

AGENDA

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

**LANDMARKS PRESERVATION
ADVISORY BOARD MEMBERS:**

**Christopher Andrews, Vice-Chair
Peter Birkholz
Stafford Buckley
Eleanor Casson
Frank Flores
Valerie Garry, Chair
Mary E. MacDonald**

**November 10, 2014

Regular Meeting 6 PM
City Hall
Sgt. Mark Dunakin
Hearing Room 1
1 Frank Ogawa Plaza
Oakland, California 94612**

Educate, Advocate, Protect Historic Resources

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This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter or assistive listening device, contact Betty Marvin at 510-238-6879, bmarvin@oaklandnet.com, or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so those with chemical sensitivities may attend.
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- A. ROLL CALL**
- B. OPEN FORUM**
- C. APPROVAL OF MINUTES of September 8, 2014**
- D. LANDMARK OF THE MONTH or other features of interest**

Oakland Mazda Lamp Works, 1614 Campbell Street. 1910-16, Austin Company et al. designers and builders. Preservation Study List, survey rating B+1+; National Register tax credit project. Presentation by Boardmember Flores.

E. NEW BUSINESS - informational presentations and discussion

1. Oakland Auditorium – Henry J. Kaiser Convention Center, 10 10th Street, 1913-15, John Donovan, Henry Hornbostel, Maurice Couchot, archs. and eng. City Landmark, rating A1+. Briefing by Kelley Kahn, Project Manager, Office of the City Administrator, on Request for Proposals issued September 22 and next steps.

2. State Historical Building Code. Presentation by Alan Dreyfuss, chair, State Historical Building Safety Board; architect, Wiss Janney Elstner. Examples, questions, discussion.

F. OLD BUSINESS

G. BOARD REPORTS

H. SUB-COMMITTEE REPORTS

I. ANNOUNCEMENTS

Certified Local Government Annual Report

J. SECRETARY REPORTS

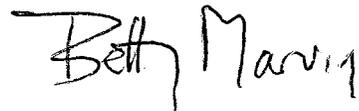
Mills Act contracts

Capwell (Sears) building, 1935 Broadway
Claremont Hotel entry area
Connell showroom, 3093 Broadway
The Hive, 2300 block Broadway
Water Pavilion, Mountain View Cemetery

K. UPCOMING

Children’s Hospital Final EIR
Coliseum Final EIR
Camron-Stanford House landscape/lighting
Emerald Views / Schilling Garden
General Electric plant demolition/mitigation
Southern Pacific Station, 16th & Wood Streets

L. ADJOURNMENT



BETTY MARVIN
Historic Preservation Planner

NEXT REGULAR MEETING:
December 8, 2014

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The Landmarks Board welcomes public comment on all agenda items. The Board requests that speakers limit comments to no more than three minutes. Correspondence received by the Monday prior to the meeting will be included in the Board’s agenda packet.

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

MINUTES

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

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**Christopher Andrews, Vice-Chair
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**September 8, 2014
Regular Meeting 6 PM
City Hall
Council Chambers

1 Frank Ogawa Plaza
Oakland, California 94612**

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A. ROLL CALL

**Board Members present: Andrews, Buckley, Casson, Flores, Garry
Absent: MacDonald (excused absence), Birkholz
Staff present: Betty Marvin, La Tisha Russell**

B. OPEN FORUM– Naomi Schiff of Oakland Heritage Alliance (OHA) announced fall 2014 building tours and presentations.

C. APPROVAL OF MINUTES of August 11, 2014 - approved with one correction: Board Member Casson was present at the meeting.

D. (NON-)LANDMARK OF THE MONTH - California Electric Company building, 3015 Adeline Street, 1940-46, R.H. Cooley, architect; John J. Moore Co. builder; PDHP rated C3.

Board Member Casson gave a presentation on the California Electric Co., located in a mixed residential and industrial area of West Oakland. The company began in 1870 in San Francisco with telegraphic inventions. In the 1920s it moved to “electric row” on 12th Street in Oakland and made burglar alarms and electrical motor parts. In 1940, the company moved to the new building on Adeline Street.

Built in the World War II era, it has an industrial design with steel beams and pulleys for the workshops on the lower level. The second level was designed for the office space and the engineers could look down over the railing to watch the production work. With a touch of art deco influence, the building still has the original sign in front, original windows, and distinctive roof structures. The interior is being renovated, roof repaired, windows reglazed, and graffiti removed. By October 2014, the building should be available to rent out space.

E. NEW BUSINESS - Action Items

1. Location:	Children's Hospital and Research Center Oakland (CHRCO) The CHRCO campus is located at 747 52nd Street and is generally bounded by 53rd Street to the north, State Route 24 (SR-24) to the east, and Martin Luther King Jr. Way and the elevated BART tracks to the south and west. APNs: Multiple
Proposal:	Public hearing on the Draft Environmental Impact Report to obtain cultural resource-related comments on the redevelopment of the CHRCO campus. The Project would occur in two phases. Phase I would (a) demolish one residential building and minor rear yard additions on two residential buildings; (b) construct a six-story, 89,100 sq. ft. Outpatient Center (OPC2) and a 1,100 sq. ft. addition to the existing Central Plant Building; (c) construct a new entrance to the existing parking garage off Martin Luther King Jr. Way; (d) improve landscaping and utilities; and (e) renovate 95,500 sq. ft. within the existing Hospital. Phase II would (a) demolish one residential building, a modular building, the rear portions of three residential buildings, the B/C Wing, the existing heli-stop structure, the Bruce Lyon Memorial Research Center, the HemOnc Administrative Building and several trailers; (b) construct a two-story, 14,500 sq. ft. Family Residence Building with 12 to 16 residential units; a three-story, 31,300 sq. ft. Clinical Support Building; a five-story, 43,500 sq. ft. Link Building with a heli-stop on the roof; a five-story, 101,000 sq. ft. Patient Pavilion; a 3,800 sq. ft. Central Utility Plant Building; and a four-story, 114,900 sq. ft. parking structure with 334 stalls; (c) acquire and improve 1.5 acres of Caltrans Right-of-Way; (d) improve site access and circulation to 52nd Street and Dover Street; (e) improve landscaping and utilities; and (f) renovate 42,342 sq. ft. within the existing Hospital. Full Project build-out would result in 210 beds (increase of 40 on-site), 988 patients and outpatient visitors (increase of 113), 761 inpatient visitors (increase of 157) and 2,371 staff (increase of 205).
Applicant:	Children's Hospital and Research Center Oakland, Doug Nelson
Phone Number:	(510) 428-3066
Owner:	Children's Hospital and Research Center Oakland
Case File Number:	ER12-0013
Planning Permits Required:	General Plan Amendment, Rezoning, Preliminary Planned Unit Development Permit for Phases 1 & 2, Final Planned Unit Development Permit for Phase 1, Conditional Use Permits to change from residential uses to health care use, demolition of rooming units in the S-1 zone, ground floor exceeding 1,500 sq. ft. of non-residential in the RM-2 Zone, healthcare civic uses in the CN-3 zone, and commercial uses in the S-1 zone, Vesting Tentative Map, and other possible discretionary permits and/or approvals.
General Plan:	Institutional, Mixed Housing Type, Neighborhood Center
Zoning:	S-1, Medical Center Zone; RM-2, Mixed Housing Type Residential Zone-2; CN-3, Neighborhood Commercial Zone – 3
Environmental Determination:	The Draft Environmental Impact Report (EIR) was published for a 45-day review period from August 7, 2014 to September 22, 2014.
Historic Status:	The A/B Wing (Baby Hospital) on the main CHRCO campus is considered a Potentially Designated Historic Property (PDHP) and a CEQA historic resource with a current (revised) rating of B3 by the Oakland Cultural Heritage Survey (OCHS), as confirmed by the Landmarks Preservation Advisory Board (LPAB) on August 12, 2013. The proposal includes several properties within the 55th and Dover Residential District Area of Secondary Importance which are considered PDHPs.
Service Delivery District:	2- North Oakland/North Hills
City Council District:	1- Kalb
Actions to be Taken:	No decision. The purpose of this meeting is to receive public and Landmarks Preservation Advisory Board cultural resource-related comments on the Draft EIR.
For Further Information:	Contact Project planner Heather Klein at (510) 238-3659 or hklein@oaklandnet.com or Robert Merkamp at (510) 238-6283 or rmerkamp@oaklandnet.com .

Case planner **Heather Klein** summarized cultural resource issues that had arisen in the DEIR process. This hearing was to focus on adequacy of the DEIR in discussing impacts, not the overall merit or design of the project. Comments would be addressed in the Final EIR. There were five continuing key historic resource issues, addressed in the DEIR by project modifications or recommendations:

55th and Dover Residential District

Staff, Board, and consultant analyses identified the A/B wing and the 55th and Dover District as the only **CEQA resources** in the project. The project was redesigned to avoid removing any district contributors.

Magnolia Tree

The magnolia tree is considered a contributing landscape element of the A/B Wing, though not an individually eligible resource. The Draft EIR analyzed four potential relocation sites. The analysis noted constraints to the feasibility of relocating the tree but concluded that it might be physically possible to transplant the tree. The City is proposing more realistically a new magnolia tree near the historic location and a plaque with information about the original tree.

Courtyard

The courtyard space is a contributing landscape element of the A/B Wing, though not an individually eligible resource. Reconfiguration of the courtyard would not diminish the A/B Wing's significance. The area is still defined by two opposing buildings, the A/B Wing and Patient Pavilion, and the spatial openness will be retained. Therefore reconfiguration of the courtyard is not a historic impact under CEQA.

New Building Design

Design of the Link Building and Patient Pavilion replacing the B/C Wing is not "compatible" with the A/B Wing but is not a historic impact. The City is proposing the following Recommended Measure: Refinement of the design of the eastern portion of the Patient Pavilion should be given consideration by the design team. Recommendations include refining the curtain wall facade of the Pavilion as it transitions into the Link building and/or incorporating more direct design cues from the A/B Wing.

Archaeology

Archaeological impacts were not expected, but Standard Conditions of Approval provide for unexpected finds.

Doug Nelson, Children's Hospital, explained the hospital's goals –seismic upgrade, more private rooms, campus planning – and extensive work with the community and user groups. **Todd Tierney**, architect, described changes since the original design: location of the heli-stop, garage entry from MLK, removing fewer houses, partial reuse of existing building for the Family House. **Damon Barda** described how uses on the campus would be arranged to buffer the neighborhood and discussed design and materials of the new buildings.

PUBLIC COMMENTS

Naomi Schiff, Oakland Heritage Alliance, recommended that the neighborhood should nominate the 55th and Dover Streets Residential District to the California Register and the A/B Building should be landmarked by the hospital. She questioned whether the Family House proposal met the Secretary of the Interior's Standards; asked whether the "boxes" on the Patient Pavilion were real bay windows or just decoration; and wanted a size specified for any replacement magnolia tree.

Darlene Drapkin, Temescal Business Improvement District, noted the hospital's economic importance to the community.

Cindy David, Dover Street resident, said expansion of office and institutional use changes the character of the neighborhood even if houses as physical structures are moved and reused; she found the new building designs "jarring."

Jamae James, 53rd Street, was concerned about noise and echoes from the relocated helistop.

Cathy Leonard, Santa Fe Community Association, expressed concerns about the helistop location and about loss of parking, construction staging, lighting, and work hours during construction.

Robert Brokl, NOVA, said the streetcar-suburb historic district character really extended all the way to the Berkeley border. The neighborhood had already been significantly "degraded and encroached upon" by institutional expansion – cumulative impacts needed to be considered more seriously. The "hold-out house" at 52nd and MLK should be moved, and *no* houses should be demolished. He reiterated that the A/B Wing and the District should be given official status.

Alfred Crofts, NOVA, noted that the street grid is already substantially disrupted by the hospital and freeway, and therefore its "historic" nature should not be used to preclude the option of closing Dover Street, which might be better for traffic in the neighborhood.

BOARD COMMENTS

Designation: Board Members **Garry** and **Casson** asked about Naomi Schiff's and Robert Brokl's recommendations to designate the district and A/B building: what would the process and the benefits be? **Marvin** said that district designation is a lengthy and political process, since property owners all have to agree. The district is already an ASI which should mean careful design review of all exterior changes. If designated an S-20 district, contributors would be pre-qualified for Mills Act contracts, i.e., would not need to get individual Heritage Property designation. In 1999 the Chapel of the Chimes was encouraged to landmark their building as part of a larger project review, and they have embraced landmark status in their publicity. The A/B building is already a CEQA and Local Register resource, so designation would be mainly honorary. Board Member **Flores** asked if Children's had considered designation for the A/B building; **Doug Nelson** said they hadn't and would need more information.

Magnolia Tree: **Stafford Buckley**, as a new member and the designated landscape representative on the Board, asked that the Board consider revisiting the evaluation and treatment of the magnolia tree. It may be 160 years old, planted with the Alden house that became the first Baby Hospital, perhaps one of the oldest planted trees in Oakland, and a symbol of the hospital. When the 1946 structure was built, the decision was made to preserve the tree, so preservation of the tree seems worth a little more consideration. It would possibly not survive moving, but could it be pruned so it is out of the way of the new buildings? **Frank Flores**, also a new Board member, with degrees in arboriculture and forestry, agreed that moving the tree would be difficult but not impossible, and "the applicant must have seen the asset of the tree."

Chair **Valerie Garry** and **Doug Nelson** of Children's summarized past discussions weighing the tree's significance against the hospital's mission and site constraints, particularly the decision to avoid expanding into the neighborhood. **Heather Klein** noted that a special report on the tree in November 2013 found it not individually eligible as a CEQA resource but did look at feasibility of relocation and identified two potential sites. However, relocation was not a recommendation in the DEIR. The locations

are at the end of 53rd Street or at the center of the patient drop-off area, an onsite and an offsite alternative. Due to construction phasing it would need to be boxed up for five years at a temporary site. Buckley asked if there were a place it could go without the intermediate stop. **James Gerardi**, a member of the public, suggested the lawn in front of University High-Children's Hospital Research Center.

Board concurred in desiring further exploration of preserving the tree by moving it, while also supporting the existing DEIR recommendation for a good-sized new tree and a plaque.

Street Grid: Boardmember **Casson** asked **Alfred Crofts** to elaborate on his comment about the street grid having already lost its historic integrity. Boardmember **Flores** agreed from experience living in the area that traffic was an important concern.

Design: New Buildings: **Garry** and **Andrews** found the Patient Pavilion's colorful pattern of squares jarring in its relationship to the Baby Wing. The façade should be reexamined to make the Pavilion and Link Building more compatible and respectful of the original building and of high quality. **Flores** asked if the projecting rectangles on the façade were bay windows or just applied boxes. **Barda** (CHRCO) said this is in phase 2 and not yet fully developed but the intent is to provide a place for children to sit in the window seat and be outside, forward from the surface of the curtain wall. Board requested to remain involved in design aspects as the phases of the project evolve

Design: Family House: **Garry** and **Flores** expressed concern that the "facadism" of building the big new Family House behind the front 10 feet of the three houses on 53rd Street was not generally approved preservation practice and not in keeping with the Secretary's Standards. **Heather Klein** explained the compromise: originally the proposal was to demolish those three buildings and build a new family house; the neighborhood wanted this buffer, something that felt residential along the street. Board members respected the neighborhood's concerns but wanted assurance that the facades would be carefully and sensitively restored, and requested to remain involved as the design develops.

Given that this is a long-term, phased project, Board requested to remain involved in all aspects as the project evolves - the design of the family house, the design for the new buildings, the treatment of the magnolia tree, and also the possible designation of the district and/or the A/B wing. Board agreed by consensus to forward comments and recommendations.

Board Recommendations, forwarded to Planning Commission:

Magnolia Tree: Tree was discussed at length, its value and the feasibility of building around it or moving it, with input from two new Board members with expertise in landscape and forestry.

- **Recommendation that relocation of the tree be seriously explored, to one of the four sites mentioned in the DEIR or to another location.**
- **Support for the Recommended Measures in the EIR to plant a new magnolia tree on-site of box size and install a commemorative plaque.**

Link Building and Patient Pavilion:

- **Continue design development of the Patient Pavilion and the colors and ornamentation to make it more compatible with the A/B Wing.**

Family House: Board was concerned about the "facadism" of adding behind a "thin slice" of the 53rd Street houses, and wanted "reassurance that it would be done carefully and sensitively."

- Disagree with the DEIR that the Secretary of the Interior’s Standards for Rehabilitation would support removal of such large rear portions of the buildings along 53rd Street, but acknowledge neighborhood’s desire to maintain the streetscape.
- Request that applicant continue to work on the design of the Family House, considering depth of the retained front sections and restoration of their facades.

Board supported public requests that

- The DEIR further explore closure of Dover Street, as the historical integrity of the grid is already broken down in that area and it could resolve Hospital cut-through traffic in neighborhood.
- Neighborhood and applicant consider historic designation for the 55th and Dover District and the A/B Wing.

2. Coliseum Area Specific Plan

Location:	The Coliseum Area Specific Plan area (“Plan Area”) is located in East Oakland and covers an area of approximately 800 acres bounded by 66 th Avenue to the north, San Leandro Street on the east, Hegenberger Road on the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area includes the Oakland Alameda County Coliseum and Arena and the Oakland Airport Edgewater Business Park.
Proposal:	Conduct a public hearing to provide cultural-resource related comments on the Draft Environmental Impact Report (DEIR), the Draft Coliseum Area Specific Plan, and associated General Plan and Planning Code amendments (text and map changes) along with Design Guidelines (collectively called “Related Actions”).
Applicant:	City of Oakland
Case File Number:	ZS13103, ER130004
General Plan:	<u>Land Use and Transportation Element (LUTE) Areas:</u> Regional Commercial, Community Commercial, Business Mix, <u>Estuary Policy Plan Areas:</u> General Commercial 2, Light Industry 3, Parks
Zoning:	CR-1, IO, M-40, S-15, CIX-2
Environmental Determination:	An Environmental Impact Report (EIR) is being prepared for the Coliseum Area Specific Plan. The DEIR was published for a 45 day public review period from August 22, 2014, to October 6, 2014.
Historic Status:	CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources) include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance) and the Warehouse Union Local 6 building at 99 Hegenberger Road (PDHP, preliminary rating *c3, of potential future significance; now over 50 years old). Portions of the Project Area contain other older buildings and structures not currently evaluated as significant but of possible future interest.
Service Delivery District:	5, 6
Council District:	7 (with CCD 6 representing 66 th Avenue frontage of the Plan Area)
Status:	The DEIR was released on August 22, 2014, and the public comment period on the DEIR, Specific Plan and Related Documents ends on October 6, 2014.
Action to be Taken:	Receive public and Board member comments on the cultural-resource related aspects of the DEIR, Specific Plan and Related Documents. No decisions will be made on the project at this hearing.
Finality of Decision:	N/A
For Further Information:	Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com Project website: www.oaklandnet.com/coliseumcity

Planner **Devan Reiff** introduced planner **Ed Manasse**, EIR consultant **Scott Gregory**, and **Art Clark** of Specific Plan consulting firm JRDV. The 25-year Plan covers 800 acres in 5 subareas. Its goals are to retain Oakland's sports teams, create a major science and technology campus, create a Transit Oriented Development leveraging existing transit, create a new urban mixed-use district, and improve bay access and habitat. The main historic resource in the area is the 1962-1965 Coliseum Complex, an Area of Primary Importance comprising the Oakland Coliseum and the Arena. Because "the existing facilities are not capable of maintaining the existing tenants," the Plan assumes demolition of at least the Coliseum and probably both structures, a "significant and unavoidable" impact. Mitigations might involve HABS recordation, public interpretation, or financial contributions for preservation in the vicinity.

PUBLIC COMMENTS

Naomi Schiff, Oakland Heritage Alliance, said the proposed **mitigations** were inadequate. HABS documentation should be done regardless, and doesn't mitigate loss of a resource. Both the Arena and the Coliseum should be restored and reused. Monetary mitigations have to be proportionate to the size of "these gigantic structures built with public funds." Contribution to the Façade Improvement Program could be appropriate, since both the program and the Coliseum complex are of citywide significance. Getting rid of billboards could be another mitigation.

Chris Dobbins, Joint Powers Authority and Oakland Sports, described the **economic value** of sports venues to the city. The Coliseum complex is "iconic but dated." It exemplifies the 1960s fashion for multi-purpose facilities in big parking lots. It is now the last shared facility and the fourth oldest stadium in the country, and both teams want to leave. City and County are still paying millions of dollars a year for improvements made in the 1990s.

BOARD COMMENTS

Boardmember **Casson** and others requested serious exploration of **alternative uses for the Arena** (which is retained in several of the Plan alternatives), including non-venue uses such as offices. Since this is a long-range plan, **Andrews** noted that consideration should be given to the short cycle of obsolescence for sports facilities.

Board chair **Garry** argued that since the Plan and DEIR in effect approve demolition of the Coliseum, the **demolition findings** developed by the Landmarks Board and added to the Planning Code in 2010 should be addressed. The Plan simply *assumes* the buildings are obsolete and cannot be reused. The findings require applicants to furnish detailed information to decision makers on a building's economic viability, soundness, maintenance history, appraised value, public benefits, reuse potential, etc. Typically, the City reviews demolition findings and the new proposal at the same time. However, in this Plan demolition is implicitly approved with certification of the EIR, and a replacement project comes later, so the complete information mandated by the demolition findings has to be available now. Waiting for a replacement design would be a circumvention of City regulations by using a piecemeal approach to review of the proposed demolitions. The City should follow its own rules. The findings are directly related to the characteristics of the resource and are not dependent on a new design for analysis.

Manasse and **Gregory** noted that a Plan and EIR in themselves don't approve demolition – it might be found likely or unavoidable, but any actual project would still need Planning review for entitlements, and that is when the demolition findings would typically be made. However, "we could provide more information for eventual making of the findings" and could consult the City Attorney's office about the process. This plan is different from most in that it focuses on two specific buildings.

Andrews and **Flores** asked whether approving the Plan would preclude revisiting it if an applicant came forward with a proposal to reuse the Coliseum.

Board members commented favorably on **Naomi Schiff**'s proposals that monetary **mitigations** should be based on a formula proportioned to the size and importance of the resource, and that the Façade Program would be a worthwhile beneficiary. Garry mentioned a survey of modern architecture as another possibility. Agreed by consensus to forward comments.

F. **OLD BUSINESS** - None

G. **BOARD REPORTS** - None

H. **SUB-COMMITTEE REPORTS** - None

I. **ANNOUNCEMENTS** - None

J. **SECRETARY REPORTS** - None

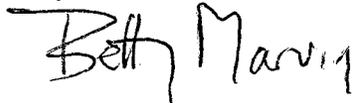
K. **UPCOMING**

Children's Hospital FEIR
Coliseum Area Specific Plan FEIR
Camron-Stanford House landscape/lighting
Cathedral Building - ground-floor bar, tenant improvements and facade work
Claremont Hotel entry area
Emerald Views / Schilling Garden
General Electric plant demolition
Ninth Avenue Terminal
Oakland Auditorium-Kaiser Convention Center RFP
Open Government training

L. **ADJOURNMENT** – 10:15pm.

Minutes prepared by La Tisha Russell and Betty Marvin.

Respectfully submitted,



Betty Marvin, Historic Preservation Planner

REQUEST FOR PROPOSALS

(Notice of Development Opportunity)



For the Rehabilitation and Adaptive Reuse of
The HENRY J. KAISER CONVENTION CENTER
also known as the
Oakland Municipal Auditorium

Release Date: September 22, 2014

Deadline for Submissions: November 12, 2014



CITY OF OAKLAND

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I. SUMMARY OF OFFERING

OPPORTUNITY	Rehabilitate, adaptively reuse and manage the Oakland Municipal Auditorium/Henry J. Kaiser Convention Center building under a long-term lease. The building is approximately 215,000 square feet (including a basement) and sits on a roughly five-acre site.
LOCATION	<p>10 10th Street, Oakland, CA, 94607</p> <p>Generally bounded by 10th Street, Lake Merritt Blvd. (12th Street), the Lake Merritt Channel and the Oakland Museum of California.</p> <p>Parcel # 18-450-5</p>
USES	Land uses allowed include cultural, institutional, office, commercial, retail and light industrial among others.
HISTORIC STANDARDS	The building is a City of Oakland Landmark. Rehabilitation of exterior and significant interiors must be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
DEVELOPMENT TEAM	Respondent team should at a minimum include an experienced developer, an architect, an historic architect and a landscape architect.
CAPITAL INVESTMENT	Substantial investment in seismic and structural modernization; new or repaired mechanical, electrical and plumbing systems; and additional improvements are required to rehabilitate the building. Business terms will reflect the private investment required.
FINANCIAL REQUIREMENTS	Each respondent will need to demonstrate its ability to successfully finance, construct and operate the project.
SELECTION PROCESS	Respondents must submit qualifications, a rehabilitation and design concept, financial information and a refundable "Offer to Negotiate Deposit" of \$5,000. An evaluation panel will evaluate proposals against the evaluation criteria contained in this RFP and may interview select respondents. The panel's recommendation of a respondent will be forwarded to the City Council for independent review and action.

EXCLUSIVE NEGOTIATIONS	After City Council action, City staff will work with the selected development team to prepare an Exclusive Negotiations Agreement (“ENA”). The selected team will be required to provide a non-refundable deposit of \$25,000 within 30 days after the execution of the ENA.
LEASE DISPOSITION AND DEVELOPMENT AGREEMENT	During the ENA period, the City and the selected development team will negotiate terms of a LDDA and form lease with the City. The agreements will appropriately reflect the proposed uses, capital investment and market conditions. Exact duration and financial terms of the lease to be negotiated.
SUBMITTAL DEADLINE	Proposals are due Wednesday, November 12, 2014 at 2:00 p.m. to the Contracts and Compliance Office of the City Administrator, City of Oakland, 250 Frank Ogawa Plaza, Suite 3341 (Third Floor), Oakland, CA 94612.
PRE-SUBMITTAL MEETING AND TOUR	There will be a pre-submittal meeting and building tour on Friday, October 10, 2014, at 10:00 a.m. at the Henry J. Kaiser, Calvin Simmons Theater, 10 10th Street.
CONTACTS	<p>Kelley Kahn Office of the City Administrator, Project Manager 510.238.6190 kkahn@oaklandnet.com</p> <p>Jens Hillmer Department of Economic & Workforce Development 510.238.3317 jhillmer@oaklandnet.com</p>

II. INTRODUCTION

The City of Oakland is pleased to issue this Request for Proposals (RFP) seeking qualified respondents (“Respondent”) to rehabilitate, adaptively reuse and manage the Oakland Municipal Auditorium/ Henry J. Kaiser Convention Center (the “Henry J. Kaiser building”) located at the southern end of Oakland’s Lake Merritt. This offering presents a rare and unique opportunity to return a monumental civic building to life and to further the revitalization of the Lake Merritt area. The City is open to creative adaptive reuse proposals that contain a mix of public and private uses in the building.

The City intends to award a ground lease for the project to the respondent deemed most qualified, based on the evaluation criteria contained in this RFP. The key dates for this offering and anticipated schedule for the selection of Respondent are below.

Pre-Submittal tour and conference:	Friday, October 10, 2014, at 10:00 a.m. at the Henry J. Kaiser building, Calvin Simmons Theater, 10 10th Street
Written questions deadline:	October 24, 2014 by 5:00 p.m.
Submittal deadline:	Wednesday, November 12, 2014 at 2:00 p.m.

Interested parties are responsible for reviewing and becoming familiar with the contents of all portions of this RFP including all attachments, all background materials referenced in this RFP, all addenda to this RFP and the Lake Merritt Station Area Plan.

