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2015 OCT 29 PM 2:58

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Rachel Flynn
Director, Department of
Planning and Building

SUBJECT: Mills Act Contracts

DATE: October 5, 2015

City Administrator Approval

Date:

10/15/15

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution, As Recommended by the Landmarks Preservation Advisory Board, Approving Seven (7) Mills Act Contracts Between The City Of Oakland And The Properties At 856 Trestle Glen Road (Estimated \$8,662/Year Property Tax Reduction), 51 8th Street (Estimated \$6,442/Year Property Tax Reduction), 339 Palm Avenue (Estimated \$9,742/Year Property Tax Reduction), 319 Henry Street (Estimated \$2,156/Year Property Tax Reduction), 1433 12th Avenue (Estimated \$7,300/Year Property Tax Reduction), 334 Newton Avenue (Estimated \$2,990/Year Property Tax Reduction), And 1902 Myrtle Street (Estimated \$2,078/Year Property Tax Reduction) Pursuant To Ordinance 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs.

EXECUTIVE SUMMARY

This report pertains to the City's Mills Act preservation incentive program. The Mills Act, adopted by the State of California in 1976, authorizes property tax reductions for historic properties if the owner contracts with the local government to invest an amount equal to the tax savings in preserving, restoring and maintaining the property. This is the eighth year of Oakland's program.

Approval of this resolution will authorize agreements between the City of Oakland and the seven historic properties recommended for approval by the Landmarks Preservation Advisory Board at its August 10, 2015, meeting (**Attachment A**). Upon receipt of each property's executed contract, the Alameda County Assessor is directed by State law to re-assess the value of the property according to the formula established in the Mills Act, which may result in a reduction of property tax. The entire amount of the tax reduction – estimated at \$39,371 total for the seven properties – is required to be reinvested in maintenance, rehabilitation, and preservation of the properties according to an approved work program. The estimated total annual loss of City tax revenue is \$10,740 (27.28 percent of the total estimated tax reductions for the properties).

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The recommended properties are:

- 856 Trestle Glen Road**, MA15-001, residential (Council District 2 – Guillen)
- 51 8th Street**, MA15-002, residential (Council District 2 – Guillen)
- 339 Palm Avenue**, MA15-003, residential (Council District 3 – Gibson McElhaney)
- 319 Henry Street**, MA15-004, residential (Council District 3 – Gibson McElhaney)
- 1433 12th Avenue**, MA15-005, church (Council District 2 – Guillen)
- 334 Newton Avenue**, MA15-006, residential (Council District 2 – Guillen)
- 1902 Myrtle Street**, MA15-007, residential (Council District 3 – Gibson McElhaney)

BACKGROUND / LEGISLATIVE HISTORY

The Mills Act program is a preservation incentive adopted by the State of California in 1976 (Sections 50280-90 of the California Government Code and Section 439.2 of the California Revenue and Taxation Code) that allows reductions of property tax assessments for historic properties if the owner contracts with the local government to preserve the property, maintain its historic characteristics and, if necessary, restore it.

Approximately 90 California cities are using the Mills Act as a catalyst for neighborhood revitalization. While there are Federal tax credits and local facade grants for commercial properties, the Mills Act program is one of the few incentives available to owners of historic residential properties.

Adoption of a Mills Act program in Oakland was one of the preservation incentives recommended in the Historic Preservation Element of the Oakland General Plan (Action 2.6.1), adopted by City Council in 1994 (Resolution No. 70807 C.M.S.). Investigation of a Mills Act program was one of the mitigations in both the West Oakland and Central City East Redevelopment plans in the early 2000s.

Finding that the Mills Act Program meets numerous General Plan Land Use goals and policies, including housing rehabilitation, preservation of community character and identity, sustainability, revitalization, and image, and that the property tax revenue loss was negligible in light of the benefits, Oakland adopted a pilot Mills Act program in 2006, a two year pilot Ordinance No. 12784 C.M.S., and a permanent program in 2009, Ordinance No. 12987 C.M.S. (**Attachments B and C**).

Oakland's Mills Act ordinance limits City tax revenue losses from new contracts to \$25,000 per year, with the exception of the Central Business District where revenue losses are limited to \$100,000 per building per year, with a cumulative limit of \$250,000 per year. Limits are subject to exceptions at City Council discretion.

Important aspects of the Mills Act program, established by the State legislation, include:

- The Mills Act program is a voluntary program.
- The Mills Act contract is between the City and the owner of a designated historic structure.

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- The initial contract is for 10 years. At the end of each year the term is automatically extended one year, unless the owner or the City gives notice not to renew the contract. If notice of non-renewal is given, the contract remains in effect for the balance of the current 10-year term.
- The penalty for breach of contract is 12.5 percent of the current property value.
- The basic State requirement is that the owner preserve, rehabilitate, and maintain the historical and architectural character of the property. Oakland's program further requires that the property tax savings be invested back into the property according to a work program that is recorded as part of the contract.
- The contract runs with the property, that is, its obligations automatically transfer to each new owner and the property is not reassessed to full market value upon sale.
- The agreement provides for periodic inspections to determine the owner's compliance with the terms of the agreement.
- The tax reduction will vary depending on a number of factors. The largest tax reductions occur for properties purchased or reassessed in recent years and at high market values.

Oakland's first seven Mills Act contracts were adopted in 2008 and went into effect with the 2009-2010 tax assessment year. There are now 34 contracts in effect. The proposed seven new contracts will go into effect for the 2016-2017 tax assessment year and will bring the total to 41. The owners will experience tax reductions estimated to total \$39,371, resulting in an estimated City first-year revenue loss of \$10,740. This is well below the loss limit of \$25,000/year for new Mills Act contracts established in Oakland's Mills Act ordinance. Past years' (2008-14) first-year revenue loss estimates for new contracts have ranged from \$1,885 in 2011 to \$7,271 in 2009, averaging \$4,257 a year (\$29,799 over 7 years).

The principle behind the Mills Act is that improvements made by reinvesting the tax savings will gradually raise property values and make up for the initial losses, even at the lower Mills Act tax rate. In addition it is expected that construction work performed under the contracts will support the local economy and that improvements will inspire others in the neighborhood. Two recent Mills Act projects for large Central Business District properties (Cathedral Building, 2010; Girls Inc., 2011) provided almost immediate revenue gains to the City as these long-underutilized buildings were purchased, improved, and reassessed. Figures for small residential properties are more difficult to track, given the relatively short time the program has been in place and the extreme fluctuations in property prices in those years, but an online review of sample tax histories for properties that entered the program from 2008 to 2012 appears to confirm the pattern of a significant reduction followed by gradual increases.

The applications proposed for approval for 2015 Mills Act contracts are all City of Oakland Designated Historic Properties. Six are residential properties and one is a former church. One has been a City Landmark since 1984 and six were designated Heritage Properties by the Landmarks Board in August 2015. Construction dates range from 1887 to 1928. Short

summaries of each property follow. Photos and more detail can be found in the Landmarks Board staff report (**Attachment A**).

ANALYSIS AND POLICY ALTERNATIVES

This is the eighth year of Oakland's ongoing Mills Act program. Mills Act participants to date have corrected deferred maintenance, reversed inappropriate modernizations, and carried out full-scale adaptive reuse projects, thereby furthering General Plan goals and policies including housing rehabilitation, neighborhood preservation, sustainability, and revitalization.

SUMMARY OF PROPOSED PROPERTIES

856 Trestle Glen, MA15-001

This house was built in 1928 as a speculative house by Samuel Moe, a remarkably active builder, developer, and designer of Period Revival houses in the Lakeshore Highlands tract. Moe's sixty-plus compact Tudor homes do more than the work of any other identified designer or developer to establish the character of that neighborhood. His work highlights the importance of builders' houses, often overlooked in the fascination with high-art architects. Work program includes repair of dry rot and stucco, seismic retrofit of foundation and cripple walls, and repairing or replacing deteriorated windows and doors to match original.

Application Strengths: large-scale maintenance; part of a cluster of four Mills Act projects on this block – nucleus of a possible historic district designation and catalyst for neighborhood work.

51 8th Street, MA15-002

Designed and built in 1890 by A.W. Pattiani & Company, a prolific Alameda-based design-build-development firm active into the 1910s, 51 8th Street typifies the florid Queen Anne style with its multiple gables, bays, and porches, decorative arches, shingling, spindlework, and elevated siting on a large corner lot. It anchors the south end of the 7th Street-Harrison Square District, a five-block-long 19th century neighborhood fragment on the edge of the Chinatown-Central business district. Work program includes repairing and painting exterior woodwork, roof repair, and window repair or replacement, including re-creation of several stained glass windows.

Application Strengths: prominent location, neighborhood catalyst; reversing previous alteration; neighborhood diversity - first contract in Lake Merritt-Chinatown area.

339 Palm Avenue, MA15-003

One of four surviving houses in Adams Point designed by Julia Morgan, this elegant Tudor was built in 1913 for Frederick Ilsen, proprietor of the Oakland Shorthand Institute, a business that reflected the era's technological change and the increasing role of women in the workforce. Adams Point on Lake Merritt, opened to development after the 1906 earthquake, retains many fine one-of-a-kind homes by leading early 20th century architects. Work items include stucco

and foundation repair and securing the masonry chimney. Distinctive leaded glass windows that were removed in the early 2000s are proposed to be reconstructed based on the original plans.

Application Strengths: major structural stabilization, neighborhood catalyst, reversing previous alteration of signature design feature

319 Henry Street, MA15-004

This raised-basement Queen Anne cottage was built in 1891-92 for Portuguese immigrants Manuel and Marianna Rose who owned the property into at least the mid-1920s. Manuel worked as a laborer with the Southern Pacific Railroad and Mariana was a laundry worker – highly typical of South Prescott, the neighborhood “below the tracks” at the terminus of the transcontinental railroad, in their occupations, nationality, and employer. Raising cottages to create additional living space was common in this neighborhood of small working-class houses even before 319 Henry was built. The 300 block of Henry Street is a particularly fine and intact part of the neighborhood. Work program includes exterior painting and rebuilding the distinctive front stairway.

Application Strengths: maintenance of vulnerable wooden house components, catalyst for neighborhood and block improvement, first contract in South Prescott and ninth in West Oakland, area targeted in original design of Mills Act program.

1433 12th Avenue/1141 East 15th Street, MA15-005

This large, elaborate, and prominently sited Carpenter Gothic church was built in 1887-91 for First Presbyterian Church of Brooklyn (East Oakland). It is the largest and most conspicuous structure in the neighborhood, the 66’ tower clearly visible from afar. It has extensive stained glass and exterior millwork, as well as distinguished interiors. Grace Temple Baptist Church succeeded the Presbyterian congregation in 1972, and sold the building in 2015 as membership dwindled. Work program includes extensive repair of roof, foundation, woodwork, and stained glass windows.

Application Strengths: highly visible project, reversing extensive previous wear and deferred maintenance, adaptive reuse of a unique and notable City Landmark building, sixth contract in former Central City East redevelopment area, area targeted in original Mills Act program.

334 Newton Avenue, MA15-006

This house is a classic Mills Act restoration opportunity. It was built in 1908 on East-of-the-Lake or Peralta Heights land subdivided in the boom after the 1906 earthquake. The Classic Box was a typical house type in the 1900s, especially along streetcar lines in East and North Oakland. Though obscured by alterations, this house embodies characteristic features of the style – rectangular footprint, hip roof and dormer, classical porch columns and modillions. Work program includes restoring shingle siding, windows, window trim, porch steps, balusters, and column capitals, repairing roof, and removing a boxy plywood addition over the porch.

Application Strengths: reversing inappropriate alterations, potential spectacular transformation; visibility of work, neighborhood catalyst; neighborhood diversity – first

application in Peralta Heights; application based on exceptionally thorough physical and documentary research.

1902-04 Myrtle Street, MA15-007

This transitional Queen Anne-Colonial Revival house was designed and built in 1897-98 by Marcuse & Rimmel, a prolific Alameda design-build partnership active in the East Bay in the 1880s-1900s. From 1899 to 1908 the owner and resident was John Debo Galloway, prominent civil engineer, bridge and dam builder, representative of the early professionals and civic leaders who lived in what is now called Oak Center. This block of Myrtle Street lies north of the former Oak Center Redevelopment Area and several fine houses on this block are still awaiting rehabilitation. Work program includes repairing and painting exterior woodwork and trim, repairing and replacing front windows, and restoring period stair railings.

Application Strengths: correcting deferred maintenance, opportunity as neighborhood catalyst on "orphan" block north of designated Oak Center S-20 district, 10th Mills Act project in West Oakland.

MILLS ACT PROGRAM

Participation in a Mills Act program is voluntary for both the property owners and the City. Contracts are for a 10 year term, automatically renewed annually for an additional year. Either the City or the property owner may elect not to renew for any reason, which would terminate the agreement at the end of the current 10-year term (in effect, termination requires 10 years' notice). During the remainder of a non-renewed term, taxes increase gradually to the normal level. The owner is subject to a substantial penalty if a contract is canceled with less than 10 years' notice, either at the owner's request or by the City for owner's noncompliance.

Staff is careful to warn applicants about potential risks and works with each applicant to develop a realistic work program. So far two Oakland contracts have required adjustment of the work program and schedule: one where a new owner's use of the building differed from that proposed by the original applicant, and one where the owner suffered a long incapacitating illness.

FISCAL IMPACT

Using the Mills Act Calculator spreadsheet on the City's website for a rough estimate*, the recommended contracts for 2015 result in the following estimated tax reductions to applicants and revenue losses to the City. 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 a hypothetical rent (\$1.25/square foot). Column 4 lists the difference between the current property taxes and the estimated Mills Act calculated property taxes. The City receives approximately 27.28 percent of property taxes. Column 5 lists the estimated loss of property taxes to the City, 27.28 percent of the change in property taxes due to the Mills Act calculation.

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1 Mills Act Application Number	2 Current Property Taxes	3 Mills Act Taxes Based on Mills Act Calculator (Estimated)	4 Change in Taxes Current minus Mills Act Taxes (Estimated)	5 City Tax Revenue Loss, Year 1 (27.28% of Tax Change)
MA15-001	\$ 11,947	\$3,285	(\$8,662)	(\$2,363)
MA15-002	\$ 11,751	\$5,309	(\$6,442)	(\$1,757)
MA15-003	\$12,404	\$2,662	(\$9,742)	(\$2,658)
MA15-004	\$4,099	\$1,943	(\$2,156)	(\$588)
MA15-005	\$24,808	\$17,508	(\$7,300)	(\$1,991)
MA15-006	\$7,750	\$4,759	(\$2,990)	(\$816)
MA15-007	\$5,876	\$3,798	(\$2,078)	(\$567)

TOTAL estimated City tax revenue loss, year 1 (tax year 2016-17) (\$10,740)

The estimated total loss of \$10,740 is well below the City tax revenue loss limit for new Mills Act contracts of \$25,000/year. Properties MA15-005 and MA15-007 were recently purchased so "current" taxes in the table are estimates based on reported sale prices.

Past years' (2008-14) revenue loss estimates for new contracts have ranged from \$1,885 in 2011 to \$7,271 in 2009. It is important to note that over time, improvements made under the work programs are expected to raise property values and make up for the initial losses, even at the lower Mills Act tax rate. Two recent Mills Act projects for large Central Business District properties (Cathedral Building, 2010; Girls Inc., 2011) provided almost immediate revenue gains to the City as these long-underutilized buildings were purchased, improved, and reassessed.

** 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 method of 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.*

PUBLIC OUTREACH / INTEREST

A map at the end of **Attachment A** shows the location of Mills Act properties to date. The geographic distribution generally reflects the location of Oakland's oldest buildings and neighborhoods, and neighborhoods where property prices have risen fastest and the potential tax reductions are greatest. However, East Oakland is still underrepresented.

When the Mills Act program was initiated in 2006-07, staff mailed information to owners of approximately 10,000 designated or identified historic properties citywide and several hundred real estate brokers and agents. The West Oakland and Central City East Redevelopment Project Area Committees were vehicles for publicizing the program until the elimination of Redevelopment. Outreach now takes place primarily by staff in person when permit applicants, owners, and real estate agents contact the City.

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The 2015 Mills Act applications were publicly presented and discussed at the Landmarks Board's regular meeting of August 10, 2015, at which time the Landmarks Board recommended that the City Council approve Mills Act contracts for all seven applicants. A Director's Report was presented at the September 2, 2015, regular public meeting of the Planning Commission.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Controller's Bureau.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The Mills Act agreement provides for periodic inspections to determine owners' compliance with the terms of the agreement and progress on the work program. In the eight years of Oakland's program, Mills Act participants have corrected deferred maintenance, reversed inappropriate modernizations, stabilized roofs and foundations, and carried out full-scale adaptive reuse projects. Staff has not made a systematic survey of whether the tax savings have met participants' expectations, but there have been no complaints.

SUSTAINABLE OPPORTUNITIES

Economic: Historic preservation or rehabilitation is labor intensive and will provide opportunities for professional services and construction related jobs for the Oakland community, involving specialty trades, craftspeople, products, and suppliers. By having additional tax savings to invest in rehabilitation work, the Mills Act properties provide opportunities for this sector of the construction industry.

Preservation and rehabilitation will increase the property value for each Mills Act participant. While tax revenue losses to the City are minimal, it has been shown in other California cities that Mills Act properties act as catalysts for revitalization in the surrounding neighborhood. Over time, neighborhood property values will increase and tax revenues will follow.

Environmental: Historic preservation or rehabilitation conserves materials and energy embodied in existing building stock, and in a broader sense sets an example for rejecting the throw-away economy.

Social Equity: Historic preservation and rehabilitation assist in the revitalization of Oakland's historic buildings and neighborhoods citywide. Applicants come from all areas of the City, and each single project acts as a catalyst for revitalization of its neighborhood, as Mills Act participants set an example by maintaining and restoring properties.

Historic buildings reinforce a community's connection to its past and place, and revitalization of these historic properties will engender pride of neighborhood and community. Older buildings typically provide affordable housing and commercial space. The relatively small tax savings under the Mills Act allow property owners of modest means to carry out work in ways that are historically appropriate rather than merely affordable.

CEQA

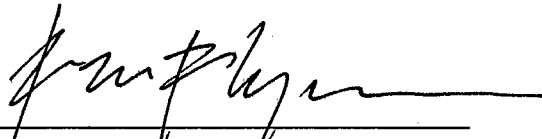
Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/ Rehabilitation; Section 15183, Projects consistent with the General Plan or Zoning.

ACTION REQUESTED OF THE CITY COUNCIL

Adopt A Resolution, As Recommended by the Landmarks Preservation Advisory Board, Approving Seven (7) Mills Act Contracts Between The City Of Oakland And The Properties At 856 Trestle Glen Road (Estimated \$8,662/Year Property Tax Reduction), 51 8th Street (Estimated \$6,442/Year Property Tax Reduction), 339 Palm Avenue (Estimated \$9,742/Year Property Tax Reduction), 319 Henry Street (Estimated \$2,156/Year Property Tax Reduction), 1433 12th Avenue (Estimated \$7,300/Year Property Tax Reduction), 334 Newton Avenue (Estimated \$2,990/Year Property Tax Reduction), And 1902 Myrtle Street (Estimated \$2,078/Year Property Tax Reduction) Pursuant To Ordinance 12987 C.M.S., To Provide Property Tax Reductions In Exchange For Owners' Agreement To Repair And Maintain Historic Properties In Accordance With Submitted Work Programs.

For questions regarding this report, please contact BETTY MARVIN, HISTORIC PRESERVATION PLANNER, at (510) 238-6879.

Respectfully submitted,



[Department Head Signature]

RACHEL FLYNN

Director, Department of Planning and Building

Prepared by:
Betty Marvin, Historic Preservation Planner
Bureau of Planning

Attachments (3):

A: August 10, 2015, Landmarks Preservation Advisory Board Staff Report

B: Enabling Ordinance establishing Mills Act Program (Ordinance No. 12987 C.M.S.)

C: Model Mills Act Contract

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2.	Proposal:	Mills Act Contract Application Selection: Recommendations for 2015 Mills Act Program Contracts 1) MA15-001: 856 Trestle Glen Road (APN 011-0900-031-01); City Council District 2 - Guillen 2) MA15-002: 51 8th Street (APN 001-0169-008-00); City Council District 2 - Guillen 3) MA15-003: 339 Palm Avenue (APN 010-0786-016-00); City Council District 3 – Gibson McElhaney 4) MA15-004: 319 Henry Street (APN 004-0105-025-00); City Council District 3 – Gibson McElhaney 5) MA15-005: 1433 12th Avenue (APN 020-0140-005-00); City Council District 2 - Guillen 6) MA15-006: 334 Newton Avenue (APN 022-0307-015-00); City Council District 2 - Guillen 7) MA15-007: 1902 Myrtle Street (APN 005-0410-023-00); City Council District 3 – Gibson McElhaney
	Environmental Determination:	Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning
	Service Delivery District:	Citywide program; applications from 1, 3, & Metro this year
	City Council District:	Citywide program; applications from Districts 2 and 3 this year
	Action to be taken:	Forward to Planning Commission as Informational Item. Forward recommendation 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 which 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 34 Mills Act Contracts (2008 through 2014; map, Attachment 8) recorded with the County of Alameda. 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 the above 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

2015 Mills Act Applications

Mills Act applications are accepted through June 1 of each year, to allow time for processing by the City and recording with the County by December 31. Seven Mills Act applications have been submitted this year and are before the Landmarks Preservation Advisory Board for review, representing West Oakland, Chinatown-Central, San Antonio, and Lower Hills neighborhoods. One is already a City Landmark and six 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 the Mills Act for different types of properties;
- thoroughness of the application above and beyond being minimally complete.

Staff is recommending selection of all seven 2015 Mills Act contract applications, as satisfying the applicable criteria.

FINANCIAL IMPACTS - 2015 Mills Act Applications

The Mills Act calculator on the City website indicates the following 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 rent (\$1.25/square foot). Column 4 lists the difference between the current property taxes and the *estimated* Mills Act calculated 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.

1 Mills Act Application Number	2 Current Property Taxes	3 Mills Act Taxes Based on Mills Act Calculator (Estimated)	4 Change in Taxes (Current – Mills Act Estimated)	5 City Tax Revenue Loss (27.28% of Tax Change) – Year 1
MA15-001	\$ 11,947	\$3,285	(\$8,662)	(\$2,363)
MA15-002	\$ 11,751	\$5,309	(\$6,442)	(\$1,757)
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MA15-006	\$7,750	\$4,759	(\$2,990)	(\$816)
MA15-007	\$5,876	\$3,798	(\$2,078)	(\$567)
TOTAL <u>estimated</u> City tax revenue loss, year 1 (tax year 2016-17)				(\$10,740)

A loss of \$10,740 is well below the City tax revenue loss limit for new Mills Act contracts of \$25,000/year. One property is located in the Central Business District, but as a small residential building its taxes and tax reduction are in line with other residential neighborhoods and do not need to invoke the higher CBD limit which was instituted for large-scale projects (Cathedral Building, 2010; Girls Inc., 2011). Properties MA15-005 and MA15-007 were recently purchased so “current” taxes in the table are estimates based on reported sale prices.

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 the Landmarks Board’s 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 six properties that are not already designated landmarks 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 RECOMMENDATIONS

1. MA15-001 – 856 Trestle Glen Road
 Samuel Moe speculative house for Lakeshore Highlands



Landmark/Heritage Property Eligibility Rating: B, eligible; ASI contributor

OCHS Rating: Preliminary (field) survey rating C2+ (C= secondary importance or superior example; 2+ = contributor to an Area of Secondary Importance, Trestle Glen/Lakeshore Residential District)

Significance: 856 Trestle Glen was built in 1928 as a speculative house by Samuel Moe, a remarkably active builder, developer, and designer of Period Revival houses in the Lakeshore Highlands tract. Moe's sixty-plus compact Tudor homes do more than the work of any other identified designer or developer to establish the character of that neighborhood. At least a dozen are found on the 800-1000 blocks of Trestle Glen Road alone. Samuel Moe (1885-1976), a Glenview resident, advertised in the early 1920s as "The Bungalow Man" and later as "specialist in the construction of distinctive homes." He worked for Moore Shipyard as a ship carpenter in the First World War, and for the U.S. Housing Authority in the Second, and retired in 1959 as a longtime member of the Carpenters Union. His work highlights the importance of builders' houses, often overlooked in the fascination with high-art architects.

Work Program (see Attachment 1):

- Repair dry rot in framing and damaged stucco (cost spread over 2 years)
- Seismic retrofit of foundation and cripple walls (cost spread over 6 years)
- Window and door repair/replacement: repair/replace deteriorated windows and doors to match original

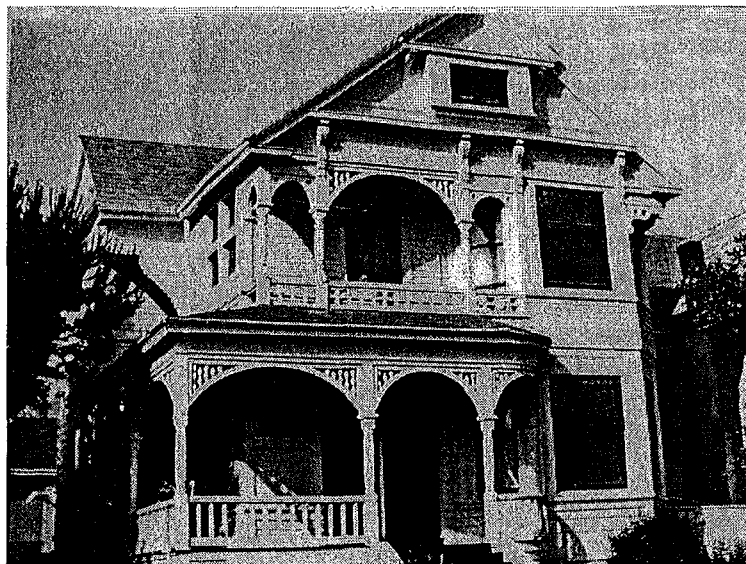
Suggestion: during stucco work, look for evidence to guide re-creation of original railing over porch (April 15, 1928, Oakland Tribune photo)



Application Strengths:

- part of a cluster of four Mills Act/Heritage properties on this block – nucleus of a possible S-20 district designation
- catalyst for neighborhood work
- large-scale maintenance.

2. **MA15-002 – 51 8th Street**
Lougee (Charles) – Baumgartner house



1982 photo

Landmark/Heritage Property Eligibility Rating: Ba, eligible; API contributor

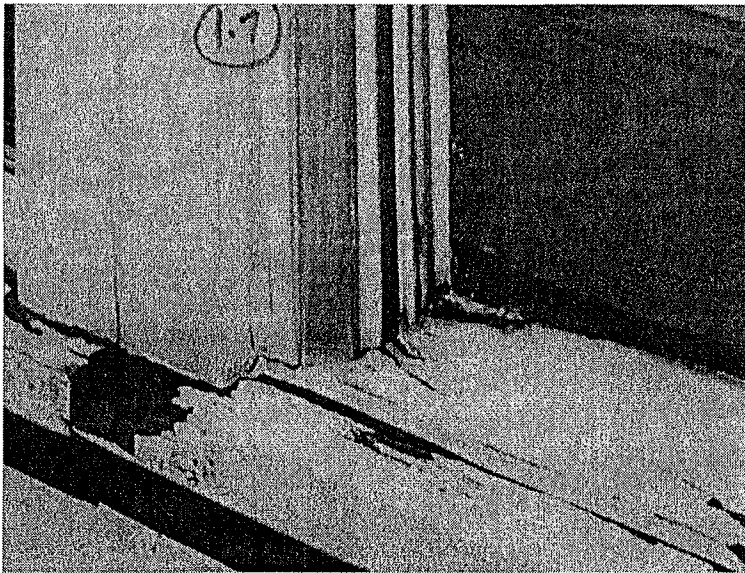
OCHS Rating: Central District intensive survey rating (1983) A1+ (A = highest importance; 1+ = contributor to Area of Primary Importance, 7th Street-Harrison Square Residential District); on Preservation Study List

Significance: This elaborate and prominently sited Queen Anne house was designed and built in 1890 by A.W. Pattiani & Company. Its original owner and resident was Charles Lougee, occupation listed as “wrecker,” followed by Andrew Baumgartner, cannery manager and cigar dealer. The house typifies the florid Queen Anne style with its multiple gables, bays, and porches, decorative arches, shingling, and spindlework, and its elevated siting on its large corner lot. There were also formerly several stained glass windows. Alfred Washington Pattiani was head of a prolific Alameda-based design-build-development firm active into the 1910s, and this house has at least two near-twins in Alameda. 51 8th Street anchors the south end of the 7th Street-Harrison Square Residential District, a five-block-long surviving 19th century neighborhood fragment on the edge of the Chinatown-Central business district, and individually it is one of Oakland’s most elaborate and best-known large Queen Anne houses.

Work Program (see Attachment 2):

- repair and paint exterior woodwork
- roofing
- repair/replace windows where needed

Suggestion: specifically address re-creation of stained glass, looking at 1980s photos and semi-twin houses in Alameda



Application Strengths:

- visibility of work – prominent location, neighborhood catalyst
- reversing previous alteration to windows (near-twin houses elsewhere available as models)
- large-scale stabilization – roof and envelope work
- neighborhood diversity: first contract in Lake Merritt-Chinatown area.

3. MA15-003 – 339 Palm Avenue
 Ilsen (Frederick) house



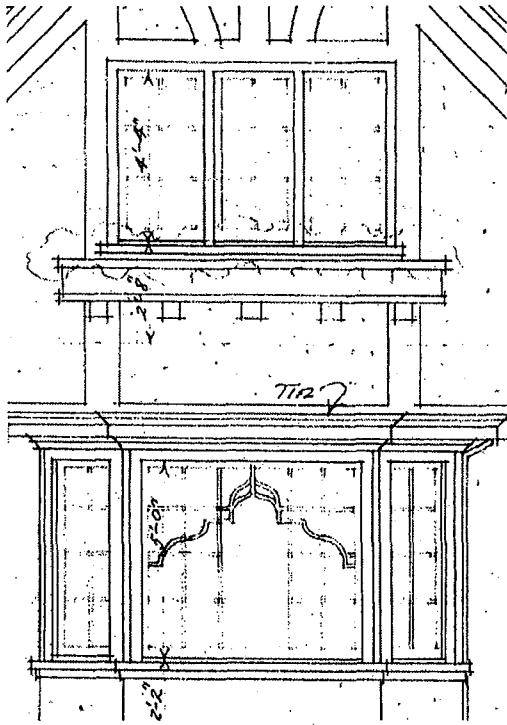
Landmark/Heritage Property Eligibility Rating: B, eligible

OCHS Rating: OCHS Rating: Adams Point intensive survey rating (1986) C3 (C= secondary importance or superior example; 3, not in an identified district)

Significance: 339 Palm is one of four surviving houses in Adams Point designed by Julia Morgan between 1907 and 1922. This elegant Tudor was designed in 1913 for Frederick Ilsen, proprietor of the Oakland Shorthand Institute, a business that reflected the era's technological change and the increasing role of women in the workforce. That same year Morgan, a pioneer in her own profession, was designing the downtown Oakland YWCA to serve the stenographers, sales clerks, domestics, and other minimum-wage girls of the growing city, while she also designed homes for prosperous businesspeople and professionals like the Ilsen. Adams Point on Lake Merritt, opened to development after the 1906 earthquake, was a popular destination for such clients, and retains many fine one-of-a-kind homes by leading early 20th century architects including Julia Morgan, Bakewell & Brown, J. Cather Newsom, A.W. Smith, Clay Burrell, Charles Dickey, John Donovan, William Knowles, and Charles McCall. The present owner praises the Ilsen house's "brightly lit spaces with a harmony of proportion, uniquely fitted to the particular needs of the client." Signature Morgan touches on the house include window boxes and – formerly – distinctive leaded glass windows that were removed in the early 2000s and are proposed to be reconstructed based on the original plans.

Work Program (see Attachment 3):

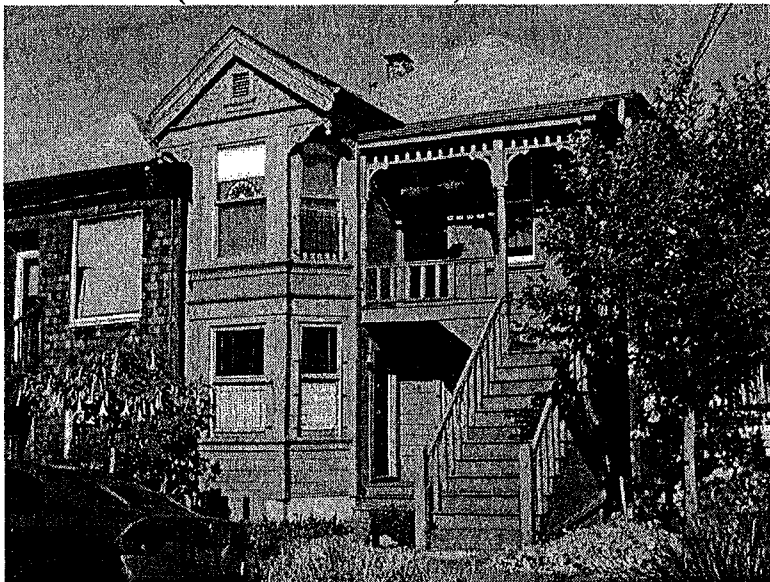
- rebuild foundation
- replace or secure masonry chimney
- exterior paint
- roofing
- restore front leaded glass windows per original plans



Application Strengths:

- stabilization – major foundation work
- prominent location, neighborhood catalyst
- reversing previous alteration of highly significant front windows, a signature Morgan design

**4. MA15-004 – 319 Henry Street
Rose (Manuel & Mariana) flats**



Landmark/Heritage Property Evaluation: B (eligible); API contributor

OCHS Rating: West Oakland intensive survey rating (1988) C1+ (C= secondary importance or superior example; 1+, contributor to an Area of Primary Importance, South Prescott API)

Significance: 319 Henry Street was built in 1891-92 for Manuel and Marianna Rose or Rossa who owned the property into at least the mid-1920s. The Roses were Portuguese immigrants with four children according to the 1900 census. Manuel worked as a laborer with the Southern Pacific Railroad and Mariana was a laundry worker – highly typical of South Prescott in their occupations, nationality, and employer. The South Prescott neighborhood (Bay View Homestead Tract) developed “below the tracks” from the 1870s when the Southern Pacific yards and shops became a major employer at the West Oakland terminus of the transcontinental railroad. As a Queen Anne cottage with all the signature details of angled bay, shingled gable, decorated bargeboard, and spindlework porch, 319 Henry is a “modern” house in a predominantly 1870s neighborhood. It was either originally built as flats or was raised very soon, since the 1902 Sanborn map shows it as two flats. Raising cottages to create additional living space was common in this neighborhood of small working-class houses even before 319 Henry was built. The 300 block of Henry Street is a particularly fine and intact part of the neighborhood.

