

OFFICE OF THE CITY CLERK

2006 NOV 16 PM 4:26

Approved as to Form and Legality

Mark P. Wald
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 80363 C.M.S.

RESOLUTION AMENDING THE HISTORIC PRESERVATION ELEMENT OF THE GENERAL PLAN TO CLARIFY THE DEFINITION OF QUALIFIED HISTORIC PROPERTIES FOR MILLS ACT AGREEMENTS TO INCLUDE HERITAGE PROPERTIES AND TO WAIVE DESIGN REVIEW FEES FOR HERITAGE PROPERTIES THAT ARE IN A MILLS ACT AGREEMENT

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, establishment of a Mills Act Program would meet General Plan Land Use goals and policies, including housing rehabilitation, preservation of community character and identity, sustainability, commercial and corridor revitalization and image; and;

WHEREAS, there are approximately 140 City of Oakland Landmarks and nine designated S-7 and S-20 Historic Districts (consisting of approximately 1,000 properties) which are currently eligible for the Mills Act under Policy 2.6 of the Historic Preservation Element (HPE) of the City of Oakland General Plan, however, Heritage properties, which definitively warrant preservation but which are not Landmarks or Preservation Districts, are not currently eligible for the Mills Act under Policy 2.6(b) of the HPE; and

WHEREAS, amending the HPE to expand the definition of eligible Mills Act properties to include Heritage Properties would facilitate many general plan objectives'; and

WHEREAS, maintaining the physical integrity of Heritage properties, is critical to maintaining the historic character of each Oakland neighborhood; and

WHEREAS, the Mills Act is one of the very few incentives available to owners of historic properties and therefore is likely to encourage property maintenance and restoration/rehabilitation; and

WHEREAS, the Mills Act is a catalyst for neighborhood revitalization since property owners who enter into an agreement are obligated to maintain and prevent deterioration of the property, in addition to complying with any specific restoration or rehabilitation provisions contained in the agreement; and

WHEREAS, the Landmarks Preservation Advisory Board on February 27, 2006 and the Planning Commission on April 5, 2006 unanimously recommended that Heritage Properties (which are the remaining properties of the City of Oakland's Local Register of Historical Resources not currently eligible for the Mills Act program) be eligible for the Mills Act Program and voted to amend the HPE accordingly; and

WHEREAS, the Mills Act will require Landmarks Design Review of the proposed work program to determine that any proposed maintenance or restoration/rehabilitation work is in compliance with the Secretary of Interior's Standards; and

WHEREAS, the Landmarks and Preservation Districts currently receive a design review fee waiver; and

WHEREAS, the Landmarks Preservation Advisory Board on February 27, 2006 and the Planning Commission on April 5, 2006 unanimously recommended that the design review fees be waived for those properties that have applied for a Mills Act Agreement; **Now, Therefore, Be It**

RESOLVED: 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 resolution are categorically exempt from CEQA under CEQA Guidelines Section 15331: Historical Resource Restoration/Rehabilitation; and be it

FURTHER RESOLVED: The City Council amends the General Plan Historic Preservation Element Policy 2.6 as outlined in Attachment A, incorporated by reference herein.

IN COUNCIL, OAKLAND, CALIFORNIA,

JAN 16 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS

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

ATTACHMENT A

AMENDMENTS TO THE HISTORIC PRESEVATION ELEMENT

POLICY 2.6: PRESERVATION INCENTIVES

- (a) Landmarks and all properties contributing or potentially contributing to a Preservation District will be eligible for the following preservation incentives:

~~(i) Mills Act contracts for reducing property tax assessments;~~

~~(i)(ii)~~ State Historical Building Code and other related alternative codes for older buildings such as the Uniform Code for Building Conservation (UCBC), to provide more flexible construction standards;

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

~~(iii)(iv)~~ broader range of permitted or conditionally-permitted uses;

~~(iv)(v)~~ transferable development rights;

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

~~(vi)(vii)~~ eligibility for acquisition, rehabilitation, and other development assistance form a possible historic preservation revolving fund or possible Marks historical rehabilitation bond program;

~~(vii)(viii)~~ fee waivers or reductions for City permits for demolition, new construction, or alterations.

- (b) Properties on the City's Local Register of Historic Resources (Landmarks, Heritage properties, Preservation Study List properties, all properties contributing to an S-7 or an S-20 Preservation District, and those Potential Designated Historic

Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance) will be eligible for the following preservation incentives:

(i) Mills Act agreements for reducing property tax assessments;

(ii) Waiver of City Design Review fees for design review associated with a Mills Act Agreement.

~~(c)(b)~~ Compatible new development on vacant noncontributing Preservation District parcels will be eligible for Incentives ~~(iv), (v), (vi) and (vii)~~ (iii), (iv), (v) and (vi). Heritage Properties will be eligible for incentives ~~(ii), (vi) and (vii)~~ (i), (v) and (vi).

Note: Policy 3.3 requires that in order for a Heritage Property to receive Incentives ~~(vi) (v) and (viii)~~ (vi), the Heritage Property in exchange for these incentives must either be designated as a Landmark, included in a Preservation District, or be subject to protective covenants with provisions similar to those for Landmarks and Preservation Districts except for projects which are small scale or do not change exterior appearance.