III. PROPERTY DESCRIPTION

The Henry J. Kaiser building was designed as a multi-purpose arena and theater that opened in 1914. The building is located between Lake Merritt Boulevard and 10th Street, just west of the Lake Merritt Channel and immediately east of the Oakland Museum of California. The address of the building is 10 10th Street.

The Oakland Municipal Auditorium complex was renamed in honor of Henry J. Kaiser in 1982. The theater was named for Oakland Symphony conductor Calvin Simmons who died that same year. The building is a designated City of Oakland Landmark. It has been closed and largely unused since 2005.

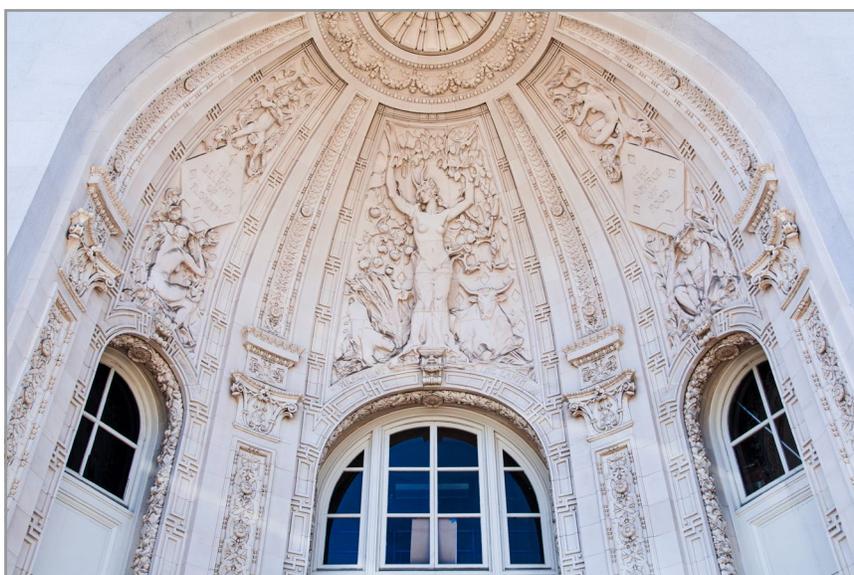


Figure 1. One of seven arched niches along the building's northern façade.

A. The Building

The Henry J. Kaiser is a strong example of Beaux-Arts architecture, with classical, simple massing punctuated by sculptural decoration and ornamental detail. The exterior of the building is clad in granite on its northern façade (facing Lake Merritt) with terra cotta trim. This façade features seven arched niches, each containing a sculptural relief designed by Alexander Stirling Calder, father to the famous mobile and abstract sculpture artist. These individually designed niches feature human figure sculptures, collectively titled "Riches of the Earth." The contrast between the rich detail of the niches and the smooth expanse of granite wall on this façade is striking and an important defining characteristic of the building's beauty and

significance. The remaining elevations are cement-plaster clad concrete.



Figure 2. The Henry J. Kaiser Convention Center's northern façade with arched niches as seen from the shore of Lake Merritt.

The building is roughly 400 feet long by 200 feet across and contains approximately 215,000 square feet of floor area, including a full basement. The building includes an approximately 45,000 square-foot arena that historically could seat up to 6,000 people. The arena is covered by a light weight three-hinged arch truss roof. The arena



Figure 3. Arena interior.

abuts the Calvin Simmons Theater, a nearly 1,900-seat formal theater. The arena and the theater share a wall. The entrance to the arena is on the east side of the building and the entrance to the theater is on the west side. The building also includes ancillary offices, lobby areas and restrooms, as well as two banquet rooms (one on the second floor and one on the third floor) and a ballroom on the third floor.



Figure 4. Calvin Simmons Theater Interior.

The building has a steel frame and reinforced concrete construction. The roof is concrete slab construction. Original skylights in the roof have been replaced with sheathing panels; the historic skylights could be restored to bring light into the interior of the building.

The existing electrical and mechanical (plumbing, HVAC, fire protection) building systems are outdated and will likely have to be replaced and/or refurbished depending on the proposed use for the facility. The

attachments to this RFP include a number of inspection, cost and feasibility reports that contain more detail about the condition of the building.

The building is an Oakland-designated landmark and has been rated “A” (Highest Importance) by the Oakland Cultural Survey. Modifications to the exterior and significant interiors of the building must be in conformance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

A set of floor plans, sections and elevations from a renovation of the building in 1985 are attached to this RFP.

SUMMARY OF KEY BUILDING FACILITIES	
Calvin Simmons Theater	1,899 seats: 866 orchestra, 489 first balcony, 544 second balcony. Theater area is 35% of first level.
Arena	3,723 fixed seats, flat floor. Arena area is 64% of first level.
Basement level	79,975 sf; currently used for storage
First level	75,932 sf; arena and orchestra level seating for theater
Second level	38,240 sf; theater mezzanine, arena corridor, seating, concessions and Olympic Room
Third level	22,643 sf; theater balcony, Ballroom and Gold Room
Olympic Room	NW corner of 2nd floor. 2,000 s.f.
Gold Room	SW corner of 3rd floor. 3,100 s.f. main floor and 800 s.f. balcony
Ballroom	NW corner of 3rd floor. 3,100 s.f. main floor and 800 s.f. balcony. 320 s.f. stage
<i>Data is approximate only and subject to confirmation by Respondent</i>	

B. The Grounds

The building sits on an approximately five-acre site. A recently refurbished parking lot is located in front of the building, between the building and Lake Merritt, fronting Lake Merritt Boulevard. The parking lot contains approximately 200 parking spaces. Vehicular access to the parking lot is available off of 10th Street via right-of-ways on the east and west sides of the buildings. The right-of-way on the east side of the building connects to Lake Merritt Boulevard. There is pedestrian and bicycle access to the grounds on all sides. The grounds of the property abut Peralta Park, which includes a new children’s play area, and connect to the Lake Merritt Channel further east. Opportunities exist to better connect the grounds of the building – both physically and visually – to Lake Merritt, nearby public spaces, surrounding civic and educational uses, and to the surrounding circulation network.



Figure 5. New children’s park on the east side of building.

C. Surrounding Uses

The building is part of cluster of active significant and historic civic buildings including the Oakland Museum of California, the Main Public Library and the Alameda County Courthouse. The Henry J. Kaiser building is directly across 10th Street from Laney College, a 60-acre community college serving more than 14,000 students. Laney College is the largest of the four Peralta Community Colleges. There are several new housing projects in the entitlement pipeline. The building and its vicinity is shown in Figures 6 and 8.

While the focus of this RFP is only the Henry J. Kaiser building, there



Figure 6. Satellite view of the Henry J. Kaiser building and surrounding area.



Figure 7. Henry J. Kaiser east façade with Lake Merritt channel in foreground.

are several other historic buildings in the vicinity that could present future development opportunities. The City of Oakland also owns the smaller Fire Alarm Building, northwest of the Henry J. Kaiser building at the corner of 13th Street and Lakeside Drive. The rehabilitation and adaptive reuse of this building may be the subject of a future RFP to help further activate this corner of Lake Merritt.

The former Oakland Unified School District (OUSD) Administration Building at 1025 2nd Avenue, also known as the Paul Robeson Building, and the Ethel Moore building at 121 E. 11th Street are

currently vacant. Both buildings are to the east of the Henry J. Kaiser on the other side of the Lake Merritt Channel. These properties and others are the subject of a recent Request for Qualifications (RFQ) by OUSD.

D. Lake Merritt and the Measure DD Improvements

An important feature of the Henry J. Kaiser building is its relationship to Lake Merritt; the building is quite prominent in the landscape surrounding the lake and is clearly visible from many vantage points. In November 2002, Oakland voters passed a bond measure known as Measure DD, “Oakland Trust for Clean Water and Safe Parks,” which helped fund a number of improvements around the lake that helped improve the building’s relationship to Lake Merritt. The measure funded improvements to the former 12th Street (renamed Lake Merritt Boulevard) that runs between the Lake and the Henry J. Kaiser building. The funds were used to reduce the roadway from 12 lanes to six lanes creating new public open spaces along the lake and a stronger visual link between the Kaiser Center and Lake Merritt. A key component of these improvements is a new amphitheater and public green along Lake Merritt, directly across Lake Merritt Boulevard from the Henry J. Kaiser building. This public space has become a well-used event area and place for park users to picnic, rest and linger over views of the Lake.

Measure DD also funded a pedestrian bridge across the Lake Merritt Channel just north of the Henry J. Kaiser building. It also funded the refurbished surface parking lot fronting Lake Merritt and the new children’s park to the east.

E. Transportation Access

The Henry J. Kaiser is less than a third of a mile from the Lake Merritt BART Station and is served by multiple AC Transit bus lines. It offers easy access to the I-880 freeway. Vehicular access to the building is off of 10th Street and Lake Merritt Boulevard. Bicycles and pedestrians can access the site from many points.



Figure 8. Henry J. Kaiser Building Location and Vicinity

IV. PROJECT OBJECTIVES AND DESIRED LAND USES

A. Objectives and the Lake Merritt Station Area Plan

The Henry J. Kaiser building sits within the boundaries of the Lake Merritt Station Area Plan (the “Plan”). The Plan and its environmental impact report (“EIR”) are anticipated to be before the Oakland City Council for certification and adoption this fall. The Plan is the result of many years of community outreach and input. More information about the Plan, including the current draft, the EIR, schedule and all background materials can be found at:

www.Business2Oakland.com/lakemerrittsap

The Plan defines several key objectives for the Henry J. Kaiser building, including:

- Preserving and reactivating the building
- Activating the southern end of Lake Merritt
- Helping to complete an entertainment, education and cultural hub in the area
- Establishing the building as an additional destination in the Plan area

The unique setting and location of the building call for several related key objectives for the building including:

- Creating opportunities to better connect it – physically and visually - to the surrounding community and open space network, including Laney College, the Oakland Museum of California and Lake Merritt
- Ensuring the building and its grounds retain a sense of being publicly accessible, while allowing a mix of public and private uses.

B. Encouraged Land Uses and Activities

The City is open to all creative proposals for the adaptive reuse of the Henry J. Kaiser building. The City anticipates some combination of public and private uses will be necessary to address the City’s goal of maintaining regular public access to the building while ensuring a financially feasible project. As described in the next section, all

proposals must include the restoration and ongoing operation of the Calvin Simmons Theater.

The adaptive reuse of the building could include some combination of the following uses:

1. Cultural uses such as performance space for music, theater, dance; film screenings; museum; exhibition spaces or other arts-related uses that invite the public into the building and create synergies with the nearby Oakland Museum of California and Laney College
2. Entertainment uses such as sports facilities or live music concerts
3. Conference and event space
4. Light industrial uses such as a brewery, maker spaces, artist studios or other production uses that can offer the public access on a regular basis
5. Restaurants or retail uses that activate the building and grounds
6. Office, research and development, technology, design and other private commercial uses

This list is not intended to be exhaustive and the City is open to new ideas and creative uses.

V. KEY TERMS

Below are key elements of the proposed offering that should be addressed and included as part of the response to this RFP.

1. *Rehabilitation, Adaptive Reuse and Management:* The development team shall be responsible for the rehabilitation of the Henry J. Kaiser building as well as its ongoing management. Rehabilitation of exterior and significant interiors must be consistent with the Secretary of the Interior's Standards.
2. *Calvin Simmons Theater:* The Calvin Simmons Theater must be rehabilitated for use as a performance space, capable of accommodating professional performance organizations. The developer must also manage the theater or partner with a management entity. The theater must be made available a certain number of times per year (exact number to be negotiated) rent-free or at discounted rates to local, non-profit performing arts groups. The City may consider some level of financial assistance to support the reuse of the theater space.
3. *Interim Uses:* Developer shall be responsible for periodically activating the grounds or the building (to the degree possible) with interim uses such as food trucks, art and maker fairs, demonstration projects, performances, sporting events, roller skating or other creative uses that invite the public to experience the site before the project is complete. The developer will be responsible for a minimum of two public events a year on the property following approval of the ENA, subject to construction schedules and staging requirements.
4. *Community-based Financing Tools:* The City is interested in exploring the viability of new community-based financing models that allow Oakland residents of all income and wealth levels to participate in the profits generated by becoming investors in the project. To the degree possible, and to the degree it is feasible in combination with other financing mechanisms, respondents should consider using community-based financing tools such as community development IPOs or other innovative community financing tools and platforms. For example, a project in San Diego recently offered an investment opportunity to community residents: http://www.ssireview.org/articles/entry/the_peoples_ipo
5. *Public Input:* The selected developer, in consultation with the City, shall design a public input process to solicit feedback on its proposal for the building from local stakeholders (such as residents, potential users, and local organizations such as the

Measure DD Community Coalition). The process could include public workshops and design charrettes, user group meetings, online platforms, and/or web-based applications. Developer shall solicit input from the Oakland Landmarks Preservation Advisory Board, Oakland Heritage Alliance and other interested parties regarding the historic rehabilitation of the building and related design issues.

6. *On-Site Presence*: Selected development team shall commit to locating its planning and construction team on site as soon as possible to create a physical presence at the building and improve the security of the building.
7. *Required Investment*: Through this RFP, the City seeks developers for the Henry J. Kaiser building that can bring together the financial resources needed to execute the project. As documented in the attached background materials, the building requires substantial investment to return it to active use. The selected Respondent will be expected, among other things, to remedy structural deficiencies, replace or repair mechanical, electrical and plumbing systems and construct any other improvement needed to meet Building Code requirements and appropriate green building standards.
8. *Lease and Financial Terms*: The City is proposing a long-term ground lease for the property, not a sale. The negotiated lease terms will be appropriate for the proposed uses, capital investment and market conditions. The length of the lease term will be determined as part of project negotiations. While the City is assuming a fair market rent lease, some City participation may be negotiated to support elements of the project meeting key objectives.
9. *Community Benefits*: While City is anticipating a mix of public and private uses in the Henry J. Kaiser building, the City is eager to see as many community benefits as possible derived from the project. Examples of encouraged community benefits include, but are not limited to, Oakland Certified local and small local business participation, commitment to prevailing and living wages, commitment to labor peace and opportunities for job training and mentoring, a high number of jobs created for a range of training and education levels, provision of high quality public facilities and amenities, etc. Note that if a City subsidy is provided, certain wage and employment contracting standards become requirements, as explained in Section X.

VI. REGULATORY SETTING

Below is a brief overview of the local regulatory framework applicable to the project. Additional requirements may apply. The rehabilitation and reuse of the Henry J. Kaiser building must comply with all applicable local, regional and State regulations and requirements. ***It is the responsibility of the developer to secure all necessary regulatory approvals regardless of what is noted in this RFP.***

A. General Plan, Zoning and the Lake Merritt Station Area Plan

The Henry J. Kaiser building falls within the boundary of the Lake Merritt Station Area Plan. The Plan calls for changes to the site's current General Plan designation and zoning, creating more flexibility in the uses allowed on the property. It is anticipated that the Plan will be before the City Council this fall for adoption.

Once the Plan is adopted, the site's General Plan designation is expected to change from Institutional to Central Business District.

While the current zoning is S-2, Civic Center, the Plan proposes a new "Flex District" zoning designation that would allow the maximum flexibility in uses, including a variety of commercial and light industrial uses. The proposed new zoning designation is referred to as "D-LM-4Flex." See the Lake Merritt Station Area Plan and related documents for more detail.

The Respondent is expected to understand and comply with all current zoning and General Plan regulations applicable to the site.

B. Environmental Review

The selected development team will be required to work with the City to determine and complete the appropriate level of environmental review based on the proposed project. Projects consistent with the objectives, policies and land use controls contained in the Lake Merritt Station Area Plan are anticipated to have a streamlined environmental review process, leveraging the environmental review completed for the Lake Merritt Station Area Plan. The City intends to use the streamlining and tiering provisions of CEQA to the extent applicable and feasible, so that future environmental review of individual projects within the Plan area is expeditiously undertaken, without the need for repetition or redundancy, as provided in CEQA Guidelines Section 15152 and elsewhere in the Guidelines. This summary, however, does

not guarantee a certain approach to the environmental review of the reuse of the Henry J. Kaiser building.

C. Historic Designation and Secretary's Standards

The Henry J. Kaiser building is an Oakland-designated Landmark and has been rated "A" (Highest Importance) by the Oakland Cultural Heritage Survey. It is also recorded in the State Historic Resources Inventory as appearing eligible for the National Register. Modifications to the exterior and significant interiors of the building must be in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties ("Secretary's Standards"). This treatment can qualify the building for federal historic tax credits. The State of California is currently considering adoption of a State historic tax credits program, which could also apply to the reuse of the Henry J. Kaiser building once adopted.

Alterations to the property will require design review by the City of Oakland Landmarks Preservation Advisory Board and possibly by the State Office of Historic Preservation.

VII. MINIMUM QUALIFICATIONS & EVALUATION CRITERIA

A. Minimum Qualifications

The City will not consider or evaluate submittals from Respondents that do not meet these minimum requirements:

1. At least one team principal must have a minimum of ten (10) years experience in real estate development.
2. Successful completion and operation of at least three (2) real estate development projects of similar size and scope to the project proposed within the last 10 years, at least one of which must be an adaptive reuse project.
3. Strong credit history and demonstrated ability to finance the project proposed on commercially reasonable terms from equity or debt from bona fide financial institutions.
4. A development team that includes, at a minimum, an experienced developer, an architect, an historic architect, a landscape architect and the technical experts necessary to rehabilitate the building.

B. Evaluation Criteria

Evaluation of the submittals from Respondents that meet the minimum qualifications will focus on the capability of the Respondent and the strength of the Respondent's proposed concept for the rehabilitation and reuse of the Henry J. Kaiser building ("Rehabilitation Concept"). The evaluation criteria below will be used to assess the relative strength of each submittal.

1. Developer Experience (30 Points)
 - a. Successful track record in rehabilitating, developing and operating facilities similar to the proposed project.
 - b. Experience with adaptive reuse and historic preservation projects, in particular with meeting the Secretary of the Interior's Standards.
 - c. Experience with complex projects that included identifying and securing tenants, defining a rehabilitation scope, structuring the transaction, securing necessary approvals and managing the construction process.
 - d. Demonstrated ability to operate and maintain real estate projects once completed, including sustaining occupancy

and addressing on-going operational needs.

- e. Proven ability to work with public sector in delivering projects and meeting development goals.
- f. Sufficient staff and consultant resources to deliver the project.
- g. Track record of local hiring and participation of locally owned businesses in prior projects.
- h. Demonstrated ability to work with and solicit input from community stakeholders and local organizations, and address community concerns.
- i. Demonstrated understanding, ability and flexibility to obtain key approvals and community support in a complex political and regulatory context.
- j. Demonstrated experience in incorporating green building standards into the design and operation of the project.

2. Financial Capacity (20 points)

- a. Proven ability of developer to possess or attract equity and debt capital for projects similar in scope and cost to the proposed Rehabilitation Concept as evidenced by:
 - i. Financing of comparable projects.
 - ii. Access to sufficient debt and equity for the project proposed.
 - iii. On-going relationships with financial sources.

3. Rehabilitation Concept and Key Objectives (30 points)

- a. Consistency of proposed Rehabilitation Concept with objectives for the project discussed in Section IV.
- b. Responsiveness to key terms contained in Section V.
- c. Fit and synergies of proposed building use(s) and improvements with surrounding land uses including Lake Merritt and surrounding open spaces, the Oakland Museum of California, Laney College and BART.
- d. Overall sensitivity to the surrounding context including understanding of circulation possibilities and site

landscaping opportunities.

- e. Overall ability of the proposed project to add to the vitality of the surrounding neighborhood and maintain a sense of public accessibility to the building.

4. Feasibility (20 points)

Likelihood of Respondent and proposed concept meeting the City objectives in an expedient manner. Factors considered will include:

- a. Evidence of ability of this Respondent to attract necessary public and private investment for the Rehabilitation Concept proposed.
- b. Feasibility of the Rehabilitation Concept to address the deteriorated state of the building in the near term.
- c. The probability of obtaining approvals for the proposed project, given the historic status of the building and the physical and regulatory constraints on development.
- d. Cash flow projections that demonstrate the project, once operational, will meet all lease, debt service and operating expenses.
- e. Demonstrated strength of the real estate market for specific uses proposed.

5. Community and Public Objectives (15 points)

- a. Amount of community benefit derived from the project, such as but not limited to, amount of local and small business participation, commitment to prevailing and living wages, commitment to labor peace, number of jobs created, opportunities for mentoring or job training, number and quality of public facilities and amenities proposed, etc. Note that if a City subsidy is provided, certain wage and employment contracting standards become requirements, as explained in more detail in Section X.

VIII. SUBMITTAL INSTRUCTIONS AND REQUIREMENTS

A. Submittal Instructions

1. Schedule

Pre-Submittal Conference and Tour	October 10, 2014, 10:00 a.m.
Deadline for submission of written questions	October 24, 2014, 5:00 p.m.
Submittal deadline	November 12, 2014, 2:00 p.m.

2. Pre-Submittal Meeting and Building Tour

Interested parties are strongly encouraged to attend the pre-submittal meeting and tour on Friday, October 10, 2014, from 10:00 a.m. to noon at the Henry J. Kaiser, Calvin Simmons Theater, 10 10th Street. City staff will address questions and offer a tour of the building. Access may be limited based on building conditions and all parties will be required to sign liability waivers.

3. Questions Regarding RFP

Any requests for information concerning, or clarification of, this RFP must be submitted in writing before 5:00 p.m. on October 24, 2014, to: Kelley Kahn, 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612 or by e-mail to kkahn@oaklandnet.com.

Responses to all questions directed to staff either at the pre-submittal meeting or in writing prior the date above will be posted on the City's web page for this RFP. Respondents are presumed to have received any and all information contained and referenced in this RFP, transmitted to interested parties and posted on the City's web page for this RFP.

www.oaklandnet.com/realestate

4. Number and Form of Submittals

Please submit 10 copies of the submittal, as described below, with the exception of a single set of the Confidential Financial Materials. Except for Confidential Financial Materials, documents should be submitted in electronic form as well.

Each Respondent should submit one copy of its financial

information in a separate sealed envelope, designated “Confidential Financial Materials.” Each Respondent must clearly mark any of the financial materials that it in good faith believes to be a trade secret or confidential proprietary information protected from disclosure under applicable law. To the extent permitted by law, the City will attempt to maintain the confidentiality of financial materials marked confidential and/or proprietary, but Respondents are cautioned that, in accordance with the Sunshine Ordinance (Admin. Code Sec. 67.24(e)), responses and other communications from interested parties must be open to inspection by the public upon request immediately after a lease is executed. Proprietary financial information submitted by a Respondent in response to this RFP will not be disclosed until and unless that Respondent executes the lease.

Submittals must be prepared and submitted in an organized manner. Information must be printed double-sided to the extent possible. Page numbers and a table of contents are required and tab dividers are encouraged. Submittals must be submitted in 8½ x 11 inch, 3-hole punched format. The submittal can include 11x17 inch paper, folded, as necessary.

5. Submittal Delivery

The proposals are due to Contracts and Compliance, Office of the City Administrator, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612 no later than 2:00 p.m. on Wednesday, November 12, 2014.

B. Submittal Requirements

1. Cover letter

Submit a cover letter that introduces the development team and highlights of the rehabilitation concept for the building, executed by an authorized signatory of the development team.

2. Development Team Description and Experience

a. Development Entity and Team

Identify and describe the development entity submitting for the project. Include the responsibilities, name, address, telephone and e-mail address of the principal developer (and relevant joint venture partners), and any other information, including references, about the development entity that may be pertinent to this opportunity. Joint ventures are acceptable, as long as one organization is designated as the

lead development entity. Indicate which members, if any, of the development entity, and or joint venture partners, and /or team members are local or small business enterprises (“LBEs” and SBEs”).

Please indicate the architect, historic architect, landscape architect, structural engineer and other critical consultants that are proposed for this project. Please indicate the roles for anticipated consultants or contractors that have not been included at the time of submittal.

- i. Identify the legal entity with which the City would contract. List any and all joint venture partners, limited partners, members or other equity holders and their percentage interests and capital/equity committed to the entity. Provide federal tax identification number and date of incorporation or organization.
- ii. Identify the person(s) in charge of negotiations, the limits of their negotiation authority and key personnel who will be involved in decision-making and day-to-day project management.
- iii. Describe the intended role of each team member and key personnel in the implementation of the project and the responsible entity in the organizational structure for entitlement phase, construction stage and ongoing property management.
- iv. Discuss plans to include LBEs and SBEs as partners, consultants and contractors. Please indicate whether the development team includes any LBE or SBE equity partners and, if so, what percent of capital investment each is anticipated to contribute.
- v. Identify selected consultants, including licensed design professionals, and identify the lead person with each consultant.
- vi. Include résumés for all key personnel for the Respondent and consultants/contractors.

b. Disclosures

Please provide answers to the following questions:

- i. Is the development entity or any principal owner in the proposed project involved in any litigation or disputes that could result in a financial settlement having a

materially adverse effect on the Respondent's financial condition? If yes, please explain.

- ii. Does the development entity or any principal owners in the proposed project have any off-balance sheet liabilities, such as corporate or personal loan-guarantees? If yes, please provide details of these items.
 - iii. Has the development entity or any named individual in the proposed project ever filed for bankruptcy or had projects that have been foreclosed, or transferred to a creditor in lieu of foreclosure, or projects where the developer renegotiated or refinanced permanent project debt which resulted in a relaxation of either financial or other covenant or other terms and conditions of the existing debt on the project? If yes, please list the dates and circumstances.
 - iv. If response is yes to any of these questions, the City may follow-up for additional information from the Respondent.
- c. Developer Experience
- i. Provide a list of developments in which the company or principal(s) has (have) been involved, indicating the product type, date, size, cost, location and the role of the Respondent in each development.
 - ii. Describe in greater detail the Respondent's involvement in at least three similar development projects to that proposed, including product type, dates, locations, tenants, financing, size and total development cost on successfully completed similar developments. Indicate the role of the Respondent in each project. Provide photographs if available. Provide references including contact name, title, company name, e-mail address and telephone number for the projects.
 - iii. Identify historic preservation experience of the Respondent and of the key consultants. Discuss experience securing historic tax credits and

responding to a design review process for an adaptive reuse project.

- iv. List all current projects in the design or development phase.
- v. Discuss experience with meeting local and small business subcontracting goals on other projects.

d. Architect and Design Firm Experience

For each architectural and design firm on the team, provide the following:

- i. Comparable Projects: Describe a maximum of three (3) completed recent developments that are comparable to the proposed project, including projects with a significant historic reuse component, as well as dates completed and client contact information for each. (If the Architect was not the sole architect, please describe the Architect's role in the project.)
- ii. Photographs of Comparable Projects: Submit photographs of the interiors and exteriors of the comparable projects listed above, to display architectural design features, relationships of buildings and relationships with adjacent uses (other buildings, streets, etc).
- iii. "Green" Building Experience: Describe green building design experience and evidence of current LEED professionals among the Key Personnel, if any.

3. Rehabilitation Concept

Respondent shall submit a design concept for the adaptive reuse of the building that communicates the building program, proposed changes to the building and includes any materials necessary to communicate the proposed character and vision of the project.

