

6.3	
Location(s): Various	Parcel Number(s): Various
Applicant(s): Various	Owner(s): Various
General Plan: Various	Zoning: Various
Historic Property: Various	Historic District: Various
Case Number(s): Various	Planning Permits: None
Proposal: 2017 Mills Act Contract Applications: <ol style="list-style-type: none"> 1) MA17-001: 836 Trestle Glen Road (APN 011-0900-039-56); City Council District 2 2) MA17-002: 3130 Union Street (APN 005-0462-031-00); City Council District 3 3) MA17-003: 1630-32 Myrtle Street (APN 005-0384-019-00) ; City Council District 3 4) MA17-004: 783 20th Street (APN 003-0047-003-01); City Council District 3 5) MA17-005: 863 Cleveland Street (APN 023-0405-016-00); City Council District 2 	
Environmental Determination: Categorically Exempt per CEQA Guidelines Sections: 15301 (Existing Facilities); 15305 (Minor Alterations in Land Use Limitations); 15306 (Information Collection); 15308 (Actions by Regulatory Agencies for Protection of the Environment); 15331 (Historical Resource Restoration/Rehabilitation).	
Action to be Taken: Discuss and select applications to recommend for 2017 Mills Act contracts. Forward to Planning Commission as informational item. Forward recommendations to City Council.	
For Further Information: Contact Betty Marvin (510) 238-6879, bmarvin@oaklandnet.com	

BACKGROUND

The Mills Act is a California state law passed in 1972 that allows a potential property tax reduction for historic properties, using an alternate appraisal formula. The state law establishes certain other parameters such the ten-year perpetually renewing contract term and penalties for non-fulfillment of the contract. Local governments (city or county) that elect to participate design other aspects of their own programs, such as eligibility and work program requirements. Oakland requires that the property have local historic designation (Landmark, Heritage Property, S-7, or S-20) and commit to spending the amount of the tax savings on eligible improvements that restore or maintain the historic exterior character of the building or its structural integrity.

A two-year pilot Mills Act property tax abatement program was adopted by City Council in November 2006. In 2009 the City Council expanded the program and made it permanent. Currently there are 44 Mills Act Contracts (2008 through 2016; map, Attachment 8) recorded with the County. Under the current ordinance, the program limits impacts on City revenue to \$25,000/year in new contracts, with the exception of the Central Business District. In the Central Business District, the program limits impacts to \$100,000/building/year with a cumulative limit of \$250,000/year. Tax losses may exceed these limits by act of the City Council.

Any property entering into a Mills Act contract with the City must be on the Local Register of Historical Resources. The Local Register is an umbrella category for the most significant historic resources in Oakland, whether designated by the Landmarks Board or identified by the Survey. It includes buildings with Oakland Cultural Heritage Survey ratings of ‘A’ or ‘B’, buildings in Areas of Primary Importance, and Designated Historic Properties (DHPs: Landmarks, Heritage Properties, Preservation Study List properties, and properties in S-7 and S-20 districts). Properties not already formally designated by the Landmarks Board must obtain Heritage Property or other designation.

INTRODUCTION

2017 Mills Act Applications

Mills Act applications are accepted through May of each year, to allow time for processing by the City and recording with the County by December 31. Five Mills Act applications have been submitted this year and are before the Landmarks Preservation Advisory Board for review, representing the West Oakland and Lower Hills neighborhoods. Two are already in a designated S-20 district (Oak Center) and three are recommended for Heritage Property designation at this meeting.

Historic Preservation Staff Review

Selection criteria for Mills Act applications were developed by a Landmarks Board subcommittee and adopted by the Board during the first year of the Mills Act pilot program, to screen and rank applications, especially where there were more applicants than could be accommodated. Evaluation focuses on:

- significance of the property;
- immediate necessity of the work to prevent further deterioration;
- scope of the work in relation to the estimated tax reduction;
- visibility of the work proposed, to act as a catalyst for neighborhood revitalization;
- neighborhood diversity, to spread the program to as many neighborhoods as possible;
- building type diversity, to illustrate use of Mills Act for different types of properties;
- thoroughness of the application above and beyond being minimally complete.

Staff is recommending selection of all five 2017 Mills Act contract applications, as satisfying the applicable criteria.

FINANCIAL IMPACTS - 2017 Mills Act Applications

The Mills Act calculator on the City website indicates estimated tax outcomes (table below). Based on Alameda County records and information from applicants, column 2 lists the current yearly property taxes on the property. Column 3 lists the *estimated* Mills Act property taxes, using a formula based on square footage and hypothetical (\$2.25/square foot) or actual rent. (When the calculator was designed a decade ago, the hypothetical average rent was \$1.25.) Column 4 lists the difference between the current property taxes and the *estimated* Mills Act property taxes. The City receives approximately 27.28% of property taxes. Column 5 lists the estimated loss of property taxes to the City, 27.28% of the change in property taxes due to the Mills Act calculation. Note that the Mills Act formula applies to the ad valorem property tax, not to any special assessments or other charges.

1 Mills Act Application Number	2 Current Property Taxes (county rec.)	3 Mills Act Taxes from Calculator (estimate based on \$2.25/sf rent)	4 Change in Taxes (current less Mills estimate)	5 City Revenue Loss, Year 1 (27.28% of tax change)	6 Year Acquired
MA17-001	\$12,681	\$4,013	(\$8,669)	(\$2,365)	2003
MA17-002	\$6,630	\$6,568	(\$294)	(\$80)	pre-2013
MA17-003	\$13,822	\$8,537	(\$5,285)	(\$1,441)	2016
MA17-004	\$5,992	\$3,737	(\$2,255)	(\$615)	2010
MA17-005	\$17,520	\$4,631	(\$12,889)	(\$3,516)	2016

TOTAL estimated City tax revenue loss, year 1 (tax year 2018-19) (\$)

An estimated loss of \$8,017 is well below the City tax revenue loss limit for new Mills Act contracts of \$25,000/year.

The Mills Act formula’s results are affected by changes in the California real estate market since the program was created by the legislature in the 1970s. Recent rapid inflation of real estate prices and the Proposition 13 system under which properties are reassessed to market value only at change of ownership mean that new owners are likely to benefit much more than long-term owners. In addition, because the Mills Act assessment formula is based on the income method of appraisal (using a hypothetical market rent), the current spike in rental prices may mean that Mills Act savings will be less than in past years. According to staff at the Assessor’s office, “higher rents will have an impact on Mills Act restricted assessments. The restricted [Mills Act] assessment this year will be calculated using market rent as of January 1. An increase in market rents would yield a higher restricted assessment.” It is not possible to give exact values because assessment is done property by property, but applicants were advised to put a higher rent per square foot (\$2.25 vs \$1.25) into the calculator on the City website. Lower Mills Act savings for owners would, of course, also mean less revenue loss for the City.

Disclaimer: The online calculator which produced these estimates is an interactive spreadsheet based on the Mills Act formula for tax assessments, which uses a modified version of the income approach to appraisal. It gives a rough estimate of potential tax savings. The City makes no warranties or representations about the accuracy of the calculator – it is an information tool that applicants may use at their sole risk, and does not replace legal counsel or a financial advisor. Actual tax reductions, if any, will be calculated by the County Assessor’s Office after the Assessor has received the executed Mills Act contracts at the end of the calendar year.

Next Steps

Following Landmarks Board recommendation at this meeting, the selected Mills Act applications and Board recommendations will be presented to the Planning Commission as an information item, to City Attorney and Budget for review, to City Council for a resolution authorizing the contracts, and to the City Administrator’s office for review and signatures. After contract execution by the City and the applicants, contracts must be recorded with the County by the end of the calendar year. Heritage Property applications for the three properties that are not already designated are being reviewed by the Landmarks Board at this meeting. Staff has reviewed the applications and preliminarily determined that the properties are all eligible for Heritage Property designation and Mills Act participation.

MILLS ACT CONTRACT APPLICATIONS

1. **MA17-001: 836 Trestle Glen Road** (see Attachment 1) **Read (Edward, Mary, Percival) house**



Heritage Property Eligibility Rating: B (25 points)

OCHS Rating: Preliminary (field) survey rating C2+ (C= secondary importance or superior example; contributor to an Area of Secondary Importance)

Significance: 836 Trestle Glen Road is a two-story Monterey Revival house in the large Trestle Glen-Lakeshore ASI. It was built under permit #A5442, dated June 22, 1925, owner E.G. Read, builder Samuel Davis, and architect Frederick H. Reimers, reported construction cost \$4900. Eduardo or Edward G. Read, a foreman for Southern Pacific Co. at the time the house was built, was born in British East India in 1864 and migrated to the United States in 1889. Read family members resided in this home through at least 1941. Frederick Reimers (1889-1961), one of the best known and most prolific Period Revival architects to have lived and worked in Oakland, was a University of California 1915 graduate. This distinctive home is representative of the Spanish Revival style popular during the 1915-1940 period, while the prominent cantilevered balcony marks it as an example of the emerging Monterey version of the style. Spanish Revival is extremely eclectic, with touches like the textured stucco exterior and round-topped front door combined to create an exotic but harmonious appearance. The asymmetrical, informal composition of this Monterey house is somewhat unusual in a section of Trestle Glen where formal, boxy, Italian designs predominate. The attached garage reflects the influence of the auto industry and how it drove residential architecture, even in transit-rich Trestle Glen. Behind this block is the former Key System right of way, with a trolley pole in 836's back yard. This is the fourth house on the 800 block of Trestle Glen to pursue Heritage Property designation, potentially the nucleus of a small designated district within the large ASI that extends from Lake Merritt to the Piedmont border.

Work Program (see Attachment 1):

- foundation work: seismic retrofit and drainage
- repair and maintain original wood-sash casement windows
- where repair is not possible, install custom replacement windows
- reinforce/repair front balcony
- replace roof



Application Strengths:

- distinctive Monterey design by major Oakland architect
- large-scale maintenance of house in near-original condition
- well-planned work program with estimates; timely submittal
- fourth participant on 800 block of Trestle Glen, nucleus of potential district

**2. MA17-002: 3130 Union Street (see Attachment 2)
Clawson School Day Nursery**



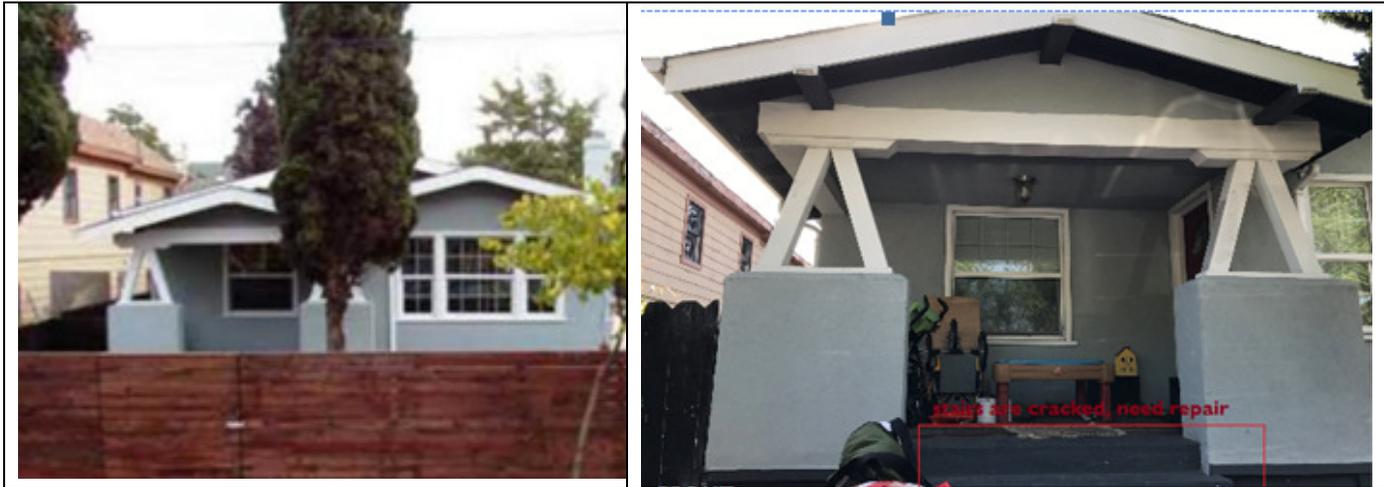
Heritage Property Eligibility Rating: B (27 points); not in a district

OCHS Rating: OCHS intensive survey rating (1987-88) C3 (C = secondary importance or superior example, 3 = not in an identified district)

Significance: 3130 Union Street is a classic California bungalow, with nested low gables, stucco walls, and distinctive A-frame porch columns. It was built in 1919-20 as part of a cluster planned by contractor George Hollenbeck for the former Gill Nursery block between Filbert, Myrtle, 26th, and 28th Streets. Partway into his project, the block was bought by the Board of Education for the new Technical High School (later McClymonds). With funding from the Alameda Child Hygiene Committee of the American Association of University Women, this recently constructed cottage was moved from 2624 Filbert to Union Street to become “a day nursery... for tots whose parents work during the day.” Student shop, art, and home economics classes from Technical High furnished and equipped the nursery, and student paper drives raised funds. Miss Winifred Le Clair was the matron. Miss Le Clair’s mother was the president of the Clawson Mothers’ Club, which originally pushed for a day nursery. The Social Service Club girls from Tech helped with the childcare and learned “how a baby should be entertained, fed and tucked in,” and they exhibited a model of the nursery at the 1922 Health and Safety Exposition. The day nursery exemplified important national movements in the years after the First World War: public health, Americanization, child welfare, women’s suffrage, and women’s increasing employment in industrial jobs outside the home. The project lasted about five years, after which the house reverted to residential use.

Work Program (see Attachment 2):

- foundation , stucco, and termite work
- replace roof
- replace previously altered and deteriorated side/rear windows
- replace inappropriate large front vinyl windows
- paint exterior of house



Application Strengths:

- ordinary house with remarkable social history
- correcting deferred maintenance and inappropriate alterations
- opportunity as neighborhood catalyst
- 12th Mills Act project in West Oakland, area targeted in original design of Mills Act program

3. MA17-003: 1630-32 Myrtle Street, Foster (Winifred) flats (see Attachment 3)



Redevelopment Agency “before” photo, 1973

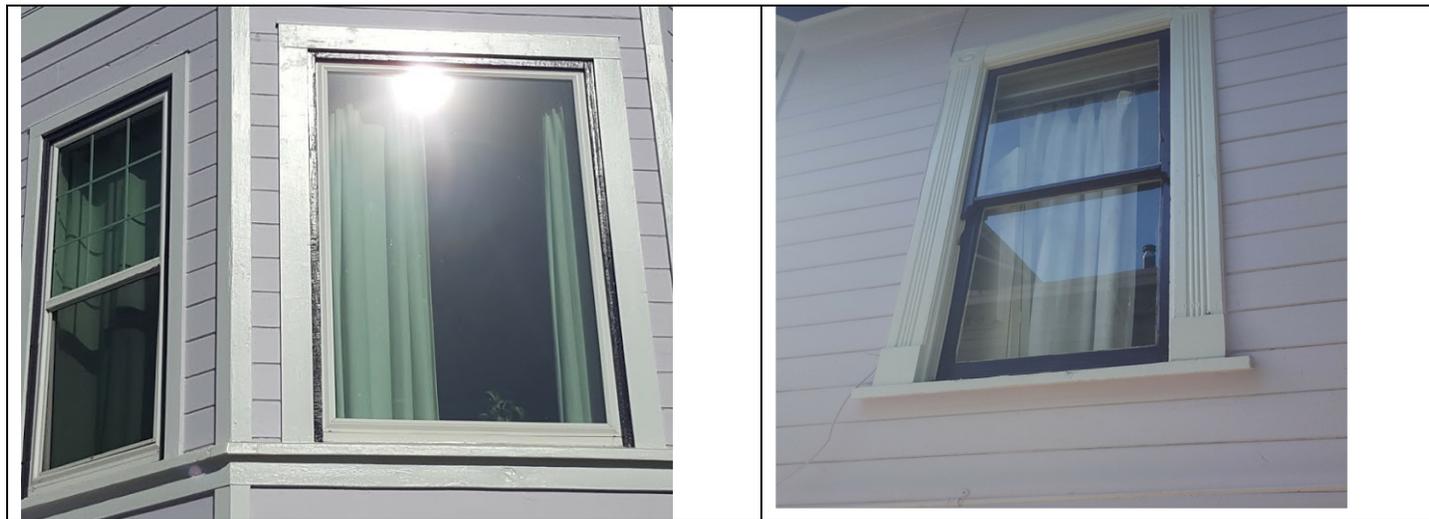
Heritage Property Eligibility: Contributor to designated Oak Center S-20 district

OCHS Rating: Oak Center preliminary survey rating (1986) D1+ (D= minor importance or representative example; 1+, contributes to a primary district)

1630-32 Myrtle Street began as an 1883 cottage, presumably a single story Italianate, owned by Kate Halstead, wife of James Halstead, an incubator salesman. As Oakland grew from approximately 60,000 residents in 1890 to about 210,000 in 1920, so did West Oakland. The lot was split, and the house was bought by a female doctor, Winifred Foster, who created the building that is seen today with the assistance of Oakland architect Lawrence Flagg Hyde. The 1926 permit states “remove present roof from cottage and build top story, 2 store rooms in roof.” Dr. Foster apparently transformed the cottage to be able to see patients out of her home-based medical practice. While not a traditional Victorian, the flats-style building reflects the expanding needs of the neighborhood that was growing despite the 1906 earthquake and 1918 Spanish flu epidemic. A single, female physician and property owner embodies progressive Oak Center history, and the architect-designed restyling too was forward-looking, not just a mass of utilitarian additions. That the home is mixture of Italianate and Brown Shingle styles is important in its own right. The addition even brought a certain coherence to the block, bringing the house’s stature up to meet the larger Victorians around it. Details in the recessed entry way and window trim on the south side rear still provide clues to the original Italianate cottage below.

Work Program (see Attachment 3):

- structural stability, drainage, sitework
- roof repair
- windows - repair or replace to original designs (1973 photo)
- restore entry features including front door and stair railings
- design restoration, based on further investigation of building and historic photos



Application Strengths:

- recognizes significance of 20th century evolution and social history in Oak Center
- 13th Mills Act project in West Oakland, 5th in Oak Center S-20
- correcting deferred maintenance and inappropriate alterations

Discussion / Recommendations:

The work program (year 9) considers removing shingles on the lower floor to reveal more of the original 1883 house. Since the 1926 remodel was a cohesive design and has significance in its own right (Secretary of the Interior’s Standard #4) staff suggests a continuing search for photographic evidence and forensic consultation with a restoration architect and/or contractor on strategy and feasibility. The Oak Center redevelopment rehab appears to have added “Victorian” window trim and watertable moldings not visible in the 1973 photo.

The layered history made this building’s contributor status somewhat uncertain in the early Oak Center surveys (1986, 1992) and district designation (2002), so the Landmarks Board is asked to confirm 1630-32 Myrtle as a contributor to the Oak Center S-20 historic district.

4. **MA17-004: 783 20th Street** (see Attachment 4)
Penniman (George)-Kelly (Lena) house, 1888-89



Heritage Property Eligibility: Designated - contributor to Oak Center S-20 district

OCHS Rating: Oak Center intensive survey rating (1993) C2+ (C= secondary importance or superior example; 2+, contributes to a secondary district)

The Oakland Cultural Heritage Survey identified 783 20th Street as a contributor to the locally important Curtis and Williams Tract (22nd to 15th, Market to Brush), one of several smaller Survey-identified districts combined into the Oak Center S-20 district formally designated in 2002 through neighborhood initiative. This Queen Anne-Eastlake house anchors a fragmentary block at the far north edge of the S-20 district. It was built in 1888-89 according to assessor's block books, and has distinctive Eastlake design features including the shingle pattern on the upper story, shed window hoods, cutout porch trim, and floral scrollsawn brackets. No designer or builder has been identified. Early owners were George Penniman (c.1889-91, not further identified) and Lena Kelly and family (1890s-1940s). The Kellys, mother and four daughters who worked as dressmakers and milliners and were active in nearby St. Francis de Sales congregation for many years, were members of a pioneer family in Amador County. Their long-term occupancy probably helped maintain this house in near-original condition. With no serious alterations to correct, the proposed work program addresses deferred maintenance and upkeep of a 130-year-old wooden house.

