELCOME BY CHAIR - Chair Komorous, welcomed everyone to the meeting and asked Board Secretary August to give a helpful explanation on the meeting and some pointers on how this works for everyone in attendance either by Zoom or by phone.

By Zoom: To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to participate in public comment. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Raise-Hand-In-Webinar.

By Phone: To comment by phone, please call on one of the listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “*9*” to request to speak when Public Comment is being taken on an eligible agenda Item at the beginning of the meeting. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone. If you have any questions, please email Deb French at: DFrench@oaklandca.gov. You can also view the hearing on KTOP Live on television as well, instead of this platform if you so choose.

BOARD BUSINESS

Agenda Discussion – Secretary August – went over the order of the items on the Agenda: the Consent Calendar; an Informational Presentation, and the Public Hearing /Application.

Board Matters – None

Subcommittee Reports – BM Rice – met with the applicant of the 1431 Franklin St. project. It was an initial organization meeting, to discuss the process and timing. No dates have been set for the applicant to bring the revised proposal back to the LPAB, at a future meeting.

Secretary Reports – None

Open Forum

During this time, members of the public may speak on any item of interest within the Board’s jurisdiction. At the discretion of the Chair, speakers are generally limited to three minutes or less.

Naomi Schiff, Oakland Heritage Alliance,(OHA) – asked to speak before an Informational Item was heard, due to the rules implemented by the City. She stated that Betty Marvin knows the Mills Act program in Oakland better than anyone else. OHA advocated for its implementation. We respect and support suggestions she may make on how it should be improved, made more equitable and more effective. I again request an opportunity to speak after her presentation. **Chair Komorous** – agreed that Ms. Schiff can speak after the presentation, tonight only.

CONSENT CALENDAR

The Board will take a single roll call vote on the item(s) listed below in this section. The vote will be on approval of the staff report and recommendation in each case. Members of the Board may request that any item on the Consent Calendar be singled out for separate discussion and vote.

Chair Komorous - the renewal of the resolution, to continue conducting the LPAB meetings via Teleconferencing.

BOARD QUESTIONS – None

PUBLIC COMMENTS/QUESTIONS – None

PUBLIC COMMENTS - None

Roll Call – 5 ayes, 0 nays, 2 absentees. Secretary August – vote passes.

INFORMATIONAL PRESENTATIONS

Update on the Citywide Mills Act program, new contract applications on hold for 2022.

Betty Marvin, Historic Preservation Planner – we are not taking new contract applications for the Mills Act program in 2022. There’s a convergence of reasons for pausing to think and give the program a sabbatical after 14 years and 87 contracts. Reasons are partly internal to the City and partly statewide (the Mills Act is a State Law under which localities set up these programs). We’ve had a couple of years of

COVID and remote work and got through 2020 and 2021 Mills classes with reasonably flying colors. Inquiries have continued into 2022 but none extremely urgent or a complete application.

In 2021 the city of Los Angeles suspended their Mills program. LA has a huge Mills program that they are enormously proud of and they mentored us when we set up our program. They were going to issue a report in 2021, but it's still not available and their program is still on hold. They cited concerns very much like ours: sustainability, fiscal impact, management needs, and equity outcomes. *[Los Angeles's study, by consultants Chattel Inc., was released in July: <https://planning.lacity.org/preservation-design/historic-resources/incentives-resources/mills-act#program-assessment>]*

This year seemed a reasonable time to take a breather, and dispel the idea that Mills Act is an ATM for significant properties regardless of catalyst effect or the degree of need. For future applications we need to more strongly emphasize catalyst value, geographic and building type diversity, and above all, the necessity for the proposed work program and the appropriateness of a City subsidy. We can't flat-out apply a means test, but need for repairs, visibility, and catalyst value in a neighborhood that needs that kind of inspiration are explained when I advise potential applicants who contact the City about the Mills Act.

Chair Komorous - thanked **Historic Planner Marvin** for her report and is very surprised by this development. The Mills Act has been the highlight of the LPAB meetings every year. As an introduction to the Board questions, Chair Komorous asked to continue this discussion because it is a huge matter and it would behoove us to understand more.