- a. Project Narrative: Submit a narrative — no more than 10 pages — describing the overall vision for the rehabilitation and reuse of the building and how it responds to the objectives and key terms contained in this RFP. The narrative, at a minimum, shall address:
 - i. What uses and activities are proposed for the building

and where they will occur in the building, including the square feet for each use

- ii. The proposed rehabilitation plan including how to address repairing and retaining the historic attributes of the building and addressing seismic and other structural challenges, including adding modern buildings systems and green building strategies
 - iii. How the proposed concept will help better link the building, Lake Merritt, other nearby land uses and the surrounding circulation network.
 - iv. How the concept will respond to the objectives and key terms in sections IV and V of the RFP.
 - v. A proposed plan for the reuse of the Calvin Simmons Theater, including the types of uses, performances and frequency of use.
 - vi. The schedule and approach to securing regulatory approvals for the proposed project through occupancy.
- b. Plans and Illustrative Materials: Provide plans and any illustrative materials necessary to help communicate the Rehabilitation Concept, such as a site plan, floor plans, precedent images, renderings, etc.
4. Conceptual Project Pro-Forma and Expected Sources of Funds.
- a. At a conceptual level, propose a financial structure for the Rehabilitation Concept. Discuss, at a general level, Respondent's proposed ground lease terms for the project envisioned.
 - b. Provide a static pro-forma for the Rehabilitation Concept illustrating total project investment, expected average annual occupancy rate, total revenues, operating expenses, net operating income, debt service and return to equity at project stabilization.
 - c. Provide an overall (total) development budget, including all hard and soft costs from preconstruction through occupancy. Explain the basis for the cost estimates.
 - d. Include a market justification that clearly supports revenue assumptions and the viability of proposed tenancies. Submit market information for any specialized or non-

standardized use.

- e. Indicate the anticipated source(s) and amount of debt and equity (including working capital) identified for the proposed project. Describe the Respondent's current relationships with investors and lenders and ability to obtain necessary capital for the proposed development.

5. Additional Project Information (Optional)

Additional information about the proposed Rehabilitation Concept, uses or design that the Respondent believes is necessary to communicate the strength of its proposal. Items may include:

- a. Specialized design or specific use concepts.
- b. Letters of interest from potential tenants and/or equity partners.
- c. Letter(s) from lending institutions and/or equity sources that demonstrate the ability to raise the necessary financing for the proposed development.

6. Confidential Financial Capacity Submittal Requirements

Submittals must include one copy of Respondent's financial information in a separate sealed envelope, designated "Confidential Financial Materials". Demonstrate your financial capacity by providing the following:

- a. *Financial Statements*: The most recent available credit report and financial statements for the past two years of each principal partner and joint venture participant for each entity. Financial statements shall include balance sheets, income statements, statements of changes in financial position or cash flows and all notes to the financial statements. Financial statements must be identified as audited, reviewed, compiled or company prepared. Financial statements prepared by recognized accounting firms are preferred. The City reserves the right to ask for additional financial statements for other periods.
- b. *Real Estate Portfolio*: Provide the composition of the current real estate portfolio either owned or managed by each principal partner or joint venture participant, listing the following for each project: project name, type, location (city, state), project size (rentable area), date completed, value, original and current debt, role (developer, operator, property manager, etc.), ownership interest and

occupancy rate.

- c. *Lender Relationships*: Describe the Respondent's current relationships with lenders and ability to obtain necessary financing for the development proposed including recent history (last 2-3 years) in obtaining financing commitments, detailing type of project, financing source, amounts committed, etc. Provide lender references for the projects included in developer qualifications.

7. Earnest Money Deposit

Each Respondent must submit with its response an earnest money deposit in the amount of \$5,000, payable to the City of Oakland in the form of a cashier's or certified check. Submittals received without the earnest money deposit will be deemed non-responsive. Earnest money deposits will be refunded, without interest, to each Respondent not selected for exclusive negotiations. The earnest money deposit of the Respondent selected for exclusive negotiations will be non-refundable, whether or not exclusive negotiations result in agreement.

IX. SELECTION PROCESS, AWARD AND NEXT STEPS

A. Completeness Review

City will review all submittals to determine whether they are complete and responsive to this RFP. Only submittals that are complete, responsive and meet all requirements of this RFP will be evaluated during the selection process. The City will deem a submittal non-responsive and ineligible for consideration for any of the following reasons:

1. The submittal does not include all information specified in Section VIII of this RFP.
2. The submittal is not responsive to the City's development objectives and key terms (Sections IV and V).
3. The Respondent does not meet the minimum qualifications (Section VII).
4. The submittal is submitted after the deadline.
5. The submittal is submitted without the earnest money deposit.
6. The submittal is submitted with incomplete or missing forms or attachments.
7. The submittal includes information that is false or misleading.
8. The submittal is only transmitted by electronic mail.

The City will send a letter to any Respondent whose submittal is deemed non-responsive and will indicate the reason(s) that the submittal is deemed non-responsive.

B. Evaluation and Recommendation

Complete and responsive submittals from qualified Respondents will be reviewed in detail by staff. If warranted, the City reserves the right to request clarification or additional information from individual Respondents. Staff will contact references and industry sources and investigate previous projects and current commitments. Staff will review the confidential Financial Capacity Materials provided to assess the financial capability of each Respondent to undertake the project proposed.

The submittals (except for the Confidential Financial Materials) will then be reviewed and evaluated by an evaluation panel consisting of city staff and possibly community stakeholders and professionals with experience in real estate economics, land use planning, architecture/

urban design or other relevant fields. Respondents, or a subset of respondents deemed most responsive to the requirements and terms of this RFP, will be asked to present their proposal to the evaluation panel in the form of an interview. Respondents may be asked to present proposals to other interested stakeholders for input during the evaluation process. The evaluation panel will score submittals according to the evaluation criteria in Section VII.

C. City Council Determination

Staff will recommend to the City Council one Respondent to advance to exclusive negotiations to refine a development project for the building. The staff report supporting the recommendation may include information gathered during the evaluation process, including the results of reference checks, as well as information provided by the Respondent. The City Council may elect to direct staff to enter into negotiations with the recommended Respondent. The City Council, in its sole and absolute discretion, will make such decision.

The City Council's selection of a Respondent for exclusive negotiations will not imply the City's acceptance of all terms of the selected Respondent's submittal or that a final agreement with Respondent will be executed, which will be subject to further negotiations and approvals before the City may be legally bound.

D. Exclusive Negotiations and Non-Refundable Deposit

Upon City Council selection of Respondent, City staff and the selected Respondent will negotiate the terms of an Exclusive Negotiations Agreement to further refine the development project, negotiate required transaction documents and secure approvals. The ENA will contain time and performance benchmarks, including provisions for Respondent's payment of liquidated damages and termination for non-performance, and possibly provide for the Respondent to fund the City's costs associated with project planning and review. If a satisfactory ENA cannot be negotiated with a selected Respondent, the City, at its sole discretion, may terminate negotiations with the selected Respondent and begin exclusive negotiations with another qualified Respondent, conditioned on the City's receipt of a new earnest money deposit from that Respondent.

Assessing the feasibility of rehabilitating the Henry J. Kaiser building may require more extensive investigations than Respondents could undertake in preparing a RFP submittal. The first milestone of the ENA will be refinement of the Rehabilitation Concept into a more specific proposal. The "Project Proposal" will define the rehabilitation program, development costs, land uses, business terms, private investment, etc. If agreement cannot be reached on a feasible Project

Proposal by the time specified in the ENA, the City may terminate the ENA and commence negotiations with another qualified respondent.

The selected Respondent should anticipate, and participate in, substantive discussions with staff, community stakeholders and other interested parties and policy makers during the term of the ENA. The Respondent also should anticipate revisions to their Rehabilitation Concept and, later, their Project Proposal as a result of negotiations with the City and as a result of the public regulatory review process. The period of exclusive negotiations may be extended solely at the City's discretion for an extension period as determined by the City Council, in its sole and absolute discretion, provided that the selected Respondent has met certain benchmarks as otherwise required in the ENA.

During the period of exclusive negotiations, the following events are anticipated:

1. Negotiation of a lease disposition and development agreement ("LDDA") defining parameters for development, a performance schedule, development standards and requirements and conditions to be satisfied before the City will enter into a lease of the Henry J. Kaiser building.
2. Negotiation of a form lease and related documents for the lease of the building in a final form approved by the City Attorney's Office incorporating specific terms, including the City's and selected Respondent's respective responsibilities and the economic parameters.
3. The selected Respondent will secure financial commitments for the proposed project from lenders and/or equity sources and, if applicable, preliminary sublease commitments from proposed anchor and other tenants.
4. The selected Respondent, with the City's cooperation and prior approval, will initiate and complete the project approval processes.
5. The selected Respondent will undertake any required environmental review.

Within 30 days of executing an ENA between the City and the Respondent, the City will require a non-refundable deposit of \$25,000, which will be considered a Project Expense Payment (PEP), to cover City costs associated with managing the project.

E. LDDA and Other Transaction Approvals

Upon completion of any required environmental review and

negotiations by staff, the City Council may, but is not required to, approve a lease, LDDA and any related documents.

X. CITY OF OAKLAND REQUIREMENTS AND PROGRAMS

A. REQUIREMENTS APPLICABLE TO ALL PROPOSALS

The following City requirements and policies are applicable **to all proposed projects**. Note that **Schedules E, O and K** described below must be submitted as part of Respondent's proposal.

1. **Project Consultant Team (Schedule E):** Respondent shall submit information concerning the ownership and workforce composition of Contractor's firm using Schedule E, Project Consultant Team, as part of the proposal, which can be found at:

www2.oaklandnet.com/w/oak023379

2. Limitation On Campaign Contributions (Schedule O)

The Oakland Campaign Reform Act prohibits parties doing business or seeking to do business with the City from making campaign contributions to Oakland candidates between commencement of negotiations and either 180 days after completion or termination of negotiations. Respondents are required to submit the Acknowledgement of Campaign Contributions Limits form attached as Schedule O as part of the proposal. Schedule O can be found at:

www2.oaklandnet.com/w/oak023287

3. Pending Dispute Disclosure Form (Schedule K)

All entities are required to disclose pending disputes with the City when bids, proposals or applications are submitted for a City contract or transaction, involving, but not limited to:

- Contracts with project developments, including Disposition and Development Agreement, Lease Disposition and Development Agreement, and other participate agreements,
- Loans and grants, or acquisition, sale, lease or other conveyance of real property, excluding licenses for rights of entry or use of city facilities for a term less than thirty

(30) consecutive calendar days.

Schedule K must be submitted as part of the proposal and can be found at:

www2.oaklandnet.com/w/oak023378

4. Insurance

Commencing on the date that the City Council approves an ENA and for the life of the project, Respondent must obtain comprehensive general liability and property (hazard) insurance coverage of at least \$2 million. The City also requires property damage or builder's risk insurance in an amount equal to 100% of the replacement cost of the structure, with a lender's loss payable endorsement in favor of the City. Construction contractors will be required to obtain liability and builder's risk insurance in an amount equal to \$2 million. Automobile insurance, professional liability, workers compensation and employer's liability coverage are also required.

All policies must name the City as an additional insured. For more information on insurance requirements, please review Schedule Q for Professional and Specialized Services: <http://www2.oaklandnet.com/Government/o/CityAdministration/d/CP/s/FormsSchedules/>

Schedule Q is not required to be included in the proposal.

5. Indemnification

Commencing on the date the City Council approves the ENA and for the life of the Project, the selected development team shall, to the fullest extent allowable by law, hold harmless, defend at its own expense and indemnify the City, and their respective commissioners, members, officers, agents and employees of and from all claims, loss, damage, injury, actions, causes of action and liability of every kind, nature and description, including reasonable attorney's fees, directly or indirectly arising from all acts or omissions to act of the development team or its officers, agents or employees connected with the performance of the ENA and any of the contractor's development team's operations or activities related thereto, excluding, however, such liability, claims, losses, damages or expenses arising from the City's sole negligence or willful acts.

6. Environmental Review And Assessment - CEQA

The City cannot enter into any LDDA for development of the property until environmental review under the California Environmental Quality Act (“CEQA”) is complete. Changes to the proposed project may occur or be required during the course of public review of the proposed project, during the extensive approval processes that will follow CEQA review, and in response to other City and public concerns that may arise, and those changes may require additional CEQA review if the changes have not already been analyzed. If a project is found to cause significant adverse impacts, the City retains absolute discretion to require additional environmental analysis, and to: (1) modify the project to mitigate significant adverse environmental impacts; (2) select feasible alternatives that avoid significant adverse impacts of the proposed project; (3) require the implementation of specific measures to mitigate the significant adverse environmental impacts of the project, as identified upon environmental evaluation in compliance with applicable environmental law; (4) reject the project as proposed if the economic and social benefits do not outweigh otherwise unavoidable significant adverse impacts of the project; or (5) approve the project upon a finding that the economic and social benefits of the project outweigh otherwise unavoidable significant adverse impacts.

7. Nondiscrimination

All respondents must agree not to discriminate on the basis of race, color, ancestry, national origin, religion, sex, sexual preference, age, marital status, family status, source of income, physical or mental disability, Acquired Immune Deficiency Syndrome (AIDS) or AIDS-related conditions (ARC), or any other arbitrary basis.

8. Disabled And Senior Accessibility

The Respondent must meet the requirements of the Americans with Disabilities Act.

9. Public Record

Respondents should understand that under the California Public Records Act and the City’s Sunshine Ordinance, all documents that are submitted in response to this RFP, including financial information, are considered public records and will be

made available to the public upon request, unless specifically exempted under the law.

10. Conflict of Interest

No public official of the City who participates in the decision-making process concerning selection of a developer or a project may have or receive a direct or indirect economic interest in the developer or the project.

11. Sustainability – Green Building Ordinance

In 2005, the City adopted a Green Building Ordinance that will apply to all projects. For more information about the Ordinance, go to the following website: <http://www2.oaklandnet.com/Government/o/PBN/OurServices/GreenBuilding/index.htm>

Continuing this leadership, the City Council, on October 19, 2010, pursuant to Ordinance No. 13040 C.M.S. adopted a comprehensive green building ordinance for private development projects. In addition to Oakland's local green building ordinance, the state of California adopted a Green Building Code known as CALGreen in 2010. Both the City's local ordinance and the 2013 amendments to CALGreen are now in effect. Follow the link below to visit the City's policies and requirements page:

<http://www2.oaklandnet.com/Government/o/PBN/OurServices/GreenBuilding/OAK022992>

Green Building Guidelines and Technical Assistance:

A wealth of information regarding green building techniques can be found from the following resources:

- Oakland's Green Building Resource Center (2nd Floor, 250 Frank Ogawa Plaza), or <http://www2.oaklandnet.com/Government/o/PBN/OurServices/GreenBuilding/index.htm>
- StopWaste.org, at www.stopwaste.org
- Build It Green, at www.builditgreen.org, especially for information about the GreenPoint Rated program.

B. REQUIREMENTS IF PUBLIC SUBSIDY PROVIDED

Should developer and City negotiate ***funding assistance in the form of a lease subsidy or other direct financial assistance from the City for the project as part of an LDDA or other agreement***, the developer must comply with the following City of Oakland policies programs, including requiring that contractors and subcontractors

comply with these requirements. Relevant schedules and forms referred to below could be required at a later date, but are not required as part of the proposal.

1. Contracting and Employment Requirements and Programs

- 50% Local and Small Local For Profit and Not For Profit Business Enterprise Program (L/SLBE)
- 50% Local Employment Program
- 15% Oakland Apprenticeship Program
- City of Oakland Equal Benefits Ordinance
- Electronic Certified Payroll Submittals (for construction)

Additional contracting requirements and instructions include:

- The use of contractors that appear on the federal government's list of suspended and debarred contractors is expressly prohibited.
- The Developer must require Prime Contractors and all subcontractors to enter ALL certified payroll reports into the Labor Compliance Program (LCP) tracker in accordance with Special Provision Section 7 subsection 7-2.2.1. The LCP tracker is a web based program that monitors the payment of Davis Bacon and State of California prevailing wages. The prime contractor will be charged a monthly fee for this service (subcontractors will not be charged).
- The 50% L/SLBE requirement must be met on both the professional services and construction phases of each project. A minimum of 25% of this requirement must be met with SLBE participation.

Applicants are strongly encouraged to contact the Contract Compliance and Employment Services Division at (510) 238-3970 or visit the website <http://www2.oaklandnet.com/Government/o/CityAdministration/d/CP/index.htm> for any questions regarding specific requirements of the City's and Agency's contracting and employment programs.

2. Prevailing Wage Requirements

Projects that are subsidized will be subject to the City's prevailing wage policy, which requires all workers performing construction

work on a project be paid prevailing wages as determined under the California Labor Code and implementing regulations.

The general contractor selected must comply with the State of California Prevailing Wage as determined by the Department of Industrial Relations. General prevailing wage rates can be obtained via www.dir.ca.gov/DLSR.

3. Living Wage Requirements (Schedule N)

The City of Oakland Living Wage Ordinance requires that, unless specific exemptions apply, or a waiver is granted, all recipients of \$100,000 or more in any twelve-month period from the City or ORSA (including recipients of land write downs), shall pay employees a minimum of \$12.27 per hour. That rate applies if health benefits of at least \$1.62 per hour are offered. If no health benefits are offered, a pay rate of \$14.10 per hour is required. Such rates shall be adjusted annually pursuant the terms of the City's Living Wage Ordinance. These requirements will also apply to service contractors who receive service contracts of \$25,000 or more. The Ordinance also requires submission of the Declaration of Compliance, Schedule N.

Under the provisions of the City's Living Wage Ordinance (Oakland Municipal Code 2.28), the City or Agency shall have the authority, under appropriate circumstances, to terminate and seek remedies as set forth therein for violations of the Policy.

More information can be found at the City of Oakland's website at: <http://www2.oaklandnet.com/Government/o/CityAdministration/d/CP/index.htm>

4. Other Schedules that may be Required at a Later Time

Once a developer is selected, the following City requirements may be applicable. The City reserves the right to request that any or all of these schedules be completed if needed at a later date, following developer selection. All of the schedules can be found at the following website:

<http://www2.oaklandnet.com/Government/o/CityAdministration/d/CP/s/FormsSchedules/index.htm>

a. Arizona Resolution (Schedule B-2)

Applicant agrees that in accordance with Resolution No. 82727 C.M.S., neither it nor any of its subsidiaries, affiliates or agents that will provide services under this agreement is currently headquartered in the State of Arizona, and shall not establish an Arizona business headquarter for

the duration of the agreement with the City of Oakland or until Arizona rescinds SB 1070.

Applicant acknowledges its duty to notify the Purchasing Department if it's Business Entity or any of its subsidiaries affiliates or agents subsequently relocates its headquarters to the State of Arizona. Such relocation shall be a basis for termination of this agreement.

b. Combined Schedules (C-1, P, U&V)

Applicant shall submit a completed combined schedules form, which includes the following specific schedules:

- Schedule C-1 - Compliance With The Americans With Disabilities Act
- Schedule P - Declaration of Compliance (Nuclear Free Zone Disclosure Form)
- Schedule U - Compliance Commitment Agreement
- Schedule V - Affidavit Of Non-Disciplinary Or Investigatory Action

c. Ownership, Ethnicity and Gender Questionnaire (Schedule D)

Applicant shall submit information concerning the ownership and workforce composition of the Applicant's firm by completing Schedule D.

d. Equal Benefits Declaration Of Nondiscrimination (Schedule N-1)

The applicant may be subject to the Equal Benefits Ordinance of Chapter 2.32 of the Oakland Municipal Code and its implementing regulations. The purpose of this Ordinance is to protect and further the public, health, safety, convenience, comfort, property and general welfare by requiring that public funds be expended in a manner so as to prohibit discrimination in the provision of employee benefits by City contractors (consultants) between employees with spouses and employees with domestic partners, and/or between domestic partners and spouses of such employees. (Ord. 12394 (part), 2001)

The following entities are subject to the Equal Benefits Ordinance: Entities which enter into a "contract" with the City for an amount of twenty-five thousand dollars

(\$25,000.00) or more for public works or improvements to be performed, or for goods or services to be purchased or grants to be provided at the expense of the City or to be paid out of moneys deposited in the treasury or out of trust moneys under the control of or collected by the city; and Entities which enter into a “property contract” pursuant to Section 2.32.020(D) with the City in an amount of twenty-five thousand dollars (\$25,000.00) or more for the exclusive use of or occupancy (1) of real property owned or controlled by the city or (2) of real property owned by others for the city’s use or occupancy, for a term exceeding twenty-nine (29) days in any calendar year.

The Ordinance shall only apply to those portions of a contractor’s operations that occur (1) within the city; (2) on real property outside the city if the property is owned by the City or if the City has a right to occupy the property, and if the contract’s presence at that location is connected to a contract with the City; and (3) elsewhere in the United States where work related to a city contract is being performed. The requirements of this chapter shall not apply to subcontracts or subcontractors of any contract or contractor

The Equal Benefits Ordinance requires among other things, submission of Schedule N-1.

e. Insurance (Schedule Q – Construction Services)

Applicant may be required to submit insurance covering relating to construction services. All policies must name the City as an additional insured. For more information on insurance requirements for construction services, please review Schedule Q for Construction Services.

f. Subcontractor, Supplier, Trucking Listing (Schedule R)

Applicant may be requested to submit a list of all subcontractors and supplies using Schedule R with values in excess of one-half of 1 percent of the prime contractor’s (or general contractor’s) total bid or ten thousand dollars (\$10,000), whichever is greater regardless of tier and all trucking and dollar amount regardless of tier to be used on the project.

g. Recycling & Waste Reduction (Jobsite Waste Reduction & Recycling Plan Form)

The Waste Reduction and Recycling Plan (WRRP) must

be completed for any new construction, any demolition (excludes single family & duplex) and any addition or alteration with a construction value exceeding \$50,000 (excludes single family & duplex). WRRP must be submitted and approved prior to issuance of building permits. Incomplete forms will be returned to applicant and may delay issuance of permits

XI. ADDITIONAL TERMS AND CONDITIONS

A. Development Team Expenses

Development teams responding to this RFP do so at their own expense. The City will not reimburse development teams for any costs related to this RFP or any activities conducted during the negotiation period.

B. Liability Waiver

By responding to this RFP, every member of each development team waives any claim, liability or expense whatsoever against the City and its respective officers, commissioners, employees and volunteers.

C. Development Team's Responsibility

After transfer or execution of a ground lease for the property, the selected development team will be solely responsible for construction of all improvements according to the City-approved construction documents, and in accordance with applicable City building codes. This includes, but is not limited to, all on-site improvements and any changes from existing conditions, including site remediation, underground utilities, street lighting, curbs, gutters, street trees and sidewalks.

D. City Non-Responsibility

The Property will be conveyed to the selected development team in an "as is" condition without warranties. The City has no obligation to perform any site remediation; demolish any improvements on the site; remove, relocate or install utilities; complete on-site or off-site preparation work or improvements or make any changes whatsoever to existing conditions prior to conveyance of the Property to the developer.

E. Geotechnical and Environmental Investigations

All geotechnical and environmental investigations prior to transfer of the Property must be conducted by licensed companies retained by developer for that purpose, which investigations may only occur upon the issuance of a Right of Entry by city staff, which may be included in the ENA.

F. Right To Modify Or Suspend RFP

The City's issuance of this RFP is not a promise or an agreement that the City will actually enter into any contract. The City reserves the right at any time and from time to time, and for its own convenience, in its sole and absolute discretion, to do the following:

- Modify, suspend or terminate any and all aspects of the selection process, including, but not limited to this RFP and all or any portion of the developer selection process from the date on which this RFP is issued until the parties approve a ENA;
- Waive any technical defect or informality in any submittal or submittal procedure that does not affect or alter the submittal's substantive provisions;
- Reject any and all submittals;
- Request some or all Respondents to revise submittals;
- Waive any defects as to form or content of the RFP or any other step in the selection process;
- Reject all proposals and reissue the RFP;
- Procure the desired proposals by any other means or not proceed in procuring the proposals;
- Negotiate and modify any and all terms of an agreement;
- Accept or reject any respondent for exclusive negotiations.

The City may modify, clarify and change this RFP by issuing one or more written addenda. Addenda will be posted on the City's website, and notice of the posting will be sent by electronic mail to each party that attended the pre-bid meeting and signed-in. The City will make reasonable efforts to notify interested parties in a timely manner of modifications to this RFP but each Respondent assumes the risk of submitting its submittal on time and obtaining all addenda and information issued by the City. Therefore, the City strongly encourages interested parties to check the City's web page for this RFP frequently.

G. Public Records

Applicants should understand that under the California Public Records Act and the City's Sunshine Ordinance, all documents that are submitted in response to this Notice, including financial information, are considered public records and will be made available to the public upon request.

H. Respondent's Duty to Investigate

It is the sole responsibility of the selected respondent to investigate and determine the condition of the Property and the suitability of the conditions for any proposed improvements and use.

The information presented in this RFP and in any report or other information provided by the City is provided solely for the convenience

of the interested parties. It is the responsibility of interested parties to assure themselves that the information contained in this RFP or other documents is accurate and complete. The City provides no representations, assurances or warranties pertaining to the accuracy of the information.

Respondents are responsible for reviewing all portions of this RFP and any other information provided by the City in relation to this RFP.

Respondents are to notify the City in writing of any ambiguity, discrepancy, omission or other error in this RFP promptly after discovery, but in no event later than fifteen (15) business days before the deadline to submit submittals. Any concerns over ambiguity, discrepancy, omission or other error in this RFP from an interested party not provided to the City in a timely fashion will not be able to be accommodated or addressed.

The City's failure to object to an error, omission or deviation in any submittal will in no way modify this RFP or excuse Respondents from full compliance with the requirements of this RFP.

