

March 12, 2012

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:	Scoping session, as required by CEQA, for a Draft Environmental Impact Report (DEIR) on the Lake Merritt Station Area Plan, including the reception of public comments pertaining to cultural and/or historic resource issues that should be addressed in the Lake Merritt Station Area Plan.
Applicant:	City of Oakland
Case File Number:	ZS11225, ER110017
General Plan:	Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use
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:	An Environmental Impact Report will be prepared as part of the Lake Merritt Station Area Plan. A Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) will be issued on March 1, 2012.
Historic Status:	The Plan Area includes cultural/historic resources that 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; and Landmark properties.
Service Delivery District:	Metro, 3
City Council District:	2, and a small portion of 3
Status:	A Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) will be issued on March 1, 2012, and the public comment period on the NOP ends on April 1, 2012.
Action to be Taken:	Receive public and Board member comments on the scope of the DEIR, including what information and analysis should be included pertaining to cultural and/or historical resource issues. No decisions will be made on the project at this hearing.
Finality of Decision:	N/A
For Further Information:	Contact project planner Christina Ferracane at 510-238-3903 or cferracane@oaklandnet.com . Project message line: 510-238-7904 Project email address: Lake_merritt_plan@oaklandnet.com , Project website: http://www.business2oakland.com/lakemerrittsap

SUMMARY

The City of Oakland is preparing a Lake Merritt Station Area Plan (Station Area Plan) and related Environmental Impact Report (EIR) for the approximate half-mile area surrounding the Lake Merritt Bay Area Rapid Transit (BART) Station that will provide a roadmap for how the area develops over the next 25 years.

A Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was published on March 1, 2012. It is anticipated that the proposed project would likely result in significant environmental effects to the following: Noise, Energy, Greenhouse Gases and Global Climate Change, Air Quality, and Transportation and Traffic. It is further anticipated that the project could potentially result in significant environmental effects to the following: Land Use and Housing, Public Services, Parks and Recreation, Cultural and Historic Resources, Aesthetics, Biological Resources, Geology and Soils, Utilities and Service Systems, Hazards and Hazardous Materials, and Hydrology and Water Quality. All of the above environmental factors will be analyzed in the EIR.

The purpose of this Landmarks Preservation Advisory Board (LPAB) public hearing is to receive comments on the scope of the contents of that DEIR. A scoping session will also be held before the Planning Commission on March 21, 2012. The public comment period on the scope of the DEIR ends on April 1, 2012.

It is important to note that because the Lake Merritt Station Area Plan EIR will be a programmatic document under the California Environmental Quality Act (CEQA), it will not necessarily provide clearance for a later activity that would have effects that were not examined in this Program EIR. Thus, for every future development project in the Planning Area that may cause significant effects on the environment that were not adequately addressed in the Program EIR, including those effects on a CEQA historic resource, there would need to be site-specific CEQA review, and the level of CEQA review will depend on the particular project.

BACKGROUND

The Lake Merritt Station Area planning process offers an important opportunity for the community to engage in discussions about how the area should develop into the future. The Station Area Plan aims to develop a coordinated vision for new development, transportation and open space improvements, and general quality of life gains that balances Citywide and neighborhood priorities, and builds on the area's existing vibrancy and potential catalyst development projects.

The LPAB was briefed on the Draft Preferred Plan (the basis for the upcoming Draft Station Area Plan) at its January 9, 2012 meeting. The staff report and meeting minutes for that meeting are included as ***Attachment A and B***, respectively, of this report.

Copies of both the Draft Preferred Plan and the Notice of Preparation (NOP) (also included as ***Attachment C***) were made available to the Board under separate cover, and are available to the public:

1. Electronically, at the project website: <http://www.business2oakland.com/lakemerrittsap> (under the section called 'Reports')
2. Printed reference copies, at the Oakland Asian Cultural Center (388 9th Street), the Lincoln Square Recreation Center (250 10th Street) and the City of Oakland Planning Department (250 Frank Ogawa Plaza, Suite 3315).

PROJECT DESCRIPTION

The Station Area Plan will be a long-term document consisting of written text and diagrams that express how the area should develop into the future and will identify key actions the City and the other entities should take to improve the area. The Station Area Plan, similar to a Specific Plan, will cover land use, development density, circulation and infrastructure, and have legal authority as a regulatory document. It will contain elements required of Specific Plans, such as:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the proposed improvements.

The Station Area Plan will include land use changes that seek to reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods; and to create an activity core around a rejuvenated Lake Merritt BART station. Simultaneously, the Plan will reinforce and integrate the cultural and recreational resources that make this transit station unique. The Plan will look at ways in which streets, open spaces, and other infrastructure in the area can be improved, and will establish regulations for development projects that further the area's vitality and safety. The Plan will contain policies addressing a wide range of topics, including:

- Land Use;
- Building Design Standards and Guidelines;
- Open Space and Recreational Facilities;
- Streetscape Design, Character, and Improvements;
- Cultural and Historic Preservation;
- Circulation, Access, and Parking (including BART Access Improvements);
- Community Resources, including an Affordable Housing Strategy;
- Economic Development;
- Utilities and Public Services;
- Infrastructure Financing and Phasing; and
- Implementation.

Additional information on proposed policies and programs related to Historic Resources are included in ***Attachment A and B*** (the January 9, 2012 LPAB Staff Report and Meeting Minutes on the Lake Merritt Station Area's Preferred Plan).

ENVIRONMENTAL REVIEW PROCESS

The City has determined that a Program EIR is required for the *Lake Merritt Station Area Plan*. An EIR is a decision-making tool and a structured information gathering process that is used to determine the potential environmental impacts from a proposed project, policy, program, or regulation. EIRs study a

maximum development envelope, which can then be pared down in the study of alternatives. The EIR process also determines mitigation measures to any potential environmental impacts that are identified.

A Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was published on March 1, 2012. It is anticipated that the proposed project would likely result in significant environmental effects to the following: Noise, Energy, Greenhouse Gases and Global Climate Change, Air Quality, and Transportation and Traffic. It is further anticipated that the project could potentially result in significant environmental effects to the following: Land Use and Housing, Public Services, Parks and Recreation, Cultural and Historic Resources, Aesthetics, Biological Resources, Geology and Soils, Utilities and Service Systems, Hazards and Hazardous Materials, and Hydrology and Water Quality. All of the above environmental factors will be analyzed in the EIR.

The Draft EIR will also examine a reasonable range of alternatives to the Project, including the CEQA-mandated No Project Alternative, and other potential alternatives that may be capable of reducing or avoiding potential environmental effects.

It is important to note that because the Lake Merritt Station Area Plan EIR will be a programmatic document under the California Environmental Quality Act (CEQA), it will not necessarily provide clearance for a later activity that would have effects that were not examined in this Program EIR. Thus, for every future development project in the Planning Area that may cause significant effects on the environment that were not adequately addressed in the Program EIR, including those effects on a CEQA historic resource, there would need to be site-specific CEQA review, and the level of CEQA review will depend on the particular project.

It should also be noted that the details of the Station Area Plan do not have to be finalized when the EIR process begins, since doing so would remove the value of the EIR information gathering process. The EIR will serve as an additional tool to inform the ongoing community discussion on the details in the Station Area Plan, and can direct the modification of proposed policies and programs in the Plan that would help to mitigate potential environmental impacts.

Cultural and Historic Resources CEQA Thresholds

To help clarify and standardize analysis and decision-making in the environmental review process, the City of Oakland has established CEQA Thresholds of Significance Guidelines.

These Thresholds are used in conjunction with the City's Standard Conditions of Approval, which are incorporated into projects regardless of a project's environmental determination. As applicable, the Standard Conditions of Approval are adopted as requirements of an individual project when it is approved by the City and are designed to, and will, substantially mitigate environmental effects.

Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Standard Conditions, the City will determine whether there are feasible mitigation measures to reduce the impact to less-than-significant levels in the course of the DEIR study.

Related to historic resources, the City of Oakland's CEQA Thresholds state that a project would have a significant impact on the environment if it would:

Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5 Specifically, a substantial adverse change includes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be "materially impaired." The significance of an historical resource is "materially impaired" when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance

and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);

Definition of Historic Resources

Oakland's Local Register of Historical Resources, are defined as:

- All Designated Historic Properties (Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties; and
- Those Potential Designated Historic Properties (PDHP) that have an existing rating of "A" or "B" or are located within an Area of Primary Importance.

For purposes of CEQA, historic resources would also include:

- A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources;
- A resource identified as significant (e.g., rated 1-5) in a historical resource survey recorded on Department of Parks and Recreation Form 523;
- A resource that meets the criteria for listing on the California Register of Historical Resources; and
- A resource that is determined by the Oakland City Council to be historically or culturally significant, even though it does not meet the other criteria listed above.