BOARD COMMENTS/QUESTIONS – **BM Rice** –surprised to hear that the program can be turned off/on this way - is it renewed at some point in the future? **Marvin** – the schedule is inherently annual because it's tied to the Assessor's tax year. Our ordinance doesn't say we must add new contracts every year but the State law does say we must inspect and get contract progress reports at regular intervals. I need to get caught-up on owner contacts and inspections. It's insanely labor intensive and personally, there's not a lot of overtime left in me. **Chair Komorous** – asked if there is anything the Board could do to help. **BM Johnson** – also asked if the sub-committee could help. For some of us, it could be a refresher on the Mills Act, so we can fully understand the consequences of this pause and seek ways to un-pause it or help in the process. **Marvin** - in the past, Board Members participated on inspections and on the committees selecting applications.

Chair Komorous –this is not intended to pressure you in anyway, we're just trying to figure out if there's anything we can do to help. **BM Johnson** –You know how important the Mills Act has been for the neighborhood I stay in, with the different projects and properties, it's appreciated, thank you.

PUBLIC COMMENTS/QUESTIONS – **Naomi Schiff, OHA** –seconded Board Members' comments and suggested this should stay on the radar for a future agenda. It should be improved and if there's a way to generate less work, that would be good too. We don't want to lose the program after it took so long to institute it in the first place. I request that the Board plan to revisit this issue. **Mary Harper, OHA** – stated she fully supports Betty Marvin and the Mills Act and putting it on pause for the year of 2022.

BOARD COMMENTS/QUESTIONS – Chair Komorous –we should ask for a continuance of this item, not to pressure Betty but to keep the Mills Act alive. **Chair Komorous** asked for a motion from the Board, for a continuance of this item at the next Board meeting. **BM Rice** – made a motion for a continuance of this item at the next regular LPAB meeting, and he also suggested forming a sub-committee to get further details on this issue. **BM Johnson – seconded.**
PSR French – did a roll call/ vote. 5 ayes, 0 nays, 2 absentees. Secretary August – motion passes.

PUBLIC HEARINGS / APPLICATIONS

This hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. The Landmarks Preservation Advisory Board is an advisory Board and thereby, makes a recommendation rather than decisions. The Board will then vote on the matter based on the staff report and recommendations.

#2	Location:	440, 450,460 24th St-465 25th St. and 2354 Valley St.
	Assessor's Parcel Number(s):	008-0674-033-1, 008-0674-006,008-0674-007, 008-0739-008
Proposal:		Public Hearing on the Draft Environmental Impact Report to receive public and Landmarks Preservation Advisory Board comments on an office and retail proposal on two non-contiguous sites. Site 1: The Project would demolish one existing building addition and portions of existing building frontages of the two buildings fronting 24 th Street and the buildings fronting 25 th Street all of which are within the 25 th Street Garage District Area of Primary Importance (API). The Project would construct a mixed-use building with 86,100 square feet of office and 11,980 square feet of ground floor retail and provide an interior midblock retail paseo connecting 24 th and 25 th Streets. The Project would concentrate the allowable floor area ratio (FAR) on the portion of the site now used as a vacant parking lot which is outside the boundary of the API, seeking a variance to increase height on that portion of the building. Site 2: The Project would develop 580 square feet of proposed artist and craft stalls, located mostly in refurbished shipping containers on the lot at 2354 Valley Street.
Applicant:		Signature Development Group
	Contact Person/Phone Number:	Jamie Choy 510-251-9269
Case File Number:		PLN19096, PLN19096-ER01
General Plan:		Community Commercial
Zoning:		Site 1:CC-3. Site 2: D-BV-4
Environmental Determination:		The Draft Environmental Impact Report (DEIR)was published for a 45-day review period from April 25, 2022 to June 9, 2022
Historic Status:		Site 1: Garage District API, PDHP OCHS rating Cb1+, C1+ Site 2: 2356-98 Valley St. ASI PDHP OCHS rating D2+
City Council District:		3
Staff Recommendation:		Receive public and Landmark Preservation Advisory Board comments on the DEIR.
Action to be Taken:		No action to be taken by the Landmark Preservation Advisory Board on the DEIR

	other than to provide comments.
For Further Information:	Contact Case Planner Rebecca Lind at (510) 238-3472 or by email at rlind@oaklandca.gov .

Please note: BM Mollette Parks – recused himself from this item.

