

FILED
OFFICE OF THE CITY CLERK
APPROVED AS TO FORM LEGALITY
Mark F. Wald PH 6:20
CITY ATTORNEY

INTRODUCED BY COUNCIL MEMBER _____

ORDINANCE No. 12660 C.M.S.

AN ORDINANCE DESIGNATING THE BROADWAY BUILDING, LIONEL WILSON BUILDING (HISTORIC NAME: FIRST NATIONAL BANK BUILDING) AT 150 FRANK H. OGAWA PLAZA/1401-19 BROADWAY AS A LANDMARK PURSUANT TO SECITON 17.102.030 OF THE OAKLAND PLANNING CODE.

WHEREAS, the Landmarks Preservation Advisory Board at its meeting of February 7, 2005, recommended designation of the Broadway Building/Lionel Wilson Building at 150 Frank H. Ogawa Plaza/1401-19 Broadway as a Landmark pursuant to Section 17.102.030 of the Oakland Planning Code; and

WHEREAS, notice of public hearing on this matter was given to the owner of the subject property, the property was posted, and a hearing was held by the City Planning Commission on April 6, 2005; and

WHEREAS, after the hearing, the City Planning Commission voted on April 6, 2005, to recommend landmark designation of the property; and

WHEREAS, the provisions of the California Environmental Quality Act (CEQA) and the guidelines as prescribed by the **Secretary for Resources, as amended, have been satisfied**, and pursuant to Sections 15061(b)(3), 15308, and 15331 of the **California Code of Regulations**, this designation is exempt from CEQA; and

WHEREAS, the City Council has determined that the proposed Landmark has historical and architectural significance as described and presented in the Landmarks Preservation Advisory Board Resolution 2005-2, and is a unique asset to the City; and that for these reasons the Landmark is worthy of preservation; now therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The Broadway Building/Lionel Wilson Building at 150 Frank H. Ogawa Plaza/1401-19 Broadway is hereby designated as a Landmark pursuant to Section 17.102.030 of the Oakland Planning Code as described and presented in Landmarks Preservation Advisory Board Resolution 2004-6, attached as Exhibit A and incorporated herein by reference.

SECTION 2. Said Landmark shall be preserved in all its particular exterior features as existing on the date hereof, and as described and depicted in the photographs, case reports, Case File LM05-068, and other material in the Department of City Planning;

provided, however, it may be modified to replicate or more closely resemble its original appearance.

SECTION 3. The Development Director is hereby directed to execute and cause to be recorded in the Recorder's Office of the County of Alameda a notice of designation of said Landmark.

SECTION 4. This ordinance complies with the California Environmental Quality Act.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 07 2005, 20

PASSED BY THE FOLLOWING VOTE:

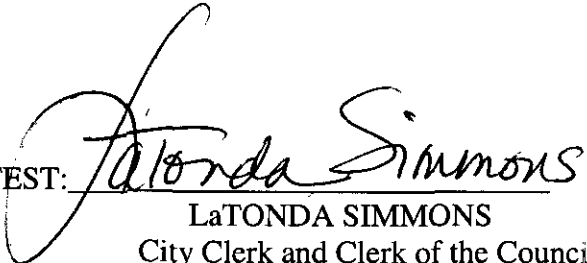
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL,
REID, QUAN, AND PRESIDENT DE LA FUENTE —8

NOES- ϕ

ABSENT- ϕ

ABSTENTION- ϕ

ATTEST:


LaTONDA SIMMONS

City Clerk and Clerk of the Council
Of the City of Oakland, California

RESOLUTION 2005-2
LANDMARKS PRESERVATION ADVISORY BOARD
CITY OF OAKLAND

WHEREAS, a proposal to designate the following property as an Oakland Landmark pursuant to Section 17.144 of the Oakland Planning Code has been considered by the Landmarks Preservation Advisory Board; and

WHEREAS, the Board has reviewed and examined the material pertaining to this property in Case File **LM05-068** and the Oakland Landmark Nomination Application form, a copy of which is attached; and

WHEREAS, the Board has determined that the property meets the landmark designation criteria found at Section 17.07.030P of the Planning Code and the Board's Guidelines for Determination of Landmark Eligibility in that the property:

- is a distinctively shaped and architecturally superior flatiron building at the prominent gore corner of Broadway, 14th Street, and San Pablo Avenue, now Frank Ogawa Plaza, the center of downtown Oakland;
- is a handsome and significant example of early 20th century commercial architecture with fine Renaissance and Baroque ornamentation, a white granite base, a rich carved clock and figures at the second level above the corner entrance, and white terra cotta cladding;
- is a building so often seen and photographed that its image is deeply associated with that of the city itself;
- is a primary contributor to the Downtown Oakland National Register historic district, as well as individually eligible for the National Register of Historic Places;
- retains a sumptuous former elevator lobby and fine period upper-floor interiors;
- was built for the First National Bank of Oakland, one of nine gold banks in the nation, and represents the northward growth of Oakland's business and financial districts in the early 20th century;
- was designed by Llewellyn B. Dutton, who had previously worked for the New York firm of Daniel H. Burnham & Co. and brought features of that firm's 1902 Flatiron Building to this job;
- was a pioneer reinforced concrete building in downtown Oakland; and
- was rehabilitated and reused after the Loma Prieta earthquake, incorporated into the City Administration Complex as part of the Lionel Wilson Building.

And WHEREAS, an Evaluation Sheet for Landmark Eligibility has been prepared for the property in accordance with the Board's Guidelines for Determination of Landmark Eligibility; and

WHEREAS, the Evaluation Sheet shows that the property meets the Guidelines; and

WHEREAS, the Board has reviewed and accepted the Evaluation Sheet, a copy of which is attached; and

WHEREAS, the Board has determined that this property merits Landmark designation, protective regulations, and preservation for the enjoyment of future generations;

Now therefore be it

RESOLVED: That the Landmarks Preservation Advisory Board hereby initiates, under Section 17.144.030D of the Oakland Planning Code, action to establish as a Landmark the following:

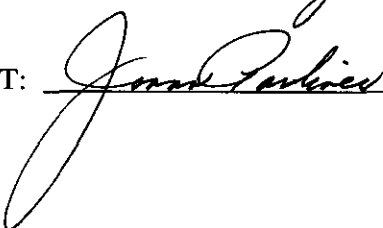
- HISTORICAL NAME: First National Bank Building
- COMMON NAME: Broadway Building, Lionel Wilson Building
- ADDRESS: 150 Frank Ogawa Plaza/1401-19 Broadway
- DATE BUILT: 1909, 1913
- ARCHITECT: Llewellyn B. Dutton
- ORIGINAL USE: Commercial (bank and offices)
- PRESENT USE: Civic and commercial
- PARCEL NUMBER: 008 0619 008 01 (part)

And be it

FURTHER RESOLVED: That this property shall be preserved generally in all its exterior features as existing on the date hereof or may be modified to restore, replicate, or more closely resemble its original or other historical appearance; and be it

FURTHER RESOLVED: That this action be forwarded to the City Planning Commission for public hearing and consideration;

Approved by the Landmarks Preservation Board,
Oakland, California: February 7, 2005