Estimating Development Potential

In order to make an assessment of the type and amount of development that might occur in the Lake Merritt Station Area, opportunity sites for development have been identified through the planning process. The identified opportunity sites, shown in Figure 1-7 of the Draft Preferred Plan, are the mostly likely to be redeveloped over the long-term (25 years). These are mostly vacant sites or parking lots, with a low value of improvements relative to land value, and some of them have already been identified as sites for development (for example, property owned by BART; or property owned by Alameda County, as identified in their Real Estate Master Plan). The development potential identified for each opportunity site, shown in Figure 3-1 of the Draft Preferred Plan, will be refined based on a variety of factors, including market dynamics, building feasibility and Draft Plan policies.

An analysis was made of the 47 opportunity sites in the Draft Preferred Plan to determine whether there are lots or buildings which are on the Local Register of Historic Resources. Based on this analysis, and as illustrated in ***Attachment D***, it was determined that the sites identified as most likely to develop in the next 25 years do not include any Historic Resources. ***Attachment E*** shows just the Opportunity Sites.

Considerations

The DEIR will consider whether implementing the *Lake Merritt Station Area Plan*, and specifically, whether new development on any of the identified opportunity sites, would "cause a substantial adverse change in the significance of a historical resource". It will also examine the potential for the City's Standard Conditions of Approval to mitigate any potential effects to a "less than significant" level, including the following:

1. SCA-56: Compliance with Policy 3.7 of the Historic Preservation Element (Property Relocation Rather than Demolition):

"Prior to issuance of a demolition permit, the project applicant shall make a good faith effort to relocate the building to a site acceptable to the Planning and Zoning Division and the Oakland Cultural Heritage Survey."

2. SCA-57 Vibrations Adjacent to Historic Structures:

“Prior to issuance of a demolition, grading or building permit, the project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage the (Historic Structure) and design means and methods of construction that shall be utilized to not exceed the thresholds.”

The DEIR would also identify policies in the Oakland General Plan which *already* protect historic resources, including the following:

1. **Objective 2 - Historic Preservation Element: “Preservation Incentives and Regulations”** (see page 69 of IS):
 - Policy 2.1 “Preservation Incentives and Regulations” Policy
 - 2.6 “Preservation Incentives”
2. **Policies of the Land Use and Transportation Element** (see page 69-70 of IS), specifically policies:
 - N9.8 “Preserving History and Community”
 - D1.1 “Defining Characteristics of Downtown”
 - D2.1 “Enhancing the Downtown”

The DEIR would also consider previous mitigation measures, including those identified in the Environmental Impact Report for the *Land Use and Transportation Element* of the Oakland General Plan.

Moreover, the Oakland Planning Code, in Section 17.136.075, has special regulations to discourage the demolition or removal of Designated Historic Properties (DHPs) and Potentially Designated Historic Properties (PDHPs). Also in the Planning Code, in Section 17.136.070, are special design review procedures for designated landmarks.

All of these considerations– Oakland General Plan policies, Zoning Code regulations, Municipal Code regulations, Standard Conditions of Approval, and existing mitigation measures –will be reviewed when determining the potential environmental impacts of the Lake Merritt Station Area Plan.

NEXT STEPS

As mentioned earlier in this report, a scoping session will also be held before the Planning Commission on March 21, 2012. The public comment period on the scope of the DEIR ends on April 1, 2012.

The feedback received at the January 9th LPAB meeting on the Draft Preferred Plan will be addressed in the Draft Station Area Plan. The Draft Station Area Plan and Draft EIR will be prepared, circulated and presented to the Planning Commission and other public bodies (including the LPAB). Then a Final Station Area Plan and Final EIR will be reviewed and certified by the Planning Commission and other public bodies (including the LPAB), before final Plan adoption by City Council, tentatively in December 2012.

RECOMMENDATIONS:

Staff requests the Landmarks Preservation Advisory Board to:

- (1) Receive comments from interested citizens on the scope of the contents of the Draft Environmental Impact Report on the Lake Merritt Station Area Plan; and
- (2) Provide Board member comments on the scope of the contents of the Draft Environmental Impact Report on the Lake Merritt Station Area Plan.

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Approved for forwarding to the
Landmarks Preservation Advisory Board:

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Director of Planning, Building and Neighborhood Preservation

ATTACHMENTS:

- A. January 9, 2012 LPAB Staff Report
- B. January 9, 2012 LPAB Meeting Minutes
- C. Notice of Preparation for Lake Merritt Station Area Plan EIR
- D. Map of Opportunity Sites and Historic Resources
- E. Map of Opportunity Sites

January 9, 2012

Location:	Lake Merritt Station 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:	The City is preparing a Lake Merritt Station Area Plan (Station Area Plan) and Environmental Impact Report (EIR) for the area surrounding the Lake Merritt BART Station that will provide a roadmap for how the area develops over the next 25 years. At this meeting, staff will present the historic resource concepts contained in the Draft Preferred Plan, which will become the basis for the Draft Station Area Plan and studied in the EIR.
Applicant:	City of Oakland
Case File Number:	ZS11225, ER110017
General Plan:	Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use
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
Environmental Determination:	An EIR will be prepared as part of the Lake Merritt Station Area Plan.
Historic Status:	The Plan Area includes several Areas of Primary Importance; Areas of Secondary Importance; properties individually rated A, B, C, D; and Landmark properties. Historic resources are described herein as well as in the Existing Conditions Report and the Preferred Plan for the Lake Merritt Station Area.
Service Delivery District:	Metro, 3
City Council District:	2, and a small portion of 3
Status:	Ongoing
Action to be Taken:	Recommendations to City Council
Staff Recommendation:	Provide feedback on the Draft Preferred Plan, which will be the basis for the Draft Lake Merritt Station Area Plan and studied in the Environmental Impact Report
Finality of Decision:	N/A
For Further Information:	Contact project manager Ed Manasse at 510-238-7733 or emanasse@oaklandnet.com . Project message line: 510-238-7904 Project email address: Lake_merritt_plan@oaklandnet.com , Project website: http://www.business2oakland.com/lakemerrittsap

SUMMARY

The City of Oakland is preparing a Lake Merritt Station Area Plan (Station Area Plan) and related Environmental Impact Report (EIR) for the area surrounding the Lake Merritt BART Station that will provide a roadmap for how the area develops over the next 25 years. See **Attachment A** for a map of the Station Area that is generally bounded by I-880 to the south, 14th Street to the north, Broadway to the west and 5th Avenue to the east, and that includes the Chinatown business and residential district, the Laney College and Peralta facilities, Alameda County Courthouse and other County offices, the Oakland Public library, the Oakland Museum of California, the building currently occupied by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), and a portion of the East Lake district.

This report presents concepts contained in the Draft Preferred Plan related to historic resources.

Attachment B contains the Draft Preferred Plan historic resources section. The Draft Preferred Plan is the result of an ongoing community planning process and comprehensive outreach effort that is being guided by community stakeholders representing a broad cross-section of the community.

Staff would like to solicit preliminary input from the Landmarks Preservation Advisory Board on the concepts included in the Draft Preferred Plan. The Draft Preferred Plan concepts were also recently presented to the Parks and Recreation Advisory Commission (PRAC), and the Bicycle and Pedestrian Advisory Committee (BPAC).

Feedback heard at the advisory body meetings, the Planning Commission, and the City Council will be incorporated into the Draft Station Area Plan for which an Environmental Impact Report (EIR) will be prepared. The Draft Station Area Plan, its related EIR, and any necessary updates to the Oakland Planning Code and General Plan, will once again be presented to the Planning Commission and other public bodies before final adoption by City Council, tentatively in December 2012.

BACKGROUND

The Lake Merritt Station Planning Area functions as a significant citywide and regional center, with various existing hubs of activity, such as the Lake Merritt BART Station, the vibrant retail and residential core of Chinatown, Laney College, the Oakland Museum, Alameda County Offices, and the recreational amenities of the Estuary, Lake Merritt, and the Lake Merritt Channel. The community includes many diverse residents, students, employees and business owners.

The Station Area planning process offers an important opportunity for the community to engage in discussions about how the area should develop into the future. The Station Area Plan aims to develop a coordinated vision for new development, transportation and open space improvements, and general quality of life gains that balances Citywide and neighborhood priorities, and builds on the area's existing vibrancy and potential catalyst development projects.

The Draft Preferred Plan, which will be the basis for the Draft Station Area Plan, builds on community feedback, local and regional goals for Transit Oriented Development, and projects or planning processes completed over the past several years in the Planning Area, including the 2006 *Lake Merritt BART Station Final Summary Report*, the 2004 *Revive Chinatown Community Transportation Plan*, and the *Measure DD funded Lake Merritt and Lake Merritt Channel Improvements*, among others.

