

# ATTACHMENT B



## CITY OF OAKLAND APPEAL FORM FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

### PROJECT INFORMATION

Case No. of Appealed Project: PLN 20125  
Project Address of Appealed Project: 1431 Franklin St. Oakland CA  
Assigned Case Planner/City Staff: Michelle Morris

### APPELLANT INFORMATION:

Printed Name: Geoffrey Pete Phone Number: (510) 839-4644  
Mailing Address: 4110-14th St. Alternate Contact Number: (510) 290-9288  
City/Zip Code: Oakland CA 94612 Representing: 4110 14th St, BAMB  
Email: info@geoffreyslive.com

An appeal is hereby submitted on:

- AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

#### YOU MUST INDICATE ALL THAT APPLY:

- Approving an application on an Administrative Decision  
 Denying an application for an Administrative Decision  
 Administrative Determination or Interpretation by the Zoning Administrator  
 Other (please specify) \_\_\_\_\_

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)  
 Determination of General Plan Conformity (OPC Sec. 17.01.080)  
 Design Review (OPC Sec. 17.136.080)  
 Small Project Design Review (OPC Sec. 17.136.130)  
 Minor Conditional Use Permit (OPC Sec. 17.134.060)  
 Minor Variance (OPC Sec. 17.148.060)  
 Tentative Parcel Map (OMC Section 16.304.100)  
 Certain Environmental Determinations (OPC Sec. 17.158.220)  
 Creek Protection Permit (OMC Sec. 13.16.450)  
 Creek Determination (OMC Sec. 13.16.460)  
 City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)  
 Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)  
 Other (please specify) CEQA findings / CEQA analysis exemption

(Continued on reverse)

(Continued)

**A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)**      Granting an application to:     OR      Denying an application to:

**YOU MUST INDICATE ALL THAT APPLY:**

**Pursuant to the Oakland Municipal and Planning Codes listed below:**

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) \_\_\_\_\_

**FOR ANY APPEAL:** An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

**You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court.** However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.


**The appeal is based on the following:** *(Attach additional sheets as needed.)*

*Please see attached\**

**Supporting Evidence or Documents Attached.** *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.)*

*(Continued on reverse)*

(Continued)

  
\_\_\_\_\_  
Signature of Appellant or Representative of  
Appealing Organization

2/24/23  
\_\_\_\_\_  
Date

**TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE**

APPEAL FEE: \$ \_\_\_\_\_

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

## Executive Summary

The owner of 410 14th Street and the artists and business owners of the Black Arts Movement and Business District are in opposition and are formally appealing the building proposed at 1431 Franklin, who have applied for both residential and commercial permitting, for a project site that is located within an existing listed National Register historic resource and the Downtown Historic District Area of Primary Importance (API). **Although it was not acknowledged in in form during this process, the proposed building if approved would be built directly next door to a registered National Resource, 410 14<sup>th</sup> Street.**

Below you will hear a detailed argument of contention that adequately proves the detriment this proposed building will impose if allowed by the council. You will also find a detailed account of the unjust occurrences throughout the permitting process exemplified by the Landmarks Preservation Board and the Oakland Planning Commission. **The disregard of the historical status of 410 14th Street**, the former Athenian Nile Club and its subsequent retail store fronts, the mismanagement of the protections provided by the designation of the cultural district cited as the Black Arts Movement and Business District by the City of Oakland appointed officials within the Planning Commission and the Landmarks Preservation Board.

## Opportunity Zones and Hyper Development

The current wave of downtown high-rise residential development is clear evidence that Oakland has become activated as a location for investors. This actuality is in part due to large sections of Oakland being declared **Opportunity Zones**. Please discover the definition of an opportunity zone and its benefits to opportunistic developers:

*The Opportunity Zones are meant to spur economic development and job creation in distressed communities by providing tax benefits to investors. Investors receive capital-gains tax deferral, reduction in basis for long-term investments and other tax incentives. Investments made by individuals through Qualified Opportunity Funds in these zones would be allowed to defer or eliminate Federal taxes on*



*capital gains. You can get the tax benefits, even if you don't live, work or have a business in an Opportunity Zone while investments are not administered or overseen by the City of Oakland.*

The act of labeling large portions of the City of Oakland, areas mostly historically populated by majority African Americans and other minorities, as Opportunity Zones and incentivizing the removal of the longstanding African American populace by rendering attractive tax breaks to developers, presents the very foundation for aggressive gentrification.