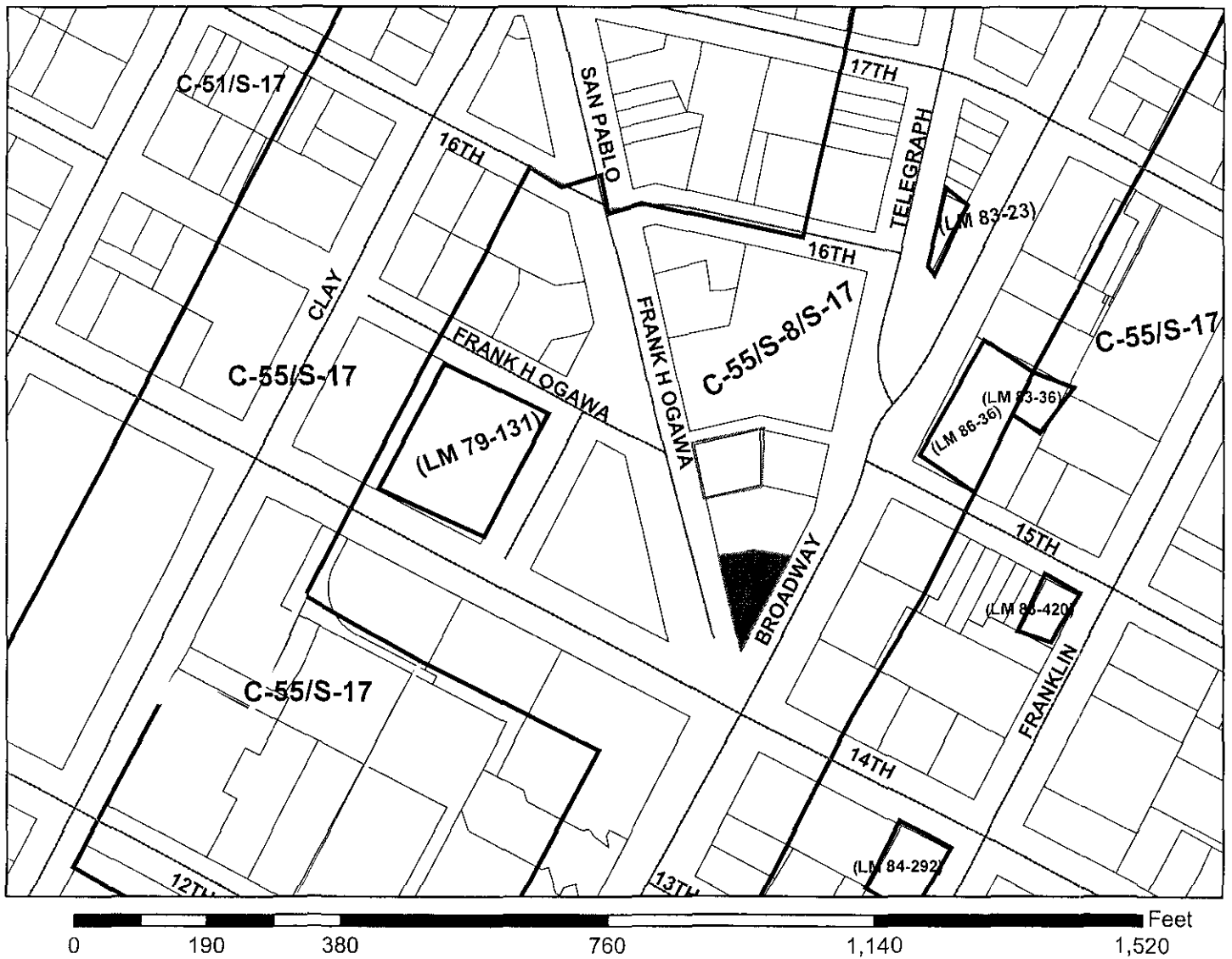
ATTEST: , Secretary

4.	Location:	150 Frank Ogawa Plaza, Broadway Building
	Proposal:	Application to designate 150 Frank Ogawa Plaza, Broadway Building, as a City of Oakland Landmark
	Owner/Applicant:	City of Oakland
	Case File Number:	LM05-068
	Planning Permits Required:	Landmark Designation
	General Plan:	Central Business District
	Zoning:	C-55-Central Core Commercial; S-8-Urban Street Combining Zone; S-17-Downtown Residential Open Space Combining Zone.
	Environmental Determination:	Exempt per Sections 15061(3) and 15331 of the State CEQA Guidelines.
	Historic Status:	A1+; Designated Historic Property (Preservation Study List); Local Register of Historical Resources; National Register Status – 1D, listed as contributor to the Downtown Historic District.
	Service Delivery District:	Downtown Metro
	City Council District:	3
	Status:	The Landmark Preservation Advisory Board adopted a Resolution to initiate landmark designation, recommended landmark designation to the Planning Commission, and forwarded the landmark initiation to the Planning Commission for public hearing and consideration.
	Action to be Taken:	Recommend Landmark Designation and forward to City Council
	Finality of Decision:	<i>City Council</i>
	For further information:	Contact case planner Joann Pavlinec at (510) 238-6344 or by email at jpavlinec@oaklandnet.com

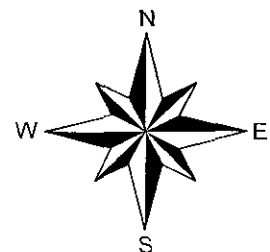
SUMMARY

The nomination of the Broadway Building for Landmark Designation was submitted by the Landmarks Preservation Advisory Board. At the August 2003 Landmarks Preservation Advisory Board (LPAB, Board) meeting, the Board selected three city-owned buildings, including the Broadway Building, for potential Landmark Designation. At the October 2003 Board meeting, the Board directed staff to move forward with the Landmark process for the Broadway Building. Because the Broadway Building is a city-owned building, the Board formally notified the City Manager, Mayor, City Council and the Community and Economic Development Committee by letter and requested their comments. No comments were received on the nomination.

CITY OF OAKLAND PLANNING COMMISSION



Case File: LM05-068
Applicant: City of Oakland
Address: 150 Frank H. Ogawa Plaza
Zone: C-55 / S-17 / S-8



At the November 3, 2003 meeting the Board reviewed and adopted the Preliminary Evaluation for Landmark Eligibility. The Board recommended that under Familiarity, the Evaluation should be modified from 'Very Good' to 'Excellent' because the Broadway Building is a feature which may be taken as a symbol for the City, rather than a familiar feature in the context of the City.

At the February 7, 2005 LPAB meeting, the Board adopted a Draft Resolution and directed staff to forward the nomination to the Planning Commission for public hearing, after which the Commission may recommend designation to the City Council. Landmark designation is accomplished through adoption of an ordinance by the City Council.

BACKGROUND

Zoning

The Broadway Building is zoned C-55-Central Core Commercial, S-8-Urban Street Combining Zone, S-17-Downtown Residential Open Space Combining Zone.

The C-55 zoning designation is intended to preserve and enhance a very high-intensity regional center of employment, shopping, culture and recreation, and is appropriate to the core of the central district.

The S-8 zone is intended to create, preserve, and enhance compact, attractive and clearly defined street and plaza spaces and to assure ground-level continuity of retail and consumer service uses along key shopping frontages, and is typically appropriate to major pedestrian shopping streets in the central district. In the S-8 zone, no building, sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to Design Review.

The S-17 zoning designation is intended to provide open space standards for residential development that are appropriate to the unique density, urban character and historic character of the central business district.

Historical and Architectural Significance

The Broadway Building is a Designated Historic Property within the National Register Downtown Historic District. It is on the Preservation Study List, a list of properties that are likely Landmark candidates. The Final rating on the Evaluation Sheet for Landmark Eligibility is 'Aa' – the highest importance, indicating outstanding architectural example and/or extreme historical importance.

As reflected in the evaluation sheet and resolution adopted by the Landmarks Board, the Broadway Building has been found eligible for landmark designation in that it:

- is a distinctively shaped and architecturally superior flatiron building at the

prominent gore corner of Broadway, 14th Street, and San Pablo Avenue, now Frank Ogawa Plaza, the center of downtown Oakland;

- is a handsome and significant example of early 20th century commercial architecture with fine Renaissance and Baroque ornamentation, a white granite base, a rich carved clock and figures at the second level above the corner entrance, and white terra cotta cladding;
- is a building so often seen and photographed that its image is deeply associated with that of the city itself;
- is a primary contributor to the Downtown Oakland National Register historic district, as well as individually eligible for the National Register of Historic Places;
- retains a sumptuous former elevator lobby and fine period upper-floor interiors;
- was built for the First National Bank of Oakland, one of nine gold banks in the nation, and represents the northward growth of Oakland's business and financial districts in the early 20th century;
- was designed by Llewellyn B. Dutton, who had previously worked for the New York firm of Daniel H. Burnham & Co. and brought features of that firm's 1902 Flatiron Building to this job;
- was a pioneer reinforced concrete building in downtown Oakland; and
- was rehabilitated and reused after the Loma Prieta earthquake, incorporated into the City Administration Complex as part of the Lionel Wilson Building.