Community Outreach

Community outreach for the Station Area planning process began in 2008 through the *Lake Merritt BART Station Area Community Engagement Process*, conducted by Asian Health Services and other community-based organizations, in partnership with the City of Oakland. This process included four public meetings, research into the history of the planning area and a Needs Assessment Survey that analyzed the needs of over 1,400 residents, workers, visitors, students, businesses and BART users about the experiences and desires for the Lake Merritt BART Station Area.

Additional public outreach has included community workshops (staff convened four community workshops, each attended by over 200 people and facilitated in English, Cantonese, Mandarin and Vietnamese, to discuss the issues and develop or review concepts), stakeholder group meetings, focus groups, surveys, and print and web materials that integrate multilingual outreach. The ongoing outreach process has been designed to ensure authentic participation by both traditionally well-organized groups, such as local business improvement associations, homeowners, community based organizations and developers, as well as traditionally underrepresented lower-income, renter, and non-English speaking communities.

PROJECT DESCRIPTION

The Station Area Plan will be a long-term document consisting of written text and diagrams that express how the area should develop into the future and will identify key actions the City and the other entities should take to improve the area. The Station Area Plan, similar to a Specific Plan, will cover land use, development density, circulation and infrastructure, and have legal authority as a regulatory document. It will contain elements required of Specific Plans, such as:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the proposed improvements.

The Draft Preferred Plan begins to articulate the policies, projects, regulations and projects that will be necessary to guide the future of this area, and which will become the basis for the more specific proposals included in the Draft Station Area Plan.

The Draft Preferred Plan is reflective of the vision and goals that emerged during the community outreach process and which are summarized here (see **Attachment C** for the vision and goals guiding the Station Area planning process):

- Create an active, vibrant and safe district;
- Encourage services and retail;
- Encourage equitable, sustainable and healthy development;
- Encourage non-automobile transportation;
- Increase and diversify housing;
- Encourage job creation and access;
- Identify additional open space and recreation opportunities;
- Celebrate and enhance Chinatown as an asset and a destination;
- Model progressive innovations (i.e., economic, environmental, social).

The development of a Station Area Plan presents an opportunity for the City of Oakland to unlock the promise of the Lake Merritt BART station area as a new node for vibrant, high-density Transit-Oriented Development (TOD). The Plan Area's central location, proximity to transit and existing population density will support and provide a unique synergy with the new TOD. However, the community will have to grapple with the new challenges associated with TOD such as issues around new building compatibility with the existing neighborhood and strategies to preserve and enhance existing historic resources. Addressing these and other key issues will be paramount to the long-term success of the Plan.

The Vision/Goals specific to historic resources are as follows:

- Preserve, celebrate, and enhance the historic cultural resources and heritage of Chinatown as a regional anchor for businesses, housing, and community services, and highlight cultural and historic resources in the planning area through signage (both wayfinding signage and by developing sign regulations that allow the display of items in store windows), historic walks, and reuse of historic buildings. Ensure that public services and spaces proposed preserve and reflect the cultural history and aspects of Chinatown's historic geography.

- Encourage restoration of designated historic structures that would achieve priority Chinatown and/or City goals.
- Consider a cultural heritage district or related tools for preserving, enhancing, and strengthening Chinatown.
- Make connections to the Historic Jack London Warehouse District as a key asset in the Planning Area.

These goals will shape the decisions related to treatment of historic resources.

The Draft Preferred Plan estimates that between 3,621 and 5,560 new housing units, up to 5,755 new jobs, and up to 392,790 square feet of additional retail, and up to 2,033,277 square feet of office will be created in the Planning Area by 2035. It also identifies near-term and long-term improvements related to public safety, recreational and open space opportunities, transportation and lighting.

The Draft Preferred Plan proposes land use changes in the station area that are intended to reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods. By potentially increasing residential and commercial density, this Plan will seek to create a core of beneficial activity around a rejuvenated transit station. Simultaneously, the Plan will seek to reinforce and integrate the cultural and recreational resources that make this transit station unique, including Laney College, the Oakland Museum, and Lake Merritt and Channel Parks.

Overall, the Plan seeks to link the existing unique destinations located within the Plan Area into a series of distinct hubs of activity: the Chinatown hub, the BART Station/Laney College/Oakland Museum (educational/cultural/entertainment) hub and the East Lake Gateway hub. Future improvements will enhance both the existing destinations within each hub, as well as the connections between hubs. The hubs will be linked together and to adjacent neighborhoods and the rest of the city and region by east/west and north/south corridors and the Lake Merritt BART Station.

The entire Draft Preferred Plan is available on the project webpage:

<http://www.business2oakland.com/lakemerrittsap> under the “Reports” section. Historic Resources are covered in Chapter 8, section 8.2.

To best respond to the nuanced character differences throughout the Planning Area, the Draft Preferred Plan divides the Planning Area into seven study areas and includes a specific vision for each:

- (1) 14th Street Corridor – enhance city wide connectivity, activate with more retail, residential and institutional uses,
- (2) East Lake Gateway – balance increased vitality and safety with new public benefits such as open space and better linkages,
- (3) Laney/Peralta – maintain as a community asset with an increased hub of activity,
- (4) I-880 – improve pedestrian connections between the Jack London District and areas north of the I-880 freeway,
- (5) BART Station Area – redevelop to activate the area in the vicinity overall
- (6) Chinatown Commercial Center – develop intense commercial and residential uses that are sensitive to the existing fabric
- (7) Upper Chinatown – intensify with uses including commercial, retail and residential.

Completing the environmental review process is also a critical component of the planning process, so that issues are resolved and development can proceed by tiering off the environmental analysis. Under the California Environmental Quality Act (CEQA), a Station Area Plan is considered a project, thus requiring an EIR be completed in conjunction with the plan. An Environmental Impact Report is a detailed analysis of the environmental effects of a plan or development project. The EIR for the Lake Merritt Station Area

Plan will identify alternatives to the proposed project and presents ways to reduce or avoid environmental damage. This review will include the identification of historic resources under CEQA.

PRESENCE OF KNOWN HISTORIC RESOURCES

The Oakland Cultural Heritage Survey (OCHS) rates historic resources such as Landmarks, Areas of Primary Importance and Secondary Importance, and Local Register properties, the presence of each of which is described below. The Planning Area's historic buildings range from those of highest ("A" rating) and major ("B" rating) importance to those of secondary and minor importance ("C" and "D" ratings). **Attachment D** shows all of the historic and potentially historic properties, including individual buildings with ratings of level A to D and areas of both primary and secondary importance. **Attachment E** presents an excerpt from the Lake Merritt Station Area Plan Existing Conditions Report that includes an inventory of the Plan Area historic resources.

Landmarks

The Plan Area contains seven (7) Landmark buildings, Oakland's highest level of recognition of historic significance. Such properties exhibit extraordinary historical or architectural value and which are clearly eligible for the National Register of Historic Places. These include the Kaiser Convention Center, Lincoln Park, Oakland Hotel, the Post Office, the Oakland Museum of California, 801-33 Harrison Street (originally the Hebern Electric Code Co. Factory & Office Building), and the Chinese Presbyterian Church at 265-73 8th Street.

Areas of Primary Importance and Secondary Importance

A total of eight (8) Areas of Primary Importance, or API historic districts that appear eligible for the National Register of Historic Places are within or partially within the Plan Area. They range in size from two parcels to multiple blocks and over 100 parcels. The eight (8) API districts in the Plan Area are:

- Lake Merritt District,
- Coit,
- Chinatown Commercial District,
- 7th Street/Harrison Square Residential District,
- King District,
- Real Estate Union Houses,
- Lakeside Apartment District, and
- Downtown District.

The ***Chinatown Commercial District***, wholly within the Plan Area, is exceptional due to its historical and architectural importance. Numerous events and actions have made the district the East Bay's focus of continuous Chinese residential, institutional, and commercial occupation. The City's 1985 Historic Resources Inventory rated 29 buildings in the district as contributors (i.e., they reflect the API's principal historical or architectural themes). The inventory rated three buildings as Highest Importance historic resources and as primary contributors to the district, two of which are designated Historic Landmarks.

The ***7th Street/Harrison Square Residential District*** consists of properties along roughly five blocks of 7th Street within the Plan Area and is almost entirely residential with one park. Part of the northern boundary of the district is across from Madison Park and the two blocks owned by BART. The district is a 19th early 20th century neighborhood, generally unified in scale, apparent density, use and relationship of buildings to lots. Almost all homes are one- to three-story houses on small lots with high raised basements, pitched roofs and tall floor heights characteristic of 19th century houses.