As depicted in the map above, Downtown Oakland's Black Arts Movement and Business District, a Black cultural district, has been labeled and incentivized for dismemberment by developers such as Tidewater Capital.

BAMBD and its African American business and property owners were not consulted before the district was greenlit.

This development surge is not without damaging consequences to long-standing small businesses and historic properties. Geoffrey's Inner Circle has operated continuously from 1990 to present. Geoffrey's Inner Circle has been **operating in the historic, registered National Resource Athenian Nile Building** at 410 14th Street since 1993. This business, along with many others have suffered from considerable

duress and displacement during the construction of the Atlas Building across the street (4 years of construction, loss of sunlight, loss of revenues etc.), AC Hotel, 1900 Broadway and other recent large projects.

Of particular concern is the proposed building at 1431 Franklin Street which recently received approval from the Oakland Planning Commission on February 15, 2023. During this entire process we have presented our valid concerns regarding this project in both oral and written entreaties.

### **Non-Conformance Relative to The Permit**

Foremost, actuality of Tidewater Capital applying for dual permits in residential and in commercial categories is unprecedented and not the typical way the permitting process is administered. There is no history of this being the accurate way that the permitting process is governed. We would like to formally bring this point into record and dispute the validity of this process.

-Lack of Conformance with Conditional Use Permit Criteria

The (office and residential) proposal is required to conform to all of the general use permit criteria as described in 17.134.050. Specifically, the proposal does not conform to the following Conditional Use Permit criteria.

*1. The proposal does not conform to 17.134.050 (A) which requires “harmony in scale, bulk, coverage, and density; and will result in having a “harmful effect upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development”.*

In particular, the impact of the development will continue to exacerbate conditions detrimental to the livelihood of existing small businesses by removing parking, increasing traffic and impacts from extended construction periods.

*2. The proposal does not conform to 17.134.050 (C) which requires that the “proposed development will enhance the successful operation of the surrounding area in its basic*

*community functions”.*

The proposal is located within the Black Arts Movement and Business District (BAMBD).

All development applications are required to be processed in accordance with zoning regulations that include notification of the project within BAMBD and how the proposed project will conform to the goals of the BAMBD. This proposal has not followed the prescribed procedures and has not demonstrated compliance with the BAMBD goals until February 1, 2023. The project was first proposed in December 2021.

*3. The proposal does not conform to 17.134.050 (D) Regular Design Review criteria set forth in the regular design review procedure at Section 17.136.050.*

*See discussion below on Design Review.*

*The proposal does not conform to 17.134.050 (E) “in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council”.*

The proposal fails wholeheartedly to demonstrate consideration of the goals of City Council Resolution 85958, Oakland General Plan, and the Downtown Oakland Specific Plan. These planning documents prescribe in part that proposals in the BAMBD, and quote; “preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural, or aesthetic interest or value.”

-Lack of Conformance with Design Review Criteria

*4. The proposal does not conform to 17.136.050 (A)(1) which requires “That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures”.*

The (office and residential) proposal is required to conform to 17.136.050 regular design review criteria. Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria: Specifically, the proposal does not conform to the following regular design review criteria.

*5. The proposal does not conform to 17.136.050 (A)(2) which requires "That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics.*

The proposed design creates negative shadows, eliminates parking, and will not preserve the existing neighborhood character of black-owned, small businesses and the cultural district.

*6. The proposal does not conform to 17.136.050 (A)(5) which requires "That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council."*

The proposal fails completely to demonstrate consideration of the goals of City Council Resolution 85958, Oakland General Plan, and the Downtown Oakland Specific Plan. These planning documents prescribe in part that proposals in the Black Arts Movement and Business District (BAMBD) and quote; preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural, or aesthetic interest or value."

*7. The proposal does not conform to 17.136.050 (B)(1) which requires "That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances".*



Despite Landmarks Preservation Advisory Board and Design Review Committee recommendations, a reasonable conclusion can be reached that the proposal introduces a building of such a large scale that it does not result in a well-composed design due to its bulk and height.