Effect of Landmark Designation

The Broadway Building is located in the S-8 Urban Street Combining Zone. In the S-8 zone, no building, sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal shall have been approved pursuant to Design Review. The issuance of a demolition permit for any structure or portion thereof may be postponed by the Development Director for not to exceed sixty (60) days from the date of application for such permit (17.102.060). As a Designated Historic Property, the Center is considered a Historical Resource (Policy 3.8, Historic Preservation Element). Per Policy 3.8 complete demolition of a Historical Resource will normally be considered a significant effect that cannot be mitigated to a level less than significant and will, in most cases, require preparation of an Environmental Impact Report.

Regulations for the proposed landmark status provide for design review of exterior changes (only), up to 240 days delay of demolition, and a duty to keep in good repair. The landmark would be treated as a historic resource for purposes of CEQA review, would be eligible to use the State Historical Building Code, and exempt from design review fees (the only direct local monetary incentive currently offered to designated historic properties).

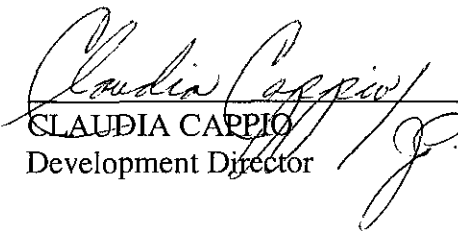
Significant exterior changes to landmark properties are referred to the Landmarks Preservation Advisory Board for recommendations (Section 17.136.040) before the design review application is acted upon by the Development Director or the Planning Commission. Minor exterior changes can be processed administratively by the Development Director, who may seek input from the LPAB, as needed.

For designated landmarks (Section 17.102.030) the design review criteria require “That the proposal will not adversely affect the exterior features of the designated landmark...” and “That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting...” unless preserving the landmark is architecturally or economically infeasible.

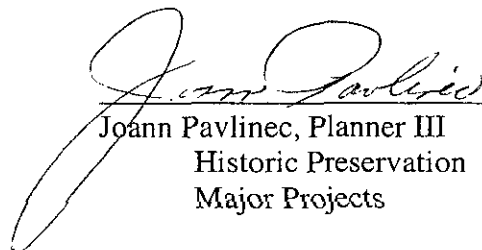
RECOMMENDATION

1. Affirm the environmental determination.
2. Recommend that City Council adopt an ordinance designating the 150 Frank Ogawa Plaza, the Broadway Building an Oakland Landmark.

Respectfully submitted:


CLAUDIA CARRIO
Development Director

Prepared by:


Joann Pavlinec, Planner III
Historic Preservation
Major Projects

ATTACHMENTS

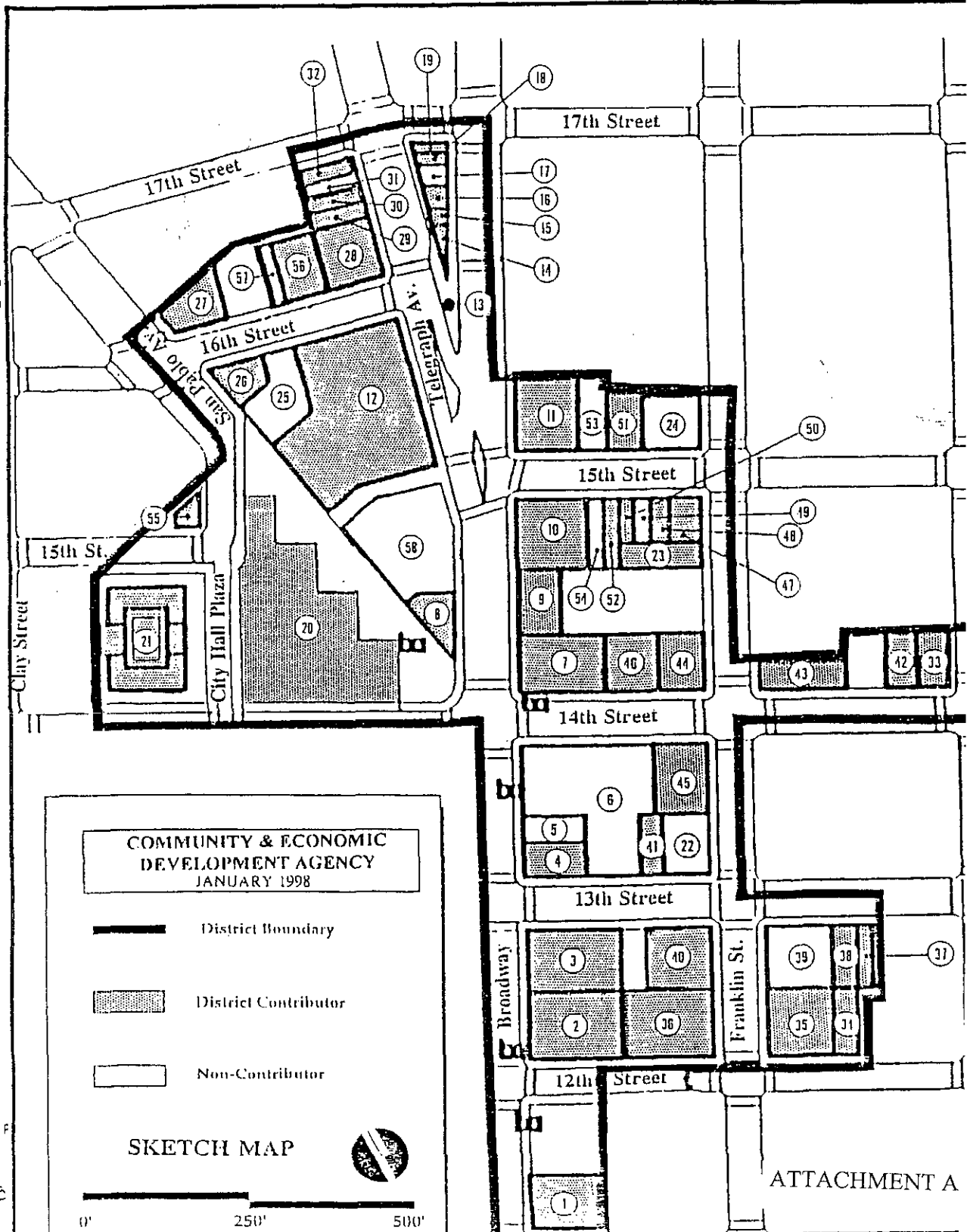
- A. Map – National Register Historic Downtown District
- B. Final Evaluation Sheet for Landmark Eligibility
- C. Final Evaluation Tally Sheet for Landmark Eligibility
- D. Oakland Landmark Application Form and attached submittals
- E. Landmarks Board Resolution 2005-2, adopted December 13, 2004
- F. S-7 and Landmark regulations (Planning Code Sections 17.84.010 and 17.102.030)

Ref: [PlanningCommissionReports/Landmark-BroadwayBuilding](#)