Other APIs wholly within the Plan Area include the ***King District*** and the ***Real Estate Union Houses***, both of which are relatively small. These two smaller districts are still intact. There are also several Areas

of Secondary Importance, or ASI (locally significant historic districts that do not appear eligible for the National Register of Historic Places) and Local Register properties (properties that have an existing rating of “A” or “B” or contribute or potentially contribute to an Area of Primary Importance).

KEY ISSUES AND IMPACTS

(i) Compatible Development

Issue

The identified “Development Opportunity Sites” in the Plan Area are scattered throughout the existing neighborhoods and districts surrounding the Lake Merritt BART Station. One of the challenges of this planning effort is to develop strategies for compatible integration of new high-density development into the existing context. The goal is to create an interesting and fine-grained urban fabric that provides transitions, preserves character, includes a sense of place and history, and provides great visual interest.

Strategy

The creation of Design Review Guidelines for new development in historic districts or adjacent to historic resources will help to ensure compatible development. These guidelines will be developed in more detail in the next phase in the planning process, but are envisioned to include guidance related to transitions between existing historic resources and new development, including height, building form, roof pitch, scale of parcelization, character reinterpretation and façade articulation with respect to scale and proportions. Streetscape design standards will also be developed in the Draft Area Plan to ensure street improvements complement historic buildings as part of a pedestrian-oriented environment. **Attachment F** presents an excerpt of Chapter 4 of the Preferred Plan that includes building standards and design guidelines (p. 4-15).

Setting appropriate height limits is also a critical component of ensuring new buildings respect the context of their surroundings. **Attachment F** includes a draft height map (page 4-14, Figure 4.5).

Concerns

Staff has received comments on the Draft Preferred Plan that express concern that the proposed historic design guidelines will not be effective enough to ensure that new development fits in with the existing neighborhoods.

Staff Response

The existing density and height of buildings in the Plan area are generally much less than what the existing Central Business District (CBD) zoning in the area allows, indicating that there is significant potential for growth in the Planning Area from a regulatory standpoint. The intent of the draft Preferred Plan is to accommodate future high density development in the area while also respecting the existing urban fabric.

The draft Preferred Plan proposes to regulate building height and massing at two levels:

- The first is “**Base height**” – which is generally defined as that portion of a building immediately above finished grade to the maximum height allowed before a setback or reduction in building mass is required. The current proposal sets the maximum allowed base heights as either 45 feet or 85 feet, depending on the existing context and proximity to downtown and the BART station. (In contrast, the existing CBD regulations allow base heights of 55 feet, 85 feet, or 120 feet in the planning area). A base height of 45 feet has been proposed for much of the Plan Area in order to help new buildings relate to existing lower-scale development.
- The second is “**Total tower height**” – this refers to any building area constructed over the *building base* and is the maximum height allowed. Tower height regulations will most likely include massing standards such as: a) maximum average area of floor plates, b) maximum building length, c) maximum diagonal length, and d) minimum distance between towers on the same lot. Towers will also be subject to various other guidelines and standards. Where towers are

permissible, the maximum tower heights range from 175 to 400 feet. Consistent with current regulations, there is an area adjacent to the Downtown core that has no total height limit. The institutional area surrounding Laney College is the only area that allows towers and does not have a base height.

It is staff's opinion that the application of these detailed height and massing regulations, in combination with the use of historic resource Design Review Guidelines, will help ensure compatible development in the Plan Area.

(ii) Height limits for the 7th Street Historic District API

Issue

Existing building heights in the 7th Street Historic District API are generally 1- to 3- stories, and the neighborhood is primarily composed of pitched-roof houses. This API is directly across the street from the Lake Merritt BART blocks, which raises the issue of how to regulate the intensity of new development.

Strategy

Unlike existing CBD regulations which allow an 85-foot base height and a total tower height of 275 feet in this API district, the proposed height map in the Draft Preferred Plan includes a height limit of only 45 feet for the portion of this API district centered around 7th Street. Appropriate transitions will be included along 6th and 8th Streets, such as lower base heights and tower step-back requirements, to ensure that new development is designed to best fit in with its surroundings.

Concerns

Public comments have been received that recommend a 45 foot height limit with a pitched roof for the entire 7th Street API.

Staff Response

It is staff's opinion that overriding considerations in the Plan that emphasize the buffering qualities of high-density development near the 880 freeway edge and the need for higher densities adjacent to the BART station preclude the extension of this lower height limit to the entire 7th Street Historic District API. While some community comments have expressed a desire to reduce heights to 45 feet throughout the entire API, the increased height along 6th and 8th Streets is warranted to achieve objectives such as buffering the freeway and transforming the station area into a high-density TOD in Oakland's Central Business District.

(iii) Height limits for other historic areas

Issue

The King District API is currently proposed to have an 85-foot base height with an overall height of 400 feet. Existing buildings are one to two stories, except for the 4-story focal building. The District's identifying features include its architecture; height is not its characteristic-defining feature per the 2009 Central Business District rezoning. The Preferred Plan identifies this area as appropriate for incorporating new structures (i.e., towers) on top of the existing historic buildings. The increase in base height and the juxtaposition of the old with the new may compromise the historic integrity of the district.

Strategy

The historic design guidelines will provide guidance on incorporating existing building components into new structures. The incorporation of existing building components ensures that existing buildings maintain their relevance and adapt to changing demands which protects them from becoming obsolete and neglected.

Concerns

Comments received have expressed a concern that the possibility of towers on the existing King District buildings will compromise the integrity of the API District. Other comments urge a more fine-grained height map to address historic areas.

Staff Response

Existing CBD regulations allow an 85-foot base height and *no total tower height limit* in the King District API. The proposed height limits for the King District API are generally consistent with the existing CBD height limits, but include a maximum total height of 400 feet (where no maximum height limit is currently specified for the block). These height limits are intended to encourage the intensification of the King District block and ensure that the existing buildings maintain their relevance and can adapt to changing demands.

(iv) Historic Preservation and Adaptive Re-use

Issue

New development will be introduced into the Plan Area that may put pressure on existing historic resources to convert to the “highest and best” land use.

Strategy

The following strategies can help to incentivize the preservation and reuse of historic properties, rather than the whole-sale conversion or demolition of such properties to make way for new use. These strategies are proposed because the City believes historic preservation offers many important benefits, such as urban revitalization, employment opportunities, cost-effective affordable housing, economic development opportunities, and community identity among others. Here are some strategies for protecting individual historic resources:

- ***Residential Façade Program.*** The City has an existing program in the Central City East Redevelopment Area that offers assistance (via Housing and Redevelopment funds) to homeowners to make improvements to their homes. Even relatively small investments, such as painting, can dramatically improve the lifespan and physical appearance of a building. This program could be expanded to the Central District Redevelopment Area (thus encompassing the entire Planning Area).
- ***Mills Act.*** This is a City program that offers potential property tax reductions in exchange for doing work that will extend the lifespan of historic buildings and/or improve their exterior physical appearance.
- ***Demolition Findings.*** In 2011, the City adopted an ordinance that requires analysis and a threshold of findings be met before a historic resource can be demolished. The findings and submittal requirements vary depending on the significance of the historic resource, but provide protection for contributors to historic districts or Potentially Designated Historic Properties that are rated A, B or C.
- ***State Historical Building Code.*** Provides alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a “qualified historical building or structure.” These standards are intended to save California’s architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings.

In addition to protecting historic resources, the adaptive reuse of historic resources is also encouraged where feasible. Possible strategies include:

- ***Conversion to a Different Use.*** Buildings no longer well-located or well-suited for its original use can be converted to new uses. For example, a large single-family home can be subdivided into multi-family housing. Residential units no longer suitable as homes can become commercial spaces. The Kaiser Auditorium represents a prime re-use option.
- ***Incorporate Existing Low-Scale Development into New Structures.*** This would involve incorporating denser and larger development while preserving the existing low-scale buildings,

and represents one way to finance the preservation of a low-scale building while enhancing the overall character of the district.

- ***Relocation of Historic Buildings.*** Preservation can also be facilitated by the relocation of some of the historic buildings that are scattered throughout the Planning Area into a district with similar character. These buildings could fill in the smaller vacant lots within the existing historic districts. Relocation is already facilitated via a CEQA exemption (City of Oakland Historic Preservation Element, Action 3.8.1.2) and could be further facilitated by establishment of a relocation assistance fund from financial mitigations for significant and unavoidable CEQA impacts on historic resources.

Concerns

There are members of the community that have expressed the concern that landowners of historic properties may speculate about the value of their property, and be willing to hold sites (sometimes across generations) to achieve their long-term objectives (highest price for their property). If landowners expect exorbitant returns for their land, developers may be forced to build projects that “pencil out” rather than projects that preserve or enhance the historic nature of the property.

