

## SUMMARY

Oakland has a broad array of significant older properties, reflective of a rich multicultural history, which set it apart from most California cities. The preservation and enhancement of these properties could significantly contribute to Oakland's economy, affordable housing stock, overall image, and quality of life.

Oakland's existing landmark and other historic preservation programs have been inadequate to attain these benefits. Large numbers of historic properties continue to deteriorate, experience adverse alterations or be destroyed. Further, many of the City's existing historic preservation regulations create unnecessary burdens and uncertainties for property owners and developers.

### EXISTING PROGRAM DEFICIENCIES

Current deficiencies in Oakland's historic preservation programs include:

- Lack of a formally-adopted method for identifying which older properties are worthy of at least some preservation effort and for determining the specific types of efforts to be applied to particular properties and situations.
- Weak demolition controls for landmarks and preservation districts.
- Inadequate definition of the property owner's role in landmark and other historic property designations.
- Unnecessary delays, burdens and uncertainties in landmark and preservation district permit requirements.
- Inadequate economic or other incentives to encourage property owners to accept preservation regulations or initiate preservation activities.

- No policies or other methods for balancing historic preservation with other potentially conflicting concerns, such as property owner interests, blight abatement, economic factors and facilitating housing, economic development, and other projects important to the City.
- Inadequate procedures to protect and enhance significant older properties as part of ongoing City activities, including City-sponsored or assisted projects, programs, and regulatory activities.
- Need for more effective code enforcement and other methods to stabilize, adequately secure, and rehabilitate significant older properties which are severely deteriorated, vacant, or abandoned.
- No Citywide database of potentially significant archeological sites and inadequate procedures for protecting significant sites.
- Lack of broad community awareness and appreciation of Oakland's history and architecture and of the value of preserving significant older properties.
- Insufficient knowledge by many property owners and developers of cost-effective maintenance, rehabilitation, and development financing for older buildings.
- Inadequate availability and dissemination of historic preservation information among City departments and the public.

To remedy these deficiencies, the Historic Preservation Element provides improved preservation incentives and regulations; augmented historic preservation provisions within ongoing City programs; and new or modified informational and educational programs.

## PROPOSALS

The Historic Preservation Element presents a broad, multifaceted "Historic Preservation Strategy" which the City believes integral to Oakland's continued maintenance and revitalization. The strategy seeks to promote preservation of a wide range of significant older properties and districts in a manner that is reasonably balanced with other concerns and consistent with other City goals and objectives. These properties include most Victorians and other pre-1906 structures as well as post-1906 properties of historical or architectural significance.

The strategy's provisions are expressed as the Element's goals, objectives, policies and actions and include the following:

### "Potential Designated Historic Properties": Properties Which May Warrant Preservation (Chapter 3)

- The City's existing Preliminary Citywide Historical and Architectural Inventory ("Reconnaissance Survey") and Cultural Heritage Survey ("Intensive Survey") and their A-B-C-D-E rating system are used to identify which properties may warrant preservation.
- Methods are identified for improving the accessibility of Survey information.
- Properties with existing or contingency Survey ratings of "C" or higher or which contribute or potentially contribute to possible Preservation Districts are deemed to potentially warrant preservation. Such properties are called "Potential Designated Historic Properties".
- Preservation incentives and regulations are not applied to Potential Designated Historic Properties unless they become "Designated Historic Properties" (see below).

### "Designated Historic Properties": Properties Which Definitively Warrant Preservation (Chapters 3 and 4)

- Potential Designated Historic Properties will be considered for **Landmark**, **Preservation District** or **Heritage Property** designation. Properties so designated are called "Designated Historic Properties" and are deemed to definitively warrant preservation.
- A property is eligible as a **Landmark** only if it has received an "A" or "B" rating from the Landmarks Board's existing "Guidelines for Determination of Landmark Eligibility". Landmark designation is by the City Council.
- Areas of Primary Importance (APIs) and Areas of Secondary Importance (ASIs) identified by the Intensive Survey, are eligible for **Preservation District** designation, along with other areas identified according to new "Guidelines for Determination of Preservation District Eligibility". Preservation District designation is by the City Council.
- Properties receiving an existing or contingency rating of "A", "B", or "C" from the Intensive Survey or "A" or "B" from the Reconnaissance Survey or which contribute or potentially contribute to any area meeting the Preservation District eligibility guidelines are eligible as **Heritage Properties**. Heritage Properties replace the existing preservation study list, and can be designated by either the Landmarks Board or City Planning Commission and provisionally by the Planning Director.

- Landmarks and Preservation Districts are classified according to their importance. Three classes of Landmarks and two classes of Preservation Districts are provided:

**Class 1 Landmarks:** Properties rated "A" under the Guidelines for Determination of Landmark Eligibility and which are on or as determined by the Intensive Survey methodology, appear eligible for the National Register of Historic Places.

**Class 2 Landmarks:** Properties which are either:

(i) rated "A" under the Guidelines and which are not on and do not appear eligible for the National Register; or

(ii) rated "B" under the Guidelines and which are on or appear eligible for the National Register.

**Class 3 Landmarks:** Properties rated "B" under the Guidelines, and which are not on and do not appear eligible for the National Register.

**Class 1 Preservation Districts:** Areas identified as APis by the Intensive survey.

**Class 2 Preservation Districts:** Areas identified as ASIs by the Intensive Survey.

- Property owners and other interested parties are given ample opportunity to respond to Designated Historic Property nominations.