XII. ATTACHMENTS AND ELECTRONIC LINKS

A. ATTACHMENTS

1. Landmark Designation Ordinance
2. Historic Resources Inventory Form
3. Report of Fire Inspection IS-108-3322, September 30, 2008
4. Critical Engineering Group HVAC + Electrical Report, October 28, 2008
5. 1701 Associates Cost Estimate, April/August 2000
6. Oakland Public Library Draft Feasibility Study of the adaptive reuse of the Kaiser Arena as a new Main Library (2006)
7. Selected Building Plans: Floor Plans, Sections & Elevations (1983)
8. Henry J. Kaiser Fact Sheet (2011)
9. City of Oakland Required Forms
 - a. Schedule E
 - b. Schedule O
 - c. Schedule K

B. ELECTRONIC LINKS

1. Final Lake Merritt Station Area Plan:
www2.oaklandnet.com/w/oak048456
2. Lake Merritt Station Area Plan Final EIR:
www2.oaklandnet.com/w/oak048405
3. Other background documents and information about the Lake Merritt Station Area Plan:
www.Business2Oakland.com/lakemerrittsap

HABS		HAER	NR	3	SHL	Loc	X
UTM:		A	N4183440E565120		B		
		C			D		

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

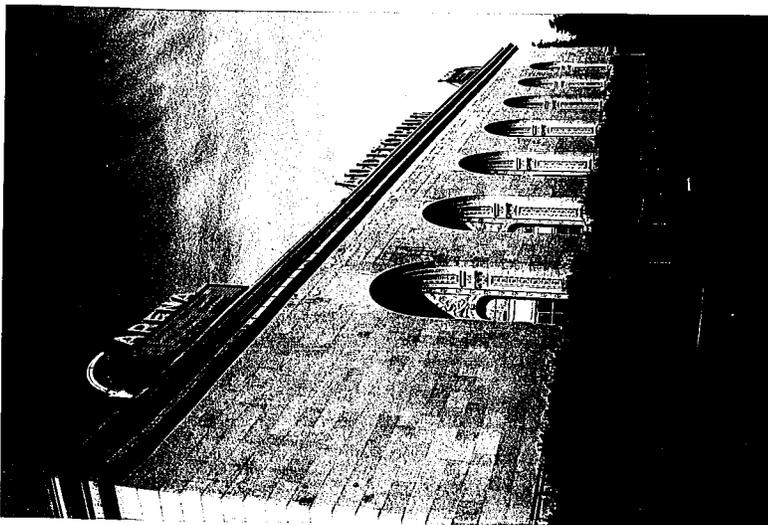
- Common name: Henry J. Kaiser Convention Center
- Historic name: Oakland Auditorium
- Street or rural address: 10 10th Street
City Oakland Zip 94607 County Alameda
- Parcel number: 0-450-1
- Present Owner: City of Oakland Address: 1421 Washington Street,
Room 409
City Oakland Zip 94612 Ownership is: Public Private
- Present Use: Theater and indoor arena Original use: Theater indoor arena and art museum

DESCRIPTION

- Architectural style: Beaux Arts derivative with Renaissance/Baroque ornament
- Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

The Oakland Auditorium is a large, rectangular gable-roofed structure located on filled land facing Lake Merritt near downtown Oakland, California. The siting of the building is related to an original idea that it be the centerpiece of a civic group including a library and a museum in a u-shaped ensemble which would be visible across Lake Merritt. The simple orderliness of the exterior belies a complex internal organization of varied spaces accommodating a variety of functions. Classical massing and ornamental detail contributes to the simple unity of the design and to the monumental public image demanded by the site and the place in the proposed civic group

The building is of steel frame and reinforced concrete construction with a specially designed system of roof trusses that lighten the amount of steel required. The building is clad in granite on its principal north facade (facing Lake Merritt) with terra cotta trim, most notably in seven monumental circular arch niches. The other facades are clad in stucco. Lamps, sconces, and marquees at the east and west entrances to (see continuation page 3)



- Construction date:
Estimated _____ Factual 1913-15
- Architect John J. Donovan;
H.F. Hornbostel, (arch.);
M.C. Couchot (cons.eng.)
- Builder E.A. Zeitfuchs
(superintendent of construction)
- Approx. property size (in feet)
Frontage 400 Depth 200
or approx. acreage _____
- Date(s) of enclosed photograph(s)
1982

266-1 10 10th St.; Oakland Auditorium; (North Elevation)

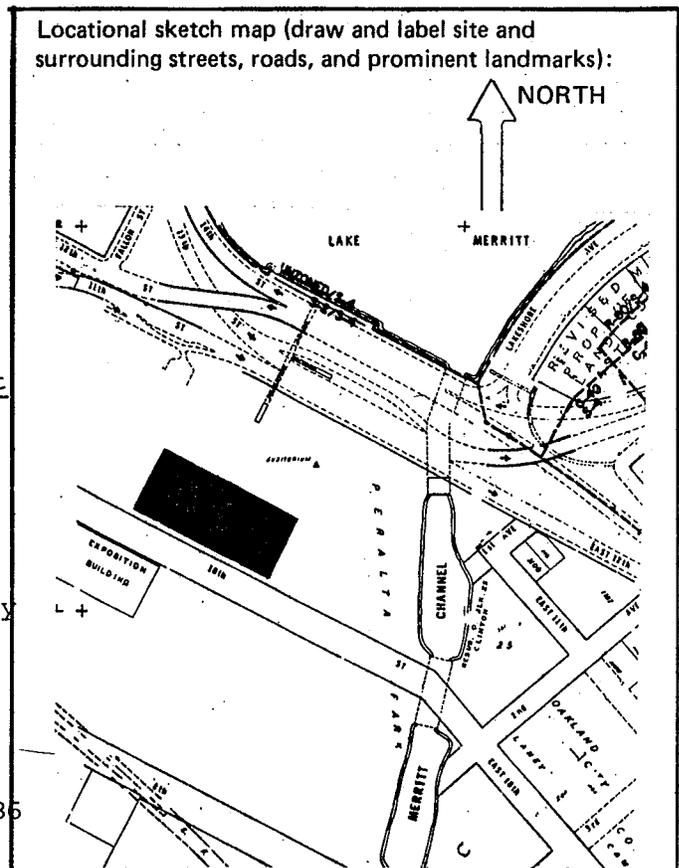
13. Condition: Excellent Good _____ Fair _____ Deteriorated _____ No longer in existence _____
14. Alterations: Wheelchair ramps at east and west entries; new signs
15. Surroundings: (Check more than one if necessary) Open land _____ Scattered buildings _____ Densely built-up
Residential _____ Industrial _____ Commercial _____ Other: Laney College, Oakland Museum, Lake Merritt and Peralta Park
16. Threats to site: None known Private development _____ Zoning _____ Vandalism _____
Public Works project _____ Other: _____
17. Is the structure: On its original site? Moved? _____ Unknown? _____
18. Related features: None

SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)
The Oakland Auditorium is significant as a fine example of Beaux Arts civic architecture, and as a major work of one of northern California's leading early 20th century architects, John J. Donovan, who at the time of the Auditorium's construction was supervising architect of the 1911-14 City Hall. It is distinguished by its clear organization of a complex interior, by its terra cotta ornament and use of materials, and by its interior spaces, notably the theater. The planning of large and diverse functions within a single shell articulated in a strong, clear, uncomplicated manner is extremely skillful. The quality of the terra cotta reliefs in the niches of the north facade is exceptional. The designs are important as the work of noted sculptor Alexander Stirling Calder. The contrast between the rich glazed terra cotta of the niches and the surrounding smooth expanses of granite wall heightens the strength of each in a manner that recalls the Oakland City Hall (see SHRI form) and the Fine Arts Building at Carnegie Mellon University in Pittsburgh, both designed by Henry Hornbostel consulting architect for the Auditorium, and Donovan's employer at the time of the Oakland City Hall design. The theater, by virtue of the richness of its ornament (see continuation page 6)

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
Architecture 1 Arts & Leisure 2
Economic/Industrial _____ Exploration/Settlement _____
Government 4 Military _____
Religion _____ Social/Education 3
21. Sources (List books, documents, surveys, personal interviews and their dates).
"The Oakland Auditorium Scheme", Architect and Engineer, XXX, 1 (August, 1912) 51-5.
O.P. Shelley, "Municipal Auditorium for the City of Oakland", Architect and Engineer, XXXI, 3 (April, 1914) 79-85.
22. Date form prepared April 30, 1983
By (name) Staff and Consultants
Organization Oakland Cultural Heritage Survey
Address: City Planning Dept., City Hall
City Oakland Zip 94612
Phone: (415) 273-3941
© 1985 City of Oakland

21. (Cont'd.)
Engineer, (XXXXI,3), April, 1914, 79-85
"Donovan Deposed; Mathews Gets Job", San Francisco Chronicle, 12/9/13.
(See continuation page 9)



HISTORIC RESOURCES INVENTORY

Street or rural address: 10 10th Street

7b. Physical Description (continued from page 1)

the building are shown on the plans to be iron, but some appear to be bronze.

Ornamental details are sparse except in the richly decorated and individually designed niches, each of which contains in the upper portion, a terra cotta relief of human figures, collectively entitled "Riches of the Earth" (Hayes). The individual groups are titled "The Joy of Effort", "Wisdom of the Earth", "Gifts of the Air", "Wealth of the Sea", "Consolation of Arts", "The Duties of Life" and "The Wealth of the Mind".

Elaborate cast iron cresting, now removed, originally ran along the roof ridge. The cresting and the niches were designed for a dramatic nighttime effect through illumination.

The plan of the building is evolved from the location of the 10,000 seat arena of the east end and the 3,000 seat theater at the west end with secondary, service, and circulation spaces arranged where they would fit. The arena and theater are back-to-back with the theater stage capable of being opened at the rear end and the stage floor lowered to create a single 13,000 seat convention space running the length of the building. It is from this possibility that the arched north facade is derived expressing the essential unity of the interior. This unity is also expressed by the nearly identical east and west gable ends of the building, which are the principal entrances to the arena and the theater respected. These elevations are composed of central arcaded bays above the entrance marquees, with clerestory windows lighting the arena on the east elevation and lighting the theater's upper level lobby on the west elevation.

The arena and theater are largely encircled by corridors at the ground level, some of which are intended to function as exhibit space as well. Upstairs at the theater end are the former Municipal Art Gallery (now a reception room) and a large ballroom and various meeting rooms. At both ends of the building, upper levels are reached by ramps rather than stairs, as well as by elevators. The building also houses executive offices, rest rooms, changing rooms, and showers.

The interior spaces are treated, as explained in The Architect and Engineer (August, 1912 p. 51-55) "according to the character of the room". Thus, "The arena will have concrete slopes, wooden floor, exposed ornamental roof trusses, panel walls", and a skylit roof designed to be openable to create an open air space. At the same time the theater, art gallery, second level meeting room, and second level lobby are finished in ornamental plaster work. Most notably, the roughly square two level theater contains a rectangular proscenium with enriched pulvinated border, flanked by canted wall sections containing arched and screened upper level organ pipes framed by giant fluted Corinthian pilasters. An elaborate entablature with modillioned cornice and garlanded frieze extends along the tops of the walls. The elaborately ornamented ceiling is divided by heavy beams into a large center section and smaller border sections. A large gilt-framed bowl-type amber glass chandelier hangs from the middle section; four smaller cylindrical chandeliers with circular bases hang from the corners. A U-shaped balcony with richly decorated pulvinated railing extends along the sides and rear.

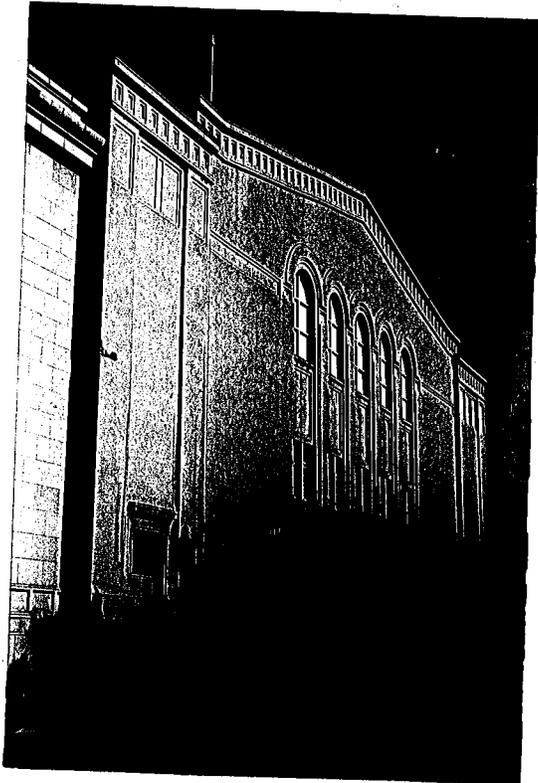
As the site exists today, the projected mall to the lake is developed with a parking lot and a divided roadway across the top of the 12th Street Dam on the north.

HISTORIC RESOURCES INVENTORY

Street or rural address: 10 10th Street

7b. Physical Description (continued from page 3)

Trees within the parking lot partially obstruct views of the main elevation from across the lake. To the west is the Oakland Museum, built in 1969, and to the east is the Lake Merritt Channel and Peralta Park. The building is bordered by 10th Street on the south.



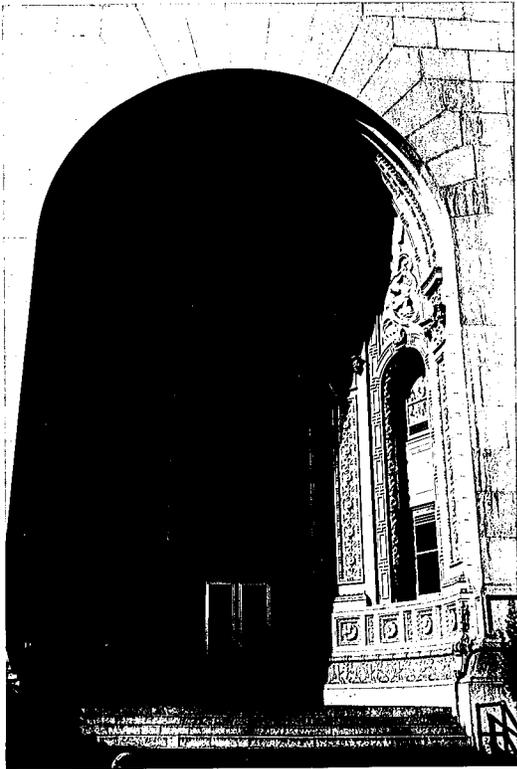
257-4 10-10th St.;
Oakland Auditorium:
(West elevation)



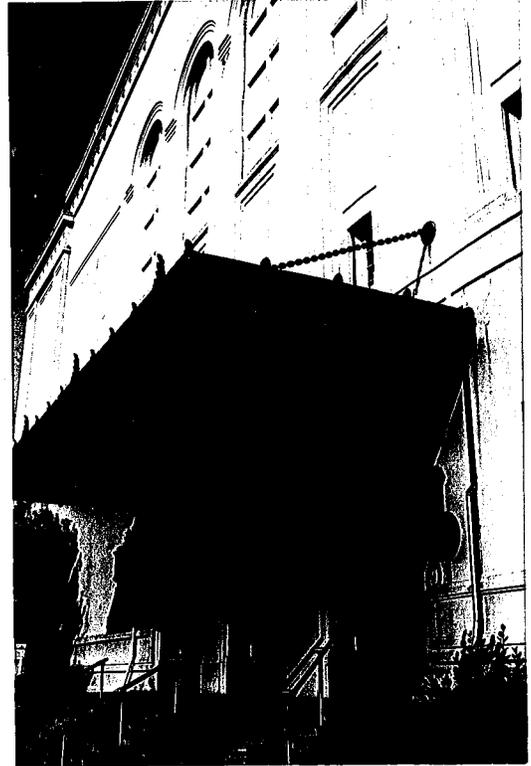
266-2 10-10th St.; Oakland Auditorium:
(E. elevation)

HISTORIC RESOURCES INVENTORY

Street or rural address: 10 10th Street



266-4 10-10th St.; Oakland Auditorium (N. elevation; far-left niche)



266-9 10-10th St; Oakland Auditorium: (East elevation entrance)

HISTORIC RESOURCES INVENTORY

Street or rural address: 10 10th Street

19. Historical and/or Architectural Importance (continued from page 2)

and the monumental quality of its high square space is one of the most dramatic theater interiors of its era still standing in the Bay Area.

The Auditorium is also significant as one of Oakland's major long-established public facilities, serving as the scene for numerous important public events during its many years of operation. Its use as a major activity center, its massive scale, its distinctive north facade, and its highly prominent location as the principal focal point at the south end of Lake Merritt have given it a familiarity closely associated with the City itself. In its monumental Beaux Arts design and projected inclusion within a grandiose civic center, the Auditorium is Oakland's most prominent reflection of the early 20th century City Beautiful Movement and of the movement's impact on the thinking of architects and civic leaders. The Auditorium was a major element of the ambitious civic improvement program of Mayor Frank Mott (1905-15), which also included the new City Hall, Lakeside and numerous other parks, and the early development of the Port of Oakland.

According to Hegemann, work began on the auditorium in 1913. The date shown on the original plans is September 1, 1913. The plans also show John J. Donovan, as architect, and Henry F. Hornbostel, as consulting architect. The auditorium was initially conceived as primarily a convention center and was a major element in an ambitious scheme of public and private projects promoted by Oakland's business community following the 1906 earthquake and fire in San Francisco. The San Francisco disaster caused much of that city's commerce to be drawn to Oakland and stimulated one of Oakland's major periods of rapid growth, including most of downtown Oakland's existing skyscrapers. The Oakland business community sought to capitalize on the situation, sensing the possibility that Oakland might become a serious rival to San Francisco as the Bay Area's leading city. Attracting big conventions through provision of the Auditorium was considered essential to accomplish this objective. A companion facility to the Auditorium was the nearby 1910-12 Hotel Oakland, (see National Register of Historic Places Nomination Form) at the time, one of the largest and most sumptuous hotels on the west coast, built in part to accommodate the anticipated flood of convention goers (Oakland Hotel Company Brochure).

A \$500,000 bond issue for the Auditorium was voted in 1912 (Shelley) and John J. Donovan was selected as architect with Maurice C. Couchot as consulting engineer. The final report of the Auditorium Commission Finance Committee identifies N. Clark & Son as the terra cotta supplier for the niches and Alexander Stirling Calder as the sculptor. After approval of the bonds, the original convention hall concept was expanded at the urging of civic organizations to include the theater, art gallery, ballroom and other spaces, but without an increase in the available funds. The inevitable cost overruns in the construction led to a crisis, resulting on December 9, 1913 in the City Council's replacement of Donovan as supervising architect with Walter J. Mathews. Donovan's dismissal had been urged by a Chamber of Commerce committee, which had earlier been among the leading promoters of the expanded facility (San Francisco Chronicle, December 9, 1913). In accepting the position, Mathews attempted to disassociate himself from the controversy and to give Donovan all possible credit for the design, adding that "as an auditorium plan, I consider it a good one". In an attempt to reduce the costs, the City Council awarded the concrete contract with the provision that the main north facade be "imitation cement stone" rather than the originally proposed limestone or granite, but reversed itself after receiving a telegram

HISTORIC RESOURCES INVENTORY

Street or rural address: 10 10th Street

19. Historical and/or Architectural Importance

from Hornbostel, which stated that "The public...., will never forgive the execution of its monumental facade in imitation material". (Oakland Enquirer, 3/16/14). A second \$500,000 bond issue was eventually voted in 1914 to allow completion of the project, the final cost of which was \$978,052 (Finance Committee Report).

The building's innovative features and the controversy surrounding the costs were the topics of a series of articles in the influential architectural periodical, Architect and Engineer. In the April, 1914 issue, civil engineer O.P. Shelley notes the Auditorium's role as the centerpiece of the Lake Merritt civic complex and calls special attention to the "fine character" of the niches. The article describes the common stage of the arena and theater as "a decidedly novel feature" along with the use of ramps rather than stairs, and notes the ability of the openable skylight over the arena to turn the room "almost into an open-air amphitheater". A thin "Self-Sentering" roof was used over the theater and arena, reducing costs by allowing the use of a lighter steel frame, including "three-hinged trusses" specially designed for the arena by engineer Maurice C. Couchot.

Although obtaining considerable recognition for his work on the Auditorium and on Oakland City Hall, John J. Donovan eventually became best-known as an expert on school architecture, having designed many of Oakland's early 20th century school structures (another component of Mott's improvement program, of which Oakland Technical High School (1914) at 4351 Broadway is among the best. His book "School Architecture", became a widely used reference work.

The works of sculptor Alexander Stirling Calder, who studied with Chapu and Falguiers in Paris, are widely spread across the country and include the well-known statue "Washington in Peace" on New York City's Washington Square Arch. According to his daughter, Mrs. Margaret Calder Hayes, he lived in the Bay Area from 1913 to 1915 to serve as Acting Chief of Sculpture for the 1915 Panama Pacific Exposition, and was commissioned to execute the niches during his stay. Hayes' future husband posed as a model for one of the music group figures in the Auditorium niches.

Engineer Maurice C. Couchot, a native of France, was described as "internationally famous" in a June 30, 1933 San Francisco Chronicle obituary and was an early advocate of reinforced concrete construction. He was later a member of the architecture and engineering firm of Couchot, Rosenwald and Roeth.

The auditorium opened April 30, 1915 with a three day celebration, "Dance of a Thousand Colors". Special efforts were made to expedite the opening so that the auditorium could accommodate the many conventions attracted to the Bay Area by the 1915 Panama-Pacific Exposition (San Francisco Examiner, November 20, 1912).

Until the 1960's, the auditorium served as Oakland's principal public facility for conventions and a wide range of large-scale indoor events. Entertainments which have appeared there over the years included Buffalo Bill's Wild West Show, vaudevillians Gallagher and Shean, circuses, and numerous major sporting events. Musical performers included Sergei Rachmaninoff, Feodor Chaliapin, Pablo Casals, Ernestine Schumann-Heink, Paul Whiteman and his orchestra and Al Jolson (Sturm). In recent years the Grateful Dead have frequently performed in the facility. In the 1960's, the auditorium was supplemented by the Oakland Coliseum and Arena for sporting events and exhibitions,

HISTORIC RESOURCES INVENTORY

Street or rural address: 10 10th Street

19. Historical and/or Architectural Importance

in the 1970's by the reopening of the 1931 Paramount Theater as a municipal performing arts center (see SHRI form for 2025 Broadway) and in 1983 by the George P. Scotlan Convention Center at 10th and Broadway. Prior to its relocation to the Paramount, the Oakland Symphony Orchestra performed at the Auditorium theater.

After 68 years of heavy use and considerable wear, the Auditorium temporarily closed at the end of 1982 for major rehabilitation. It will reopen as the Henry J. Kaiser Convention Center, in tribute to the well-known Oakland industrialist, and serve as an annex to the Scotlan Convention Center. The rehabilitation was funded by an important innovative scheme involving sale of the Auditorium and adjacent Oakland Museum to private investors as a tax shelter and leaseback of the facilities by the city with an eventual repurchase option financed from the surplus, with interest, from the sale.



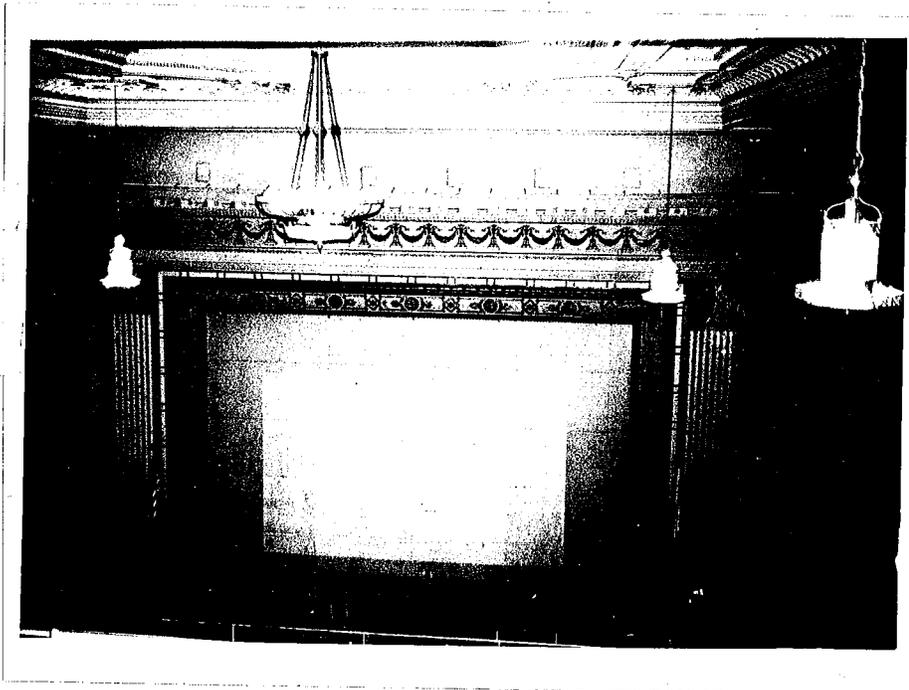
281-15A 10 10th St.; Oakland
Auditorium: (detail:
Theater Interior

HISTORIC RESOURCES INVENTORY

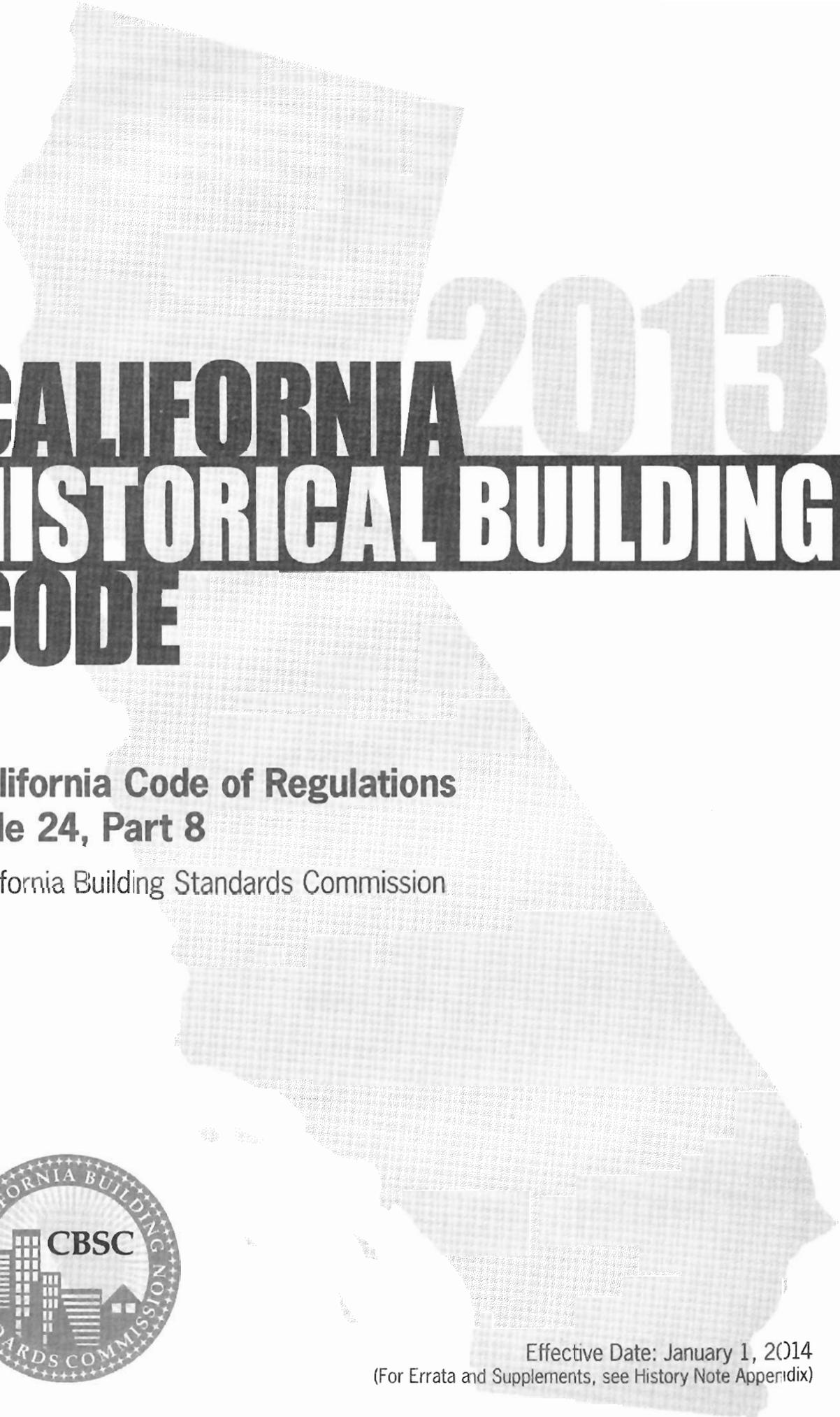
Street or rural address: 10 10th Street

21. Sources (continued from page 2)

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11/20/13



281-18A 10 10th St.; Oakland Auditorium: (Theater Interior)



CALIFORNIA 2013 **HISTORICAL BUILDING** **CODE**

**California Code of Regulations
Title 24, Part 8**

California Building Standards Commission



Effective Date: January 1, 2014
(For Errata and Supplements, see History Note Appendix)

2013 California Historical Building Code
California Code of Regulations, Title 24, Part 8

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PREFACE

This document is the 8th of 12 parts of the official triennial compilation and publication of the adoptions, amendments and repeal of administrative regulations to *California Code of Regulations, Title 24*, also referred to as the *California Building Standards Code*. This part is known as the *California Historical Building Code*.

The *California Building Standards Code* is published in its entirety every three years by order of the California legislature, with supplements published in intervening years. The California legislature delegated authority to various state agencies, boards, commissions and departments to create building regulations to implement the State's statutes. These building regulations, or standards, have the same force of law, and take effect 180 days after their publication unless otherwise stipulated. The *California Building Standards Code* applies to occupancies in the State of California as annotated.

A city, county, or city and county may establish more restrictive building standards reasonably necessary because of local climatic, geological or topographical conditions. Findings of the local condition(s) and the adopted local building standard(s) must be filed with the California Building Standards Commission to become effective and may not be effective sooner than the effective date of this edition of the *California Building Standards Code*. Local building standards that were adopted and applicable to previous editions of the *California Building Standards Code* do not apply to this edition without appropriate adoption and the required filing.