LISTED JULY 1, 1998

DOWNTOWN OAKLAND HISTORIC DISTRICT

- 1100-10 BROADWAY
- 1200-12 BROADWAY
- 1224-40 BROADWAY
- 1300-04 BROADWAY
- 1308-12 BROADWAY
- 1330 BROADWAY
- 1400-16 BROADWAY
- 1401-19 BROADWAY
- 1420-44 BROADWAY
- 1450-60 BROADWAY
- 1500-20 BROADWAY
- 1501-39 BROADWAY
- 1601 BROADWAY
- 1605-15 BROADWAY
- 1617-19 BROADWAY
- 1621-23 BROADWAY
- 1625-29 BROADWAY
- 1633 BROADWAY
- 1635-37 BROADWAY
- CITY HALL PLAZA
- 1 CITY HALL PLAZA
- 1301-15 FRANKLIN ST
- 1431 FRANKLIN ST ✈
- 1437-45 FRANKLIN ST
- 1503-17 FRANKLIN ST
- 1522-34 SAN PABLO AV
- 1540-50 SAN PABLO AV
- 1600-06 SAN PABLO AV
- 1601-15 TELEGRAPH AV
- 1621-29 TELEGRAPH AV
- 1631 TELEGRAPH AV
- 1635 TELEGRAPH AV
- 1645 TELEGRAPH AV
- 1401-15 WEBSTER ST
- 380-88 12TH ST
- 390-96 12TH ST
- 400-16 12TH ST
- 363-69 13TH ST
- 371-75 13TH ST
- 393 13TH ST
- 401-17 13TH ST
- 414-16 13TH ST
- 360-64 14TH ST
- 368-76 14TH ST ✈
- 380-98 14TH ST
- 400-08 14TH ST
- 401-15 14TH ST
- 412-20 14TH ST
- 401-03 15TH ST
- 405-07 15TH ST
- 409-11 15TH ST
- 415-17 15TH ST
- 416-20 15TH ST
- 419-23 15TH ST
- 422-30 15TH ST
- 425 15TH ST
- 500-08 15TH ST
- 512 16TH ST
- 516-20 16TH ST



2 FRANK OGAWA P
parking

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO 94296-0001
(916) 653-6624
FAX: (916) 653-9824



JULY 21, 1998

RE DOWNTOWN OAKLAND HISTORIC DISTRICT
OAKLAND, ALAMEDA COUNTY, CALIFORNIA

The property listed above was placed on the National Register of Historic Places on July 1, 1998. On that date the property was also placed on the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.

Placement on the National Register affords a property the honor of inclusion in the nation's official list of cultural resources worthy of preservation and provides a degree of protection from adverse effects resulting from federally funded or licensed projects. Registration provides a number of incentives for preservation of historic properties, including special building codes to facilitate the restoration of historic structures, and certain tax advantages.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property listed in the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have questions or require further information, please contact the National Register Unit at (916) 653-6624.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cherylyn Widell".

Cherylyn Widell
State Historic Preservation Officer

City of Oakland – Landmarks Preservation Advisory Board
EVALUATION SHEET FOR LANDMARK ELIGIBILITY

Preliminary Final

Address: 150 Frank Ogawa Plaza, Oakland CA 94612
Name: First National Bank of Oakland; Broadway Building; Lionel Wilson Building (part)

A. ARCHITECTURE

- | | | | | | |
|----|--|----------|-----------|----------|-----------|
| 1. | Exterior/Design: <u>monumental imagery, flatiron form, rich Beaux Arts detailing</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 2. | Interior: <u>outstanding marble lobby; upper floor stairs, trim</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 3. | Construction: <u>early reinforced concrete; terra cotta & granite surfaces</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 4. | Designer/Builder: <u>Llewellyn B. Dutton</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 5. | Style/Type: <u>one of Oakland's outstanding Beaux Arts office buildings,</u>
<u>NY influence, one of 2 outstanding Oakland flatiron buildings</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |

B. HISTORY

- | | | | | | |
|-----|---|----------|-----------|----------|-----------|
| 6. | Person/Organization: <u>First National Bank of Oakland (T-IC)</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 7. | Event: _____ | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 8. | Patterns: <u>major monument of "earthquake boom", "City Beautiful" movement</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 9. | Age: <u>1907-08</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 10. | Site: <u>original site</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |

C. CONTEXT

- | | | | | | |
|-----|---|----------|-----------|----------|-----------|
| 11. | Continuity: <u>Downtown District (API & on National Register), anchor</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |
| 12. | Familiarity: <u>symbol of downtown Oakland</u> | <u>E</u> | <u>VG</u> | <u>G</u> | <u>FP</u> |

D. INTEGRITY

- | | | | | | |
|-----|--|----------|----------|----------|----------|
| 13. | Condition: <u>rehabbed</u> | <u>E</u> | <u>G</u> | <u>F</u> | <u>P</u> |
| 14. | Exterior Alterations: <u>storefronts, major addition</u> | <u>E</u> | <u>G</u> | <u>F</u> | <u>P</u> |

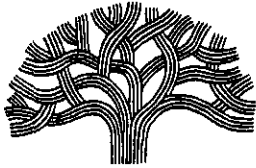
Evaluated by: Chris Buckley, 1989; Betty Marvin, 8/12/2003

STATUS	
Rating: <u>A</u>	
City-Landmark Eligibility: <input checked="" type="checkbox"/> Eligible	<input type="checkbox"/> Not eligible
National Register Status: <input checked="" type="checkbox"/> Listed	<input type="checkbox"/> In process
<input type="checkbox"/> Determined eligible	<input type="checkbox"/> Appears eligible
<input type="checkbox"/> Appears ineligible	
Site of Opportunity <input type="checkbox"/>	

This evaluation sheet was accepted by the landmarks Preservation Advisory Board at its meeting of November 3, 2005 (Date)

Attest: Jean Pauline
Secretary

ATTACHMENT B



Oakland Landmarks Preservation Advisory Board

OAKLAND LANDMARK, S-7/S20 PRESERVATION COMBINING ZONE, AND HERITAGE PROPERTY APPLICATION FORM

This form is for use in requesting the City of Oakland pursuant to its Zoning Regulations to establish a landmark, landmark site, or Heritage Property or to rezone one or more properties to the S-7 or S-20 Preservation Combining Zone. See instructions in "HOW TO COMPLETE OAKLAND LANDMARK AND S-7 PRESERVATION COMBINING ZONE APPLICATION FORM."

1. IDENTIFICATION

- A. Historic name if known: First National Bank Building
- B. Common Name: Broadway Building, Lionel Wilson Building

2. ADDRESS/LOCATION

Street and number: 150 Frank Ogawa Plaza/1401-19 Broadway, Oakland CA Zip Code: 94612