Work Program (see Attachment 4):

- roof and gutter repair and maintenance
- repair wood rot and damage throughout exterior siding and trim
- repair or restore original windows
- address drainage issues
- prepare and paint exterior



Application Strengths:

- maintenance of vulnerable wooden house components
- catalyst for neighborhood and block improvement
- 14th Mills Act project in West Oakland, 6th in Oak Center S-20

5. **MA17-005: 863 Cleveland Street** (see Attachment 4)
Joseph (Paul Emile) house



Heritage Property Eligibility Rating: B (29 points)

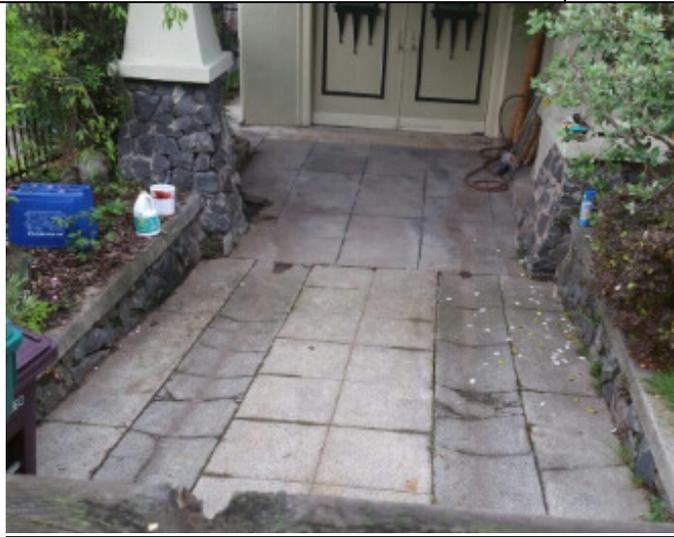
OCHS Rating: Preliminary (field) survey rating C3 (C= secondary importance or superior example; 3 = not in an identified district)

Significance: 863 Cleveland Street is a distinctive craftsman house in Peralta Heights off Park Boulevard. Paul Emile Joseph, a native of Switzerland, built this house for his own residence. By occupation he was a carpenter and lumber mill superintendent, and his craftsmanship and artistry are evident throughout the house. It is distinguished by overlapping gable roofs with complex brackets and bargeboards, stucco and patterned shingle exterior, an intriguingly asymmetrical front porch with river rock column bases, extensive stained glass, custom hardware, and exuberant interior built-ins, glass, and woodwork. It was built under permit #42454, dated June 2, 1916, owner and builder Paul E. Joseph, for a 1 ½ -story 7-room dwelling to cost \$3000.

Unique owner-built houses are a very important property type and pattern, but little known because they are scattered around in ones and twos and not associated with big-name architects. The detailed and labor-intensive cabinetry, stained glass, and choice of hardware express an individuality and love of building that may only be economically possible for a hands-on owner-occupant. While privately-owned interiors are not subject to historic designation, the interiors here are so remarkable in “finish, craftsmanship, and detail,” and so closely related to the exterior in design and workmanship, that they are noted in the point-system evaluation and deserve continued respect and protection. After living here for a few years, Paul Joseph built and moved to a house on Wellington Street in Glenview that shares some features of 863 Cleveland.

Work Program (see Attachment 5):

- foundation and concrete work
- repair shingles and woodwork and paint exterior
- repair and maintain all window sash
- repair stained glass and hardware
- repair roof



Application Strengths:

- carefully maintains a unique hand-crafted house that is in original condition
- potential neighborhood catalyst
- geographic diversity – first Mills Act project in Park Boulevard neighborhood

RECOMMENDED CONDITIONS, ALL PROPERTIES

The Secretary of the Interior's Standards for Rehabilitation are incorporated as conditions in the Mills Act contract (Attachment 6), and will apply whenever work is submitted for permits to carry out work program items. Especially in regard to windows, a significant item in all the proposed work programs, attention is called to Standards 5 and 6:

5. **Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.**
6. **Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.**

The Model Mills Act Agreement spells out obligations and procedures:

“...Both Owner and City desire to enter into an Agreement to preserve the Property so as to retain its characteristics of cultural, historical and architectural significance and to qualify the Property of an assessment of valuation pursuant to Section 1161 of the Revenue and Taxation code of the State of California.

.....

4) Preservation/rehabilitation and Maintenance of Property (California

Government Code Section 50281(b)1) During the term of this Agreement, the Property shall be subject to the following conditions, requirements and restrictions:

a. Owner(s) agree to preserve/rehabilitate and maintain cultural, historical and architectural characteristics of the Property during the term of this Agreement as set forth in the attached schedule of improvements, which has been reviewed by the Landmarks Preservation Advisory Board and approved by the City Council.... No demolition or other work may occur which would adversely impact the cultural, historical and architectural characteristics of the Property during the term of this Agreement.

b. All work on the Property shall meet, at a minimum, the Secretary of Interior's Standards for Rehabilitation of Historic Properties, the Office of Historic Preservation of the Department of Parks and Recreation ..., the Minimum Property Maintenance conditions ... the State Historical Building code as determined as applicable by the City of Oakland and all required review and conditions of the Landmarks Preservation Advisory Board, the Planning Commission, the City Council, and/or the Community and Economic Development Agency of the City of Oakland

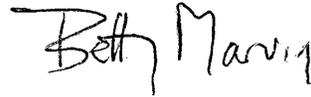
GEOGRAPHIC DISTRIBUTION

Attachment 7 is a map that illustrates geographic distribution of all 49 current and proposed Mills Acts properties. Three applications this year are from West Oakland, a target area from the start of Oakland's Mills Act program, and the other two are from the Lower Hills (Trestle Glen and Cleveland). Several promising inquiries were received from North, Central, and East Oakland, but none of those owners followed up with applications.

RECOMMENDATIONS

1. Receive any testimony from applicants and interested citizens;
2. Discuss and provide recommendations on Mills Act applications for 2017; and
3. Based on the above discussion:
 - a. Recommend all or selected applications to City Council for 2017 Mills Act contracts;
 - b. Forward the recommendations to the Planning Commission as an information item.

Prepared by:



BETTY MARVIN
Historic Preservation Planner

Approved by:



ROBERT MERKAMP
Development Planning Manager

Attachments:

1. Application, work program, and photos: MA17-001: **836 Trestle Glen Road**
2. Application, work program, and photos: MA17-002: **3130 Union Street**
3. Application, work program, and photos: MA17-003: **1630-32 Myrtle Street**
4. Application, work program, and photos: MA17-004: **783 20th Street**
5. Application, work program, and photos: MA17-005: **863 Cleveland Street**
6. Model Mills Act Agreement, including Secretary of the Interior's Standards for Rehabilitation
7. Location map, current and pending Mills Act properties, 2008-2017

MILLS ACT APPLICATION*

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Phone: 510-238-3911 Fax: 510-238-4730

www.oaklandnet.com/historicpreservation

1. GENERAL INFORMATION

APPLICANT'S NAME: Jeffrey Leopold

PROPERTY ADDRESS: 836 Trestle Glen Road

PROPERTY OWNER(S): Jeffrey Leopold and Cyrece Puccio

PHONE: (Day) 510-444-2064 (Evening) 510-444-2064

ASSESSOR'S PARCEL NUMBER(S): 11-900-39-56

YEAR OF PURCHASE: 2003 ASSESSED VALUE: \$945,787

EXISTING USE OF PROPERTY: Primary Residence

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (If any): 836 Trestle Glen

CONSTRUCTION DATE: 1925 LEGAL DESCRIPTION (see Exhibit One, final page)

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6879 to confirm.

DESIGNATED HISTORIC RESOURCE: **DATE OF DESIGNATION**

- | | | |
|--------------------------|---|-------|
| <input type="checkbox"/> | City of Oakland Landmark | _____ |
| <input type="checkbox"/> | City of Oakland Heritage Property | _____ |
| <input type="checkbox"/> | Contributes to a City of Oakland S-7 or S-20
Historic District | _____ |

LOCAL REGISTER OF HISTORIC RESOURCES**

- | | | |
|--------------------------|--|-------|
| <input type="checkbox"/> | Listed on the National Register of Historic Places | _____ |
| <input type="checkbox"/> | Building with an Oakland Cultural Heritage Survey
rating of 'A' or 'B' | _____ |
| <input type="checkbox"/> | Potential Designated Historic Property located
in an Area of Primary Importance | _____ |

*A Mills Act Property Tax Abatement Program for qualified historic properties, with the program impact on City revenues limited to \$25,000/year, and \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, there shall be a limit of the program impact on Redevelopment revenues to \$100,000/building/year with a cumulative limit of \$250,000/year. Any Mills Act Program property applicant, whose estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council.

** Local Register Properties must concurrently submit an Oakland Landmark, Heritage Property or S-7 Preservation Combining Zone Application Form

3. PRESERVATION WORK PROGRAM AND TIME LINE

836 Trestle Glen Road

Please list the improvements to take place over the next 10 years, in order of priority. Listed work should be limited to stabilization and/or maintenance of the historic structure or restoration and/or repair of exterior character defining features of the historic property. State the anticipated costs of the improvements, including but not limited to materials, labor, permits and fees. Anticipated construction must be equal to or greater than tax savings: see the Mills Act Property Tax Calculator on line at www.oaklandnet.com/historicpreservation for a rough estimate of potential property tax reduction. (Please attach additional pages to complete the below information.)

- 1. Year: 2018 Cost: ___\$9,000___ Improvement: Seismic Retrofit Foundation -** foundation bracing and install anchor bolts, foundation plates, plywood sheathing to reinforce cripple walls, holdowns, seismic ties/framing anchors of floor joists and transfer blocking.
- 2. Year: 2019 Cost: ___\$9,000___ Improvement: Seismic Retrofit Foundation -** foundation bracing and install anchor bolts, foundation plates, plywood sheathing to reinforce cripple walls, holdowns, seismic ties/framing anchors of floor joists and transfer blocking.
- 3. Year: 2020 Cost: ___\$8,500___ Improvement: Seismic Retrofit Foundation -** foundation bracing and install anchor bolts, foundation plates, plywood sheathing to reinforce cripple walls, holdowns, seismic ties/framing anchors of floor joists and transfer blocking.
- 4. Year: 2021 Cost: ___\$9,000___ Improvement: Concrete Repair and Drainage –** repair/replace holes, cracks and uneven concrete on west side of house to protect foundation from excess moisture.
- 5. Year: 2022 Cost: ___\$9,000___ Improvement: Windows, Doors –** repair/repaint wood-sash casement, windows and doors, replace in kind where necessary.
- 6. Year: 2023 Cost: ___\$10,000___ Improvement: Windows, Doors & Balcony -** repair/replace/repaint wood-sash casement, windows and doors. Inspect and reinforce/repair balcony.
- 7. Year: 2024 Cost: ___\$9,500___ Improvement: Install new roof -** Replace 3 level roof including flashing of 4 skylights and assess repair/ replace exterior trim in front and rear.
- 8. Year: 2025 Cost: ___\$9,500___ Improvement: Install new roof -** Replace 3 level roof including flashing of 4 skylights and assess repair/ replace exterior trim in front and rear.
- 9. Year: 2026 Cost: ___\$9,000___ Improvement: Install new roof -** Replace 3 level roof including flashing of 4 skylights and assess repair/ replace exterior trim in front and rear.
- 10. Year: 2027 Cost: ___\$9,000___ Improvement: Install new roof – -** Replace 3 level roof including flashing of 4 skylights and assess repair/ replace exterior trim in front and rear.

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

4. SUBMITTAL REQUIREMENTS

X Mills Act Application Form

- This application form signed and completed. Original signatures or clear & legible copies are required.

X Assessor's Parcel Map

- Available at the City of Oakland Engineering Services or zoning counters, or County Assessor's Office, 1221 Oak Street.

X Photographs

- Photographs must be labeled, and printed or mounted on 8-1/2" x 11" paper.
- Photographs must sufficiently illustrate the exterior, overall condition and historic character of the property, including historic features.
- Photographs must be in color and include the existing structure as seen from across the street and from the front, side and rear property lines. Label each (e.g., front, side, rear, across the street).
- Photographs must be in color and include detailed (i.e. close up) views of each of the listed areas in the proposed work program. Label each (e.g., Work Program Item #1, Work Program Item #2, etc.)

X Oakland Landmark, Heritage Property and S-7 Preservation Combining Zone Application Form

- Required for properties that are not already designated as:
 - City of Oakland Landmark
 - City of Oakland Heritage Property
 - Contributes to a City of Oakland S-7 or S-20 Historic District

X Legal Description of the Property

- Grant Deed
- Legal Description
- Assessor's Parcel Map

X Additional pages to describe the Work Program

- As necessary

X Copy of Last Property Tax Bill

- Filing Fee -\$601.29
 - Fees are due at the time of application submittal.

5. SELECTION CRITERIA

The City has adopted a Mills Act Property Tax Abatement Program for qualified historic properties, with the program impact on City revenues limited to \$25,000/year, and \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, there shall be a limit of the program impact on Redevelopment revenues to \$100,000/building/year with a cumulative limit of \$250,000/year. Any Mills Act Program property applicant, whose estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council. If applications exceed the limited dollar amounts, applications will be evaluated on the following criteria.

- The date the application is complete.
- The property is either currently a Designated Historic Property *or* the property is currently listed on the Local Register of Historic Resources *and* an Oakland Landmark, Heritage Property */or* S-7 Combining Zone Application has been submitted for Heritage Property Designation.
- The property needs exterior work (e.g., stabilization, maintenance, reversal of inappropriate building modifications, etc.. The work program does **not** include interior work or additions) and whether the cost of the proposed exterior work is equal or greater than the potential reduction of property taxes.

- The proposed work program for maintenance, repair, rehabilitation and/or restoration has the strong potential to act as a catalyst for neighborhood revitalization by:
 - Increasing architectural integrity;
 - Preserving neighborhood character; and
 - Conserving materials and energy embodied in existing building.
- Geographic Distribution:
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 - The property’s location contributes to the goal of Mills Act Contract representation in neighborhoods throughout the City.
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Please read and review (available on line at www.oaklandnet.com/historicpreservation):

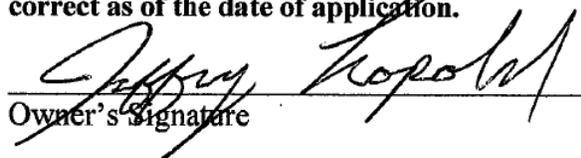
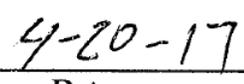
- the Mills Act brochure;
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I hereby apply to be considered for a Mills Act agreement, have read and agree with the above documents, agree to execute the (Model) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY if selected for the program, and the information submitted is true and correct as of the date of application.

 _____  _____
 Owner’s Signature Date

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612
 Monday, Tuesday, Thursday & Friday: 8am-4pm; Wednesday: 9:30 – 4pm

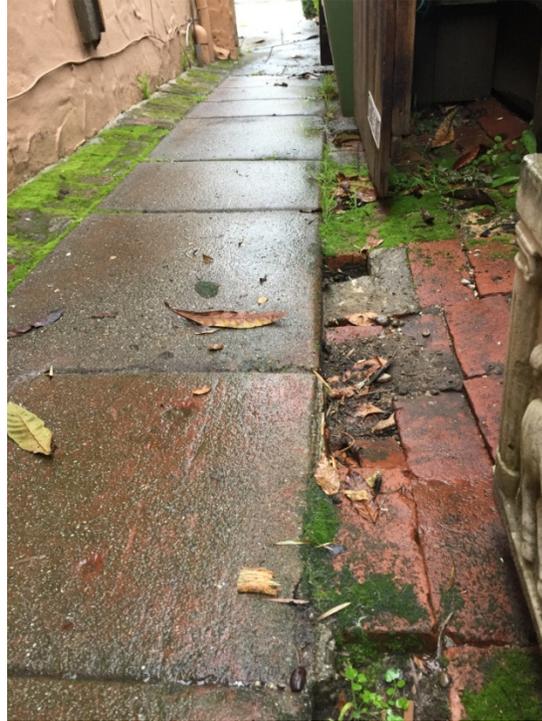
Work Program

- House has not been retrofitted and does not meet current building standards – cripple walls need to be anchored to foundation and require additional reinforcement to adequately distribute load in event of earthquake
- Roof shingles are missing and significant wear and tear is evident
- Dry rot in roof beams are in need maintenance and replacement
- Side house access concrete has settlement from inadequate drainage. Concrete and brick materials are uneven and cracking from settlement.

Item 1 & 2 & 3: Seismic Retrofit of Foundation. Foundation requires Anchor Bolts, Foundation Plates, Plywood Sheathing to reinforce cripple walls, Holdowns, Seismic Ties/Framing Anchors for floor joists and installation of transfer blocking.



Item 4: Concrete replacement and repair is needed on west side of home. A combination of concrete and brick are presently used for footing. Years of settlement and poor drainage have resulted in holes and cracks resulting in an uneven surface for the only exterior access to the rear of the property. Current state of surface is exposing foundation to additional water during rain. Replacement of concrete path will improve drainage; protect foundation from excessive moisture and further settlement. Improvement will also establish level surface for improved safety.



Items 5: Repair Windows, Door and Paint wood trim. Some windows are fragile due to age and are in need of repair and paint to protect from further deterioration. Any work will match historical integrity of home.



Item 6-10: Install New Roof Replace deteriorated 3 level roof including flashing for 4 skylights. Remove dry rot in trim beams and repair stucco to insulate frame from moisture.



836 Trestle Glen: Front from across street; Rear



836 Trestle Glen: West side; East side



EXHIBIT ONE

Parcel 1:

Lot 29 in Block 1, Map of Lakeshore Glen, filed April 4, 1921, Map Book 6, Page 29, Alameda County Records.

Parcel 2:

Beginning at the intersection of the Northeastern line with the Northwestern line of Lot 29, Block 1, as said lot and block are shown on that certain map entitled "Lakeshore Glen", etc., filed April 4, 1921 in Book 6 of Maps, Page 29, Alameda County Records; and running thence along the direct production of said Northeastern line, North $19^{\circ} 25' 45''$ East 65 feet, more or less, to an intersection of said production with the general Northeastern line of Plot 1, as said Plot 1, is shown on that certain map entitled "Lakeshore Highlands", etc. filed June 18, 1917, in Book 16 of Maps, Page 37, Alameda County Records; thence Southeasterly along said line of Lot 1, along the arc of a curve to the left with a radius of 845.56 feet, an arc distance of 44 feet, more or less to an intersection of said line with the direct production Northeastery of the Southeastern line of the aforesaid Lot 29; thence along said production, South $17^{\circ} 17' 50''$ West 70 feet, more or less, to an intersection thereof with the aforesaid line of Lot 29; thence Northeastery along last said line along the arc of a curve to the right with a radius of 598.81 feet an arc distance of 46.94 feet to the point of beginning.

Being a portion of the aforesaid Plot and 3 of the aforesaid map entitled "Lakeshore Highlands", etc.

Assessor's Parcel No: 011-0900-039-56

MILLS ACT APPLICATION*

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Phone: 510-238-3911 Fax: 510-238-4730

www.oaklandnet.com/historicpreservation

1. GENERAL INFORMATION

APPLICANT'S NAME: Elaine Kim
PROPERTY ADDRESS: 3130 Union St, Oakland, CA 94608
PROPERTY OWNER(S): Elaine & David Kim
PHONE: (Day) 510-207-1220 (Evening) same
ASSESSOR'S PARCEL NUMBER(S): 5-462-31
YEAR OF PURCHASE: 2012 ASSESSED VALUE: \$403,608
EXISTING USE OF PROPERTY: owner residence and two rental units

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (if any): Clawson School day nursery

CONSTRUCTION DATE: 1920-21, moved 1922

LEGAL DESCRIPTION (From Deed)

The Northern 1/2 of Lot 5, Block G, Map of the lands of the Peralta Homestead Assn, filed April 17, 1868, Map Book 3, Page 26, Alameda County Records.

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6879 to confirm.

DESIGNATED HISTORIC RESOURCE:

- City of Oakland Landmark
- City of Oakland Heritage Property
- Contributes to a City of Oakland S-7 or S-20
Historic District

DATE OF DESIGNATION

LOCAL REGISTER OF HISTORIC RESOURCES**

- Listed on the National Register of Historic Places
- Building with an Oakland Cultural Heritage Survey
rating of 'A' or 'B'
- Potential Designated Historic Property located
in an Area of Primary Importance

*A Mills Act Property Tax Abatement Program for qualified historic properties, with the program impact on City revenues limited to \$25,000/year, and \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, there shall be a limit of the program impact on Redevelopment revenues to \$100,000/building/year with a cumulative limit of \$250,000/year. Any Mills Act Program property applicant, who's estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council.

** Local Register Properties must concurrently submit an Oakland Landmark, Heritage Property or S-7 Preservation Combining Zone Application Form

3. PRESERVATION WORK PROGRAM AND TIME LINE **3130 Union Street**

Please list the improvements to take place over the next 10 years, in order of priority. Listed work should be limited to stabilization and/or maintenance of the historic structure or restoration and/or repair of exterior character defining features of the historic property. State the anticipated costs of the improvements, including but not limited to materials, labor, permits and fees. Anticipated construction must be equal to or greater than tax savings: see the Mills Act Property Tax Calculator on line at www.oaklandnet.com/historicpreservation for a rough estimate of potential property tax reduction. (Please attach additional pages to complete the below information.)