*8. The proposal does not conform to 17.136.050 (B)(2) which requires "That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area".*

Small, black-owned businesses in the area are losing their ability to remain viable as new, incentivized development rapidly occurs. The BAMBDs goals are written to protect these institutions. The proposal presented does not even mention the Black Arts Movement and Business District (BAMBD) until 2/1/23, over a year after its initial submission.

### **Landmarks Preservation Advisory Board Decision Was Disreputable**

The Landmarks Preservation Advisory Board (LPAB) identifies historic landmarks in Oakland, conducts design review hearings on historic properties, and advises the Planning Commission and City Council on preservation. In addition, the board reviews projects utilizing the Oakland General Plan Historic Preservation Element (HPE).

In 2022, the LPAB conducted three meetings on the project. During the meeting in September, the LPAB recommended that the project proceed to the next step in the development process. Their recommendations failed to protect a historic property from avoidable impacts. The loss of natural light to the 3rd floor ballroom will have a significant impact on the character and use of the space. Their recommendation for approval also threatens the integrity of the Downtown Oakland Historic District. Additionally, the LPAB failed to uphold the HPE objectives and policies including policy 3.1 (current General Plan) which is intended to avoid or minimize adverse effects on character-defining elements of historic properties.

The draft 2023 Oakland General Plan Historic Preservation Element refers to the economist James Boyce' conclusions that identifies in part,

*“Four types of political power that wealthier, predominantly White residents have in addition to their greater levels of purchasing power: decision power, agenda power, value power, and event power”.*

This means greater influence in determining what decision-makers, both public and private, will or will not do; shaping decision makers’ agendas; shaping others’ preferences; and altering the circumstances others face, respectively.

In particular, event power means that once an action has occurred, such as causing air pollution, chopping down trees, or constructing buildings, the populations without similar event power or adaptive capacity must deal with the consequences of that action, often with limited to no resources.”

This is precisely the situation that is facing BAMBD businesses and property owners who are left to overcome deliberate policy decisions that negatively affect their livelihoods such as reduced on-street parking, bicycle lanes and most egregious, large-scale development that is detrimental to their existence.

### **Design Review Committee (DRC)**

The Design Review Committee (DRC) is an official committee of the Oakland Planning Commission tasked with providing design feedback to project developers and staff. The DRC conducted a meeting on September 28, 2022, to review the project. Their comments primarily addressed the superficial aspects of the project yet failed to mitigate the impact of the proposed monolithic slab tower on adjacent properties. Their comments also failed to address the concerns that **both a registered Historic National Resource, 410 14<sup>th</sup> Street, and also registered Historic National Resource district** are threatened by the project as designed. Their window, façade treatment, density and other comments do not begin to address the level of effort and commitment the project sponsor is required to extend for a development in the BAMBD.

During this and all other design review meetings, The Black Arts Movement and Business District was never acknowledged nor were design procedures discussed relative to the mission of the cultural district and goals of City Council Resolution 85958 enacted to protect the resources there of. Not once.

## Oakland Planning Commission

A streamlined CEQA analysis was issued for the project in December 2022. The analysis reached questionable conclusions specific to the project by relying on program EIRs that did not measure the impacts from the proposed project on specific historic resources. The standard of measurement in the EIR of “Equal or Less Severity of Impact Previously Identified in Program EIRs” fails to account for the local conditions at 410 14th Street and in the project vicinity.

Specifically, Section A. Aesthetics, Shadow, and Wind, concludes that there will be “no adverse effect on a historic building, or cast shadow that would materially impair the historic resources significance”. This conclusion fails to address the impact of loss of natural light to 410 14th Street especially on the 3rd floor ballroom. The CEQA also fails to acknowledge the importance of the cultural resources in the project vicinity and the compliance with goals of the BAMBD is completely missing from the analysis. Figure 4 on page 89 does not even identify 410 14th Street as an “Individual Other Resource” while accurately designating other surrounding properties as such.

These are critical oversights that cannot be ignored.