Staff Response

The strategies introduced above will help to ensure that historic properties are regarded as assets to be enhanced and appreciated rather than overlooked or disregarded.

NEXT STEPS

As described earlier in the report, the feedback received during advisory board review of the Draft Preferred Plan will be incorporated into the Draft Station Area Plan that will be studied via an EIR. The Draft Station Area Plan, any necessary updates to the Oakland Planning Code and General Plan, and the associated EIR will once again be presented to the Planning Commission and other public bodies before final adoption by City Council, which is tentatively scheduled for December 2012.

The Draft Station Area Plan will include detailed policies for each topic, more specific building and streetscape design standards and guidelines, an infrastructure financing and phasing plan, and prioritization and implementation recommendations. In addition, a full Environmental Impact Report (EIR) will be completed for the Plan.

The next public workshop will be held in summer 2012, when key elements of the Draft Area Plan and the EIR will be presented for public input. Then the public review Draft Area Plan and EIR are anticipated to be presented to the Planning Commission and other City advisory bodies for review and comment. Based on this input, a revised public review Draft Area Plan will be prepared and circulated in fall 2012.

RECOMMENDATIONS:

Provide feedback on the historic resource strategies contained in the Draft Preferred Plan for consideration by the Oakland Planning Commission.

Prepared by:

Alicia Parker
Planner II, Strategic Planning

Approved by:

ED MANASSE
Strategic Planning Manager

Approved for forwarding to the
Landmarks Preservation Advisory Board:

ERIC ANGSTADT
Deputy Director, Community and Economic Development
Agency

ATTACHMENTS:

- A. Location Map
- B. Preferred Plan Chapter 8 Excerpt (Historic Resources)
- C. Lake Merritt Station Area Plan Vision and Goals
- D. Historic Resources Map
- E. Existing Conditions Report Chapter 9 Excerpt (Historic Resources)
- F. Preferred Plan Chapter 4 Excerpt (Height and Design Standards)

MINUTES

**LANDMARKS PRESERVATION
ADVISORY BOARD
OAKLAND, CA 94612**

**LANDMARKS PRESERVATION
ADVISORY BOARD MEMBERS:**

**Christopher Andrews
Thomas Biggs
Valerie Garry, Vice-Chair
John Goins III
Mary MacDonald
Anna Naruta, Chair
Daniel Schulman**

**January 9, 2012
Regular Meeting 6 PM**

**City Hall
CITY COUNCIL CHAMBERS
One Frank Ogawa Plaza
Oakland, California 94612**

.....
The Landmarks Board welcomes public comment on all agenda items. The Board requests that speakers limit their comments to no more than three minutes. Correspondence received by the Monday prior to the meeting date will be included in the Board's agenda packet. (See address below.)

ROLL CALL

Present: Andrews, Garry, Goins, Naruta, Schulman. **Absent:** Biggs, MacDonald
Staff Present: Marvin, Pearson. **Absent:** Pavlinec.

OPEN FORUM

Naomi Schiff called for a moment of silence in memory of Sanjiv Handa.

APPROVAL OF MINUTES

(Taken out of order after Action Item) Approval of December 5, 2011, minutes was moved by Garry, seconded by Goins, carried unanimously.

BUSINESS – Action Item

Location:	Lake Merritt Station Planning Area is generally bounded by 14th Street to the north, I-880 to the south, Broadway to the west and 5th Avenue to the east. (See map on reverse, p. 4.)
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	<p>The City is preparing a Lake Merritt Station Area Plan (Station Area Plan) and Environmental Impact Report (EIR) for the area surrounding the Lake Merritt BART Station that will provide a roadmap for how the area develops over the next 25 years. At this meeting, staff will present the concepts contained in the Draft Preferred Plan, including those for land use and open space policies, affordable housing strategy, circulation, access and parking plan, and building height proposals, which will become the basis for the Draft Station Area Plan and studied in the EIR.</p>
Proposal:	
Applicant:	City of Oakland
Case File Number:	ZS11225, ER110017
Planning Permits Required:	N/A
General Plan:	Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use
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:	An EIR will be prepared as part of the Lake Merritt Station Area Plan.
Historic Status:	The Plan Area includes several Areas of Primary Importance; Areas of Secondary Importance; properties individually rated A, B, C, D; and Landmark properties.
Service Delivery District:	Metro, 3
City Council District:	2, and a small portion of 3
Status:	Ongoing
Action to be Taken:	Recommendations to Planning Commission
Staff Recommendation:	Provide feedback on the Draft Preferred Plan, which will be the basis for the Draft Lake Merritt Station Area Plan and studied in the Environmental Impact Report.
Finality of Decision:	N/A
For Further Information:	Contact project manager Ed Manasse at 510-238-7733 or emanasse@oaklandnet.com .
	Project message line: 510-238-7904
	Project email address: Lake_merritt_plan@oaklandnet.com ,
	Project website:
	http://www.business2oakland.com/lakemerrittsap

Planners Christina Ferracane and Ed Manasse presented the staff report. The area planning project began in 2008 with a needs assessment, followed by extensive community outreach and well-attended workshops. The Draft Preferred Plan developed out of this process was now being presented to boards and commissions and City Council for comment. "Land most likely to redevelop" in the plan area was already vacant, notably the numerous parking lots. Historic resources are recognized in the plan's Vision and Goals, notably under Goal 8, Community and Cultural Anchor and Regional Destination. The plan encourages adaptive reuse, protection of individual resources, strengthening connection in districts, interesting and fine-grained new development that respects the historic context, and creation of "cultural heritage districts." Some

height limits were reduced to acknowledge districts that the Central Business District study identified as having height as a character defining feature, e.g. reducing to 45' along 7th Street in the 7th Street-Harrison Square Residential District. Limits were made higher within the district on the side adjoining the BART blocks where taller new buildings were expected.

Public speakers (allowed 8 minutes each):

Naomi Schiff, representing Oakland Heritage Alliance, said OHA supported the Chinatown Coalition comment letter. The whole 7th Street-Harrison Square API should have the 45' height limit – new buildings outside the district should be the ones to make the height transition. King Block should not have a 400' tower added – the alley could be “extremely upscale and charming.” Relocation of buildings is mentioned but no receiving area is identified. Creative uses are possible under the freeways, such as commercial complex of shipping containers in New York. Fire Alarm Building should be classified as Open Space; “proximity to the library means it might have a future use.” Two-way streets promote historic character and “community friendliness.” State Historical Building Code can save owners money. Facade Improvement Program has been partly funded by mitigations, so it can survive the end of Redevelopment, if the City insists on Community Benefits.

Robert Raburn, elected BART director for Area 4: BART needs density around stations so they have more than just commute traffic. BART “intends to fully develop” its two blocks – “of course there’s zero displacement” – but large-scale construction is complicated by the subway, control center, and other uses below ground on those blocks. BART also owns the MTC block which will support conventional construction. BART intends to retain Madison Park and support activities relevant to the Chinatown community such as night markets and community gardens. Residents of the landmark Madison Park Apartments want the area to be safer at night: “now people *flee* when they get off our trains.” BART will issue an RFQ for its blocks next week. To Daniel Schulman’s question whether the proposed heights were appropriate, Raburn said it was it was unlikely the maximum would be built but he would see what the development teams offered.

Joel Ramos of TransForm: As stated by Chinatown Coalition, housing in the area is now 30% affordable and should be kept that way to maintain the diversity of incomes that supports Chinatown’s character and businesses. TransForm supports density and transit-oriented development but sees a need to protect against indirect displacement through speculative development. Inclusion of affordable housing should be a mitigation for building height. Stronger tenant protections are needed. New jobs will be retail and service, and workers need to be able to live locally. Requiring less parking would free up resources for better buildings. Parking maximums, in-lieu fees, and unbundling parking from residential units are options. One-way street are dangerous and out of keeping with the historic character of the area.

Anna Naruta noted that the Landmarks Board’s comments would go to the Planning Commission for its January 18 meeting and that the Board was supposed to have received the comment letters from previous community meetings. Planners Ed Manasse and Christina Ferracane said their presentation had reflected the major concerns, that the letters would be provided to the Board, and that all comments will be addressed.

Board members commented in turn.