Work Program (see Attachment 4):

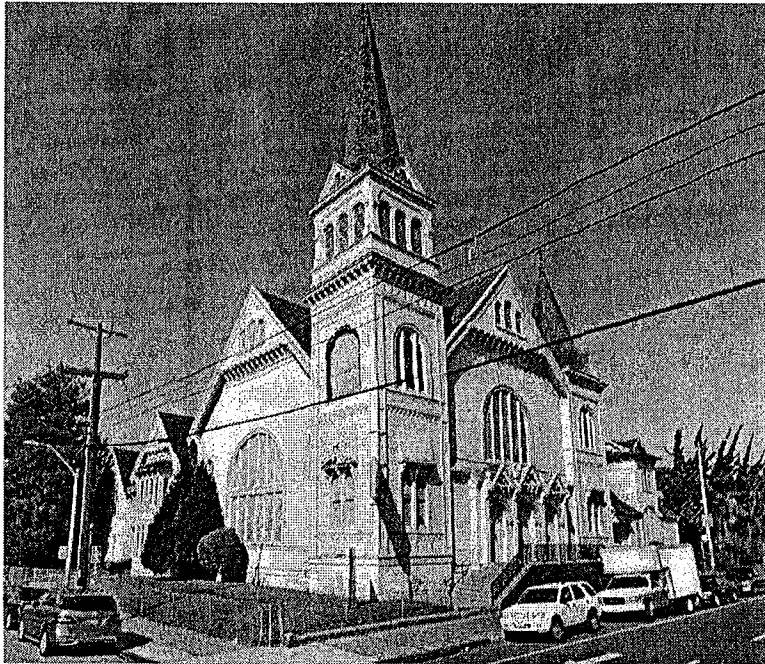
- rebuild distinctive front stairway
- prepare and paint exterior.



Application Strengths:

- maintenance of vulnerable wooden house components
- catalyst for neighborhood and block improvement
- 9th Mills Act project in West Oakland (and first in South Prescott), area targeted in original design of Mills Act program

5. MA15-005 – 1433 12th Avenue/1141 East 15th Street
Brooklyn Presbyterian Church-Grace Temple Baptist Church



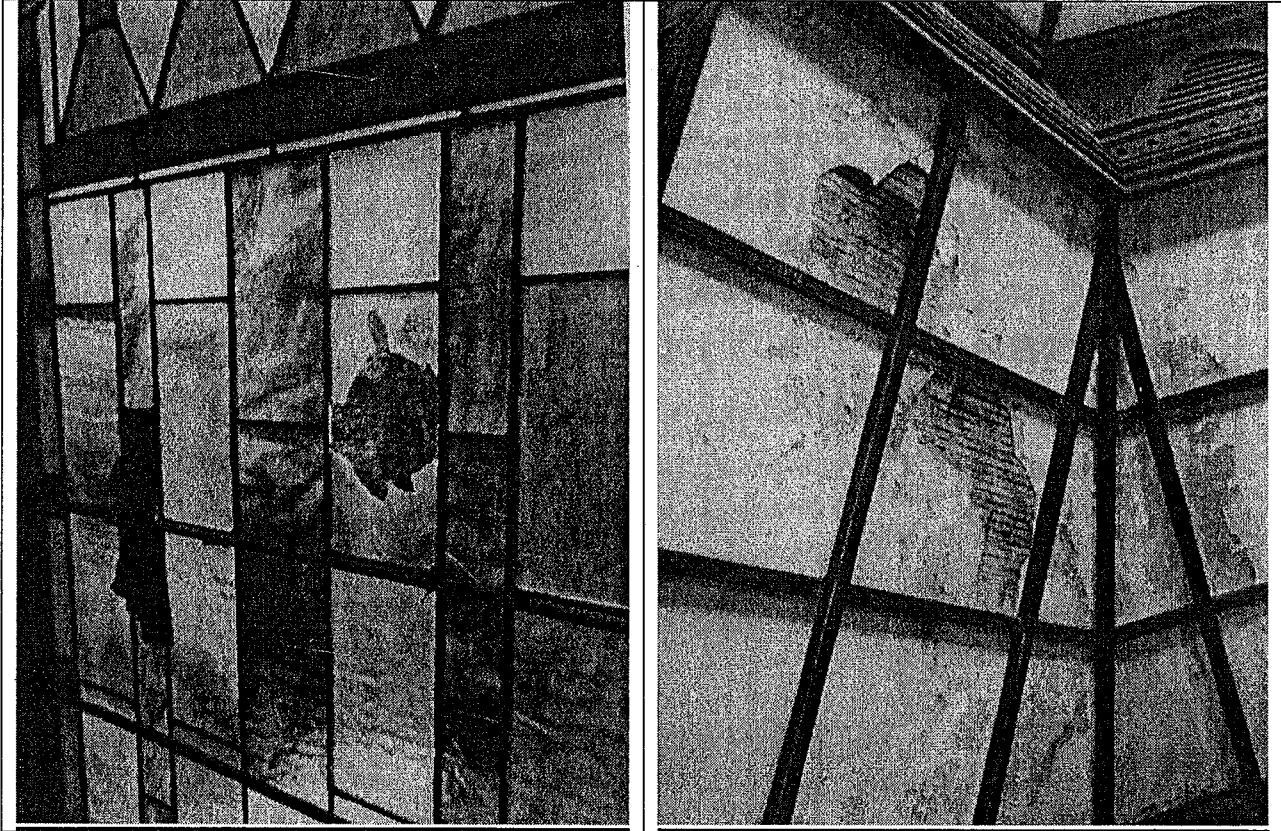
Landmark/Heritage Property Eligibility Rating: Designated City Landmark (LM84-109)

OCHS Rating: Neighborhood Centers intensive survey rating (1981) A2+ (A = highest importance; 2+, contributor to Area of Secondary Importance, Clinton Neighborhood District)

Significance: This large, elaborate, and prominently sited Carpenter Gothic-Queen Anne church was built in 1887 (interior completed in 1891, wings added later) for the First Presbyterian Church of Brooklyn (East Oakland), a congregation founded c.1859. The architect was George Bordwell and the builders were Ingerson & Gore; reported construction cost was \$40,000. The church is the largest and most conspicuous structure in the Clinton neighborhood, the 66' tower clearly visible from afar. It has extensive stained glass and exterior millwork, as well as distinguished interiors. In the words of the 1984 landmark nomination, "The horseshoe shaped carved redwood gallery and the unique, redwood spoke-like beaming below octagonal lantern in the interior are breathtaking." Grace Temple Baptist Church succeeded the Presbyterian congregation in 1972, and sold the building in 2015 as membership dwindled. The building has suffered from deferred maintenance and recent storm damage to the stained glass, but is essentially unaltered.

Work Program (see Attachment 5):

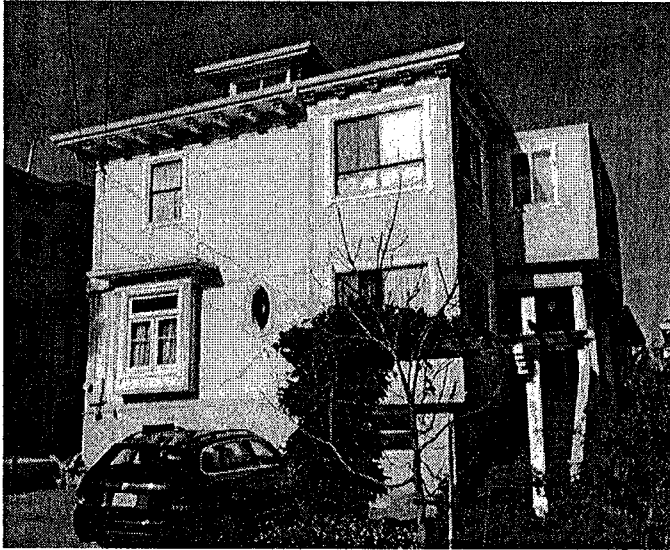
- repair foundation
- repair roof
- repair stained glass windows
- repair exterior siding and architectural details, window sash and doors
- repair walls and woodwork in significant quasi-public interiors



Application Strengths:

- City Landmark
- visibility of work – prominent location, neighborhood catalyst
- reversing extensive previous wear and deferred maintenance
- stabilization – roof and foundation work
- adaptive reuse of a unique and important building

6. MA15-006 – 334 Newton Avenue
Pope house



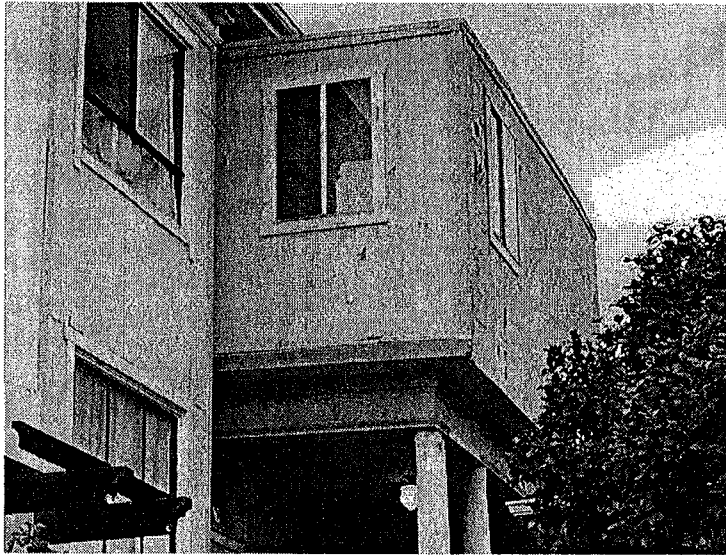
Landmark/Heritage Property Eligibility Rating: Cb, eligible; ASI contributor

OCHS Rating: Preliminary (field, 1986) survey rating C2+ (C= secondary importance or superior example; 2+, contributor to an Area of Secondary Importance, Cleveland Heights ASI). With present alterations, would be rated Dc2+

Significance: This distinctive Colonial Revival or Classic Box house has suffered extensive but reversible exterior alterations and is a Mills Act restoration opportunity. It was built and possibly designed by contractor George Lydixsen in 1908 on East-of-the-Lake or Peralta Heights land subdivided by former sheriff Henry Morse in the building boom after the 1906 earthquake. The original owner was Harriet Pope, a widow with two grown children, one of whom worked as a clerk for the railroad. Pope family members owned and lived in the house until 1974. The Classic Box was a typical house type in the 1900s, especially along streetcar lines in East and North Oakland. Though obscured by T1-11 siding, altered windows and trim, and an addition over the porch, this house embodies characteristic features of the style – rectangular footprint, hip roof and dormer, classical porch columns and modillions – as well as some luxury features like the oval window and cantilevered bays. Instead of the usual horizontal board or clapboard siding, it was further distinctive for its shingled exterior, as noted by the field survey in 1986.

Work Program (see Attachment 6):

- remove boxy plywood addition over porch
- restore porch steps, balusters, and column capitals
- remove T 1-11 siding and repair/replace original shingled exterior walls
- replace aluminum windows with historically appropriate sash
- install shingle molding window trim as found on remaining original windows
- repair main roof - remove and replace composite shingles



Application Strengths:

- reversing inappropriate alterations, potential spectacular transformation
- visibility of work, neighborhood catalyst
- neighborhood diversity – first application in Peralta Heights
- application based on exceptionally thorough physical and documentary research

7. **MA15-007 – 1902-04 Myrtle Street**
Galloway (John D.)-Griffiths (Griffith & Farnham) house



Landmark/Heritage Property Eligibility Rating: B, eligible; API contributor

OCHS Rating: West Oakland intensive survey rating (1991) Cb1+ (C = secondary importance or superior example, b = potentially major importance if restored; 1+, contributor to a survey-identified Area of Primary Importance, Oak Center API)

Significance: 1902-04 Myrtle Street was designed and built in 1897-98 by Marcuse & Rimmel, a prolific Alameda design-build partnership active in Alameda and Oakland in the 1880s-1900s. The original owner was Samuel McHenry, an Alameda resident who worked with Marcuse & Rimmel. From 1899 to 1908 the owner and resident was John Debo Galloway, prominent civil engineer, bridge and dam builder, and (with John Galen Howard) active in the post-earthquake rebuilding of San Francisco. After Galloway, the house belonged to Rev. Griffith Griffiths and his son, noted attorney Farnham Griffiths, all representative of the early professionals and civic leaders in what is now called the Oak Center neighborhood at the northwest corner of the Original Town. The design is a transitional Queen Anne-Colonial Revival. The big gable, shallow bay, and inset porch are characteristic of Marcuse & Rimmel's earlier Queen Anne cottages but the flamboyant ornament has been superseded by a simpler Classical look. This block of Myrtle Street is historically part of the same neighborhood as the Oak Center S-20 historic district south of 18th Street, but it was not included in the Oak Center Redevelopment Area and therefore not in the district designation. Several fine houses on this block are still awaiting rehabilitation.

Work Program (see Attachment 7):

- exterior paint
- repairing trim and woodwork
- re-roofing and gutters
- sewer repairs
- repair/replace front windows (currently mix of wood and vinyl sash)
- replace metal stair railings with historically appropriate wood railings

Suggestion: investigate condition of existing concrete steps and plan for replacement in wood when they wear out



Application Strengths:

- correcting deferred maintenance
- opportunity as neighborhood catalyst on “orphan” block north of designated Oak Center S-20/ Redevelopment district
- 10th Mills Act project in West Oakland, area targeted in original design of Mills Act program

RECOMMENDED CONDITIONS, ALL PROPERTIES

The *Secretary of the Interior's Standards for Rehabilitation* are incorporated as conditions in the Mills Act contract, 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.

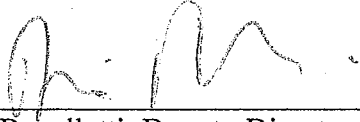
GEOGRAPHIC DISTRIBUTION

Attachment 8 illustrates geographic distribution of all 41 current and proposed Mills Acts properties.

RECOMMENDATIONS

1. Receive any testimony from applicants and interested citizens;
2. Discuss recommendations on Mills Act contracts for 2015; and
3. Based on the above discussion:
 - a. Recommend these applications to City Council for 2015 Mills Act contracts;
 - b. Forward the recommendations to the Planning Commission as an information item.

Respectfully submitted:



Darin Ranelletti, Deputy Director, Bureau of Planning

Prepared by:



Betty Marvin, Historic Preservation Planner

Attachments:

1. Application, work program, and photos: MA15-001: **856 Trestle Glen Road**
2. Application, work program, and photos: MA15-002: **51 8th Street**
3. Application, work program, and photos: MA15-003: **339 Palm Avenue**
4. Application, work program, and photos: MA15-004: **319 Henry Street**
5. Application, work program, and photos: MA15-005: **1433 12th Av./1141 E. 15th St.**
6. Application, work program, and photos: MA15-006: **334 Newton Avenue**
7. Application, work program, and photos: MA15-007: **1902 Myrtle Street**

8. Location map, 41 current and pending Mills Acts properties, 2008-2015

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: Thomas McCollum

PROPERTY ADDRESS: 856 Trestle Glen Rd

PROPERTY OWNER(S): Barbara Moura and Thomas McCollum

PHONE: (Day) 510-708-4337 (Evening) 510-708-4337

ASSESSOR'S PARCEL NUMBER(S): 11-900-31-1

YEAR OF PURCHASE: 2013 ASSESSED VALUE: \$915,000

EXISTING USE OF PROPERTY: Primary residence

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (if any): _____

CONSTRUCTION DATE: 1928 LEGAL DESCRIPTION (From Deed, Please attach)

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6344 or (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, 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

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: 2016 | Cost: \$18,000 | Improvement: Repair dry rot in framing and damaged cement plaster stucco. (Phase 1) |
| 2. Year: 2017 | Cost: \$10,000 | Improvement: Repair dry rot in framing and damaged cement plaster stucco. (Phase 2) |
| 3. Year: 2018 | Cost: \$10,000 | Improvement: Seismic retrofit of foundation and cripple walls. (Phase 1) |
| 4. Year: 2019 | Cost: \$10,000 | Improvement: Seismic retrofit of foundation and cripple walls. (Phase 2) |
| 5. Year: 2020 | Cost: \$10,000 | Improvement: Seismic retrofit of foundation and cripple walls. (Phase 3) |
| 6. Year: 2021 | Cost: \$10,000 | Improvement: Seismic retrofit of foundation and cripple walls. (Phase 4) |
| 7. Year: 2022 | Cost: \$10,000 | Improvement: Seismic retrofit of foundation and cripple walls. (Phase 5) |
| 8. Year: 2023 | Cost: \$10,000 | Improvement: Seismic retrofit of foundation and cripple walls. (Phase 6) |
| 9. Year: 2024 | Cost: \$10,000 | Improvement: Replace deteriorated doors and windows (Phase 1) |
| 10. Year: 2025 | Cost: \$10,000 | Improvement: Replace deteriorated doors and windows (Phase 2) |

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 **See photos in the Oakland Landmark, Heritage Property Application .**
 - 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 -\$400.00
 - 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, 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 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

6/12/15

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

Legal Description of the Property

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

Parcel 1: Lot 31 in Block 1 of Lakeshore Glen, according to the Map thereof, filed April 4, 1921, in the office of the County Recorder of said Alameda County and of record in Map Book 6, Page 29.

Parcel 2: That portion of Plots 1 and 3, as said plots are shown on the map of "Lakeshore Highlands, Oakland, Alameda County, Cal", filed June 18, 1917, in Book 16 of Maps, Pages 37, 38 and 39, in the office of the County Recorder of Alameda County, which lies between the direct extension Northeasterly of the Northwestern and Southeastern line of Lot 31, in Block 1, as said lot and block are shown on the map of "Lakeshore Glen, Oakland, Alameda County, Cal.", filed April 4, 1921, in Book 6 of Maps, Page 29, in the office of the County Recorder of Alameda County.

APN: 011-0900-031-01

ASSESSORS MAP II

LAKESHORE OAKS (Bk 3, P 39)
LAKESHORE HIGHLANDS (Bk 16, P 37)

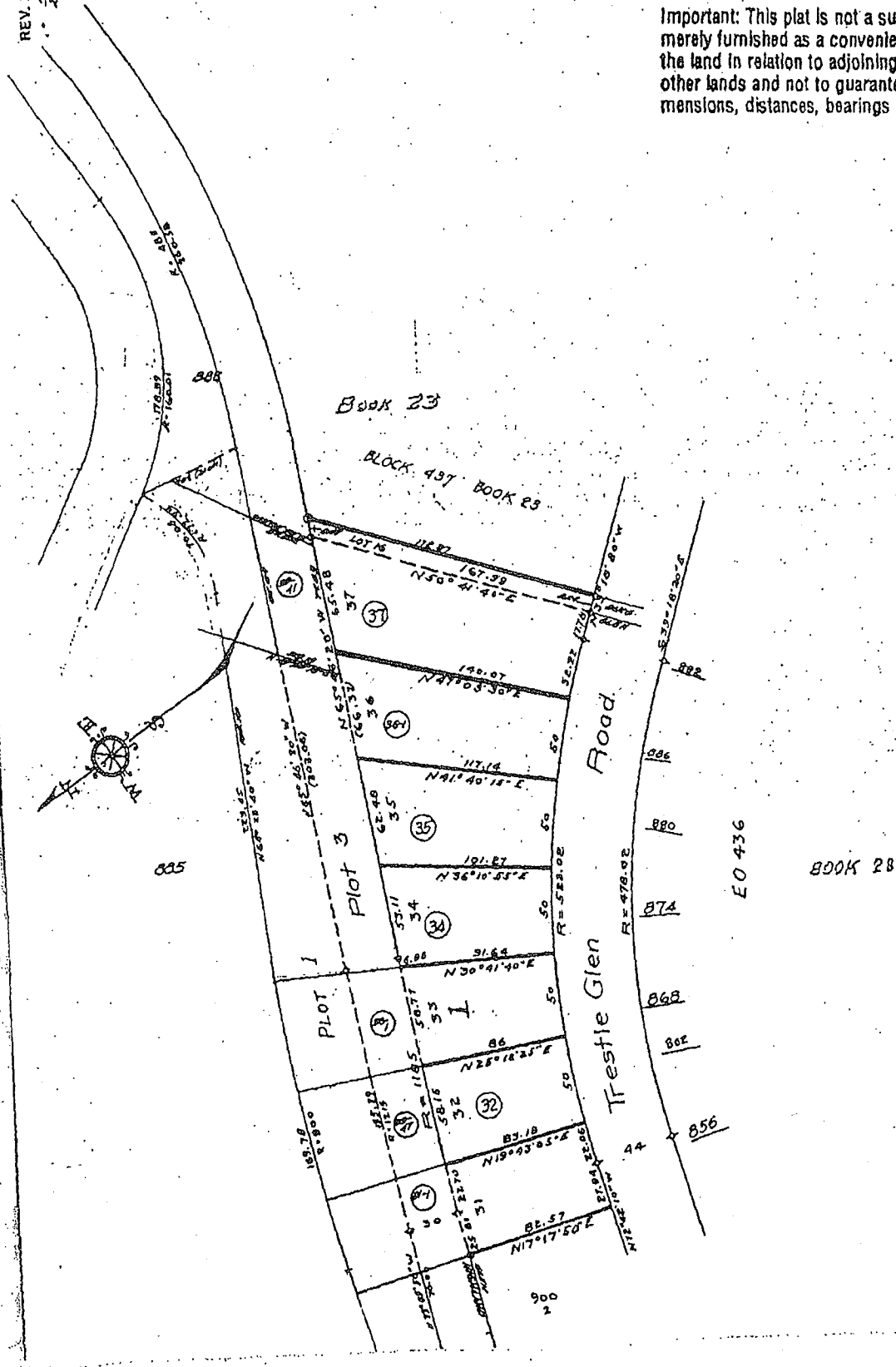
Lakeshore Glen (Bk 6, P 23)
Scale 1 in = 50 ft

900

Page 3.

REV. 2-28-56 LS 4-18-70 CAL
S-S-57 EX
S-S-70 AC

Important: This plat is not a survey. It is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands and not to guarantee any dimensions, distances, bearings or acreage.



Work Program

Items 1 & 2: Repair dry rot in framing and damaged cement plaster stucco (Figures 1, 2, 3, 4).

The intent of this work item is to stop the deterioration that has resulted from years of deferred maintenance. The previous owner lived in the house for a long time and appears to have not maintained it well in the latter years. Above grade, this work item will replace areas of damaged stucco and sheathing. Work within this item below grade includes replacement of damaged mudsills and the installation of a drainage system on the uphill, north side of the building.

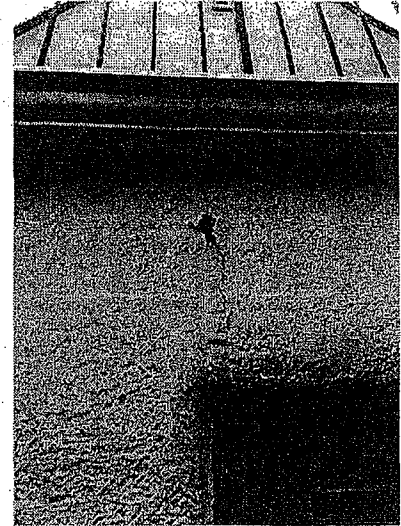
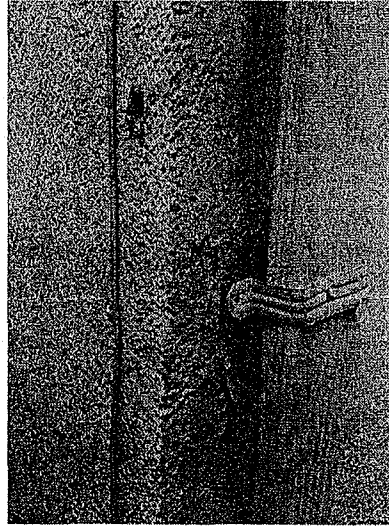
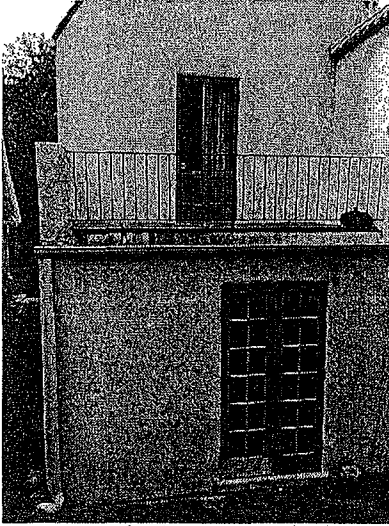


Figure 1, 2, 3: Areas at the rear of the house with stucco damage and underlying dry rot.

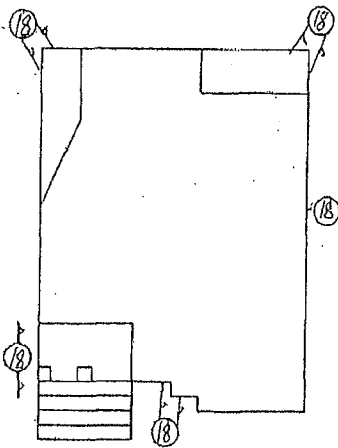
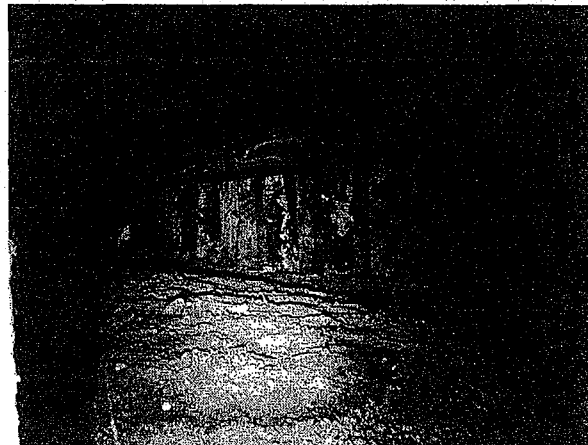
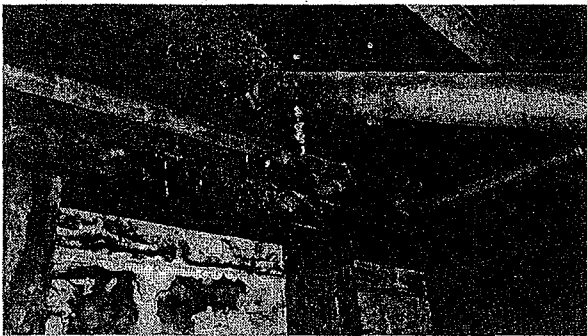
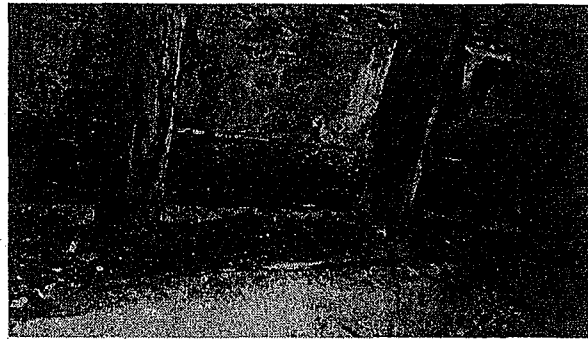
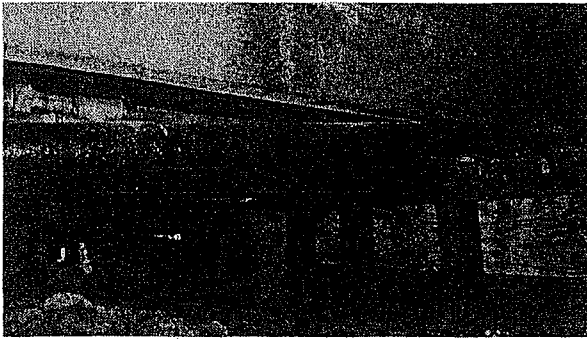


Figure 4: Diagram from Times Up Termite Report dated September 4, 2013. Item #18 indicates areas with fungus damage in the wood structure behind the stucco. As indicated, the damage is around much of the house.

Items 3 to 8: Seismic retrofit of foundation and cripple walls.

The entire foundation and cripple wall system is outdated and inadequate per current building standards. The condition of the concrete is adequate at best and crumbling in some areas. Much of the foundation is capped. Capping is an outdated retrofit technique by which concrete is poured around the original concrete footing. All of it is unreinforced and thus, none of it is capable of withstanding a significant earthquake. The mudsill appears to be original, which means that it is not pressure treated and in some place is rotten. Much of the cripple wall studs and exterior sheathing are serviceable. Some

areas show signs of rot and termite damage. The entire footing on the north side is below grade and needs to be replaced in entirety. There are also interior cripple walls that have slipped off the footings or suffer from grade issues. The intent of this group of work items is to replace the foundation and seismic reinforce the house to the foundation to better protect the building in the event of the "big one".

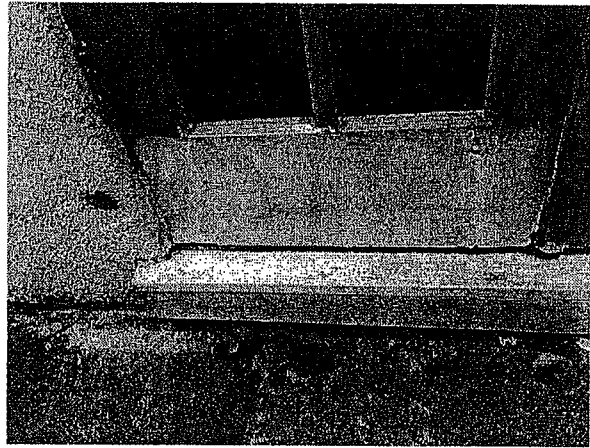
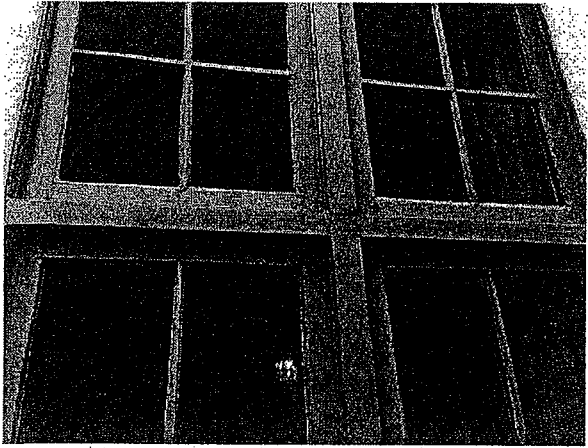


Figures 5, 6, 7, 8 & 9: Views of the substandard existing foundation and cripple walls. Note the cripple wall is partially on the mudsill in the last image.

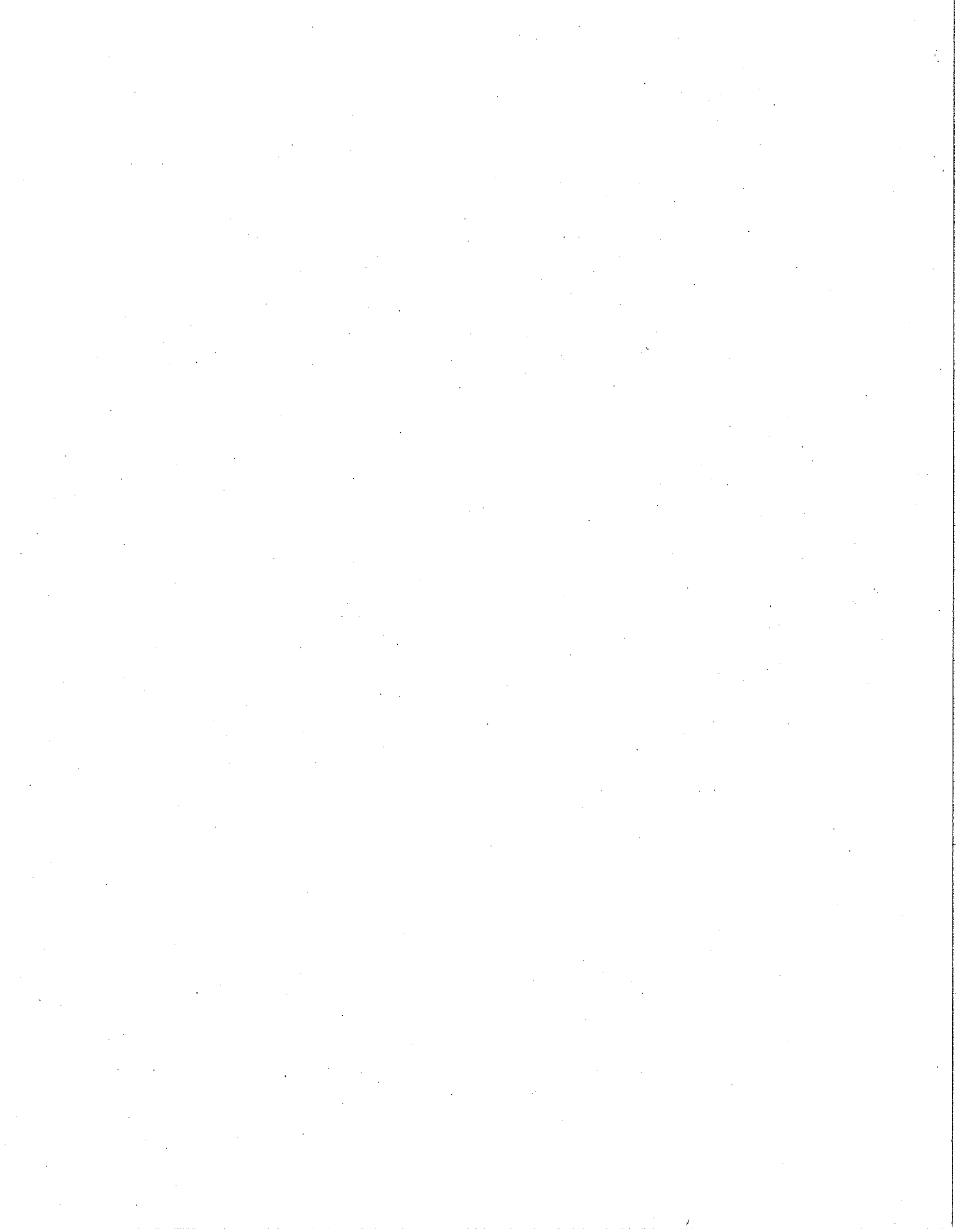
Items 9 & 10: Replace deteriorated doors and windows.

Nearly all of the windows and doors in the house are original. Thus, some have not aged well and are rotting at the bottom part of the sash or frame. Further, most have been painted shut. The intent of this item is to replace all of the windows and doors that suffer from irreparable rot and several windows in

key locations to allow for natural ventilation.



Figures 10, 11 & 12: Pictures of representative samples of damage to windows and doors.





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: HELEN CHOU
PROPERTY ADDRESS: 51-8th ST, OAKLAND, CA 94607
PROPERTY OWNER(S): HELEN CHOU, MARILYN CHIM
PHONE: (Day) 510-238-0179 (Evening) SAME
ASSESSOR'S PARCEL NUMBER(S): 1-169-8
YEAR OF PURCHASE: 2004 ASSESSED VALUE: \$50,000
EXISTING USE OF PROPERTY: RESIDENTIAL

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (if any): LOUGEE HOUSE
CONSTRUCTION DATE: 1891 LEGAL DESCRIPTION (From Deed, Please attach)
HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6344 or (510)238-6879 to confirm.