- 1. Year:** 2017-18 **Cost:** _\$3000 - \$6000 (2 years) **Improvement:** _stucco repair, foundation stability to fix leaning and interior cracks; repair cracks in front stairs
- 2. Year:** 2018-19 **Cost:** __\$3000 - \$6000 **Improvement:** _stucco repair, foundation stability to fix leaning and interior cracks; repair cracks in front stairs
- 3. Year:** 201-209 **Cost:** _\$4000 **Improvement:** _replace deteriorated windows on south side of the house; one in living room, one in dining room; restore to more historically accurate windows
- 4. Year:** 2020-21 **Cost:** __\$5000 **Improvement:** __address water damage and termite-eaten substrate in subfloor area
- 5. Year:** 2021-22 **Cost:** __\$12-17k (3 years) **Improvement:** __replace roof_part 1(requires uninstalling and reinstalling solar panels)
- 6. Year:** 2022-23 **Cost:** _____ **Improvement:** __replace roof_part 2(requires uninstalling and reinstalling solar panels)
- 7. Year:** 2023-24 **Cost:** _____ **Improvement:** __replace roof_part 3(requires uninstalling and reinstalling solar panels)
- 8. Year:** 2024-25 **Cost:** _\$15k (2 years) **Improvement:** __replace large front vinyl windows with vintage replica windows
- 9. Year:** 2025-26 **Cost:** _____ **Improvement:** __replace large front vinyl windows with vintage replica windows
- 10. Year:** 2026-27 **Cost:** __\$15k **Improvement:** __paint exterior of house

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

4. SUBMITTAL REQUIREMENTS

- Mills Act Application Form
 - This application form signed and completed. Original signatures or clear & legible copies are required.
- Assessor's Parcel Map
 - Available at the City of Oakland Engineering Services or zoning counters, or County Assessor's Office, 1221 Oak Street.
- Photographs
 - Photographs must be labeled, and printed or mounted on 8-1/2" x 11" paper.
 - Photographs must sufficiently illustrate the exterior, overall condition and historic character of the property, including historic features.
 - Photographs must be in color and include the existing structure as seen from across the street and from the front, side and rear property lines. Label each (e.g., front, side, rear, across the street).
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 - Required for properties that are not already designated as:
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- Legal Description of the Property
 - Grant Deed
 - Legal Description
 - Assessor's Parcel Map
- Additional pages to describe the Work Program
 - As necessary
- Copy of Last Property Tax Bill
- Filing Fee -\$601.29
 - Fees are due at the time of application submittal.

5. SELECTION CRITERIA

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The proposed work program for maintenance, repair, rehabilitation and/or restoration has the strong potential to act as a catalyst for neighborhood revitalization by:

- Increasing architectural integrity;
- Preserving neighborhood character; and
- Conserving materials and energy embodied in existing building.
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Elaine R. Kim May 30, 2017

Owner’s Signature

Elaine Kim 5/30/17

[Signature] Date 5/30/17

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612

Monday, Tuesday, Thursday & Friday: 8am-4pm; Wednesday: 9:30 – 4pm





Inbox x

House Foundation Recommendations

Feb 18 ☆

Andy Coughlin <andycoughlin@gmail.com>
to me ▾



Hey Elaine,

I didn't have Dave's email address. Maybe it's daveyoungkim@gmail.com, but I can't be sure. Anyway, this is the recap of what I think is causing the cracking issues at your house.

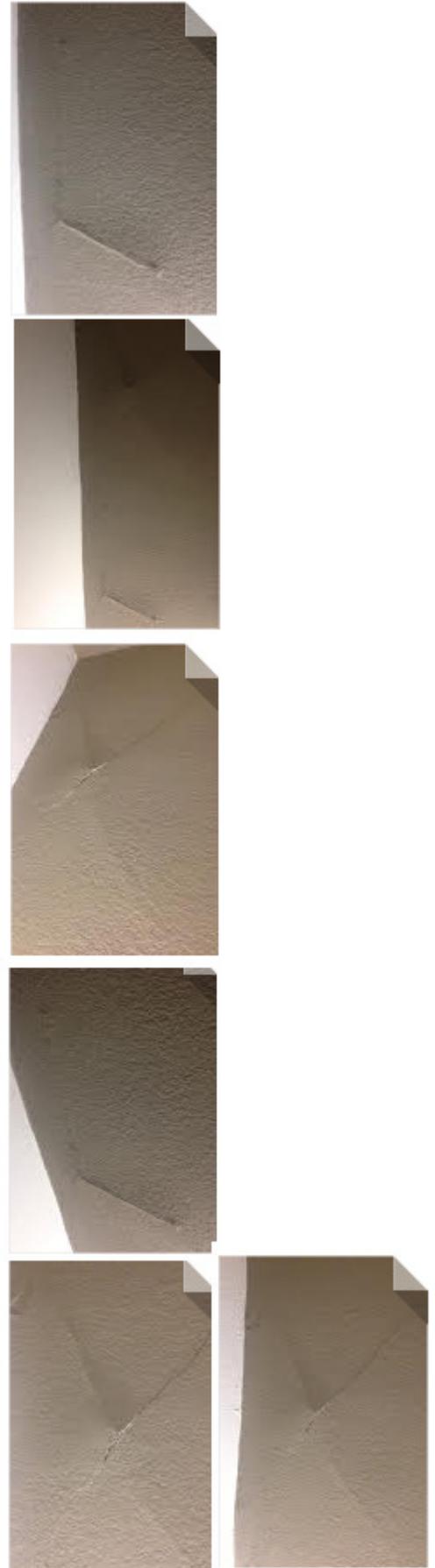
Foundation:

Your foundation looks mostly good. The existing footings are in really good shape. The foundation you poured three years ago looks great and the part you didn't touch looks OK too. You get water down there, probably from water table rising when it floods. You're in the [Ettie Street Pump Station Watershed](#) and close to the bottom of it. That's a low lying area that would flood your neighbors a few blocks west if the pumps were broken. High water table is expected this time of year.

I believe the shrink/swell behavior of the clayey soil below your house is causing the cracks. Most likely the new strip footings are moving less than the piers down the center wall line, since a strip footing is all tied together and moves less.

Some of the [basalite piers](#) they installed to shore up the 4x4 beams (supporting floor joists) are not doing much because they weren't embedded properly. I would find any that aren't embedded and dig down 4" into virgin soil and place the block back in with a longer 4x4. You'll want to shore up with a 4x4 and a piece of wood below (or you could use a jack and recover a bit of the sag). That one in the front was particularly bad, a bit undercut from water possibly. Maybe that caused your front doorway to crack.

The more expensive option would be to pour a strip footing along that wall line, or pour deeper pier footings.



MILLS ACT APPLICATION*

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Phone: 510-238-3911 Fax: 510-238-4730

www.oaklandnet.com/historicpreservation

1. GENERAL INFORMATION

APPLICANT'S NAME: Jennifer Brustein & Kara Palanuk

PROPERTY ADDRESS: 1630-1632 Myrtle st. Oakland Ca 94607

PROPERTY OWNER(S): Jennifer Brustein & Kara Palanuk

PHONE: (Day) 646-552-7838 (Jennifer) (Evening) 323-449-6772 (Kara)

ASSESSOR'S PARCEL NUMBER(S): 5-384-19-0

YEAR OF PURCHASE: 2016 ASSESSED VALUE: 900,000

EXISTING USE OF PROPERTY: Owner-occupied rental property

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (if any): Foster (Winifred) Flats

CONSTRUCTION DATE: 1883, enlarged and remodeled 1926

LEGAL DESCRIPTION (From Deed, Please attach)

Lot 27 and Northern 12 feet 6 inches of Lot 26, in Block 593, Map of Market Street Tract, between 16th and 18th Street, Oakland, filed April 9, 1874, in Map Book 1, Page 73, Alameda County Records.

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6879 to confirm.

DESIGNATED HISTORIC RESOURCE:

DATE OF DESIGNATION

City of Oakland Landmark

City of Oakland Heritage Property

Contributes to a City of Oakland S-7 or S-20

Historic District

2002

LOCAL REGISTER OF HISTORIC RESOURCES**

Listed on the National Register of Historic Places

Building with an Oakland Cultural Heritage Survey rating of 'A' or 'B'

Potential Designated Historic Property located in an Area of Primary Importance

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1630-1632 Myrtle Street

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1. Year: 2018 Cost: 10,000 Improvement: Retaining wall restoration, landscaping, walkway and fencing to prevent soil instability and foundation damage
2. Year: 2019 Cost: 10,000 Improvement: Repair, or replace if necessary, original 2nd story casement windows and repair wood rot
3. Year: 2020 Cost: 9,000 Improvement: Replace parapet roof – overhanging on 2nd floor addition and 3rd floor 1920s original storage unit
4. Year: 2021 Cost: 10,000 Improvement: Roof stabilization, gutter maintenance to prevent further water intrusion and structural damage
5. Year: 2022 Cost: 10,000 Improvement: Replace original storage unit windows, restore presence of basement windows to period-appropriate and repair wood rot
6. Year: 2023 10,000 Improvement: Replace 1st floor windows with original double-hung windows; repair wood rot, restore original window molding/rosettes
7. Year: 2024 10,000 Improvement: Replace inappropriate aluminum windows on 2nd story to period-appropriate and wood rot repair
8. Year: 2025 Cost: 10,000 Improvement: Replace inappropriate front 1st floor windows with period appropriate ones; repair wood rot
9. Year: 2026 Cost: 9,000 Improvement: Investigate and possibly expose 1883 siding/trim on first level underlying shingles
10. Year: 2027 Cost: 10,000 Improvement: Restoration of entryway with lighting, period appropriate doors & frame repair, research original stair railing and replace

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

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5/31/2017

Owner’s Signature

Date

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612

Monday, Tuesday, Thursday & Friday: 8am-4pm; Wednesday: 9:30 – 4pm

Dear Ms. Marvin and the Oakland Historic Preservation Committee,

It's been over 4 years since we started this process to create a multi-generational family living community. After near weekly meetings to discuss what each of us wanted, where we wanted to live, a new baby, a divorce, a enormous move, a medical degree. The house that we found at 1630 Myrtle is not the house that it once was, just as the makeup of this community has changed but the idea still remains, this time made up of two ex-sister in-laws, an adorable 3 year old name Neko and the accompanying boyfriends.

Originally the single-story cottage, built in 1893, sat as the only house on 2 adjoining properties and was home to an incubator salesman. But, just like the Oak Center neighborhood itself, the transformation was progressive in its own right. Winifred Foster, a female doctor, created the profile seen today with its towering second story and rooftop addition, with the assistance of active Oakland architect Lawrence Flagg Hyde. She transformed the cottage to be able to see patients out of her home-based medical practice. While not a traditional victorian, the flats-style building reflects the expansion of the neighborhood in the 1920s - post-1906 earthquake and 1918 flu epidemic, supporting the needs of the neighborhood.

As the neighborhood changed so did 1630 Myrtle st. The single family house was changed into a fourplex, with a majority of the original detailing destroyed on the bottom two units. At one point it was abandoned and as urban legend goes the neighborhood kids used the roof as a drinking destination. The years went on, the neighborhood continued to have its high and lows and neighboring houses updated and brought back to their original glory.

With our first tour of 1630 Myrtle st. we didn't see the beauty that lay underneath the dirty crusty carpet and peeling paint. Even our second tour of the apartment didn't do much to inspire at the time, it was the surrounding houses that we fell in love with first. The space, the neighborhood and the price was right, we decided to go for it. It was actually after we purchased the apartment that we realized the history and beauty this house was hiding and it was going to be up to us to make it shine again once more. And how kismet that a female doctor and nurse would be the ones to it. The Mills act would afford us the opportunity to refurbish House Myrtle in ways that we would otherwise be unable, to have her stand proudly alongside the beautiful homes that make up West Oakland.

Next page: above, 1973 photo (Oakland Redevelopment Agency, Oak Center);
below, 1992 photo, Oakland Cultural Heritage Survey



Work Program #1: Repair original retaining wall, walkway, add landscaping and replace fence to prevent soil erosion





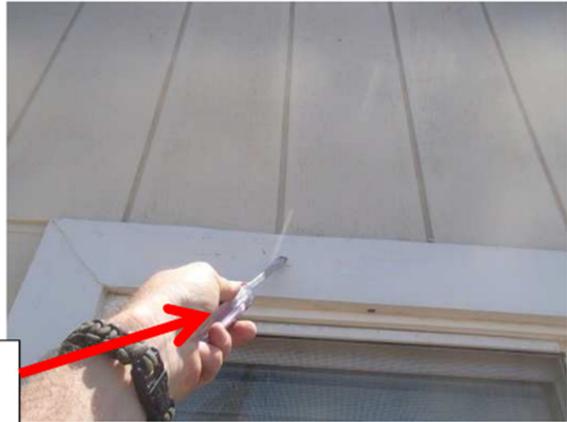
Absent landscaping, there is evidence of erosion and water intrusion into basement.



Original concrete walkway, broken



Work Program #2,5-8: Replace disfiguring, inappropriate windows. Restore front 2nd story casements, replace if necessary. Repair wood rot in 2nd floor and storage unit windows on 3rd floor. Repair original double hung windows, 1st floor. Replace 1st floor aluminum and inappropriate windows, replace boarded-up basement with period-specific windows. Restore original rosette/moldings as appropriate. Repair extensive wood rot



Moisture-related damage



Example of wood rot in window casings, frame. Seen throughout.



Work Program #3: Replace roof 3rd story (originally storage) and overhanging 2nd floor.



Storage unit roof shingles, damaged throughout



2nd floor overhang (parapet) roof shingles

Work Program #4: Roof replacement, stabilization

Inappropriate use of rooftop as deck, water damage to underlying units as a result. Needs roof replacement and reinforcement to prevent further damage



Work Program #9: Investigate and possibly expose 1883 siding on first level under current shingles



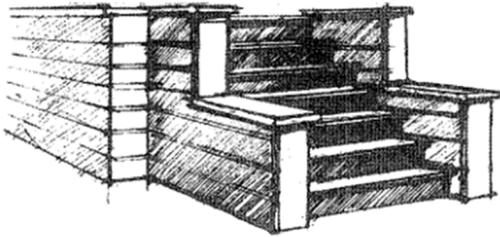
Work Program #10: Restore entryway



Period incorrect doors



Original entry way, non-functional electrical and missing fixture.



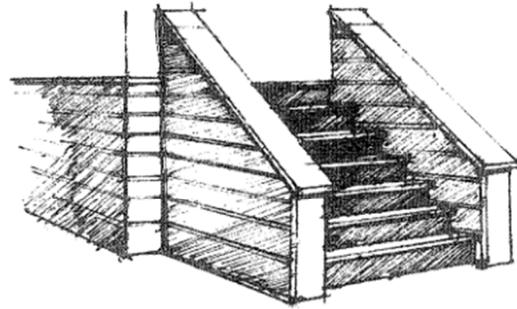
ORIGINAL DESIGN

VISUALLY & PHYSICALLY SOLID, USES CORRECT MATERIAL (WOOD), PROPORTIONS ECHO THOSE OF HOUSE.

ADDING HANDRAILS

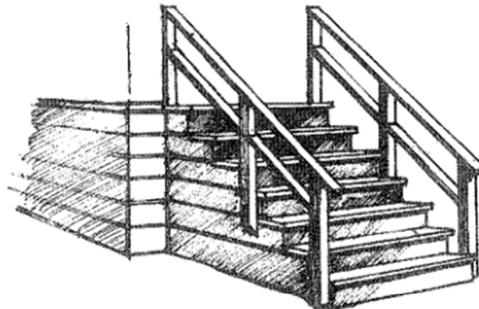
WHEN REBUILDING STAIRS TO THE ORIGINAL DESIGN, CODE REQUIREMENTS MAY FORCE YOU TO ADD HIGHER HANDRAILS. ON SOME STYLES OF WOOD STAIRS (COLONIAL REVIVAL, CRAFTSMAN, OR WHEN THERE ARE BUILT-UP SIDES WITH OUT BALUSTERS OR HANDRAILS), YOU CAN USE INTERIOR HANDRAIL BRACKETS WITH CLOSET POLES OR 2x2 LUMBER FOR RAILS.

INAPPROPRIATE DESIGNS



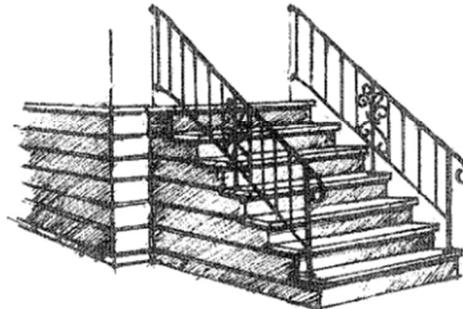
ANGLED SOLID RAILING

PROBLEMS: DOESNT FIT SQUARE FEATURES OF STYLE, MAKES STAIRS SEEM NARROW & ENCLOSED.



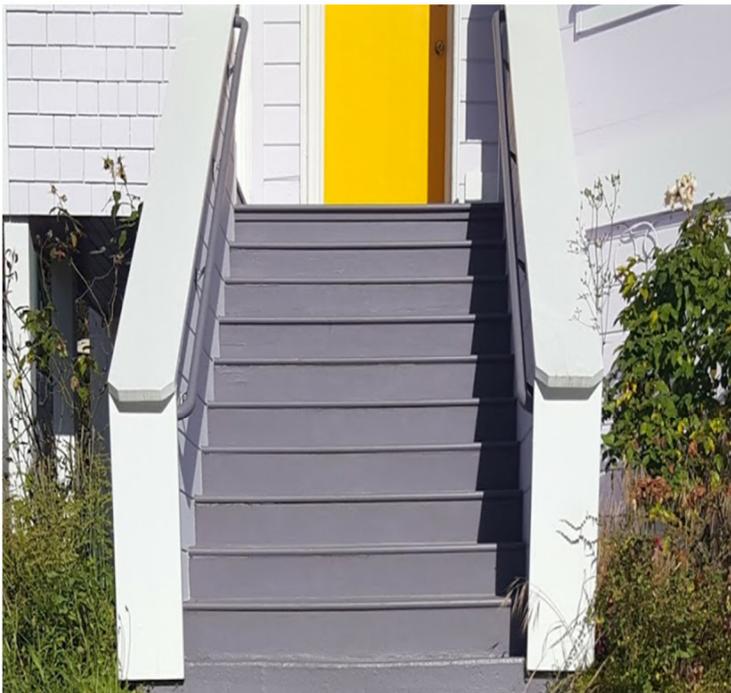
RANCH STYLE RAILING

PROBLEMS: "BACK STAIRS" CHARACTER, INSUBSTANTIAL QUALITY, NO RELATIONSHIP TO HOUSE DESIGN.



WROUGHT IRON RAILING

PROBLEMS; FLIMSY APPEARANCE. WRONG MATERIAL, INCONGRUOUS CURVED "SPANISH" ORNAMENTS,



Incorrect stair railing, see example from *Rehab Right*, City of Oakland Planning Department

View from across the street



House Front



Left side



Right side

MILLS ACT APPLICATION*

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Phone: 510-238-3911 Fax: 510-238-4730

www.oaklandnet.com/historicpreservation

1. GENERAL INFORMATION

APPLICANT'S NAME: Nile K. Malloy

PROPERTY ADDRESS: 783 20th Street, Oakland, CA 94612, aka 787 20th Street [County Assessor Address]

PROPERTY OWNER(S): Connie and Nile Malloy

PHONE: (Day) 510-926-5737 (cell) (Evening) _____

ASSESSOR'S PARCEL NUMBER(S): 3-47-3-1

YEAR OF PURCHASE: 2010 ASSESSED VALUE: \$378, 787.00

EXISTING USE OF PROPERTY: living/renter

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (If any): Penniman (George)-Kelly (Lena) house
(in Oak Center S-20 designation - see attached)

CONSTRUCTION DATE: 1890 LEGAL DESCRIPTION (From Deed, Please attach: see Exhibit A)

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6879 to confirm.

DESIGNATED HISTORIC RESOURCE:

- City of Oakland Landmark
- City of Oakland Heritage Property
- Contributes to a City of Oakland S-7 or S-20
Historic District

DATE OF DESIGNATION

Dec 4, 2002 (see attached)

LOCAL REGISTER OF HISTORIC RESOURCES**

- Listed on the National Register of Historic Places _____
- Building with an Oakland Cultural Heritage Survey
rating of 'A' or 'B'
- Potential Designated Historic Property located
in an Area of Primary Importance

*A Mills Act Property Tax Abatement Program for qualified historic properties, with the program impact on City revenues limited to \$25,000/year, and \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, there shall be a limit of the program impact on Redevelopment revenues to \$100,000/building/year with a cumulative limit of \$250,000/year. Any Mills Act Program property applicant, whose estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council.

** Local Register Properties must concurrently submit an Oakland Landmark, Heritage Property or S-7 Preservation Combining Zone Application Form

3. PRESERVATION WORK PROGRAM AND TIME LINE

Please list the improvements to take place over the next 10 years, in order of priority. Listed work should be limited to stabilization and/or maintenance of the historic structure or restoration and/or repair of exterior character defining features of the historic property. State the anticipated costs of the improvements, including but not limited to materials, labor, permits and fees. Anticipated construction must be equal to or greater than tax savings: see the Mills Act Property Tax Calculator on line at www.oaklandnet.com/historicpreservation for a rough estimate of potential property tax reduction. (Please attach additional pages to complete the below information.)