Anna Naruta: There has been a request for a workshop for the Community Stakeholder Group on FAR and heights. Work with study results from the Revive Chinatown project, e.g. on one-way streets. Draft Plan lists historic preservation as a Community Benefit: it is not an extra “benefit” or mitigation, it is a statutory requirement. Show boundaries of all APIs and ASIs on all maps to insure that historic context is considered in all decisions. Consultants’ historic study does not

inspire confidence – refer to Willard Chow’s study on how redevelopment has affected affordability, also Chinatown history by Kelly Fong.. Archaeological mitigation plan will be needed. Check timeliness of economic and population projections as recommended by Chinatown Coalition. Need for fine-grain zoning; “new development should provide the transitional heights.” Receiving areas for relocated buildings should be identified. Activate space under freeways. Establish mitigation fees and transfer of development rights. Fire Alarm Building should be Open Space. Opportunity site map bisects cleaner shop at 14th and Jackson. Insure an appropriate use for “amazing King Block” and alley.

Daniel Schulman: Questioned relatively low heights proposed for Laney College parking lot and Area 9 on Franklin Street: Manasse replied that the intent was to match heights across the street on Franklin, and Laney’s height was unchanged from existing. Schulman: “Height isn’t necessarily what puts something out of historic context, it’s a matter of quality.” Higher buildings at 12th and Franklin might take pressure off the rest of Chinatown. The small Areas 2b on 8th Street in the API should be merged into Area 1, and let development on the BART blocks be what it will. TransForm’s discussion of parking and affordability was “not really within the vocabulary of historic preservation” and two-way streets make a lot of sense but shouldn’t be labeled “historical.” As stated in OHA’s letter, explicit historic preservation language should be in the Vision and Goals which now “speak around” preservation. Endorses other OHA points except height limits for BART blocks.

Valerie Garry: Praised the staff report. The Plan must have a more explicit statement about importance of historic resources in the area. Asked for clarification of reference to signs and “displays of items in store windows.” Design guidelines have to be very specific and contextual. Building of towers over existing historic resources such as the King Block is a very controversial practice and a problematic precedent (“if you can’t demolish, drop something on top of it”). It “could compromise the integrity of the district” and is seldom done well. Transfer of development rights would be another way to address low-rise buildings. (Ed Manasse pointed out that the CBD zoning had no height limit at the King Block.)

Chris Andrews: Asked about the relation of the staff report to prior comment letters. Ed Manasse said all comments were being collected and would be taken into account; nothing had yet been dismissed or responded to. Andrews asked as an architect, is massing and height really the only tool to insure compatibility with historic resources – maybe good architecture is another way to respond. The attitude seems to be “with modern technologies and economies ... we can’t make buildings like that anymore so let’s make buildings the same size.” The successful commercial development of the alley behind the 4900 block of Telegraph in Temescal is a model for the King Block but it would “not have that quality” of “tactical urbanism” if surrounded by towers.

Discussion: Anna Naruta objected to the packet containing only excerpts from the Draft Plan plus a link to the full document online, and repeated that the Board had not received the previous community comment letters. It was difficult to comment without complete materials. She proposed that the Board send draft minutes to the Planning Commission as comment, as well as sending a speaker prepared with bullet points for a two-minute presentation.

Daniel Schulman moved – with amendments and input by Valerie Garry, Chris Andrews, and Anna Naruta - that the Board send a representative to the Planning Commission hearing on January 18 to present the following points:

- Larger statement on historic preservation needed in the Vision and Goals
- Inappropriateness of building on top of the King Block
- Request for workshop on height and FAR for the CSG

- Fire Alarm Building should be reclassified as Open Space
- All maps in the plan should show boundaries of APIs and ASIs
- Need for design guidelines carefully tailored to each context to maintain continuity
- Support finer-grained height and context map

Seconded by Valerie Garry, carried unanimously.

Later in the meeting, Valerie Garry moved that Anna Naruta present the above points at the January 18 Planning Commission meeting; Anna Naruta added that the draft minutes of tonight's meeting should also be presented to the Planning Commission. Seconded by Chris Andrews, carried unanimously.

Discussion continued about content and timeliness of meeting materials. Valerie Garry said she had just received the Chinatown Coalition letter by email and could not comment on documents she had not had a chance to read. Was it permissible to consider material that was not in the packet? Anna Naruta said the Community Stakeholders had been told their letters would go to the boards and commissions, her confidence in staff providing information was undermined, "we should reach out to the City Attorney." John Goins was concerned that the selected materials in the packet amounted to "someone deciding for us what the boundaries of this board are." Chris Andrews asked how board members came to receive email directly from the Chinatown Coalition rather than through staff: Betty Marvin explained that Board members' contact information is public record, and Ed Manasse suggested that the CTC may have sent the letter in lieu of appearing in person. Valerie Garry noted that the agenda said the Board would "provide feedback on the Draft Preferred Plan," not on historic preservation excerpts from the plan: what is the purview of this board? Manasse said complete copies would be provided, every comment would be addressed, and the Plan could be agendized at Landmarks Board again. John Goins asked why the Community Stakeholders hadn't been directed to send their comments directly to the Landmarks Board and expressed general concern about process and schedules. Chris Andrews mentioned a presentation on the Brown Act by the City Attorney's office last year, and that the Board was often asked to comment or act on matters without enough time; there should be a manual for boards, and it would be useful to have someone from the City Attorney's office present at some meetings to answer questions. Anna Naruta recalled situations when EIRs that affected historic resources had gone to the Planning Commission without being referred to Landmarks Board: this could jeopardize Oakland's Certified Local Government status with the State Office of Historic Preservation. Staff was directed to contact City Attorney.

BOARD REPORTS

California Preservation Foundation May 2012 Conference Steering Committee Meetings:

LPAB Representative report (Garry). Garry reported that planning continues for "really interesting sessions" and offered to forward details to anyone interested

Lake Merritt Station Area Plan, Community Stakeholder Group Meeting: LPAB representative report (Naruta).

Broadway/Valdez District Specific Plan, Community Stakeholder Group Meeting: LPAB Representative report (Biggs). Naruta reported that today was the deadline for comment on the Emerging Plan; expects it to be agendized for Landmarks Board.

West Oakland Specific Plan, Public Workshop January 31: LPAB representative report (Andrews). No report.

ANNOUNCEMENTS

Garry noted that Oakland was favorably mentioned in the *New York Times* travel section.

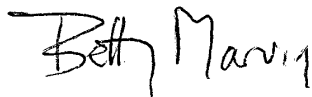
SECRETARY REPORTS

Marvin noted that three more meetings in 2012 will be in Council Chambers, all non-second Mondays: February 6, September 17, and November 5.

The two 2011 Mills Act contracts got signed and recorded.

ADJOURNMENT at 9:05 pm.

Respectfully submitted:



BETTY MARVIN

Historic Preservation Planner

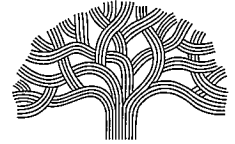
NEXT REGULAR MEETING: February 6, 2012 (first Monday in February)

Written correspondence should be addressed to:

**Landmarks Preservation Advisory Board
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Fax Number: 510-238-6538**

This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call Joann Pavlinec at 510-238-6344 or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so those who experience chemical sensitivities may attend. Thank you.

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

**NOTICE OF PREPARATION (NOP) OF A
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) ON THE
LAKE MERRITT STATION AREA PLAN**

The Department of Planning, Building and Neighborhood Preservation is preparing a Draft Environmental Impact Report (DEIR) on the Lake Merritt Station Area Plan, as identified below, and is requesting comments on the scope and content of the DEIR. The DEIR will address the potential physical and environmental effects of the Project for each of the environmental topics outlined in the California Environmental Quality Act (CEQA). The City has **not** prepared an Initial Study. Under CEQA, a Lead Agency may proceed directly with EIR preparation without an Initial Study if it is clear that an EIR will be required. The City has made such a determination for this project.

The City of Oakland is the Lead Agency for the Project and is the public agency with the greatest responsibility for approving the Project or carrying it out. This notice is being sent to Responsible Agencies and other interested parties. Responsible Agencies are those public agencies, besides the City of Oakland, that also have a role in approving or carrying out the Project. When the DEIR is published, it will be sent to all Responsible Agencies and to others who indicate that they would like to receive a copy.

Responses to this NOP and any questions or comments should be directed in writing to: Ed Manasse, Strategic Planning Manager, City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612; 510-238-7733 (phone); 510-238-6538 (fax); or e-mailed to emanasse@oaklandnet.com. Comments on the NOP must be received at the above mailing or e-mail address **by 4:00 p.m. April 1, 2012**. Please reference case numbers **ZS11225, ER110017** in all correspondence. In addition, comments may be provided at the EIR Scoping Session Public Hearings to be held before the Landmarks Preservation Advisory Board and the City Planning Commission. Comments should focus on discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors.

EIR SCOPING SESSION PUBLIC HEARINGS:

(1) The Landmarks Preservation Advisory Board

Monday March 12, 2012

6:00 p.m.