DESIGNATED HISTORIC RESOURCE:	DATE OF DESIGNATION
<input type="checkbox"/> Listed on the National Register of Historic Places	_____
<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**

- Building with an Oakland Cultural Heritage Survey rating of 'A' or 'B'
- Potential Designated Historic Property located in an Area of Primary Importance

*A two-year pilot Mills Act Property Tax Abatement Program for qualified historic properties with a limit of ten (10) Mills Act contracts for the first year and a limit of twenty (20) contracts for the second year, with the program impact on City revenues limited to \$25,000/year or \$50,000 cumulatively for the two-year pilot program, and \$500,000 from the Redevelopment Agency for the two-year pilot program.

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

Address: 51-8th St., Oakland, CA 94607²

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: 1 2016¹⁶ Cost: 25,000 Improvement: Repair woodwork, painting

2. Year: 2 2017¹⁷ Cost: _____ Improvement: _____

3. Year: 3 2018¹⁸ Cost: _____ Improvement: _____

4. Year: 4 2019¹⁹ Cost: _____ Improvement: _____

5. Year: 5 2020²⁰ Cost: 30,000 Improvement: Repair/replace roof

6. Year: 6 2021²¹ Cost: _____ Improvement: _____

7. Year: 7 2022²² Cost: _____ Improvement: _____

8. Year: 8 2023²³ Cost: _____ Improvement: _____

9. Year: 9 2024²⁴ Cost: 15,000 Improvement: Repair/Replace windows

10. Year: 10 2025²⁵ Cost: _____ Improvement: _____

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, 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:
 - Listed on the National Register of Historic Places
 - 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
 - This may be taken from the Deed to the Property.
- Additional pages to describe the Work Program
 - As necessary
- Copy of Last Property Tax Bill
- Filing Fee -\$400.00
 - Fees are due at the time of application submittal.

5. SELECTION CRITERIA

The City has adopted a two-year Mills Act Pilot Program, with a limit of ten (10) Mills Act contracts for the first year and a limit of twenty (20) contracts for the second year with the program impact on City revenues limited to \$25,000/year or \$50,000 cumulatively for the two-year pilot program, and \$500,000 from the Redevelopment Agency for the two-year pilot program. If applications exceed the limited number or 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 cost of the proposed exterior work is equal or greater than the potential reduction of property taxes.

- 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 – search "Mills Act"):

- 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

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 affirm that 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: 9:30am - 4pm

Exhibit "A"

OLD REPUBLIC TITLE COMPANY

ORDER NO. 1116002351-MO

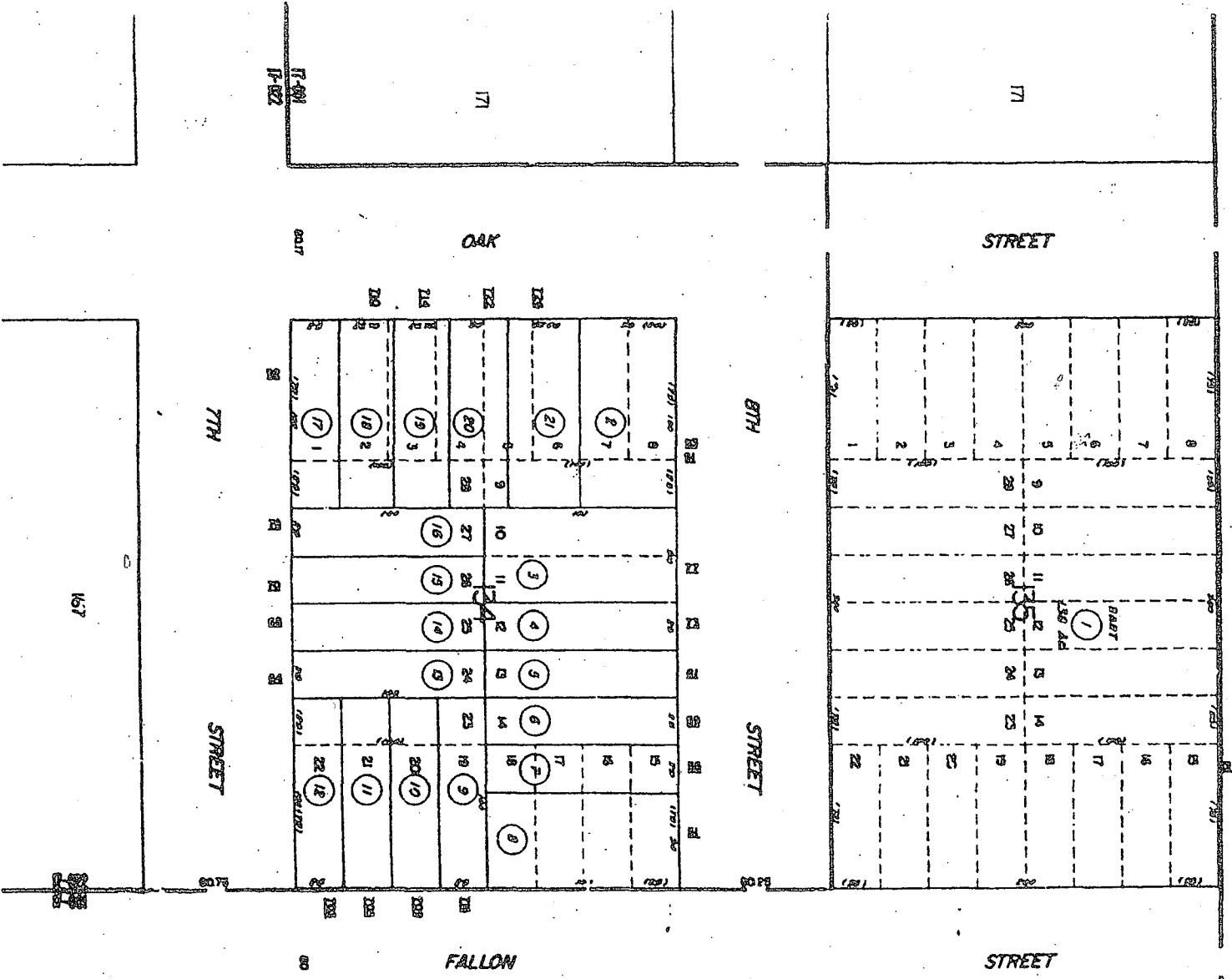
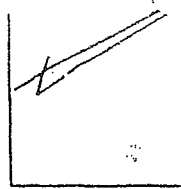
The land referred to in this Report is situated in the County of Alameda, City of Oakland
State of California, and is described as follows:

Commencing at the point of intersection of the Southern line of 8th Street and the Western line of Fallon Street; running thence Southerly along said line of Fallon Street 100 feet; thence at right angles Westerly 50 feet; thence at right angles Northerly 100 feet to said Southern line of 8th Street thence Easterly along said last named line 50 feet to the point of commencement.

Being a portion of Lots 15 to 18 inclusive in Block 134, according to Kellersberger's Map of Oakland, filed in Alameda County Records.

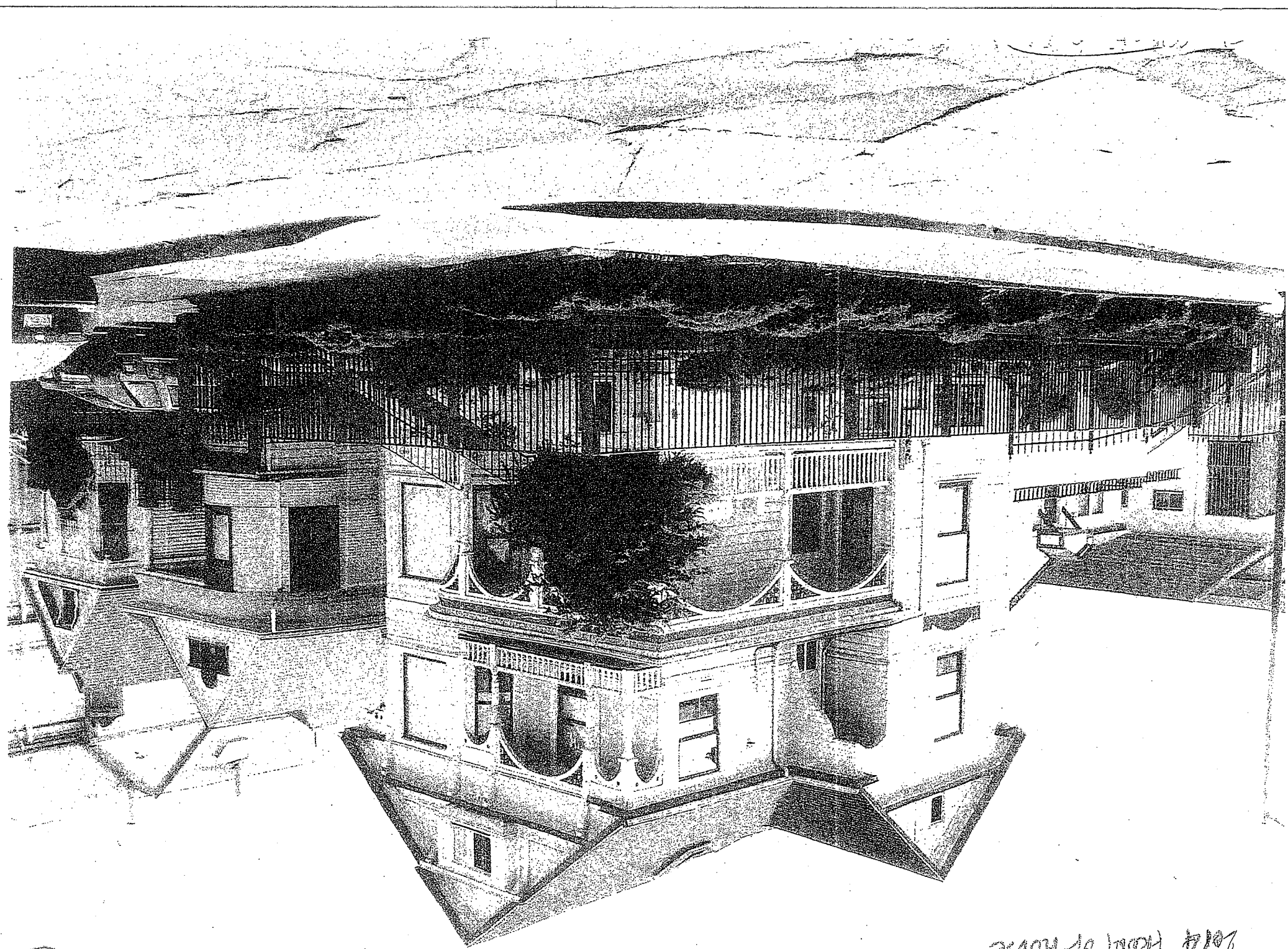
(Being APN 001-0169-008)

B O O K 2



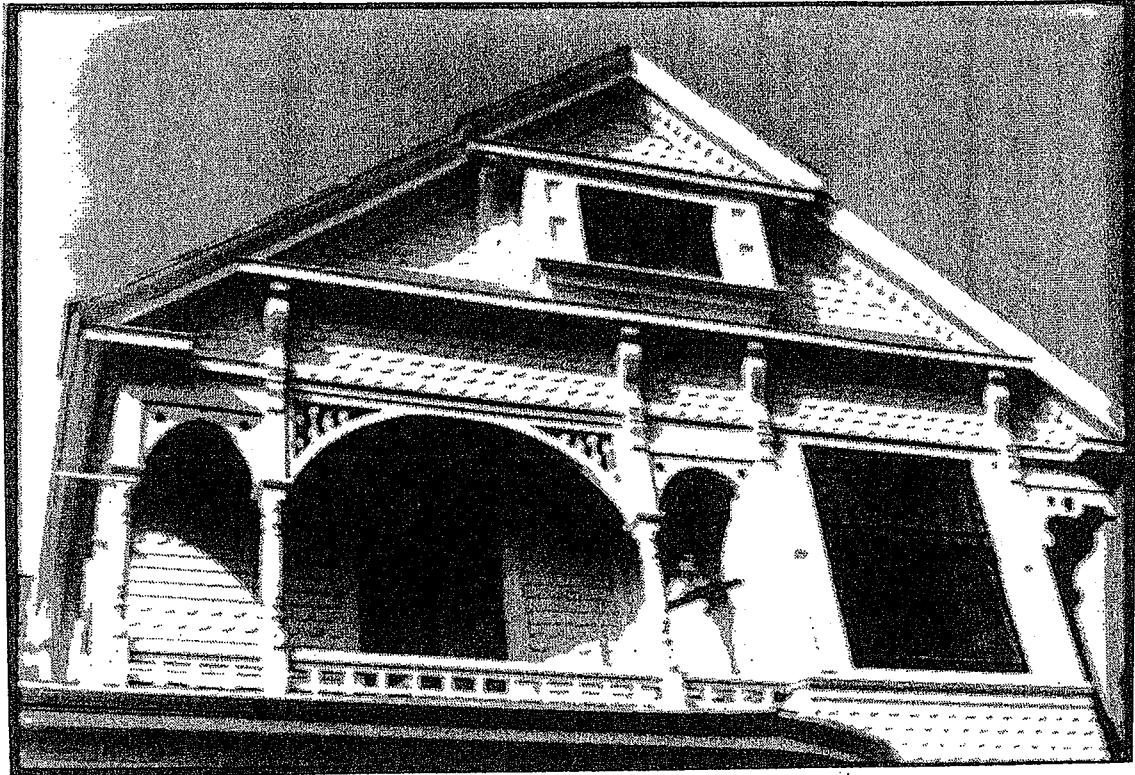
B O O K

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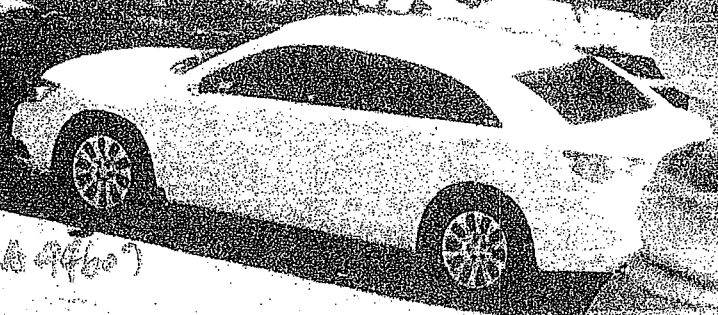
LOUGEE HOUSE / 51 8th St Oakland, CA 94607
2nd Floor of House

LOUGEE HOUSE / 51 8th St., Oakland CA 94607
File Pictures, 1982 (Oakland Cultural Heritage Survey)
showing stained glass in windows and door (work items 9-10)



13

LOUGEE HOUSE
51 8th St, Oakland, CA 94607
2014
DAMAGED WOOD THROUGHOUT
HOUSE EXTERIOR



LOUGEE HOUSE
51 8th St, Oakland, CA 94607

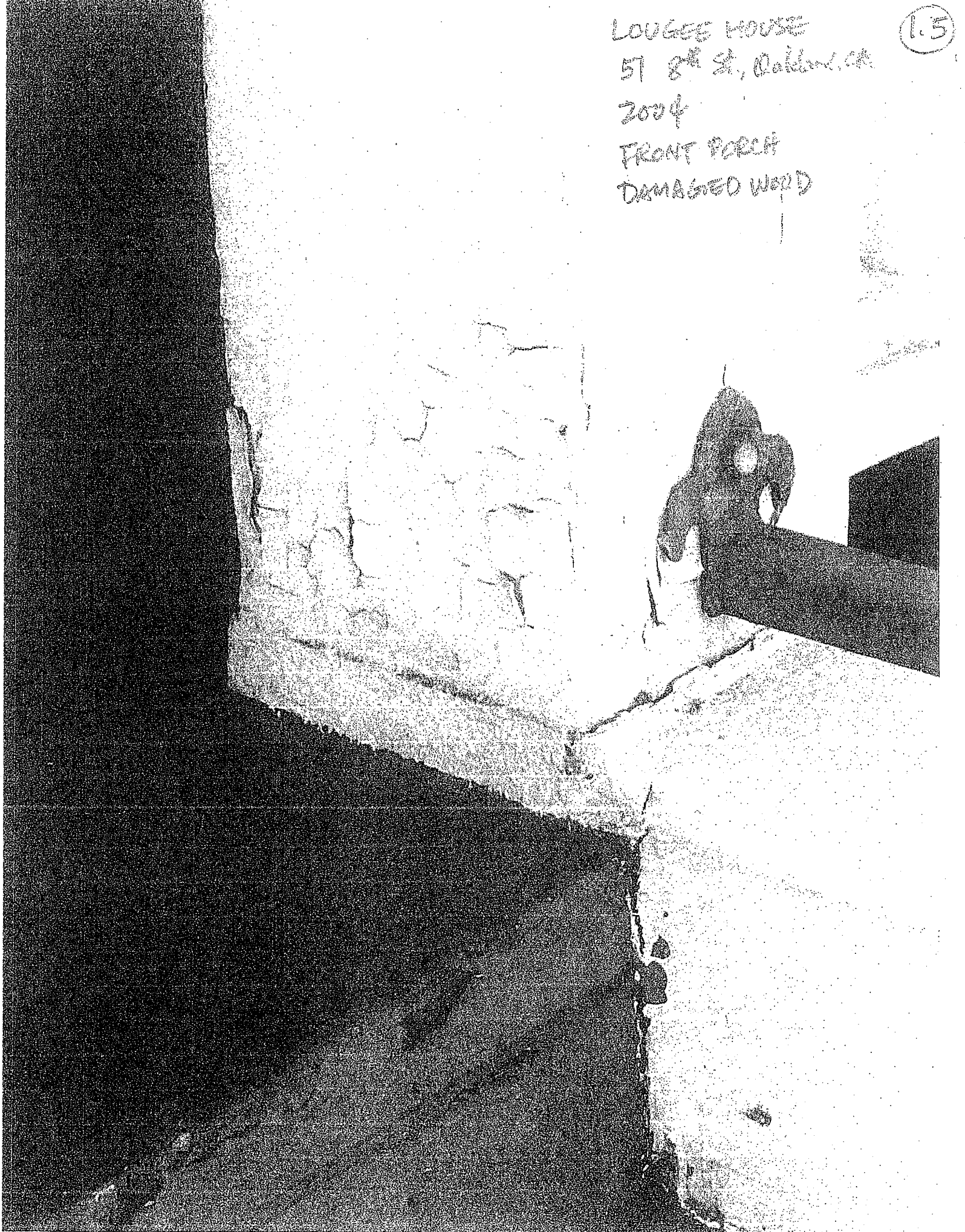
114

2014

DAMAGED STEPS

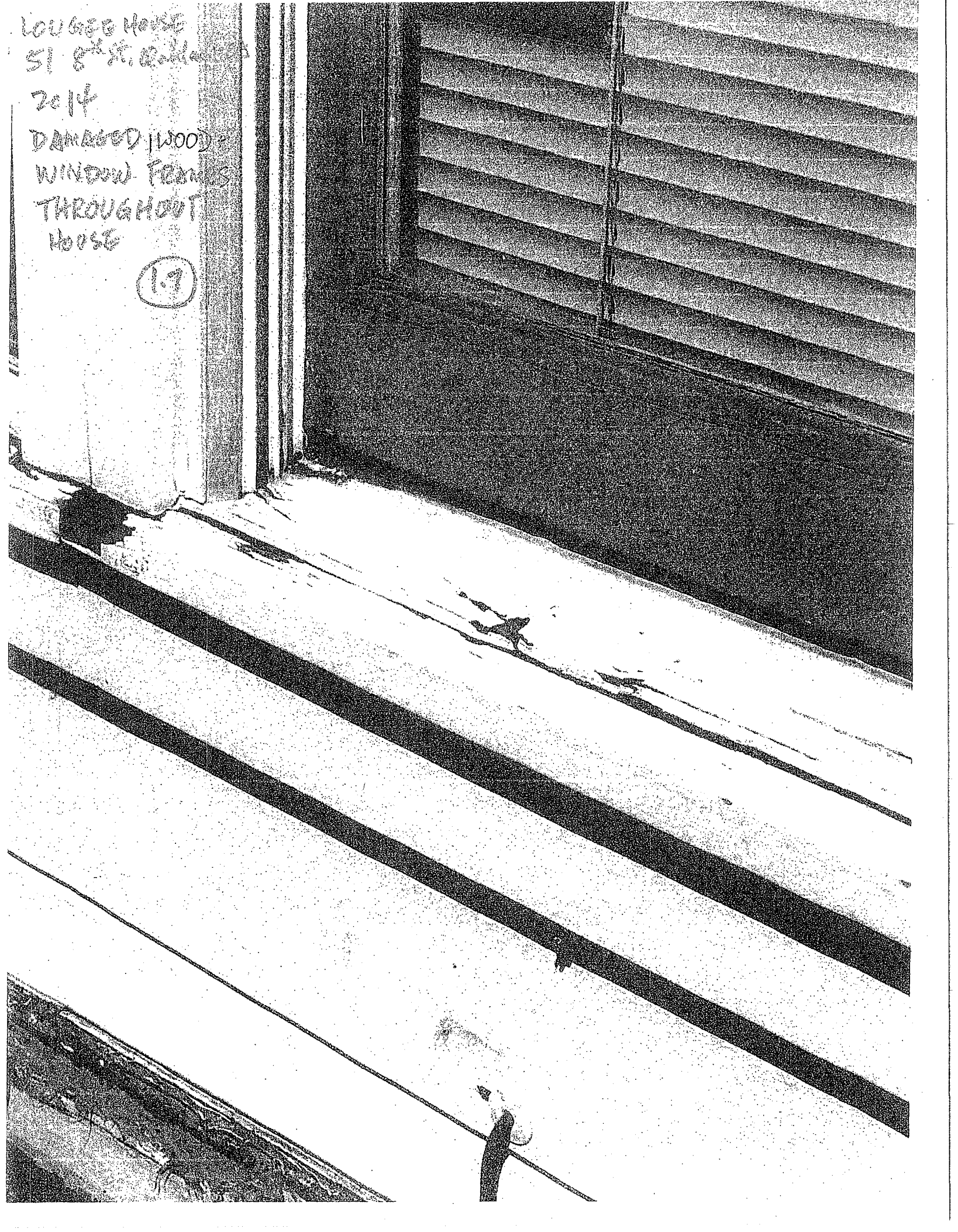
LOUGEE HOUSE
51 8th St, Oakland, CA
2004
FRONT PORCH
DAMAGED WOOD

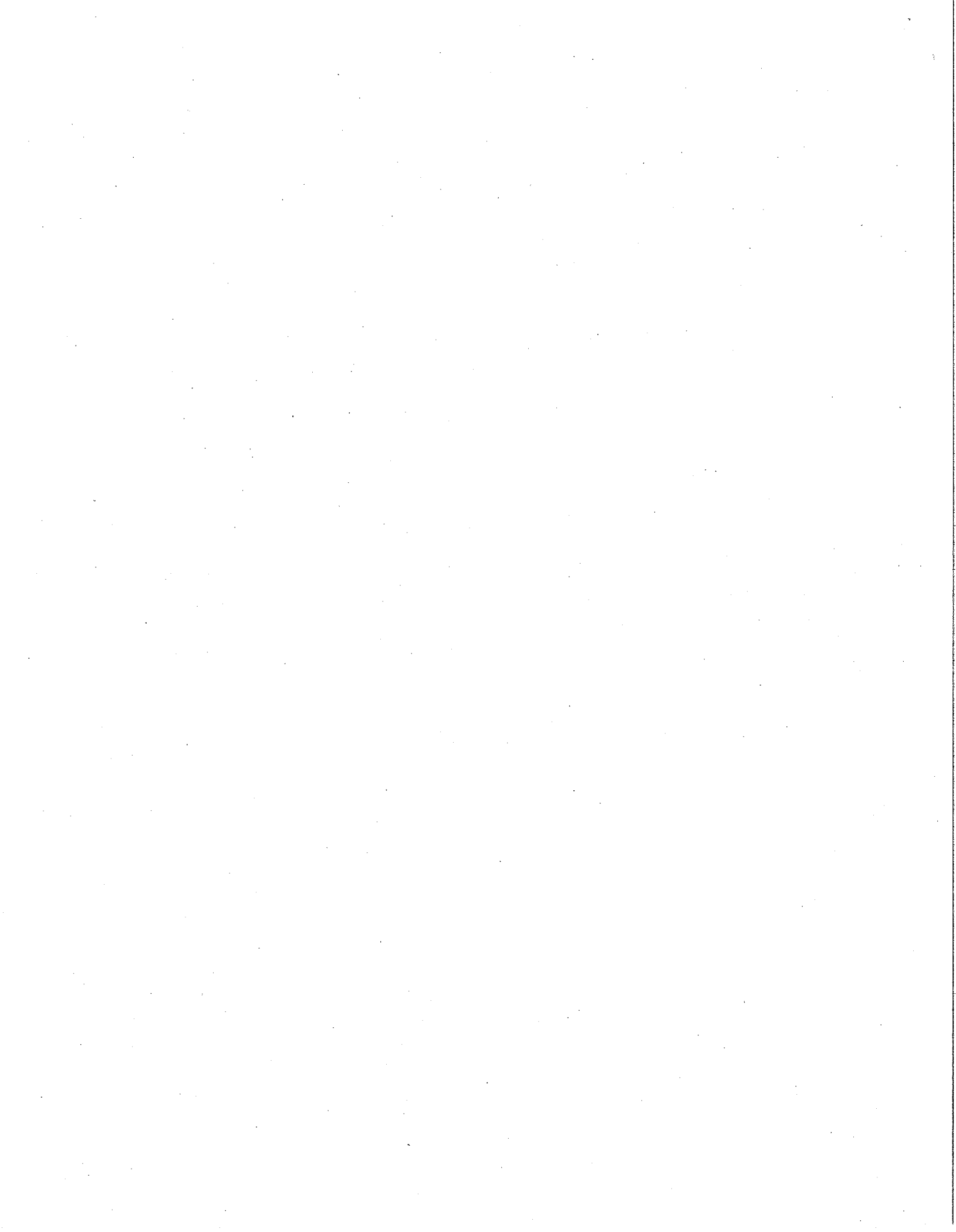
1.5



LOUGEE HOUSE
51 8th St. Raleigh
2014
DAMAGED WOOD
WINDOW FRAMES
THROUGHOUT
HOUSE

1.7





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: *Peter Wisnovsky*

PROPERTY ADDRESS: *339 Palm Ave., Oakland, 94610*

PROPERTY OWNER(S): *Peter Wisnovsky and Alejandro Mendoza Castillo*

PHONE: (Day) *510 735 1059* (Evening) *510 652 6547*

ASSESSOR'S PARCEL NUMBER(S): *10-786-16*

YEAR OF PURCHASE: *2013* ASSESSED VALUE: *\$950,000*

EXISTING USE OF PROPERTY: *Owner Occupied Residence*

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (If any): *Ilsen House*

CONSTRUCTION DATE: *1913*

LEGAL DESCRIPTION (From Deed, Please attach)

Legal Description of Property – Grant Deed, Legal Description

Lot 17, Block 4, Highland Subdivision of Adams Point Property, Portion of Plot 21 V. and D. Peralta Rancho, Filed October 10, 1906, Map book 21, Page 66, Alameda County Records

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6344 or (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

_____ *Application submitted*

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

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.)

Based on Mills Act Calculator using \$1.60/sqft and post-renovation habitable space of 2765 sqft, decrease from Mills Act estimated to be \$8,211 annually.

1. Year: 2016 Cost: \$10,000 Improvement: *Supplement and partial rebuild of cracked and deteriorating foundation (total cost ~\$100,000-\$120,000)*
2. Year: 2017 Cost: \$10,000 Improvement: *Carryforward of foundation work*
3. Year: 2018 Cost: \$10,000 Improvement: *Restore 1st floor front windows to original design*
4. Year: 2019 Cost: \$10,000 Improvement: *Restore 2nd floor front windows to original design*
5. Year: 2020 Cost: \$20,000 Improvement: *Replace or secure Masonry Chimney*
6. Year: 2021 Cost: \$10,000 Improvement: *Carryforward of foundation work*
7. Year: 2022 Cost: \$10,000 Improvement: *Carryforward of foundation work*
8. Year: 2023 Cost: \$10,000 Improvement: *Carryforward of foundation work*
9. Year: 2024 Cost: \$10,000 Improvement: *Carryforward of foundation work*
10. Year: 2025 Cost: \$20,000 Improvement: *Exterior painting*

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, 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 -\$400.00
 - 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, 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 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

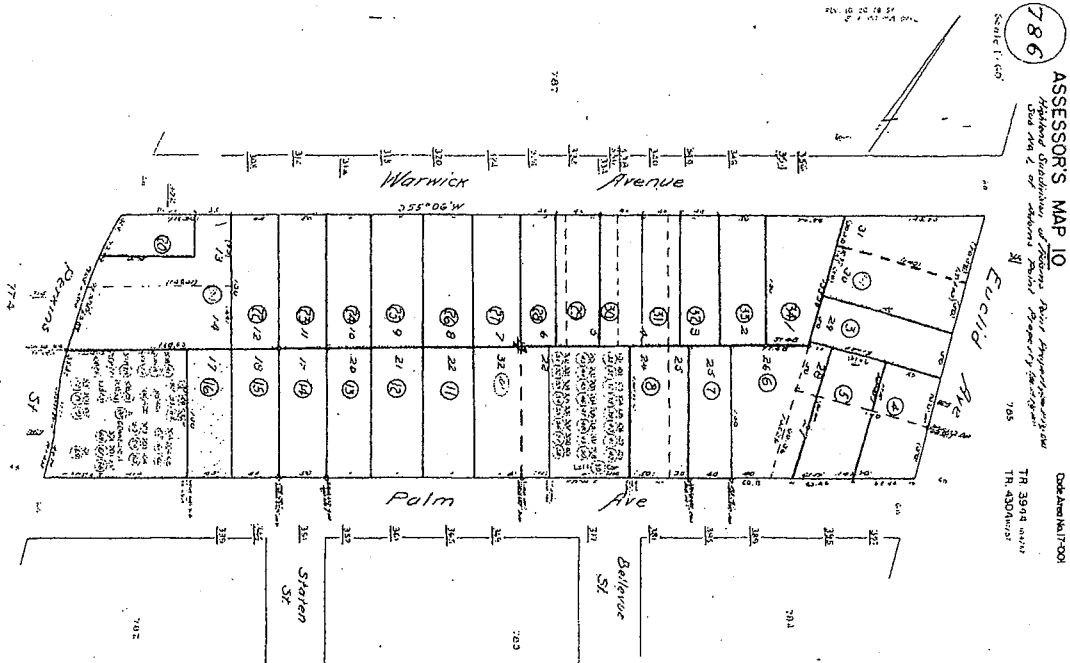
8 May '15
Date

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

Assessors Parcel Map



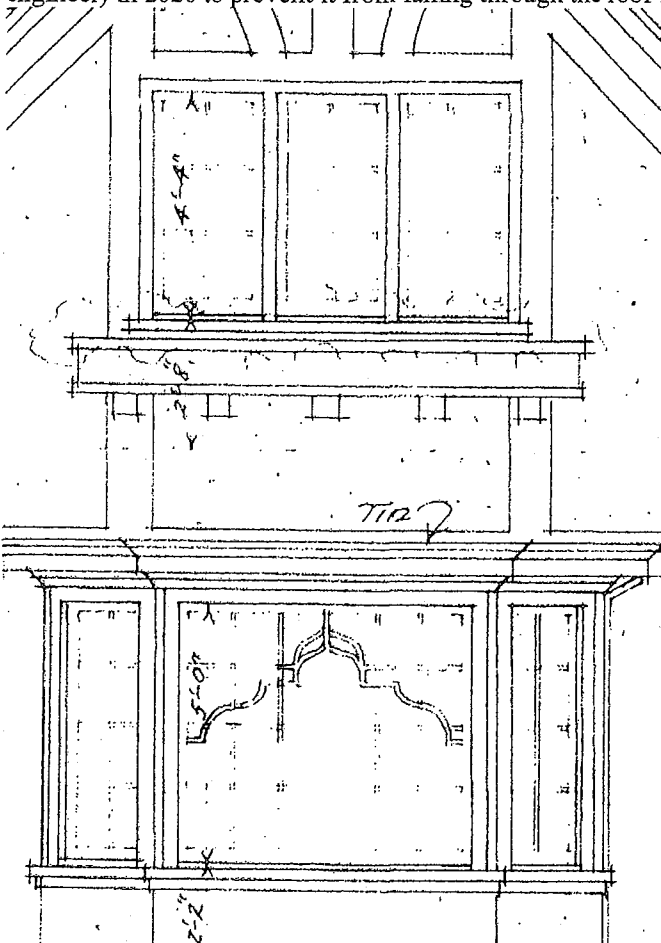
339 Palm Ave Parcel Map

Legal Description of Property – Grant Deed, Legal Description
 Lot 17, Block 4, Highland Subdivision of Adams Point Property, Portion of Plot 21 V. and D. Peralta
 Rancho, Filed October 10, 1906, Map book 21, Page 66, Alameda County Records

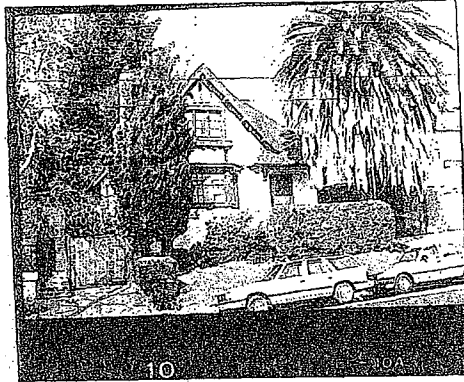
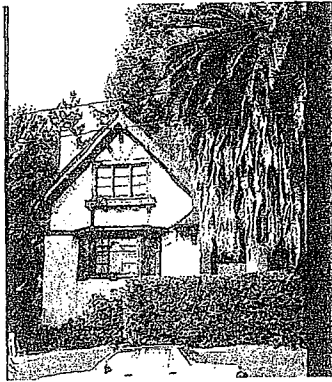
Front



Upper and lower windows to be restored to original design in 2019 and 2018 respectively; masonry chimney above roofline to be replaced or reinforced (depending on recommendation from structural engineer) in 2020 to prevent it from falling through the roof in an earthquake.