3. CLASSIFICATION

- | | | | | | | | | | | | | | | | |
|---|---|--------------------------------------|---------------------------------|--|------------------------------------|--------------------------------------|--|--|-------------------------------------|--|-------------------------------------|-------------------------------------|---|-----------------------------------|---|
| <p>A. Category</p> <p><input type="checkbox"/> District</p> <p><input checked="" type="checkbox"/> Building(s)</p> <p><input type="checkbox"/> Structure</p> <p><input type="checkbox"/> Site</p> <p><input type="checkbox"/> Object</p> | <p>D. Present Use (P) and Historic Use (H)</p> <table border="0"> <tr> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Museum</td> </tr> <tr> <td><input checked="" type="checkbox"/> Commercial</td> <td><input type="checkbox"/> Park</td> </tr> <tr> <td><input type="checkbox"/> Educational</td> <td><input type="checkbox"/> Private Residence</td> </tr> <tr> <td><input type="checkbox"/> Entertainment</td> <td><input type="checkbox"/> Religious</td> </tr> <tr> <td><input checked="" type="checkbox"/> Government</td> <td><input type="checkbox"/> Scientific</td> </tr> <tr> <td><input type="checkbox"/> Industrial</td> <td><input type="checkbox"/> Transportation</td> </tr> <tr> <td><input type="checkbox"/> Military</td> <td><input type="checkbox"/> Other (Specify):</td> </tr> </table> | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Museum | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Park | <input type="checkbox"/> Educational | <input type="checkbox"/> Private Residence | <input type="checkbox"/> Entertainment | <input type="checkbox"/> Religious | <input checked="" type="checkbox"/> Government | <input type="checkbox"/> Scientific | <input type="checkbox"/> Industrial | <input type="checkbox"/> Transportation | <input type="checkbox"/> Military | <input type="checkbox"/> Other (Specify): |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Museum | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Park | | | | | | | | | | | | | | |
| <input type="checkbox"/> Educational | <input type="checkbox"/> Private Residence | | | | | | | | | | | | | | |
| <input type="checkbox"/> Entertainment | <input type="checkbox"/> Religious | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Government | <input type="checkbox"/> Scientific | | | | | | | | | | | | | | |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Transportation | | | | | | | | | | | | | | |
| <input type="checkbox"/> Military | <input type="checkbox"/> Other (Specify): | | | | | | | | | | | | | | |
| <p>B. Status</p> <p><input checked="" type="checkbox"/> Occupied</p> <p><input type="checkbox"/> Unoccupied</p> <p><input type="checkbox"/> Work in progress</p> | <p>E. Number of Resources within Property</p> <table border="0"> <tr> <td>Contributing</td> <td>Non-contributing</td> </tr> <tr> <td><u>1</u></td> <td><input type="checkbox"/> buildings</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/> sites</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/> structures</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/> objects</td> </tr> <tr> <td><u>1</u></td> <td><input type="checkbox"/> Total</td> </tr> </table> | Contributing | Non-contributing | <u>1</u> | <input type="checkbox"/> buildings | <input type="checkbox"/> | <input type="checkbox"/> sites | <input type="checkbox"/> | <input type="checkbox"/> structures | <input type="checkbox"/> | <input type="checkbox"/> objects | <u>1</u> | <input type="checkbox"/> Total | | |
| Contributing | Non-contributing | | | | | | | | | | | | | | |
| <u>1</u> | <input type="checkbox"/> buildings | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> sites | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> structures | | | | | | | | | | | | | | |
| <input type="checkbox"/> | <input type="checkbox"/> objects | | | | | | | | | | | | | | |
| <u>1</u> | <input type="checkbox"/> Total | | | | | | | | | | | | | | |
| <p>C. Accessible</p> <p><input type="checkbox"/> Yes: restricted</p> <p><input checked="" type="checkbox"/> Yes: unrestricted</p> <p><input type="checkbox"/> No</p> | | | | | | | | | | | | | | | |
| <p>F. Application for:</p> <p><input checked="" type="checkbox"/> City Landmark</p> <p><input type="checkbox"/> Heritage Property</p> | <p><input type="checkbox"/> S-7 District</p> <p><input type="checkbox"/> S-20 District</p> | | | | | | | | | | | | | | |

ATTACHMENT D

7. DESCRIPTION

- A. Condition: Excellent Deteriorated
 Good Ruins
 Fair Unexposed
- B. Alterations: (Check one)
 Unaltered
 Altered
- C. Site (Check one)
 Original Site
 Moved (Date _____)

D. Style/Type: Beaux Arts bank and office building

E. Describe the present and original (if known) physical appearance:

See attached State Historic Resources Inventory form.

After the 1989 earthquake the Broadway Building was rehabilitated and reused by being incorporated into the City Administration Complex as part of the Lionel Wilson Building. The north off-street end wall has been opened up into the new building, and they are structurally joined. Ground floor commercial facades have been rebuilt in simplified period style.

8. SIGNIFICANCE

- A. Period:
 Prehistoric
 Pre-1869
 1869-1906
 1906-1945
 Post-1945
- B. Areas of significance--check and justify below:
 Archeology-prehistoric
 Archeology-historic
 Agriculture
 Architecture
 Art
 Commerce
 Communications
 Community Planning
 Conservation
 Economics
 Education
 Engineering
 Exploration/settlement
 Industry
 Invention
 Landscape architecture
 Law
 Literature
 Military
 Music
 Philosophy
 Politics/government
 Religion
 Science
 Sculpture
 Social/humanitarian
 Theater
 Transportation
 Other (specify)

C. Period of Significance: 1907-08

D. Significant dates: 1907-08

E. Builder/Architect/Designer: Llewellyn B. Dutton

F. Significant persons:

G. Statement of Significance (include summary statement of significance as first paragraph):

See attached State Historic Resources Inventory form

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Ser. No. _____
HABS _____ HAER _____ NR 3 SHL _____ Loc X
UTM: A 10/564273/4184220 B _____
C _____ D _____

HISTORIC RESOURCES INVENTORY

IDENTIFICATION

1. Common name: Broadway Building
2. Historic name: First National Bank of Oakland Building
3. Street or rural address: 1401-19 Broadway/1402-14 San Pablo Avenue
City Oakland Zip 94612 County Alameda
4. Parcel number: 8-619-7
5. Present Owner: Broadway Building Assocs. Address: 14 22 San Pablo Av. #20
City Oakland Zip 94612 Ownership is: Public _____ Private X
6. Present Use: Offices, restaurants Original use: Offices, bank, shops

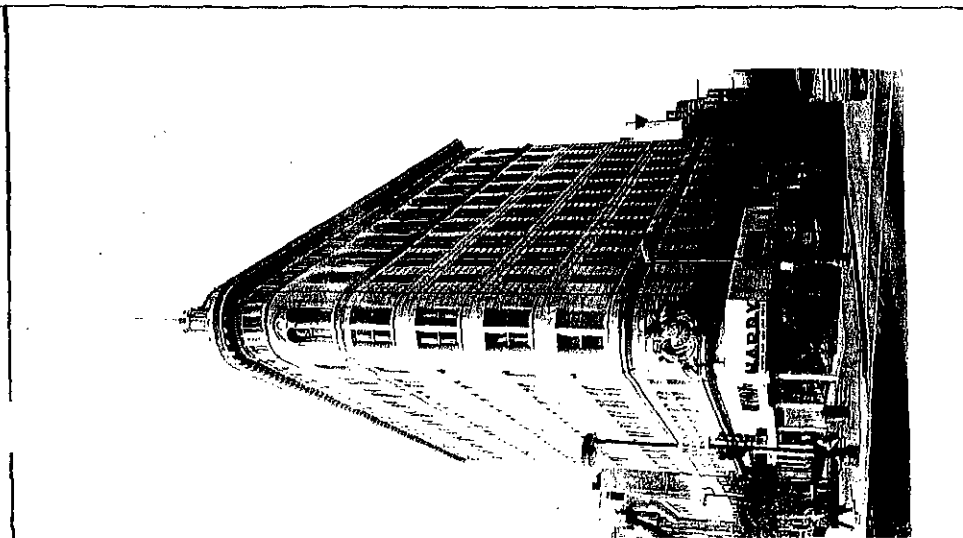
DESCRIPTION

- 7a. Architectural style: Early 20th Century Commercial with Renaissance and Baroque ornamentation
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

The First National Bank of Oakland is an eight-story reinforced-concrete office building occupying a triangular lot at the prominent gore corner of Broadway and San Pablo Avenue. The building was built with a base of white granite with white terra cotta cladding above, but most of the ground-level base has been remodeled. The building is in a three-part vertical composition with articulated end bays in addition to its rounded corner. Ornamentation is derived from Renaissance and Baroque architecture. Like most such distinctively shaped buildings, the First National Bank was at least partly inspired by New York's Flatiron Building of 1902 by D.H. Burnham and Co.

The high base of the building was originally articulated by a giant order and punctuated by monumental entranceways at the corner and at the far ends of the long facades. The ground level has been entirely remodeled except for the Doric pilastered side entrances to the lobby and the extremely rich carved clock and figures in the second level above the old corner entrance, which had originally been flanked by two engaged Doric columns.

(See Continuation Page 4)



8. Construction date:
Estimated _____ Factual 1907-08
9. Architect Llewellyn B. Dutton
10. Builder Thompson Starrett Co.
11. Approx. property size (in feet)
Frontage 110' Depth 100'
or approx. acreage _____
12. Date(s) of enclosed photograph(s)



HISTORIC RESOURCES INVENTORY

CP

Street or rural address: 1401-19 Broadway/1402-14 San Pablo Avenue



4-18 East Elevation, 1401-19
Broadway/1402-14 San Pablo,
1981



75-11A 1401-19 Broadway/1402-14
San Pablo C. 1910

Downtown walking tour set

ON WEDNESDAY, the Oakland Tours Program presents a new guided walking tour of the Downtown Historic District.