Oakland City Hall, Hearing Room 1

1 Frank H. Ogawa Plaza

(2) City Planning Commission

Wednesday March 21, 2012

6:00 p.m.

Oakland City Hall, Hearing Room 1

1 Frank H. Ogawa Plaza

PROJECT TITLE: Lake Merritt Station Area Plan

PROJECT LOCATION: The Lake Merritt Station Planning Area is located in the heart of Oakland, part of the urban center of the San Francisco Bay Area. The Planning Area is surrounded by a variety of neighborhoods and destinations, including Downtown Oakland, Lake Merritt, the Jack London District, the Lakeside Apartment District, Old Oakland; and the Oakland Estuary and City of Alameda are located to the south. The Planning Area's context is shown in Figure 1.

The Lake Merritt Station Planning Area encompasses approximately 315 acres, and is generally bound by 14th Street to the north, I-880 to the south, Broadway and Franklin Street to the west, and 4th and 5th Avenue to the east. The Planning Area includes the Lake Merritt Bay Area Rapid Transit (BART) Station, Oakland Chinatown business and residential districts, Laney College and Peralta Community College District Administration facilities, the Oakland Public Library, the Oakland Museum of California, the Alameda County Courthouse and other County offices, the building currently occupied by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), the Lake Merritt Channel, and a portion of the East Lake district. The planning area boundary is shown in Figure 2.

PROJECT SPONSOR: City of Oakland

EXISTING CONDITIONS: The City of Oakland, Bay Area Rapid Transit (BART), and the Peralta Community College District, through a grant from the Metropolitan Transportation Commission (MTC), have come together to prepare a Station Area Plan for the general half mile area surrounding the Lake Merritt BART Station. The Lake Merritt Station Area functions as a significant citywide and regional center, with various existing hubs of activity, as described above. The Planning Area includes many diverse residents, students, employees and business owners. The Planning Area also includes several historic properties and districts, including those designated by the City of Oakland as being Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark Properties.

Existing physical environmental issues in the project area include, but are not limited to, air pollution and noise associated with the I-880 freeway and major arterials; air pollution from toxic air contaminants; substandard infrastructure, including roads and utilities; and soil and groundwater contamination associated with previous uses in the project area, including approximately twenty seven (27) properties identified on the California Environmental Protection Agency's Cortese List.

PROJECT DESCRIPTION:

The Lake Merritt Station Area Plan will be a 25-year planning document, with a planning horizon to the year 2035. The Plan will build on extensive community feedback to articulate a roadmap for future transit-oriented development, continued revitalization and economic growth, and community enhancements in the Station Area.

The Plan will include land use changes that seek to reduce the barriers to increased transit use from both the immediate area and surrounding neighborhoods; and to create an activity core around a rejuvenated Lake Merritt BART station. Simultaneously, the Plan will reinforce and integrate the cultural and recreational resources that make this transit station unique. The Plan will look at ways in which streets, open spaces, and other infrastructure in the area can be improved, and will establish regulations for development projects that further the area's vitality and safety. The Plan will contain policies addressing a wide range of topics, including:

- Land Use;
- Building Design Standards and Guidelines;
- Open Space and Recreational Facilities;
- Streetscape Design, Character, and Improvements;
- Cultural and Historic Preservation;
- Circulation, Access, and Parking (including BART Access Improvements);
- Community Resources, including an Affordable Housing Strategy;
- Economic Development;
- Utilities and Public Services;
- Infrastructure Financing and Phasing; and
- Implementation.

The Plan will consist of written text, maps, and diagrams that express how the Lake Merritt Station Planning Area should develop into the future, and will identify key actions the City and other entities should take to improve the Planning Area. The Plan will cover land use, development density, circulation and infrastructure, and have legal authority as a regulatory document. It will contain elements required of Specific Plans, such as:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan;
- The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; and
- A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed improvements.

For more information on the project, please visit the project website at <http://www.business2oakland.com/lakemerrittsap>.

PROBABLE ENVIRONMENTAL EFFECTS:

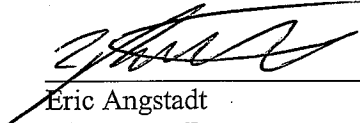
It is anticipated that the proposed project would likely result in significant environmental effects to the following: Noise, Energy, Greenhouse Gases and Global Climate Change, Air Quality, and Transportation and Traffic. It is further anticipated that the project could potentially result in significant environmental effects to the following: Land Use and Housing, Public Services, Parks and Recreation, Cultural and Historic Resources, Aesthetics, Biological Resources, Geology and Soils, Utilities and Service Systems, Hazards and Hazardous Materials, and Hydrology and Water Quality. All of the above environmental factors will be analyzed in the EIR.

The Project has no potential for any impact on the following environmental factors. As a result, these environmental factors will not be the subject of study in this EIR: agriculture and forestry

(there are no agricultural and forest land resources in the Planning Area), and mineral resources
(there are no mineral resources in the Planning Area).

The Draft EIR will also examine a reasonable range of alternatives to the Project, including the CEQA-mandated No Project Alternative, and other potential alternatives that may be capable or reducing or avoiding potential environmental effects.

March 1st, 2012
File Number - ZS11225,
ER110017


Eric Angstadt
Director, Department of Planning, Building and
Neighborhood Preservation
Environmental Review Officer

Attachments:

Figure 1: Planning Area Context

Figure 2: Planning Boundary.

Figure 1

- Lake Merritt Station
Area Plan:
Planning Area Context
- BART Station
 - BART
 - City Park
 - Planning Area
 - Railroad (Amtrak & Freight)