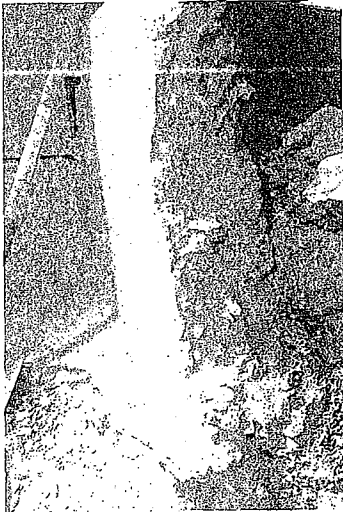
Pictures – Work Program items
Original Window Design, Bay and Second Floor

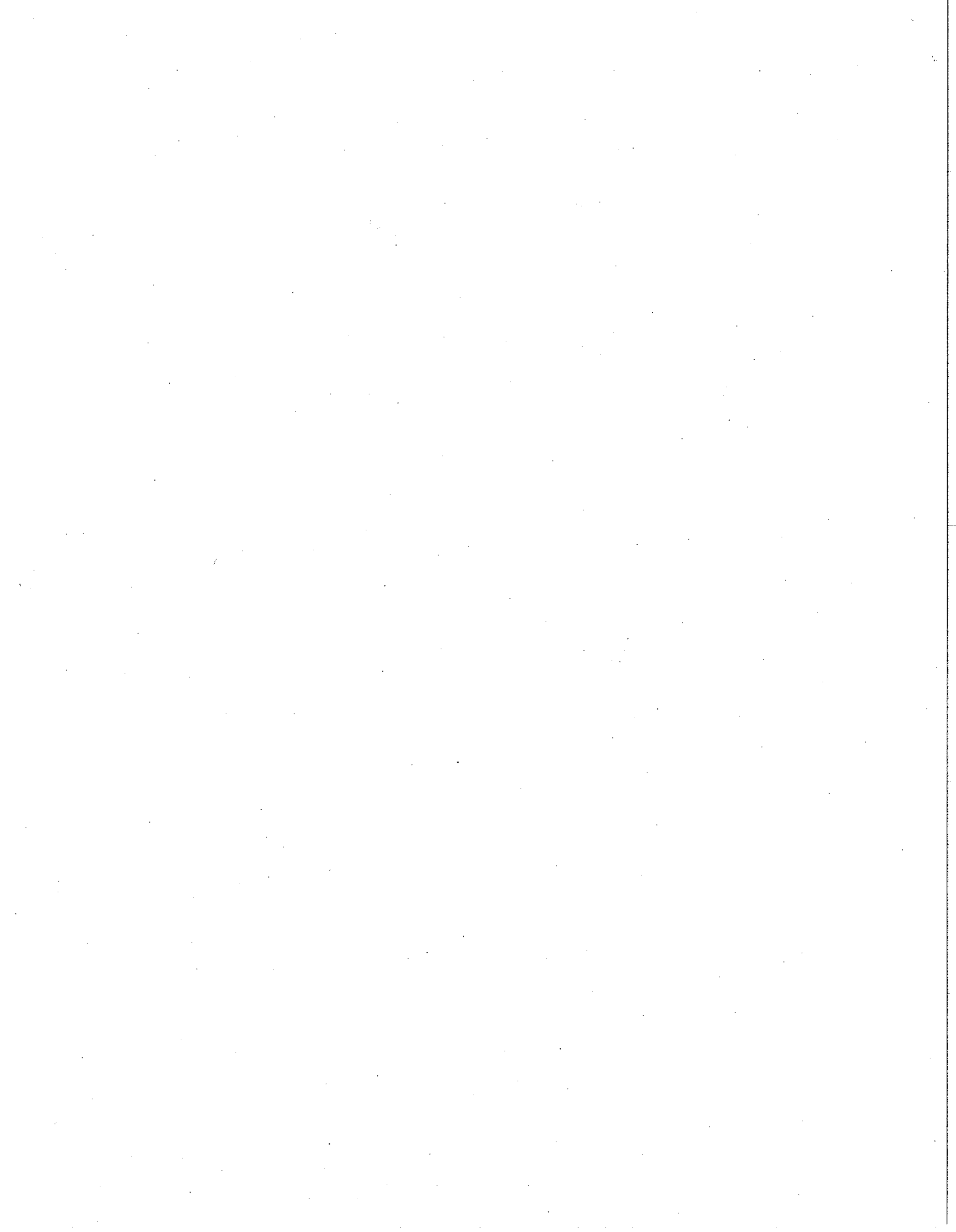


Crack in concrete a few feet up from chimney footing, to be replaced in 2015



Lack of rebar and high sand content in concrete can be seen.





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: Jessie Poggi
PROPERTY ADDRESS: 319 Henry Street Oakland 94607
PROPERTY OWNER(S): Jessie Poggi
PHONE: (Day) 510 604 5513 (Evening) email: jessiepoggi@gmail.com
ASSESSOR'S PARCEL NUMBER(S): 004-0105-025
YEAR OF PURCHASE: 2013 ASSESSED VALUE: \$313,918
EXISTING USE OF PROPERTY: residence

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (if any): Rose Flats
CONSTRUCTION DATE: 1891-92 LEGAL DESCRIPTION (From Deed, Please attach)
HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6344 or (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 checked="" 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, 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

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: 2016 Cost: 3,600 Improvement: Front staircase removal and replacement, custom build
- 2. Year: 2017 Cost: 3,600 Improvement: Front staircase removal and replacement, custom build.
- 3. Year: 2018 Cost: 3,600 Improvement: Front staircase removal and replacement, custom build.
- 4. Year: 2019 Cost: 3,600 Improvement: Front staircase removal and replacement, custom build.
- 5. Year: 2020 Cost: 3,600 Improvement: Front staircase removal and replacement, custom build.
- 6. Year: 2021 Cost: 3,600 Improvement: Front staircase removal and replacement, custom build.
- 7. Year: 2022 Cost: 3,600 Improvement: Reinforce and patch repair rear staircase rail.
- 8. Year: 2023 Cost: 3,600 Improvement: Exterior house paint 3-5 colors
- 9. Year: 2024 Cost: 3,600 Improvement: Exterior house paint 3-5 colors
- 10. Year: 2025 Cost: 3,600 Improvement: Exterior house paint 3-5 colors

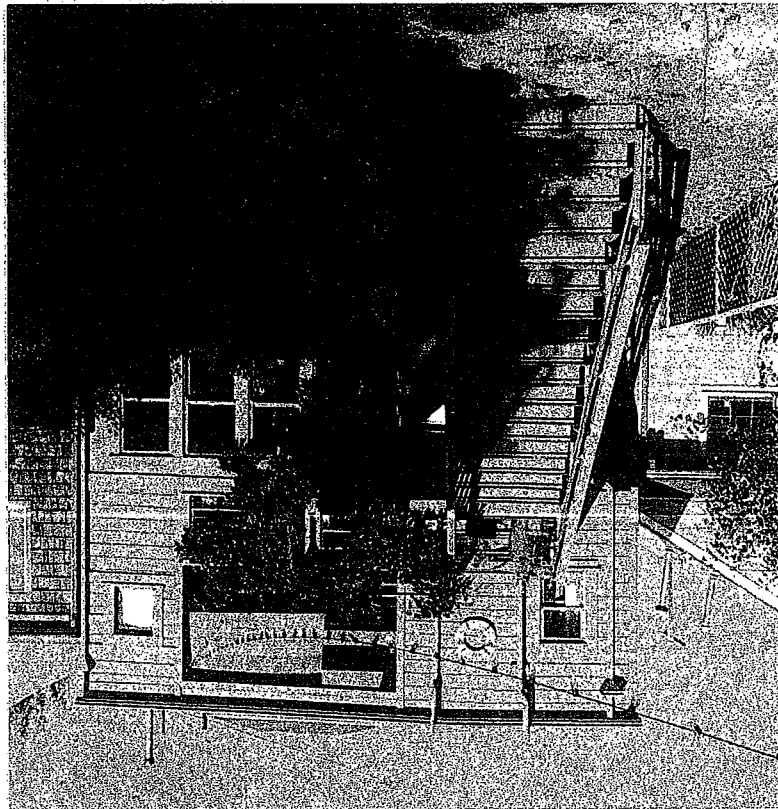
See attached bid of \$22,000

3,600

\$11,300

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.

Rear of Property

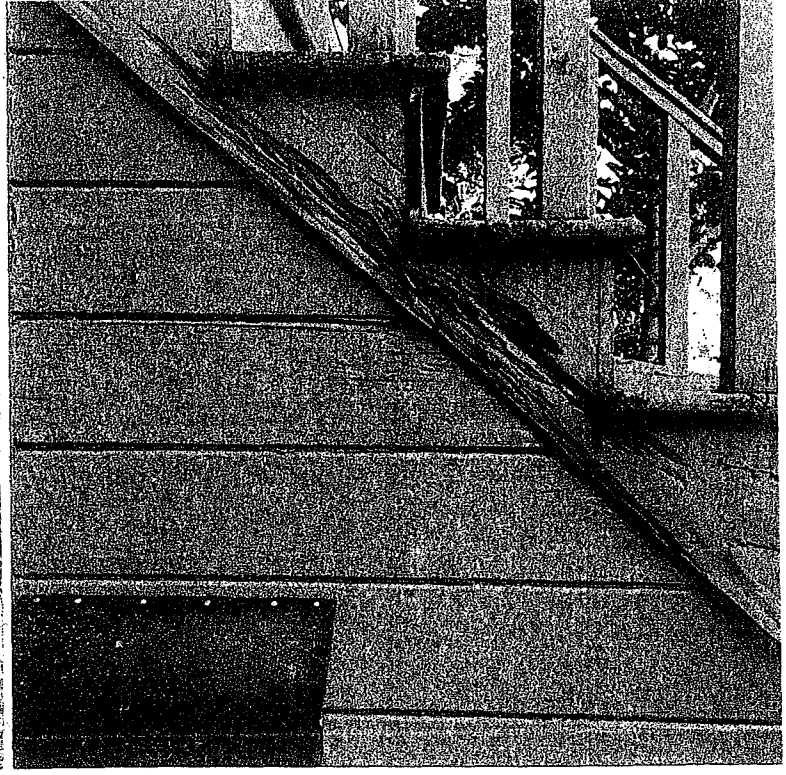


View from across the street



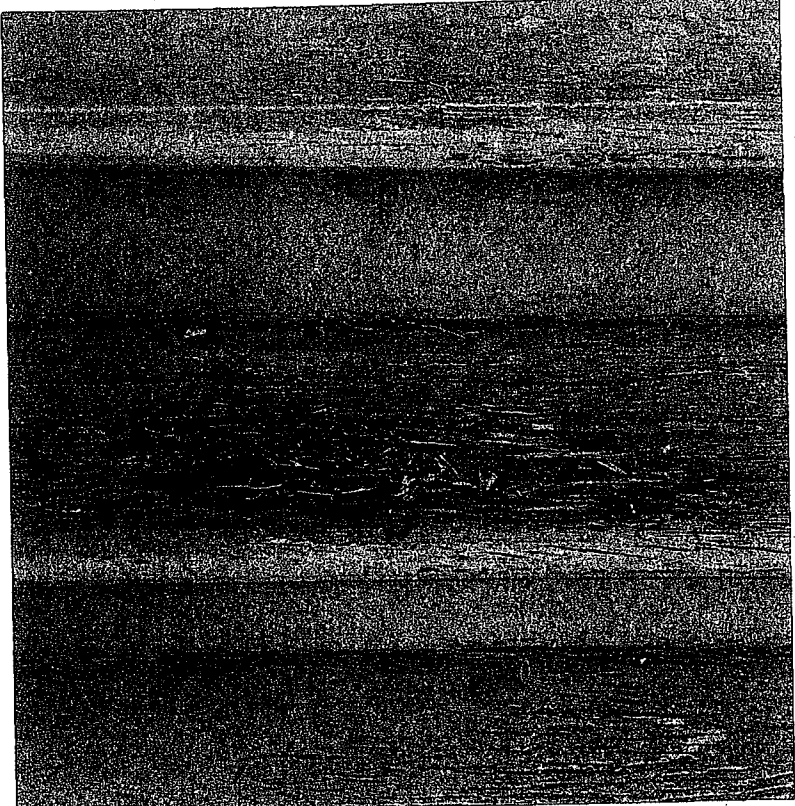


Front entrance staircase



Side detail of staircase water damage

Birds eye view detail of staircase water damage



ASSESSOR'S MAP 4

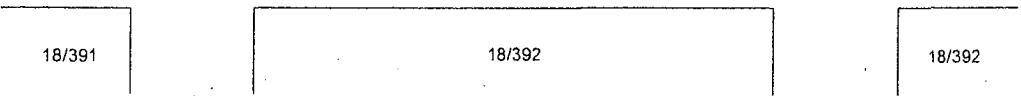
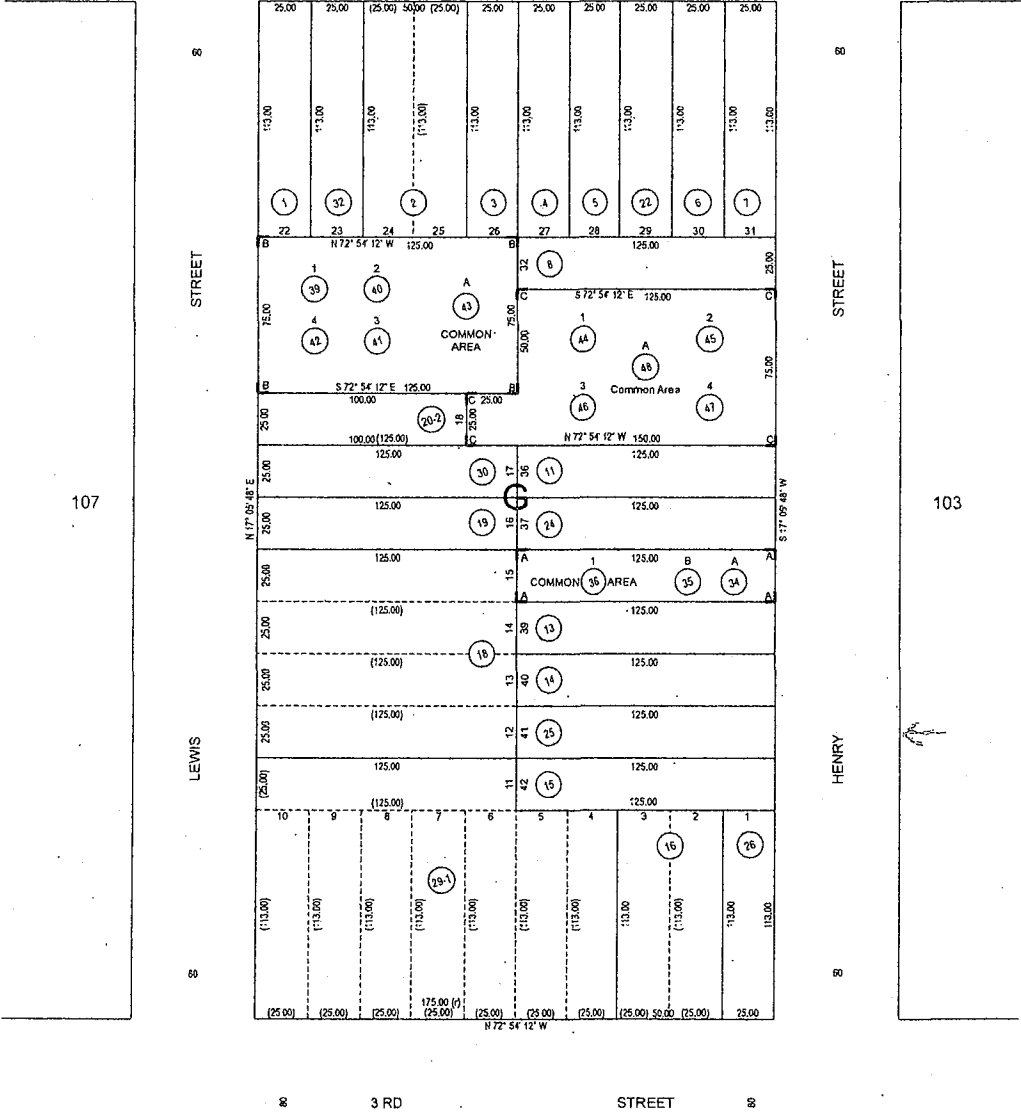
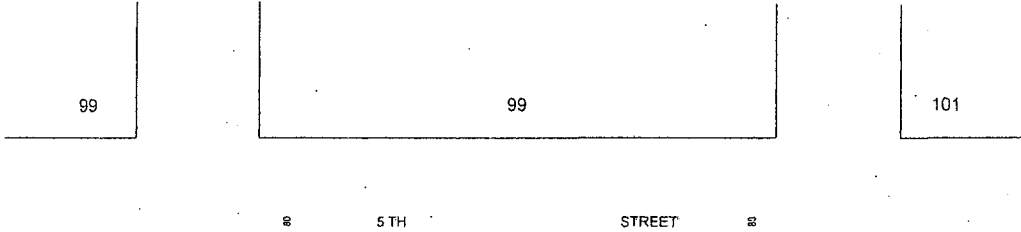
Code Area Nos. 17-046

105

SCALE: 1" = 50'

BAY VIEW HOMESTEAD 4/4.3

- (A) PM.8979 296/41-42
- (B) PM.9167 308/49-50
- (C) PM.9168 308/47-48



DRAWN: 04-10-09 MN
 REVISED: 11-10-10 ZC
 10-13-11 CC
 10-27-11 LL

FORMERLY: Bk. 282

Escrow No.: 12-58413914-RM
Locate No.: CACTI7701-7701-5584-0058413914
Title No.: 12-58413914-DC

EXHIBIT "A"

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

LOT 41, BLOCK G, BAY VIEW HOMESTEAD, FILED APRIL 15, 1869, IN BOOK 4, PAGE 5 OF MAPS, ALAMEDA COUNTY RECORDS.

APN: 004-0105-025

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, 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 -\$400.00
 - 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, 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 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

Jessica Paggi

5/14/2015

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

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: Fallon Blaser
PROPERTY ADDRESS: 1433 12th Ave/1141 East 15th St., Oakland CA 94606
PROPERTY OWNER(S): Fallon Blaser and Pan Blaser
PHONE: (Day) (919)602-8314 (Evening) same
ASSESSOR'S PARCEL NUMBER(S): 20-140-5
YEAR OF PURCHASE: 2015 ASSESSED VALUE: \$1,138,000
EXISTING USE OF PROPERTY: Church

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (if any): Brooklyn Presbyterian
CONSTRUCTION DATE: 1887 LEGAL DESCRIPTION (From Deed, Please attach)
HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6344 or (510)238-6879 to confirm.

DESIGNATED HISTORIC RESOURCE:

DATE OF DESIGNATION

- | | | |
|-------------------------------------|---|-------------|
| <input checked="" type="checkbox"/> | City of Oakland Landmark | May 9, 1984 |
| <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, 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

2015: *\$11,000.* THE ROOF IS OLD AND NEEDS TO BE REPAIRED. A GAPING HOLE HAS EXPOSED THE INTERIOR TO THE ELEMENTS, CAUSING MUCH DAMAGE AND ALLOWING BLACK MOLD TO SPREAD. ESTIMATED COST OF REPAIR: *\$65,320*

2016: *\$11,000.* THE FOUNDATION IS ADVANCED IN DETERIORATION WITH EVIDENCE OF MOISTURE INTRUSION AND DECAY, AS RECORDED BY A STRUCTURAL ENGINEER. A TERMITE INSPECTION REVEALED TERMITES AND DRY ROT ARE HEAVILY AFFECTING CERTAIN AREAS. ESTIMATED COST OF REPAIR: *\$162,600*

2017: *\$10,000.* FOUNDATION WORK CONTINUED.

2018: *\$10,000.* MUCH OF THE BEAUTIFUL STAINED GLASS IS BROKEN AND NEEDS TO BE REPLACED. ESTIMATED COST OF REPAIR: *\$29,840*

2019: *\$10,000.* WINDOW REPAIR CONTINUED.

2020: *\$10,000.* REPAIRING THE SIDING AND EXTERIOR ARCHITECTURAL DETAILS - IN NEED OF MUCH ATTENTION - INCLUDING WINDOW SASHES, GABLES, EXTERIOR DOORS, AND IF POSSIBLE, THE ORIGINAL BELL. ESTIMATED COST OF REPAIRS: *\$41,000*

2021: *\$10,000.* REPAIRING AND REPLACING OF EXTERIOR ARCHITECTURAL ELEMENTS CONTINUED.

2022: *\$10,000.* RESTORATION AND REPAIR OF DAMAGED INTERIORS DUE TO EXTENSIVE WATER DAMAGE, INCLUDING FLOOR BOARDS, PANELING, AND DRY WALL. ESTIMATED COST OF REPAIR: *\$75,280.*

2023: *\$10,000.* INTERIOR REPAIRS CONTINUED.

2024: *\$10,000.* MAINTENANCE OF GROUNDS AND APPEARANCE.

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.
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 - Increasing architectural integrity;
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- 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):

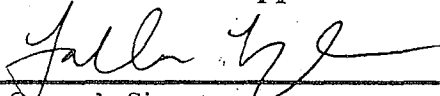
- the Mills Act brochure;
- Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)
- the (MODEL) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY;
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Owner's Signature

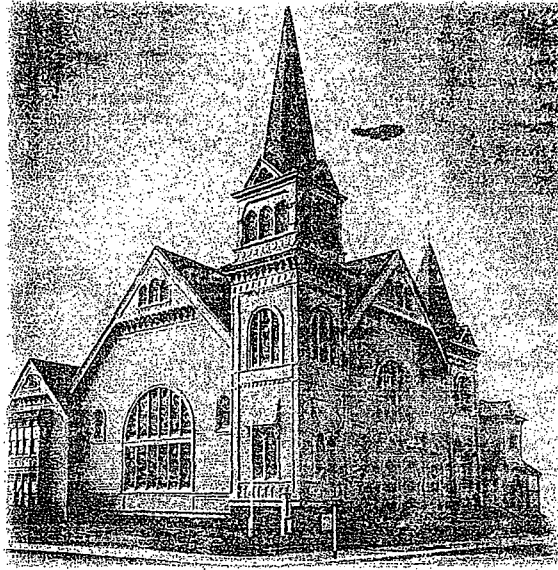
May 28, 2015
Date

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

FALLON BLASER
34864 PERRY RD
UNION CITY, CA 94587



1433 12TH AVE
OAKLAND, CA 94606
GRACE TEMPLE BAPTIST CHURCH

PLANS FOR REPURPOSE:

- RESTORE BEYOND THE PHYSICAL BUILDING TO THE GOOD WILL AND SERVICE OF ITS ORIGINAL INSTITUTION, BROOKLYN PRESBYTERIAN.
- IMPLEMENT PROGRAMS AND CLASSES THAT SERVE THE IMMEDIATE COMMUNITY, WITH THE OVERARCHING GOAL OF ENABLING INDIVIDUALS TO BE MORE SELF-SUFFICIENT *AND* HAVE THEM IDENTIFY AS AN IMPORTANT CONTRIBUTOR TO THEIR NEIGHBORHOOD ENVIRONMENT.
- MAINTAINING ETHICAL STANDARDS THAT MUST BE MET FOR AN ORGANIZATION OR INDIVIDUAL TO USE THE SPACE

PERSONAL STATEMENT:

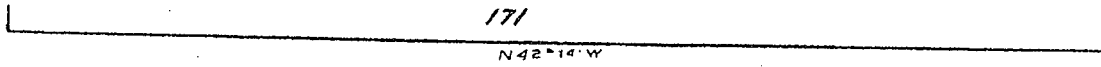
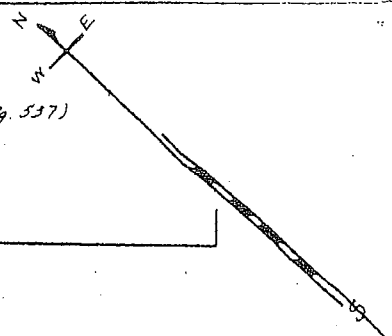
MUCH OF THE INVESTMENT IN THIS MISSION IS MY OWN MONEY AND MY OWN TIME. I WANT TO MAKE SOMETHING THAT WILL OUTLAST ME. BE GREATER THAN ME. AS ODD AS THIS MAY SOUND, I'D LIKE THIS SPACE TO SERVE AS A COUNTERBALANCE TO ALL OF THE "NEWNESS" THAT IS CULTURALLY AND FINANCIALLY TAKING OVER OAKLAND. I WANT PEOPLE TO REMEMBER THEIR ROOTS THROUGH EXPERIENCE; AND BRING THAT EXPERIENCE BACK.

ASSESSOR'S MAP 20

(A) Map of Clinton. - H.A. Higley's Survey. (B) P.M. 5583 187/98 (C) P.M. 8490 298/98-99 Scale 1 in = 30 ft. (Bk. B Deeds Pg. 537)

140

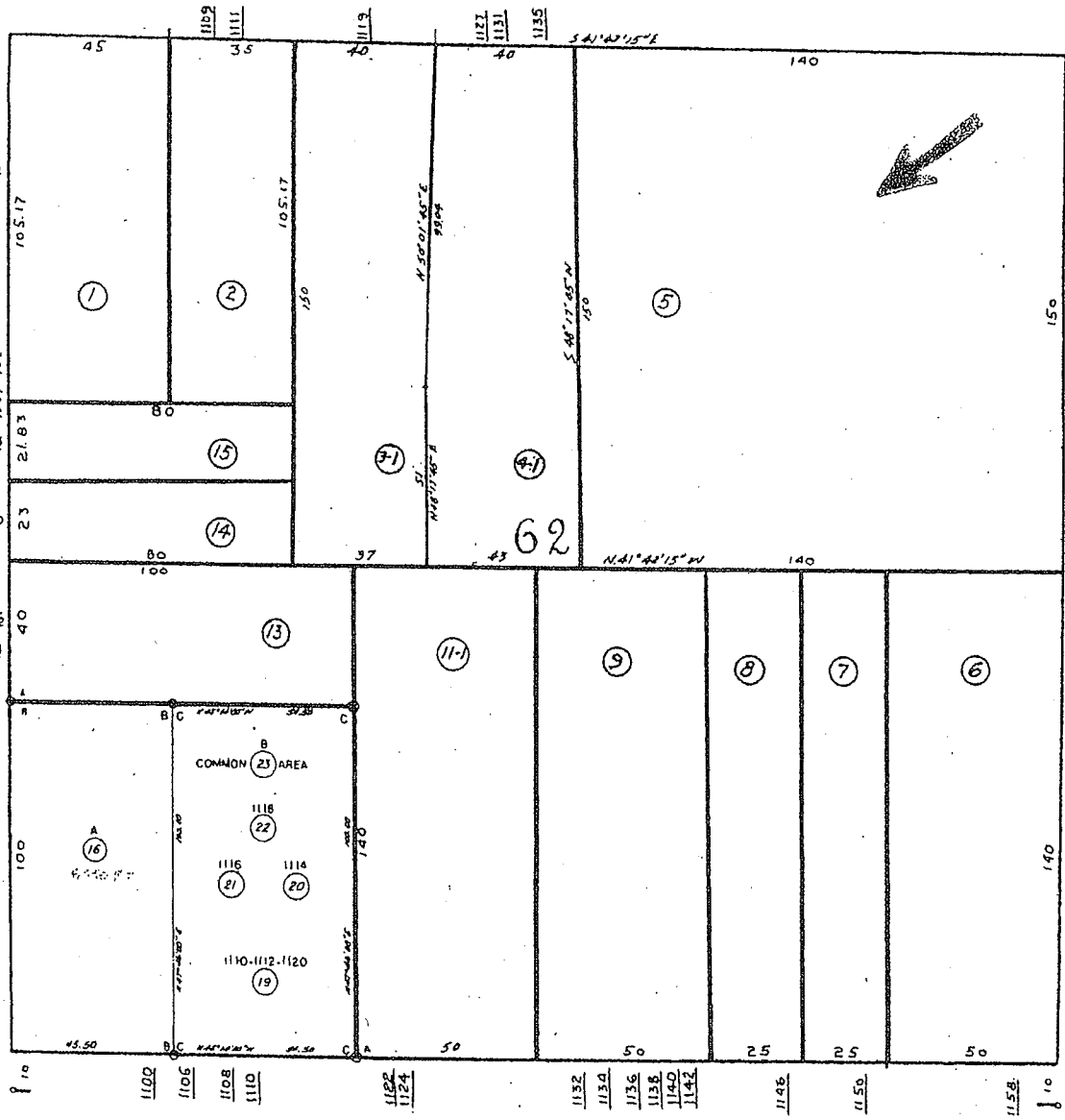
REV. 5-17-65 A.Y. 11-7-69 BY 9-16-04 EG 3-19-08 CW 12-15-08 CC



East 15th Street

Avenue 139

Avenue 141



East 14th Street

NOTICE... This is neither a plat nor a survey, it is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon.

EXHIBIT A

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

Lots 13, 14, 15, 16, 17 and the Southeasterly 15 feet by 150 feet of Lot 18, Block 62, Map of the Town of Clinton, filed in Book B, Page 537, Alameda County Records, described as follows:

Commencing at a point formed by the intersection of the Southerly line of East Fifteenth Street, formerly called Madison Street, with the Westerly line of Twelfth Avenue, formerly called Polk Street, said point being the Northeasterly corner of Block 62; running thence Southwesterly on the Westerly line of said Twelfth Avenue 150 feet; thence at right angles Northwesterly and parallel with East Fifteenth Street 140 feet; thence at right angles Northeasterly and parallel with Twelfth Avenue 150 feet to the Southerly line of East Fifteenth Street; and thence Southeasterly along the Southerly line of East Fifteenth Street 140 feet to the point of commencement.

APN: 020-0140-005

RESOLUTION 1984-2
LANDMARKS PRESERVATION ADVISORY BOARD

WHEREAS, a proposal to designate the following building and site as an Oakland Landmark pursuant to Section 7002 of the Zoning Regulations, has been considered by the Landmarks Preservation Advisory Board; and

WHEREAS, the Board has reviewed and examined the material pertaining to this property contained in Case File LM 84-109 and found on the Landmarks Nomination Form, copies of which are attached hereto; and

WHEREAS, the Board has determined that this property has special character, interest, or value and that it merits Landmark designation, protective regulations, and preservation for enjoyment of future generations; now therefore be it

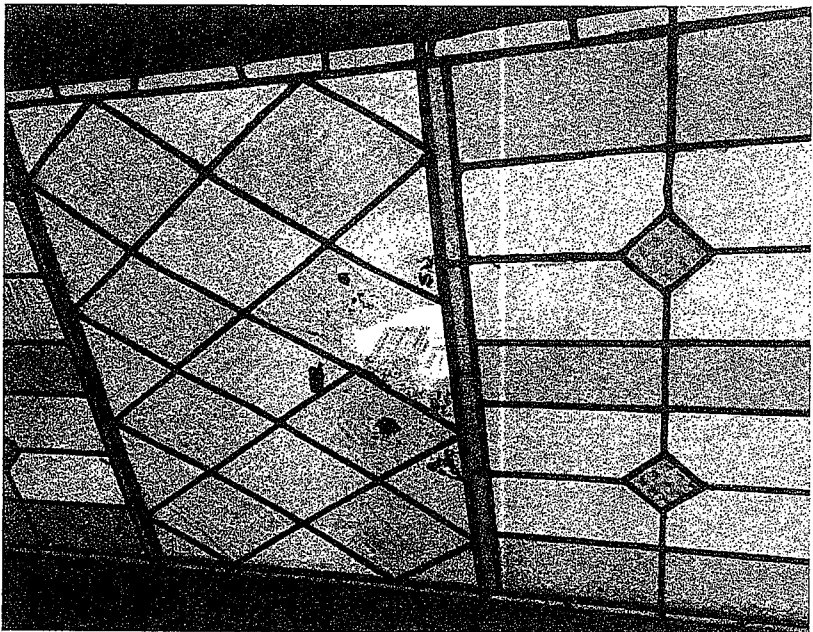
RESOLVED: That the Landmarks Preservation Advisory Board hereby initiates, under the provisions of Section 9502 of the Oakland Zoning Regulations, action to establish as a Landmark the following:

HISTORICAL NAME:	Brooklyn Presbyterian Church and Parish Hall
COMMON NAME:	Grace Temple Baptist Church
ADDRESS:	1433 12th Avenue; 1141 East 15th
DATE:	1887
ARCHITECT:	George Bordwell; Samuel Newsom?
ORIGINAL USE:	Church
PRESENT USE:	Church
ASSESSOR'S PARCEL NUMBER:	20-140-5

and be it

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

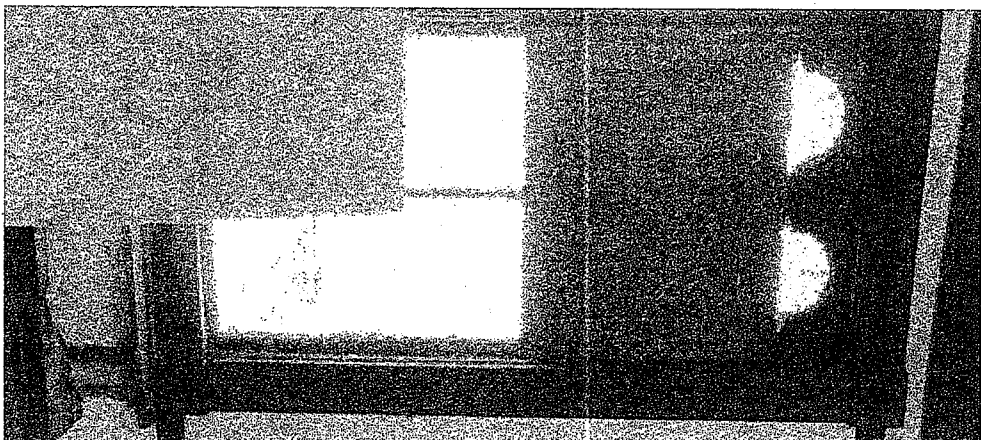
FURTHER RESOLVED: That this action be forwarded to the City Planning Commission for public hearing and consideration.



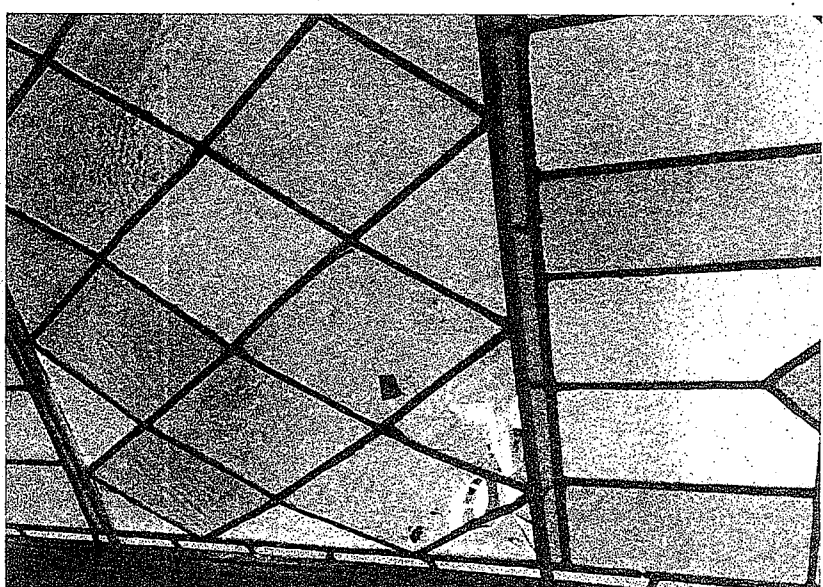
10.