The project sponsors have an obligation and an opportunity to create a project that meets their financial goals as well as the preservation goals of the city as defined in the BAMBD, Downtown Oakland Specific Plan, Oakland General Plan Historic Preservation Element, and other relevant documents. A rigorous implementation of the goals and serious discussions by the project sponsor to mitigate impacts from their project could have resulted in a better solution.

It is extremely worrisome that throughout this planning review the applicable measures including meeting the goals of the BAMBD and acknowledgement of 410 14<sup>th</sup> St. being a registered National Resource have not been included. These measures are meant to protect and preserve existing businesses and historic resources through policies to ensure and encourage cultural institutions not be negatively impacted. The review of this project has not met the standard of care as required by the Zoning Code, Oakland General Plan Historic Preservation Element, or the Downtown Specific Plan. The Planning Commission should not have approved the 1431 Franklin Street application without the project sponsors and planning staff fully complying with the regulations as they are intended to be implemented for this project.

## Historical Status of The District

The history of downtown Oakland development began with its roots at the foot of Broadway and grew northward through succeeding decades. The pinnacle of development occurred during the early 20th century around the intersection of 14th and Broadway in an area known today as the Downtown Oakland Historic District. This collection of historic commercial buildings gives downtown its character as an urban center.

After World War 2, Oakland's changing demographics reflected an increase in the black population and decrease in the white population. Downtown became unattractive to developers of large-scale projects who preferred to invest in suburban locations following the population that abandoned the inner city. Beginning in the 1950's-60's, small, local, black, and other minority-owned businesses have kept downtown vibrant offering an array of diverse goods and services. Recently, institutional investors have "rediscovered" Oakland (Due to these areas being greenlit as Opportunity Zones) resulting in the development of multiple high-rise residential projects. This current trend acknowledges what we owners of small businesses have always known; that downtown Oakland is a unique, distinctive, and creative urban environment. While others fled and avoided Oakland, our businesses stayed, struggled, served the community, and kept the lights on downtown. In 2016, the city council acknowledged the legacy of the congregation of downtown black-owned businesses with the creation of the Black Arts Movement and Business district (City Council Resolution No. 85958 attached).

**In 1998 this district was declared a National Resource by California State Parks- Office of Historic Preservation.** This actuality was eerily missing from The Landmarks Preservation Advisory Boards website that lists all the historic districts in the City of Oakland (See attached documentation from California State Parks- Office of Historic Preservation)

We have serious reservations about our districts status as a National Resource. We have the exact same protections as Old Oakland (notably found on the LPAB's website) which prevents large development in that district. We currently have multiple large scale developments being built, countless others completed and are arguably correct about the harm Tidewater Capitals proposal can cost yet, the Planning Commission continues to approve these proposals. What is the difference between The



Downtown Oakland Historic District and Victorian Row (Old Oakland) that prevents their development and encourages ours?

### **Historical Status of the Building**

**In 1980, 410 14<sup>th</sup> Street was listed as National Resource by California State Parks- Office of Historic Preservation. This status was not acknowledged even once throughout this entire process.**

According to the California State Law & Historic Preservation Statutes, Regulations & Administrative Policies Regarding the Preservation & Protection of Cultural & Historical Resources:

-Page 18 section 5029. State Historical Resource Designation; notification of county recorder; effect on title. (a) The commission shall, within 90 days after the approval by the director of the issuance by the commission of an historical resources designation for an individual property, submit to the county recorder for recordation, and the county recorder shall record, a certified resolution establishing the historical resources designation. For historical resources designations.

This proves the city and county was informed of the status 90 days after it was granted. It does not appear on The Landmarks Preservation Advisory Board website that lists all the historic and heritage properties in the City of Oakland (See attached documentation from California State Parks- Office of Historic Preservation)

Historic Resources Information		
Local Historic Property Category	Local Register	<a href="#">MoreInfo</a>
Local Historic District	Area of Primary Importance ( Downtown Historic)	<a href="#">MoreInfo</a>
OCHS Rating	B+a1+	<a href="#">MoreInfo</a>
Construction Date	1901-02	
Local Landmark	No	<a href="#">MoreInfo</a>
Heritage Property		<a href="#">MoreInfo</a>
Designated Historic Property		<a href="#">MoreInfo</a>
Mills Act		<a href="#">MoreInfo</a>

This is the status listed on the City of Oakland Landmarks Preservation Advisory boards website in relation to 410 14<sup>th</sup> Street (a corner property listed as its Franklin side address of 1411). This buildings

National Resource status has been hidden from the public by the city in hopes that owner Geoffrey Pete was ignorant to its protected status and therefore be steamrolled by Tidewater Capital, The Landmarks Preservation Advisory Board and the City Planning Commission. The lack of professionalism and dishonesty occurring by the means of the city representatives involved is criminal.