1. Year: 2018 Cost: 6,000 Improvement: Vent pipe flashings on roof, near chimney repaired, roof shingles updated and sealed.
2. Year: 2019 Cost: \$6500 Improvement: Repair gutters, gutter joints, corners, install fascia boards where needed, and reinstall gutters
3. Year: 2020 Cost: \$5500 Improvement: Repair wood rot and damage on exterior wooden walls. Replace cracked and damaged wooden trim.
4. Year: 2021 Cost: \$6000 Improvement: Repair front wooden porch and steps damage. Repaint front porch
5. Year: 2022 Cost: \$5000 Improvement: Back porch is also made of wood construction. Scattered moisture damage is noted in most components too. Minor repairs to steps have happened but concrete and wooded combination steps need to be overhauled.
6. Year: 2023 Cost: \$5000 Improvement: Phase 1 for Windows [downstairs]: Repair and restore original features of windows
7. Year: 2024 Cost: \$5000 Improvement: Phase 2 for Windows [upstairs]: Repair and restore original features of windows
8. Year: 2025 Cost: \$10,000 Improvement: Maintenance and upkeep of garage roof, walls, and drainage, to address concrete water flow between garage and house that is causing water damage to the foundation of the garage and house.
9. Year: 2026 Cost: \$6000 Improvement: Painting preparation of the full property including inspect and repair exterior shingles and boards from water damage. Fix and repair broken brittle and fragile shingles, requiring hand scrape each with a scraper or putty knife, EPA approved process and standards.
10. Year: 2027 Cost: \$5500 Improvement: Powerwash siding the first step in preparing an exterior for new paint is to make sure the surface is clean. Full paint job + additional multi-color traditional Victorian paint colors

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

4. SUBMITTAL REQUIREMENTS

- Mills Act Application Form
 - This application form signed and completed. Original signatures or clear & legible copies are required.
- Assessor's Parcel Map
 - Available at the City of Oakland Engineering Services or zoning counters, County Assessor's Office, 1221 Oak Street, or County website.
- Photographs
 - Photographs must be labeled, and printed or mounted on 8-1/2" x 11" paper.
 - Photographs must sufficiently illustrate the exterior, overall condition and historic character of the property, including historic features.
 - Photographs must be in color and include the existing structure as seen from across the street and from the front, side and rear property lines.
 - Label each (e.g., front, side, rear, across the street).
 - Photographs must be in color and include detailed (i.e. close up) views of each of the listed areas in the proposed work program. Label each (e.g., Work Program Item #1, Work Program Item #2, etc.)
- Oakland Landmark, Heritage Property and S-7 Preservation Combining Zone Application Form
 - Required for properties that are not already designated as:
 - City of Oakland Landmark
 - City of Oakland Heritage Property
 - Contributes to a City of Oakland S-7 or S-20 Historic District
- Legal Description of the Property
 - Grant Deed
 - Legal Description
 - Assessor's Parcel Map
- Additional pages to describe the Work Program
 - As necessary
- Copy of Last Property Tax Bill
- Filing Fee -\$601.29
 - Fees are due at the time of application submittal.

5. SELECTION CRITERIA

The City has adopted a Mills Act Property Tax Abatement Program for qualified historic properties, with the program impact on City revenues limited to \$25,000/year, and \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, there shall be a limit of the program impact on Redevelopment revenues to \$100,000/building/year with a cumulative limit of \$250,000/year. Any Mills Act Program property applicant, whose estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council. If applications exceed the limited dollar amounts, applications will be evaluated on the following criteria.

- The date the application is complete.
- The property is either currently a Designated Historic Property *or* the property is currently listed on the Local Register of Historic Resources *and* an Oakland Landmark, Heritage Property and/or S-7 Combining Zone Application has been submitted for Heritage Property Designation.
- The property needs exterior work (e.g., stabilization, maintenance, reversal of inappropriate building modifications, etc.. The work program does **not** include interior work or additions)
- The cost of the proposed exterior work is equal or greater than the potential reduction of property taxes.
- The proposed work program for maintenance, repair, rehabilitation and/or restoration has the strong potential to act as a catalyst for neighborhood revitalization by:
 - Increasing architectural integrity;

- Preserving neighborhood character; and
- Conserving materials and energy embodied in existing building.
- Geographic Distribution:
 - A minimum total of six Mills Act Contracts will be awarded to properties in the West Oakland Redevelopment Area because Implementation of the Mills Act is a Mitigation Measure of the West Oakland Redevelopment Plan.
 - A minimum of six Mills Act Contracts will be awarded to properties in the Central City East Area because Implementation of the Mills Act is a Mitigation Measure of the Central City East Redevelopment Plan.
 - The property’s location contributes to the goal of Mills Act Contract representation in neighborhoods throughout the City.
- The property’s building type contributes to the goal of a variety of Mills Act Contract
- building types (e.g., residential, commercial and industrial buildings).

Please read and review (available on line at www.oaklandnet.com/historicpreservation):

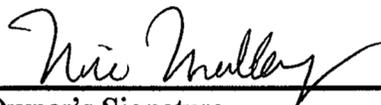
- the Mills Act brochure;
- Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)
- the (MODEL) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY;
- Secretary of the Interior’s Standards for Rehabilitation;
- Minimum Property Maintenance Standards; and
- the Mills Act Property Tax Calculator (to calculate a rough estimate of the potential change in taxes).

Also available on line:

- Mills Act Application Form;
- Oakland Landmark, Heritage Property and S-7 Preservation Combining Zone Application Form;
- How to complete Oakland Landmark, Heritage Property and S-7 Preservation Combining Zone Application Form.

NOTICE: Each property owner should also consult legal counsel and/or a financial advisor concerning the advisability of entering into a Mills Act agreement, prior to completing and submitting this application. The City makes no warranties or representations about the accuracy or validity of the Mills Act Property Tax Calculator – it is merely an information tool that applicants may use (at their sole risk), which does not substitute/replace legal counsel or a financial advisor.

I hereby apply to be considered for a Mills Act agreement, have read and agree with the above documents, agree to execute the (Model) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY if selected for the program, and the information submitted is true and correct as of the date of application.



Owner’s Signature

5/24/17

Date

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER
250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612
Monday, Tuesday, Thursday & Friday: 8am-4pm; Wednesday: 9:30 – 4pm

Nile K. Malloy
783 20th Street
Oakland, CA 94612
nilemalloy@gmail.com
510-926-5737

COVERLETTER

This is a historic wood framed 2-story West Oakland Victorian home built in 1888 - 1890 with original hardwood floors and some internal modern updates. The home has 4 bedrooms and 2 baths with 1751 square feet of living space. My wife and I purchased this lovely home on September 10, 2010, six days before our son's one-year-old birthday. As first time African American and Latino heritage homeowners, my wife and I enjoyed inviting our family and friends over to celebrate our son's birthday in our new home. It was like a dream come true! Since the purchase of our home, our family have grown. In addition to my son, my wife and I had a baby girl. With our two kids, plus my oldest son, we have had amazing memories in this home.

Despite some minor crime, prostitution and beautification challenges in the area, we have enjoyed the comfort of our home by living in close proximity to our work in downtown Oakland and San Francisco. We also enjoy having the ability to walk, go on family bike rides or bus around Uptown & Downtown Oakland, the Fox Theater, Lake Merritt, Jack London Square, and more.

When we purchased the home, we learned from our bank that the county assessor's office had the property as two lots, 783 and 787 20th street. Within the first year of owning the home, we had the property properly enjoined. Therefore, throughout the document you may see important information that have 783 and 787 20th street address. We believe that there was once another single-family home as 787 20th Street, but the current property 783. I know this may seem confusing but it was important for us as we were paying two property taxes and since we worked with the country assessor's office we finally have one property tax bill.

In our first home inspection, it revealed thousands of dollars of problems that we should have immediately repaired which included roofing, foundation, windows, gutters, damaged wood and updating the front and back porch. Over time, minor repairs have been done but additional repairs of several components on the house is overdue and this is the core reason why we are applying for the Mills Act program. Luckily, this property is a gem in the Oak Center Historic District and is a historic designation district that was approved by the Landmarks Preservation Advisory Board, the S-20 zone. Our goal is to renovate and maintain the architectural features and aesthetic values of the property. We hope the improvements of our home can be a beacon of light

in a changing community.

West Oakland is the city's oldest established neighborhood, a settlement that arose near the waterfront and the railroad terminus as Bay Area urban life began to take shape after the Gold Rush. Over time, it grew into a collection of neighborhoods, with a thriving jazz and business district and rows of sprawling, ornate Victorian and Edwardian homes alongside heavy industry and manufacturing centers that kept the locals employed.

Based on the Oakland Cultural Heritage Survey, this property is a representative example of a Queen Anne house. Early owners were George Penniman (1889-91) and Lena Kelly (1890s-1940s). The home is a contributor to the architectural distinction and historical significance of the locally important Curtis and Williams Tract (22nd to 15th, Market to Brush) district identified by the Survey in 1985-86 and to the Oak Center S-20 district formally designated in 2002 through neighborhood initiative (see attachment).

The current property has both 783 and 787 addresses. In 2011, we joined the two properties under one property and it was approved by the County Assessor's Office. This area has a rich history of 19th and 20th century architecture and strong neighborhood roots of residents working to preserve the area against the redevelopment era's interest to demolish these beautiful and historic properties.

Before this property was built, the West Oakland population had jumped in 1870 to 10,500 and, by the 1920's, further climbed to 34,555. Blacks, Greeks, Latinos, Chinese, and Italians all found work and homes in West Oakland. Job opportunities ranged from delivery boys and laundry workers to engineers and sheet metal workers. Many African Americans found employment with the Pullman Palace Car Company. Despite being overqualified for the service sector positions, many Blacks worked as sleeping car porters, cooks, and waiters. Only Black men were to serve as porters, as the Pullman Company believed it would sustain a natural divide between traveler and porter. Both WWI and WWII stimulated West Oakland maritime economy and increased the population upwards to 300,000 by 1940. Also, the Central Pacific Railroad was the greatest driving factor in the development of the Oakland wharf and eventual port.¹ In the deal, Oakland became the main Central Pacific train station in the Bay Area. This had a huge impact on Oakland's economy, it becoming the central hub between the Transcontinental Railroad and the entire Bay Area.

¹ The Planning History of Oakland: <http://oaklandplanninghistory.weebly.com/oaklands-developing-waterfront.html>

ATTACHMENTS

FRONT OF PROPERTY



BACK OF PROPERTY



WEST SIDE OF PROPERTY



DETAILED WORKPLAN

Recommendations provided by Fryer Consulting. Cost estimating should be further obtained by qualified, licensed professionals for each aspects of this comprehensive workplan. Multiple bids to service aspects of the project will need to further explored.

1. Year: 2018 Cost: \$6,000

Improvement(s):

- Most of the vent pipe flashings are in poor condition, and they need to be repaired and sealed.
- Roof fasteners are exposed in several places, and they need to be repaired.
- The chimney flashing appears to be in a poor condition, and it needs to be replaced.
- The wall flashings appear to be in a poor condition, and they need to be repaired/replaced.
- Some shingles are cracked at the ridges, and they need to be replaced.
- The flashing details at the roof eaves were improperly installed, and they need to be re-installed.
- There is no metal edging installed at the roof and gutter joints. I recommend installing new metal nosing at the said areas.
- Debris is accumulated in several places on the roof, and it needs to be cleaned.



2. Year: 2019 Cost: \$6,500

Improvement(s):

- The house has aluminum gutters that appear to be in a fair shape, but the following works are recommended at this time.

- Most of the fascia boards were improperly installed at the gutters. Removing all gutters, install fascia boards where needed, and then reinstall the gutters.
- Some gutter joints and corners are in poor condition, and they need to be repaired.
- Some gutter-hangers are loose, and they need to be repaired.
- Debris is accumulated in several places in gutters, and they need to be cleaned.



- There is no gutter-screen installed on gutters. I recommend installing gutter-screens on all gutters to minimize debris clogging the gutters.
- Some downspouts are loose and have missing part, and they need to be repaired/replaced
-

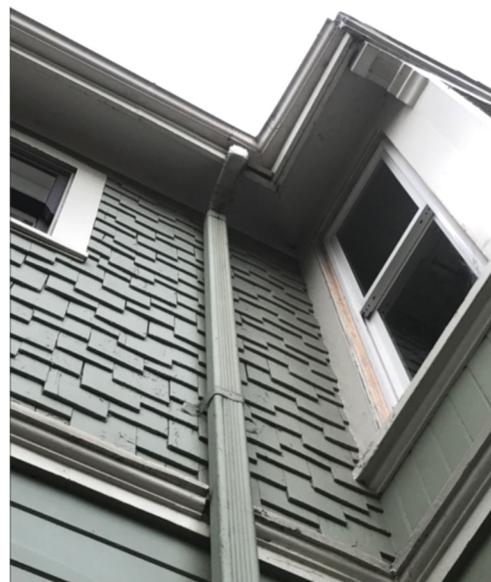
3. Year: 2020

Cost: \$5500

Improvement(s)

- The exterior wood siding and trim have gaps or separations that has allowed water to enter; this is particularly true at the rear of the home, causing cracking of wood panels which needs repairs

➤ Upper right side towards the rear, an improper roof to wall condition is present which is vulnerable to leaks and also causing damage to the porch. The wooden gutter over the rear porch is improperly installed and the plastic drain present is substandard. Worn corner trim is present at the upper right corner and we recommend replacement. Longevity and/or



quality of the paintwork is peeling and other defects are occurring.

- Some of the gutters are installed flush to the exterior walls. This has led to moisture damage inside the walls if proper flashings and/or wood fascia boards should be properly installed.

4. Year:2021 Cost: \$6000

Improvement(s)

- Front porch is made of wood construction. Scattered moisture damage is noted in most components; despite adding a few new steps.
- Caulking in the joints between the beams and porch is deteriorating. Severe worn out areas and ongoing water damage.
- Front porch architectural restoration and craft will potentially increase costs of project but will maintain and make more vibrant the original architectural design.
- Utilize a high quality paint suitable for porch surfaces.





5. Year: 2022 Cost: \$5000

Improvement(s):

- Back porch is also made of wood construction. Scattered moisture damage is noted in most components too. Minor repairs to steps have happened but concrete and wooded combination steps need to be overhauled.
- Some steps are warped due to water damage. Additional repairs connected to the roof of the porch
- Porch need to be repaired, fungus or similar and water staining was noted below the rear porch, plus pest control firm contacted
- Potentially use recycled or longer lasting eco-friendly materials that aligns with the originally architecture.
- Utilize a high quality paint suitable for porch surfaces.





6. Year: 2023 Cost: \$5000

Improvement(s):

Phase 1 for Windows [downstairs]: Add double pane restorative, preferably wood, energy efficient and/or cost-saving windows (downstairs). Replace broken glass, scrape, surface preparation, repaint, re-caulk, repair all windows on front elevations. Replace jalousie window at kitchen with new double-hinge. Restore 3-Bay Windows, dining room and bedroom.



7. Year: 2024 Cost: \$3000

Improvement(s):

Phase 2 for Windows [upstairs]: Add double pane restorative, preferably wood, energy efficient and/or cost-saving windows (upstairs) Replace broken glass, scrape, surface preparation, repaint, re-caulk, repair all windows on front elevations. Replace jalousie window at kitchen with new double-hinge. (see above)

8. Year: 2024Cost: \$10,000**Improvement(s):**

Maintenance and upkeep of garage roof, walls, and drainage. Review concrete water flow between between garage and house that is causing water damage to the foundation of the garage and house. Potential exploration of potential foundation cap to home increasing potential costs.

**9. Year: 2025Cost: \$6000****Improvement(s):**

- Painting preparation of the full property including inspect and repair exterior shingles and boards from water damage
- Fix and repair broken brittle and fragile shingles, requiring hand scrape each with a scraper or putty knife, EPA approved process and standards.
- Update and redo flashing and caulking over eaves and closing gaps
- Remove and repair rotten or other areas siding

10. Year: 2026Cost: \$5500**Improvement:**

- Full paint job + additional multi-color traditional Victorian paint colors
- Powerwash siding the first step in preparing an exterior for new paint is to make sure the surface is clean.



EXHIBIT A

The land referred to is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

Parcel One:

The Westerly 1/2 of Lot 5, in Block Q, of "Map of the Barnes Tract", filed January 21, 1869 in Book 3 of Maps, at Page 32, Records of Alameda County, described as follows:

Beginning at a point on the Southern line of 20th Street distant thereon 100 feet Easterly from the Eastern line of West Street, thence Easterly along said line of 20th Street, 25 feet; thence at right angles Southerly 100 feet; thence at right angles Westerly 25 feet; thence at right angles Northerly 100 feet to the said Southern line of 20th Street and the point of beginning.

APN: 003-0047-003

Parcel Two:

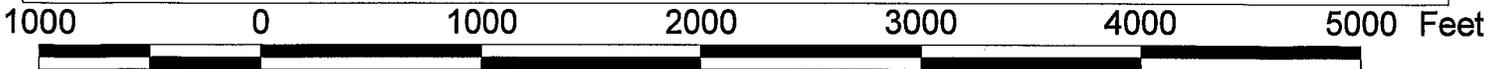
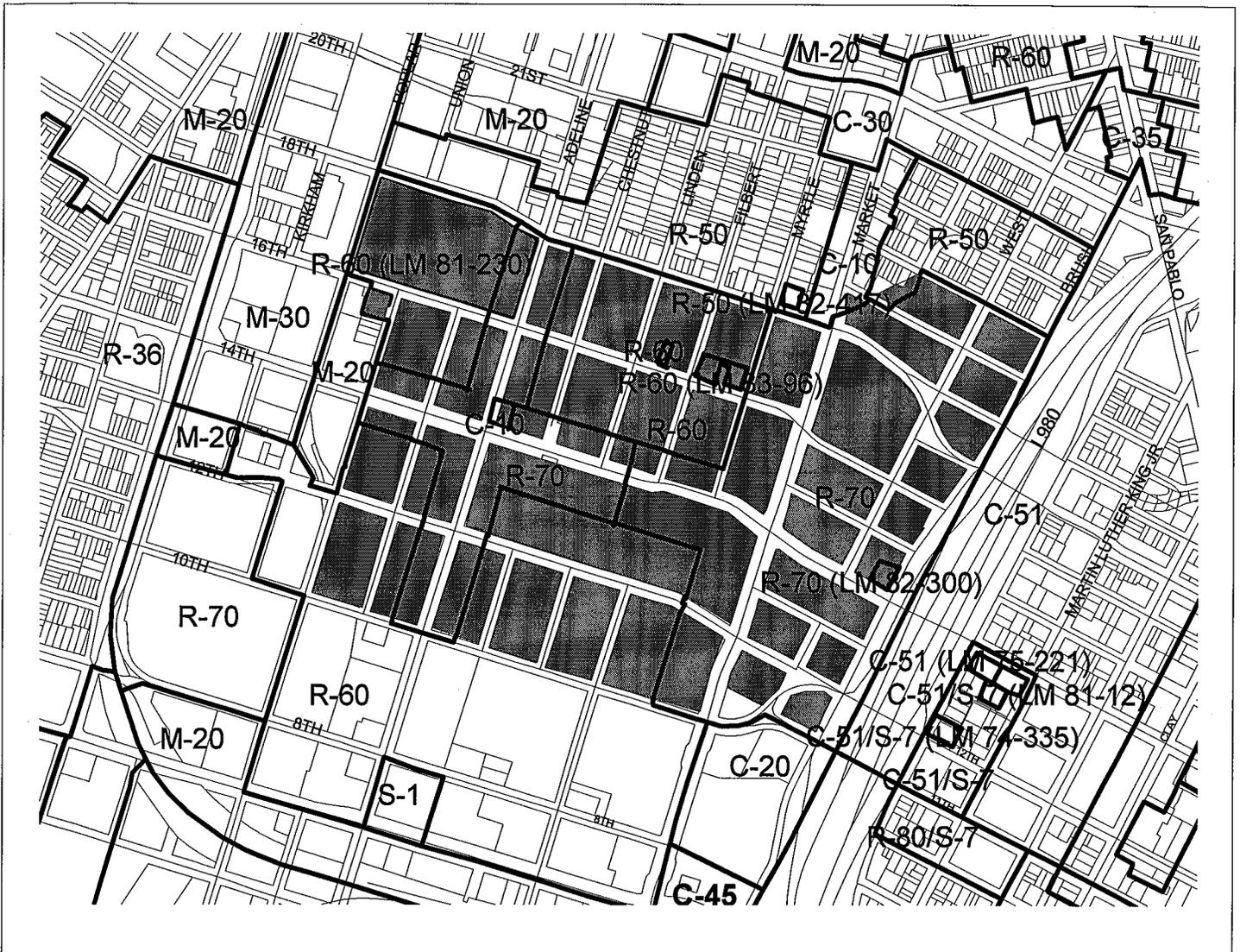
A portion of Lot 4 in Block "Q" as said Lot and Block are shown on "The Map of the Barnes Tract, Oakland", filed January 21, 1869 in Book 3 of Maps, Page 32, in the Office of the County Recorder of Alameda County, described as follows:

Beginning at a point on the Southern line of 20th Street, distant thereon 68 from the intersection thereof with the Eastern line of West Street, as said Streets are shown on the "Map of the Barnes Tract, Oakland"; running thence Easterly along said line of 20th Street, 32' thence at right angles Southerly, 50'; thence at right angles Westerly 32', thence at right angles Northerly, 50' on the point of beginning.