8.

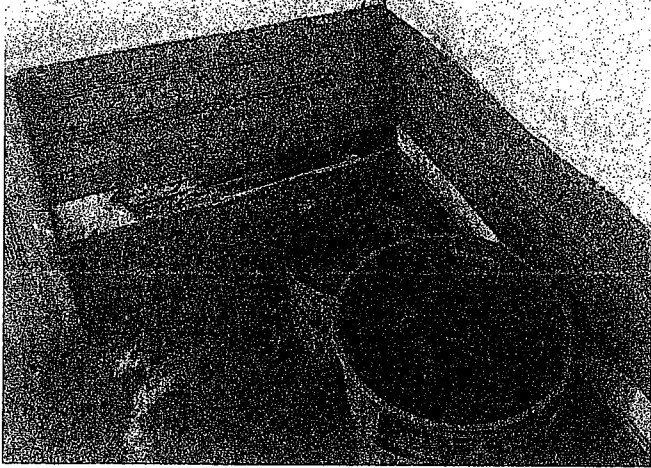


11.

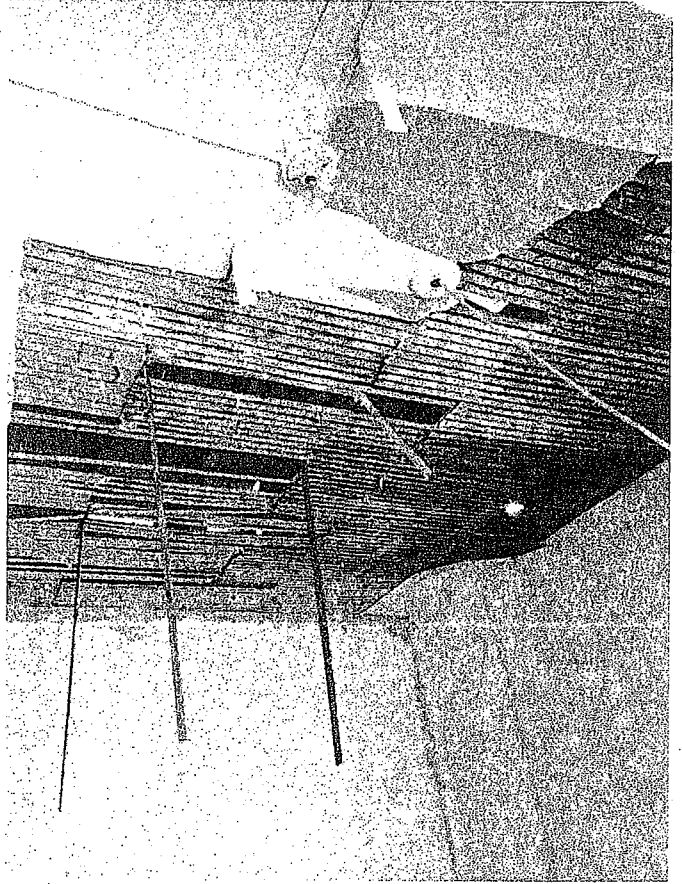


9.

4.



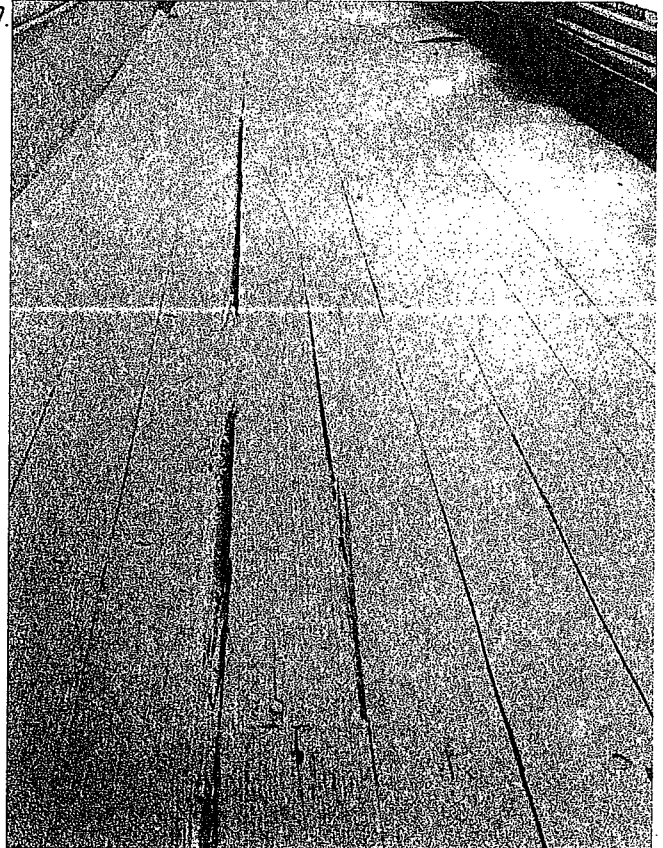
5.



6.

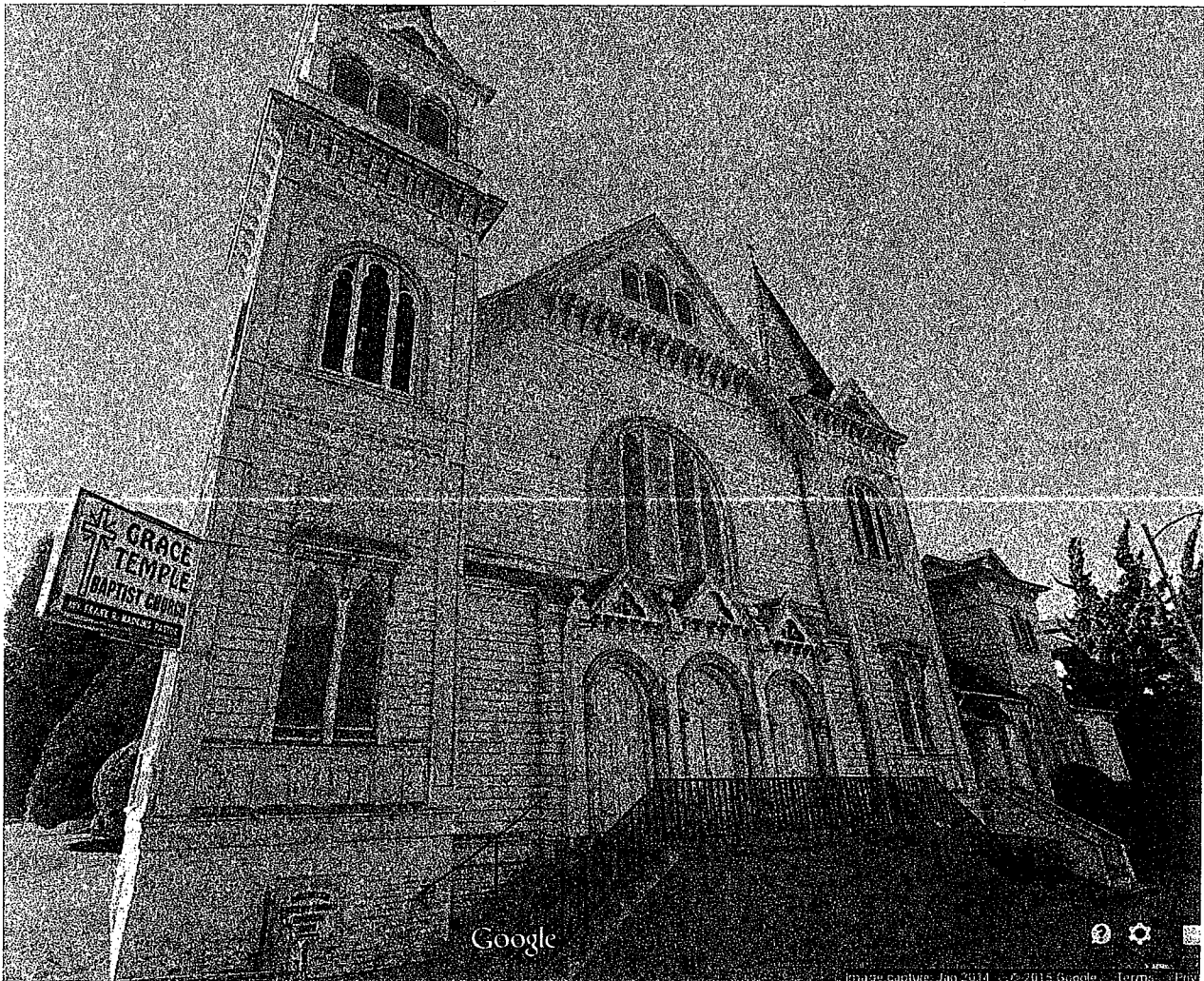


7.

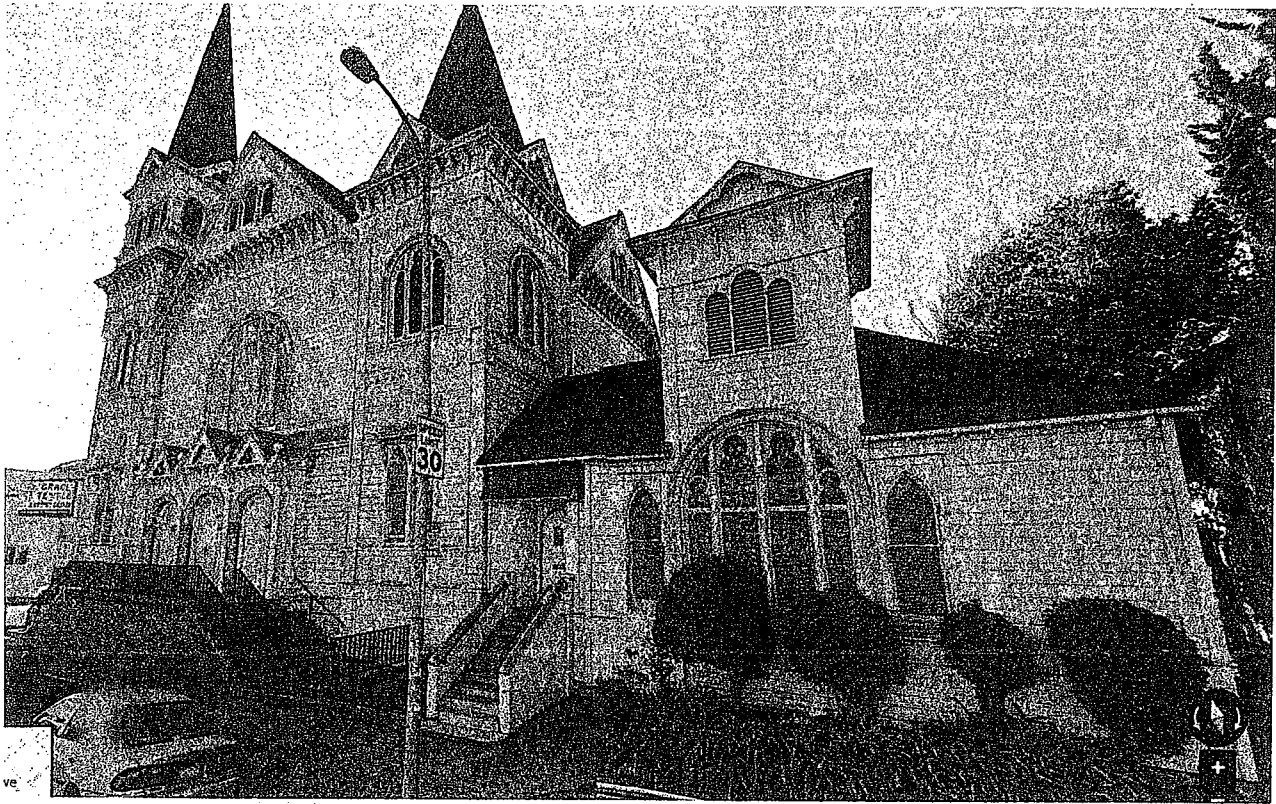




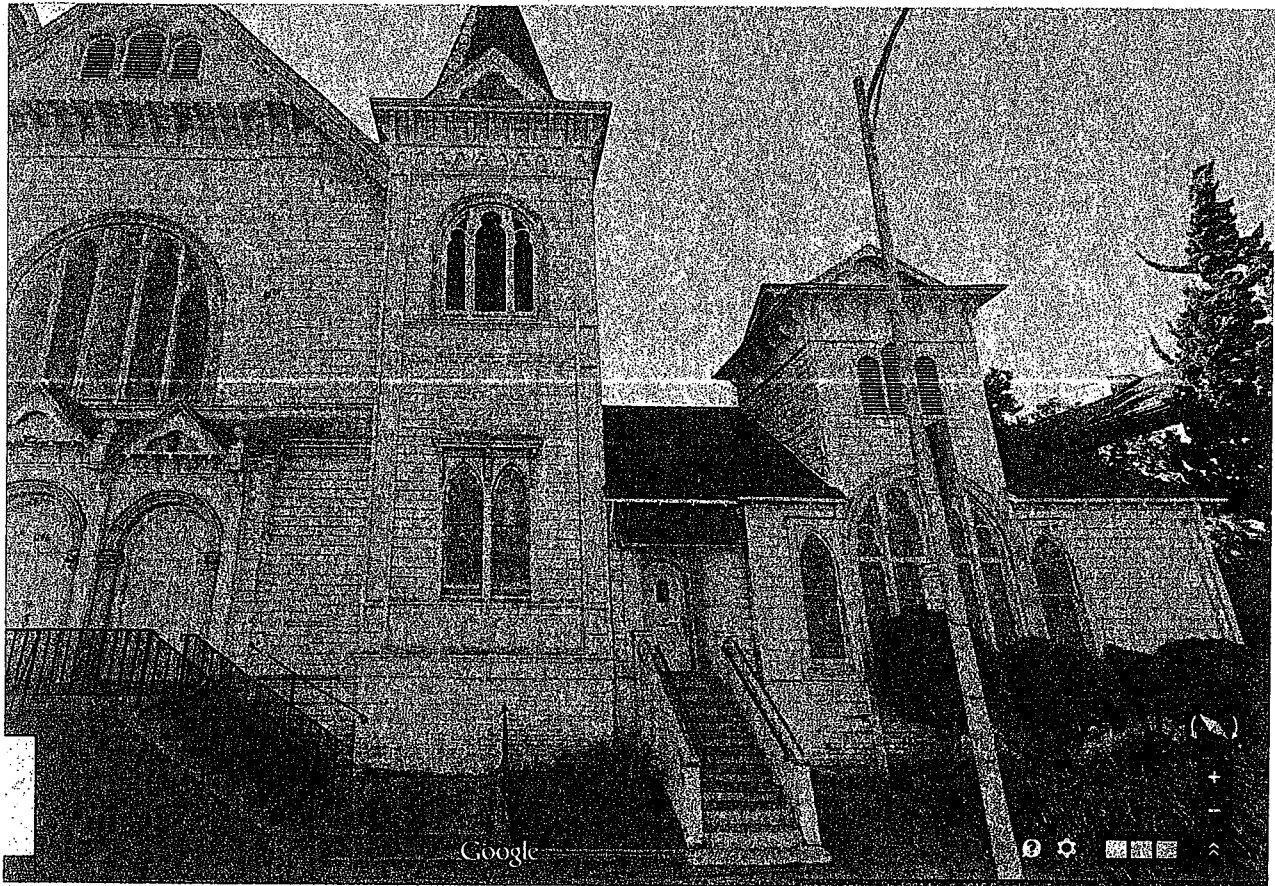
View from
12th Ave.

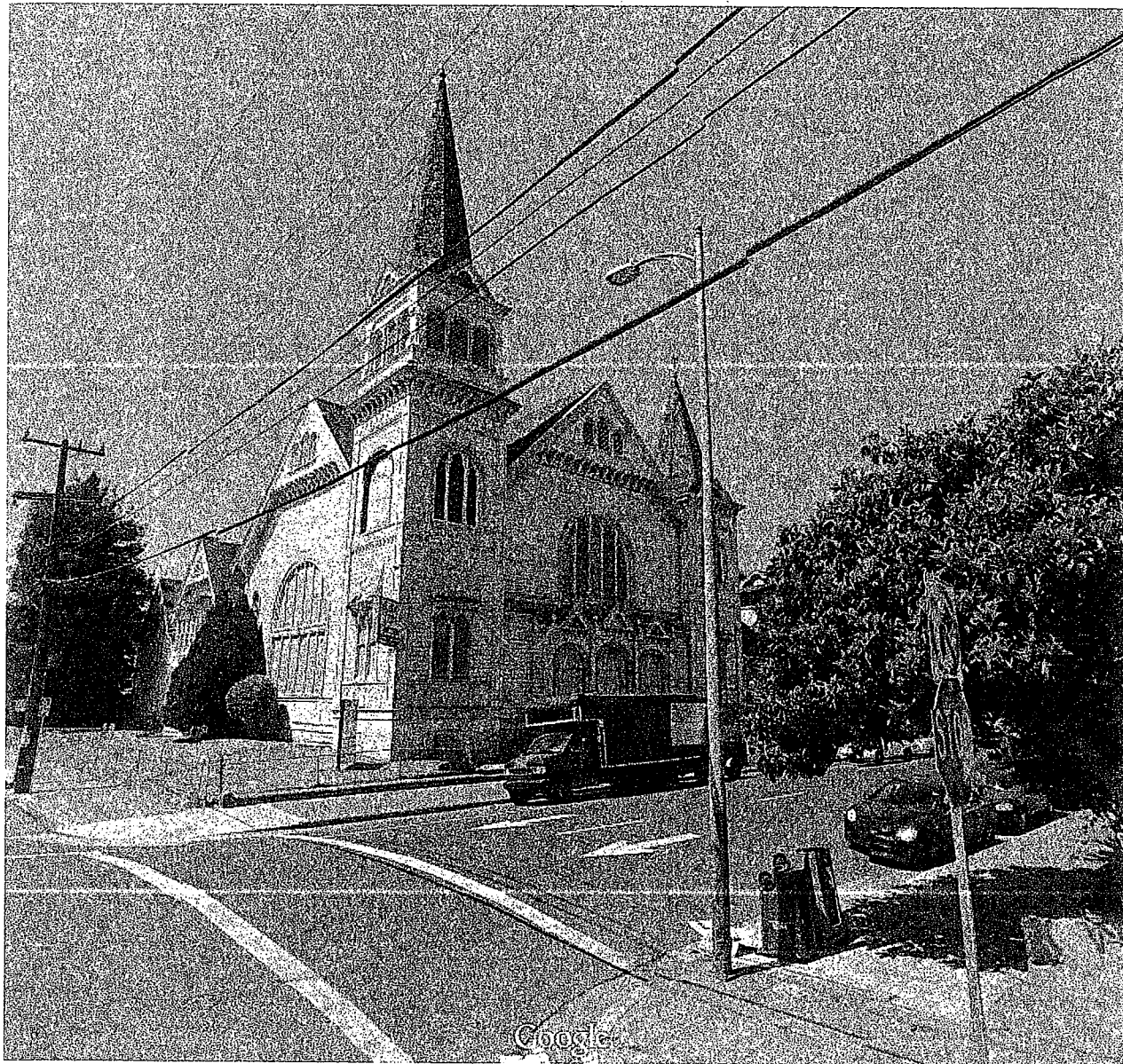


View from
15th St.



Alternate views from 15th St.

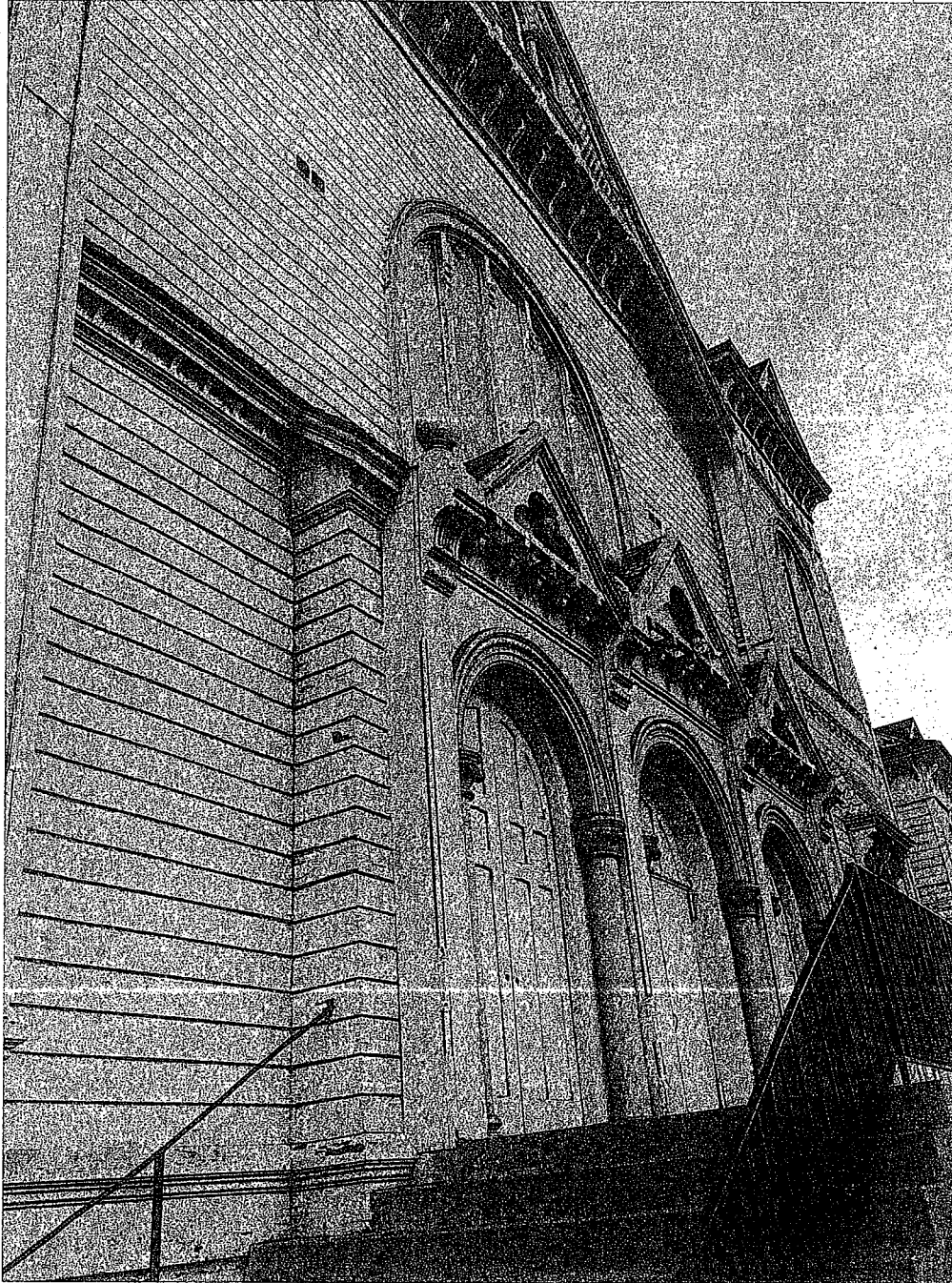




View from
street
corner.

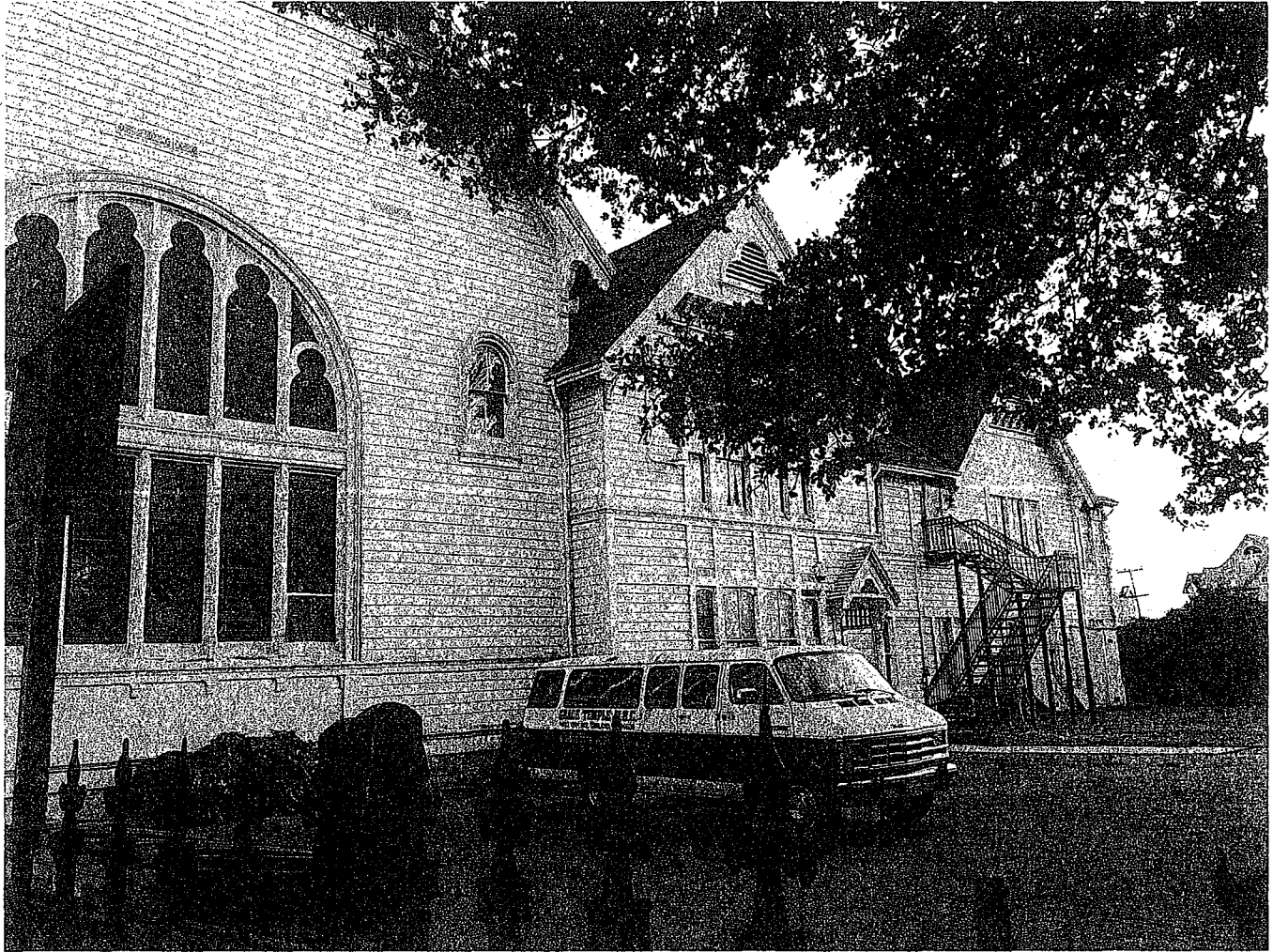


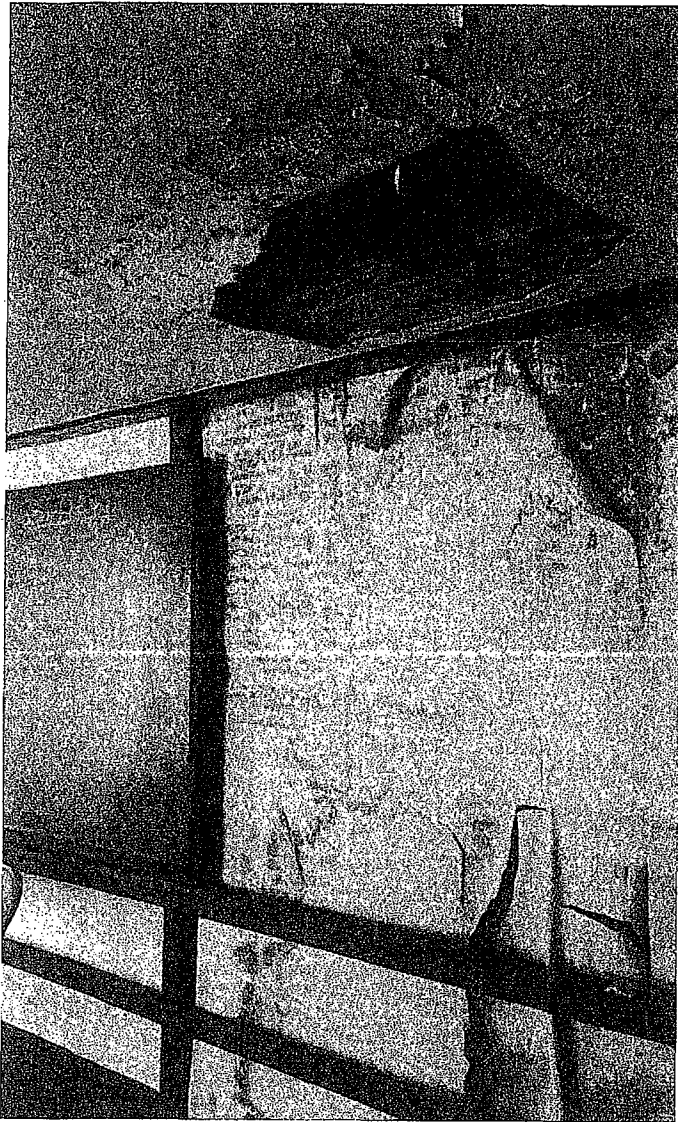
Detail of exterior siding and stained glass windows.



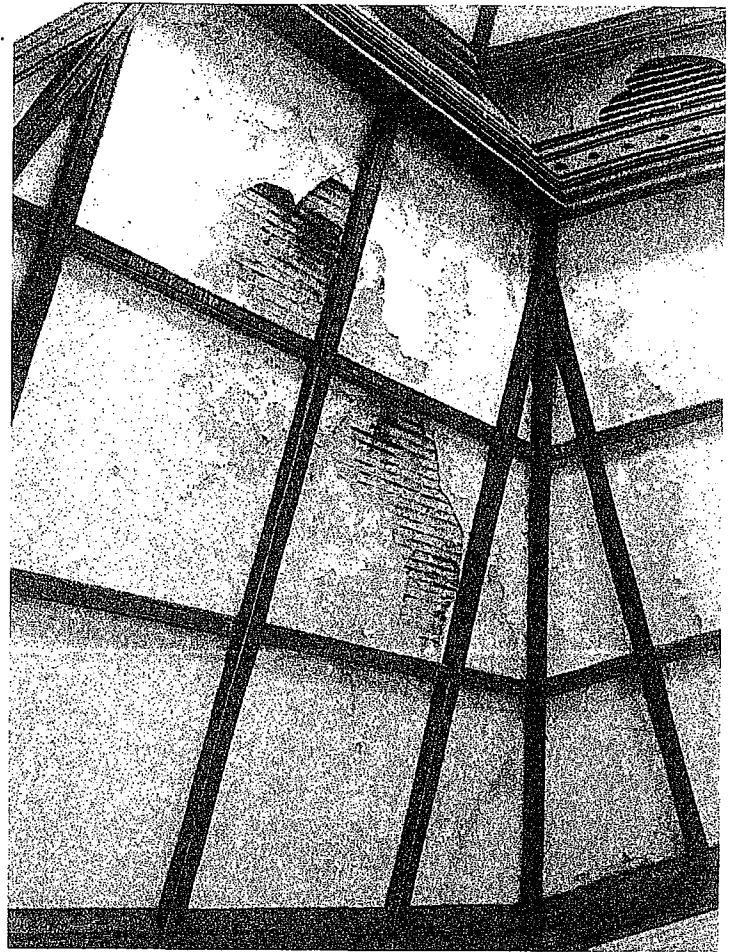
Detail of outer
sanctuary
doors and
gables.

View from back parking lot.

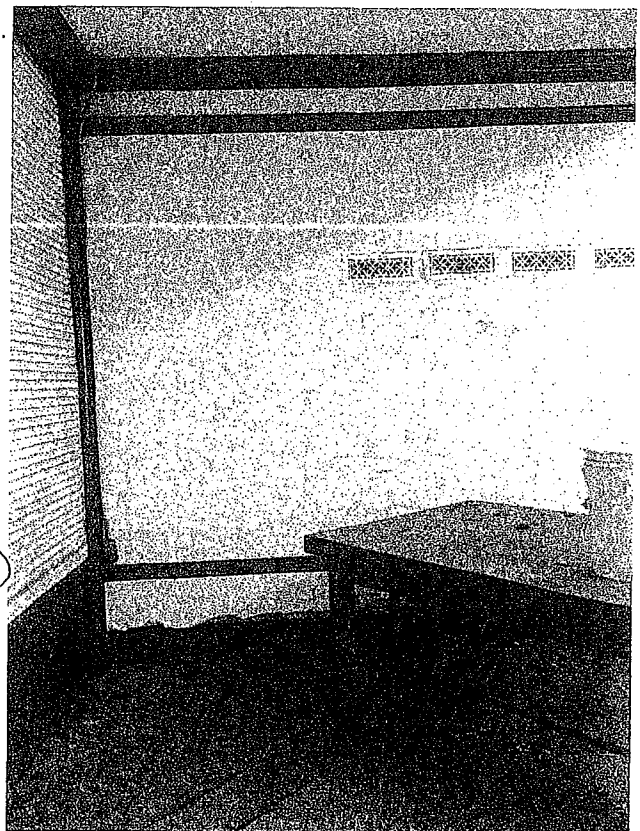




2.



3.



Water damage is not restricted to any one area or structure. Ceilings, walls, and floors are deteriorating and asbestos exposure a product of some of this deterioration.