### **Tidewater Offering \$5000.00 for Consulting Fees**

The developer has proposed draft agreements to seemingly mitigate our concerns. However, as presented the developers proposals are unsatisfactory regarding our interests. Specifically, we note the following: Compensation for Lamumba Inc. dba Geoffrey's Inner Circle's consultants in the matter of the suggested construction of the twenty-seven-story structure is of concern. To be offered \$5000.00 in total with the expectation of such a modest amount of money covering the most minimal number of billable hours expected of structural engineers, architects, lawyers, and varying consultants is an unattainable goal. The undertaking of the proposed structure is solely the interest of the developer. As a longstanding Oakland business owner and historical site proprietor it is a necessity to have these types of undertakings supervised by professionals. The offer of \$5000.00 could not cover the retainment of services from such professionals. It leaves the property owner, who has zero interest in the development to bear the load of retaining these services for hundreds of thousands of dollars, at cost.

In that same regard, their offer to compensate for insurance only before and during the construction and not after completion as well, is worrisome. We have had many instances of after construction insurance becoming required when embarking on such a task as a high-rise building. The Millennium tower in San Francisco is one of the most currently infamous instances of why this type of coverage is needed. 410 14th Street is an unreinforced brick building, and the huge potential of post-construction losses is concerning. It also is a testament of the character of the developer and their collective respect for Black business, historical property ownership and the interests of the BAMBD cultural district.

## Violating the Downtown Oakland Specific Plan (DOSP)

The below points are clear violations of the DOSP by the Planning Commission

### 1. DOSP Vision and Equity Goal

The DOSP sets out a central vision for downtown: Downtown Oakland serves as the setting for a remarkable array of lived experiences. It is both home and gathering space to people of all income levels, races, cultures, and ethnicities. It supports a wide spectrum of community assets, serving not only local residents, but also visitors and workers from around the bay area and the globe. Its economy drives social innovation and reflects the cultures, political movements, and people who are its heritage. To achieve this vision, the DOSP's overarching equity goal is to reduce racial disparities by shaping a downtown that provides fair and equitable access to the opportunities that permeate throughout Oakland. This includes countering forces that have led to the displacement of people, businesses, cultures, and communities of color.

### 2. Economic Opportunity

DOSP GOAL: Create opportunities for economic growth and financial security for all Oaklanders. The following zoning amendments will increase economic opportunity in Downtown Oakland:

-Creation of a Downtown Arts and Culture Combining Zone. As described further in Section 5:

-Culture keeping, this combining zone is proposed to be piloted in the Black Arts Movement and Business District (BAMBD).

-It establishes regulations that favor the location of arts and culture and their supportive services on the ground floor of buildings. The zone will serve as an economic driver by providing jobs and drawing patrons to the district and its surrounding area.

### 5. Culture Keeping

DOSP's GOAL: Encourage diverse voices and forms of expression to flourish. The following zoning amendments will support new and more diverse cultural activities in Downtown Oakland:

-Creation of Arts and Culture Overlay Combining Zone. The intent of the Arts and Culture Combining Zone is to foster a sense of belonging for all Oaklanders, highlight Oakland's rich history and diverse cultures, celebrate, and strengthen ethnic enclaves, support communities harmed by racial inequities, and increase access to artistic and cultural expression.

In short, their approval of the proposed building at 1431 Franklin was a direct violation of the above listed points of the Downtown Oakland Specific Plan and proved to be the opposite of historical landmark protection and culture and arts preservation. Their approval did not strengthen ethnic enclaves or support communities harmed by racial inequities.