The free tour, which starts at 10 a.m., highlights the early 20th century commercial landmarks clustered near the pivotal corner of 14th Street and Broadway.

Earlier this month the State Historical Resources Commission voted unanimously to recommend the district for listing on the National Register of Historic Places.

This recommendation is expected to be accepted by the Keeper of the Register in Washington.

Only those properties "recognized both for historical and architectural significance and meeting exacting standards of integrity" can qualify for this prestigious listing.

Extending along Broadway from 11th Street to 17th Street, the district contains 58 buildings as well as Frank Ogawa Plaza — the triangular park in front of City Hall.

Nine of the buildings are currently designated as city landmarks and several are already listed individually on the Register.

The character-defining structures went up between 1903 and 1909 and represent the business and civic core of the city after the turn of the century.

An analysis by Cultural Heritage Survey researchers found that the buildings harmonize to a high degree in style and scale. Many of the best known Bay Area architects of the day designed buildings within the district boundaries.

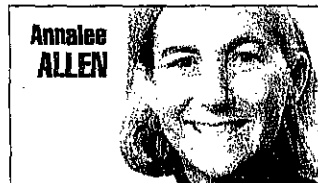
The original town of Oakland, platted in 1850, extended east and west approximately seven blocks on either side of Broadway.

The grid ended at 14th Street. Beyond 14th Street the rolling East Bay plain remained rural and largely undeveloped from 1850 to 1900. San Pablo Avenue — a dusty wagon-rutted country road — stretched at a 45 degree



OAKLAND LIBRARY HISTORY ROOM POSTCARD

The First National Bank Building as seen in a photograph taken around 1912.



LANDMARKS

road route to Martinez and other points north.

Over time the confluence of the intersecting street patterns came to be the hub of downtown.

The city's rapid growth in the first decade of the 20th century has been attributed to the influx of businesses and residents displaced from San Francisco after the 1906 earthquake.

Downtown's 1906-1915 high-rises (a "breathtaking" 7 to 8 stories) were the first in Oakland to use steel-frame construction and thereby exceed earlier height limitations.

Prominently sited on corner lots, they featured three-part vertical compositions, prominent cornices, and light-colored brick or terra exteriors.

Beaux Arts classical ornamentation detailing window and door openings was another distinguishing feature.

Perhaps no building better exemplifies the landmark nature of the downtown Oakland District than the historic Broadway Building; the eight-story reinforced concrete terra-cotta clad former bank headquarters occupies the corner lot of

Architect Llewellyn B. Dutton had previously worked for the New York City firm D.H. Burnham & Co., responsible for the famous and much photographed Flatiron Building (completed 1902).

Dutton left New York to open a West Coast office for the Burnham firm but soon went out on his own.

Dutton's version of the flatiron style opened in 1908 as the headquarters of the First National Bank of Oakland.

Originally, a grand banking hall paneled with varying hues of marble occupied the ground floor.

Over the corner entrance a Baroque-inspired clock flanked by carved figures was a prominent feature. Although the banking hall is no more, the ornate clock is still presides over the busy intersection.

Oakland's Flatiron Broadway Building has also been photographed frequently over the years — symbolizing the city's status as the sixth largest city in California.

In 1989, structural weakening caused by the Loma Prieta earthquake forced the building to be vacated.

Its future looked uncertain for a time because the owners could not afford to make repairs or provide additional strengthening. Fortunately, the city was prepared to step forward and incorporate the building into its new

A design/build competition in 1994 resulted in a winning design by Hensel Phelps/Fentress Bradburn.

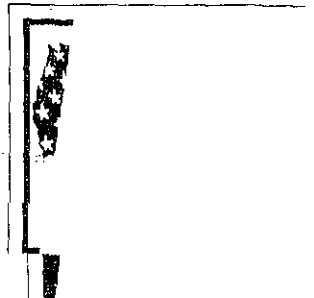
Guidelines developed for the competition specified that the new buildings be compatible with the surrounding historic district. However, to make way for the new complex, seven smaller Register-eligible structures had to be demolished.

This loss of historic fabric has been mitigated by the City's commitment to nominate the district, including the Broadway Building, to the National Register.

The complex (renamed in honor of Mayor Lionel J. Wilson) will be occupied by city staff in June. Wednesday's tour begins on the front steps of City Hall.

Reservations are recommended but not required. The tour will be offered monthly through October.

To receive a schedule of the walks, contact the Oakland Tours 24-hour hot line at (510) 238-3234.



Oakland Briefing . . .

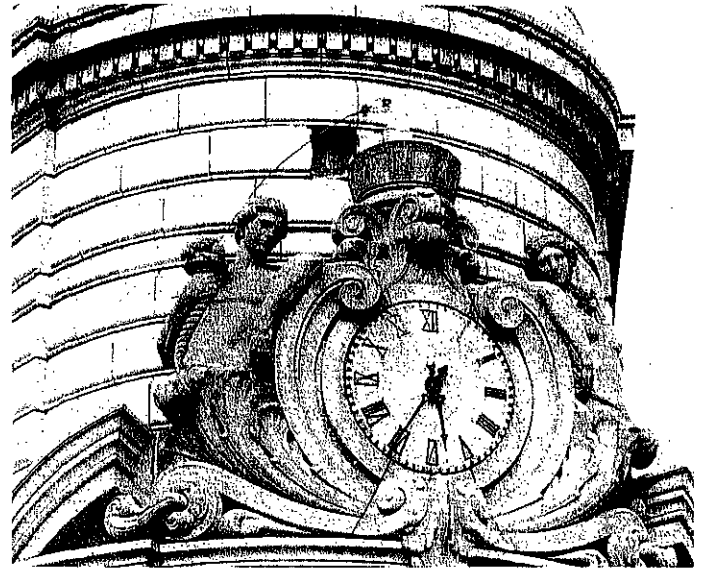
The "Oakland Briefing" column is prepared by the OHA Preservation Action Committee. If you would like to help monitor preservation issues in Oakland, please call Carolyn Douthat, 763-5370.

■ BROADWAY BUILDING THREATENED

In the first test of how the earthquake may permanently alter the downtown streetscape, the owners of the distinctive Broadway Building at the gore of San Pablo and Broadway applied for a demolition permit for the building, along with three others which lie between it and Kahn's Alley.

As anyone visiting downtown will notice, chain link fencing has become a dominant design feature along Broadway since the earthquake. While none of the buildings were damaged seriously enough for the city to require demolition, major buildings like the Broadway Building have been vacated while owners decide what to do.

Taldan Investments, which owns the Broadway Building, had apparently chosen to get a demolition permit first and make development decisions later, when they applied on November 20 for a permit to create a vacant lot. Because the building is on the Study List, issuance of the permit was delayed so



Detail over the prow of the endangered Broadway Building. Another crest at the top bears the initials of its original occupant, the First National Bank. (Phil Bellman)

that the Landmarks Board and Planning Commission could consider landmark designation. Landmarks Board meetings had been suspended because of the earthquake and attendant staffing problems; at the request of Landmarks Board chair Anthony Pegram, the Board and Planning Commission held a joint hearing on the designation issue.

At the hearing in late December, Taldan presented a letter from their structural engineer, Rudolf Fehr, saying the building would be "costly, disruptive and difficult" to bring up to a reasonably safe seismic level. According to Taldan, demolition was necessary because of the ongoing debt service on the property, and because insurance was unavailable to protect them against liability for injuries to passers-by.

The original damage evaluations by the city and a team from the National Park Service concluded that the building had not suffered major damage, and that occupancy could be resumed if scaffolding were installed to protect pedestrians from the loose terra cotta ornament on the facade.