Photo depictions:

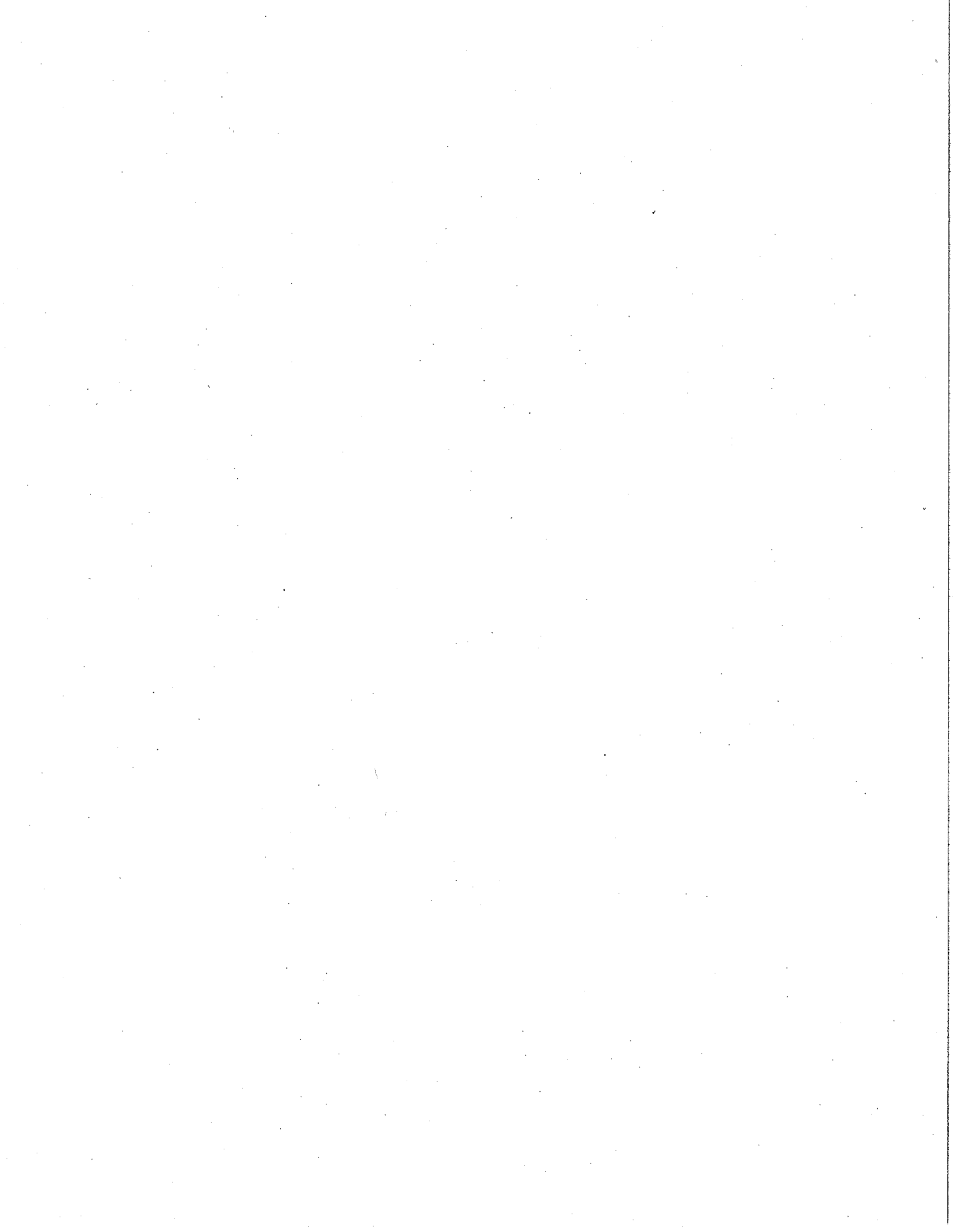
1-3: Areas of the octagonal "galley" that suffered water damage

4: Black mold (the smell of it is overwhelming!)

5-6: Water damage in the tower and one of the upstairs classrooms

7: Floorboards are a general depiction of the old wood that needs attention

8-11: Just a few windows of many that are damaged/broken



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: Jeannie Bruland and Aaron Vanderwerff

PROPERTY ADDRESS: 334 Newton Ave.

PROPERTY OWNER(S): Jeannie Bruland and Aaron Vanderwerff

PHONE: (Day) 510-834-8504 (Evening) 510-834-8504

ASSESSOR'S PARCEL NUMBER(S): 22-307-15

YEAR OF PURCHASE: 2008 ASSESSED VALUE: \$593,520 (net: \$587,920)

EXISTING USE OF PROPERTY: private residence

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (if any): none

CONSTRUCTION DATE: 1908 LEGAL DESCRIPTION (From Deed, Please attach)

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6344 or (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

pending

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

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:** 2016 **Cost:** \$7,500 **Improvement:** Remove soft story addition above porch; replace with small hipped-roof.
2. **Year:** 2017 **Cost:** \$10,000 **Improvement:** Renovate or remove & rebuild porch and steps in original position.
3. **Year:** 2018 **Cost:** \$7,000 **Improvement:** Refurbish or replace existing period balusters and capitals on porch.
4. **Year:** 2019 **Cost:** \$7,500 **Improvement:** Shingle south wall of house between oriel box windows at the front corner of the house and second story oriel box window as final step of porch renovation.
5. **Year:** 2020 **Cost:** \$8,000 **Improvement:** Replace two second-floor, large aluminum windows on southwest corner of building and smaller second-floor aluminum window on west side of building with more historically-appropriate windows.
6. **Year:** 2021 **Cost:** \$9,000 **Improvement:** Replace two large first-floor aluminum windows on southwest corner of building and smaller oval window with more historically appropriate windows.
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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
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- Additional pages to describe the Work Program
 - As necessary
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- Filing Fee -\$400.00
 - 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.
- Geographic Distribution:
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 - 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):

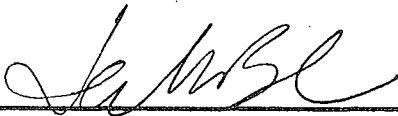
- the Mills Act brochure;
- Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)
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I hereby apply to be considered for a Mills Act agreement, have read and agree 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

6/1/15

Date

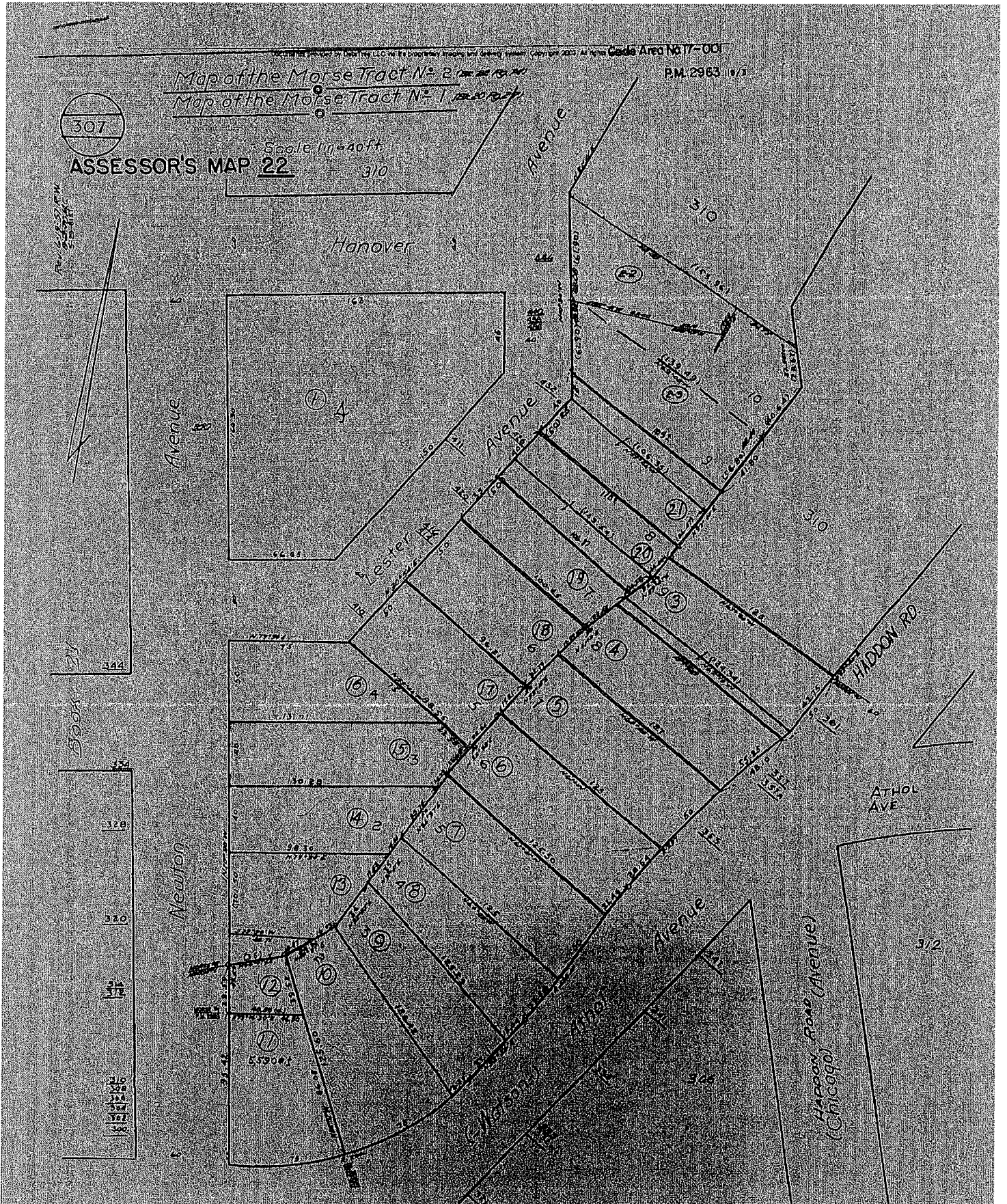
APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

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

Mills Act Application — 334 Newton Ave.

Assessor's Parcel Map

Legal Description: Lot 3, "Map of Morse Tract No. 2," filed April 11, 1907, in Book 22 of Maps, Page 74, in the Office of the County Recorder of Alameda County



334 NEWTON PHOTOS

FRONT OF HOUSE

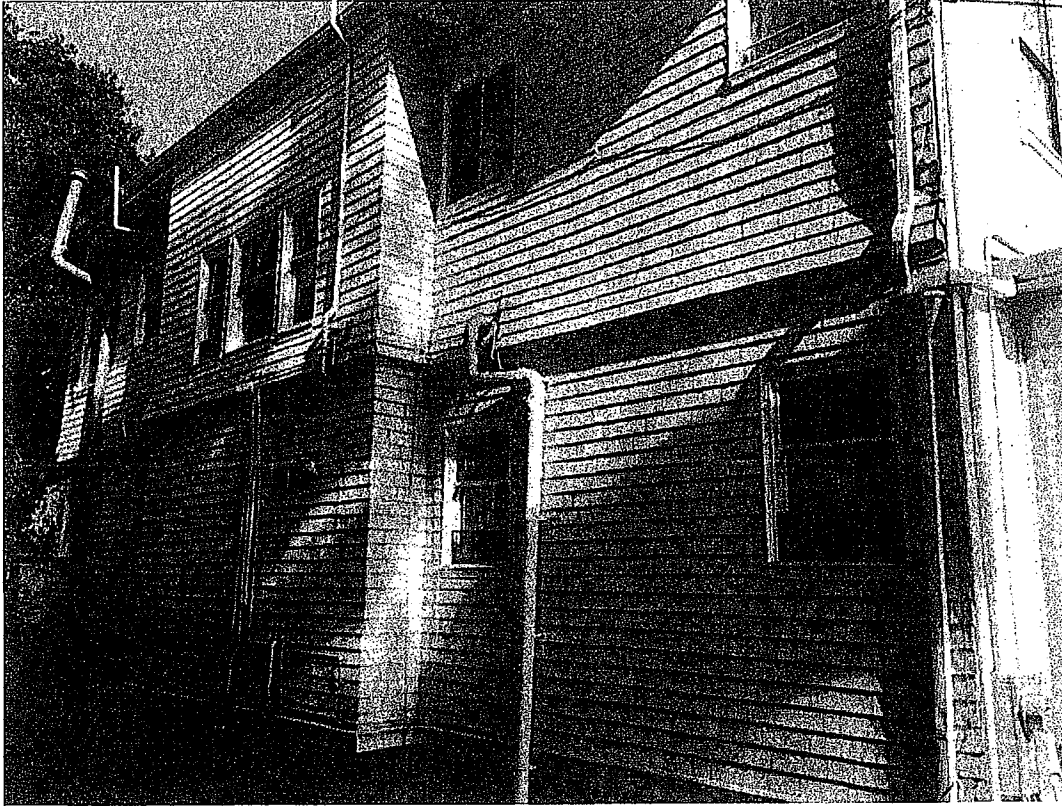


HOUSE VIEWED FROM ACROSS THE STREET



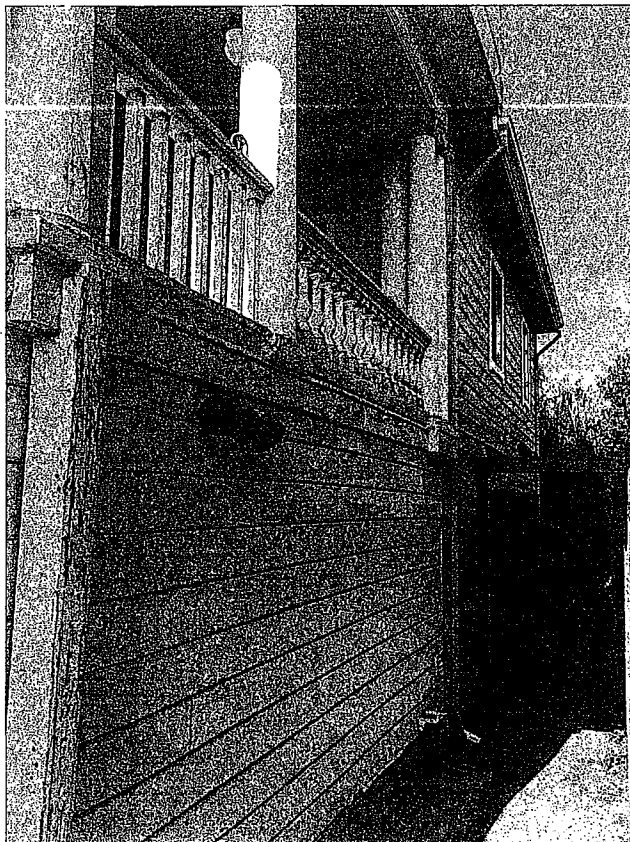
NORTH SIDE OF HOUSE

The house was built between 2 and 7 feet from the property line on both the north and south sides. These photos are taken from slightly outside the property line.

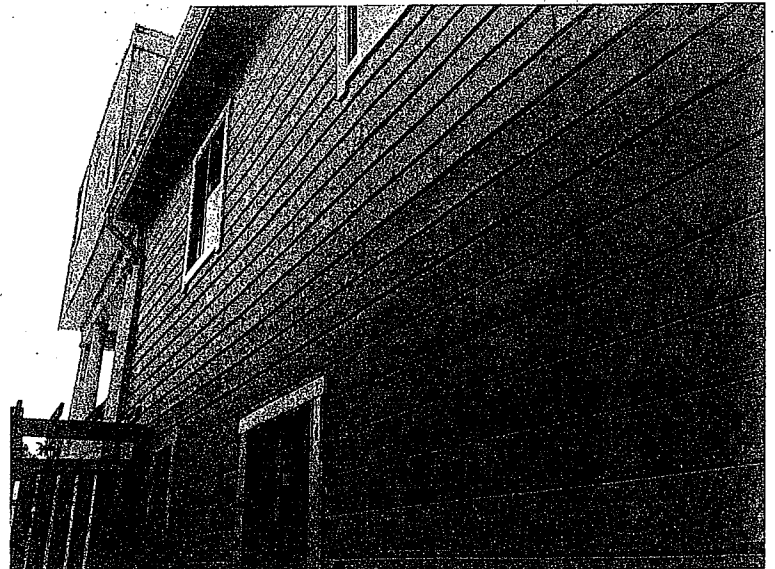


SOUTH SIDE OF HOUSE

VIEWED FROM FRONT



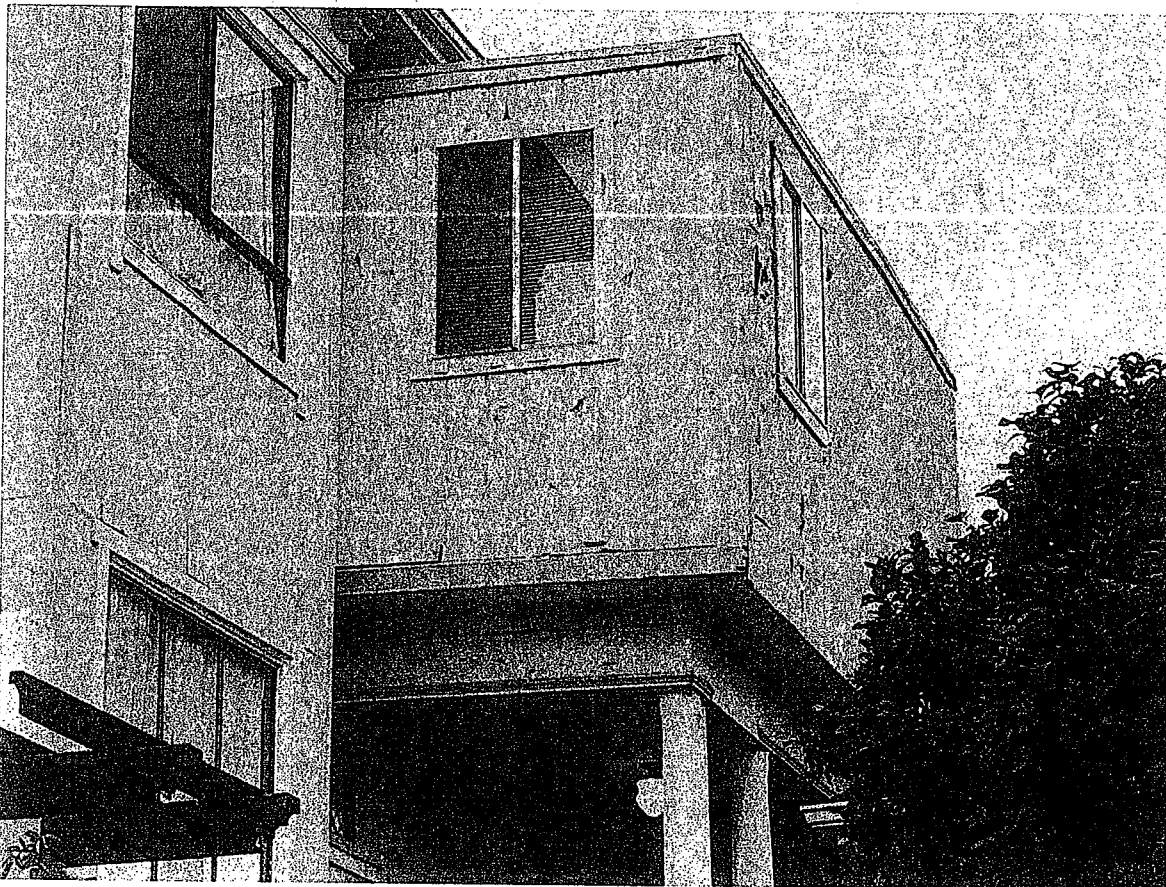
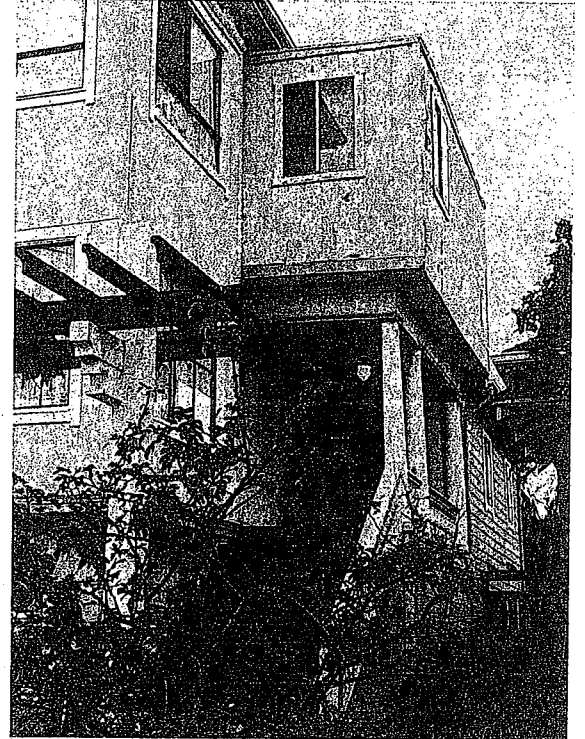
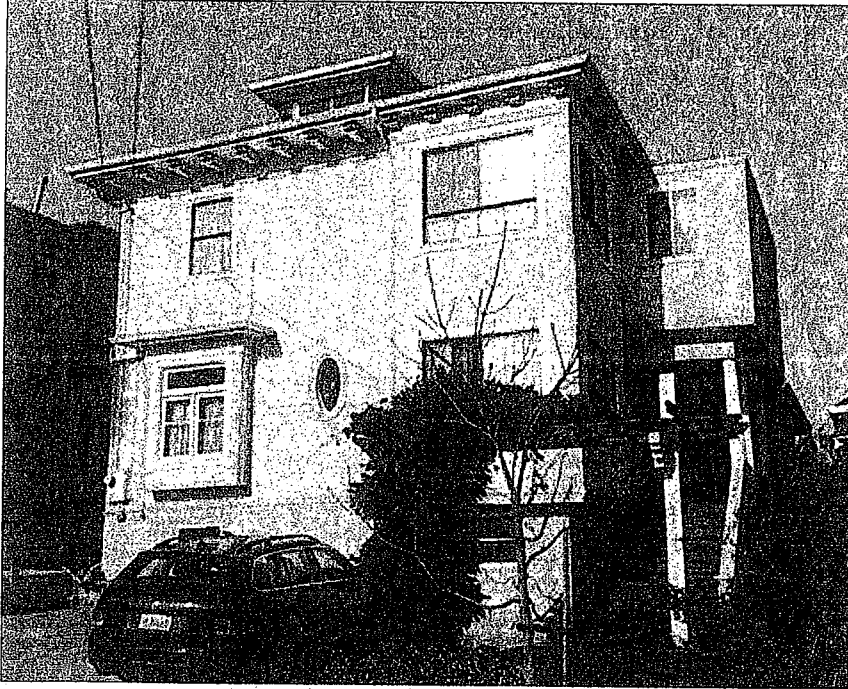
VIEWED FROM BACK



WORK PROGRAM PHOTOS

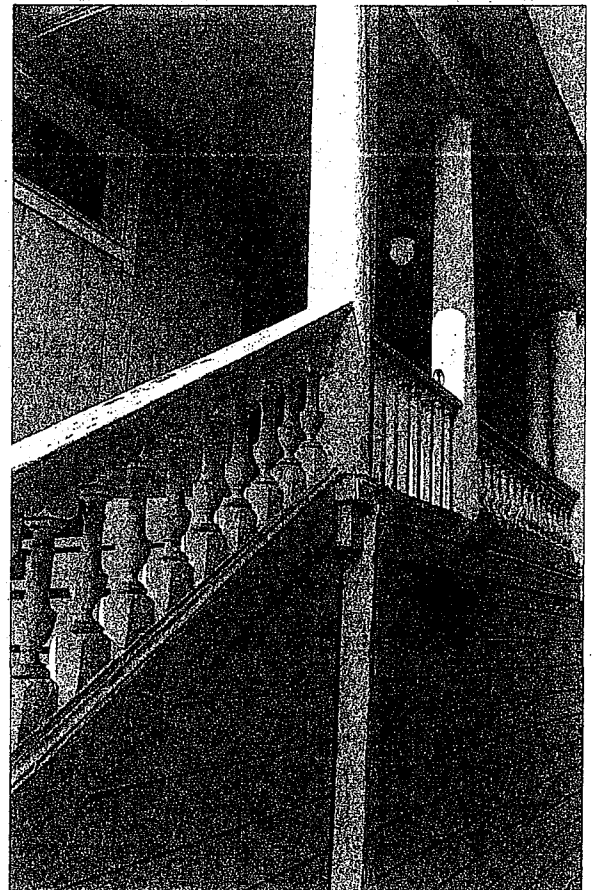
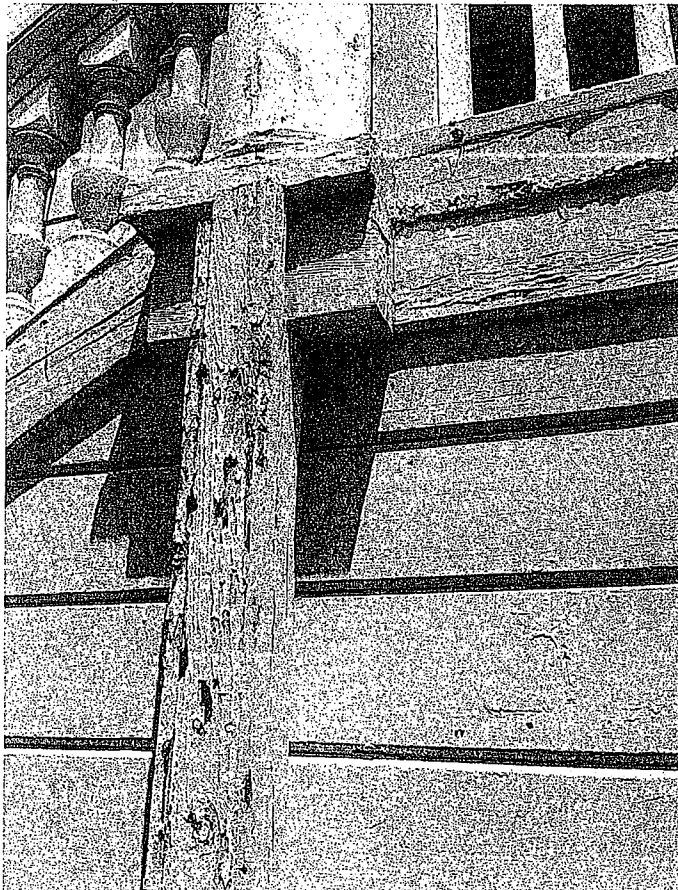
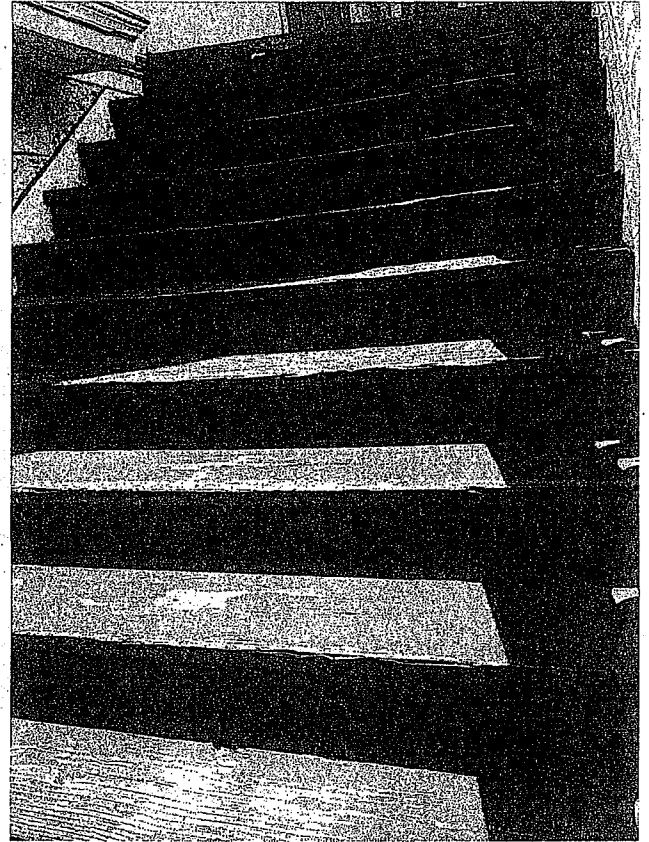
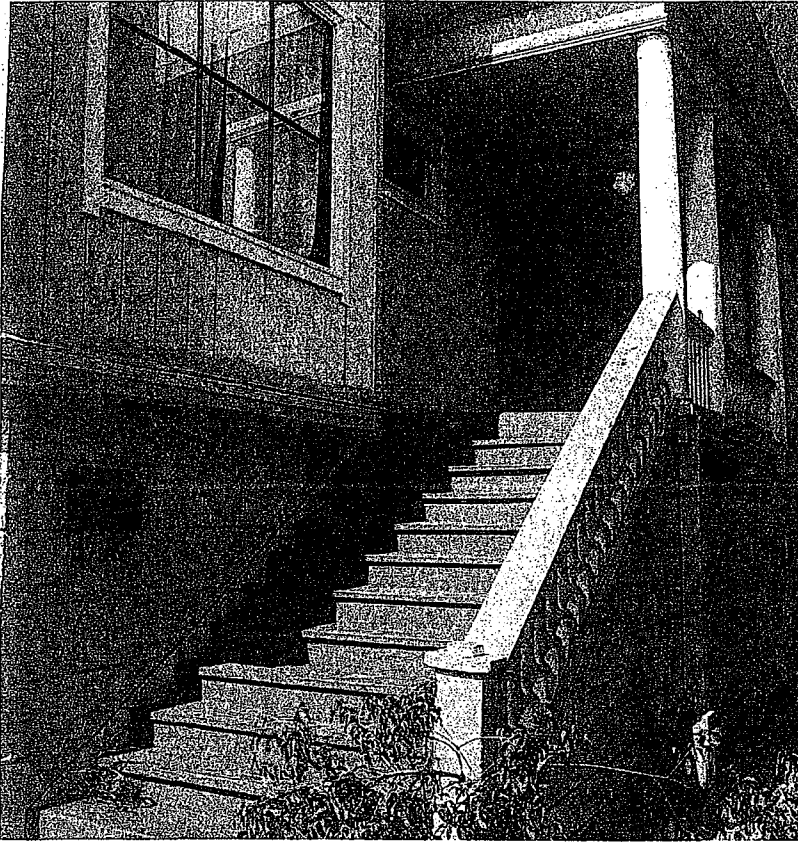
WORK PROGRAM ITEM #1

Remove soft story addition above porch; replace with small hipped-roof.



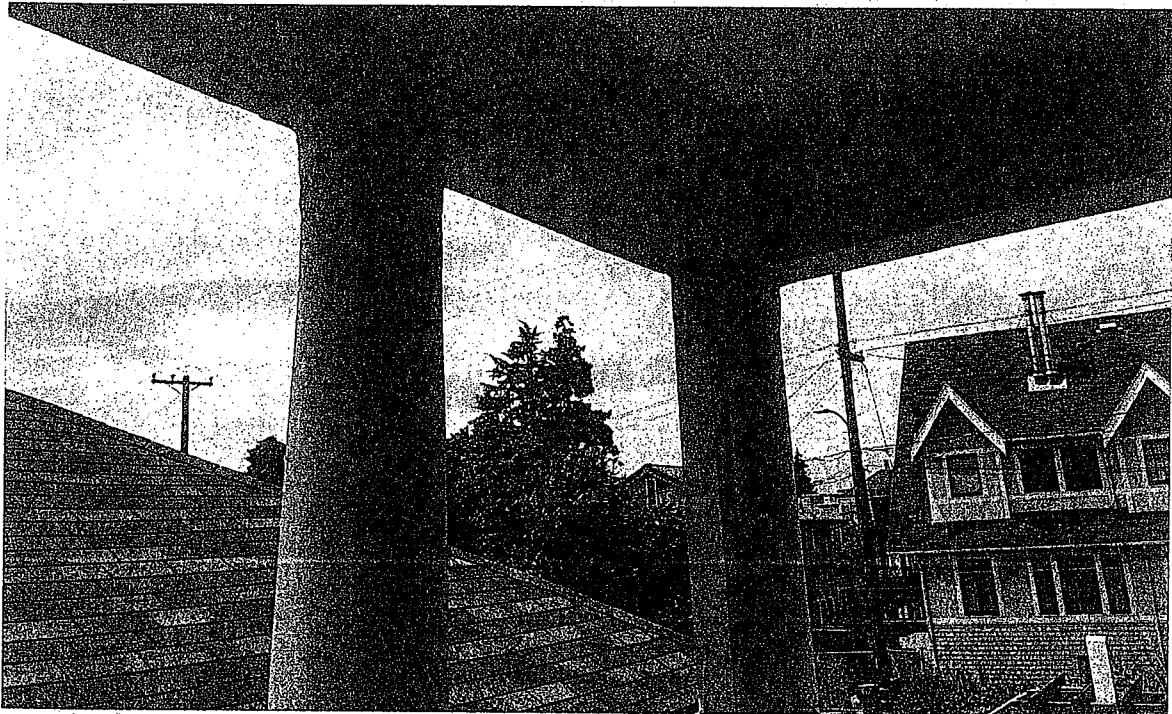
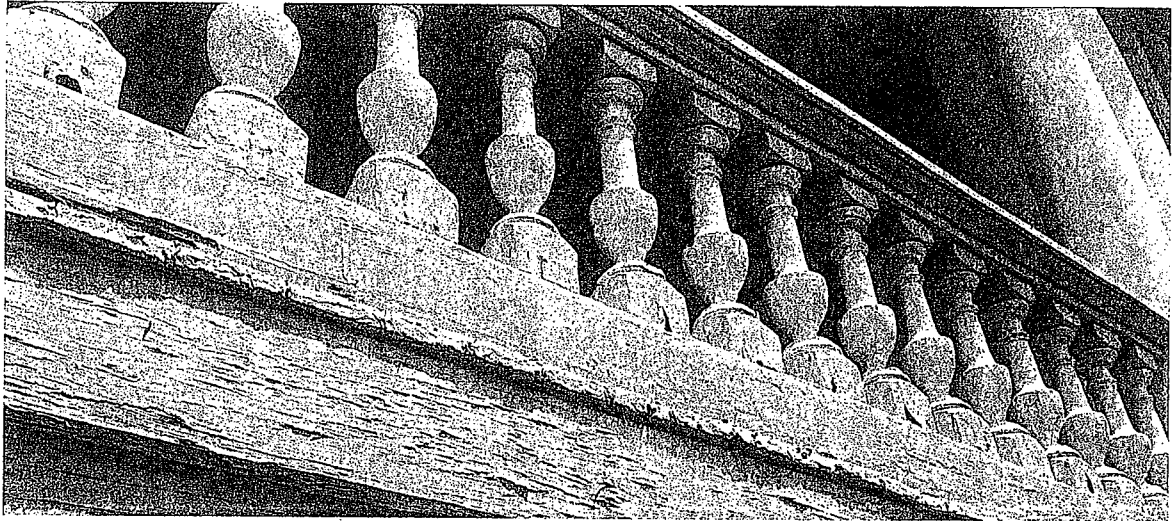
WORK PROGRAM ITEM #2

Renovate or remove & rebuild porch and steps in original position.