Should you find publication (e.g., typographical) errors or inconsistencies in this code or wish to offer comments toward improving its format, please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936
Phone: (916) 263-0916
Fax: (916) 263-0959
Web Page: www.bsc.ca.gov

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The 2013 California Building Standards Code (Code) was developed through the outstanding collaborative efforts of the Department of Housing and Community Development, the Division of State Architect, the Office of the State Fire Marshal, the Office of Statewide Health Planning and Development, the California Energy Commission, the California Department of Public Health, the California State Lands Commission, the Board of State and Community Corrections, and the California Building Standards Commission (Commission).

This collaborative effort included the assistance of the Commission's Code Advisory Committees and many other volunteers who worked tirelessly to assist the Commission in the production of this Code.

Governor Edmund G. Brown Jr.

Members of the California Building Standards Commission

Secretary Anna Caballero – Chair

James Barthman – Vice-Chair

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Steven Winkel

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Jim McGowan – Executive Director

Michael L. Nearman – Deputy Executive Director

For questions on California state agency amendments, please refer to the contact list on the following page.

PART 8 CONTAINS ALTERNATIVE REGULATIONS FOR QUALIFIED HISTORICAL BUILDINGS

The *California Historical Building Code* (CHBC) is unique among state regulations. The authoring of the original CHBC required state agencies promulgating regulations for building construction to work in harmony with representatives of other design and construction disciplines. The result was a totally new approach to building codes for historical structures, which maintains currently acceptable life-safety standards.

These regulations are also unique in that they are performance oriented rather than prescriptive. The provisions of the CHBC are to be applied by the enforcing authority of every city, county, city and county, or state agency in permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use or continued use of a qualified historical building.

The authority for use of the CHBC is vested in Sections 18950 through 18961 of the Health and Safety Code. Section 18954 states, "The building department of every city or county shall apply the provisions of alternative building standards and building regulations adopted by the CHBC Board pursuant to Section 18959.5 in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, moving or continued use of an historical building or structure. A state agency shall apply the alternative building regulations adopted by the CHBC Board pursuant to Section 18959.5 in

permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, moving or continued use of an historical building or structure."

However, be aware that in order to use the CHBC, the structure under consideration must be qualified by being designated as an historical building or structure. Section 18955 states, "For the purposes of this part, a qualified historical building or structure is any structure or collection of structures, and their associated sites deemed of importance to the history, architecture or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts or landmarks."

The regulations of the CHBC have the same authority as state law and are to be considered as such. Liability is the same as for prevailing law.

The intent of the CHBC is to save California's architectural heritage by recognizing the unique construction problems inherent in historical buildings and by providing a code to deal with these problems.

HISTORICAL PREFACE

The background of the *California Historical Building Code* can be traced to December 1973, when the State Department of Parks and Recreation published the California History Plan, Volume I, in which Recommendation No. 11 was proposed by the then California Landmarks Advisory Committee (later to become The State Historical Resources Commission). This proposal expressed a need for a new building code to meet the intent of protecting the public health and safety and also retain “enough flexibility to allow restoration of a Historic feature while still retaining its Historic integrity.” No. 11 of this History Plan supported this need by stating that “. . . restoration . . . is frequently made difficult by unnecessarily rigid interpretation of building . . . codes.”

In March of 1974, the Landmarks Committee by resolution recommended that the Director of the State Department of Parks and Recreation and the State Architect initiate a study to develop this needed code. These two officials accepted this concept and jointly called a statewide meeting in Sacramento on May 14th of that year. Attending were representatives from both the public and private sectors, such as members of the building industry, design professions, local and state building officials, and others interested in this problem.

Out of this open conference, a steering committee was formed to explore in depth the ways and means of implementing the new historical building code concept. This ad hoc committee was chaired by a representative from the California Council, American Institute of Architects and composed of a comprehensive cross section of the professional organizations and government agencies concerned with design and code enforcement.

Meetings began late in 1974 and continued into early 1975. By April of that year, a legislative subcommittee of the ad hoc group drafted a sample bill for the proposed code and requested that it be carried by Senator James R. Mills, President Pro Tem-

pore of the Senate. After further development and refinement, the enacting legislation to create the authority for the code and an advisory board to prepare regulations to implement it (SB 927, Mills) was supported by both the legislature and the public. It was signed by the governor in September 1975, and became effective January 1, 1976.

The members of the advisory board, which were required by law to include local and state building officials, individuals from the building industry and design professions, as well as representatives from city and county governments, were appointed and held their first session in Sacramento, February 24, 1976. This Board’s duties included the preparation of code regulations and the review of specific historic building cases, when officially requested by governing bodies.

Several of the Board’s members were a part of the original ad hoc steering committee and thus provided a continuity and smooth transition from the inception of the code’s philosophy to its pragmatic implementation in these performance-oriented regulations.

The first comprehensive regulations were codified in August and October 1979, after years of careful deliberation. Those regulations allowed all jurisdictions to utilize them at their discretion in replacing or modifying details of prevailing prescriptive codes.

Changes made in law in 1984 and 1991, and to the code, make the application of the *California Historical Building Code* statutes and regulations applicable for all agencies and at the discretion of the owner for local jurisdictions when dealing with qualified historical buildings.

These current performance regulations were adopted by the Board on June 23, 1998, and approved by the California Building Standards Commission on December 12, 2013.

CALIFORNIA CODE OF REGULATIONS, TITLE 24

California Agency Information Contact List

Board of State and Community Corrections

www.csa.ca.gov(916) 445-5073
Local Adult Jail Standards
Local Juvenile Facility Standards

California Building Standards Commission

www.bsc.ca.gov(916) 263-0916

California Energy Commission

www.enregy.ca.gov **Energy Hotline** (800) 772-3300
Building Efficiency Standards
Appliance Efficiency Standards
Compliance Manual/Forms

California State Lands Commission

www.slc.ca.gov(562) 499-6312
Marine Oil Terminals

California State Library

www.library.ca.gov(916) 654-0266

Department of Consumer Affairs:

Acupuncture Board

www.acupuncture.ca.gov(916) 515-5200
Office Standards

Board of Pharmacy

www.pharmacy.ca.gov(916) 574-7900
Pharmacy Standards

Bureau of Barbering and Cosmetology

www.barbercosmo.ca.gov(916) 952-5210
Barber and Beauty Shop,
and College Standards

Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation

www.bearhfti.ca.gov(916) 999-2041
Insulation Testing Standards

Structural Pest Control Board

www.pestboard.ca.gov(800) 737-8188
Structural Standards

Veterinary Medical Board

www.vmb.ca.gov(916) 263-2610
Veterinary Hospital Standards

Department of Food and Agriculture

www.cdffa.ca.gov
Meat & Poultry Packing Plant Standards (916) 654-0509
Dairy Standards (916) 654-0773

Department of Housing and Community Development

www.hcd.ca.gov(916) 445-9471
Residential- Hotels, Motels, Apartments,
Single-Family Dwellings; and
Permanent Structures in Mobilehome &
Special Occupancy Parks
(916) 445-3338
Factory-Built Housing, Manufactured Housing &
Commercial Modular
Mobilehome- Permits & Inspections
Northern Region-(916) 255-2501
Southern Region-(951) 782-4420
(916) 445-9471
Employee Housing Standards

Department of Public Health

www.dph.ca.gov(916) 449-5661
Organized Camps Standards
Public Swimming Pools Standards

Department of Water Resources

www.dwr.ca.gov(916) 651-9676
Gray Water Information

Division of the State Architect

www.dgs.ca.gov/dsa(916) 445-8100

Access Compliance

Structural Safety

Public Schools Standards
Essential Services Building Standards
Community College Standards

State Historical Building Safety Board

Alternative Building Standards

Office of Statewide Health Planning and Development

www.oshpd.ca.gov(916) 654-3139
Hospital Standards
Skilled Nursing Facility Standards &
Clinic Standards

Permits (916) 654-3362

Office of the State Fire Marshal

osfm.fire.ca.gov(916) 445-8200
Code Development and Analysis
Fire Safety Standards
Fireplace Standards
Day Care Centers Standards
Exit Standards

HOW TO DETERMINE WHERE CHANGES HAVE BEEN MADE

Symbols in the margins indicate where changes have been made or language has been deleted.

|| This symbol indicates that a change has been made.

> This symbol indicates deletion of language.

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CHAPTER 8-1

ADMINISTRATION

Note: The *California Historical Building Code*, Part 8 of Title 24, governs for all qualified historical buildings or properties in the State of California.

SECTION 8-101 TITLE, PURPOSE AND INTENT

8-101.1 Title. These regulations shall be known as the *California Historical Building Code* and will be referred to herein as “the CHBC.”

8-101.2 Purpose. The purpose of the CHBC is to provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties (Chapter 8-2). The CHBC is intended to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users. The CHBC requires enforcing agencies to accept solutions that are reasonably equivalent to the regular code (as defined in Chapter 8-2) when dealing with qualified historical buildings or properties.

8-101.3 Intent. The intent of the CHBC is to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for persons with disabilities.

SECTION 8-102 APPLICATION

8-102.1 Application. The CHBC is applicable to all issues regarding code compliance for qualified historical buildings or properties. The CHBC may be used in conjunction with the regular code to provide solutions to facilitate the preservation of qualified historical buildings or properties. The CHBC shall be used by any agency with jurisdiction and whenever compliance with the code is required for qualified historical buildings or properties.

1. The state or local enforcing agency shall apply the provisions of the CHBC in permitting repairs, alterations and additions necessary for the preservation, restoration, reconstruction, rehabilitation, relocation or continued use of a qualified historical building or property when so elected by the private property owner.
2. **State agencies.** All state agencies shall apply the provisions of the CHBC in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, safety, relocation, reconstruction or continued use of qualified historical buildings or properties.

8-102.1.1 Additions, alterations and repairs. It is the intent of the CHBC to allow nonhistorical expansion or addition to a qualified historical building or property, pro-

vided nonhistorical additions shall conform to the requirements of the regular code. See Chapter 8-2.

8-102.1.2 Relocation. Relocated qualified historical buildings or properties shall be sited to comply with the regular code or with the solutions listed in the CHBC. Nonhistorical new construction related to relocation shall comply with the regular code. Reconstruction and restoration related to relocation is permitted to comply with the provisions in the CHBC.

8-102.1.3 Change of occupancy. For change of use or occupancy, see Chapter 8-3, Use and Occupancy.

8-102.1.4 Continued use. Qualified historical buildings or properties may have their existing use or occupancy continued if such use or occupancy conformed to the code or to the standards of construction in effect at the time of construction, and such use or occupancy does not constitute a distinct hazard to life safety as defined in the CHBC.

8-102.1.5 Unsafe buildings or properties. When a qualified historical building or property is determined to be unsafe as defined in the regular code, the requirements of the CHBC are applicable to the work necessary to correct the unsafe conditions. Work to remediate the buildings or properties need only address the correction of the unsafe conditions, and it shall not be required to bring the entire qualified historical building or property into compliance with regular code.

8-102.1.6 Additional work. Qualified historical buildings or properties shall not be subject to additional work required by the regular code, regulation or ordinance beyond that required to complete the work undertaken. Certain exceptions for accessibility and for distinct hazards exist by mandate and may require specific action, within the parameters of the CHBC.

SECTION 8-103 ORGANIZATION AND ENFORCEMENT

8-103.1 Authority. The state or local enforcing agency, pursuant to authority provided under Section 18954 of the Health and Safety Code, shall administer and enforce the provisions of the CHBC in permitting repairs, alterations and additions necessary for the preservation, restoration, reconstruction, rehabilitation, relocation or continued use of a qualified historical building or property.

8-103.2 State enforcement. All state agencies pursuant to authority provided under Section 18954 and Section 18961 of the Health and Safety Code shall administer and enforce the CHBC with respect to qualified historical buildings or properties under their respective jurisdiction.

8-103.3 Liability. Prevailing law regarding immunity of building officials is unaffected by the use and enforcement of the CHBC.

SECTION 8-104 REVIEW AND APPEALS

8-104.1 State Historical Building Safety Board (SHBSB). In order to provide for interpretation of the provisions of the CHBC and to hear appeals, the SHBSB shall act as an appeal and review body to state and local agencies or any affected party.

8-104.2 SHBSB review. When a proposed design, material or method of construction is being considered by the enforcing agency, the agency chief, the building official or the local board of appeals may file a written request for opinion to the SHBSB for its consideration, advice or findings. In considering such request, the SHBSB may seek the advice of other appropriate private or public boards, individuals, or state or local agencies. The SHBSB shall, after considering all of the facts presented, including any recommendation of other appropriate boards, agencies or other parties, determine if, for the purpose intended, the proposal is reasonably equivalent to that allowed by these regulations in proposed design, material or method of construction, and it shall transmit such findings and its decision to the enforcing agency for its application. The Board may recover the costs of such reviews and shall report the decision in printed form, copied to the California Building Standards Commission.

8-104.2.1 State agencies. All state agencies with ownership of, or that act on behalf of state agency owners of, qualified historical buildings or properties, shall consult and obtain SHBSB review prior to taking action or making decisions or appeals that affect qualified historical buildings or properties, per Section 18961 of the Health and Safety Code.

8-104.2.2 Imminent threat. Where an emergency is declared and a qualified historical building or property is declared an imminent threat to life and safety, the state agency assessing such a threat shall consult with the SHBSB before any demolition is undertaken, per Section 18961 of the Health and Safety Code.

8-104.3 SHBC appeals. If any local agency administering and enforcing the CHBC or any person adversely affected by any regulation, rule, omission, interpretation, decision or practice of the agency enforcing the CHBC wishes to appeal the issue for resolution to the SHBSB, either of these parties may appeal directly to the Board. The Board may accept the appeal only if it determines that issues involved are of statewide significance. The Board may recover the costs of such reviews and shall make available copies of decisions in printed form at cost, copied to the California Building Standards Commission.

8-104.4 Local agency fees. Local agencies, when actively involved in the appeal, may also charge affected persons reasonable fees not to exceed the cost of obtaining reviews and appeals from the Board.

SECTION 8-105 CONSTRUCTION METHODS AND MATERIALS

8-105.1 Repairs. Repairs to any portion of a qualified historical building or property may be made in-kind with historical materials and the use of original or existing historical methods of construction, subject to conditions of the CHBC. (See Chapter 8-8.)

8-105.2 Solutions to the *California Historical Building Code*. Solutions provided in the CHBC, or any other acceptable regulation or methodology of design or construction and used in whole or in part, with the regular code, or with any combination of the regular code and the CHBC, shall be allowed. The CHBC does not preclude the use of any proposed alternative or method of design or construction not specifically prescribed or otherwise allowed by these regulations. Any alternative may be submitted for evaluation to the appropriate enforcing agency for review and acceptance. The enforcing agency may request that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding such solutions. Any alternative offered in lieu of that prescribed or allowed in the CHBC shall be reasonably equivalent in quality, strength, effectiveness, durability and safety to that of the CHBC.

SECTION 8-106 SHBSB RULINGS

8-106.1 General. Rulings of the SHBSB (i.e., formal appeals, case decisions, code interpretations and administrative resolutions, etc.) that are issues of statewide application are required to be submitted to the California Building Standards Commission in printed form. These rulings may be used to provide guidance for similar cases or issues.

CHAPTER 8-2

DEFINITIONS

SECTION 8-201 DEFINITIONS

For the purpose of the CHBC, certain terms and phrases, words and their derivatives shall be construed as specified in this chapter. Additional definitions and/or terms may appear in the various other chapters relative to terms or phrases primarily applicable thereto. Any reference to “authority having jurisdiction” does not necessarily preclude the appellate process of Section 8-104.3.

ADDITION. A nonhistorical extension or increase in floor area or height of a building or property.

ALTERATION. A modification to a qualified historical building or property that affects the usability of the building or property, or part thereof. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historical restoration, changes or rearrangement of the structural parts or elements, and changes or rearrangements in the plan configuration of walls and full-height partitions.

BUILDING STANDARD. Any guideline, regulation or code that may be applied to a qualified historical building or property.

CHARACTER-DEFINING FEATURE. Those visual aspects and physical elements that comprise the appearance of a historical building or property, and that are significant to its historical, architectural and cultural values, including the overall shape of the historical building or property, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment.

CULTURAL RESOURCE. Building, site, property, object or district evaluated as having significance in prehistory or history.

DISTINCT HAZARD. Any clear and evident condition that exists as an immediate danger to the safety of the occupants or public right of way. Conditions that do not meet the requirements of current regular codes and ordinances do *not*, of themselves, constitute a distinct hazard. Section 8-104.3, SHBC appeals, remains applicable.

ENFORCING AGENCY, Authority Having Jurisdiction, Local Agency with Jurisdiction. An entity with the responsibility for regulating, enforcing, reviewing or otherwise that exerts control of or administration over the process of gaining permits, approvals, decisions, variances, appeals for qualified historical buildings or properties.

EXIT LADDER DEVICE. An exit ladder device is a permanently installed, fixed, folding, retractable or hinged ladder intended for use as a means of emergency egress from areas of the second or third stories. Unless approved specifically for a longer length, the ladder shall be limited to 25 feet (7620 mm) in length. Exit ladders are permitted where the area served by the ladder has an occupant load less than 10 persons.

FIRE HAZARD. Any condition which increases or may contribute to an increase in the hazard or menace of fire to a greater degree than customarily recognized by the authority having jurisdiction, or any condition or act which could obstruct, delay, hinder or interfere with the operations of firefighting personnel or the egress of occupants in the event of fire. Section 8-104.3, SHBC appeals, remains applicable.

HISTORICAL FABRIC OR MATERIALS. Original and later-added historically significant construction materials, architectural finishes or elements in a particular pattern or configuration which form a qualified historical property, as determined by the authority having jurisdiction.

HISTORICAL SIGNIFICANCE. Importance for which a property has been evaluated and found to be historical, as determined by the authority having jurisdiction.

IMMINENT THREAT. Any condition within or affecting a qualified historical building or property which, in the opinion of the authority having jurisdiction, would qualify a building or property as dangerous to the extent that the life, health, property or safety of the public, its occupants or those performing necessary repair, stabilization or shoring work are in immediate peril due to conditions affecting the building or property. Potential hazards to persons using, or improvements within, the right-of-way may not be construed to be “imminent threats” solely for that reason if the hazard can be mitigated by shoring, stabilization, barricades or temporary fences.

INTEGRITY. Authenticity of a building or property’s historical identity, evidenced by the survival of physical characteristics that existed during the property’s historical or prehistorical period of significance.

LIFE-SAFETY EVALUATION. An evaluation of the life-safety hazards of a qualified historical building or property based on procedures similar to those contained in NFPA 909, *Standard for the Protection of Cultural Resources, Appendix B, Fire Risk Assessment in Heritage Premises*.

LIFE SAFETY HAZARD. See Distinct Hazard.

PERIOD OF SIGNIFICANCE. The period of time when a qualified historical building or property was associated with important events, activities or persons, or attained the characteristics for its listing or registration.

PRESERVATION. The act or process of applying measures necessary to sustain the existing form, integrity and materials of a qualified historical building or property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-related work to make properties functional is appropriate within a preservation project.

DEFINITIONS

QUALIFIED HISTORICAL BUILDING OR PROPERTY. As defined in Health and Safety Code Section 18955 as “Qualified Historical Building or Property.” Any building, site, object, place, location, district or collection of structures, and their associated sites, deemed of importance to the history, architecture or culture of an area by an appropriate local, state or federal governmental jurisdiction. This shall include historical buildings or properties on, or determined eligible for, national, state or local historical registers or inventories, such as the National Register of Historic Places, California Register of Historical Resources, State Historical Landmarks, State Points of Historical Interest, and city or county registers, inventories or surveys of historical or architecturally significant sites, places or landmarks.

RECONSTRUCTION. The act or process of depicting, by means of new construction, the form, features and detailing of a nonsurviving site, landscape, building, property or object for the purpose of replicating its appearance at a specific period of time.

REGULAR CODE. The adopted regulations that govern the design and construction or alteration of nonhistorical buildings and properties within the jurisdiction of the enforcing agency.

REHABILITATION. The act or process of making possible a compatible use for qualified historical building or property through repair, alterations and additions while preserving those portions or features which convey its qualified historical, cultural or architectural values.

RELOCATION. The act or process of moving any qualified historical building or property or a portion of a qualified historical building or property to a new site, or a different location on the same site.

REPAIR. Renewal, reconstruction or renovation of any portion of an existing property, site or building for the purpose of its continued use.

RESTORATION. The act or process of accurately depicting the form, features and character of a qualified building or property as it appeared at a particular period of time by the means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

STRUCTURE. That which is built or constructed, an edifice or a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TREATMENT. An act of work to carry out preservation, restoration, stabilization, rehabilitation or reconstruction.

CHAPTER 8-3

USE AND OCCUPANCY

SECTION 8-301 PURPOSE AND SCOPE

8-301.1 Purpose. The purpose of the CHBC is to provide regulations for the determination of occupancy classifications and conditions of use for qualified historical buildings or properties.

8-301.2 Scope. Every qualified historical building or property for which a permit or approval has been requested shall be classified prior to permit issuance according to its use or the character of its occupancy in accordance with the regular code and applicable provisions of this chapter.

SECTION 8-302 GENERAL

8-302.1 Existing use. The use or character of occupancy of a qualified historical building or property, or portion thereof, shall be permitted to continue in use regardless of any period of time in which it may have remained unoccupied or in other uses, provided such building or property otherwise conforms to all applicable requirements of the CHBC.

8-302.2 Change in occupancy. The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historical use or character, provided the qualified historical building or property conforms to the requirements applicable to the new use or character of occupancy as set forth in the CHBC. Such change in occupancy shall not mandate conformance with new construction requirements as set forth in regular code.

8-302.3 Occupancy separations. Required occupancy separations of more than one hour may be reduced to one-hour fire-resistive construction with all openings protected by not less than three-fourths-hour fire-resistive assemblies of the self-closing or automatic-closing type when the building is provided with an automatic sprinkler system throughout the entire building in accordance with Section 8-410.4. Doors equipped with automatic-closing devices shall be of a type which will function upon activation of a device which responds to products of combustion other than heat.

Required occupancy separations of one hour may be omitted when the building is provided with an automatic sprinkler system throughout.

8-302.4 Maximum floor area. Regardless of the use or character of occupancy, the area of a one-story qualified historical building or property may have, but shall not exceed, a floor area of 15,000 square feet (1393.5 m²) unless such an increase is otherwise permitted in regular code. Multistory qualified historical buildings (including basements and cellars) shall be in accordance with regular code requirements.

Exception: Historical buildings may be unlimited in floor area without fire-resistive area separation walls:

1. When provided with an automatic sprinkler, or
2. Residential occupancies of two stories or less when provided with a complete fire alarm and annunciation system and where the exiting system conforms to regular code.

8-302.5 Maximum height. The maximum height and number of stories of a qualified historical building or property shall not be limited because of construction type, provided such height or number of stories does not exceed that of its historical design.

8-302.5.1 High-rise buildings. Occupancies B, F-1, F-2 or S in high-rise buildings with floors located more than 75 feet above the lowest floor level having building access may be permitted with only the stories over 75 feet provided with an automatic fire sprinkler system if:

1. The building construction type and the exits conform to regular code, and
2. A complete building fire alarm and annunciation system is installed, and
3. A fire barrier is provided between the sprinklered and nonsprinklered floors.

8-302.6 Fire-resistive construction. See Chapter 8-4.

8-302.7 Light and ventilation. Existing provisions for light and ventilation which do not, in the opinion of the enforcing agency, constitute a safety hazard may remain. See Section 8-303.6 for residential requirements. See Section 8-503 for Escape or Rescue Windows and Doors.

SECTION 8-303 RESIDENTIAL OCCUPANCIES

8-303.1 Purpose. The purpose of this section is to provide regulations for those buildings designated as qualified historical buildings or properties and classified as occupancies. The CHBC requires enforcing agencies to accept any reasonably equivalent to the regular code when dealing with qualified historical buildings and properties.

8-303.2 Intent. The intent of the CHBC is to preserve the integrity of qualified historical buildings and properties while maintaining a reasonable degree of protection of life, health and safety for the occupants.

8-303.3 Application and scope. The provisions of this section shall apply to all qualified historical buildings used for human habitation. Those dwelling units intended only for display, or public use with no residential use involved, need not comply with the requirements of this section.

8-303.4 Fire escapes. See Chapter 8-5.

8-303.5 Room dimensions. Rooms used for sleeping purposes may contain a minimum of 50 square feet (4.6 m²) floor area, provided there is maintained an average ceiling height of 7 feet (2134 mm). Other habitable rooms need only be of adequate size to be functional for the purpose intended.

8-303.6 Light and ventilation. Windows in habitable rooms shall have an area of 6 percent of the floor area, or 6 square feet (0.56 m²), whichever is greater. Windows in sleeping rooms shall be openable (see Section 8-503). Residential occupancies need not be provided with electrical lighting.

8-303.7 Alteration and repair. The alteration and repair of qualified historical buildings or properties may permit the replacement, retention and extension of original materials and the continued use of original methods of construction, provided a life-safety hazard is not created or continued. Alterations and repairs shall be consistent with the CHBC.

The amount of alterations and repairs is not limited, provided there is no nonhistorical increase in floor area, volume or size of the building or property.

8-303.8 Exiting. See Chapter 8-5.

CHAPTER 8-4

FIRE PROTECTION

SECTION 8-401 PURPOSE, INTENT AND SCOPE

8-401.1 Purpose. The purpose of this chapter is to provide for fire protection of qualified historical buildings or properties. The CHBC requires enforcing agencies to accept any reasonably equivalent to the regular code when dealing with qualified historical buildings or properties.

8-401.2 Intent. The intent of the CHBC is to preserve the integrity of qualified historical buildings or properties while maintaining a reasonable degree of fire protection based primarily on the life safety of the occupants and firefighting personnel.

8-401.3 Scope. This chapter shall apply when required by the provisions of Section 8-102.

SECTION 8-402 FIRE-RESISTIVE CONSTRUCTION

8-402.1 Exterior wall construction. The fire-resistance requirement for existing exterior walls and existing opening protection may be satisfied when an automatic sprinkler system designed for exposure protection is installed per the CHBC. The automatic sprinklers may be installed on the exterior with at least one sprinkler located over each opening required to be protected. Additional sprinklers shall also be distributed along combustible walls under the roof lines that do not meet the fire-resistive requirement due to relationship to property lines as required by regular code. Such sprinkler systems may be connected to the domestic water supply on the supply-main side of the building shut-off valve. A shut-off valve may be installed for the sprinkler system, provided it is locked in an open position.

8-402.2 One-hour construction. Upgrading an existing qualified historical building or property to one-hour fire-resistive construction and one-hour fire-resistive corridors shall not be required regardless of construction or occupancy when one of the following is provided:

1. An automatic sprinkler system throughout. See Section 8-410.2 for automatic sprinkler systems.
2. An approved life-safety evaluation.
3. Other alternative measures as approved by the enforcing agency.

8-402.3 Openings in fire-rated systems. Historical glazing materials and solid wood unrated doors in interior walls required to have one-hour fire rating may be approved when operable windows and doors are provided with appropriate smoke seals and when the area affected is provided with an automatic sprinkler system. See Section 8-410 for automatic sprinkler systems.

SECTION 8-403 INTERIOR FINISH MATERIALS

New nonhistorical interior wall and ceiling finish shall conform to the provisions of the regular code. Existing nonconforming materials used for wood lath and plaster walls, see Section 8-404.

Exception: When an automatic sprinkler system is provided throughout the building, existing finishes shall be approved.