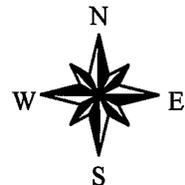
APN: 003-0047-002

<p>Location:</p> <p>Assessor's Parcel Number:</p>	<p>Oak Center Redevelopment Area (see map on reverse) 10th to 18th/20th Streets, Mandela Parkway to Brush Street.</p> <p>Multiple: see map and list attached to nomination form.</p>
<p>Proposal:</p>	<p>Rezone proposed Oak Center Historic District to the S-20 Historic Preservation District Combining Zone; adopt proposed S-20 zoning regulations and make associated minor changes to existing landmark, S-7, and design review regulations and procedures.</p>
<p>Applicant:</p> <p>Owners:</p> <p>Planning Permits Required:</p> <p>General Plan:</p> <p>Zoning:</p> <p>Environmental Determination:</p> <p>Historic Status:</p> <p>Service Delivery District:</p> <p>City Council District:</p> <p>Date Filed:</p> <p>Support/Opposition:</p>	<p>City of Oakland - Landmarks Preservation Advisory Board</p> <p>Various – approximately 600 properties</p> <p>Proposed rezoning (historic district designation) and associated zoning text changes forwarded from the Landmarks Preservation Advisory Board (LPAB).</p> <p>Mixed Housing Type Residential, Urban Residential, Urban Open Space, Institutional, Business Mix</p> <p>R-60 Medium-High Density Residential, R-70 High Density Residential, C-10 Local Retail Commercial, and OS Open Space in proposed historic district; M-20 Light Industrial, M-30 General Industrial, S-4 Design Review Combining Zone in remainder of Oak Center Redevelopment Area</p> <p>Exempt, Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.</p> <p>Identified by Cultural Heritage Survey as several Areas of Primary and Secondary Importance; 64% of buildings individually PDHPs; nine existing designated landmarks within proposed district.</p> <p>I, Downtown/West Oakland</p> <p>3</p> <p>Nomination submitted April 3, 2000; forwarded by Landmarks Board September 16, 2002.</p> <p>Nomination submitted by Oak Center Neighborhood Association (OCNA); several informational presentations at OCNA meetings and April 1 community meeting; testimony and correspondence in support received by Landmarks Board at and before September 16, 2002, public hearing.</p>
<p>Recommendation:</p> <p>For Further Information:</p>	<p>Recommend that City Council adopt ordinances adopting the proposed S-20 zoning regulations and making associated minor changes to existing landmark, S-7, and design review regulations and procedures; and rezoning the proposed Oak Center Historic District to the S-20 Historic Preservation District Combining Zone.</p> <p>Contact case planner Betty Marvin at 510-238-6879 or bmarvin@oaklandnet.com</p>

CITY OF OAKLAND PLANNING COMMISSION



Case File: RZ02-413
Applicant: City of Oakland -
 Landmarks Preservation
 Advisory Board (LPAB)
Address: Oak Center Redevelopment Area,
 generally 10th to 18th/20th Streets,
 Mandela Parkway to Brush Street.
Zones: M-30; M-20; R-60 (LM81-230); R-50;
 R-60; R-70; R-60 (LM83-96);
 R-70 (LM82-300); C-10



SUMMARY

At this meeting the Planning Commission is to hold a formal public hearing and consider for recommendation to City Council the Oak Center Historic District nomination and associated zoning and procedural changes. The proposed district is a predominantly Victorian residential neighborhood of some 600 buildings. It was nominated by the Oak Center Neighborhood Association, found eligible by the Landmarks Preservation Advisory Board, and forwarded to the Planning Commission with a recommendation for designation. Along with historic designation of the proposed district, the Commission must also consider a proposed new zoning classification, the S-20 Historic Preservation District Combining Zone, and related minor changes to Special Residential Design Review, Landmark, and S-7 text. The S-20 zone is a modification of the existing S-7 Preservation Combining Zone, designed to streamline the review process in very large historic districts like Oak Center. If the Commission recommends S-20 designation for the proposed Oak Center Historic District, the nomination and associated zoning text changes will be forwarded to the City Council for further hearing and consideration. District designation would take the form of an ordinance rezoning the area and adopting the necessary zoning text changes.

BACKGROUND**Nomination and S-20 Zoning Proposal**

A Notice of Intent to nominate Oak Center as a City of Oakland preservation district was submitted by the Oak Center Neighborhood Association on November 1, 1999, and the formal nomination was submitted on April 3, 2000 (Attachment A). The area nominated was the entire Oak Center Redevelopment Area, containing over 700 parcels and over 600 buildings on approximately 50 city blocks. This was roughly 25 times the number of properties in the largest existing S-7 district. Staff and Board grappled with the implications of both the designation process and the subsequent design review process for a district of this size under the existing S-7 regulations, and determined that a revised zoning classification (described in-house as "S-7 Lite") was appropriate, as well as a modified designation process. In addition, staff and applicants agreed that the historic district zoning would be applied only to the residential portion of the Oak Center Redevelopment Area, with other appropriate recognition of the industrial area along Mandela Parkway as an integral part of Oak Center.

A new zoning classification, the S-20 Historic Preservation District Combining Zone, has been drafted. The proposed text in full is attached (Attachment B), and the proposal is described in more detail below. It is based on the S-7 preservation combining zone regulations but streamlines the review process to accommodate large districts, typically those with "large numbers of residential properties that may not be individually eligible for landmark designation but which as a whole constitute a historic district." The process retains existing design review exemptions and generally makes use of staff-level 15-day Special Residential Design Review for alterations to one- and two-unit homes, with the option for the Planning Director to refer an application to the Landmarks Board for review and public notice if it affects a building's visible historic character. Construction of new homes, demolition, and work on non-residential buildings would get more extensive review than at present. Design review guidelines for contributing and

potentially contributing buildings would be based on the principles in *Rehab Right* and the Historic Preservation Element, and design review fees would be waived.

Landmarks Board Actions and Community Participation

On October 16, 2000, the Board adopted a one-time modification of its procedures to expedite the nomination by consolidating the public hearings and mailings and by making use of neighborhood association meetings as venues for informing and hearing from owners and residents. The City Attorney found this acceptable: what is required is a "reasonable" procedure (LPAB minutes, November 13, 2000, p. 6). There had been several earlier presentations to the neighborhood association since the neighborhood first began considering designation.

In the spring of 2002 the City and the Oak Center Neighborhood Association jointly mailed to all Oak Center owners of record, and distributed door-to-door with assistance from Oakland Heritage Alliance, a packet announcing a Town Hall meeting at the Oak Center Cultural Center on April 1. The packet contained a brochure and cover letter from the neighborhood association and a fact sheet from the Planning Department (Attachment E). A Landmarks Board subcommittee, Planning staff, and a resident of the 10th Avenue Historic District attended the meeting to hear comments and answer questions. There seemed to be general support for the district; concerns were mainly about the design review process and the design standards that would be required in the rehabilitation of buildings. This neighborhood meeting and its announcement took the place of the usual preliminary Landmarks Board notification and hearing(s) on the Notice of Intent.

On September 16, 2002, the Landmarks Board held its formal public hearing on the historic district nomination. Public testimony was invited on the eligibility of the district for historic status, on the proposed S-20 zoning provisions, and on positions for or against the nomination. Notices of this meeting, consisting of the agenda with an explanatory cover letter (Attachment F), were mailed to all owners of record in the proposed Oak Center Historic District. Several speakers supported the nomination. The Board reviewed the application, the eligibility rating, the proposed S-20 zoning, and the draft resolution recommending designation. The Board revised staff's draft eligibility rating sheet to raise the ratings for "Person/Organization" and "Event" and unanimously adopted the draft resolution as Resolution 2002-1, recommending the district designation and associated legislation to the Planning Commission.

This nomination was submitted by the Oak Center Neighborhood Association and it affects only the area represented by the Association. According to Ellen Wyrick-Parkinson, president of the OCNA, who has spearheaded this nomination, a neighborhood petition requesting historic designation was presented to the City some years ago. Correspondence and testimony in support of the present district nomination have been received from the Alameda County Parks Recreation and Historical Commission, West Oakland Commerce Association, Oakland Heritage Alliance, and Oak Center Neighborhood Association as well as from individual members of the Association. Copies of letters received to date are attached. Oakland has no explicit owner consent requirement for a historic district designation (in contrast to the National Register, which requires 51% non-objection). However, the custom is to respect owners' wishes and to work with them to resolve concerns as far as possible.

KEY ISSUES AND IMPACTS

Historic and Architectural Significance

Oak Center is a large and well-preserved Victorian residential neighborhood representing Oakland's prosperous garden suburbs of the later 19th century. It contains many distinguished examples of late 19th and early 20th century architecture, including nine houses already individually designated as City Landmarks, and has been home to many prominent and representative Oaklanders. In the mid 20th century it acquired additional significance when neighborhood activists redirected redevelopment from demolition to rehabilitation – one of the first redevelopment areas in the nation to do so – and produced a strong Area Plan.

The Planning Department's Preliminary Historical and Architectural Inventory project conducted a field survey of Oak Center in 1986, and the intensive Cultural Heritage Survey of the area was conducted in 1991-92. The following narrative is condensed from the context and district statements produced at that time. Based on Survey information and the district nomination, staff prepared a landmark eligibility rating sheet for the district (LPAB Form 3.1-2), summarizing Oak Center's significance. Though designed more for buildings than for districts, the rating sheet confirms that the district is clearly eligible for designation. (Attachment C)

What is now called the Oak Center neighborhood, bordering on the Original Town of Oakland (Kellersberger's Map) and extending west to Adeline Street and the 1860s DeFremery estate, was part of the sphere of the expanding downtown, in contrast to Oakland Point whose life centered on the railroads. This prestigious neighborhood, including the Market Street and Central Homestead tracts, developed at a leisurely rate through the 1870s to 1900s, with medium-large house on 50' to 100' lots large enough to maintain a garden suburb character. Historically it was continuous with the neighborhood that is now Preservation Park. The earliest purchasers typically claimed corner lots or half or quarter blocks; later infill produced a neighborhood that is an elegant patchwork of 19th and early 20th century styles. These were the types of houses displayed in promotional pieces like the *Tribune's* 1898 special edition, *Alameda County Illustrated*, where a photo spread of "Representative Oakland Residences" shows a variety of two-story Italianate, Stick, and Queen Anne houses, nicely fenced and landscaped, on slightly elevated lots with retaining walls, belonging to doctors and lawyers and businessmen, most of them in this neighborhood.

Oak Center's buildings constitute an outstanding collection of Victorian and early 20th century residential architecture. The nine existing landmarks are not isolated exceptions, they are fairly typical of the district. Though in their day these were not the grandest mansions of Oakland – those clustered around and above Lake Merritt and no longer exist – Oak Center's houses overall are comfortably upper middle class, with the high levels of detail, craftsmanship, and originality that construction costs of \$2000 to \$7000 bought in the late 19th and early 20th century. They are generally large – two-thirds of the pre-1925 houses in the district are two stories – and complex in massing, with bays, dormers, porches, cross gables, and L-plans providing a varied and interesting streetscape. Surfaces are enriched with the milled ornament characteristic of the Italianate, Stick, and Queen Anne styles, decorative shingling, and the clapboard and classical detailing of the Colonial Revival. Houses are typically set well apart from each other on large lots and are architecturally detailed on the sides as well as the front.

House styles reflect the period over which Oak Center developed. Over half the pre-1925 houses can be classified as Victorian, with 50-plus each Italianate (typically 1870s) and Stick (1880s – much rarer elsewhere in Oakland), 91 Queen Anne (1890s), and 8 Shingle (turn of the century). About 150 are Colonial Revival (1900s-1910s), showing that Oak Center shared in the citywide building boom that followed consolidation of the Key System in 1903 and the San Francisco earthquake and fire of 1906. Well known early Oakland and Bay Area architects are represented in the district: Charles Mau, A.W. Pattiani, Howard Burns, Elmer Childs, Marcuse & Remmel, A.W. Smith, F.D. Voorhees, the Newsoms.

Like the rest of West Oakland, this area began to fall from favor after the electric railways and the Earthquake boom opened up the lower hills and “East of the Lake” districts, but its fall was very gradual. Even after the construction of the Shredded Wheat plant at 14th and Union Streets in 1915-16, houses on the several blocks south of the DeFremery estate (by then DeFremery Park) commanded some of the highest rents in the city, \$50 a month and up, according to a map in the 1921 *Tribune Year Book*. Scattered Craftsman and Prairie homes, bungalows, and small apartment buildings constructed into the 1920s maintained the high quality and gracious scale of the neighborhood. When the city was zoned for the first time in the 1930s, all of West Oakland looked like a suitable site for industry to the city’s planners except for the area south and east of DeFremery Park, the present Oak Center neighborhood, which was zoned residential.

The quality of the buildings is also reflected in their Cultural Heritage Survey ratings. The Survey, using the evaluation system adopted in the Historic Preservation Element, rates individual buildings on a scale from A (“highest importance”) to E (“of no particular interest”). Ratings from A through C (“secondary importance,” “superior example”) come within the broadest definition of “historic” in the Preservation Element. These are called “Potential Designated Historic Properties” or “PDHPs.” Some properties have dual ratings, shown as two letters (“existing” and “contingency” ratings) where the second, lower-case letter is the potential or contingency rating. Dual ratings apply mostly to building that have been altered. The lower case contingency rating indicates how the building would be rated if alterations were reversed. The Preservation Element includes contingency C ratings within the PDHP category in order to highlight restoration opportunities. Buildings that are individually only of “minor importance” – typically “D” ratings – can also be PDHPs if they contribute to a potential district.

Out of about 427 period buildings in the proposed district, 234 or 55% have existing ratings of A, B, or C, and another 151 are remodeled buildings with contingency C or better ratings – mostly Dc. In other words, 90% of the period buildings in Oak Center are *individually* considered “superior examples” (a present or contingency C rating) or better. The Survey identified several particularly intact and concentrated residential areas within Oak Center as potential historic districts (six Areas of Secondary Importance or ASIs and one Area of Primary Importance or API), separated by areas wholly or partially cleared for parks, schools, street widening, industry, and new construction. The neighborhood association’s nomination proposes a single large district that absorbs the non-historic buildings and sites in the less concentrated areas as noncontributors. With this larger boundary about 20 scattered 1870s-1920s houses outside the Survey’s districts become S-20 contributors.

The district boundary originally proposed by the neighborhood association coincided with the entire Oak Center Redevelopment Area, from 10th to 18th Streets (to 20th Street east of Market) and from Brush Street at the 980 freeway to Mandela Parkway. However, the west edge of the redevelopment area, from Union Street to Mandela Parkway, consists of industrial uses in newer buildings. This section contrasts sharply with the Victorian residential character of the rest of Oak Center and has a later and different history, and staff, applicants, and Landmarks Board agreed that it would not be included in the historic district designation in the same way as the residential neighborhood. This is discussed further under "District Boundaries," below.

Contributors And Noncontributors

The district nomination gives the district's period of significance as 1870s-1890s, spanning the construction dates of most of the Victorian houses in the area; the Cultural Heritage Survey identified a somewhat longer period for the API it identified, from the settlement of the DeFremerys in the 1860s to the opening and influence of the Nabisco Shredded Wheat plant in the late 1910s. Identification of a period of significance is important as it determines which buildings and features are contributors to the district, and therefore how they are treated in project review. Staff believes that the district's numerous Colonial and occasional Craftsman and Prairie houses and small apartments of the 1900s to 1920s, generally of high quality and often developed by longtime neighborhood residents and distinguished architects, clearly contribute to the district character and should be treated as contributors. A few period houses moved into the district from downtown and the 980 freeway during the redevelopment era can also be treated as contributors, since they are compatible with the character and period of the district, the neighborhood was formerly continuous with downtown, and Oak Center's particular brand of redevelopment is part of its significance. Approximately 45 buildings from the 1930s to 1960s and approximately 125 from the 1970s or later are too new and too different in character to contribute, though some have distinction of their own, reflected in a "C" or better rating – for example, DeFremery Pool. Vacant parcels (75, including some large parks and tiny slivers) are counted as neither contributors nor noncontributors.

Of roughly 427 buildings from the period of significance, only about 45 are so altered that they are considered "potential contributors" rather than contributors; however, in contrast to the National Register's exacting standards for integrity, the Oakland Preservation Element and proposed S-20 regulations generally treat contributors and potential contributors in the same way, both to recognize their history and to highlight restoration opportunities. Overall in the residential district, out of a total of 600 buildings, 427 or 71% date from the period of significance, and 90% of those are intact enough to contribute to the district without restoration, giving the district **382 contributors** and **45 potential contributors**. Thus the nominated residential district meets the rule of thumb used for National Register districts, that about two-thirds should be contributors. Of the **173 noncontributing buildings** in residential Oak Center, a large number are concentrated in the 1990s neo-Victorian townhouse cluster at 14th and Market, so the period character of the district is even stronger than the bare numbers indicate.

The building counts above are based on the attached property list, considered accurate as of the date of this report. In October-November 2002 Cultural Heritage Survey staff conducted a field survey of the entire area to verify contributor status and check for major changes since the intensive survey of 1991-92 and updated the Survey database accordingly. The original intensive

survey photographed and evaluated every building. New building-by-building photographs were not required with the present district nomination. Since buildings continue to change, it will remain important to verify each building's contributor status and existing condition when future project applications are submitted.

District Boundaries

The district nominated by the neighborhood association was the entire Oak Center Redevelopment Area represented by the association, in contrast to the seven smaller and denser districts identified by the Survey. Though the Preservation Element refers district eligibility to Survey ratings, it is not strictly necessary for a nomination to conform to survey findings; Oakland Cultural Heritage Survey maps and records would be updated to reflect any designation.

The National Trust for Historic Preservation publication *A Guide to Delineating Edges of Historic Districts* (1976) enumerates a variety of justifications for district boundaries: historic (settlement or tract boundaries), visual (survey findings, topography, changes in physical character of buildings, vistas and gateways), physical (railroads and highways, open spaces, rivers and other natural features, major changes in land use, walls and embankments), socioeconomic and political, and "lines of convenience" (city limits and other governmental boundaries, streets, property lines, arbitrary setbacks or radii). The proposed use of the redevelopment area boundary as a line of convenience brings in three kinds of areas not included in the districts identified by the Survey and leaves out another area:

1. *Schools and parks*: The area includes four schools and four parks, covering all or parts of about 14 blocks. The map submitted with the nomination labels them "excluded parks and schools." They can be "excluded" most simply by treating them as noncontributors within the S-20 zone. Schools are not subject to City design review, so no new restrictions would be imposed by S-20 zoning. Parks already have design review requirements under OS (Open Space) zoning that encourage compatibility of any new construction with the surroundings. Except for DeFremery Park the parks are of recent origin, on former residential blocks, and all the school buildings postdate the district's period of significance. (Lafayette and Cole Schools, one building at Lowell School, and DeFremery Pool are 1930s-40s Deco, and the rest are recent.) DeFremery Park, with the landmarked DeFremery House and lawns and oak trees that still recall DeFremery's estate "The Grove" and Oak Center's earliest residential origins, was established as a park in 1906 and is a prominent and character-defining feature of the neighborhood.

2. *Non-historic or eroded historic residential areas*: Non-historic residential blocks include the 1990s neo-Victorian townhouses and the modern Oak Grove Apartments at 14th and Market Streets. In some areas like the 1600-1700 blocks of Adeline, Chestnut, and Linden Streets, only a few early buildings remain: these become contributors within the proposed large district. The overall character of the district is strong enough to absorb the new buildings as noncontributors. Numerically, two-thirds of the buildings in the district contribute: however, this is a general test, not a hard and fast rule for evaluating a district. More important is "sense of time and place," and in Oak Center large well maintained Victorian and early 20th century houses, landscaping, and underground utilities clearly give the neighborhood a visual unity that sets it apart from surrounding areas.

3. *Industrial area:* West of Union Street and DeFremery Park the character of the Oak Center Redevelopment Area changes entirely, from residential to industrial. Eight whole or partial blocks between Union Street and Mandela Parkway are occupied by mostly mid to late 20th century warehouse-type industrial buildings – 12 buildings, a total of 28 parcels. The Shredded Wheat plant immediately adjoining the residential area, 1267 14th Street at Union, is the most historically significant. It was developed in 1915-16 and had a significant effect on the future evolution of the area. It is individually included on the Preservation Study List and appears individually eligible for landmark and possibly National Register designation for its Gothic Revival design and exemplification of the “factory beautiful” concept.