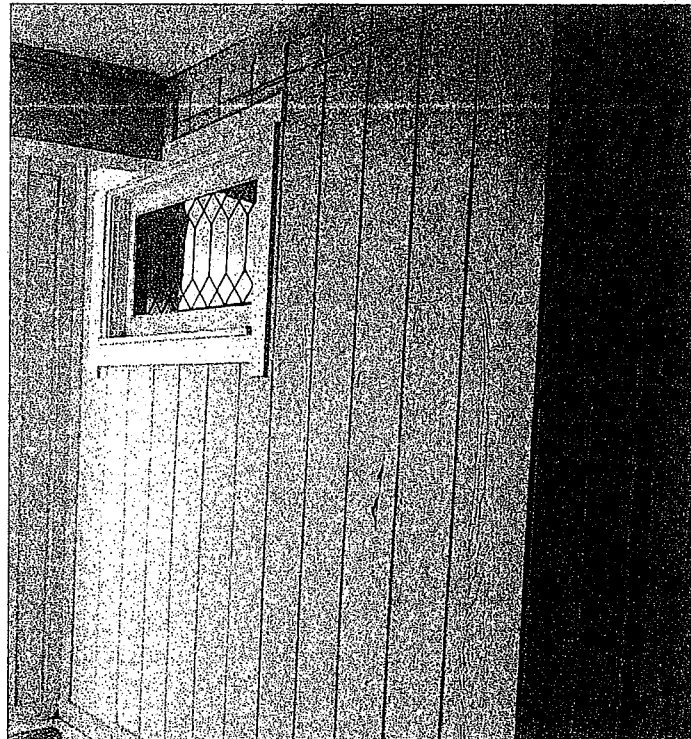
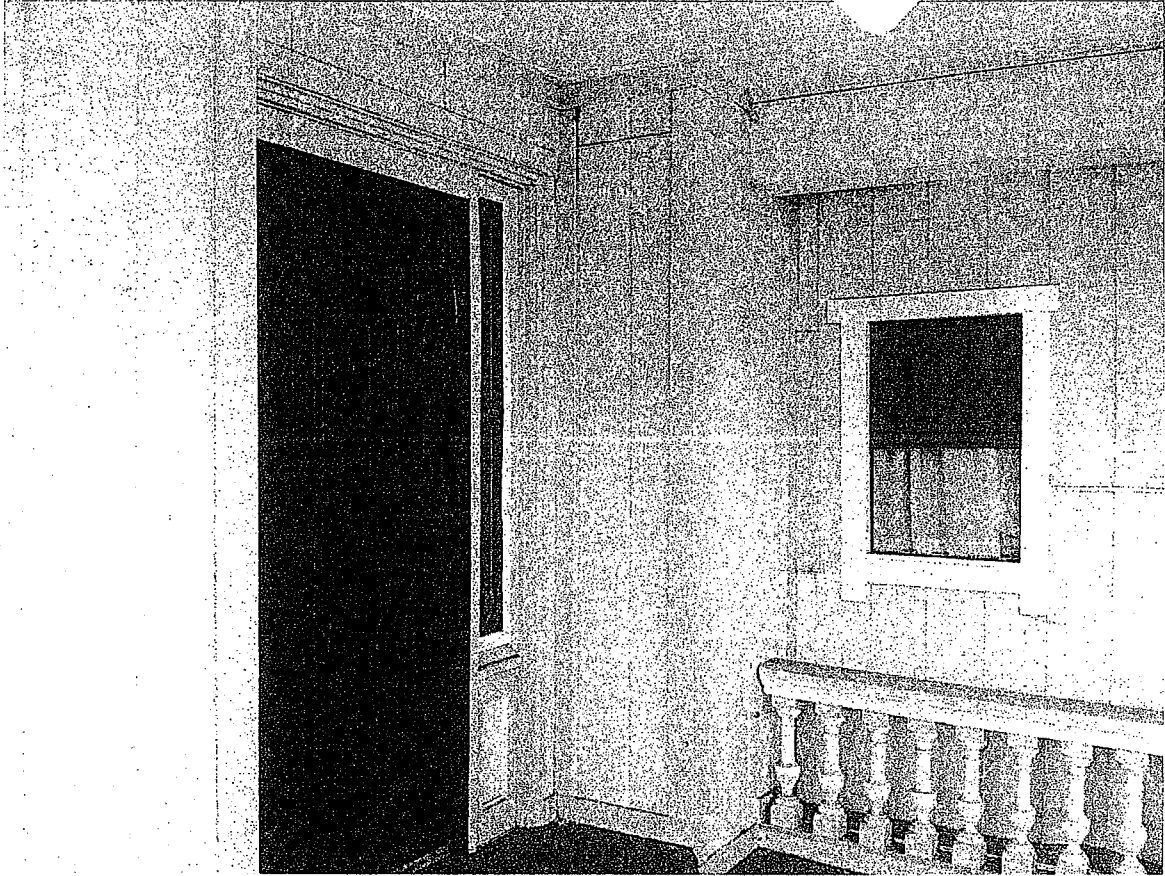
WORK PROGRAM ITEM #3

Refurbish or replace existing period balusters and capitals on porch.



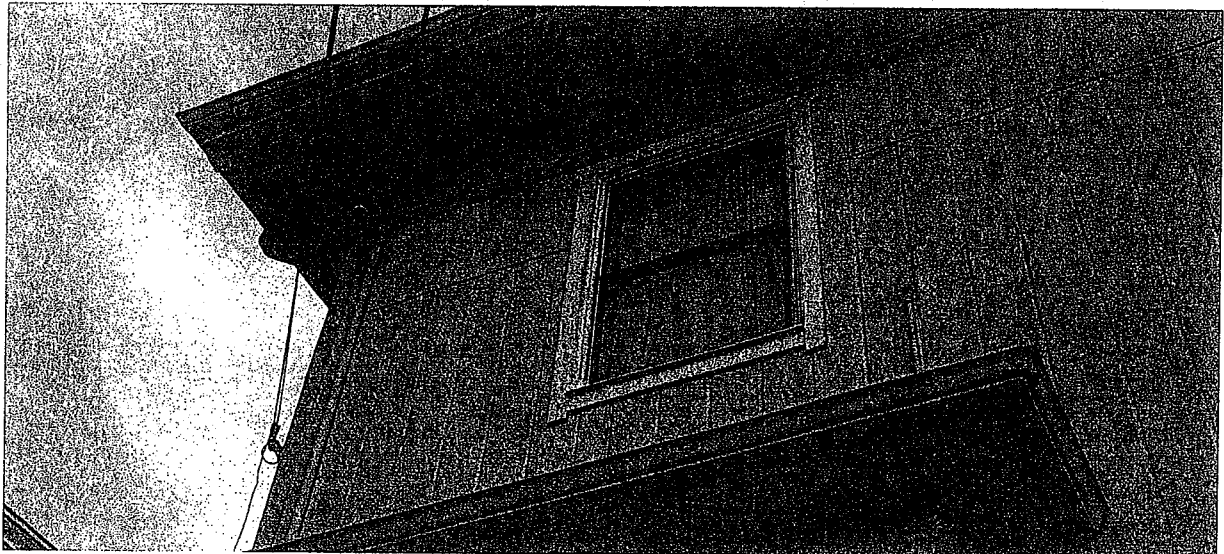
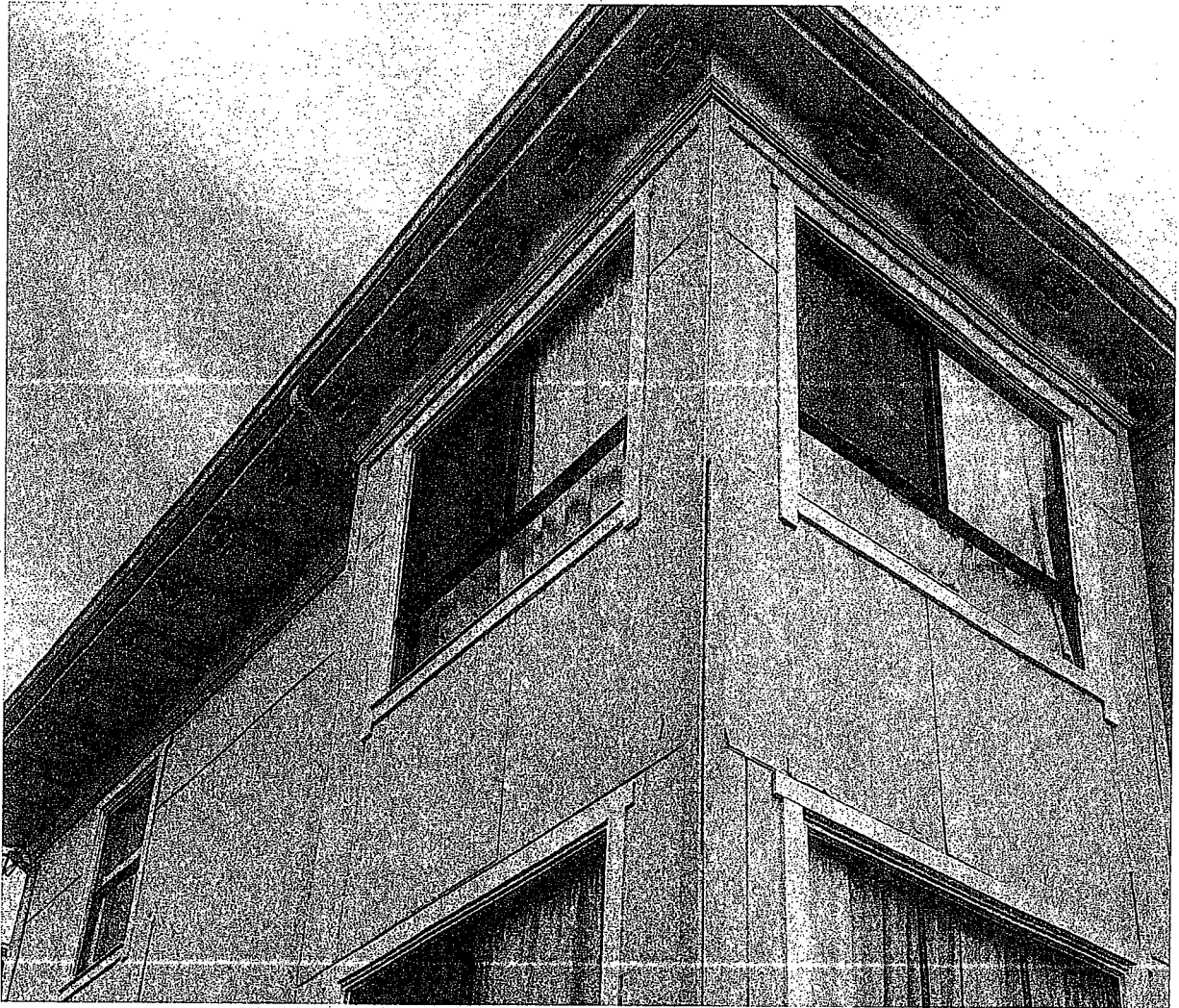
WORK PROGRAM ITEM #4

Shingle south wall of house between oriel box windows at the front corner of the house and second story oriel box window as final step of porch renovation.



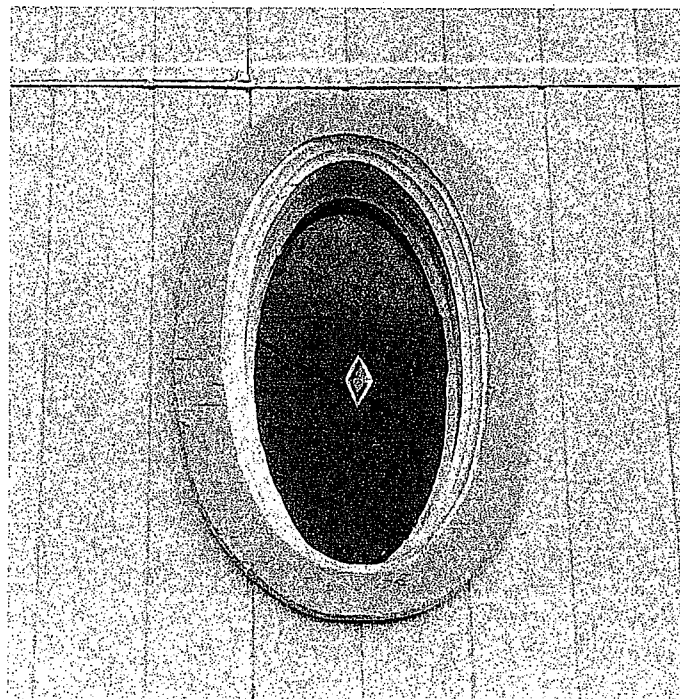
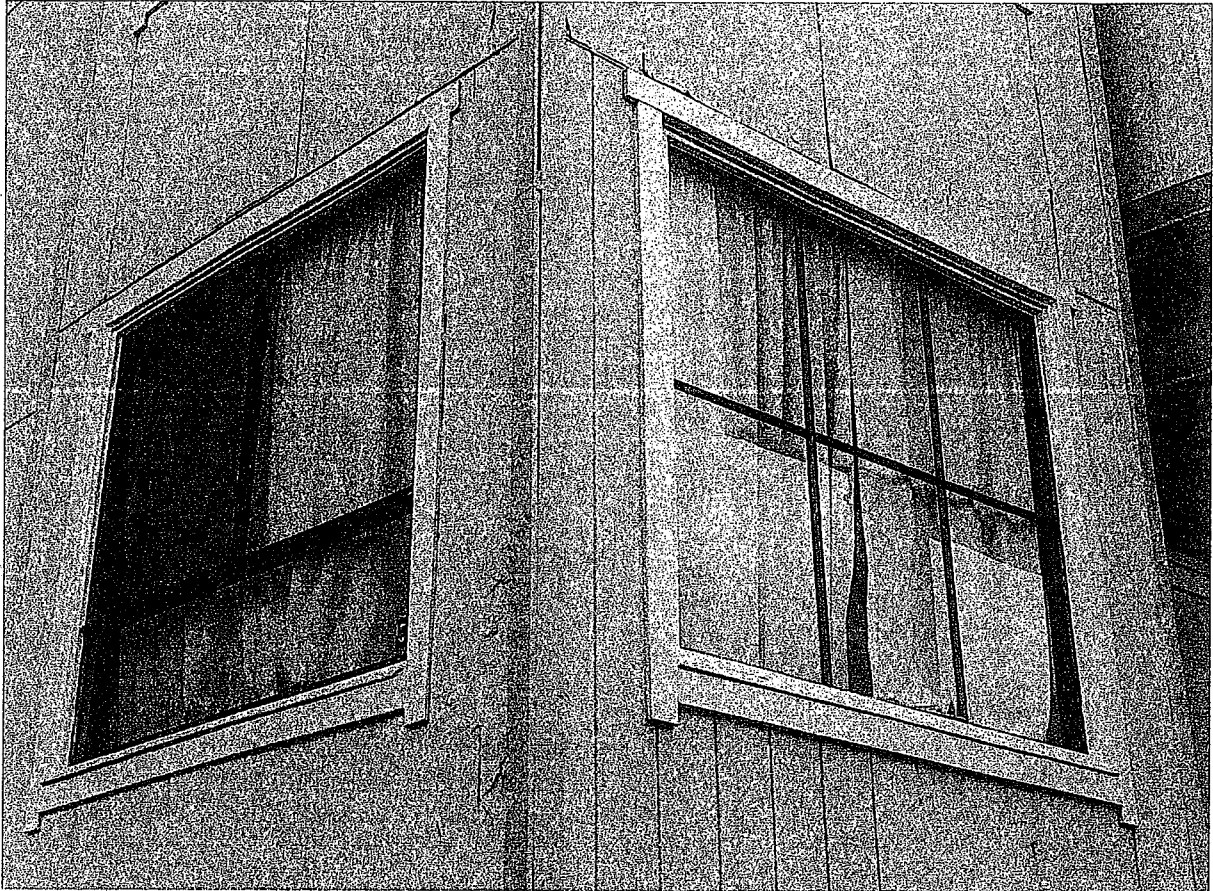
WORK PROGRAM ITEM #5

Replace two second-floor, large aluminum windows on southwest corner of building and smaller second-floor aluminum window on west side of building with more historically-appropriate windows.



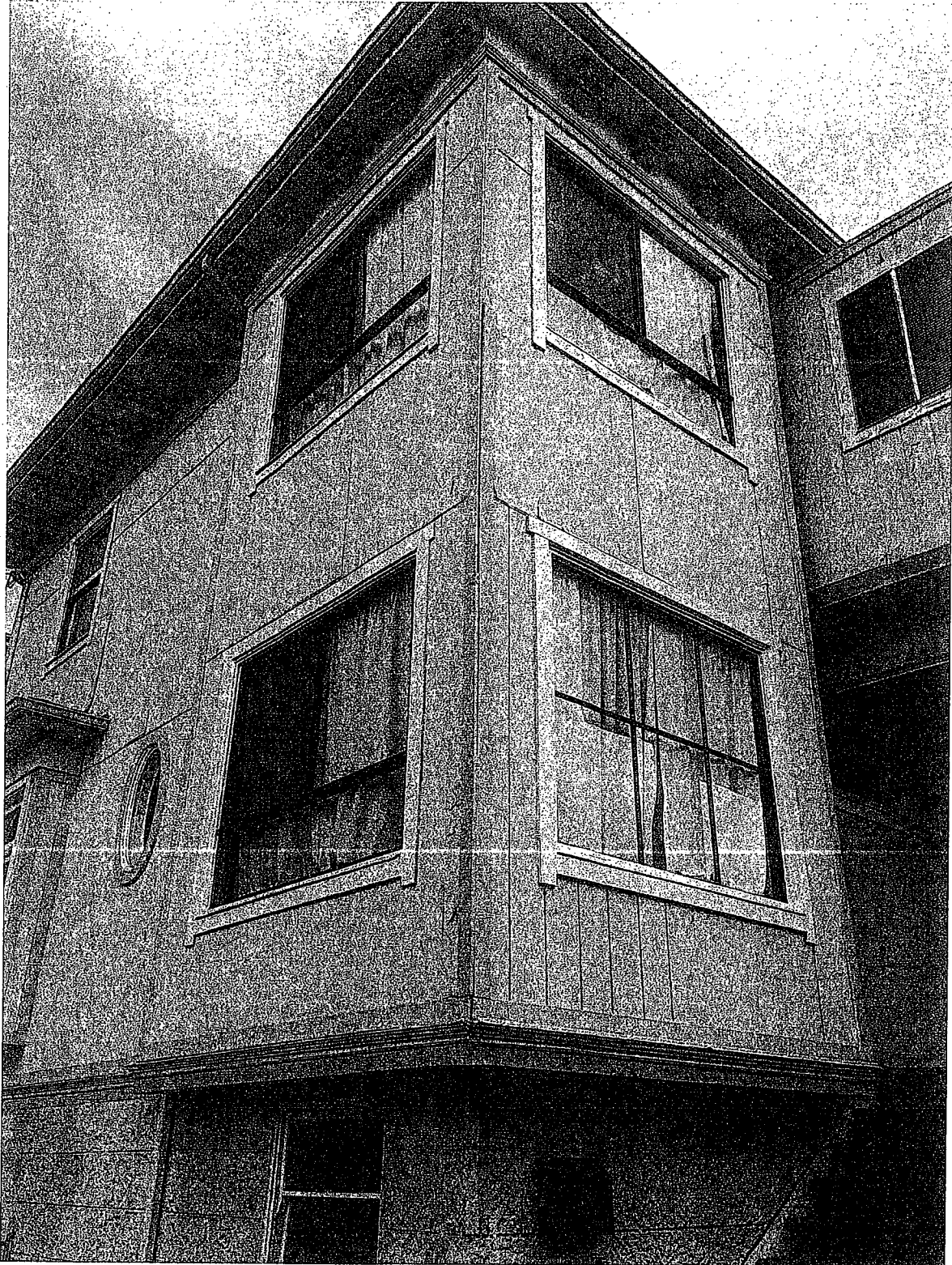
WORK PROGRAM ITEM #6

Replace two large first-floor aluminum windows on southwest corner of building and smaller oval window with more historically appropriate windows.



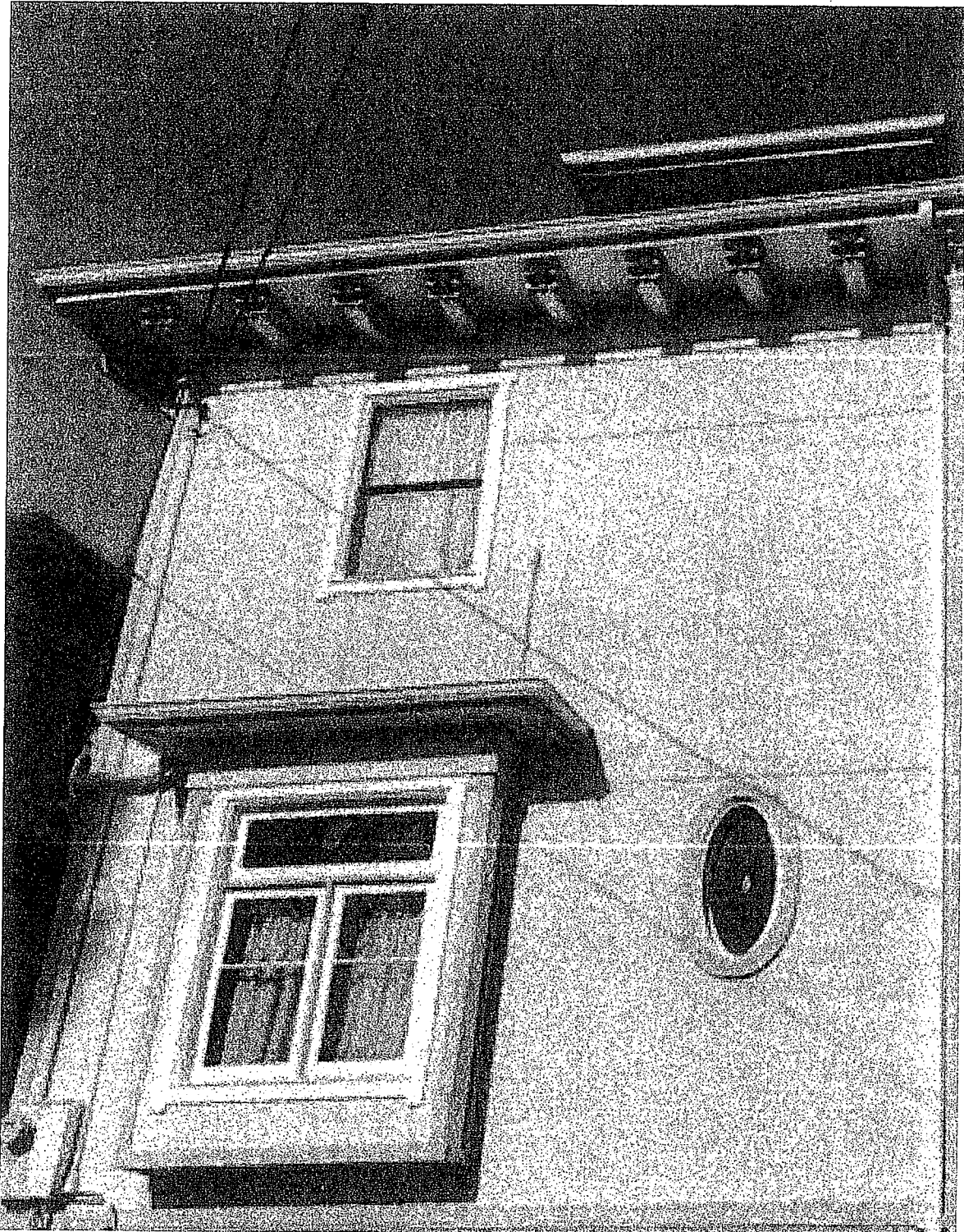
WORK PROGRAM ITEM #7

Shingle oriel box-windows on southwest corner of house, installing shingle molding around windows as per original windows.



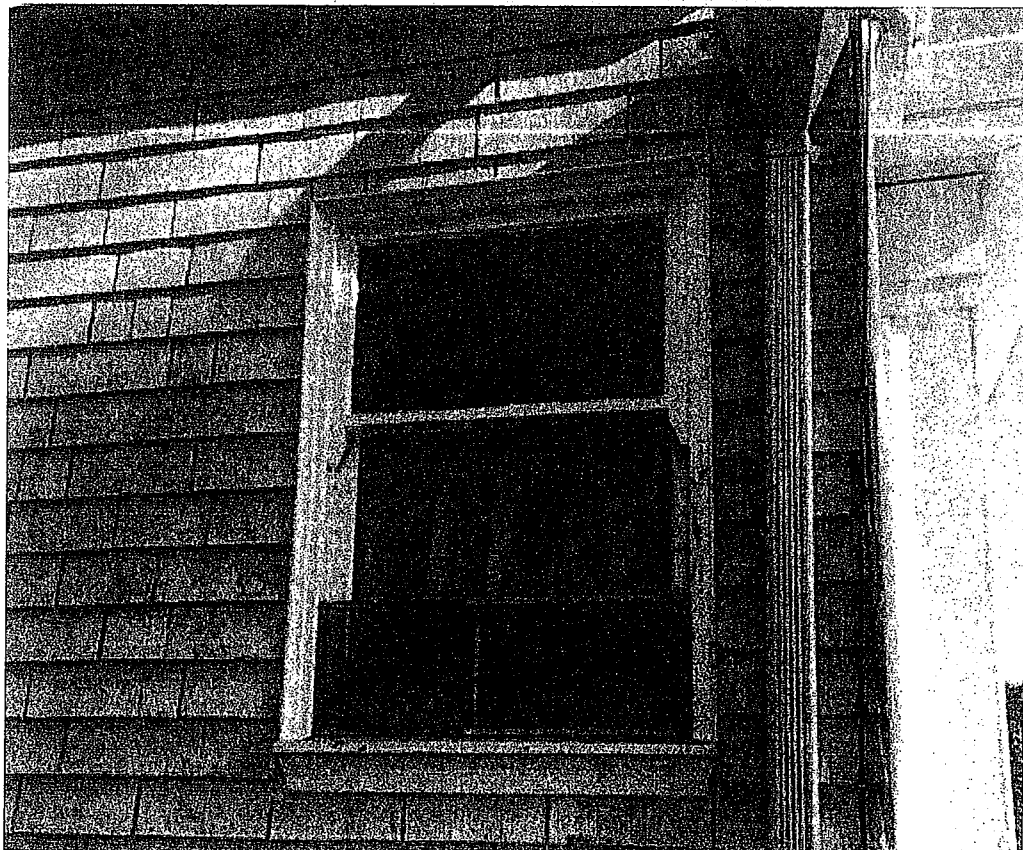
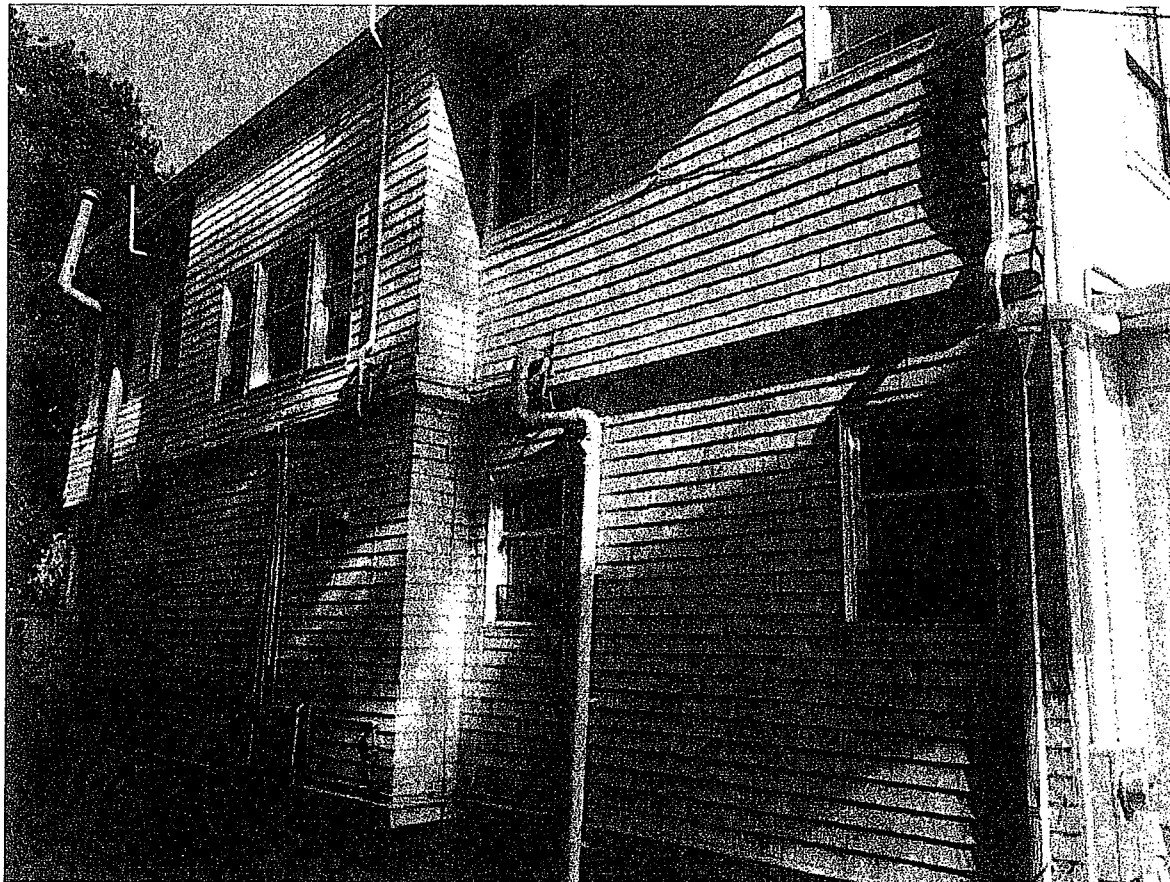
WORK PROGRAM ITEM #8

Shingle remainder of west side (front) of house, installing shingle molding around windows as per original windows.



WORK PROGRAM ITEM #9

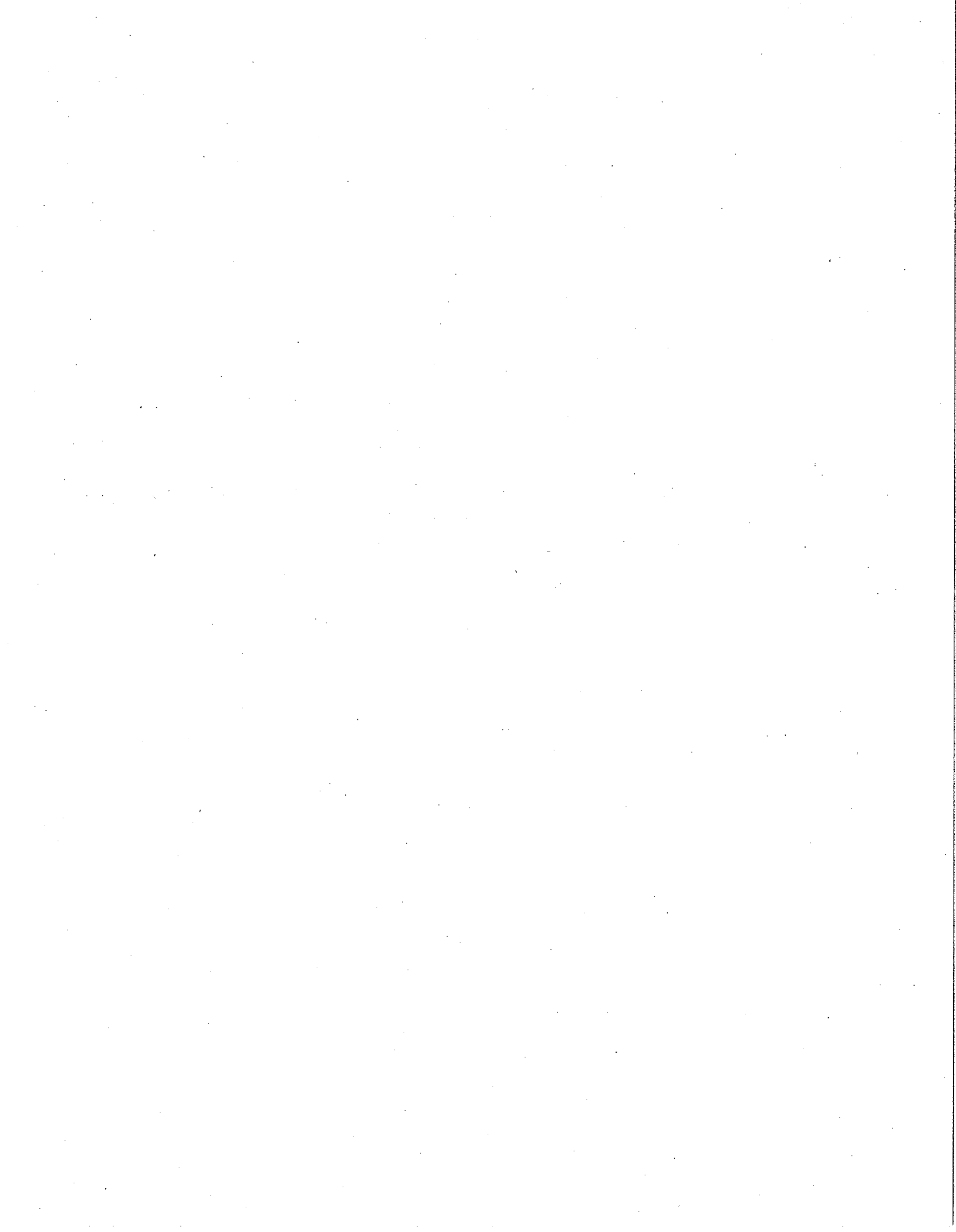
Paint shingles on north side of house to a color that approximates the natural wood of the rest of the house. Paint original window frames, repairing as necessary.



WORK PROGRAM ITEM #10

Remove and replace composite shingles on main roof.





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: Gordon M. Hinds
PROPERTY ADDRESS: 1902 Myrtle Street
PROPERTY OWNER(S): Gordon M. Hinds
PHONE: (Day) 510-290-4354 (Evening) _____
ASSESSOR'S PARCEL NUMBER(S): 5-410-23
YEAR OF PURCHASE: 2015 ASSESSED VALUE: _____
EXISTING USE OF PROPERTY: Residential Rental

2. HISTORIC PROPERTY INFORMATION

HISTORIC/Common Name (If any): _____

CONSTRUCTION DATE: _____ LEGAL DESCRIPTION (From Deed, Please attach)

HISTORIC STATUS: Please contact Historic Preservation staff at (510)238-6344 or (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

LOCAL REGISTER OF HISTORIC RESOURCES**

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rating of 'A' or 'B'
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1. Year: 2016 Cost: \$4000 Improvement: Exterior Paint

2. Year: 2017 Cost: \$8000 Improvement: Sewer improvement

3. Year: 2018 Cost: 8000 Improvement: Roof Replacement

4. Year: 2019 Cost: 8000 Improvement: Rear stair replacement

5. Year: 2020 Cost: 8000 Improvement: Front rails replacement

6. Year: 2021 Cost: 4000 Improvement: front 3 window replacement

7. Year: 2022 Cost: 4000 Improvement: Exterior trim replacement

8. Year: 2023 Cost: 8000 Improvement: Exterior paint touchup

9. Year: 2024 Cost: 4000 Improvement: Exterior gutters

10. Year: 2025 Cost: 4000 Improvement: Exterior Landscaping

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
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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



Desk of Gordon Hinds

3468 Mt. Diablo Blvd., Suite B115, Lafayette, CA 94549 (925) 299-5390 Fax (925) 299-5395

Dear Betty Marvin:

I recently acquired this property located at 1902 Myrtle Street Oakland. I sincerely would like to restore this property close to its original glory.