SECTION 8-404 WOOD LATH AND PLASTER

Wood lath and plaster walls may be considered in accordance with codes, standards and listings published prior to 1943 whereby a wood stud wall assembly with gypsum or lime plaster on hand split or sawn wooden lath obtains a one-half-hour fire-resistive rating. This rating may be increased for interior walls to as much as one hour by filling the wall with mineral fiber or glass fiber.

SECTION 8-405 OCCUPANCY SEPARATION

See Chapter 8-3.

SECTION 8-406 MAXIMUM FLOOR AREA

See Chapter 8-3.

SECTION 8-407 VERTICAL SHAFTS

Vertical shafts need not be enclosed when such shafts are blocked at every floor level by the installation of not less than 2 full inches (51 mm) of solid wood or equivalent construction installed so as to prevent the initial passage of smoke and flame. Automatic sprinkler systems or other solutions may be considered on a case-by-case basis, in lieu of enclosure of vertical shafts and stairwells.

SECTION 8-408 ROOF COVERING

Existing or original roofing materials may be repaired or reconstructed subject to the following requirements:

1. The original or historical roofing system shall be detailed or modified as necessary in order to be capable of providing shelter while preserving the historical materials and appearance of the roof.
2. Wooden roof materials may be utilized where fire resistance is required, provided they are treated with

fire-retardant treatments to achieve a Class “B” roof covering rating. Wood roofing in state designated Urban Wildland and High Fire Zones shall be permitted when installed in class “A” assemblies.

3. Jurisdictions that prohibit wood roofing materials for application as roof coverings and roof assemblies shall submit documentation for the adoption. Express Terms, statement of reasons and minutes of the action by the adopting authority Health and Safety Code, Section 18959(f).

**SECTION 8-409
FIRE ALARM SYSTEMS**

Every qualified historical building or property shall be provided with fire alarm systems as required for the use or occupancy by the regular code or other approved alternative.

**SECTION 8-410
AUTOMATIC SPRINKLER SYSTEMS**

8-410.1 Every qualified historical building or property which cannot be made to conform to the construction requirements specified in the regular code for the occupancy or use, and which constitutes a distinct fire hazard (for definition of “distinct hazard,” see Chapter 8-2), shall be deemed to be in compliance if provided with an automatic sprinkler system or a life-safety system or other technologies as approved by the enforcing agency. (“Automatic” is defined in the regular code. Sprinkler System is defined in this section.)

8-410.2 When required by the CHBC, an automatic sprinkler systems is defined by the following standards (for nonhazardous occupancies).

1. Buildings of four stories or less: NFPA 13R, 2002 edition.
2. For floors above the fourth, NFPA 13, 2002, SFM amended edition.
3. Buildings with floors above 75 feet, NFPA 13, 2002 edition.
4. When the building is free standing or with property line separation, two floors and 1500 sf per floor or less, NFPA 13D, 2002 Edition.
5. For exterior wall and opening protection. As required by this section.

Exception: When the automatic sprinkler systems are used to reach compliance using this code, in three or more occasions, the system shall be NFPA standard 13D shall be increased to NFPA 13R Standard, or NFPA 13R standard shall be increased to a NFPA 13 standard.

8-410.3 Automatic sprinkler systems shall not be used to substitute for or act as an alternate to the required number of exits from any facility. (See Chapter 8-5 for exiting requirements.)

8-410.4 An automatic sprinkler system shall be provided in all detention facilities.

**SECTION 8-411
OTHER TECHNOLOGIES**

Fire alarm systems, smoke and heat detection systems, occupant notification and annunciation systems, smoke control systems and fire modeling, times egress analysis and modeling, as well as other engineering methods and technologies may be accepted by the enforcing agency to address areas of non-conformance.

**SECTION 8-412
HIGH-RISE BUILDINGS**

Qualified historical buildings having floors for human occupancy located more than 75 feet above the lowest floor level having building access shall conform to the provisions of the regular code for existing high-rise buildings as amended by the CHBC.

CHAPTER 8-5

MEANS OF EGRESS

SECTION 8-501

PURPOSE, INTENT AND SCOPE

8-501.1 Purpose. The purpose of this chapter is to establish minimum means of egress regulations for qualified historical buildings or properties. The CHBC requires enforcing agencies to accept reasonably equivalent alternatives to the means of egress requirements in the regular code.

8-501.2 Intent. The intent of these regulations is to provide an adequate means of egress.

8-501.3 Scope. Every qualified historical building or portion thereof shall be provided with exits as required by the CHBC when required by the provisions of Section 8-102.

SECTION 8-502

GENERAL

8-502.1 General. The enforcing agency shall grant reasonable exceptions to the specific provisions of applicable egress regulations where such exceptions will not adversely affect life safety.

8-502.2. Existing door openings and corridor widths of less than dimensions required by regular code shall be permitted where there is sufficient width and height for the occupants to pass through the opening or traverse the exit.

8-502.3 Stairs. Existing stairs having risers and treads or width at variance with the regular code are allowed if determined by the enforcing agency to not constitute a distinct hazard. Handrails with nonconforming grip size or extensions are allowed if determined by the enforcing agency to not constitute a distinct hazard.

8-502.4 Main entry doors. The front or main entry doors need not be rehung to swing in the direction of exit travel, provided other means or conditions of exiting, as necessary to serve the total occupant load, are provided.

8-502.5 Existing fire escapes. Existing previously approved fire escapes and fire escape ladders shall be acceptable as one of the required means of egress, provided they extend to the ground and are easily negotiated, adequately signed and in good working order. Access shall be by an opening having a minimum width of 29 inches (737mm) when open with a sill no more than 30 inches (762mm) above the adjacent floor, landing or approved step.

8-502.6 New fire escapes and fire escape ladders. New fire escapes and fire escape ladders which comply with this section shall be acceptable as one of the required means of egress. New fire escapes and new fire escape ladders shall comply with the following:

1. Access from a corridor shall not be through an intervening room.
2. All openings within 10 feet (3048 mm) shall be protected by three-fourths-hour fire assemblies. When

located within a recess or vestibule, adjacent enclosure walls shall be of not less than one-hour fire-resistive construction.

3. Egress from the building shall be by a clear opening having a minimum dimension of not less than 29 inches (737 mm). Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of an opening giving access shall not be more than 30 inches (737 mm) above the floor, step or landing of the building or balcony.
4. Fire escape stairways and balconies shall support the dead load plus a live load of not less than 100 pounds per square foot (4.79 kN/m²) and shall be provided with a top and intermediate handrail on each side. The pitch of the stairway shall not exceed 72 degrees with a minimum width of 18 inches (457 mm). Treads shall not be less than 4 inches (102 mm) in width, and the rise between treads shall not exceed 10 inches (254 mm). All stair and balcony railings shall support a horizontal force of not less than 50 pounds per lineal foot (729.5 N/m²) of railing.
5. Balconies shall not be less than 44 inches (1118 mm) in width with no floor opening other than the stairway opening greater than $\frac{5}{8}$ inch (15.9 mm) in width. Stairway openings in such balconies shall not be less than 22 inches by 44 inches (559 by 1118 mm). The balustrade of each balcony shall not be less than 36 inches (914 mm) high with not more than 9 inches (287 mm) between balusters.
6. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with less than 4 units vertical in 12 units horizontal (33.3 percent slope). Fire escape ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds (445 N) placed anywhere on the rung. All ladders shall be at least 15 inches (381 mm) wide, located within 12 inches (305 mm) of the building. Ladder rungs shall be $\frac{3}{4}$ inch (19.1 mm) in diameter and shall be located 12 inches (305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 by 838 mm).

The length of fire escapes and exit ladder devices shall be limited to that approved by the building official based on products listed by a recognized testing laboratory.

7. The lowest balcony shall not be more than 18 feet (5486 mm) from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.

MEANS OF EGRESS

8. Fire escapes shall not take the place of stairways required by the codes under which the building was constructed.
9. Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.

SECTION 8-503

ESCAPE OR RESCUE WINDOWS AND DOORS

Basements in dwelling units and every sleeping room below the fourth floor shall have at least one openable window or door approved for emergency escape which shall open directly into a public street, public way, yard or exit court. Escape or rescue windows or doors shall have a minimum clear area of 3.3 square feet (0.31 m²) and a minimum width or height dimension of 18 inches (457 mm) and be operable from the inside to provide a full, clear opening without the use of special tools.

SECTION 8-504

RAILINGS AND GUARDRAILS

The height of railings and guard railings and the spacing of balusters may continue in their historical height and spacing unless a distinct hazard has been identified or created by a change in use or occupancy.

CHAPTER 8-6

ACCESSIBILITY

SECTION 8-601 PURPOSE, INTENT AND SCOPE

8-601.1 Purpose. The purpose of the CHBC is to provide alternative regulations to facilitate access and use by persons with disabilities to and throughout facilities designated as qualified historical buildings or properties. These regulations require enforcing agencies to accept alternatives to regular code when dealing with qualified historical buildings or properties.

8-601.2 Intent. The intent of this chapter is to preserve the integrity of qualified historical buildings and properties while providing access to and use by persons with disabilities.

8-601.3 Scope. The CHBC shall apply to every qualified historical building or property that is required to provide access to persons with disabilities.

1. Provisions of this chapter do not apply to new construction or reconstruction/replicas of historical buildings.
2. Where provisions of this chapter apply to alteration of qualified historical buildings or properties, alteration is defined in *California Building Code (CBC)*, Chapter 2, Definitions and Abbreviations. 202 – A. Alter or Alteration.

8-601.4 General application. The provisions in the CHBC apply to local, state and federal governments (Title II entities); alteration of commercial facilities and places of public accommodation (Title III entities); and barrier removal in commercial facilities and places of public accommodation (Title III entities). Except as noted in this chapter.

SECTION 8-602 BASIC PROVISIONS

8-602.1 Regular code. The regular code for access for people with disabilities (Title 24, Part 2, Vol. 1, Chapter 11B) shall be applied to qualified historical buildings or properties unless strict compliance with the regular code will threaten or destroy the historical significance or character-defining features of the building or property.

8-602.2 Alternative provisions. If the historical significance or character-defining features are threatened, alternative provisions for access may be applied pursuant to this chapter, provided the following conditions are met:

1. These provisions shall be applied only on an item-by-item or a case-by-case basis.
2. Documentation is provided, including meeting minutes or letters, stating the reasons for the application of the alternative provisions. Such documentation shall be retained in the permanent file of the enforcing agency.

SECTION 8-603 ALTERNATIVES

8-603.1 Alternative minimum standards. The alternative minimum standards for alterations of qualified historical buildings or facilities are contained in Section 4.1.7(3) of ADA Standards for Accessible Design, as incorporated and set forth in federal regulation 28 C.F.R. Pt. 36.

8-603.2 Entry. These alternatives do not allow exceptions for the requirement of level landings in front of doors, except as provided in Section 8-603.4.

1. Access to any entrance used by the general public and no further than 200 feet (60 960 mm) from the primary entrance.
2. Access at any entrance not used by the general public but open and unlocked with directional signs at the primary entrance and as close as possible to, but no further than 200 feet (60 960 mm) from, the primary entrance.
3. The accessible entrance shall have a notification system. Where security is a problem, remote monitoring may be used.

8-603.3 Doors. Alternatives listed in order of priority are:

1. Single-leaf door which provides a minimum 30 inches (762 mm) of clear opening.
2. Single-leaf door which provides a minimum 29½ inches (749 mm) clear opening
3. Double door, one leaf of which provides a minimum 29½ inches (749 mm) clear opening.
4. Double doors operable with a power-assist device to provide a minimum 29½ inches (749 mm) clear opening when both doors are in the open position.

8-603.4 Power-assisted doors. Power-assisted door or doors may be considered an equivalent alternative to level landings, strikeside clearance and door-opening forces required by the regular code.

8-603.5 Toilet rooms. In lieu of separate-gender toilet facilities as required in the regular code, an accessible unisex toilet facility may be designated.

8-603.6 Exterior and interior ramps and lifts. Alternatives listed in order of priority are:

1. A lift or a ramp of greater than standard slope but no greater than 1:10, for horizontal distances not to exceed 5 feet (1525 mm). Signs shall be posted at upper and lower levels to indicate steepness of the slope.
2. Access by ramps of 1:6 slope for horizontal distance not to exceed 13 inches (330 mm). Signs shall be posted at upper and lower levels to indicate steepness of the slope.

SECTION 8-604 EQUIVALENT FACILITATION

Use of other designs and technologies, or deviation from particular technical and scoping requirements, are permitted if the application of the alternative provisions contained in Section 8-603 would threaten or destroy the historical significance or character-defining features of the historical building or property.

1. Such alternatives shall be applied only on an item-by-item or a case-by-case basis.
2. Access provided by experiences, services, functions, materials and resources through methods including, but not limited to, maps, plans, videos, virtual reality and related equipment, at accessible levels. The alternative design and/or technologies used will provide substantially equivalent or greater accessibility to, and usability of, the facility.
3. The official charged with the enforcement of the standards shall document the reasons for the application of the design and/or technologies and their effect on the historical significance or character-defining features. Such documentation shall be in accordance with Section 8-602.2, Item 2, and shall include the opinion and comments of state or local accessibility officials, and the opinion and comments of representative local groups of people with disabilities. Such documentation shall be retained in the permanent file of the enforcing agency. Copies of the required documentation should be available at the facility upon request.

Note: For commercial facilities and places of public accommodation (Title III entities).

Equivalent facilitation for an element of a building or property when applied as a waiver of an ADA accessibility requirement will not be entitled to the Federal Department of Justice certification of this code as rebuttable evidence of compliance for that element.

CHAPTER 8-7

STRUCTURAL REGULATIONS

SECTION 8-701 PURPOSE, INTENT AND SCOPE

8-701.1 Purpose. The purpose of the CHBC is to provide alternative regulations to the regular code for the structural safety of buildings designated as qualified historical buildings or properties. The CHBC requires enforcing agencies to accept any reasonably equivalent alternatives to the regular code when dealing with qualified historical buildings or properties.

8-701.2 Intent. The intent of this chapter is to encourage the preservation of qualified historical buildings or structures while providing standards for a minimum level of building performance with the objective of preventing partial or total structural collapse such that the overall risk of life-threatening injury as a result of structural collapse is low.

8-701.3 Application. The alternative structural regulations provided by Section 8-705 are to be applied in conjunction with the regular code whenever a structural upgrade or reconstruction is undertaken for qualified historical buildings or properties.

SECTION 8-702 GENERAL

8-702.1 The CHBC shall not be construed to allow the enforcing agency to approve or permit a lower level of safety of structural design and construction than that which is reasonably equivalent to the regular code provisions in occupancies which are critical to the safety and welfare of the public at large, including, but not limited to, public and private schools, hospitals, municipal police and fire stations and essential services facilities.

8-702.2 Nothing in these regulations shall prevent voluntary and partial seismic upgrades when it is demonstrated that such upgrades will improve life safety and when a full upgrade would not otherwise be required.

SECTION 8-703 STRUCTURAL SURVEY

8-703.1 Scope. When a structure or portion of a structure is to be evaluated for structural capacity under the CHBC, it shall be surveyed for structural conditions by an architect or engineer knowledgeable in historical structures. The survey shall evaluate deterioration or signs of distress. The survey shall determine the details of the structural framing and the system for resistance of gravity and lateral loads. Details, reinforcement and anchorage of structural systems and veneers shall be determined and documented where these members are relied on for seismic lateral resistance.

8-703.2 The results of the survey shall be utilized for evaluating the structural capacity and for designing modifications to the structural system to reach compliance with this code.

8-703.3 Historical records. Past historical records of the structure or similar structures may be used in the evaluation, including the effects of subsequent alterations.

SECTION 8-704 NONHISTORICAL ADDITIONS AND NONHISTORICAL ALTERATIONS

8-704.1 New nonhistorical additions and nonhistorical alterations which are structurally separated from an existing historical building or structure shall comply with regular code requirements.

8-704.2 New nonhistorical additions which impose vertical or lateral loads on an existing structure shall not be permitted unless the affected part of the supporting structure is evaluated and strengthened, if necessary, to meet regular code requirements.

Note: For use of archaic materials, see Chapter 8-8.

SECTION 8-705 STRUCTURAL REGULATIONS

8-705.1 Gravity loads. The capacity of the structure to resist gravity loads shall be evaluated and the structure strengthened as necessary. The evaluation shall include all parts of the load path. Where no distress is evident, and a complete load path is present, the structure may be assumed adequate by having withstood the test of time if anticipated dead and live loads will not exceed those historically present.

8-705.2 Wind and seismic loads. The ability of the structure to resist wind and seismic loads shall be evaluated. Wind loads shall be considered when appropriate, but need not exceed 75% of the wind loads prescribed by the regular code. The evaluation shall be based on the requirements of Section 8-706.

8.705.2.1 Any unsafe conditions in the lateral-load-resisting system shall be corrected, or alternative resistance shall be provided. When strengthening is required, additional resistance shall be provided to meet the minimum requirements of the CHBC. The strengthening measures shall be selected with the intent of meeting the performance objectives set forth in Section 8-701.2. The evaluation of structural members and structural systems for seismic loads shall consider the inelastic performance of structural members and their ability to maintain load-carrying capacity during the seismic loadings prescribed by the regular code.

8.705.2.2 The architect or engineer shall consider additional measures with minimal loss of, and impact to, historical materials which will reduce damage and needed repairs in future earthquakes to better preserve the historical structure in perpetuity. These additional measures shall be presented to the owner for consideration as part of the rehabilitation or restoration.

SECTION 8-706 LATERAL LOAD REGULATIONS

8-706.1 Seismic forces. Strength-level seismic forces used to evaluate the structure for resistance to seismic loads shall be based on the *R*-values tabulated in the regular code for similar lateral-force-resisting systems including consideration of the structural detailing of the members where such *R*-values exist. Where such *R*-values do not exist, an appropriate *R*-value shall be rationally assigned considering the structural detailing of the members.

Exceptions:

1. The forces need not exceed 0.75 times the seismic forces prescribed by the regular code requirements.
2. For Occupancy Category I, II or III structures, near-fault increases in ground motion (maximum considered earthquake ground motion of 0.2 second spectral response greater than 150 percent at 5 percent damping) need not be considered when the fundamental period of the building is 0.5 seconds in the direction under consideration.
3. For Occupancy Category I or II structures, the seismic base shear need not exceed 0.30W.
4. For Occupancy Category III or IV structures, the seismic base shear need not exceed 0.40W.

8-706.1.1 When a building is to be strengthened with the addition of a new lateral force resisting system, the *R* value of the new system can be used when the new lateral force resisting system resists at least 75 percent of the building's base shear regardless of its relative rigidity.

8-706.1.2 Unreinforced masonry bearing wall buildings shall comply with the *California Existing Building Code* (CEBC), Appendix Chapter A1, 2010 Edition, and as modified by the CHBC. Alternative standards may be used on a case-by-case basis when approved by the authority having jurisdiction. It shall be permitted to exceed the strength limitation of 100 psi in Section A108.2 of the CEBC when test data and building configuration supports higher values subject to the approval of the authority having jurisdiction.

8-706.1.3 All deviations from the detailing provisions of the lateral-force-resisting systems shall be evaluated for stability and the ability to maintain load-carrying capacity at the expected inelastic deformations.

8-706.2 Existing building performance. The seismic resistance may be based upon the ultimate capacity of the structure to perform, giving due consideration to ductility and reserve strength of the lateral-force-resisting system and materials while maintaining a reasonable factor of safety. Broad judgment may be exercised regarding the strength and performance of materials not recognized by regular code requirements. (See Chapter 8-8, Archaic Materials and Methods of Construction.)

8-706.2.1 All structural materials or members that do not comply with detailing and proportioning requirements of the regular code shall be evaluated for potential seismic performance and the consequence of non-compliance. All members that would be reasonably expected to fail and lead to collapse or life threatening injury when subjected to seismic demands shall be judged unacceptable, and appropriate structural strengthening shall be developed.

8-706.3 Load path. A complete and continuous load path, including connections, from every part or portion of the structure to the ground shall be provided for the required forces. It shall be verified that the structure is adequately tied together to perform as a unit when subjected to earthquake forces.

8-706.4 Parapets. Parapets and exterior decoration shall be investigated for conformance with regular code requirements for anchorage and ability to resist prescribed seismic forces.

An exception to regular code requirements shall be permitted for those parapets and decorations which are judged not to be a hazard to life safety.

8-706.5 Nonstructural features. Nonstructural features of historical structure, such as exterior veneer, cornices and decorations, which might fall and create a life-safety hazard in an earthquake, shall be evaluated. Their ability to resist seismic forces shall be verified, or the feature shall be strengthened with improved anchorage when appropriate.

8-706.5.1 Partitions and ceilings of corridors and stairways serving an occupant load of 30 or more shall be investigated to determine their ability to remain in place when the building is subjected to earthquake forces.

CHAPTER 8-8

ARCHAIC MATERIALS AND METHODS OF CONSTRUCTION

SECTION 8-801 PURPOSE, INTENT AND SCOPE

8-801.1 Purpose. The purpose of the CHBC is to provide regulations for the use of historical methods and materials of construction that are at variance with regular code requirements or are not otherwise codified, in buildings or structures designated as qualified historical buildings or properties. The CHBC require enforcing agencies to accept any reasonably equivalent alternatives to the regular code when dealing with qualified historical buildings or properties.

8-801.2 Intent. It is the intent of the CHBC to provide for the use of historical methods and materials of construction that are at variance with specific code requirements or are not otherwise codified.

8-801.3 Scope. Any construction type or material that is, or was, part of the historical fabric of a structure is covered by this chapter. Archaic materials and methods of construction present in a historical structure may remain or be reinstalled or be installed with new materials of the same class to match existing conditions.

SECTION 8-802 GENERAL ENGINEERING APPROACHES

Strength values for archaic materials shall be assigned based upon similar conventional codified materials, or on tests as hereinafter indicated. The archaic materials and methods of construction shall be thoroughly investigated for their details of construction in accordance with Section 8-703. Testing shall be performed when applicable to evaluate existing conditions. The architect or structural engineer in responsible charge of the project shall assign allowable stresses or strength levels to archaic materials. Such assigned strength values shall not be greater than those provided for in the following sections without adequate testing, and shall be subject to the concurrence of the enforcing agency.

SECTION 8-803 NONSTRUCTURAL ARCHAIC MATERIALS

Where nonstructural historical materials exist in uses which do not meet the requirements of the regular code, their continued use is allowed by this code, provided that any public health and life-safety hazards are mitigated subject to the concurrence of the enforcing agency.

SECTION 8-804 ALLOWABLE CONDITIONS FOR SPECIFIC MATERIALS

Archaic materials which exist and are to remain in qualified historical buildings or structures shall be evaluated for their condition and for loads required by this code. The structural

survey required in Section 8-703 of the CHBC shall document existing conditions, reinforcement, anchorage, deterioration and other factors pertinent to establishing allowable stresses, strength levels and adequacy of the archaic materials. The remaining portion of this chapter provides additional specific requirements for commonly encountered archaic materials.

SECTION 8-805 MASONRY

For adobe, see Section 8-806.

8-805.1 Existing solid masonry. Existing solid masonry walls of any type, except adobe, may be allowed, without testing, a maximum ultimate strength of nine pounds per square inch (62.1 kPa) in shear where there is a qualifying statement by the architect or engineer that an inspection has been made, that mortar joints are filled and that both brick and mortar are reasonably good. The shear stress above applies to unreinforced masonry, except adobe, where the maximum ratio of unsupported height or length to thickness does not exceed 13, and where minimum quality mortar is used or exists. Wall height or length is measured to supporting or resisting elements that are at least twice as stiff as the tributary wall. Stiffness is based on the gross section. Shear stress may be increased by the addition of 10 percent of the axial direct stress due to the weight of the wall directly above. Higher-quality mortar may provide a greater shear value and shall be tested in accordance with Appendix A, Chapter A1 of the *California Existing Building Code* (CEBC) 2010 edition, and as modified by the CHBC.

8-805.2 Stone masonry.

8-805.2.1 Solid-backed stone masonry. Stone masonry solidly backed with brick masonry shall be treated as solid brick masonry as described in Section 8-805.1 and in the 2009 IEBC, provided representative testing and inspection verifies solid collar joints between stone and brick and that a reasonable number of stones lap with the brick wythes as headers or that steel anchors are present. Solid stone masonry where the wythes of stone effectively overlap to provide the equivalent header courses may also be treated as solid brick masonry.

8-805.2.2 Independent wythe stone masonry. Stone masonry with independent face wythes may be treated as solid brick masonry as described in Section 8-805.1 and the CEBC, provided representative testing and inspection verify that the core is essentially solid in the masonry wall and that steel ties are epoxied in drilled holes between outer stone wythes at floors, roof and not to exceed 4 feet (1219 mm) on center in each direction, between floors and roof. A reinforcing element shall exist or be provided at or near the top of all stone masonry walls.

8-805.2.3 Testing of stone masonry. Testing of stone masonry shall be similar to the 2010 CEBC requirements

for brick masonry, except that representative stones which are not interlocked shall be pulled outward from the wall and shear area appropriately calculated after the test.

8-805.3 Reconstructed walls. Totally reconstructed walls utilizing original brick or masonry, constructed similar to original, shall be constructed in accordance with the regular code. Repairs or infills may be constructed in a similar manner to the original walls without conforming to the regular code.

SECTION 8-806 ADOBE

8-806.1 General. Unburned clay masonry may be constructed, reconstructed, stabilized or rehabilitated subject to this chapter. Alternative approaches which provide an equivalent or greater level of safety may be used, subject to the concurrence of the enforcing agency.

8-806.2 Moisture protection. Provisions shall be in-place to protect adobe structures from deterioration due to moisture penetration. Adobe shall be maintained in reasonably good condition. Particular attention shall be given to moisture content of adobe walls. Unmaintained walls or ruins shall be evaluated for safety based on their condition and stability. Additional protection measures may be appropriate subject to the concurrence of the enforcing agency.

8-806.3 Height to thickness ratio. Unreinforced new or existing adobe walls shall meet these criteria need not be evaluated for out of plane failure. Where existing dimensions do not meet these conditions, additional strengthening measures, such as a bond beam, may be appropriate. Existing sod or rammed earth walls shall be considered similar to the extent these provisions apply.

1. One-story adobe load-bearing walls shall not exceed a height-to-thickness ratio of 6.
2. Two-story adobe buildings or structures' height-to-thickness wall ratio shall not exceed 6 at the ground floor and 5 at the second floor, and shall be measured at floor-to-floor height when the second floor and attic ceiling/roof are connected to the wall as described below.

8-806.4 Nonload-bearing adobe. Nonload-bearing adobe partitions and gable end walls shall be evaluated for stability and anchored against out-of-plane failure if necessary.

8-806.5 Bond beam. Where provided, a bond beam or equivalent structural element shall be located at the top of all adobe walls, and at the second floor for two-story buildings or structures. The size and configuration of the structural element shall be sufficient to provide an effective brace for the wall, to tie the building together and to connect the wall to the floor or roof.

8-806.6 Repair or reconstruction. Repair or reconstruction of wall area may utilize unstabilized brick or adobe masonry designed to be compatible with the constituents of the existing adobe materials.

8-806.7 Shear values. Existing adobe may be allowed a maximum strength level of twelve pounds per square inch (82.7 kPa) for shear.

8-806.8 Mortar. Mortar may be of the same soil composition as that used in the existing wall, or in new walls as necessary to be compatible with the adobe brick.

SECTION 8-807 WOOD

8-807.1 Existing wood diaphragms or walls. Existing wood diaphragms or walls of straight or diagonal sheathing shall be assigned shear resistance values appropriate with the fasteners and materials functioning in conjunction with the sheathing. The structural survey shall determine fastener details and spacings and verify a load path through floor construction. Shear values of Tables 8-8-A and 8-8-B.