Rebecca Lind, Case Planner – this is a Public Hearing on the Draft Environmental Impact Report (DEIR) on the proposed Pigozzi Development Project. This is an office and retail project proposed on two non-contiguous sites. **Site 1:** The Project would demolish one rear addition and portions of frontages of the two buildings fronting 24th Street and two buildings fronting 25th Street all of which are within the 25th Street Garage District Area of Primary Importance (API). The Project would construct a new mixed-use building with 86,100 square feet of office and 11,980 square feet of ground floor retail and provide an interior mid-block retail paseo connecting 24th and 25th Streets. The Project would concentrate the allowable floor area ratio (FAR) on the portion of the site now used as a vacant parking lot which is outside the boundary of the API, seeking a variance to increase height on that portion of the building. **Site 2 (Valley St.):** is a much smaller site located in an Area of Secondary Importance (ASI). On this site, the Project would develop 580 square feet of artist and craft stalls in refurbished shipping containers on the parking lot at 2354 Valley Street.

We proceeded with an initial study for this Environmental Review, which allowed us to focus the analysis primarily on cultural and aesthetic resources. The DEIR has not identified any significant or significant and unavoidable impacts. The project also looked at three alternatives: Alternative 1 – no project alternative, the project would not be built. Alternative 2 – reduced height alternative, the site would be reduced to 45 feet, identified as the ‘environmentally superior’ alternative. Alternative 3 – preservation alternative, the four API contributors would be fully retained.

The purpose of this Public Hearing is to provide information and take comments on the adequacy of the Draft EIR. The hearing is not intended for receipt of comments on the merits of the project, we will have that opportunity later. No action is requested from the Board (only comments) and we will be receiving comments from the public. We have an open public comment period ending June 9, 2022 at 4pm.

Jamie Choy, applicant, Signature Development Group – gave a PowerPoint presentation on the proposed project and stated he’s been working on this project for 8 years now. The last time it was shown was in 2020, when we came before this Board with a Notice of Preparation (NOP) for the DEIR we have now. Special thanks to Rebecca and ESA for putting that together, we believe it’s thorough and comprehensive at this point.

The main project site is L-shaped with five buildings on the site now. A small addition at the back of the two warehouses will be fully demolished. Much of the project’s square footage will be built on this lot. As we’ve done on other projects in the neighborhood, we plan to retain buildings, rehabilitate them, and reuse them with new retail on the ground floor and build above them. A few years ago, we looked at this project and talked with staff about adding two stories of office space above the existing buildings within the height limit, set back 25-30 feet from the street frontage.

The second small project is on the four parking spaces on Valley Street adjacent to a historic building that we rehabilitated in 2012 into apartments. We have adequate capacity to transfer that parking to our main lot and activate this Valley St. block.

In the API we are keeping all the historic frontage and, giving ourselves a usable floor plate for the type of tenant that we have at the Hive in the neighborhood. We would be retaining the buildings but reutilizing the back portions of them for parking and other uses. In the EIR, these four buildings are all part of the 22 contributing buildings to the 25th Street Garage District and would still retain the historic significance of the neighborhood. Per the EIR, the impacts of this project are considered less than significant and the API would retain its character defining features and its ability to convey its historic significance.

BOARD COMMENTS/QUESTIONS – **Chair Komorous** – the Board received a letter that says two of the twenty-two buildings in the District are to be demolished, two more will be gutted and the paseo cut through. Can you clarify what buildings are being demolished or gutted? **Choy** – there’s five existing buildings on the site. The EIR states, in review of the proposed plans, approximately 20% of the two buildings on 24th St. will be demolished and approximately 80% of the two buildings on 25th St. **Chair Komorous** – so all the facades are being retained but you’re gutting behind these two facades and removing everything else? **Choy** – no, we’re retaining portions of the two side walls going back, some portion of the back of the building will be taken off, and a portion of the roof is being removed to make way for the two additional floors above. But the entirety of the façade is being retained. **Chair Komorous** –to clarify, you cannot assume that’s not demolition. You’re demolishing all the storefronts. We often have projects where the storefronts are kept, especially the transoms. We need to be specific. **Choy** – I’m only quoting the EIR which states that only a certain percentage of the buildings are demolished and we’re reposing the storefronts.

BM Rice – regarding the three alternatives that you described in the EIR, what’s illustrated is not #1. Does the proposal correspond to either the other two alternatives or do they not directly correlate to this? **Choy** – the project is what was reviewed in the EIR, the alternatives are other scenarios that the EIR contemplates. They have significantly less square footage, less height, and less usage of the site. The important thing to note with regard to the alternatives is that the project itself does not have any significant impacts, all impacts are less than significant including to the historic resources. **Chair Komorous** – from my understanding, you are stating these things as fact, but they are the claim of the EIR. This is a draft and what we’re here to review is ‘is that draft complete?’