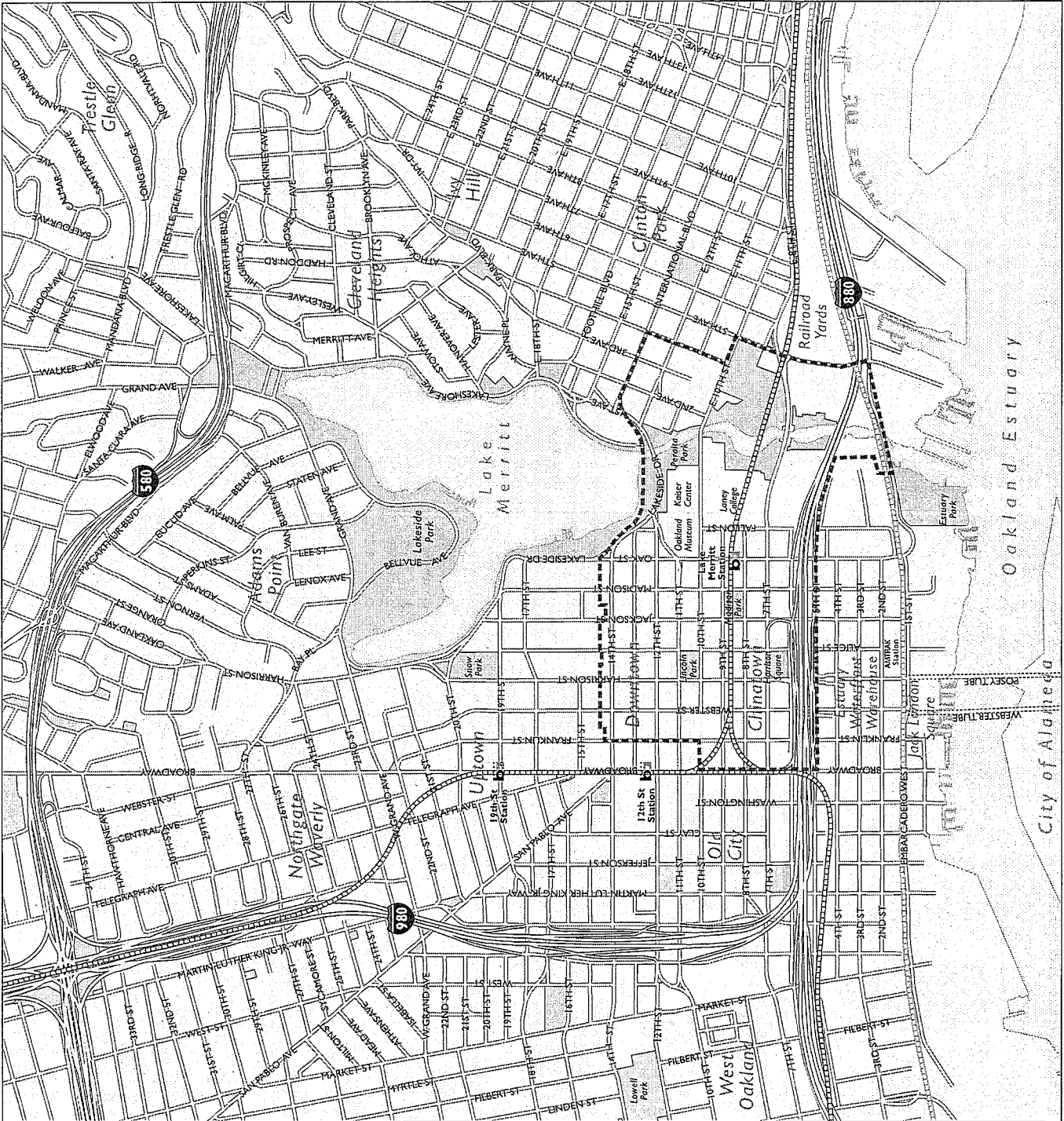


Figure 2

Lake Merritt Station
Area Plan:
Planning Area Boundary

- BART Station Entrance
- Park
- Planning Area
- Railroad

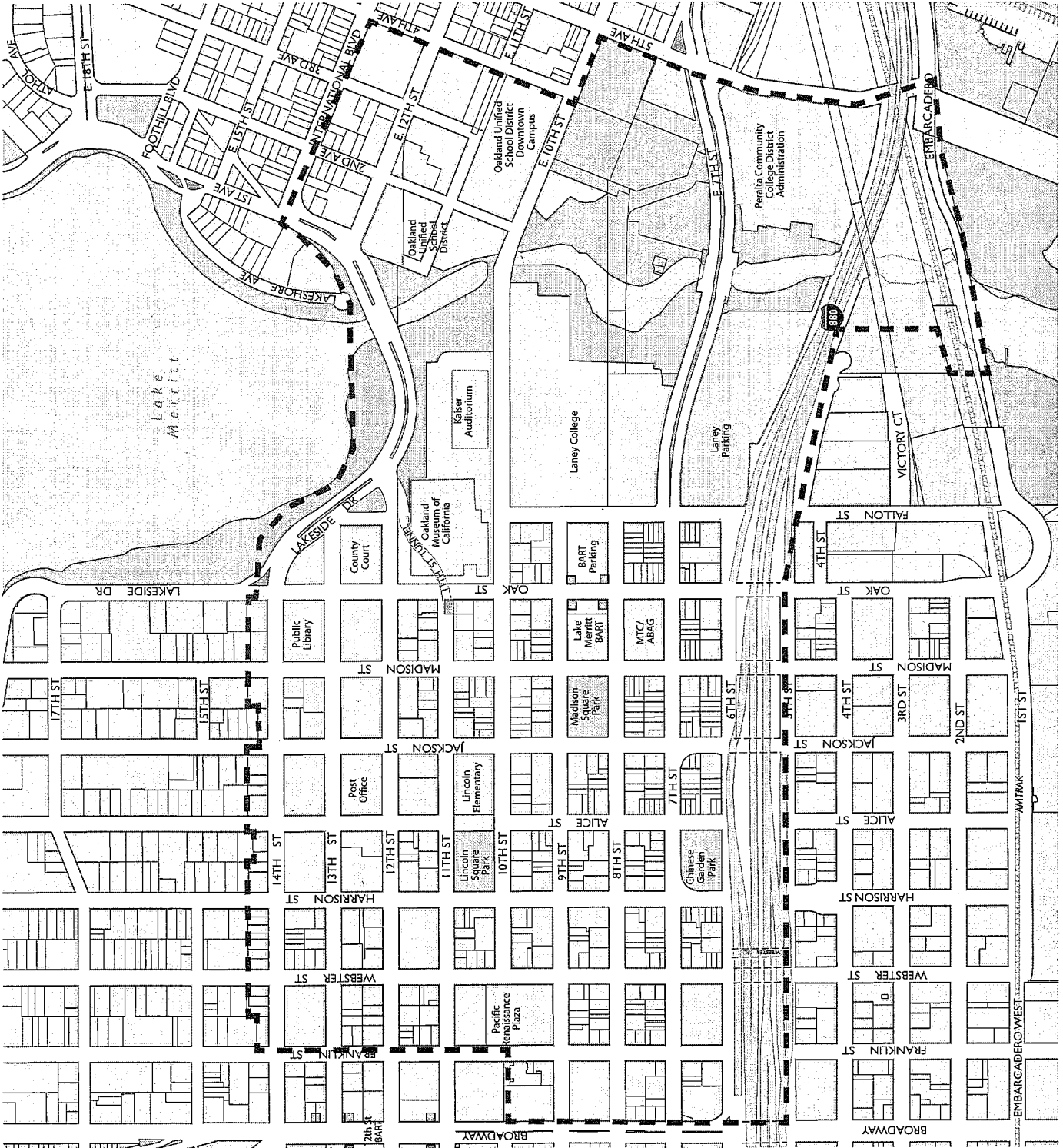


Figure 8.1:
HISTORIC RESOURCES

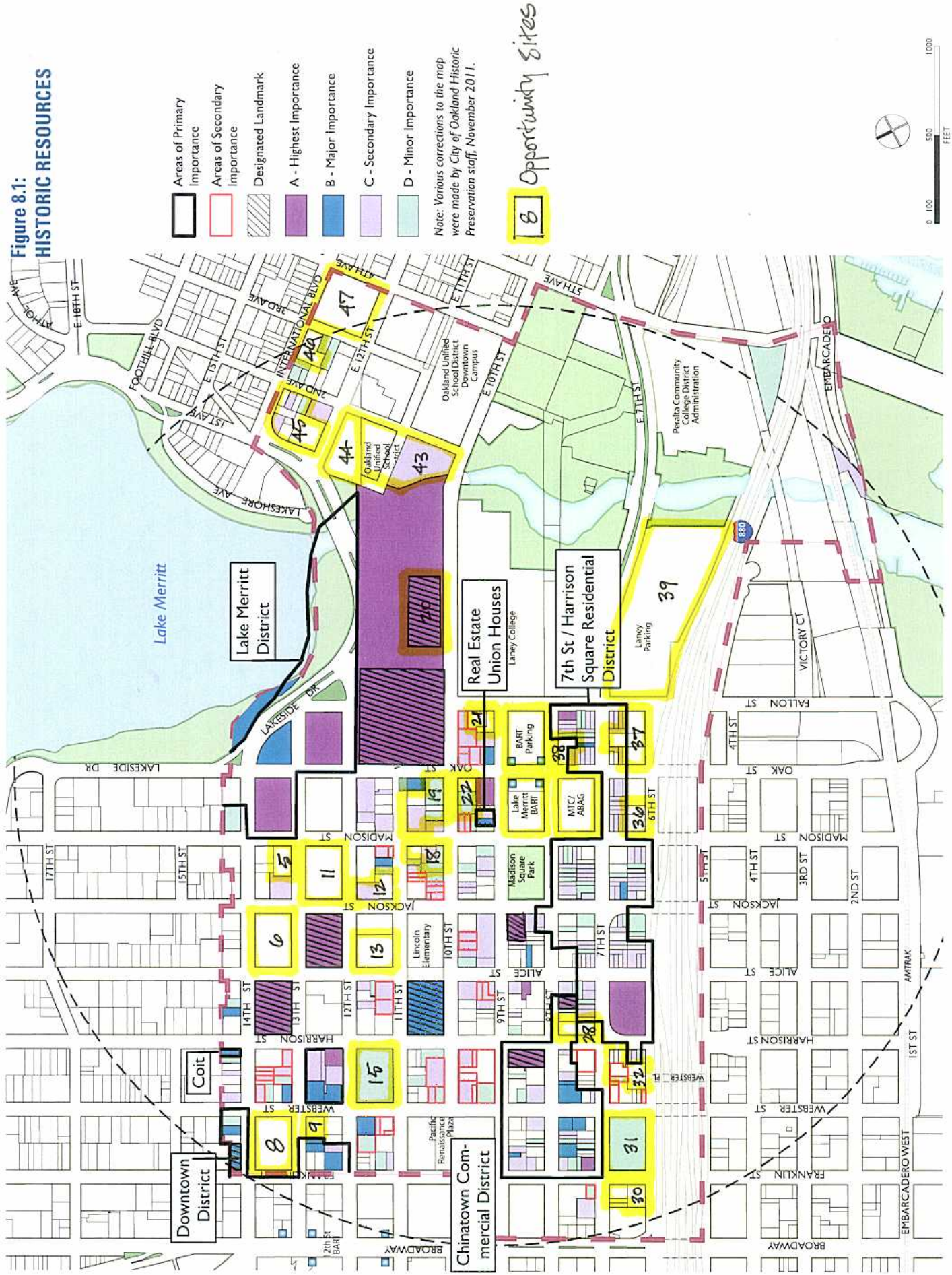


Figure 3.1:
POTENTIAL DEVELOPMENT
SITES