8-807.2 Wood lath and plaster. Wood lath and plaster walls and ceilings may be utilized using the shear values referenced in Section 8-807.1.

8-807.3 Existing wood framing. Existing wood framing members may be assigned allowable stresses consistent with codes in effect at the time of construction. Existing or new replacement wood framing may be of archaic types originally used if properly researched, such as balloon and single wall. Wood joints such as dovetail and mortise and tenon types may be used structurally, provided they are well made. Lumber selected for use and type need not bear grade marks, and greater or lesser species such as low-level pine and fir, boxwood and indigenous hardwoods and other variations may be used for specific conditions where they were or would have been used.

Wood fasteners such as square or cut nails may be used with a maximum increase of 50 percent over wire nails for shear.

SECTION 8-808 CONCRETE

8-808.1 Materials. Natural cement concrete, unreinforced rubble concrete and similar materials may be utilized wherever that material is used historically. Concrete of low strength and with less reinforcement than required by the regular code may remain in place. The architect or engineer shall assign appropriate values of strength based on testing of samples of the materials. Bond and development lengths shall be determined based on historical information or tests.

8-808.2 Detailing. The architect or engineer shall carefully evaluate all detailing provisions of the regular code which are not met and shall consider the implications of these variations on the ultimate performance of the structure, giving due consideration to ductility and reserve strength.

SECTION 8-809 STEEL AND IRON

The hand-built, untested use of wrought or black iron, the use of cast iron or grey iron, and the myriad of joining methods that are not specifically allowed by code may be used wherever applicable and wherever they have proven their worth under the considerable span of years involved with most qualified historical buildings or structures. Uplift capacity should be evaluated

and strengthened where necessary. Fixed conditions or midheight lateral loads on cast iron columns that could cause failure should be taken into account. Existing structural wrought, forged steel or grey iron may be assigned the maximum working stress prevalent at the time of original construction.

**SECTION 8-810
HOLLOW CLAY TILE**

The historical performance of hollow clay tile in past earthquakes shall be carefully considered in evaluating walls of hollow clay tile construction. Hollow clay tile bearing walls shall be evaluated and strengthened as appropriate for lateral loads and their ability to maintain support of gravity loads. Suitable protective measures shall be provided to prevent blockage of exit stairways, stairway enclosures, exit ways and public ways as a result of an earthquake.

**SECTION 8-811
VENEERS**

8-811.1 Terra cotta and stone. Terra cotta, cast stone and natural stone veneers shall be investigated for the presence of suit-

able anchorage. Steel anchors shall be investigated for deterioration or corrosion. New or supplemental anchorage shall be provided as appropriate.

8-811.2 Anchorage. Brick veneer with mechanical anchorage at spacings greater than required by the regular code may remain, provided the anchorages have not corroded. Nail strength in withdrawal in wood sheathing may be utilized to its capacity in accordance with code values.

**SECTION 8-812
GLASS AND GLAZING**

8-812.1 Glazing subject to human impact. Historical glazing material located in areas subject to human impact may be approved subject to the concurrence of the enforcing agency when alternative protective measures are provided. These measures may include, but not be limited to, additional glazing panels, protective film, protective guards or systems, and devices or signs which would provide adequate public safety.

8-812.2 Glazing in fire-rated systems. See Section 8-402.3.

**TABLE 8-8A
STRENGTH VALUES FOR EXISTING MATERIALS**

EXISTING MATERIALS OR CONFIGURATIONS OF MATERIALS ¹	STRENGTH LEVEL CAPACITY x14.594 for N/m
1. Horizontal diaphragms ² 1.1 Roofs with straight sheathing and roofing applied directly to the sheathing 1.2 Roofs with diagonal sheathing and roofing applied directly to the sheathing 1.3 Floors with straight tongue-and-groove sheathing 1.4 Floors with straight sheathing and finished wood flooring with board edges offset or perpendicular 1.5 Floors with diagonal sheathing and finished	300 lbs per foot for seismic shear 750 lbs per foot for seismic shear 300 lbs per foot for seismic shear 1,500 lbs per foot for seismic shear 1,800 lbs per foot for seismic shear
2. Crosswalls ^{2,3} 2.1 Plaster on wood or metal lath 2.2 Plaster on gypsum lath 2.3 Gypsum wallboard, unblocked edges 2.4 Gypsum wallboard, blocked edges	Per side: 600 lbs per foot for seismic shear 550 lbs per foot for seismic shear 200 lbs per foot for seismic shear 400 lbs per foot for seismic shear
3. Existing footings, wood framing, structural steel and reinforcing steel 3.1 Plain concrete footings 3.2 Douglas fir wood 3.3 Reinforcing steel 3.4 Structural steel	$f'_c = 1,500$ psi (10.34 MPa) unless otherwise shown by tests ³ Allowable stress same as D.F. No. 1 ³ $f_t = 40,000$ lbs per square inch (124.1 N/mm ²) maximum $f_s = 33,000$ lbs per square inch (137.9 N/mm ²) maximum

¹Material must be sound and in good condition.

²Shear values of these materials may be combined, except the total combined value shall not exceed 900 pounds per foot (13,140 N/m).

³Stresses given may be increased for combinations of loads as specified in the regular code.

**TABLE 8-8B
STRENGTH VALUES OF NEW MATERIALS USED IN CONNECTION WITH EXISTING CONSTRUCTION**

NEW MATERIALS OR CONFIGURATIONS OF MATERIALS	STRENGTH LEVEL CAPACITY ¹
<p>1. Horizontal diaphragms²</p> <p>1.1 ⁵/₃₂ inch minimum plywood sheathing fastened directly over existing straight sheathing with edges of plywood located on center of individual sheathing boards and fastened with minimum #8x 1¹/₄ inch wood screws or nails with helical threads 0.13 inch min. diameter and 1¹/₄ inch min. length at 4 inch centers all panel edges and 12 inch centers each way in field.</p> <p>1.2 Same plywood and attachments as 1.1 fastened directly over existing diagonal sheathing.</p> <p>1.3 ³/₈ inch plywood sheathing fastened directly over existing straight or diagonal sheathing with ends and edges on centers of individual sheathing boards and fastened with #6 wood screws or nails with helical threads 0.13 inch minimum diameter and 1¹/₄ inch min. length at 6 inch centers tall panel edges and 12 inch centers each way in field.</p>	<p>1,500 lbs per foot</p> <p>1,800 lbs per foot</p> <p>900 lbs per foot</p>
<p>2. Shear walls: Plywood sheathing applied directly over wood studs. No value shall be given to plywood applied over existing plaster or wood sheathing</p>	<p>100 percent of the value specified in the regular code for shear walls</p>
<p>3. Crosswalls: (special procedure only)</p> <p>3.1 Plywood sheathing applied directly over wood studs. No value shall be given to plywood applied over existing plaster or wood sheathing</p> <p>3.2 Drywall or plaster applied directly over wood studs</p> <p>3.3 Drywall or plaster applied to sheathing over existing wood studs</p>	<p>133 percent of the value specified in the regular code for shear walls</p> <p>100 percent of the values in the regular code</p> <p>50 percent of the values specified in the regular code</p>
<p>4. Tension bolts</p> <p>a. Bolts extending entirely through unreinforced masonry walls secured with bearing plates on far side of a three-wythe-minimum wall with at least 30 square inches (19 350 mm²) of area^{4,5}</p> <p>b. All thread rod extending to the exterior face of the wall installed in adhesive⁹</p>	<p>5,400 lbs (24,010 N) per bolt⁶ 2,700 lbs (12,009 N) per bolt for two-wythe walls⁶</p> <p>3,600 lbs (16,014 N) per bolt</p>
<p>5. Shear bolts Bolts embedded a minimum of 8 inches (203 mm) into unreinforced masonry walls and centered in a 2¹/₂-inch-diameter (63.5 mm) hole filled with dry-pack or nonshrink grout. Through bolts with first 8 inches (203 mm) as noted above and embedded all thread rod as noted in Item 4.b^{5,7,9}</p>	<p>¹/₂ inch (12.7 mm) diameter = 1050 lbs (4671 N)⁶ ⁵/₈ inch (15.9 mm) diameter = 1500 lbs (6672 N)⁶ ³/₄ inch (19 mm) diameter = 2250 lbs (10,008 N)⁶</p>
<p>6. Infilled walls Reinforced masonry infilled openings in existing unreinforced masonry walls. Provide keys or dowels to match reinforcing.</p>	<p>Same as values specified for unreinforced masonry walls</p>
<p>7. Reinforced masonry Masonry piers and walls reinforced per the regular code</p>	<p>Same as values specified in the regular code⁸</p>
<p>8. Reinforced concrete Concrete footings, walls and piers reinforced as specified in the regular code and designed for tributary loads</p>	<p>Same values as specified in the regular code⁸</p>

¹Values are for strength level loads as defined in regular code standards.

²Values may be adjusted for other fasteners when approved by the enforcing authority.

³In addition to existing sheathing value.

⁴Bolts to be ¹/₂-inch (12.7 mm) minimum diameter.

⁵Other bolt sizes, values and installation methods may be used provided a testing program is conducted in accordance with regular code standards. Bolt spacing shall not exceed 6 feet. (1830 mm) on center and shall not be less than 12 inches (305 mm) on center

⁶Other masonry based on tests or other substantiated data.

⁷Embedded bolts to be tested as specified in regular code standards.

⁸Stresses given may be increased for combinations of loads as specified in the regular code.

⁹Adhesives shall be approved by the enforcing agency and installed in accordance with the manufacturer's recommendations. All drilling dust shall be removed from drilled holes prior to installation.

CHAPTER 8-9

MECHANICAL, PLUMBING AND ELECTRICAL REQUIREMENTS

SECTION 8-901 PURPOSE, INTENT AND SCOPE

8-901.1 Purpose. The purpose of the CHBC is to provide regulations for the mechanical, plumbing and electrical systems of buildings designated as qualified historical buildings or properties. The CHBC requires enforcing agencies to accept any reasonable equivalent solutions to the regular code when dealing with qualified historical buildings or properties.

8-901.2 Intent. The intent of the CHBC is to preserve the integrity of qualified historical buildings or properties while providing a reasonable level of protection from fire, health and life-safety hazards (hereinafter referred to as safety hazards) for the building occupants.

8-901.3 Scope. The CHBC shall be applied in conjunction with the regular code whenever compliance with the regular code is required for qualified historical buildings or properties.

8-901.4 Safety hazard. No person shall permit any safety hazard to exist on premises under their control, or fail to take immediate action to abate such hazard. Existing systems which constitute a safety hazard when operational may remain in place, provided they are completely and permanently rendered inoperative. Safety hazards created by inoperative systems shall not be permitted to exist. Requirements of the regular code concerning general regulations shall be complied with, except that the enforcing agency shall accept solutions which do not cause a safety hazard.

8-901.5 Energy conservation. Qualified historical buildings or properties covered by this part are exempted from compliance with energy conservation standards. When new nonhistorical lighting and space conditioning system components, devices, appliances and equipment are installed, they shall comply with the requirements of Title 24, Part 6, *The California Energy Code*, except where the historical significance or character-defining features are threatened.

SECTION 8-902 MECHANICAL

8-902.1 General. Mechanical systems shall comply with the regular code unless otherwise modified by this chapter.

8-902.1.1 The provisions of the CHBC shall apply to the acceptance, location, installation, alteration, repair, relocation, replacement or addition of any heating, ventilating, air conditioning, domestic incinerators, kilns or miscellaneous heat-producing appliances or equipment within or attached to a historical building.

8-902.1.2 Existing systems which do not, in the opinion of the enforcing agency, constitute a safety hazard may remain in use.

8-902.1.3 The enforcing agency may approve any alternative to the CHBC which would achieve equivalent life safety.

8-902.2 Heating facilities. All dwelling-type occupancies covered under this chapter shall be provided with heating facilities. Wood-burning or pellet stoves or fireplaces may be acceptable as heating facilities.

8-902.3 Fuel oil piping and tanks. Fuel oil piping and tanks shall comply with regular code requirements except that the enforcing agency may waive such requirements where the lack of compliance does not create a safety or environmental hazard.

8-902.4 Heat-producing and cooling equipment. Heat-producing and cooling equipment shall comply with the regular code requirements governing equipment safety, except that the enforcing agency may accept alternatives which do not create a safety hazard.

8-902.5 Combustion air.

8-902.5.1 All fuel-burning appliances and equipment shall be provided a sufficient supply of air for proper fuel combustion, ventilation and draft hood dilution.

8-902.5.2 The enforcing agency may require operational tests for combustion air systems which do not comply with applicable requirements of the regular code.

8-902.6 Venting of appliances.

8-902.6.1 Every appliance required to be vented shall be connected to an approved venting system. Venting systems shall develop a positive flow adequate to convey all combustion products to the outside atmosphere.

8-902.6.2 Masonry chimneys in structurally sound condition may remain in use for all fuel-burning appliances, provided the flue is evaluated and documentation provided that the masonry and grout are in good condition. Terra cotta chimneys and Type C metallic vents installed in concealed spaces shall not remain in use unless otherwise mitigated and approved on a case-by-case basis.

8-902.6.3 The enforcing agency may require operational tests for venting systems which do not comply with applicable requirements of the regular code.

8-902.7 Ducts.

8-902.7.1 New ducts shall be constructed and installed in accordance with applicable requirements of the regular code.

8-902.7.2 Existing duct systems which do not comply with applicable requirements of the regular code and do not, in the opinion of the enforcing agency, constitute a safety or health hazard may remain in use.

8-902.8 Ventilating systems.

8-902.8.1 Ventilating systems shall be installed so that no safety hazard is created.

8-902.8.2 Grease hoods and grease hood exhaust systems shall be furnished and installed in accordance with applicable requirements of the regular code. Existing systems which are altered shall comply with the regular code.

8-902.9 Miscellaneous equipment requirements.

8-902.9.1 The following appliances and equipment shall be installed so that no safety hazard is created: warm air furnaces, space heating equipment, vented decorative appliances, floor furnaces, vented wall furnaces, unit heaters, room heaters, absorption units, refrigeration equipment, duct furnaces, infrared radiant heaters, domestic incinerators, miscellaneous heat-producing appliances and water heaters.

8-902.9.2 Storage-type water heaters shall be equipped with a temperature- and pressure-relief valve in accordance with applicable requirements of the regular code.

**SECTION 8-903
PLUMBING**

8-903.1 General. Plumbing systems shall comply with the regular code unless otherwise noted.

8-903.1.1 The provisions of the CHBC shall apply to the acceptance, location, installation, alteration, repair, relocation, replacement or addition of any plumbing system or equipment within or attached to a historical building.

8-903.1.2 Existing systems which do not, in the opinion of the enforcing agency, constitute a safety hazard may remain in use.

8-903.1.3 The enforcing agency may approve any alternative to these regulations which achieves reasonably equivalent life safety.

8-903.2 Residential occupancies.

8-903.2.1 Where toilet facilities are provided, alternative sewage disposal methods may be acceptable if approved by the local health department. In hotels, where private facilities are not provided, water closets at the ratio of one for each 15 rooms may be acceptable.

8-903.2.2 Toilet facilities are not required to be on the same floor or in the same building as sleeping rooms. Water-flush toilets may be located in a building immediately adjacent to the sleeping rooms. When alternative sewage disposal methods are utilized, they shall be located a minimum distance from the sleeping rooms or other locations as approved by the local health department.

8-903.2.3 Kitchen sinks shall be provided in all kitchens. The sink and countertop may be of any smooth nonabsorbent finish which can be maintained in a sanitary condition.

8-903.2.4 Hand washing facilities shall be provided for each dwelling unit and each hotel guest room. A basin and pitcher may be acceptable as adequate hand washing facilities.

8-903.2.5 Hot or cold running water is not required for each plumbing fixture, provided a sufficient amount of water is supplied to permit the fixture's normal operation.

8-903.2.6 Bathtubs and lavatories with filler spouts less than 1 inch (25.4 mm) above the fixture rim may remain in use, provided there is an acceptable overflow below the rim.

8-903.2.7 Original or salvage water closets, urinals and flushometer valves shall be permitted in qualified historical buildings or properties. Historically accurate reproduction, nonlow-consumption water closets, urinals and flushometer valves shall be permitted except where historically accurate fixtures that comply with the regular code are available.

8-903.3 Materials. New nonhistorical materials shall comply with the regular code requirements. The enforcing agency shall accept alternative materials which do not create a safety hazard where their use is necessary to maintain the historical integrity of the building.

8-903.4 Drainage and vent systems. Plumbing fixtures shall be connected to an adequate drainage and vent system. The enforcing agency may require operational tests for drainage and vent systems which do not comply with applicable requirements of the regular code. Vent terminations may be installed in any location which, in the opinion of the enforcing agency, does not create a safety hazard.

8-903.5 Indirect and special wastes. Indirect and special waste systems shall be installed so that no safety hazard is created. Chemical or industrial liquid wastes which may detrimentally affect the sanitary sewer system shall be pretreated to render them safe prior to discharge.

8-903.6 Traps and interceptors. Traps and interceptors shall comply with the regular code requirements except that the enforcing agency shall accept solutions which do not increase the safety hazard. Properly maintained "S" and drum traps may remain in use.

8-903.7 Joints and connections.

8-903.7.1 Joints and connections in new plumbing systems shall comply with applicable requirements of the regular code.

8-903.7.2 Joints and connections in existing or restored systems may be of any type that does not create a safety hazard.

8-903.8 Water distribution. Plumbing fixtures shall be connected to an adequate water distribution system. The enforcing agency may require operational tests for water distribution systems which do not comply with applicable requirements of regular code. Prohibited (unlawful) connections and cross connections shall not be permitted.

8-903.9 Building sewers and private sewage disposal systems. New building sewers and new private sewage disposal systems shall comply with applicable requirements of the regular code.

8-903.10 Fuel-gas piping. Fuel-gas piping shall comply with the regular code requirements except that the enforcing agency shall accept solutions which do not increase the safety hazard.

SECTION 8-904 ELECTRICAL

8-904.1 General. Electrical systems shall comply with the regular code unless otherwise permitted by this code, or approved by the authority having jurisdiction.

8-904.1.1 The provisions of the CHBC shall apply to the acceptance, location, installation, alteration, repair, relocation, replacement or addition of any electrical system or portion thereof, the premise wiring, or equipment fixed in place as related to restoration within or attached to a qualified historical building or property.

8-904.1.2 Existing systems, wiring methods and electrical equipment which do not, in the opinion of the enforcing agency, constitute a safety hazard may remain in use.

8-904.1.3 The enforcing agency may approve any alternative to the CHBC which achieves equivalent safety.

8-904.1.4 Archaic methods that do not appear in present codes may remain and may be extended if, in the opinion of the enforcing agency, they constitute a safe installation.

8-904.2 Wiring methods.

8-904.2.1 Where existing branch circuits do not include an equipment grounding conductor and, in the opinion of the enforcing agency, it is impracticable to connect an equipment grounding conductor to the grounding electrode system, receptacle convenience outlets may remain the nongrounding type.

8-904.2.2 Ground fault circuit interrupter (GFCI) protected receptacles shall be installed where replacements are made at receptacle outlets that are required to be so protected by the regular code in effect at the time of replacement. Metallic face plates shall either be grounded to the grounded metal outlet box or be grounded to the grounding-type device when used with devices supplied by branch circuits without equipment grounding conductors.

8-904.2.3 Grounding-type receptacles shall not be used without a grounding means in an existing receptacle outlet unless GFCI protected. Existing nongrounding receptacles shall be permitted to be replaced with nongrounding or grounding-type receptacles where supplied through a ground fault circuit interrupter.

8-904.2.4 Extensions of existing branch circuits without equipment-grounding conductors shall be permitted to supply grounding-type devices only when the equipment grounding conductor of the new extension is grounded to any accessible point on the grounding electrode system.

8-904.2.5 Receptacle outlet spacing and other related distance requirements shall be waived or modified if determined to be impracticable by the enforcing agency.

8-904.2.6 For the replacement of lighting fixtures on an existing nongrounded lighting outlet, or when extending an existing nongrounding lighting outlet, the following shall apply:

1. The exposed conductive parts of lighting fixtures shall be connected to any acceptable point on the grounding electrode system, or

2. The lighting fixtures shall be made of insulating material and shall have no exposed conductive parts.

Exception: Lighting fixtures mounted on electrically nonconductive ceilings or walls where located not less than either 8 feet (2438 mm) vertically or 5 feet (1524 mm) horizontally from grounded surfaces.

8-904.2.7 Lighting load calculations for services and feeders may be based on actual loads as installed in lieu of the "watts per square foot" method.

8-904.2.8 Determination of existing loads may be based on maximum demand recordings in lieu of calculations, provided all of the following are met:

1. Recordings are provided by the serving agency.
2. The maximum demand data is available for a one-year period.

Exception: If maximum demand data for a one-year period is not available, the maximum demand data shall be permitted to be based on the actual amperes continuously recorded over a minimum 30-day period by a recording ammeter connected to the highest loaded phase of the feeder or service. The recording should reflect the maximum demand when the building or space is occupied and include the measured or calculated load at the peak time of the year, including the larger of the heating or cooling equipment load.

3. There has been no change in occupancy or character of load during the previous 12 months.
4. The anticipated load will not change, or the existing demand load at 125 percent plus the new load does not exceed the ampacity of the feeder or rating of the service.

CHAPTER 8-10

QUALIFIED HISTORICAL DISTRICTS, SITES AND OPEN SPACES

SECTION 8-1001 PURPOSE AND SCOPE

8-1001.1 Purpose. The purpose of this chapter is to provide regulations for the preservation, rehabilitation, restoration and reconstruction of associated historical features of qualified historical buildings, properties or districts (as defined in Chapter 8-2), and for which Chapters 8-3 through 8-9 of the CHBC may not apply.

8-1001.2 Scope. This chapter applies to the associated historical features of qualified historical buildings or properties such as historical districts that are beyond the buildings themselves which include, but are not limited to, natural features and designed site and landscape plans with natural and man-made landscape elements that support their function and aesthetics. This may include, but will not be limited to:

1. Site plan layout configurations and relationships (pedestrian, equestrian and vehicular site circulation, topographical grades and drainage, and use areas).
2. Landscape elements (plant materials, site structures other than the qualified historical building, bridges and their associated structures, lighting, water features, art ornamentation, and pedestrian, equestrian and vehicular surfaces).
3. Functional elements (utility placement, erosion control and environmental mitigation measures).

SECTION 8-1002 APPLICATION

8-1002.1 The CHBC shall apply to all sites and districts and their features associated with qualified historical buildings or qualified historical districts as outlined in 8-1001.2 Scope.

8-1002.2 Where the application of regular code may impact the associated features of qualified historical properties beyond their footprints, by work performed secondarily, those impacts shall also be covered by the CHBC.

8-1002.3 This chapter shall be applied for all issues regarding code compliance or other standard or regulation as they affect the purpose of this chapter.

8-1002.4 The application of any code or building standard shall not unduly restrict the use of a qualified historical building or property that is otherwise permitted pursuant to Chapter 8-3 and the intent of the *State Historical Building Code*, Section 18956.

SECTION 8-1003 SITE RELATIONS

The relationship between a building or property and its site, or the associated features of a district (including qualified historical landscape), site, objects and their features are critical components that may be one of the criteria for these buildings and properties to be qualified under the CHBC. The CHBC recognizes the importance of these relationships. This chapter shall be used to provide context sensitive solutions for treatment of qualified historical buildings, properties, district or their associated historical features, or when work to be performed secondarily impacts the associated historical features of a qualified historical building or property.

APPENDIX A

CHAPTER 8-1

When modification must be made to qualified historical buildings and properties, the CHBC is intended to work in conjunction with the United States Secretary of Interior Standards for the Treatment of Historic Properties with Guidelines for Pre-

servicing, Rehabilitating, Restoring and Reconstructing Historic Buildings and the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes.

CHAPTER 8-6

TABLE 1—PROVISION APPLICABILITY

	Title II Public Entities	Title III Private Entities	Title III Barrier Removal
<p>SECTION 8-601 PURPOSE, INTENT, SCOPE</p> <p>8-601.1 Purpose. The purpose of the CHBC is to provide alternative regulations to facilitate access and use by persons with disabilities to and throughout facilities designated as qualified historical buildings or properties. These regulations require enforcing agencies to accept alternatives to regular code when dealing with qualified historical buildings or properties.</p> <p>8-601.2 Intent. The intent of this chapter is to preserve the integrity of qualified historical buildings and properties while providing access to and use by people with disabilities.</p> <p>8-601.3 Scope. The CHBC shall apply to every qualified historical building or property that is required to provide access to people with disabilities.</p> <ol style="list-style-type: none"> 1. Provisions of this chapter do not apply to new construction or reconstruction/replicas of historical buildings. 2. Where provisions of this chapter apply to alteration of qualified historical buildings or properties, alteration is defined in <i>California Building Code</i> (CBC), Chapter 2, Definitions and Abbreviations. 202 – A. Alter or Alteration. <p>8-601.4 General application. The provisions in the CHBC apply to local, state and federal governments (Title II entities); alteration of commercial facilities and places of public accommodation (Title III entities); and barrier removal in commercial facilities and places of public accommodation (Title III entities). Except as noted in this chapter.</p>	Applies	Applies	Applies
<p>SECTION 8-602 — BASIC PROVISIONS</p> <p>8-602.1 Regular code. The regular code for access for people with disabilities (Title 24, Part 2, Vol.1, Chapter 11B) shall be applied to qualified historical buildings or properties unless strict compliance with the regular code will threaten or destroy the historical significance or character-defining features of the building or property.</p> <p>8-602.2 Alternative provisions. If the historical significance or character-defining features are threatened, alternative provisions for access may be applied pursuant to this chapter, provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. These provisions shall be applied only on an item-by-item or case-by-case basis. 2. Documentation is provided, including meeting minutes or letters, stating the reasons for the application of the alternative provisions. Such documentation shall be retained in the permanent file of the enforcing agency. 	Applies	Applies	Applies

(continued)

TABLE 1—PROVISION APPLICABILITY—continued

	Title II Public Entities	Title III Private Entities	Title III Barrier Removal
SECTION 8-603 — ALTERNATIVES			
8-603.1 Alternative minimum standards. The alternative minimum standards for alterations of qualified historical buildings or facilities are contained in Section 4.1.7(3) of ADA Standards for Accessible Design, as incorporated and set forth in federal regulation 28 C.F.R. Pt. 36.	Applies	Applies	Applies
8-603.2 Entry. These alternatives do not allow exceptions for the requirement of level landings in front of doors, except as provided in Section 8-603.4.	Applies	Applies	Applies
<ol style="list-style-type: none"> 1. Access to any entrance used by the general public and no further than 200 feet (60 960 mm) from the primary entrance. 2. Access at any entrance not used by general public but open and unlocked with directional signs at the primary entrance and as close as possible to, but no further than 200 feet (60 960 mm) from, the primary entrance. 3. The accessible entrance shall have a notification system. Where security is a problem, remote monitoring may be used. 			
8-603.3 Doors. Alternatives listed in order of priority are:	Does not apply	Does not apply	Applies
<ol style="list-style-type: none"> 1. Single-leaf door which provides a minimum 30 inches (762 mm) of clear opening. 2. Single-leaf door which provides a minimum 29½ inches (749 mm) clear opening. 3. Double door, one leaf of which provides a minimum 29½ inches (749 mm) clear opening. 4. Double doors operable with a power-assist device to provide a minimum 29½ inches (749 mm) clear opening when both doors are in the open position. <p>Exception: Alternatives in this section do not apply to alteration of commercial facilities and places of public accommodation (Title III entities).</p>			
8-603.4 Power-assisted doors. Power-assisted door or doors may be considered an equivalent alternative to level landings, strikeside clearance and door-opening forces required by regular code.	Applies	Applies	Applies
8-603.5 Toilet rooms. In lieu of separate-gender toilet facilities as required in the regular code, an accessible unisex toilet may be designated.	Applies	Applies	Applies
8-603.6 Exterior and interior ramps and lifts. Alternatives listed in order of priority are:	Applies	Applies	Applies
<ol style="list-style-type: none"> 1. A lift or a ramp of greater than standard slope but no greater than 1:10, for horizontal distances not to exceed 5 feet (1525 mm). Signs shall be posted at upper and lower levels to indicate steepness of the slope. 2. Access by ramps of 1:6 slope for horizontal distance not to exceed 13 inches (330 mm). Signs shall be posted at upper and lower levels to indicate steepness of the slope. 			