PUBLIC COMMENTS/QUESTIONS – **Valerie Winemiller, walking tour leader, OHA** – I support all the points in OHA’s letter. I’ve watched the District evolve into a vibrant Arts District. There’s been, and this project will add to, significant and cumulative impacts although the DEIR says ‘no impact.’ There has been a gradual loss of character, function, art activities, and vibrancy. Cultural activities and small businesses are being displaced. The parking lot that’s being removed was used for a beer garden and Art Murmur events. The sheer height of the new buildings blocks the light that’s important to art spaces. The proposed art spaces are roughly 500 sq. ft. and the containers are downright inadequate for sustaining the Arts District. I urge you to reject the DEIR findings of no significant impacts for the reasons more fully described in OHA’s letter.

Naomi Schiff, OHA – delivered some remarks for **Hiroko Kurihara**, a former business owner (Artist Collective), who was displaced from the 25th St. Arts District due to a 48% rent increase and couldn't stay for the remainder of the meeting. Ms. Schiff read the following comments: the loss of authentic art and artisans, now mostly San Francisco transplants; the 2015 anti-displacement strategies that include cultural easements to replace displaced artist affordable spaces and bring back artists of color; parking should be eliminated and replaced with better art uses; the loss of maker spaces in Oakland; the cumulative impact of multiple projects, including several from Signature, that have been just under the square footage that would trigger additional community benefits; an Arts District should demand high-level architectural design, not stucco boxes set back on top of existing facades; and there are plenty of other spaces in Oakland to accommodate a plan like this.

Naomi Schiff, OHA – continued with her own comments. There is a serious conflict of use developing between this project and the Downtown Oakland Specific Plan, which has been waving the Arts and Garage District around as a wonderful flagship while at the same time, projects like this are destroying it. Signature Properties is not developing this in isolation, they have developed various structures in this area. Their activities have added good commercial and residential space, but there is a very steep cost to the sense of place and the historic aspects of the neighborhood. The DEIR must address the cumulative losses in a more realistic manner. While each separate project has been put forward as having very minor effect, cumulatively there is a much larger impact and now we are staring at a neighborhood where the context is Signature and the outliers are Oakland's urban fabric in this Area of Primary Importance.

Daniel Levy, OHA – we are very concerned about this environmental document and feel this analysis is inadequate. We ask you, the Landmarks Board, to request revisions in the following areas. We find the analysis that there are *no* effects to individual resources or the district insufficient. Demolishing two buildings, removing all but the exterior walls of two other buildings, which affects 20% of the entire District and character defining features, how is this not significant? One of the buildings is rated 'C' with a potential for a 'B' rating if restored. If this project proposes to restore what's remaining of this building, should it be evaluated as a 'B'? The ratings are quite old (1985), should the ratings also be re-evaluated? We urge the Landmarks Board to provide comments and support the insufficiency of this report, due to the demolition of 18% of the District's building interiors, cumulative impacts, and no mitigations.

Mary Harper, OHA – supports both Naomi's and Daniel's objections. There's a real inconsistency about the art and cultural space. Adding three containers is like an after-thought, perhaps shows what Signature thinks about the art space. Containers in the summer might not be a good work space.

BOARD COMMENTS/QUESTIONS - **BM Lenci** – asked for an explanation from ESA of the conclusion that impacts are not cumulative,. Given that two of the contributing properties would be non-contributors after this project, what is the percentage of contributing buildings that would remain?

Becky Urbano, Senior Technical Reviewer, Environment Science Associates (ESA) – for the cumulative analysis, our geographic scope was any project within the API or immediately adjacent to the API, both past and reasonably anticipated future projects. Those were the projects that we looked at for the cumulative effects. We came to the conclusion that the percentage of loss related to this project was not great enough to decrease the eligibility of the API for listing on the National Register. **Chair**

Komorous – what number would decrease it then, since you’re saying the percent is not significant? Is there a set percent? **Urbano** – there’s not a defined percent, you’ll find no guidelines that say it must be 50% or 40%. Part of our analysis was looking at the location and the visibility of the project when complete. We looked at the documentation from the Oakland Cultural Heritage Survey and how the District was originally envisioned and then compared that to its current state. The heart of the District runs along 25th St., that was also a consideration for looking at the overall impact. There is a more in-depth look at the changes to the District (Appendices D-1) that have occurred since it was initially documented in 1985 and that played into our analysis as well.