In the restoration process, I would like to utilize the Mills Act Property Tax Abatement Program in my formula. The reduction in Property Tax will allow me to apply those additional savings back into the property to maintain its character, appeal and magnetized the curb appeal for the neighborhood.

I have reviewed the requirements for the program and I am eager participant.

Thanks in advance

A handwritten signature in black ink, appearing to be 'Gordon M. Hinds', written over the typed name below.

Gordon M. Hinds

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 005-0410-023

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

BEGINNING AT A POINT ON THE EASTERN LINE OF MYRTLE STREET, DISTANT THEREON NORTHERLY 253.67 FEET FROM THE INTERSECTION THEREOF WITH THE NORTHERN LINE OF 18TH STREET; THENCE NORTHERLY ALONG SAID LINE OF MYRTLE STREET, 40 FEET; THENCE AT RIGHT ANGLES EASTERLY 125 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 40 FEET, THENCE AT RIGHT ANGLES WESTERLY 125 FEET TO THE POINT OF BEGINNING.

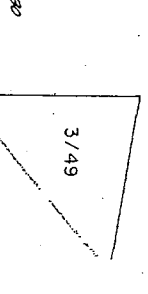
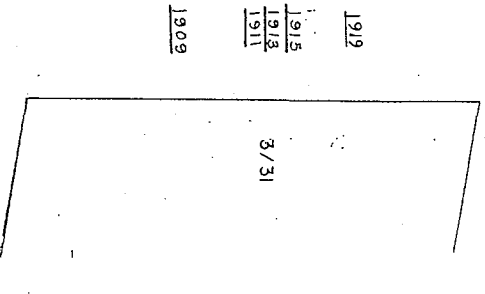
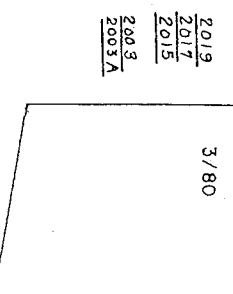
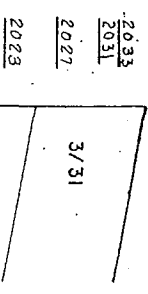
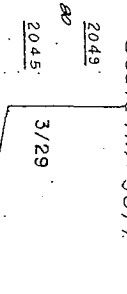
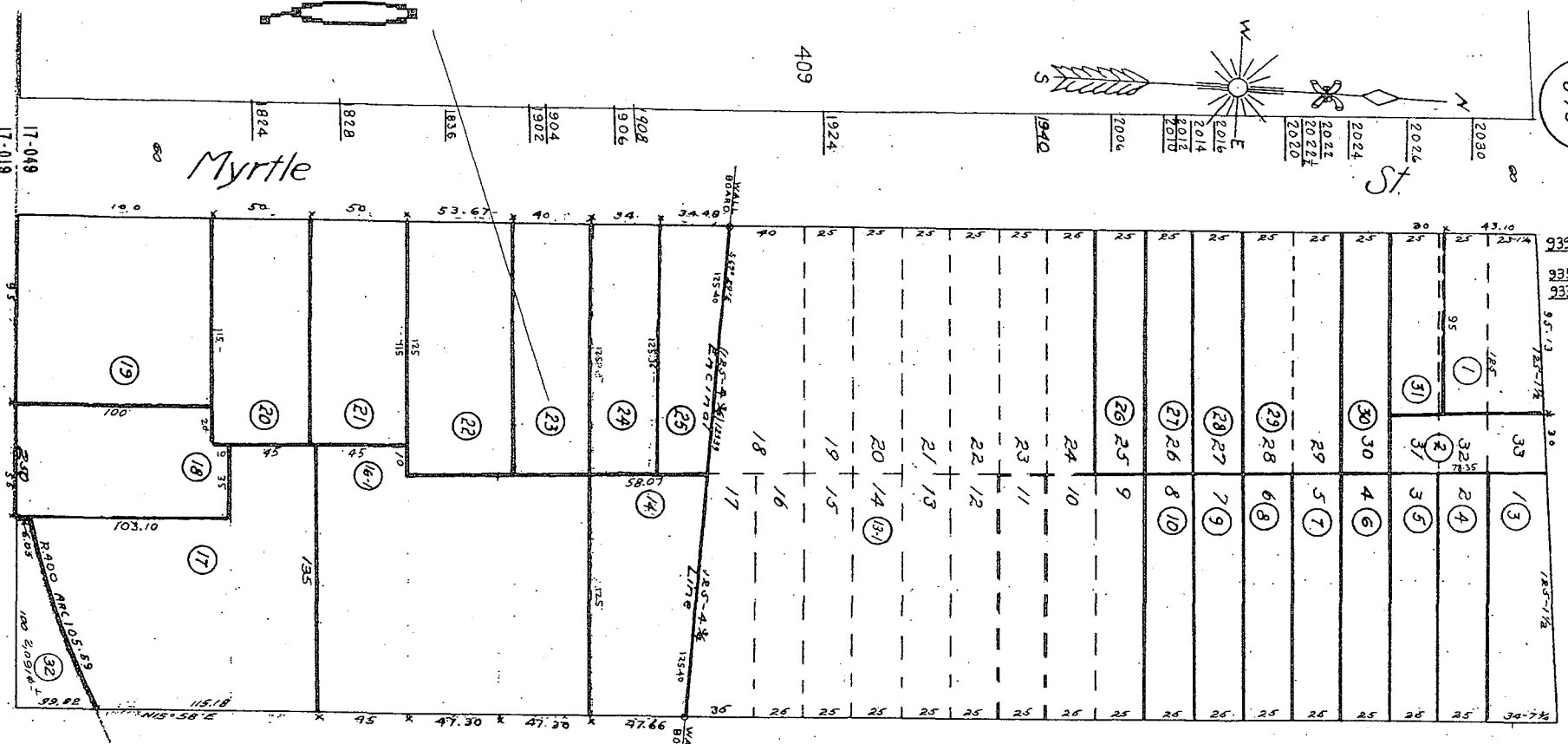
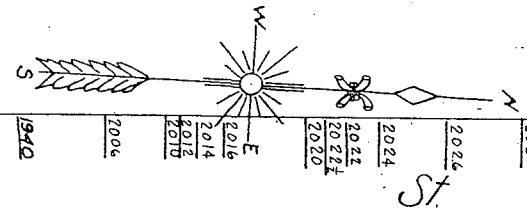
410
675

21ST

ST

Map of subdivision of the Wall Tract
Scale 1/16" = 50 FT

REV. 5-27-80 RM
4-29-04 LL
3-31-08 LL



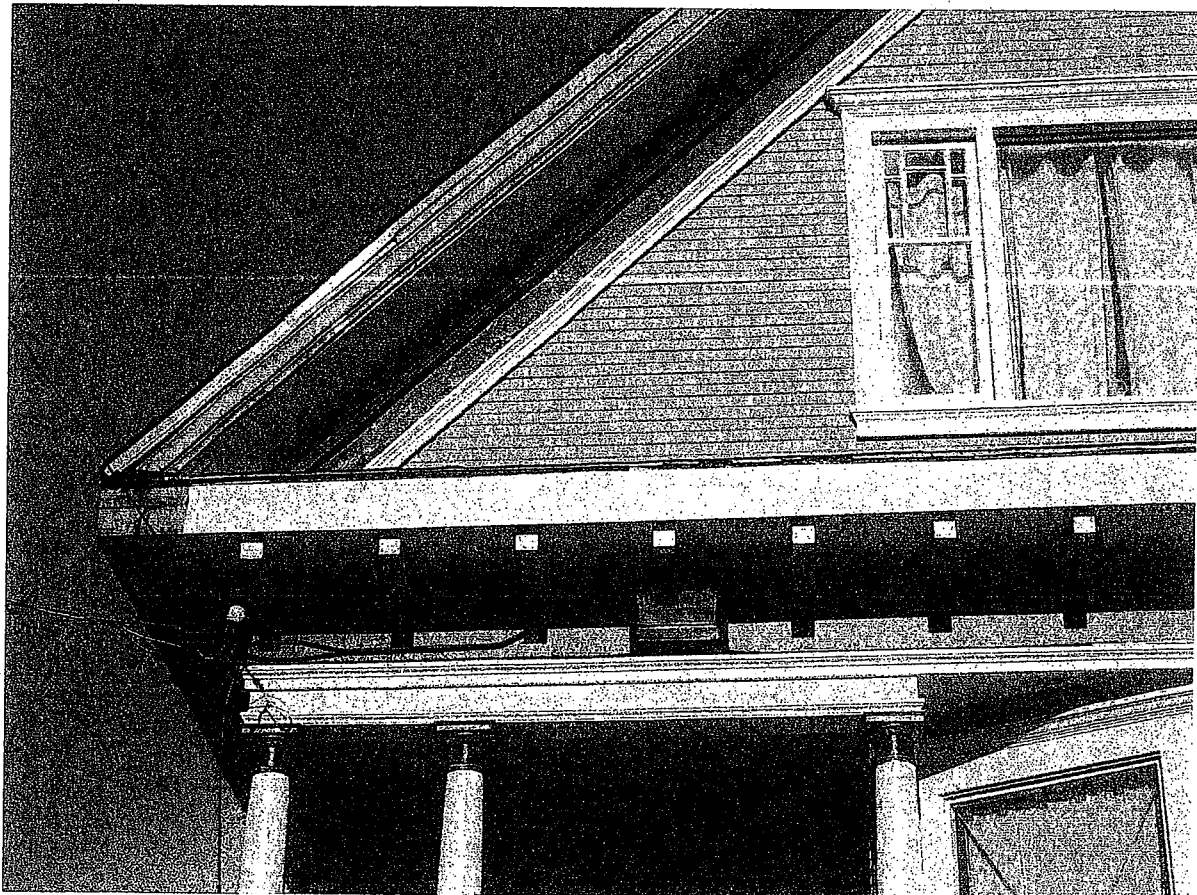
18TH

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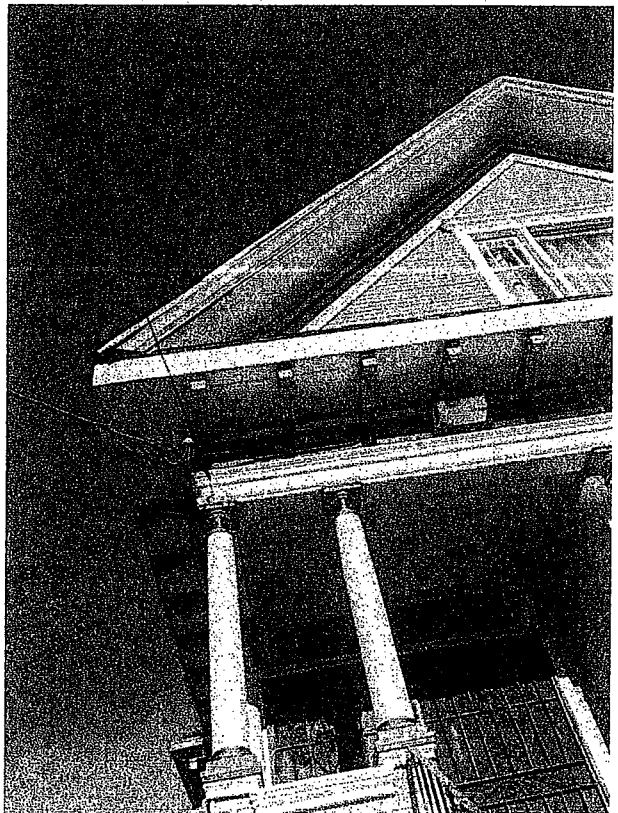
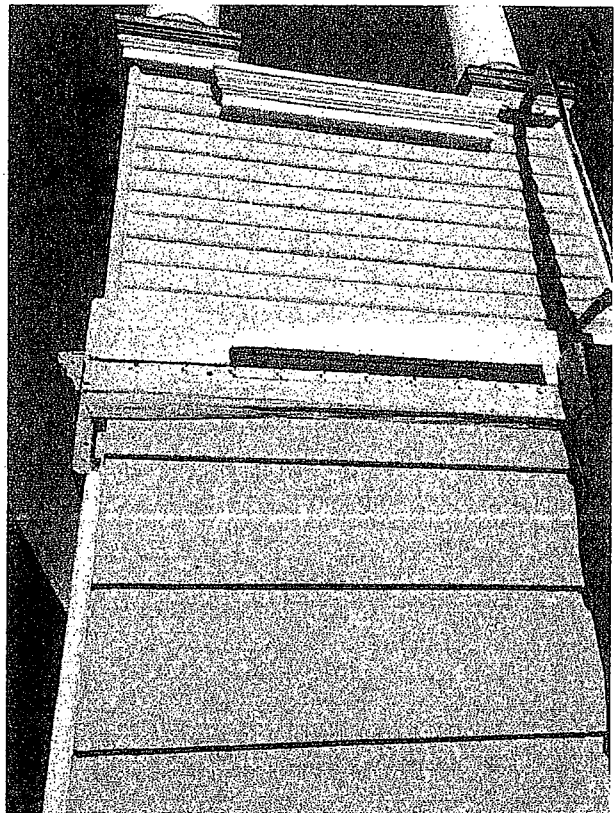
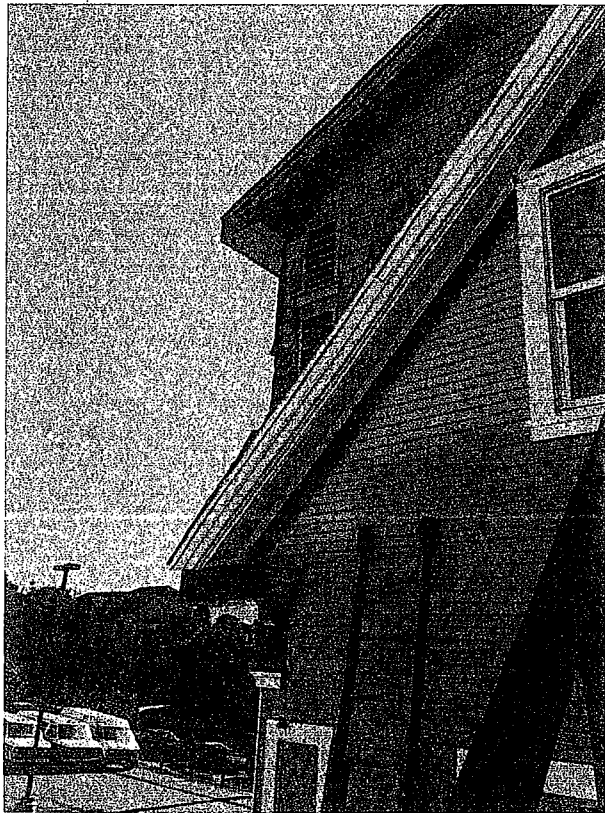
THIS PLAT IS FOR YOUR AID IN LOCATING YOUR LAND WITH REFERENCE TO STREET AND OTHER PARCELS. WHILE THIS PLAT IS BELIEVED TO BE CORRECT, THE COMPANY ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE THEREON.

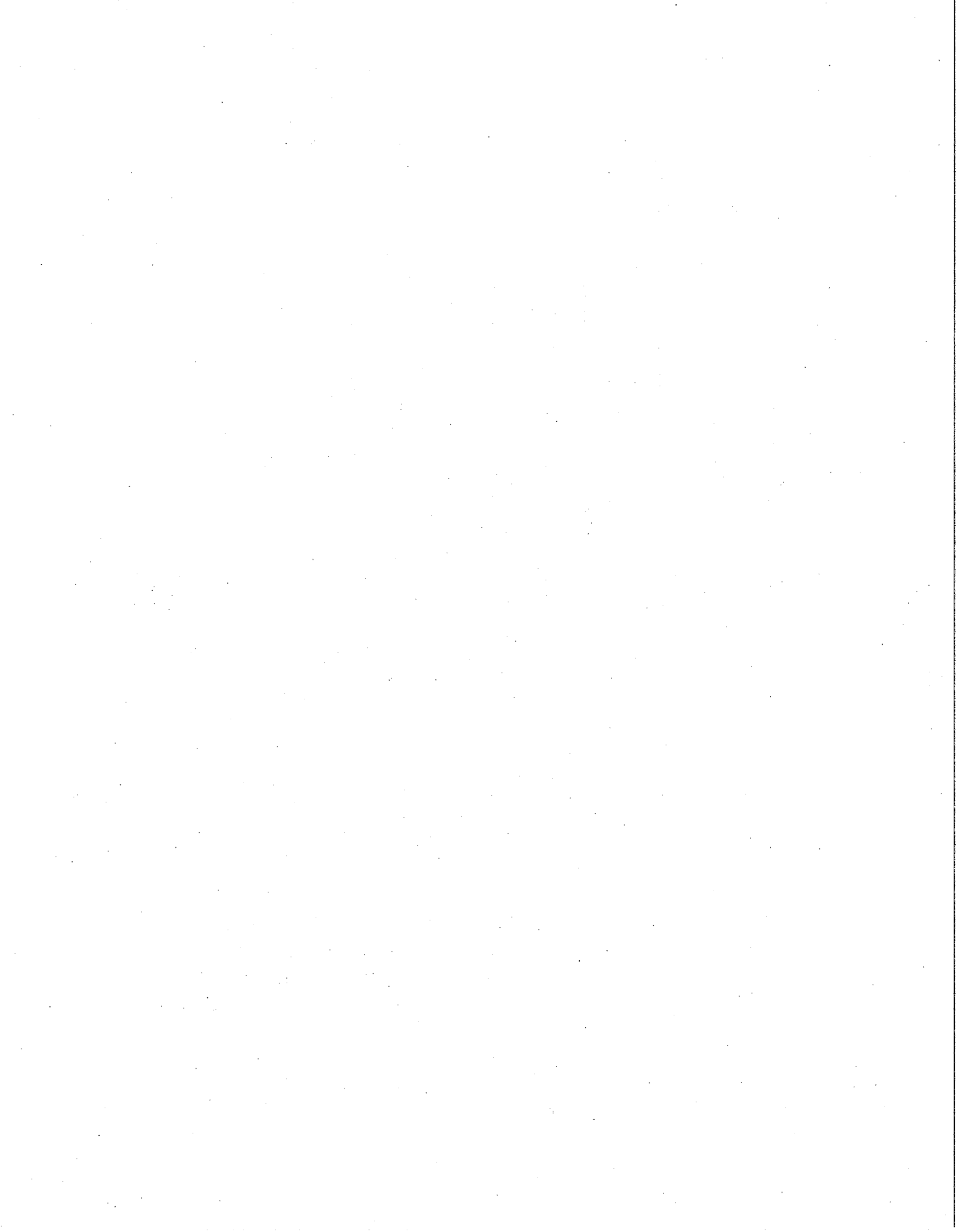
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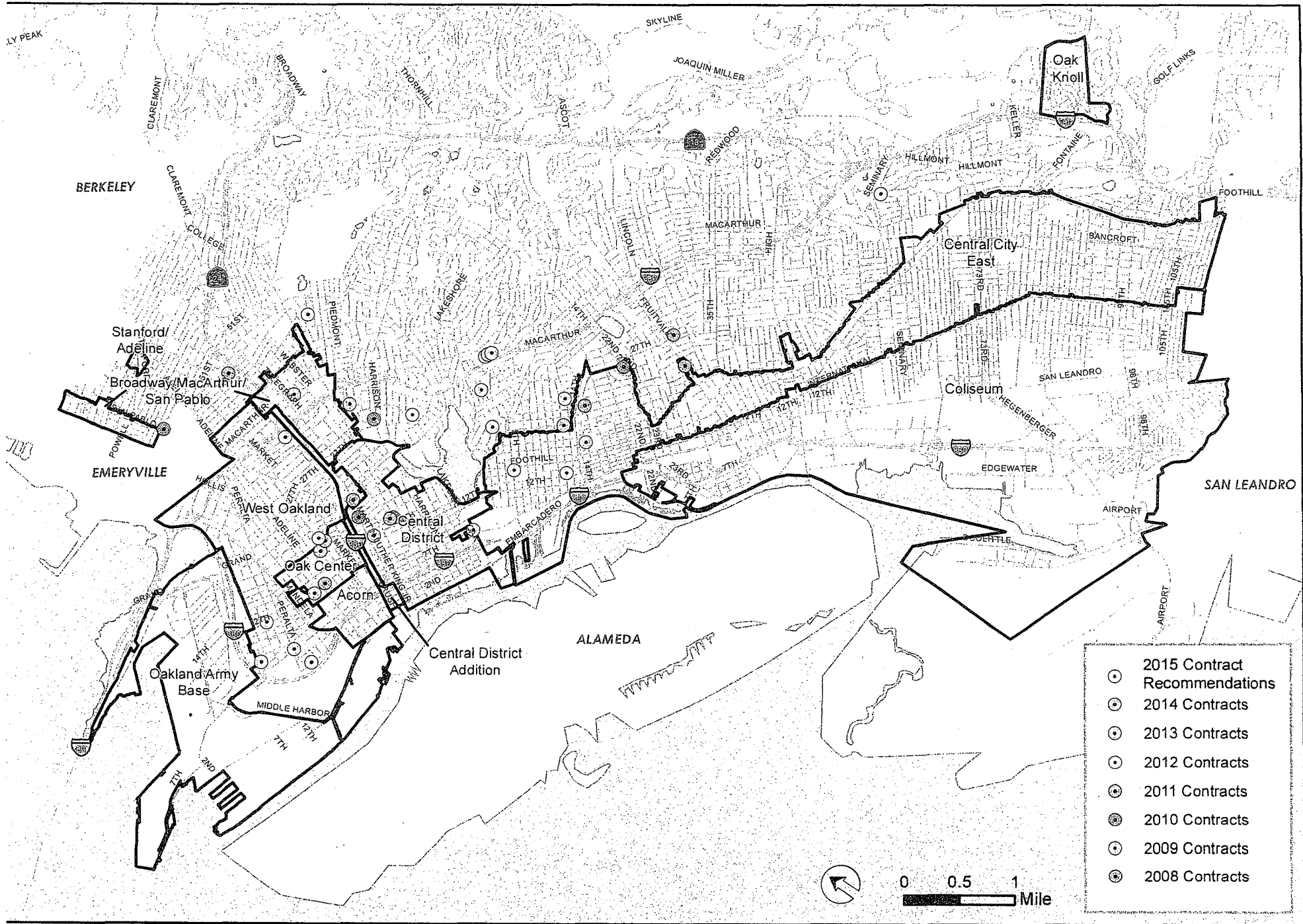
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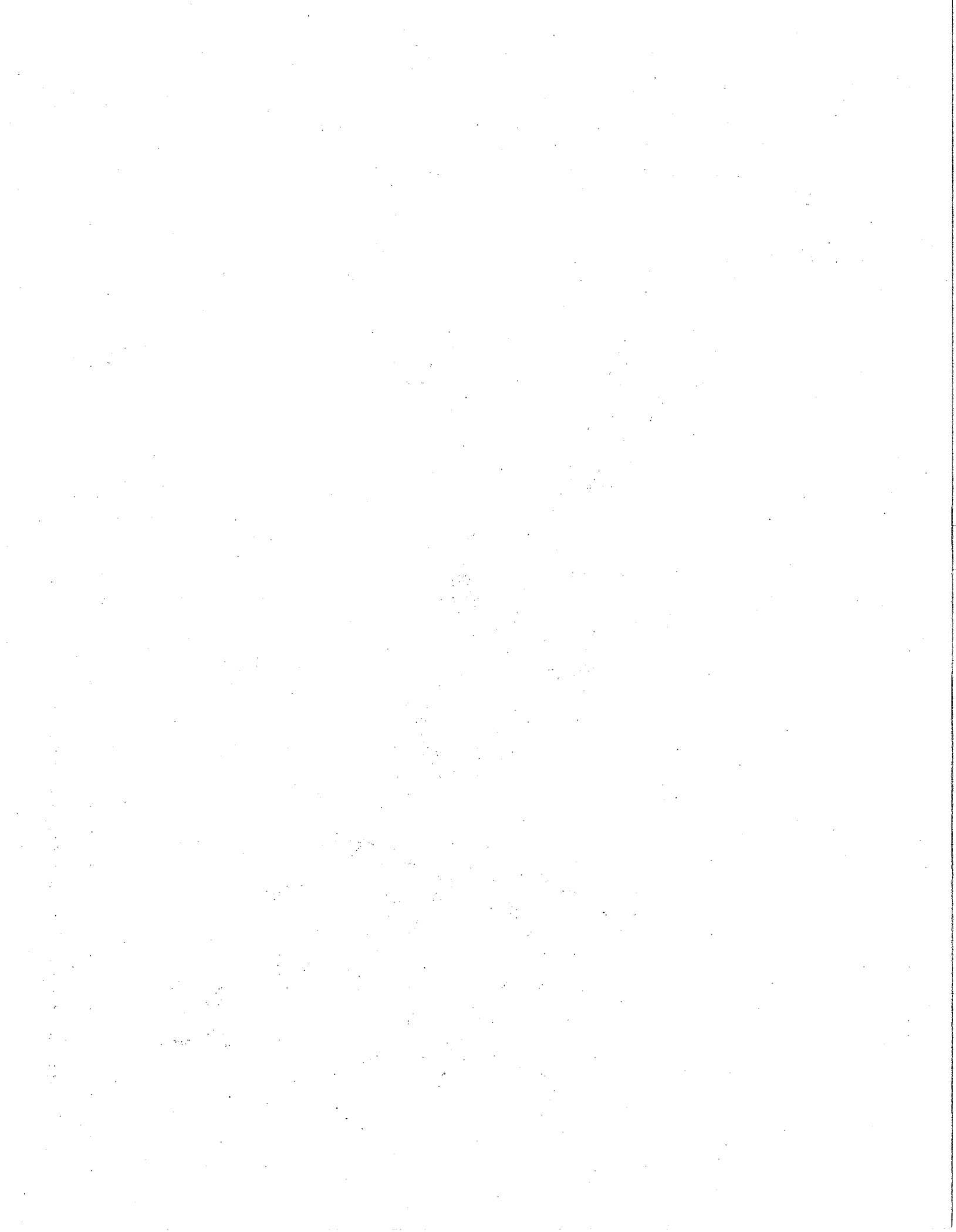
1902-04 Myrtle Street







Mills Act Contracts & Contract Recommendations



of losses of Property Taxes in the Central Business District to include these large commercial properties in the Program, to provide an incentive for rehabilitation of Central Business District historic properties, which benefit both the property owner with a potential tax reduction and the City with a potential Tax Revenue increase; and

WHEREAS, the establishment of a permanent and expanded Mills Act Program for the City of Oakland could affect historic properties city-wide and has the potential to be a catalyst for further revitalization and reinvestment of its distinct and diverse neighborhoods, including the Central Business District, and its strong historical character; and

WHEREAS, staff has solicited direction from the historic community and in-house City stakeholders, including the Landmarks Preservation Advisory Board, the Oakland Heritage Alliance, interested Developers and the City Redevelopment Agency, in order to create an inclusive program that responds to a variety of Oakland concerns; and

WHEREAS, the Landmarks Preservation Advisory Board and the Planning Commission have strongly supported the goals to expand and make permanent the Mills Act Tax Abatement Program; **NOW, THEREFORE**,

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

SECTION 1. The City Council finds and determines that an expanded and permanent Mills Act Program will implement the General Plan Historic Preservation Element, provide an incentive for historic property maintenance, preservation and/or rehabilitation and thereby act as a catalyst for revitalization citywide, thus promoting the health, safety and welfare and furthering numerous general plan policies and objectives.

SECTION 2. The City Council hereby adopts an expanded and permanent Mills Act Program, as detailed in the December 1, 2009 City Council Agenda Report. There shall be a limit of the program impact on City revenues limited to \$25,000/year, on Redevelopment revenues to \$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.

Additionally, any Mills Act Program property applicant, whose estimated Property Tax loss exceeds the above limits, may request special consideration by the City Council.

The Landmarks Preservation Advisory Board shall review and consider all Mills Act contracts, which shall be in substantial conformance to the Model Mills Act Agreement (**Exhibit A**), and shall forward its recommendations to the City Council. Staff shall present a report analyzing the cumulative fiscal effects of all existing Mills Act contracts

prior to Council consideration of additional Mills Act contracts. If the City Council approves any Mills Act contracts, it shall do so by resolution.

SECTION 3. The City Council finds and determines that the requirements of the California Environmental Quality Act of 1970 (CEQA), the CEQA Guidelines, and the provisions of the Environmental Review Regulations of the City of Oakland have been met, and the actions authorized by this Ordinance are categorically exempt from CEQA under CEQA Guidelines Section 15331: Historical Resource Restoration/Rehabilitation.

SECTION 4. The City Council authorizes staff to take any and all steps necessary to implement the Mills Act Pilot Program consistent with this ordinance.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN - 5 2010

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

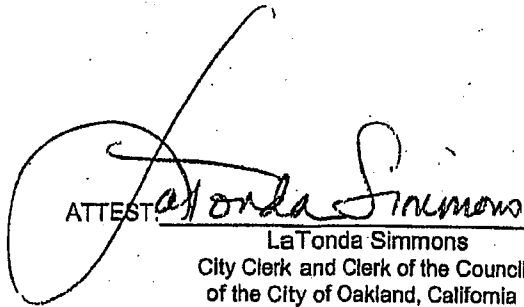
NOES- 0

ABSENT- 0

ABSTENTION- 0

Introduction Date: DEC - 8 2009

ATTEST:


LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: 1-7-2010

NOTICE & DIGEST

AN ORDINANCE EXPANDING AND MAKING PERMANENT THE MILLS ACT PROPERTY TAX ABATEMENT PROGRAM FOR QUALIFIED HISTORIC PROPERTIES WHICH WAS ESTABLISHED AS AT TWO-YEAR PILOT PROGRAM VIA ORDINANCE NO. 12784 C.M.S.

This ordinance (a) adopts a permanent Mills Act Property Tax Abatement Program which allows reductions of property tax assessments for eligible historic properties if the owner signs an agreement with the city to preserve and maintain the historic characteristics of the property, based on the two-year pilot program via Ordinance No. 12784 C.M.S.; and (b) expands the program so that large commercial properties in the Central Business District can participate in the Program.

WHEN RECORDED, RETURN TO:

City of Oakland
Community & Economic Development Agency
Attn: Planning & Zoning, Historic Preservation/Secretary of Landmarks Board
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA. 94612

(MODEL) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY

This Agreement is entered into this _____ day of _____, 200_, 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. _____ 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 a 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.

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 _____ 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
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032
ATTN: Secretary, Landmarks Preservation Advisory Board

To Owner:

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 ,the Office of Historic Preservation of the Department of Parks and Recreation (Exhibit C attached and made a part hereof), the Minimum Property Maintenance conditions (Exhibit D attached and made a part hereof) 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.
 - 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 Community and Economic Development Agency'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 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.

On _____, before me, _____
a Notary Public for the State of California, personally appeared _____
_____, personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to in the within
instrument, and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first written above.

Notary Public
State of California

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

2015 OCT 29 PM 2:50

Approved as to Form and Legality

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION, AS RECOMMENDED BY THE LANDMARKS PRESERVATION ADVISORY BOARD, APPROVING SEVEN (7) MILLS ACT CONTRACTS BETWEEN THE CITY OF OAKLAND AND THE PROPERTIES AT 856 TRESTLE GLEN ROAD (ESTIMATED \$8,662/YEAR PROPERTY TAX REDUCTION), 51 8TH STREET (ESTIMATED \$6,442/YEAR PROPERTY TAX REDUCTION), 339 PALM AVENUE (ESTIMATED \$9,742/YEAR PROPERTY TAX REDUCTION), 319 HENRY STREET (ESTIMATED \$2,156/YEAR PROPERTY TAX REDUCTION), 1433 12TH AVENUE (ESTIMATED \$7,300/YEAR PROPERTY TAX REDUCTION), 334 NEWTON AVENUE (ESTIMATED \$2,990/YEAR PROPERTY TAX REDUCTION), AND 1902 MYRTLE STREET (ESTIMATED \$2,078/YEAR PROPERTY TAX REDUCTION) PURSUANT TO ORDINANCE 12987 C.M.S., TO PROVIDE PROPERTY TAX REDUCTIONS IN EXCHANGE FOR OWNERS' AGREEMENT TO REPAIR AND MAINTAIN HISTORIC PROPERTIES IN ACCORDANCE WITH SUBMITTED WORK PROGRAMS

WHEREAS, the General Plan Historic Preservation Element Policy 2.6.1 calls for the adoption of a Mills Act contract program pursuant to Sections 50280-90 of the California Government Code and Section 439.2 of the California Revenue and Taxation Code, to promote historic preservation; and

WHEREAS, the Oakland City Council adopted a permanent Mills Act Property Tax Abatement Program for qualified historic properties on January 5, 2010, via Ordinance No. 12987 C.M.S.; and

WHEREAS, the implementation of the Mills Act Program meets numerous General Plan Land Use goals and policies, including housing rehabilitation, preservation of community character and identity, sustainability, revitalization, and image; and

WHEREAS, the City has received seven Mills Act contract applications in 2015 from qualified properties, all of which are City of Oakland Designated Historic Properties: 1433 12th Avenue, Brooklyn Presbyterian Church, was designated a City Landmark in 1984. 856 Trestle Glen Road, a 1928 Tudor Revival house in Lakeshore Highlands; 51 8th Street, a large Queen Anne house in the Lake Merritt-Chinatown neighborhood; 339 Palm Avenue, a Tudor Revival house in Adams Point; 319 Henry Street, a Queen Anne cottage in South Prescott; 334 Newton Avenue, a

Colonial Revival house in Peralta Heights, and 1902 Myrtle Street, a Queen Anne-Colonial house in Oak Center, were designated as Heritage Properties by the Landmarks Preservation Advisory Board on August 10, 2015, in conjunction with the Mills Act applications; and

WHEREAS, at a duly noticed meeting, the Landmarks Preservation Advisory Board on August 10, 2015, recommended the seven applications for contract approval for the 2015 Mills Act program; and

WHEREAS, at a duly noticed meeting, the Landmarks Preservation Advisory Board's Mills Act contract recommendations were presented to the Planning Commission as a Director's Report on September 2, 2015; and

WHEREAS, the City Council Community and Economic Development Committee considered the matter at its October 27, 2015, duly noticed meeting and recommended its approval to the City Council; and

WHEREAS, the City Council considered the matter at its November 3, 2015, duly noticed meeting; now, therefore be it

RESOLVED, that the City Administrator, or designee, is hereby authorized to enter into Mills Act contracts, subject to review and approval of the City Attorney, in substantial conformity with the previously approved model Mills Act contract, with the following properties and to take whatever actions are necessary to implement the previously approved Mills Act Program consistent with this resolution:

- 856 TRESTLE GLEN ROAD, Oakland CA**
- 51 8TH STREET, Oakland CA**
- 339 PALM AVENUE, Oakland CA**
- 319 HENRY STREET, Oakland CA**
- 1433 12TH AVENUE, Oakland CA**
- 334 NEWTON AVENUE, Oakland CA**
- 1902 MYRTLE STREET, Oakland CA.**

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California