There are four other industrial buildings over 50 years old in the area. The former Heinz (survey rating C3, built 1937), Carnation (Dc3, 1930 etc.), and Coca Cola (Cb+3, 1939-40) plants line 14th Street west of the Shredded Wheat plant, and a brick warehouse developed by DeFremery descendants (Ec3, 1925-35) is located at 1715 Poplar Street directly behind DeFremery Park. None of these is within the period of significance of the residential district. The four plants along 14th Street might make up an early 20th century industrial group of secondary interest, but the industrial area as a whole does not appear to constitute a potential historic district, nor does it appear to add to the significance of the proposed Oak Center Historic District. The National Register generally encourages districts with a single dominant character, i.e. residential *or* industrial but not a combination unless there is a compelling reason. In addition it is difficult to see how historic district design review would apply to the blocks of newer industrial sites where there is not an established historic character.

The neighborhood association included the industrial area in the district nomination because it is part of the Oak Center Redevelopment Area. Residents and businesses have worked together on neighborhood issues for many years. Under the Oak Center Redevelopment Plan, the neighborhood association can review proposed construction and changes to all buildings, both industrial and residential. The industrial parcels along Mandela Parkway were recently rezoned with an S-4 design review overlay.

In view of all the above considerations, staff and the neighborhood association agreed that rather than rezoning the industrial blocks as S-20, the historic district resolution should include language recognizing the importance of the industrial area as an integral part of the Oak Center Redevelopment Area and emphasizing the importance of neighborhood consultation and review of changes to the industrial properties. This language is included in the Landmarks Board resolution and is recommended to be included in the designating ordinance.

4. *Residential area north of 18th Street:* The concentration of Victorian and turn of the century houses does not end at 18th Street (or 20th Street at the east end) which is the northern boundary of the redevelopment area and of the nominated district. In particular an Oak Center Area of Primary Importance, identified by the Survey for its exceptional concentration of landmark quality houses, continues north across 18th Street and along Filbert and Myrtle Streets for half a block (28 buildings). Elsewhere between 18th Street and West Grand Avenue east of Adeline the Victorian residential character also continues, with two ASIs identified by the Survey. (The south boundary at 10th Street, in contrast, is a strong visual break marking the Acorn Redevelopment Area where almost everything was demolished.)

Thus at 18th/20th Street the redevelopment area boundary functions as a "line of convenience." Since the district nomination is a project of the Oak Center Neighborhood Association, this is not unreasonable: the history of redevelopment in Oak Center is cited as part of the justification for the nomination, and the existence of an active neighborhood association permitted the communication and organizing that brought the nomination this far. If desired by the neighbors to the north, an extension of the district could be proposed in the future. There is precedent in that the existing Old Oakland and Preservation Park S-7 districts were both designated in phases.

Current Regulations Compared to Proposed S-20 Zone

1. Current Zoning and General Plan Regulations: The proposed Oak Center Historic District is currently zoned R-50 and R-60 (medium and medium-high density residential) with one small C-10 site and parks zoned Open Space (OS). Nine houses in proposed district are designated landmarks. The General Plan land use classifications are Mixed Housing Type and Urban Residential, with areas of Institutional and Urban Open Space. Assessor's use codes indicate that about two-thirds of the buildings in the residential areas are one or two family dwellings.

Under current regulations one and two unit homes generally receive Special Residential Design Review for alteration and construction, and larger residential buildings (three units and up) come under Regular Design Review. Especially where the Survey has identified buildings and districts as having any historic value, design review of both alterations and new construction already looks for compatibility with the existing building and the neighborhood context, using the findings in Policy 3.5 of the Historic Preservation Element (see below) when historic properties are involved. Review of work on non-residential buildings is generally limited to height and floor area ratio.

2. New S-20 Zone Regulations compared to present regulations that apply to Oak Center:

- Paint, roofing, repairs, and minor alterations and small additions matching the original are currently exempt from design review, and would remain exempt in the historic district.
- Larger alterations would still be reviewed as they are now, through the Special Residential Design Review process (SRDR), under the criteria of that program. However, the Planning Director could refer properties in the historic district to the Landmarks Board for review and advice if the Director determined that the proposed alteration could significantly affect the historic character of the building.
- In addition to the existing SRDR criteria, general guidelines based on the book *Rehab Right* and Historic Preservation Element Policy 3.5 will assist in determining appropriate design. In the future, it could be desirable to prepare and adopt more detailed design guidelines for Oak Center and other large residential historic districts.
- New buildings will have more review than now, with notification to neighbors and possible referral to Landmarks Board to make sure they are compatible with the district.
- Demolition of a historic building in the district could be postponed and could require environmental review (this would not apply if the building were damaged beyond repair).
- No fees are charged for design review of landmarks or historic district buildings.

3. *New S-20 Zone Regulations compared to the S-7 regulations that apply to existing historic districts:* The S-7 Preservation Combining Zone is Oakland's existing historic district zone. Demolition and design regulations for S-7 properties are the same as for landmarks, meaning that all exterior changes are reviewed by the Landmarks Board. The six existing S-7 districts are all far smaller than Oak Center – from 5 properties in Downtown Brooklyn-Clinton to 40 in Victorian Row-Old Oakland – and generally contain a higher proportion of unique, individually monumental buildings. To accommodate large residential districts like Oak Center without overburdening either the Landmarks Board or the homeowners, the proposed S-20 zone has the following changes from the S-7 regulations.

- Referral to Landmarks Board is at the Planning Director's option, rather than mandatory.
- Alterations and additions to 1 and 2 unit residential properties are processed under 15-day Special Residential Design Review (SRDR) rather than being reviewed by the Landmarks Board. The Planning Director may choose to refer an application to the Landmarks Board for more extensive review (which could take up to 60 days depending on the Board's meeting schedule) if it would significantly affect the property's publicly visible historic character.
- A new design review finding requires that alterations, additions, and new construction follow "Design Guidelines for Landmarks and Preservation Districts" adopted by the Planning Commission. Design principles based on *Rehab Right* and Policy 3.5 of the Historic Preservation Element (Attachment B-3) are proposed as interim guidelines. Certain federally regulated projects may also be required to follow the Secretary of the Interior's Standards. (This finding would also be added to the S-7 and Landmark regulations and the Regular Design Review and SRDR procedures.)
- Demolition or removal requires design review because of the district designation only if the building is a contributor or potential contributor.

4. *Environmental Review.* The California Environmental Quality Act (CEQA) establishes that impacts to historic resources are considered "environmental impacts" and must be studied (and mitigated if warranted) in environmental documents. Many of the properties in Oak Center are already classified as "historical resources" for purposes of environmental review under CEQA; historic district designation would make the entire district a historical resource. Under Policy 3.8 of the Preservation Element, any property on Oakland's Local Register of Historical Resources (LRHR) is considered a "historical resource" for CEQA purposes. In Oak Center the nine designated landmarks, one building on the Study List, 76 contributors and potential contributors to the identified Area of Primary Importance (Myrtle and Filbert Streets north from 16th Street), and eight other B-rated buildings in the proposed district are now on Oakland's Local Register because of their designations or ratings. Historic district designation would place the district as a whole and all its contributing properties on the Local Register and therefore make them historical resources under CEQA. Environmental review would evaluate the impact of any individual project on the district as a whole.

Most work involving one and two unit residential properties does not trigger environmental review. Even when a discretionary permit like design review is required by the City, alterations and construction and even demolition of a residence can be exempt from CEQA (Guidelines, Sections 15301 and 15303) unless the project "may cause a substantial adverse change in the significance of a historical resource" (15300.2). Under the proposed S-20 zoning, demolitions of

contributors and potential contributors, residential new construction, and non-residential or other large-scale projects that could affect the character of the district would require regular design review and would be subject to environmental review by virtue of the district designation. However, since the district as a whole is the "resource" created by the S-20 zoning, environmental review for historic reasons would only be an issue if the proposed project had a significant adverse effect on the district as a whole.

5. Historic Preservation Element of the Oakland General Plan: Review and protection of historic buildings in Oak Center is already called for by several Element policies on "Historic Preservation and Ongoing City Activities." These policies apply to all PDHPs (Potential Designated Historic Properties – properties with existing or contingency ratings of C or better or contributing or potentially contributing to a primary or secondary district). Policy 3.5 states that "for additions or alterations to PDHPs needing discretionary permits" – e.g. design review or a use permit – required design review findings are that (1) the design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the area; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the area. Similar findings are required for demolition. Other policies provide for moving rather than demolishing PDHPs that are to be replaced (Policy 3.7), rehabilitation rather than demolition of substandard and public nuisance properties (Policy 3.12), and other protections. Almost all the contributors and potential contributors in the proposed Oak Center District are already PDHPs, and all these findings are already applied in Regular and Special Residential Design Review.

The Preservation Element sets out a future graduated designation system of Class 1, 2, and 3 landmarks, Heritage Properties, and Class 1 and 2 preservation districts, with graduated regulations and incentives for each level. Adoption of zoning text enacting these provisions of the Element is not expected to occur before completion of the citywide zoning update. The Landmarks Board has begun conforming to Element policies, as in the recent decision to treat requests for interim protection or less-than-landmark designation as Heritage Property applications rather than additions to the Study List. However, the S-20 zone is not intended to correspond exactly to Class 2 district designation as described in the Element. In fact, being based on the S-7, it is more like a Class 1 district. The new S-20 zone is needed now to establish an easier, streamlined process for review of projects for a district of this size. Oak Center would be the first such designation; the S-20 zone would be available for other potential neighborhood districts as well.

6. Oak Center Redevelopment Area Plan: The Oak Center Urban Renewal Plan (1970) lists among its objectives the establishment of "design controlled" residential and industrial areas, with all construction and remodeling requiring Agency approval. It authorizes "the owners of the real property in the Project area ... to organize a Maintenance and Architectural Control Committee which shall serve in an advisory capacity to the Agency." The neighborhood association fulfills this role and has done so for many years. This would continue under the proposed S-20 zoning. The Plan also incorporates by reference "Minimum Property Rehabilitation Standards for the Oak Center Project Area."

RECOMMENDATION AND RATIONALE

The Landmarks Board and staff recommend historic district designation (S-20 zoning) for the proposed Oak Center district on the basis of the nomination submitted by the Oak Center Neighborhood Association and Cultural Heritage Survey information, which clearly demonstrate that the Oak Center residential area is eligible for historic district designation. The area retains an outstanding and well-preserved collection of 19th and early 20th century Italianate, Stick, Queen Anne, Colonial, and Shingle residential architecture, and it has a unique and significant history as a garden suburb first settled in the 1860s by James DeFremery and developed through the following decades as a prosperous residential neighborhood close to downtown Oakland. More recently, it owes its preservation to citizen activists in the 1960s and 1970s who fought to redirect redevelopment from demolition to rehabilitation.

The neighborhood has been working toward historic district designation for several years. Community members prepared the nomination and have held numerous community meetings to discuss it. There appears to be strong neighborhood support.

Staff and Board also recommend concurrent adoption of a new zoning district similar to the existing S-7 Historic Preservation Combining Zone but more appropriate for large residential districts. The new S-20 Historic Preservation District Combining Zone is designed to allow an easier, streamlined design review process, which is necessary and appropriate in view of the large number of properties in the district and the fact that they are mostly single family homes. *Note that the City Attorney has asked that the draft S-20 text in Section 17.101D.030 be revised so that the various levels of review are clearer to the general reader (no change of substance is proposed). Staff plans to address this before bringing to S-20 zone to City Council.*

Staff and Board further recommend that the industrial properties at the west edge of Oak Center, while not included in the S-20 zone along with the Victorian and early 20th century residential area, be recognized by language in the designating ordinance affirming their significance in the Oak Center Redevelopment Area and the importance of neighborhood consultation on design and development issues throughout the neighborhood.

RECOMMENDATION

1. Affirm the environmental determination.
2. Recommend to the City Council that it adopt ordinances:
 - a. adopting the S-20 Historic Preservation District Combining Zone text and associated amendments in Attachment B;
 - b. rezoning the proposed Oak Center Historic District, as shown on the attached map and property list, to the S-20 zone; and including language that recognizes the industrial area along Mandela Parkway as an integral part of Oak Center.



Oakland Landmarks Preservation Advisory Board

NOTICE OF INTENT TO SUBMIT AN OAKLAND LANDMARK AND S-7 PRESERVATION COMBINING ZONE APPLICATION FORM

The undersigned proposes that the Oakland Landmarks Preservation Advisory Board initiate, pursuant to Section 9502 of the Zoning Regulations, designation of the below-described property as an Oakland landmark or to rezone such property to the S-7 Preservation Combining Zone. If after reviewing this proposal and requesting and considering comments from the property owner(s) the Board determines to proceed with the proposal, the undersigned intends to submit a completed Oakland Landmark and S-7 Preservation Combining Zone Application Form within six (6) months from the date of such determination.

- 1. TYPE OF APPLICATION: Oakland Landmark X S-7 Zone
- 2. IDENTIFICATION suggested district name: Oak Center Historic District
 - A. Historic name if known: Central Homestead, DeFremery estate, Galindo Tract, etc.
 - B. Common Name: Oak Center Neighborhood / Oak Center Redevelopment Area
- 3. ADDRESS/LOCATION (list all addresses and attach map if more than one address): Brush St. to Mandela Pkwy; 10th to 19th St. (see attached list)
- 4. OWNER OF PROPERTY (Use attached sheet if multiple parcels with separate owners):

various: see lists

Zip Code: 94607, 94612



900 block of 16th Street



5. SIGNIFICANCE:

- A. Date constructed or established, if known: 1860s-1990s, predom. 1880s-1890s
- B. Builder, architect and/or designer, if known: various, mostly unknown
- C. Summary statement of significance (Please clearly explain why the property is significant and why it merits landmark or S-7 Zone designation)

The Oak Center Neighborhood (Oak Center Redevelopment Area) is a well-preserved Victorian residential neighborhood, with industries on the former marsh at the west edge and several large parks and school sites scattered through the neighborhood. It represents Oakland's prosperous garden suburbs of the later 19th century, and in the 20th century it is significant as the area where redevelopment was tamed into rehabilitation. The neighborhood has many outstanding examples of Italianate, Stick, Queen Anne, Colonial, and Shingle architecture, and many houses still have historic fences, trees, retaining walls, and outbuildings. About 360 of the 589 buildings in Oak Center were constructed before 1910. (see continuation page)

6. NOTICE SUBMITTED BY

Signature: Ellen Wypick-Parkinson Date: Nov. 1, 1999

Name/Title: President

Organization: Oak Center Neighborhood Association

Address: 1420 Magnolia Ct Telephone: 510 835-2290
Oakland Calif. 94607

DEPARTMENTAL USE ONLY

Accepted by: _____ Date: _____

Included in Oakland Cultural Heritage Survey: Yes No Survey rating: see list for
indiv. building ratings

State Historical Resources Inventory Form prepared: Yes No

forms on selected individual buildings and 7 smaller districts (1 API, 6 ASIs)
Included in Preliminary Citywide Historical and Architectural Inventory:

Yes No; Preliminary rating: _____

Received Nov 8 1999

NOTICE OF INTENT TO SUBMIT S-7 PRESERVATION COMBINING ZONE
APPLICATION - OAK CENTER DISTRICT

There are eight designated landmark houses in the district: 954, 970, 974, 1004-06, and 1014 16th Street, 1527 Union, 1651 Adeline (the DeFremery house), and 1079 12th Street (the Herbert Hoover house). Oak Center also has notable continuity and integrity as a district. Seven smaller districts - one Area of Primary Importance and six Areas of Secondary Importance - have been identified in Oak Center by the Cultural Heritage Survey, singling out the most intact and concentrated residential areas (437 buildings). The entire Oak Center Redevelopment Area has 589 buildings, of which 420 - well over two-thirds - are Designated or Potential Designated Historic Properties. The largest number (220) are rated C. Integrity and condition are generally excellent.

Oak Center covers 38 whole or partial blocks in the eastern part of West Oakland, bounded approximately by the Grove-Shafter Freeway on the east, Mandela Parkway on the west, 10th and 11th Streets on the south, and 18th and 19th Streets on the north. Historic district boundaries in this nomination are proposed to include the entire redevelopment area, distinguished visually by rehabilitated houses, absence of commercial buildings, and underground utilities. All buildings in the area were researched and evaluated by the Oakland Cultural Heritage Survey as part of the comprehensive West Oakland survey in 1992.

Oak Center's history as a residential neighborhood begins with James DeFremery, Dutch-born banker and gentleman farmer, who was living on the west side of Adeline Street in the early 1860s. By DeFremery's time prosperous businessmen were building estates in the country - the East Bay, Marin, the Peninsula - to escape San Francisco's noise, dirt, fog, and density. With improved ferry service and arrival of the transcontinental railroad in 1869, West Oakland developed rapidly. Oakland Point (the Prescott neighborhood) developed as a largely working class neighborhood associated with the railroad yards, while Oak Center had a larger representation of downtown professionals and San Francisco commuters. A horsecar line on 14th Street connected the district with the San Francisco ferry at the end of 7th Street and with downtown Oakland, and by 1875 other amenities also existed: macadamized streets, water and sewer system, street lighting, neighborhood schools. Oakland High School was established at 12th and Market Streets in 1871. The car lines were electrified in the early 1890s, and in the early 20th century additional San Francisco and Oakland lines were added by the Key System.

The district's 19th century commuters included bookkeepers and cashiers, employees of the U.S. Mint and Customs House, lawyers, stockbrokers, and hay and grain dealers. Prior to about 1910 about half the identified owners could be described as middle class or professionals: bookkeepers, government employees, capitalists, produce merchants, manufacturers, self-employed plumbers and contractors, teachers (most of them women), ministers, dentists, newspapermen. Others were loosely lower middle class: artisans, clerks, salespeople, railway employees; very few were laborers. After 1910 there were more artisans and clerks, Eastern and Southern European immigrant households, and more individuals described as laborers. Throughout the neighborhood's early history many families owned and rented out a second house in the same area. Especially after the 1906 earthquake it was common to add a basement or rear unit, or add a small flats building on part of a large lot.

NOTICE OF INTENT TO SUBMIT S-7 PRESERVATION COMBINING ZONE
APPLICATION - OAK CENTER DISTRICT

Many early residents remained in the neighborhood for decades. When the upwardly mobile moved away it was generally to Linda Vista Terrace (Rose Garden) in the 1890s or Adams Point after 1906. Only after 1915 did the desirable residential character of the neighborhood change somewhat, with construction of the Shredded Wheat factory at 14th and Union Streets. One reason so many of the Oak Center houses have survived is long-term owner-occupancy. Today at least half are owner-occupied, and in the historic period up to 1925, many families remained in the same place for 20 to 40 years or more.

Both World Wars encouraged the conversion of the large old houses into rental rooms and apartments for newcomers. The Depression took its toll in deferred maintenance and the earliest urban renewal. Large areas adjoining the neighborhood were razed in the 1930s for the Peralta Villa housing project, and more in the 1950s for the Cypress freeway. In the 1960s the entire neighborhood south of 10th Street was removed for the Acorn project. In the 1960s and 1970s residents organized and won access to redevelopment funding for rehabilitation of the houses north of 10th Street. Residents' words in the booklet *Oakland 1979* sum up this effort:

"We had enough fight, common sense, professionalism, business to figure out what we wanted. The main change that we were very proud of was the right to remain and rehabilitate in Oak Center if we so desired."

"I got the free paint and I painted my house myself, and now whenever I turn the corner to 14th Street, my heart flutters when I see my beautiful house."



1400 block Chestnut St.,
west side
1400-1500 block Adeline,
west side
(Survey photos, 1992)



NOTICE OF INTENT TO SUBMIT S-7 PRESERVATION COMBINING ZONE
APPLICATION - OAK CENTER DISTRICT

1079 (Hoover house)
& 1085 12th St.

1200 block Union St.,
east side

1700 block Myrtle St.