Chair Komorous – OHA’s letter makes a good point that the DEIR insufficiently looked at the impact of combined cumulative development . What continues to be troubling about these EIRs, one becomes precedent for another. In the presentation, we were told that the storefront wasn’t even part of the retained façade, so there’s very little left that we’re seeing. Yet we’re told that does not constitute demolition. The interiors of all these buildings are being demolished and their function changed. Considering we’re demolishing garages to build garages, maybe that should be considered in more detail in the alternatives. **Lind** – asked for clarification of the Chair’s last comment and if any other Board Members agreed.

Chair Komorous – much is being demolished, there should be mitigations, and the project sponsor should be required to pay into funding for historic resources as part of the mitigation. I agree with OHA’s letter on insufficiency of the alternative analysis. The overall issue is that the historic fabric is being reduced and we’re being told that there’s no impact. We’ve heard from ESA that quite a bit is being lost. That’s their call, or you can make the opposite call.

BM Rice – has concerns regarding the cumulative effects on the District and asked for an exhibit that indicates each contributing building, noting the buildings that are being removed from contributing status. From the origin of the District (not just for this project), it would be useful to see what the impact of this project is on the continuity of the District. **BM Johnson** – agrees with the comments heard tonight and is also very concerned with the demolition and erosion of the historic fabric of the area. There’s concern anytime you’re trying to demolish any building in an API. It should not be taken lightly and there should be an exhaustive effort to see what can be done to preserve it.

Chair Komorous – asked the Board for a motion on the following: The Landmarks Board requests that the Planning Commission take under consideration the comments made by the Landmarks Board regarding the content of the Draft EIR. **BM Rice – so moved the motion. BM Johnson – seconded.**

Jordan Flanders, Deputy City Attorney – made a minor point of clarification on the motion. Because you are not agreeing on all the comments, you’re making comments as individual Board Members. Could you add in the motion, that the Planning Commission consider the comments made by the Landmarks Board Members rather than the Landmarks Board as a body.

Chair Komorous – asked for a friendly amendment to the previous motion: The Landmarks Board requests that the Planning Commission take under consideration the comments made by the **‘individual Board Members’** regarding the content of the Draft EIR.

BM Lenci – moved the motion. BM Rice – seconded. PSR French – did a roll call/ vote:

4 ayes – 1 abstain – 2 absentees. Secretary August – motion passes.

ANNOUNCEMENTS – Secretary August – City Council is meeting tomorrow, 5/24/22 at 1pm. There is a proposal, Item #5, for on-call Planners, waiving the City’s normal local and small business program requirements, which may or may not impact their review of Historic Resources. For more information, please go to the City’s website www.oaklandca.gov and search “city council meetings”.

Chair Komorous – this is a great concern to us, the LPAB. Does this mean that the City, instead of using Planners that are staff, would be using these Planners as needed resources, who may not necessarily come from Oakland? Would there be no oversight and how aware would those Planners be about our historic preservation issues? We could ask our esteemed Secretary for guidance and to forward a memo to the City Council on our behalf saying we have reservations and concerns about how this on-call system of hiring Planners would be administered. **Secretary August** – there could be two primary ways of participating. One would be to attend the meeting and make comments and another would be to send me your comments in an email so I could pull them together and submit them to the public body. **BM Johnson** – said he will attend the City Council meeting tomorrow and gather more information on the scope, how this is going to be managed, what type of work these folks are going to be doing, and what effect it’s going to have.

Both Chair Komorous and Secretary August thanked **BM Johnson** for attending the City Council meeting and voicing his comments/concerns on the historic preservation issues. **Chair Komorous** – asked the other Board Members to reach out to our Board Secretary and we can have a follow-up on this item at our next LPAB meeting.

UPCOMING – None

APPROVAL OF MINUTES – April 4, 2022 **BM Johnson** – made a motion to approve the minutes. **BM Lenci** – seconded. **PSR French** – did a verbal vote; **4 ayes, 1 abstain, 2 absentees.**
Secretary August – motion passes.

ADJOURNMENT – 6:54pm

NEXT REGULAR MEETING: June 13, 2022

Minutes prepared by: **LaTisha Russell**