Taldan representatives also said that demolition was necessary to obtain financing for a larger project on the site, but that they were interested in keeping the facade of the building if possible. In the face of these conflicting statements, the Planning Commission and Landmarks Board delayed a vote on designation on condition that Taldan conduct a more complete exam-



Oakland's "there" is anchored by the Broadway Building and Cathedral Building, on the flatiron corners of Broadway and San Pablo and Telegraph. (Phil Bellman)

RESOLUTION 2005-2
LANDMARKS PRESERVATION ADVISORY BOARD
CITY OF OAKLAND

WHEREAS, a proposal to designate the following property as an Oakland Landmark pursuant to Section 17.144 of the Oakland Planning Code has been considered by the Landmarks Preservation Advisory Board; and

WHEREAS, the Board has reviewed and examined the material pertaining to this property in Case File **LM05-068** and the Oakland Landmark Nomination Application form, a copy of which is attached; and

WHEREAS, the Board has determined that the property meets the landmark designation criteria found at Section 17.07.030P of the Planning Code and the Board's Guidelines for Determination of Landmark Eligibility in that the property:

- is a distinctively shaped and architecturally superior flatiron building at the prominent gore corner of Broadway, 14th Street, and San Pablo Avenue, now Frank Ogawa Plaza, the center of downtown Oakland;
- is a handsome and significant example of early 20th century commercial architecture with fine Renaissance and Baroque ornamentation, a white granite base, a rich carved clock and figures at the second level above the corner entrance, and white terra cotta cladding;
- is a building so often seen and photographed that its image is deeply associated with that of the city itself;
- is a primary contributor to the Downtown Oakland National Register historic district, as well as individually eligible for the National Register of Historic Places;
- retains a sumptuous former elevator lobby and fine period upper-floor interiors;
- was built for the First National Bank of Oakland, one of nine gold banks in the nation, and represents the northward growth of Oakland's business and financial districts in the early 20th century;
- was designed by Llewellyn B. Dutton, who had previously worked for the New York firm of Daniel H. Burnham & Co. and brought features of that firm's 1902 Flatiron Building to this job;
- was a pioneer reinforced concrete building in downtown Oakland; and
- was rehabilitated and reused after the Loma Prieta earthquake, incorporated into the City Administration Complex as part of the Lionel Wilson Building.

And WHEREAS, an Evaluation Sheet for Landmark Eligibility has been prepared for the property in accordance with the Board's Guidelines for Determination of Landmark Eligibility; and

WHEREAS, the Evaluation Sheet shows that the property meets the Guidelines; and

WHEREAS, the Board has reviewed and accepted the Evaluation Sheet, a copy of which is attached; and

WHEREAS, the Board has determined that this property merits Landmark designation, protective regulations, and preservation for the enjoyment of future generations;

Now therefore be it

RESOLVED: That the Landmarks Preservation Advisory Board hereby initiates, under Section 17.144.030D of the Oakland Planning Code, action to establish as a Landmark the following:

HISTORICAL NAME: First National Bank Building
COMMON NAME: Broadway Building, Lionel Wilson Building
ADDRESS: 150 Frank Ogawa Plaza/1401-19 Broadway
DATE BUILT: 1909, 1913
ARCHITECT: Llewellyn B. Dutton
ORIGINAL USE: Commercial (bank and offices)
PRESENT USE: Civic and commercial
PARCEL NUMBER: 008 0619 008 01 (part)

And be it

FURTHER RESOLVED: That this property shall be preserved generally in all its exterior features as existing on the date hereof or may be modified to restore, replicate, or more closely resemble its original or other historical appearance; and be it

FURTHER RESOLVED: That this action be forwarded to the City Planning Commission for public hearing and consideration;

Approved by the Landmarks Preservation Board,
Oakland, California: February 1, 2005

ATTEST: Juan Parlier, Secretary

Title 17 PLANNING**Chapter 17.84 S-7 PRESERVATION COMBINING ZONE REGULATIONS**

17.84.010 Title, purpose, and applicability.

17.84.020 Zones with which the S-7 zone may be combined.

17.84.030 Design review for construction, alteration, demolition, or removal.

17.84.035 Special residential design review for Secondary Units.

17.84.040 Design review criteria for construction or alteration.

17.84.050 Design review criteria for demolition or removal.

17.84.060 Postponement of demolition or removal.

17.84.070 Duty to keep in good repair.

17.84.010 Title, purpose, and applicability.

The provisions of this chapter shall be known as the S-7 preservation combining zone regulations. The S-7 zone is intended to preserve and enhance the cultural, educational, aesthetic, environmental, and economic value of structures, other physical facilities, sites, and areas of special importance due to historical association, basic architectural merit, the embodiment of a style or special type of construction, or other special character, interest, or value, and is typically appropriate to selected older locations in the city. These regulations shall apply in the S-7 zone, and are supplementary to the provisions of Section 17.102.030 and to the other regulations applying in the zones with which the S-7 zone is combined.

(Prior planning code § 6400)

17.84.020 Zones with which the S-7 zone may be combined.

The S-7 zone may be combined with any other zone.

(Prior planning code § 6401)

17.84.030 Design review for construction, alteration, demolition, or removal.

In the S-7 zone no building, Sign, or other facility other than a new Secondary Unit shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, and no structure or portion thereof shall be demolished or removed, unless such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the applicable provisions of Sections 17.84.040, 17.84.050, and 17.84.060. However, after notice to the Director of City Planning, demolition or removal of a structure or portion thereof shall be permitted without such approval upon a determination by the Inspectional Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in Section 17.84.060. Whenever it is proposed that demolition or removal be followed within a reasonable period of time by new construction, review of the new construction shall take place in conjunction with review of the demolition or removal.

(Ord. 12501 § 60, 2003: prior planning code § 6402)

17.84.035 Special residential design review for Secondary Units.

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.
(Ord. 12501 § 61, 2003)

17.84.040 Design review criteria for construction or alteration.

Design review approval for construction, establishment, alteration, or painting of a facility may be granted only upon determination that the proposal conforms to the general design review criteria set forth in the design review procedure in Chapter 17.136 and to both of the following additional design review criteria:

- A. That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, color, materials, texture, lighting, detailing and ornamentation, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.
- B. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities. Consideration shall be given to integration with, and subordination to, the desired overall character of any such area or grouping of facilities. All design elements or effects specified in subsection A of this section shall be so considered. (Prior planning code § 6403)

17.84.050 Design review criteria for demolition or removal.

Design review approval, pursuant to Section 17.84.030, for demolition or removal of a structure or portion thereof may be granted only upon determination that the proposal conforms to the design review criteria set forth in subsections A and B of this section, or to one or both of the criteria set forth in subsection C of this section:

- A. That the affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community;
- B. That the proposed demolition or removal will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities;
- C. If the proposal does not conform to the criteria set forth in subsections A and B of this section:
 - 1. That the structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or
 - 2. That, considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity. (Prior planning code § 6404)

17.84.060 Postponement of demolition or removal.

If an application for approval of demolition or removal of a structure or portion thereof, pursuant to Sections 17.84.030 and 17.84.050, is denied, the issuance of a permit for demolition or removal shall be deferred for a period of one hundred twenty (120) days, said period to commence upon the initial denial by the reviewing officer or body. However, if demolition or removal of the structure or portion thereof has also been postponed pursuant to Section 17.102.060, the initial period of postponement under this section shall be reduced by the length of the period imposed pursuant to Section 17.102.060. During the period of postponement, the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which, with the agreement of the owner or through eminent domain, the affected structure or portion thereof may be preserved or restored. The reviewing officer or body from whose decision the denial of the application became final may, after holding a public hearing, extend said period for not more than one hundred twenty (120) additional days; provided, however, that the decision to so extend said period shall be made not earlier than ninety (90) days nor later than thirty (30) days prior to the expiration of the initial one hundred twenty (120) day period. Notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the applicant, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. Such extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the structure or portion thereof. In the event that the applicant shall have failed to exhaust all appeals under Sections 17.136.080 and 17.136.090 from the denial of the application, the decision to extend said period shall be appealable under the provisions of Sections 17.136.080 and 17.136.090 to those bodies to whom appeal had not been taken from the initial denial of the application. (Ord. 12237 § 4 (part),

2000: prior planning code § 6405)

17.84.070 Duty to keep in good repair.

Except as otherwise authorized under Sections 17.84.030 and 17.84.050, the owner, lessee, or other person in actual charge of each structure in the S-7 zone shall keep in good repair all of the exterior portions thereof, as well as all interior portions the maintenance of which is necessary to prevent deterioration and decay of any exterior portion. (Prior planning code § 6406)

OS, S-1, S-2, S-3 and S-15 zones.