12th & Adeline, 1936

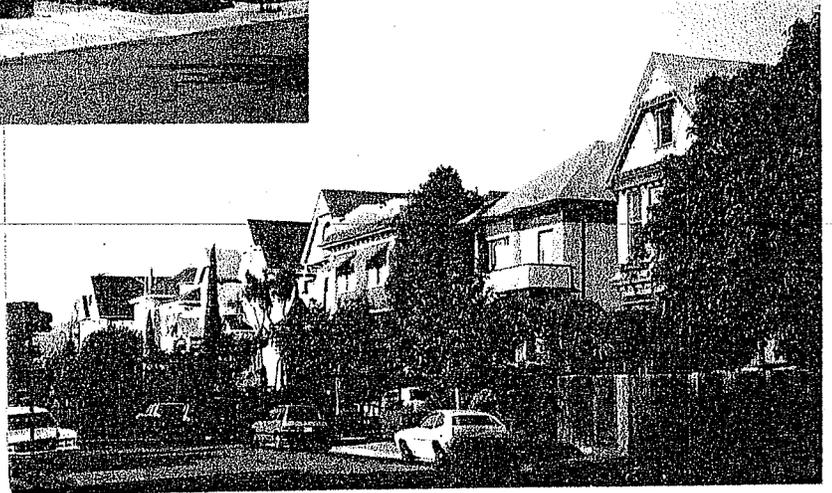


NOTICE OF INTENT TO SUBMIT S-7 PRESERVATION COMBINING ZONE
APPLICATION - OAK CENTER DISTRICT



1506, 1440, and 1432
Linden Street (1890-91)
Looking southeast

1400 block Linden St.,
Looking northeast

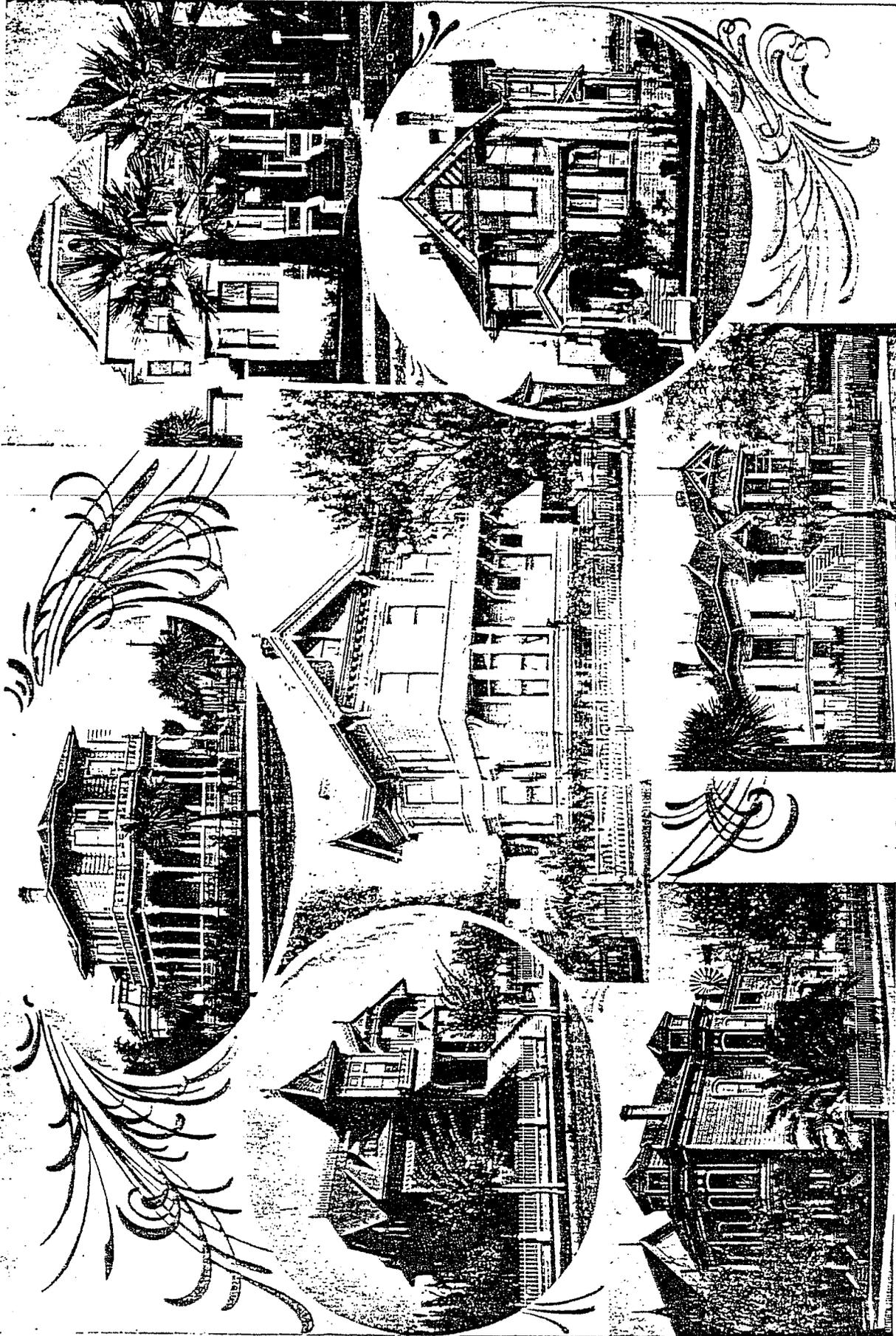


11th and West Streets

13th and West Streets



NOTICE OF INTENT TO SUBMIT S-7 PRESERVATION COMBINING ZONE APPLICATION - OAK CENTER DISTRICT



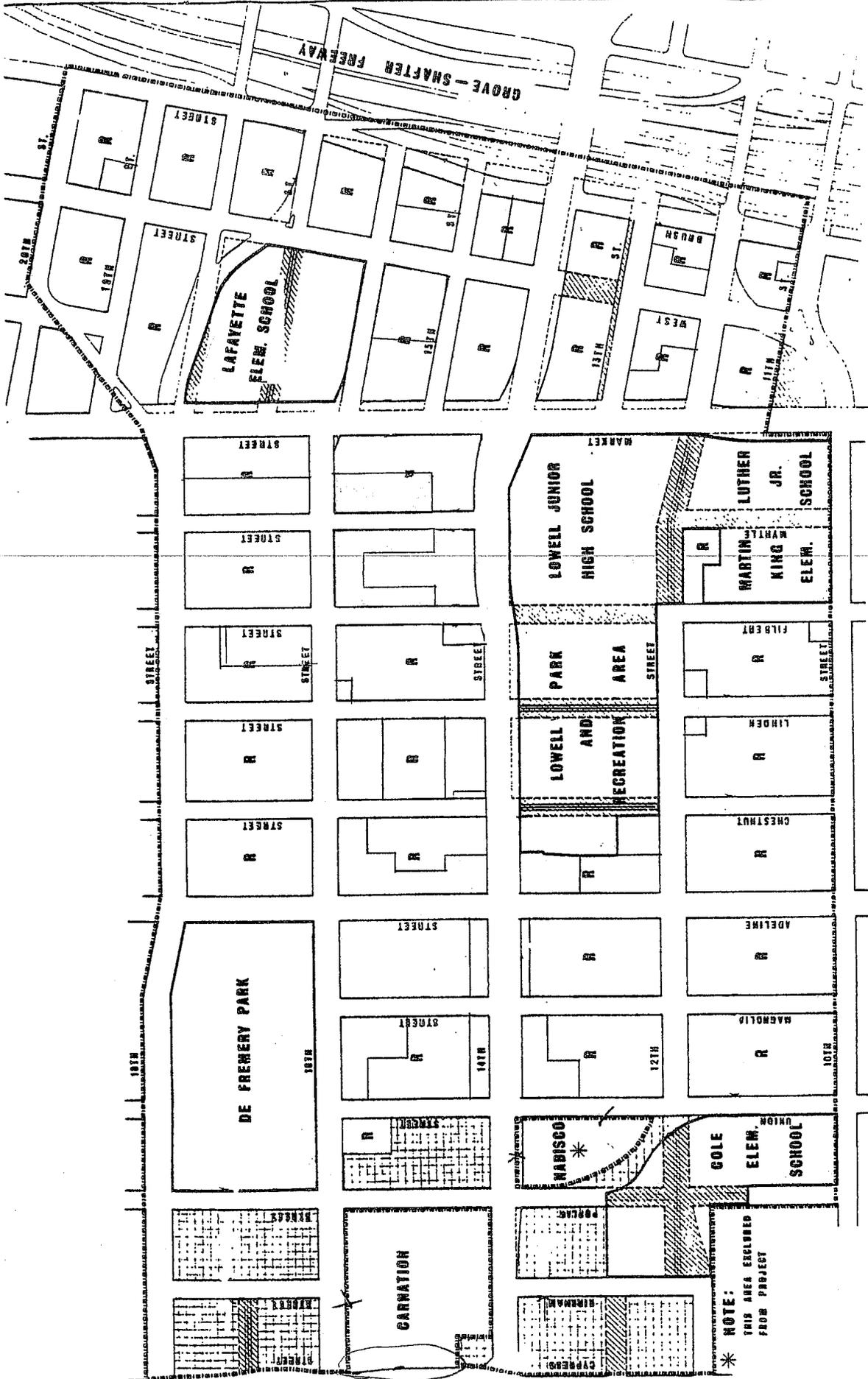
REPRESENTATIVE OAKLAND RESIDENCES.

Dr. Susan J. Fenton.
Dr. W. F. B. Wakefield.

Dr. J. L. Mayson.
T. L. Banker, M.D.
Dr. R. T. Stratton.

Giles H. Gray.
W. W. Foote.

OAKLAND TRIBUNE, ALAMEDA COUNTY ILLUSTRATED, 1898. Representative houses in and near the Oak Center neighborhood.



LEGEND:

-  HISTORIC AREAS - 19TH CENTURY RESIDENTIAL
-  PUBLIC PARKS AND SCHOOLS
-  PROPOSED HISTORIC LANDMARK DISTRICT BOUNDARY

OAK CENTER HISTORIC LANDMARK DISTRICT (proposed)
 Sponsor: The Oak Center Neighborhood Association
 1420 Magnolia Street
 Oakland, CA 94607

MILLSACTAPPLICATION*

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Phone: 510-238-3911 Fax: 510-238-4730

www.oaklandnet.com/historicpreservation

1. GENERAL INFORMATION

APPLICANT'S NAME: Tae Ha

PROPERTY ADDRESS: 863 Cleveland ST. Oakland Ca 94606

PROPERTY OWNER(S): Richard Fouster

PHONE: (Day) 510-919-5181 (Evening) 510 919 5181

ASSESSOR'S PARCEL NUMBER : 023-0405-016-00

YEAR OF PURCHASE: 2016 **ASSESSED VALUE:** 1, 250,000

EXISTING USE OF PROPERTY: Private residence

2. HISTORIC PROPERTY INFORMATION

HISTORIC/COMMON NAME (If any): Paul Emile Joseph's House

CONSTRUCTION DATE: permit dated June 6, 1916

LEGAL DESCRIPTION (From Deed, Please attach): Please see attachment, Exhibit A, page 5

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6879 to confirm.

DESIGNATED HISTORIC RESOURCE:

DATE OF DESIGNATION

City of Oakland Landmark

City of Oakland Heritage Property

Contributes to a City of Oakland S-7 or S-20 District

LOCAL REGISTER OF HISTORIC RESOURCES**

Listed on the National Register of Historic Places

Building with an Oakland Cultural Heritage Survey
rating of 'A' or 'B'

Potential Designated Historic Property located in an Area of Primary Importance

*A Mills Act Property Tax Abatement Program for qualified historic properties, with the program impact on City revenues limited to \$25,000/year, and \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, there shall be a limit of the program impact on Redevelopment revenues to \$100,000/building/year with a cumulative limit of \$250,000/year. Any Mills Act Program property applicant, who's estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council.

** Local Register Properties must concurrently submit an Oakland Landmark, Heritage Property or S-7 Preservation Combining Zone Application Form

3. PRESERVATION WORK PROGRAM AND TIME LINE

863 Cleveland Street

Please list the improvements to take place over the next 10 years, in order of priority. Listed work should be limited to stabilization and/or maintenance of the historic structure or restoration and/or repair of exterior character defining features of the historic property. State the anticipated costs of the improvements, including but not limited to materials, labor, permits and fees. Anticipated construction must be equal to or greater than tax savings: see the Mills Act Property Tax Calculator on line at www.oaklandnet.com/historicpreservation for a rough estimate of potential property tax reduction. (Please attach additional pages to complete the below information.)

- 1. Year: 2017 Cost: \$ 12,000.00 Improvement: Repairing foundation and installing a drainage system to prevent water intrusion to the house. Water intrusion during rainy season to the basement has been creating cracks on the wall**
- 2. Year: 2018 Cost: \$ 12,000, 00Improvement: Seismic reinforcement to support the structure of the house**
- 3. Year: 2019 Cost: \$ 12,000.00 Improvement: Repairing concrete surface in the driveway and repairing concrete mortar in the base of pillars. Repairing steps and entry way where concrete is spalling**
- 4. Year: 2020 Cost: \$12,000.00 Improvement: Exterior shingle repair and wood craftsmanship throughout the house. Remove and repair all damaged wood pieces in the barge, rafters, over hangs. Replace and repair shingles and stain to match the existing shingles. Paint 3-5 colors. Exterior wood craftsmanship needs repair throughout the building**
- 5. Year: 2021 Cost: \$ 12,000.00 Improvement: Repair and maintaining all window sash. Scrap, clean, putty, paint stain and repair as necessary.**
- 6. Year: 2022 Cost: \$ 12,000.00 Improvement: PHASE I: Exterior Paint in 3-5 colors. Scrape, putty, caulking and paint exterior of the house.**
- 7. Year: 2023 Cost: \$ 12,000.00 Improvement: PHASE II: Exterior Paint in 3-5 colors. Scrape, putty, caulking and paint exterior of the house.**
- 8. Year: 2024 Cost: \$12,000.00 Improvement: Repair broken stained glasses in windows and cabinet doors. Several stained glass panels are cracked and need repair. Repair and replace missing hardware throughout the house.**
- 9. Year: 2025 Cost: \$12,000.00 Improvement: PHASE I: ROOFING**
- 10. Year: 2026 Cost: \$12,000.00 Improvement: PHASE II: ROOFING**

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

4.SUBMITTAL REQUIREMENTS

- Mills Act Application Form
 - This application form signed and completed. Original signatures or clear & legible copies are required.
- Assessor's Parcel Map
 - Available at the City of Oakland Engineering Services or zoning counters, or County Assessor's Office, 1221 Oak Street.
- Photographs
 - Photographs must be labeled, and printed or mounted on 8-1/2" x 11" paper.
 - Photographs must sufficiently illustrate the exterior, overall condition and historic character of the property, including historic features.
 - Photographs must be in color and include the existing structure as seen from across the street and from the front, side and rear property lines. Label each (e.g., front, side, rear, across the street).
 - Photographs must be in color and include detailed (i.e. close up) views of each of the listed areas in the proposed work program. Label each (e.g., Work Program Item #1, , etc.)
 - Oakland Landmark, Heritage Property and S-7 Preservation Combining Zone Application Form
 - Required for properties that are not already designated as:
 - City of Oakland Landmark
 - City of Oakland Heritage Property
 - Contributes to a City of Oakland S-7 or S-20 Historic District
- Legal Description of the Property
 - Grant Deed
 - Legal Description
 - Assessor's Parcel Map
- Additional pages to describe the Work Program
 - As necessary
- Copy of Last Property Tax Bill
- Filing Fee -\$601.29 due at the time of application submittal.

5.SELECTION CRITERIA

The City has adopted a Mills Act Property Tax Abatement Program for qualified historic properties, with the program impact on City revenues limited to \$25,000/year, and \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000/year for all redevelopment areas with the exception of the Central Business District. In the Central Business District, there shall be a limit of the program impact on Redevelopment revenues to \$100,000/building/year with a cumulative limit of \$250,000/year. Any Mills Act Program property applicant, who's estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council. If applications exceed the limited dollar amounts, applications will be evaluated on the following criteria.

The date the application is complete.

The property is either currently a Designated Historic Property *or* the property is currently listed on the Local Register of Historic Resources *and* an Oakland Landmark, Heritage Property and/or S-7 Combining Zone Application has been submitted for Heritage Property Designation.

The property needs exterior work (e.g., stabilization, maintenance, reversal of inappropriate building modifications, etc.. The work program does **not** include interior work or additions) and whether the

Mills Act Application**863 Cleveland Street**

cost of the proposed exterior work is equal or greater than the potential reduction of property taxes. The proposed work program for maintenance, repair, rehabilitation and/or restoration has the strong potential to act as a catalyst for neighborhood revitalization by:

- Increasing architectural integrity;
- Preserving neighborhood character; and
- Conserving materials and energy embodied in existing building.

Geographic Distribution:

- A minimum total of six Mills Act Contracts will be awarded to properties in the West Oakland Redevelopment Area because Implementation of the Mills Act is a Mitigation Measure of the West Oakland Redevelopment Plan.
- A minimum of six Mills Act Contracts will be awarded to properties in the Central City East Area because Implementation of the Mills Act is a Mitigation Measure of the Central City East Redevelopment Plan.
- The property's location contributes to the goal of Mills Act Contract representation in neighborhoods throughout the City.

The property's building type contributes to the goal of a variety of Mills Act Contract building types (e.g., residential, commercial and industrial buildings).

Please read and review (available on line at www.oaklandnet.com/historicpreservation):

the Mills Act brochure;

Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)

the (MODEL) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY;

Secretary of the Interior's Standards for Rehabilitation;

Minimum Property Maintenance Standards; and

the Mills Act Property Tax Calculator (to calculate a rough estimate of the potential change in taxes).

Also available on line:

Mills Act Application Form;

Oakland Landmark, Heritage Property and S-7 Preservation Combining Zone Application Form; and

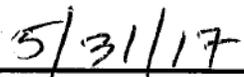
How to complete Oakland Landmark, Heritage Property and S-7 Preservation Combining Zone Application Form.

NOTICE: Each property owner should also consult legal counsel and/or a financial advisor concerning the advisability of entering into a Mills Act agreement, prior to completing and submitting this application. The City makes no warranties or representations about the accuracy or validity of the Mills Act Property Tax Calculator – it is merely an information tool that applicants may use (at their sole risk), which does not substitute/replace legal counsel or a financial advisor.

I hereby apply to be considered for a Mills Act agreement, have read and agree with the above documents, agree to execute the (Model) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY if selected for the program, and the information submitted is true and correct as of the date of application.



Owner's Signature



Date

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612

Monday, Tuesday, Thursday & Friday: 8am-4pm; Wednesday: 9:30 – 4pm

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 023-0405-016-00

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

A PORTION OF LOT 1, BLOCK "D", EXCELSIOR HEIGHTS, FILED OCTOBER 4, 1915, MAP BOOK 14, PAGE 25, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERN LINE OF CLEVELAND STREET WITH THE NORTHWESTERN LINE OF LOT 1, BOOK "D", ACCORDING TO THE MAP HEREIN REFERRED TO; THENCE SOUTHEASTERLY ALONG SAID LINE OF CLEVELAND STREET 55.00 FEET; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERN LINE OF SAID LOT 1, BLOCK "D", ACCORDING TO THE MAP HEREIN REFERRED TO 123.05 FEET, MORE OR LESS, TO THE INTERSECTION THEREOF WITH THE NORTHEASTERN LINE OF LOT 14, BLOCK "D", EXTENDED SOUTHEASTERLY; THENCE NORTHWESTERLY ALONG SAID LINE SO EXTENDED 32 FEET, MORE OR LESS, TO THE MOST EASTERN CORNER OF SAID LOT 14; THENCE NORTHEASTERLY ALONG THE NORTHWESTERN LINE OF SAID LOT 1, 133.83 FEET TO THE POINT OF BEGINNING.

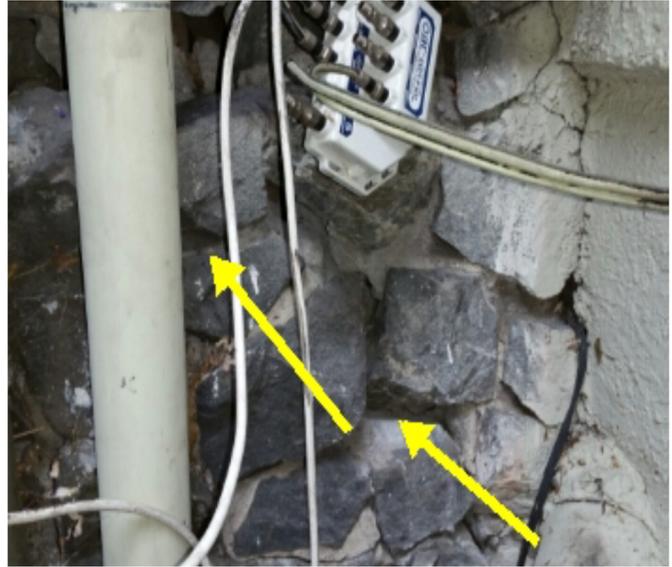


Mills Act Application

863 Cleveland Street

Mortar joints in the stone pillar base is missing and requires repair;

Mortar joints in the stone veneer missing and deteriorated on right and front of structure



Water Intrusion in the basement in May 2017. Water intrusion in rainy months are severe and requires repair



Cracks in concrete driveway seems like causing water intrusion to the basements. Concrete driveway requires repair or resurfacing.