If an owner objects to a Landmark designation, the designation may be approved only if the City Council determines that the objection is "without substantial merit" or that the property is of "exceptional significance." Owner objections to Preservation District designations are handled on a case by case basis.

#### Preservation Incentives and Regulations (Chapter 4)

- A combination of preservation incentives and preservation regulations are applied to Designated Historic Properties.

The incentives are used to enhance the economic feasibility of preserving Historic Properties, encourage owner initiation of preservation activities, and promote owner acceptance of preservation regulations.

- The incentives and regulations are applied according to the importance of each specific property.

The greatest number of incentives and the strongest regulations are reserved for the most important properties.

- Permit procedures for Landmarks and Preservation Districts are streamlined to avoid unnecessary procedures and review periods.

- The following incentives are offered to Landmarks and properties contributing or potentially contributing to Preservation Districts:

(i) Mills Act contracts for reducing property taxes;

(ii) State Historical Building Code and other alternative codes for older buildings, to provide more flexible construction standards;

(iii) conservation easements to reduce property taxes and, for National Register properties, to obtain income tax deductions;

(iv) broader range of permitted or conditionally permitted uses;

(v) transferable development rights;

(vi) priority for economic development and community development project assistance and eligibility for possible historic preservation grants for low-income housing;

- (vii) eligibility for acquisition, rehabilitation, and other development assistance from a possible Historic Preservation Revolving Fund or possible Marks Historical Rehabilitation Bond program; and
- (viii) possible waivers or reductions of City building and zoning permit fees.

Heritage Properties will be eligible for incentives (ii), (vi) and (vii) only.

- The following regulations are applied to Designated Historic Properties:

**Class 1 and Class 2 Landmarks:** Demolition, removal, New Construction, and Major or Minor Alterations are permitted only if certain findings are made.

**Class 3 Landmarks:** Demolition or removal can be postponed up to 120 days with a possible 120-day extension unless certain findings are made.

New Construction and Major Alterations are permitted only if certain findings are made. Minor Alterations are normally permitted in all cases.

**Properties in Class 1 or Class 2 Preservation Districts:** Demolition, removal, New Construction, and Major or Minor Alterations are permitted only if certain findings are made, except for demolition or removal of noncontributing properties in Class 2 Districts, which are normally permitted in all cases.

**Heritage Properties:** Demolition, removal and "Specified Major Alterations" can be postponed for up to 60 days with a possible 60-day extension.

#### **Clearer Permit Approval Findings for Landmarks and Preservation Districts (Chapter 4)**

- Four possible demolition, removal, alteration, or New Construction permit approval findings are provided in a manner that balances the value of preserving a Landmark or Preservation District with other potentially conflicting concerns. A project will be approved if any one of these four findings can be made.

The findings address economic, public safety, design quality and public benefit considerations and are allocated according to the property's importance. For example, only two of the findings apply to demolition or removal of Class 1 Landmarks, while all four findings apply to Class 2 and Class 3 Landmarks. This provides a higher level of protection to more important properties.

- For alterations and New Construction, the Secretary of the Interior's Standards for the Treatment of Historic Properties are the primary basis for determining whether there will be adverse effects on Landmarks or Preservation Districts.

#### **Integrating Historic Preservation into Ongoing City Activities (Chapter 5)**

A system of administrative procedures and criteria will be established to routinely promote preservation of existing and Potential Designated Historic Properties as part of City-sponsored or assisted projects, programs, and regulatory activities. This will provide opportunities for enhancing these properties and help insure that City actions do not unnecessarily affect them adversely.

Specific measures to be taken or considered include:

- Designated Historic Property status for eligible City-owned properties.
- Designated Historic Property status for eligible City-assisted properties in some cases.
- City acquisition of certain properties, including possible use of eminent domain.

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- Requiring that additions or alterations to certain properties involving discretionary permits match or are compatible with the existing or historical design.
  - Incorporating historic preservation into City-sponsored or assisted projects.
  - Building relocation rather than demolition as part of discretionary project approvals.
  - Building relocation assistance program and improved building relocation permit procedures.
  - Clarifying historic preservation provisions in the City's Environmental Review Regulations.
  - Making zoning more consistent with existing or eligible Preservation Districts.
  - Minimizing or avoiding adverse historic preservation impacts due to earthquakes, fires or other emergencies and as part of seismic retrofit and other building safety programs.
  - Rehabilitation rather than demolition of seriously deteriorated, vacant or abandoned properties as much as possible.
  - Improved security of vacant or abandoned properties.
  - Integrating historic preservation into commercial revitalization programs; possible California Main Street projects.
- Specific measures to be taken or considered include:
- Historic property markers or plaques.
  - Presenting Landmark certificates at City Council meetings and developing certificates for Preservation Districts and Heritage Properties.
  - Improved dissemination of the Historical and Architectural Inventory.
  - Walking tours and guidebooks.
  - Improved historic preservation information availability within City departments and among the general public.
  - Historic Preservation design assistance and referral programs.
  - Preservation trade fairs.
  - Rehabilitation training and apprenticeship programs.
  - Oakland history, geography, and architecture curriculum in the public schools.
  - City records management and archives program.
  - Rehabilitation publications.
  - Design and construction bookstore.

**Archeological Resources (Chapter 5)**

A Citywide archeological sensitivity study will be conducted and criteria and procedures established for protecting significant archeological resources as part of discretionary City approvals.

**Information and Education (Chapter 6)**

Information and education programs will be initiated or encouraged to enhance appreciation of older properties and increase the level of technical knowledge for cost-effective preservation.

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