17.102.430 Regulations applying to check cashier and/or check cashing activity.

17.102.010 Title, purpose, and applicability.

The provisions of this chapter and Chapters 17.104 through 17.108 shall be known as the general regulations. The purpose of these provisions is to set forth certain of the regulations which apply throughout the city or in several zones. These regulations shall apply in the zones and situations specified hereinafter.
(Prior planning code § 7000)

17.102.020 Supplemental zoning provisions.

The definitions, special use classification rules, and other provisions set forth in Chapters 17.07, 17.09 and 17.10; the provisions of Section 17.108.130; the nonconforming use regulations in Chapter 17.114; the rezoning, variance, and other provisions set forth in Chapters 17.130 through 17.152; and the provisions of the zoning maps in Chapter 17.154 shall apply throughout the city. The provisions of the performance standards in Chapter 17.120 and the planned unit development regulations in Chapter 17.122 shall apply in the zones and situations specified in said chapters. The provisions of development control maps are in addition to, or supersede when so specified, the regulations applying in the zones covering the same areas.
(Prior planning code § 7001)

17.102.030 Special regulations for designated landmarks.

A. Designation. In any zone, the City Council may designate as a landmark any facility, portion thereof, or group of facilities which has special character, interest, or value of any of the types referred to in 17.07.030P. The designating ordinance for each landmark shall include a description of the characteristics of the landmark which justify its designation and a clear description of the particular features that should be preserved. Each ordinance shall also include the location and boundaries of a landmark site, which shall be the lot, or other appropriate immediate setting, containing the landmark. Designation of each landmark and landmark site shall be pursuant to the rezoning and law change procedure in Chapter 17.144.

B. Design Review for Construction, Alteration, Demolition, or Removal. Within any designated landmark site, no building, sign, or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance and no structure, portion thereof, or other landmark shall be demolished or removed, unless such proposal shall have been approved pursuant to the design review procedure in Chapter 17.136 and the applicable provisions of this section. Furthermore, for a publicly owned landmark, the designating ordinance may require such approval of proposed changes in major interior architectural features. However, in any case, after notice to the Director of City Planning, demolition or removal shall be permitted without such approval upon a determination by the Inspectional Services Department, the Housing Conservation Division, their respective appeals boards, or the City Council that immediate demolition is necessary to protect the public health or safety, or after expiration of the periods of postponement referred to in subsection D of this section.

C. Design Review Criteria. Design review approval pursuant to subsection B of this section may be granted only upon determination that the proposal conforms to the general design review criteria set forth in the design review procedure in Chapter 17.136 and to the criteria set forth in subdivisions 1 and 2, or to one or both of the criteria set forth in subdivision 3:

1. That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designating ordinance for a publicly owned landmark, its major interior architectural features;
2. That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their setting;
3. If the proposal does not conform to the criteria set forth in subdivisions 1 and 2:
 - a. That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or
 - b. That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site, in the utilization thereof, approval is required by considerations of equity.

D. Postponement of Demolition or Removal. If an application for approval of demolition or removal of a facility, pursuant to subsections B and C of this section, is denied, the issuance of a permit for demolition or removal shall be deferred for a period of one hundred twenty (120) days, said period to commence upon the initial denial by the reviewing officer or body. However, if demolition or removal of the facility has also been postponed pursuant to Section 17.102.060, the initial period of postponement under this subsection D shall be reduced by the length of the period imposed pursuant to Section 17.102.060. During the period of postponement, the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which, with the agreement of the owner or through eminent domain, the affected facility may be preserved or restored. The reviewing officer or body from whose decision the denial of the application became final may, after holding a public hearing, extend said period for not more than one hundred twenty (120) additional days; provided, however, that the decision to so extend said period shall be made not earlier than ninety (90) days nor later than thirty (30) days prior to the expiration of the initial one hundred twenty (120) day period. Notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the applicant, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. Such extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the facility. In the event that the applicant shall have failed to exhaust all appeals under Sections 17.136.080 and 17.136.090 from the denial of the application, the decision to extend said period shall be appealable under the provisions of Sections 17.136.080 and 17.136.090 to those bodies to whom appeal had not been taken from the initial denial of the application.

E. Duty to Keep in Good Repair. Except as otherwise authorized under subsections B and C of this section, the owner, lessee, or other person in actual charge of each designated landmark shall keep in good repair all of the exterior portions thereof, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof the maintenance of which is necessary to prevent deterioration and decay of any exterior portion. (Ord. 12237 § 4 (part), 2000; prior planning code § 7002)

17.102.040 Effect of prior permits.

A. Building and Sign Permits and Development Agreements. Whenever any subsisting building permit or sign permit has been lawfully issued beforehand, or whenever a subsisting development agreement has been approved beforehand under Section 17.102.310 and the development agreement procedure in Chapter 17.138, neither the original adoption of the zoning regulations nor the adoption of any subsequent rezoning or other amendment thereto shall prohibit the construction, other development or change, or use authorized by said permit or agreement. The uses as they result shall be deemed nonconforming uses and subject to the nonconforming use regulations in Chapter 17.114, except to the extent that they are authorized by a subsisting conditional use permit, development agreement, variance, or other special zoning approval.

B. Alcoholic Beverage Control Licenses. On premises for which a valid state of California Alcoholic Beverage Control license had been issued, and which premises had been used in the exercise of the rights and privileges conferred by the license at a time immediately prior to the effective date of the applicable provisions of Section 17.102.210, the premises may hereafter be used in the exercise of the same rights and privileges without requiring a conditional use permit or having to meet the provisions of the aforesaid section. Such use shall be deemed a nonconforming use and subject to the nonconforming use regulations, except as otherwise provided in Sections 17.114.020 and 17.114.030. For the purposes of this subsection, the word "premises" shall mean and include only the actual space within a building devoted to the sale of alcoholic beverages on said effective date. (Prior planning code § 7003)

17.102.050 Revocation of unused prior zoning approvals after one year.

Unless a specific termination date has been prescribed in the granting thereof, all conditional use permits, variances, and other special zoning approvals granted prior to the effective date of the zoning regulations shall become void one year after said effective date unless the privileges granted by such approval have been exercised before the end of such period by the beginning of actual construction or alteration of, or other change in, the authorized facilities or actual commencement of the authorized activities. (Prior planning code § 7004)

17.102.060 Study list--Postponement of demolition.

The issuance of a demolition permit for any structure or portion thereof may be postponed by the Director of City Planning for not to exceed sixty (60) days from the date of application for such permit. The Director may do so upon determination that the structure or portion thereof is on a study list of facilities under serious study by the Landmarks Preservation Advisory Board, the City Planning Commission, or the Director, for possible landmark designation under

MPW

NOTICE & DIGEST

AN ORDINANCE DESIGNATING THE BROADWAY BUILDING, LIONEL WILSON BUILDING (HISTORIC NAME: FIRST NATIONAL BANK BUILDING) AT 150 FRANK H. OGAWA PLAZA/1401-19 BROADWAY AS A LANDMARK PURSUANT TO SECITON 17.102.030 OF THE OAKLAND PLANNING CODE.

This Ordinance designates the Broadway Building, Lionel Wilson Building, as a City of Oakland Landmark.