Mills Act Application

863 Cleveland Street

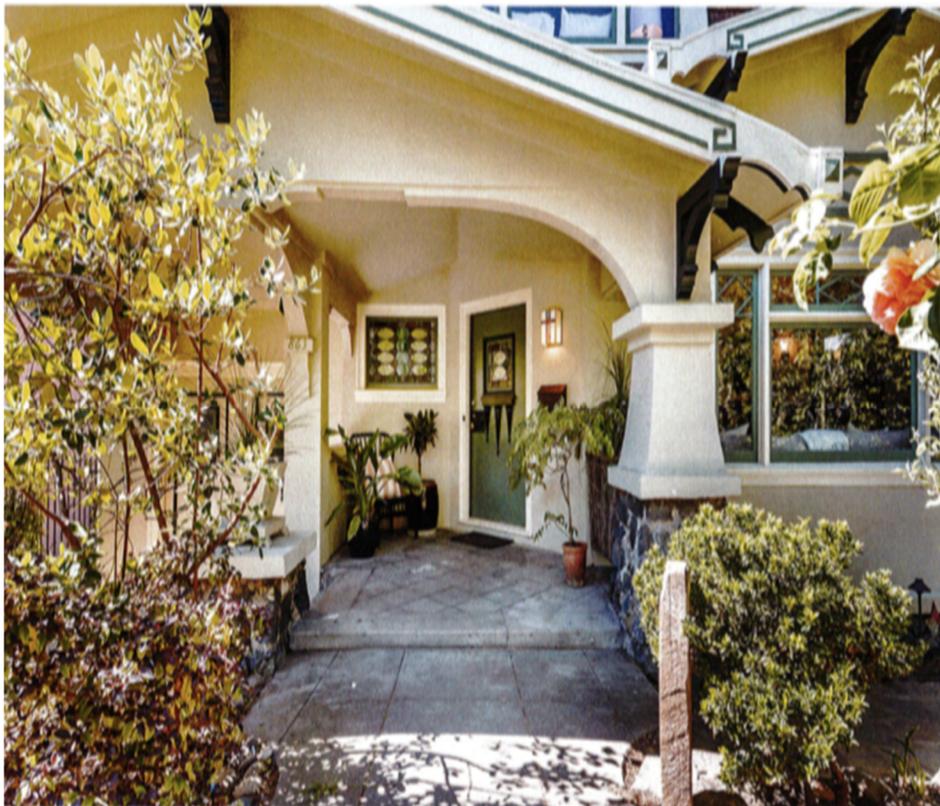
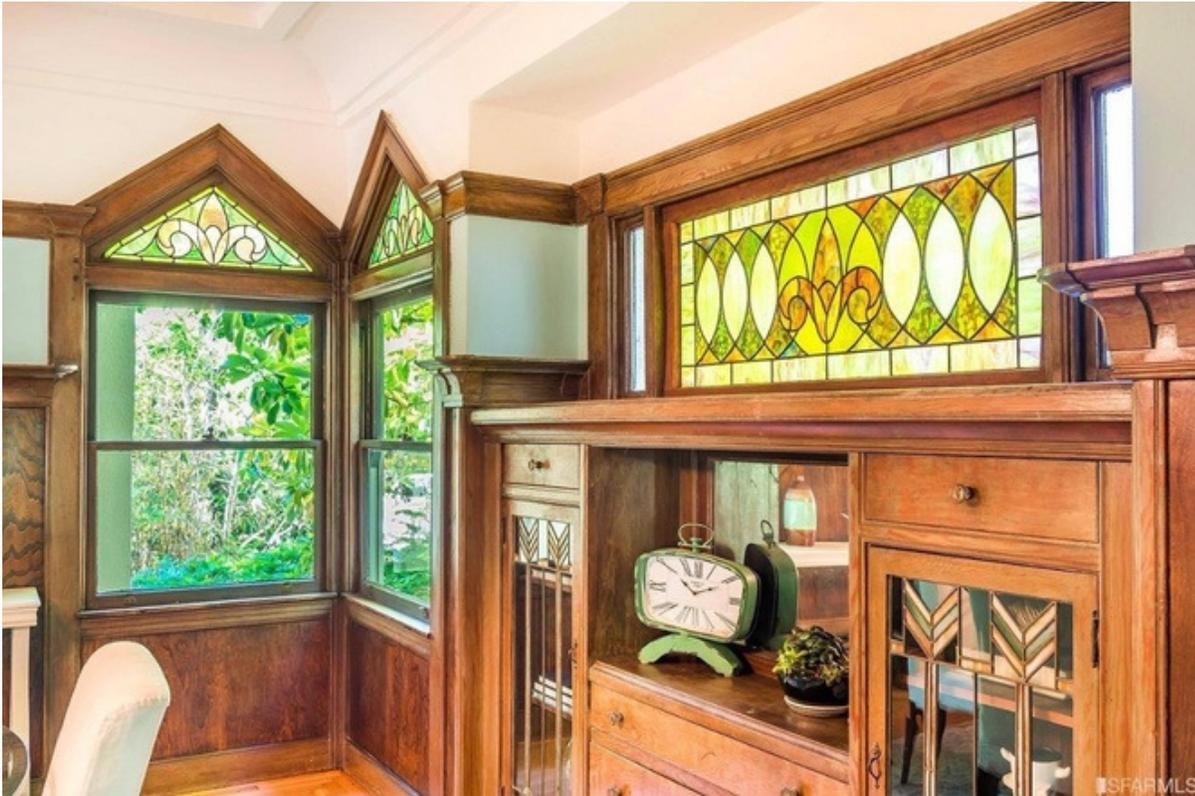


Concrete spalling on the front porch requires re-surfacing
Spalling and cracking in the front porch entry requires repair



Wood works on trims and barge needs repairs. The paint is peeling and trim is getting damaged





Original stained glass throughout house. Although hard to capture in photograph, several glass pieces are broken or sagging and require repair.

WHEN RECORDED, MAIL TO:

City of Oakland
Bureau of Planning, Historic Preservation
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

**MILLS ACT AGREEMENT FOR
PRESERVATION OF HISTORIC PROPERTY**

This Agreement is entered into this ___ day of _____, 20___, by and between the City of Oakland, a municipal corporation (hereinafter referred to as the “City”), and _____ (hereinafter referred to as the “Owner(s)”), owner(s) of the structure located at _____ in the City of Oakland (Exhibit A: Legal Description of Property).

RECITALS

Owner possesses and owns real property located within the City and described in Exhibit A (“Property”) attached and made a part hereof.

The Property is a Qualified Historic Property within the meaning of Oakland City Council Resolution No. 12784 C.M.S., in that it is a privately owned property which is not exempt from property taxation and is on the City of Oakland’s Local Register of Historic Resources.

Both City and Owner desire to carry out the purposes of Section 50280 of the California Government Code and Section 439 of the California Revenue and Taxation Code.

Both Owner and City desire to enter into an Agreement to preserve the Property so as to retain its characteristics of cultural, historical and architectural significance and to qualify the Property for an assessment of valuation pursuant to Section 439.2(a) of the Revenue and Taxation code of the State of California.

NOW, THEREFORE, both Owner and City, in consideration of the mutual promise, covenants and conditions contained herein and the substantial public benefit to be derived therefrom, do hereby agree as follows:

- 1) **Effective Date and Term of Agreement (California Government Code Section 50281.a)** The term of this Agreement shall be effective commencing on **December 31, 2016** and shall remain in effect for a term of ten (10) years thereafter. Each year, upon the anniversary of the effective date of this Agreement (hereinafter “renewal date”), one (1) year shall automatically be added to the term of the Agreement, unless timely notice of nonrenewal, as provided in paragraph 2, is given. If either City or Owner(s) serves written notice to the other of nonrenewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.

- 2) **Notice of Nonrenewal (California Government Code Section 50282, California Revenue and Taxation Code Section 439.3)** If City or Owner(s) desires in any year not to renew the Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of the Agreement as follows:
 - a. Owners must serve written notice of nonrenewal at least ninety (90) days prior to the renewal date; or
 - b. City must serve written notice within sixty (60) days prior to the renewal date. Owners may make a written protest of the notice. City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice of nonrenewal to Owner(s).
 - c. If the City or Owner(s) serves notice of intent in any year to not renew the Agreement, the existing Agreement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the Agreement, as the case may be.
 - d. Any notice required to be given by the terms of this Agreement shall be provided by U.S. mail or hand delivery at the address of the respective parties as specified below or at any other address as may be later specified in writing by the parties hereto.

To City: City of Oakland
Bureau of Planning, Historic Preservation
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

To Owner:

Oakland CA 946--

- 3) **Valuation of Historical Property (California Revenue and Taxation Code, Section 439.2)** During the term of this Agreement, Owner(s) are entitled to seek assessment of valuation of the Historical Property pursuant to the provisions of Section 439 et. seq. of the California Revenue and Taxation Code.

- 4) **Preservation/rehabilitation and Maintenance of Property (California Government Code Section 50281(b)1)** During the term of this Agreement, the Property shall be subject to the following conditions, requirements and restrictions:
- a. Owner(s) agree to preserve/rehabilitate and maintain cultural, historical and architectural characteristics of the Property during the term of this Agreement as set forth in the attached schedule of improvements, which has been reviewed by the Landmarks Preservation Advisory Board and approved by the City Council (Exhibit B attached and made a part hereof). No demolition or other work may occur which would adversely impact the cultural, historical and architectural characteristics of the Property during the term of this Agreement.
 - b. All work on the Property shall meet , at a minimum, the Secretary of Interior’s Standards for Rehabilitation of Historic Properties_(Exhibit C attached and made a part hereof), the Minimum Property Maintenance Standards (Exhibit D attached and made a part hereof), the State Historical Building Code as determined applicable by the City of Oakland, and all required review and conditions of the Landmarks Preservation Advisory Board, the Planning Commission, the City Council, and/or the Department of Planning and Building of the City of Oakland.
 - c. If the schedule set out in Exhibit B is not complied with, then City will use the following process to determine whether the Owner(s) are making good faith progress on the schedule of work. Upon City’s request, the Owner(s) shall timely submit documentation of expenditures made to accomplish the next highest priority improvement project for the property within the last 24 months. The Owner(s) shall be determined to be in substantial compliance when the expenditures are equal to or greater than the property tax savings provided by the Property being in the Mills Act Program. This schedule set out in Exhibit B shall be revised to reflect the schedule change. The Department of Planning and Building’s Director, or his/her designee, shall have the ability to administratively adjust the schedule timeline, in concurrence with the Property Owners(s), only by written recorded instrument executed by the parties hereto.
 - d. Owner(s) shall, within five (5) days of notice from the City, furnish City with any information City shall require to enable City to determine (i) the Property’s present state, (ii)its continuing eligibility as a Qualified Historic Property, and (iii) whether the Owner is in compliance with this Agreement.
- 5) **Destruction through “Acts of God” or “Acts of Nature”**. To the extent authorized by state law, Owner(s) shall not be held responsible for replacement/repair of the Property if it is Damaged or Destroyed through “Acts of

God/Nature”, such as slide, flood, tornado, lightning or earthquake. Damaged or Destroyed means that the property is no longer restorable to a condition eligible for historic designation due to substantial loss of integrity, as determined by an Historic Architect.

- 6) **Inspections (California Government Code Section 50281(b)2).** Owner(s) agrees to permit such periodic examinations/inspections, by appointment, of the interior and exterior of the Property by the City staff, Members of the Landmarks Preservation Advisory Board, representatives of the County Assessor’s Office, representatives of the State Board of Equalization and representatives of the Department of Parks and Recreation as may be necessary to determine the Owner’s compliance with this Agreement. Such examination/inspection shall be upon not less than five (5) days written or oral notice.
- 7) **Payment of Fees (California Government Code Section 50281.1)** The Owner shall pay the City a fee established pursuant to the City’s Master Fee Schedule, for costs related to the preparation and review of the Agreement and related documents **at the time of application.**
- 8) **Binding on Successors and Assigns (California Government Code Section 50281.b.3)** Owner agrees that this Agreement shall be binding upon and inure to the benefit of all parties herein, their heirs, successors in interest, legal representatives, assigns and all persons acquiring any part or portion of the Property, whether by operation of law or otherwise, and that any such person(s) shall have the same rights and obligations under this Agreement.
- 9) **Cancellation (California Government Code Section 50284)** City, following a duly noticed public hearing before the City Council, as set forth in California Government Code Section 50285, may cancel this Agreement if it determines that Owner(s): (a) have breached any of the conditions of the Agreement; (b) have allowed the property to deteriorate to the point that it no longer meets the standards for being on the City’s Local Register of Historic Resources; or (c) if the Owner(s) have failed to restore or rehabilitate the Property in the manner specified in paragraph 4 of this Agreement.

In the event of cancellation, Owner(s) shall be subject to payment of those cancellation fees set forth in California Government Code Sections 50280 et seq., described herein. Upon cancellation, Owner(s) shall pay a cancellation fee of twelve and one-half percent (12 ½%) of the current fair market value of the Property at the time of cancellation, as determined by the County Assessor as though the Property were free of any restrictions pursuant to this Agreement.

- 10) **No Compensation** Owner shall not receive any payment from City in consideration of the obligations imposed under this Agreement, it being recognized and agreed that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that

will accrue to Owner as a result of the effect upon the Property's assessed value on account of the restrictions required for the preservation of the Property.

11) Enforcement of Agreement As an alternative to cancellation of the Agreement for breach of any condition as provided in paragraph 9, City may, in its sole discretion, specifically enforce, or enjoin the breach of the terms of this Agreement. In the event of a default, under the provisions of this Agreement by the Owners, City shall give written notice to Owners by registered or certified mail. If such a violation is not corrected to the reasonable satisfaction of City within thirty (30) days thereafter, or if not corrected within such a reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days provided that acts to cure the breach or default may be commenced within (30) days and must thereafter be diligently pursued to completion by Owners, then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owners growing out of the terms of this Agreement, apply to any violation by Owners or apply for such other relief as may be appropriate.

12) Indemnification Owner shall indemnify, defend (with counsel reasonably acceptable to City) and hold harmless the City of Oakland, and all of its boards, commissions, departments, agencies, agents, officers, and employees (individually and collectively, the "City") from and against any and all actions, causes of actions, liabilities, losses, costs, claims, judgments, settlements, damages, liens, fines, penalties and expenses (collectively called "Claims") incurred in connection with or arising in whole or in part from this Agreement, including without limitation:

- a. any accident, injury to or death of a person, loss of or damage to property occurring in or about the Property;
- b. the use or occupancy of the Property by Owner, its Agents or Invitees;
- c. the condition of the Property; or
- d. any construction or other work undertaken by Owner on the Property.

This indemnification shall include, without limitation, reasonable fees for attorneys, consultants and experts and related costs and City's cost of investigating any Claims. Owner shall defend the City from any and all Claims even if such Claim is groundless, fraudulent or false. Owner's obligations under this Paragraph shall survive termination of this Agreement.

13) Governing Law This Agreement shall be construed and enforced in accordance with the State of California.

14) Amendments This Agreement may be amended in whole or in part only by a written recorded instrument executed by the parties hereto in the same manner as this Agreement.

- 15) **No Waiver** No failure by the City to insist on the strict performance of any obligation of Owner under this Agreement or to exercise any right, power or remedy arising out of a breach hereof, shall constitute a waiver of such breach or of City's right to demand strict compliance with any terms of this Agreement. No acts or admissions by City, or any agent(s) of City, shall waive any or all of City's right under this agreement.
- 16) **Severability** If any provision of this Agreement is determined to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each other provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 17) **Recording with Alameda County (California Government Code Section 50282.e)** No later than 20 days after execution of this Agreement, the Owner shall record with the county recorder a copy of the Agreement and provide proof of such to the City.
- 18) **Notice to State Office of Historic Preservation** The Owner shall provide written notice of the Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement, and provide City with a copy of such notice.
- 19) **Eminent domain (California Government Code Section 50288)** In the event that the Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the Agreement, such Agreement shall be canceled and no fee shall be imposed under paragraph 9. This Agreement shall be deemed null and void for all purposes of determining the value of the Property so acquired.
- 20) **General Provisions** None of the terms provisions or conditions of this Agreement shall be deemed to create a partnership hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.
- 21) **Attorney's Fees** In the event legal proceedings are brought by any party or parties hereto, to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover its reasonable attorney's fees in addition to court costs and other relief ordered by the court.
- 22) **Complete Agreement** This Agreement represents the complete understandings and agreement of the parties and no prior oral or written understandings are in force and effect.

23) Headings The headings in this Agreement are for reference and convenience of the parties and do not represent substantive provisions of this Agreement.

IN WITNESS WHEREOF, City and Owners have executed the Agreement on the day and year first written above.

Property Owners:

_____ date

_____ date

City of Oakland:

_____ date
•
City Administrator

APPROVED AS TO FORM AND LEGALITY

_____ date
•
City Attorney

EXHIBITS

EXHIBIT A: Legal Description of Property

EXHIBIT B: Schedule of Improvements

EXHIBIT C: The Secretary of the Interior's Standards for Rehabilitation

EXHIBIT D: Minimum Property Maintenance Standards

EXHIBIT C: SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES - Standards for Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

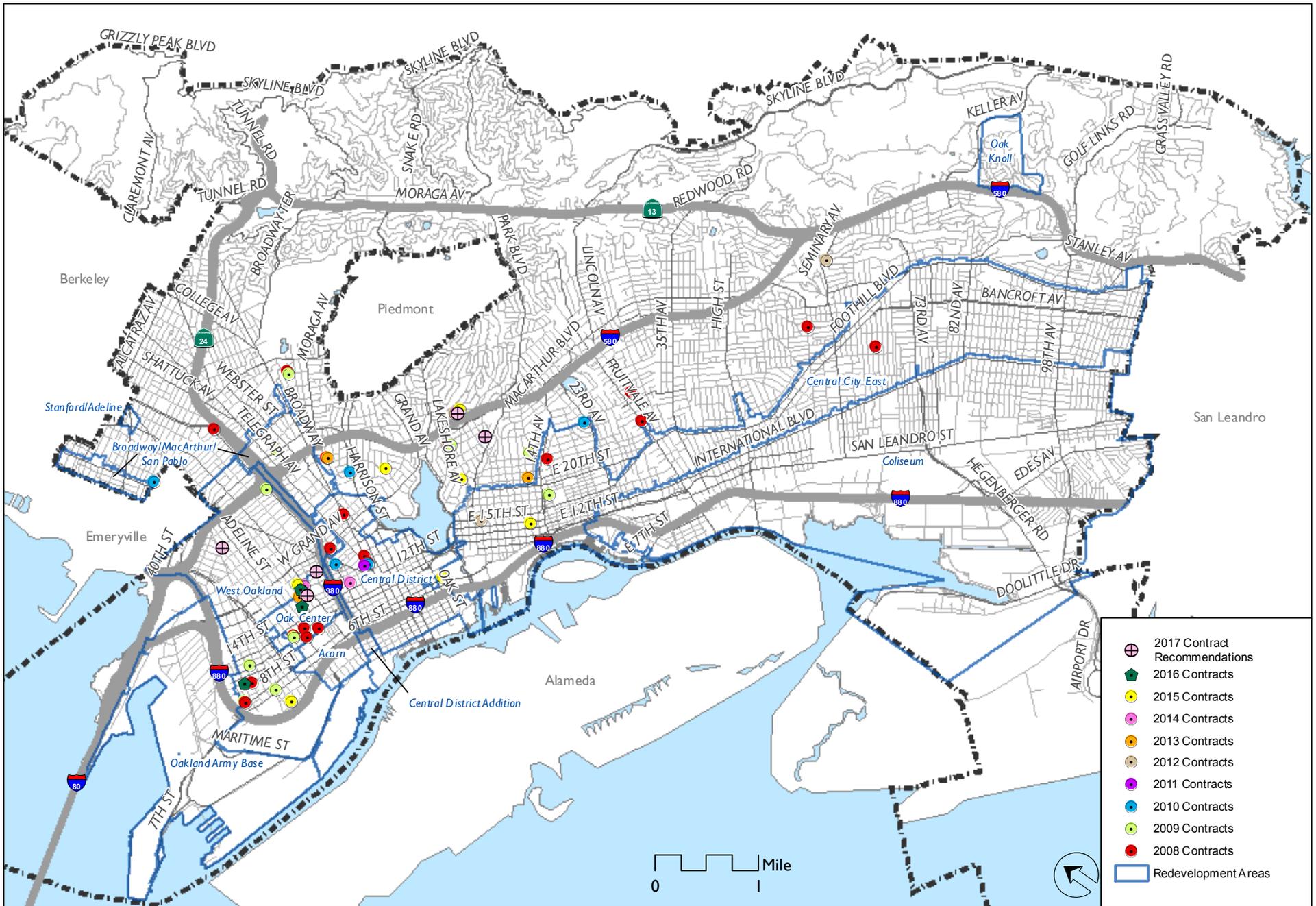
EXHIBIT D: MINIMUM PROPERTY MAINTENANCE STANDARDS

The following conditions are prohibited:

Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, windows, broken windows, peeling exterior paint, broken structures;

Graffiti;

Incomplete exterior construction where no building inspections have been requested for six or more months, or for work which does not require a building permit, where there has been no significant progress for 90 days.



Planning & Building Department
June 2017



Mills Act Contracts and Contract Recommendations

ATTACHMENT 7