### **Effects of Drilling Into the Ground Next to an Unreinforced Masonry Building**

Built in 1903, 410 14<sup>th</sup> Street is building constructed of unreinforced masonry. Unreinforced masonry buildings (URMs) are old brick buildings typically built prior to 1945. Because these buildings were not built using modern building codes, they are much more likely to experience damage or collapse. The Proposed building at 1431 Franklin will have to drill deep into the bedrock to secure the foundation of the structure. In drilling within a few feet of 410 14<sup>th</sup> Street, the possibility of the vibration and rock displacement causing colossal damage is massive.

Damaging this historical building would be an irreversible disservice to the Black Arts Movement and Business District as in an instant we could lose a historical building and registered National Resource along with eleven (11) businesses of which nine (9) are Black owned.

### **Loss Of Sunlight and Bay Windows in the Main Banquet Hall**

Alteration of light and air are not protected by the building code but should be considered in this respect due to the historic and architectural prominence of the windows in the 3rd floor ballroom and the impact on the economic viability of the room and **a registered National Resource.**



With an emphasis that the room is used for both day and evening events, it is greatly enhanced by the natural light (sunlight and moon light), and the view of the city skyline rendered by the large windows. This will be completely lost with the development proposal in question (residential or commercial).

### **The Loss of The Egress, Danger of Exiting Through Tidewater Capital's Proposed Building**

An existing emergency exit access facility currently serves two buildings: 410 and 420 14th St. both of which are live music venues with a combined patron capacity of nearly 3000 people. This egress is attached to and owned by Lamumba Inc dba Geoffrey's Inner Circle The proposed development is recommending a new exit access facility that serves **both** 410 and 420 14<sup>th</sup> Street and enters and exits out of the Tidewater proposed structure.

In the event of a fire or disastrous emergency happening within the proposed building at 1431 Franklin St, how then would we safely and effectively exit the buildings with nearly 3000 patrons who would now have to compete with the innumerable number of tenants and or residents of Tidewaters proposed 27-42 Story building who would be attempting to exit the structure simultaneously?

Lastly, the egress is the property of 410 14<sup>th</sup> Street as well as the land below. Tidewater Capital is proposing to occupy the property on the 410 14<sup>th</sup> Street section of the property line, without formal request or permission from the 410 14<sup>th</sup> Street property owner.

Please see attached map of their design that has zero indication of consideration of the above.

Additionally, would they be proposing to cut a new door to access this emergency exit into a registered National Resource and historical building presenting a new possibility of damage? This was not addressed in their current design (please see attached map of the proposed egress from the applicants' design)

Proposing that two different buildings with a high patron capacity exit through a third, 27-42 story, residentially occupied building is dangerously unrealistic (as well as a commercially occupied building). The design presented has not taken this into consideration and in failing to do so has caused the potential of harm to patrons attempting to flee to safety during an emergency to skyrocket.

## **We Dispute the Findings of the 1431 Franklin Street Residential Project CEQA Analysis**

The California Environmental Quality Act - CEQA - was enacted to protect the health and safety of Californians. CEQA law is a hard fight for a lay person, but this CEQA report is deficient. It provides no substantive analysis - such as that provided by an Environmental Impact Report - but is based upon the boilerplate CEQA exemptions that have come before it. This report is inadequate and glosses over important facts. It is dangerously negligent.

One important feature of Geoffrey's Inner Circle, located at 410 14th Street, is its fire escape, which exists on an pre-existing easement. The project applicant - the adjacent landowner - does not have the right to unilaterally dispense with Geoffrey's fire escape or its easement. This property is that of Geoffrey Pete.

The fire escape which exists on this easement was brought to the attention of the Planning Commission at their Design Review Committee Meeting on 9/28/22. As Mr. Geoffrey Pete explained, this fire escape also serves the neighboring nightclub at 420 14th St. In the event of a fire, earthquake or other disaster, it would be used for the potential evacuation of 2000+ legal patrons - many of whom may not be his own. Mr. Geoffrey Pete, in fact, extends an informal easement to accommodate the safe escape of his neighbors.

The 1431 Franklin Street Residential Project CEQA Analysis provides only a clandestine mention of this easement. The term "easement" appears on only one single page of this 402-page report: page 28, Figure IV-8 Ground Floor Plan. The easement previously granted to the property owner of 410 14<sup>th</sup> Street is hidden within that diagram in fine print. While we have little guarantee that the dimensions of the easement are plotted correctly, we are certain that the rights and intentions assigned to this easement will be violated during the 3-4 year construction period and have no assurance they will be maintained after that.