(continued)

TABLE 1—PROVISION APPLICABILITY—continued

	Title II Public Entities	Title III Private Entities	Title III Barrier Removal
<p>SECTION 8-604 — EQUIVALENT FACILITATION</p> <p>Use of other designs and technologies, or deviation from particular technical and scoping requirements, are permitted if the application of the alternative provisions contained in Section 8-603 would threaten or destroy the historical significance or character-defining features of the qualified historical building or property.</p> <ol style="list-style-type: none"> Such alternatives shall be applied only on an item-by-item or case-by-case basis. Access provided by experiences, services, functions, materials and resources through methods including, but not limited to, maps, plans, videos, virtual reality and related equipment, at accessible levels. The alternative design and/or technologies used will provide substantially equivalent or greater accessibility to, and usability of, the facility. The official charged with the enforcement of the standards shall document the reasons for the application of the design and/or technologies and their effect on the historical significance or character-defining features. Such documentation shall be in accordance with Section 8-602.2, Item 2, and shall include the opinion and comments of state or local accessibility officials, and the opinion and comments of representative local groups of people with disabilities. Such documentation shall be retained in the permanent file of the enforcing agency. Copies of the required documentation should be available at the facility upon request. <p>Note: For commercial facilities and places of public accommodation (Title III entities).</p> <p>Equivalent facilitation for an element of a building or property when applied as a waiver of an ADA accessibility requirement will not be entitled to the Federal Department of Justice certification of this code as rebuttable evidence of compliance for that element.</p>	Applies	<p>Waivers</p> <p>If a builder applies for a waiver of an ADA accessibility requirement for an element of a building, he or she will not be entitled to certification's rebuttable evidence of compliance for that element. This limitation on the certification determination should be noted in any publication of Chapter 8-6 if certification is granted.</p>	Applies

Notes: The regular code for Chapter 8-6 is contained in Title 24, Part 2, Vol.1, Chapter 11, which contain standards for new construction. Provisions of this chapter may be used in conjunction with all other provisions of the regular code and ADA regulations.

HISTORY NOTE APPENDIX
CALIFORNIA HISTORICAL BUILDING CODE
(Title 24, Part 8, California Code of Regulations)

For prior history, see History Note Appendix to the *California Historical Building Code*, 2010 Triennial Edition, effective January 1, 2011.

1. Editorial correction to Chapter 8-8, Section 8-812, Tables 8-8A and 8-8B. Include missing tables in 2007 annual code adoption supplement.

2. SHBSB 01/10 – Repeal and amend Chapters 8-7 and 8-8 of the 2010 *California Historical Building Code*, CCR, Title 24, Part 8 regulated by the State Historical Building Safety Board, effective on July 1, 2012.

3. Repeal the 2010 *California Historical Building Code*, CCR, Title 24, Part 8 and adopt the 2013 *California Historical Building Code*, CCR, Title 24, Part 8 approved by the Building Standards Commission on December 12, 2012. Published on July 1, 2013 and effective on January 1, 2014.

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INSTRUCTIONS: This a Word form with expanding text fields and check boxes. It will probably open as Read-Only. Save it to your computer before you begin entering data. This form can be saved and reopened.

Because this is a WORD form, it will behave generally like a regular Word document except that the font, size, and color are set by the text field.

- Start typing where indicated to provide the requested information.
- Click on the check box to mark either yes or no.
- To enter more than one item in a particular text box, just insert an extra line (Enter) between the items.

Save completed form and email as an attachment to Lucinda.Woodward@parks.ca.gov. You can also convert it to a PDF and send as an email attachment. Use the Acrobat tab in WORD and select Create and Attach to Email. You can then attach the required documents to that email. If the attachments are too large (greater than 10mb total), you will need to send them in a second or third email.

Name of CLG City of Oakland CA

Report Prepared by: Betty Marvin

Date of commission/board review: January 13 and Feb. 10, 2014

Minimum Requirements for Certification

I. Enforce Appropriate State or Local Legislation for the Designation and Protection of Historic Properties.

A. Preservation Laws

1. What amendments or revisions, if any, are you considering to the certified ordinance? Please forward drafts or proposals. **REMINDER:** Pursuant to the CLG Agreement, OHP must have the opportunity to review and comment on ordinance changes prior to adoption. Changes that do not meet the CLG requirements could affect certification status.

None in 2012-13

2. Provide an electronic link to your ordinance or appropriate section(s) of the municipal code.

Oakland's preservation regulations are embedded in the Planning Code.

<http://library.municode.com/index.aspx?clientId=16490&stateId=5&stateName=California>

See especially Chapters 17.05, Landmarks Preservation Advisory Board; 17.07, Title, Purpose and Scope of the Zoning Regulations; 17.84, S-7 Preservation Combining Zone Regulations; 17.60, C-52 Old Oakland Commercial Zone Regulations; 17.100B, S-20 Historic Preservation District Combining Zone Regulations; 17.136, Design Review Procedure; 17.144, Rezoning and Law Change Procedure; 17.158, Environmental Review Regulations.

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B. New Local Landmark Designations (Comprehensive list of properties/districts designated under local ordinance)

1. During the reporting period, October 1, 2012 – September 30, 2013, what properties/districts have been locally designated?

Property Name/Address	Date Designated	Number of Contributors in District	Date Recorded by County Recorder
Shorey house, 1782 8th Street	4/16/13	n/a	TBD
Morse house, 5654 Margarido Dr.	4/16/13	n/a	TBD
Reimers house, 3054 Richmond Blvd.	9/16/13	n/a	TBD

REMINDER: Pursuant to California Government Code § 27288.2, “the county recorder shall record a certified resolution establishing an historical resources designation issued by the State Historical Resources Commission or a local agency, or unit thereof.”

2. What properties/districts have been de-designated this past year? For districts, include the total number of resource contributors.

Property Name/Address	Date Removed
None	n/a

C. Historic Preservation Element/Plan

1. Do you address historic preservation in your general plan? No
 Yes, in a separate historic preservation element. Yes, it is included in another element.
 Provide an electronic link to the historic preservation section(s) of the General Plan.

<http://www.oaklandnet.com/government/ceda/revised/planningzoning/StrategicPlanningSection/Historic%20Preservation.pdf>

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2. Have you made any updates to your historic preservation plan or historic preservation element in your community's general plan? Yes No If you have, provide an electronic link.
3. When will your next General Plan update occur? Several Area Specific Plans are in progress.

D. Review Responsibilities

1. Who takes responsibility for design review or Certificates of Appropriateness?

All projects subject to design review go the commission.

Some projects are reviewed at the staff level without commission review. What is the threshold between staff-only review and full-commission review?

The Landmarks Board or its delegated staff is responsible for all design review affecting designated landmarks and S-7 historic districts. Landmarks Board's design review is advisory to the Planning Commission or Planning Director (all Oakland design review is nominally by the Planning Director.) Minor work (signs that are clearly compatible, repair in kind, minor work that clearly meets the Secretary's Standards and all local requirements) is usually reviewed by staff; minor work with minor issues is often reviewed by staff in consultation with the Board chair or a subcommittee. Projects that could substantially affect the appearance or character of a property, that raise or illustrate preservation issues, or for which there is public concern are reviewed by the full Board at a regular monthly public meeting. For complex projects a Landmarks Board subcommittee may meet with applicants as often as necessary to craft an approvable project before presentation to the full Board.

The S-20 historic district zoning, for large residential districts, uses existing staff-level Residential Design Review for routine projects with the option of referral to Landmarks Board when specialized input is needed. For non-landmark historic properties, zoning staff members usually seek advice of the preservation planners, and any application can be referred to the Landmarks Board at the Planning Director's discretion.

2. California Environmental Quality Act

- What is the role of the staff and commission in *providing input* to CEQA documents prepared for or by the local government?

What is the role of the staff and commission in *reviewing* CEQA documents for projects that are proposed within the jurisdiction of the local government?

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Preservation staff is normally consulted early in the environmental review process for information on historic resources (designated landmarks or other resources identified by the citywide survey) that may be affected by a development project and has substantial input at the Administrative Draft stage. The Landmarks Board formally scopes, reviews, and comments on draft environmental documents, usually multiple times. The Board has consistently and successfully promoted recognition of the full range of policies in the Historic Preservation Element and helped craft creative and worthwhile mitigation measures.

4. Section 106 of the National Historic Preservation Act

- What is the role of the staff and commission in *providing input* to Section 106 documents prepared for or by; the local government?
- What is the role of the staff and commission in *reviewing* Section 106 documents for projects that are proposed within the jurisdiction of the local government?

Preservation staff is normally consulted early in the environmental review process for information on historic resources (both designated landmarks and other resources identified by the citywide survey) that may be affected by an undertaking. Numerous small-scale Section 106 referrals come to preservation staff from HUD-funded housing rehabilitation projects, both City-sponsored and through the Alameda County Lead Poisoning Prevention Program, and from telecommunication projects. Larger projects are referred to the Board for comments on both the environmental documents and the project itself.

II. Establish an Adequate and Qualified Historic Preservation Review Commission by State or Local Legislation.

A. Commission Membership, 10/1/12-9/30/13

Name	Professional Discipline	Date Appointed	Date Term Ends	Email Address
Christopher Andrews	Architect/Historian	2/21/11	2/21/14	chrisandrews@sbcglobal.net
Thomas Biggs	Architect	12/07	2/21/13	tom.biggs@biggs-group.com
Peter Birkholz	Architect	2/21/13	2/21/16	pbirkholz@gmail.com
Valerie Garry	Public Member (preservationist)	5/19/09	2/21/15	vkarry@sonic.net
John Goins III	Public Member (real estate)	9/2011	2/21/15	john_goins@berkeley.edu
Mary MacDonald	Public Member (attorney)	2/21/10	2/21/16	marymacdonald77@gmail.com
Anna Naruta	Archaeologist/Planner	5/19/09	2/21/13	anna@annanaruta.com
Daniel Schulman	Public Member (local history)	5/19/09	2/21/14	dan@dschulman.com

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Attach resumes and Statement of Qualifications forms for all members.

1. If you do not have two qualified professionals on your commission, why have the professional qualifications not been met and how is professional expertise being provided? n/a
2. If all positions are not currently filled, why is there a vacancy, and when will the position will be filled?

Mayor's office is considering applicants for Planner/Landscape Architect position (Anna Naruta, term-limited out). Applicants have been solicited through Oakland Heritage Alliance and AIA newsletters, contact with local landscape architecture firms, etc.

B. Staff to the Commission/CLG staff

1. Is the staff to your commission the same as your CLG coordinator? Yes No
 - a. If the position(s) is not currently filled, why is there a vacancy?

Attach resumes and Statement of Qualifications forms for staff.

Name/Title	Discipline	Dept. Affiliation	Email Address
Joann Pavlinec, Historic Preservation Planner – <i>Secretary (Staff) to Landmarks Board</i>	Architect, Planner	Planning; Landmarks Board secretary since 2002	jpavlinec@oaklandnet.com
Betty Marvin, Historic Preservation Planner – <i>Survey & CLG Coordinator</i>	Historian, Architectural Historian, 36 CFR 61	Planning; Oakland Cultural Heritage Survey since 1983	bmarvin@oaklandnet.com
Gail Lombardi, <i>Researcher</i>	Historian, 36 CFR 61	Planning; Oakland Cultural Heritage Survey since 1987	gglombardi@oaklandnet.com

C. Attendance Record

Please complete attendance chart for each commissioner and staff member. Commissions are required to meet four times a year, at a minimum.

Commissioner/Staff	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Christopher Andrews		X	X	X		<input type="checkbox"/>	X	X			X	X

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Thomas Biggs		X	<input type="checkbox"/>	X								
Peter Birkholz						X	X	X			<input type="checkbox"/>	X
Valerie Garry		X	X	X		X	X	X			X	X
John Goins III		X	X	X		X	X	X			X	<input type="checkbox"/>
Mary MacDonald		X	X	<input type="checkbox"/>		X	X	X			<input type="checkbox"/>	X
Anna Naruta		X	<input type="checkbox"/>	<input type="checkbox"/>								
Daniel Schulman		X	X	X		X	X	X			X	X
Joann Pavlinec		X	X	X		X	X	X			X	X
Betty Marvin		X	X	<input type="checkbox"/>		X	X	X			X	X

D. Training Received

Indicate what training each commissioner and staff member has received. Remember it is a CLG requirement that all commissioners and staff to the commission attend at least one training program relevant to your commission each year. It is up to the CLG to determine the relevancy of the training.

Commissioner/Staff Name	Training Title & Description	Duration of Training	Training Provider	Date
Christopher Andrews	Tour of Romania: historic interiors and textile arts of Bucharest, Transylvania, and Bukovina	11 days	HALI Magazine, art and textile historian Stefano Ionescu	June 6-17, 2013
Peter Birkholz	WCAPTI Annual Meeting: Hearst and Greek Stadium Tours, Board Retreat	8 hours	WCAPTi	2/16/2013 and 2/17/2013
Peter Birkholz	A Delicate Balancing Act: Historic Preservation of Existing Buildings	1 hour	Design Realized	6/4/13
Peter Birkholz	The Keys to Successful Adaptive Reuse	1 hour	Design Realized	5/7/13

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Peter Birkholz	Back to the Future: An Approach to Green Preservation	1 hour	Design Realized	5/21/13
Valerie Garry	Minding the Gap: The Role of Contemporary Architecture in the Historic Environment	1 day	Getty Conservation Institute	May 21, 2013
Valerie Garry	“Planning Commissioner Training: Basic Planning 101” -legal framework for land use decisions, defensible findings and project conditions, case studies.	half day	APA California Chapter	April 6, 2013
John Goins III	Webinar, Preservation Green Lab's work to characterize the small buildings sector through its Mainstreet Program (energy retrofit).	1 hour +	NBI (New Buildings Institute) and National Trust	March 20, 2013
Mary MacDonald	Wine, History, and Restoration in the Napa Valley	5.25 hours	CPF	February 4, 2013
Daniel Schulman	“Planning Commissioner Training: Basic Planning 101” -legal framework for land use decisions, defensible findings/project conditions, case studies.	half day	APA Northern California Chapter, ABAG, et al.	April 6, 2013
Daniel Schulman	Berkeley's Vanished Horse Cars, Steam Trains, and Street Cars	2 hours	Berkeley Historical Society	February 7, 2013
Daniel Schulman	“Slated for Demolition,” symposium on owner's rights, preservation, and the impact architecture and buildings have on our communities.	2 hours	AIA East Bay	June 5, 2013
Joann Pavlinec	Minding the Gap: The Role of Contemporary Architecture in the Historic Environment	1 day	Getty Conservation Institute	May 21, 2013
Joann Pavlinec	“Slated for Demolition,” symposium on owner's rights, preservation, and the impact architecture and buildings have on our communities.	2 hours	AIA East Bay	June 5, 2013
Betty Marvin	“Slated for Demolition,” symposium on owner's rights,	2 hours	AIA East Bay	June 5, 2013

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	preservation, and the impact architecture and buildings have on our communities.			
Betty Marvin	Minding the Gap: The Role of Contemporary Architecture in the Historic Environment	1 day	Getty Conservation Institute	May 21, 2013

III. Maintain a System for the Survey and Inventory of Properties that Furthers the Purposes of the National Historic Preservation Act

A. Historical Contexts: initiated, researched, or developed in the reporting year

NOTE: California CLG procedures require CLGs to submit survey results including historic contexts to OHP. If you have not done so, submit a copy (PDF or link if available online) with this report.

Context Name	Description	How it is Being Used	Date Submitted to OHP
None in 2012-13			

B. New Surveys or Survey Updates (excluding those funded by OHP)

NOTE: The evaluation of a single property is not a survey. Also, material changes to a property that is included in a survey, is not a change to the survey and should not be reported here.

California CLG procedures require CLGs to submit survey results including historic contexts, to OHP. If you have not done so, submit a copy (electronic format preferred) with this report.

Survey Area	Context Based-yes/no	Level: Reconnaissance or Intensive	Acreage	# of Properties Surveyed	Date Completed	Date Submitted to OHP
None in 2012-13						

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How are you using the survey data?

Existing citywide survey information, updated with ad hoc research and field work, is used every day by planning staff for project review and design advice and as public information for property owners, historians, neighborhood residents, real estate agents, environmental consultants, etc. Survey information is the basis for landmark, heritage property, and historic district designations; determining eligibility for historical building code and Mills Act; development of design guidelines; interpretive markers for Bay Trail and other sites. Survey information is integral to several current specific plans affecting areas with many historic resources: Broadway-Valdez, West Oakland, Central Estuary, Lake Merritt BART-Chinatown.

C. Corrections or changes to Inventory

Property Name/Address	Additions/Deletions to Inventory	Status Code Change From - To	Reason	Date of Change
None in 2012-13				

IV. Provide for Adequate Public Participation in the Local Historic Preservation Program

A. Public Education

What public outreach, training, or publications programs has the CLG undertaken? Please provide copy of (or an electronic link) to all publications or other products not previously provided to OHP.

Item or Event, Description	Date
Landmark of the Month presentation at the beginning of each televised public Landmarks Board meeting - existing landmarks, one per meeting in sequential order, are being researched and presented by Board members	monthly at LM Board meetings
Public meetings and workshops for area specific plans affecting areas with many historic resources: Broadway-Valdez, West Oakland, Lake Merritt BART-Chinatown, Central Estuary	2012-13, ongoing
Oakland Tours Program, 33rd season of free tours of Central Oakland sponsored by the City of Oakland based on Survey and other research, eight tours on rotating schedule; public tours, twice weekly May-Oct., school tours Jan-May	2012-13, ongoing
Oakland Heritage Alliance 33rd Annual Summer Walking Tours: 16 tours based on Cultural Heritage Survey and community research featuring Oakland neighborhoods, landmarks, and preservation/planning issues	July – Aug. 2013

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V. National Park Service Baseline Questionnaire for *new CLGs* (certified after September 30, 2012).

NOTE: OHP will forward this information to the NPS on your behalf. Guidance for completing the Baseline Questionnaire is located at www.nps.gov/hps/clg/forms.html.

A. CLG Inventory Program

1. What is the net cumulative number of historic properties in your inventory as of September 30, 2013? This is the total number of historic properties and contributors to districts (or your best estimate of the number) in your inventory from **all** programs, local, state, and Federal. Type here.

Program Area	Number of Properties
Type here.	Type here.

B. Local Register (i.e., Local Landmarks and Historic Districts) Program

1. As of September 30, 2013, did your local government have a local register program to create local landmarks/local historic districts (or a similar list of designations created by local law? Yes No
2. If the answer is yes, what is the net cumulative number (or your best estimate of the number) of historic properties (i.e., contributing properties) locally registered/designated as of September 30, 2013? Type here.

C. Local Tax Incentives Program

1. As of September 30, 2013, did your local government have a local historic preservation tax incentives program (e.g. Mills Act)? Yes No
2. If the answer is yes, what is the cumulative number (or your best estimate of the number) of historic properties whose owners have taken advantage of those incentives as of September 30, 2013? Type here.

D. Local "Bricks and Mortar" Grants/Loans Program

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1. As of September 30, 2013, did your local government have a locally-funded, historic preservation grants/loan program for rehabilitating/restoring historic properties? Type here.
2. If the answer is yes, what is the cumulative number (or your best estimate of the number) of historic properties assisted by these grants or loans as of September 30, 2013? Type here.

E. Local Design Review/Regulatory Program

1. As of September 30, 2013, did your local government have a historic preservation regulatory law(s) (e.g., an ordinance requiring Commission/staff review of 1) local government undertakings and/or 2) changes to or impacts on properties with a historic district? Yes No
2. If the answer is yes, what is the cumulative number (or your best estimate of the number) of historic properties that your local government has reviewed under that process as of September 30, 2013? Type here.

F. Local Property Acquisition Program

1. As of September 30, 2013, did your local government by purchase, donation, condemnation, or other means help to acquire or acquire itself some degree of title (e.g., fee simple interest or an easement) in historic properties?
 Yes No
2. If the answer is yes, what is the cumulative number (or your best estimate of the number) of historic properties with a property interest acquisition assisted or carried out by your local government as of September 30, 2013? Type here.

VI. Additional Information for National Park Service Annual Products Report for CLGs (certified before October 1, 2012).

NOTE: OHP will forward this information to NPS on your behalf. **Please read** "Guidance for completing the Annual Products Report for CLGs" located at www.nps.gov/hps/clg/forms.html.

A. CLG Inventory Program

During the reporting period (October 1, 2012-September 30, 2013) how many historic properties did your local government add to the CLG inventory? This is the total number of historic properties and contributors to districts (or your best estimate of the number) added to your inventory **from all programs**, local, state, and Federal, during the reporting year. These might

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include National Register, California Register, California Historic Landmarks, locally funded surveys, CLG surveys, and local designations.

Program area	Number of Properties added
local designations	3

B. Local Register (i.e., Local Landmarks and Historic Districts) Program

1. During the reporting period (October 1, 2012-September 30, 2013) did you have a local register program to create local landmarks and/or local districts (or a similar list of designations) created by local law? Yes No
2. If the answer is yes, then how many properties have been added to your register or designated since October 1, 2012?
3 local designations

C. Local Tax Incentives Program

1. During the reporting period (October 1, 2012-September 30, 2013) did you have a Local Tax Incentives Program, such as the Mills Act? Yes No
2. If the answer is yes, how many properties have been added to this program since October 1, 2012?

Name of Program	Number of Properties that have Benefited
Mills Act	4

D. Local “bricks and mortar” grants/loan program

1. During the reporting period (October 1, 2012-September 30, 2013) did you have a local government historic preservation grant and/or loan program for rehabilitating/restoring historic properties? Yes No

Facade improvement grant program, not exclusively “for” but has benefited many “historic properties” of all levels of significance.

2. If the answer is yes, then how many properties have been assisted under the program(s) after October 1, 2012? Type here.

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Name of Program	Number of Properties that have Benefited
Facade Improvement matching grants	approx. 10 grants to "historic" buildings in 2012-13

E. Design Review/Local Regulatory Program

1. During the reporting period (October 1, 2012-September 30, 2013) did your local government have a historic preservation regulatory law(s) (e.g., an ordinance requiring Commission and/or staff review of 1) local government undertakings and/or 2) changes to, or impacts on, properties within a historic district? Yes No

2. If the answer is yes then, since October 1, 2012, how many historic properties did your local government review for compliance with your local government's historic preservation regulatory law(s)?

Several properties a day that are considered some degree of "historic" get some level of design review "for compliance with your local government's historic preservation regulatory law(s)", but most are privately owned and not all are in districts.

F. Local Property Acquisition Program

1. During the reporting period (October 1, 2012-September 30, 2013) did you have a local program to acquire (or help to acquire) historic properties in whole or in part through purchase, donation, or other means? Yes No
2. If the answer is yes, then how many properties have been assisted under the program(s) since October 1, 2012? Type here.

Name of Program	Number of Properties that have Benefited
n/a	

VII. In addition to the minimum CLG requirements, OHP is interested in a Summary of Local Preservation Programs

- A. What are the most critical preservation planning issues?

Budget and staff cuts; work without permits/review; development pressure; incorporating preservation into large-scale area plans; getting ahead of emergencies; lack of environmental review protection for locally-significant (non-CEQA) resources; ways to protect

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or recognize non-building resources such as businesses and cultural sites; sites for moved buildings; protection of City-owned historic properties; perception of preservation as an impediment to development; perception of preservation as a luxury in times and places of high crime and economic hardship; promoting appreciation of the architecturally and culturally diverse neighborhoods in Oakland; funding for programs previously supported by Redevelopment including the facade improvement grants; promoting sale and/or appropriate reuse of historically significant properties to prevent their demolition; expanding interest in Mills Act incentive; education as to the economic value of preserving historic features; balancing the goal of preserving/conserving Oakland's many historic and culturally significant urban and residential neighborhoods and sites with the goals and objectives of large-scale economic development plans and initiatives.

B. What is the single accomplishment of your local government this year that has done the most to further preservation in your community?

Several ambitious Area Specific Plans that have been in the works for years are now nearing completion, along with their associated EIRs. These plans affect large areas with many historic resources: Broadway-Valdez, West Oakland, Central Estuary, Lake Merritt BART-Chinatown. Extensive Landmarks Board and preservation community involvement has helped shape plans that generally respect and enhance historic resources. Survey information has been integral to the plan process, and outcomes include contextual design guidelines for new development that is compatible and appropriate. The extensive review, comments and recommendations have resulted in plans and Environmental Impact Reports that identify strategies and priorities, design review guidelines and adaptive reuse possibilities for some of Oakland's oldest and most culturally significant areas.

C. What recognition are you providing for successful preservation projects or programs?

Local nonprofit Oakland Heritage Alliance presents annual Partners in Preservation awards and features current preservation work on its summer walking tours and lecture series; applicants are encouraged to showcase successful projects at Landmarks Board; former Landmarks Board member Annalee Allen's newspaper column highlights preservation success stories.

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D. How did you meet or not meet the goals identified in your annual report for last year?

Protection of City-owned historic properties: at the March Landmarks Board meeting representatives of Real Estate and Public Works/Facilities Services departments gave a detailed informational presentation on preservation and maintenance of City-owned landmarks and the City's process for lease or sale of its historic properties (see March 11, 2013 minutes). Discussion focused particularly on possible sale or lease of the 1913 Oakland Auditorium and improving communication between departments and the Landmarks Board.

D. What are your local historic preservation goals for 2013-2014?

Landmarks Preservation Advisory Board Goals for 2014; reviewed and adopted at February 10, 2014 meeting

Protection:

1. Insure protection and reuse of historic Oakland Auditorium and other City properties

Advocacy:

1. Support State Preservation Tax Credit initiative
2. Support State Sustainable Preservation plan

Education:

1. Educate the public about economic benefits of preservation, from Mills Act to business value of historic interiors
2. Promote appreciation of the whole range of local resources and neighborhoods, not only landmarks
3. Pursue Board training opportunities in preservation, conservation, advocacy, and local government responsibilities (CEQA, role of planning commissions, economic revitalization)

Procedure:

1. Schedule formal subcommittee reports in Board hearings on action items
2. Send representatives to Planning Commission and City Council meetings to present Board's recommendations on agenda items and report back
3. Add a Landmarks motto to agenda documents: "Advocate, Educate, Protect Historic Resources"

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F. So that we may better serve you in the future, are there specific areas and/or issues with which you could use technical assistance from OHP?

Would like to know how other CLGs have handled any and all items in A above
It would be great to have the Historic Properties Directory online

G. In what subject areas would you like to see training provided by the OHP? How you like would to see the training delivered (workshops, online, technical assistance bulletins, etc.)?

Energy code requirements and historic buildings

How to establish contextual design guidelines for specific Oakland neighborhoods, locations, urban areas and how to make sure these design guidelines are used by planners and applicants consistently.

H. Would you be willing to host a training working workshop in cooperation with OHP? Yes No Maybe

XII Attachments

Resumes and Statement of Qualifications forms for **all** commission members/alternatives and staff

Minutes from commission meetings

Drafts of proposed changes to the ordinance n/a

Drafts of proposed changes to the General Plan n/a

Public outreach publications n/a

Email to Lucinda.Woodward@parks.ca.gov