If the 1431 Broadway project applicant wishes to encroach upon that easement, they must reach an agreement with the Oakland Fire Department and Mr. Geoffrey Pete. If not, the lives of the patrons of 410 and 420 Broadway will unjustly be put at risk.

Page 28 also diagrams an "Emergency Egress" escape corridor for other adjacent buildings. This also looks dangerous.

Geoffrey's Inner Circle, 410 14th Street, is referred to as 1411 Franklin Street on page 56. There it is classified as a historic resource. Pages 92 and 93 of this CEQA report reinforce these crucial omissions its easement and fire escape. On these two pages, the report makes reference to its neighbors:

1411 Franklin Street, Athenian Nile Club Building (1901-1902, Local Register, OCHS Rating B+a1+)

That is somewhat correct. That was Geoffrey's Inner Circle's previous name and address, before Mr. Geoffrey Pete liberated the building to become the cornerstone of the Black Arts Movement and Business District. But no mention of the easement or fire escape is provided. That is a fatal omission. This puts the health and safety of Californians at risk.

There is no mention of Geoffrey's Inner Circle's elevator door, located directly adjacent to the 1431 Franklin Street Residential Project, nor how access to that door will be maintained, during construction and after. The 1431 Franklin Street Residential Project has no right to impede Geoffrey's methods of ingress and egress.

The term "fire escape" appears only once in this document, following that, pertaining to the project's other nearest neighbor, 1441 Franklin Street. In this case, the CEQA report mentions "a metal fire escape at the center bay has been removed." The methods of ingress and egress from other fire escapes in adjoining buildings must also be questioned, on all sides of the proposed project, including the scary "Emergency Egress" corridor, as previously mentioned.

On page 108, the CEQA report claims:

"The side and rear facades of five of these contributors (1411 Franklin Street, 420 14th Street, 1440 Broadway, 421 15th Street, and 1441 Franklin Street), which date between 1901 and 1929, do not contain any features which are important to the character of the Downtown Historic District and API."

How will the patrons of these buildings escape in case of an emergency? This fire escape is an important

feature. The applicant's claim is preposterous.

On page 145, the CEQA report claims:

"The nearest noise-sensitive receptors to the project site are: 1) apartments at 1411 Franklin Street adjacent to the project site to the south"

While Geoffrey's Inner Circle, 410 14th Street, is zoned for both residential and business use, anybody with any reasonable working knowledge would know that this is not an apartment building. The construction noise (and other pollutants) will adversely affect all of the occupants of this building, which is primarily daytime business usage.

On page 153 the CEQA report again inaccurately states 1411 Franklin Street is residential. We would like to see proof of the vibration data presented there, and on page 156.

1411 Franklin Street is referenced again in the Shadow Studies pages 225-242. The shadows created by this 1431 project will directly affect the establishments of their neighbors.

410 14th Street - the current address of Geoffrey's Inner Circle - is not mentioned once in this entire 402-page CEQA document. Geoffrey's is not mentioned once. That omission could be considered racist. It's like the Athenian Nile Club rolled back into town, in an attempt to reclaim their headquarters.

For these reasons, we encourage the Oakland City Council to reject the 1431 Franklin Street Residential Project CEQA Analysis.

### **Design Reflects Parking on the First Levels of The Build**

Per the applicants design the first five levels of the building will be reserved for parking. The toxins from exhaust are dangerous and undoubtedly there would have to be ventilation for this, although this was not shown in the applicant's design. Rendering the benefit of the doubt that there will be ventilation, 410 14<sup>th</sup> Street is a four-story building. That ventilation will unquestionably be expelled directly into our

building via the large bay windows that cover the entire side of the buildings wall facing 1431 Franklin Street. The sheer number of fans or effective HVAC systems needed to be able to circumvent that actuality is immeasurable.

Carbon Monoxide is an odorless, tasteless, highly toxic gas. We are a live music facility and this design proposal from the applicant will impose us to unwillingly expose our patrons to high levels of carbon monoxide poisoning.

This refers to the previously mentioned 2023 draft of the Oakland General Plan Historic Preservation Element that spoke of the event power that wealthier, predominantly white residents have and the populations without similar event power or adaptive capacity must deal with the consequences of that action, often with limited to no resources.

### **LIVE MUSIC VENUE AND TENANT RETAIL SPACE**

Transitioning to the topic of residential or commercial space, 410 14th Street has been a live music venue for over thirty years and houses a live jazz venue and comedy club. Having residential housing or commercial workspace built a stone's throw away from the stage where live entertainment is being performed using state of the art sound equipment will undoubtedly cause ceaseless and relentless complaints to the city from the new tenants of the proposed Tidewater Capital building. This could in turn further strain the city services budget (police etc.) and hinder our business revenues as taxpayers.

410 14<sup>th</sup> Street houses multiple minority-owned businesses, eleven to be exact. These store fronts are rented at a subsidized and authentic Below Market Rate. The businesses housed here pay a lower rental fee to sustain black owned small businesses in the district at the expense of Geoffrey Pete. The compromise that is possible if the proposed building is approved will affect the entire complex, not just Geoffrey's Inner Circle

Geoffrey's Inner Circle is a Community Anchor Business that is the crux of live performance arts. This is a cultural hub and community betterment establishment. To put this business in jeopardy is a direct violation of the DOSP and the mission of the BAMBD.

### **Proposing Patron Parking on 19<sup>th</sup> and Franklin**

New legislation for bike lanes on 14th Street will remove the vast majority of street parking available for patrons and merchants of this district alike. With the remaining sporadic parking spaces currently being metered by the city at 30-minute intervals, it has become increasingly difficult for customers to park and patronize the businesses housed in this district.

This is in stark contrast to the waterfront loft area with zero parking meters to date and neighboring Chinatown with restrained metered parking at a 2-hour limit. Bike lanes reducing public on-street parking will undoubtedly serve to further hinder the growth and economic capabilities of African American businesses located in this area.

Additionally, the impact on parking in the Black Arts Movement and Business District, which houses 410 14th Street, due to the proposed Tidewater buildings attempts of occupation of one of the last public parking lots in this district is disquieting. We've lost the largest parking facility in our district to the Atlas Building. Losing this option to park and patronize this district is deleterious to revenues and viability.

When asked by the Planning Commission if there would be the option of shared parking within the proposed structure at 1431 Franklin St, the developer who presents himself as a culturally competent and community minded individual who is attempting to operate within the borders of a cultural district stated he didn't want to promise that offer to us and went on to further recommend that patrons of the twelve businesses housed at 410 14<sup>th</sup> Street park on 19<sup>th</sup> Street. Five blocks away from their destination during a crime wave of vehicle vandalism that is plaguing the entire city of Oakland, including the Black Arts Movement and Business District.

This level of displacement violates the mission of the Black Arts Movement and Business District and the Downtown Oakland Specific Plan (DOSP).

### **Satisfying The Minority Workforce Requirement on New Development**

During the most recent Planning Commission meeting on 2/15/2023, the developer grandly stated that they planned on dedicating 20% of the workforce on the proposed building at 1431 Franklin Street to minority unions and workers. The City of Oakland has a minimum requirement of 50% of the workforce being of minority decent. This incorrect percentage was presented to the Planning Commission, and yet they continued on to approve the project with a unanimous vote.

Additionally, and historically minority construction companies, specifically of African American decent, are unilaterally excluded from gaining access to large commercial developments due to a plethora of reasons such as racism and nepotism. Without having the resume to show the prior experience needed to garner these new development contracts, these skilled contractors are often promised these positions during the permitting process to only later be disqualified from the vetting process due to the lack ability to prove commercial construction competency. This is a well-known loophole wealthy developers exploit to achieve their permits, having zero intention of hiring these workers.

Please find below excerpts of a recent article dated 1/2/2023 referencing Black contractor being designed out of commercial construction and their concerns:



*Here are our Heroes standing strong and proud in our community – hyper local Black contractors, truckers, etc., fighting to be included in the redevelopment of the city they and their families have called home for generations.*

*“I’m a contractor, I want to be a contractor. I do an excellent job. In spite of the fact that I’m small, I’m growing every day. But everything is a fight, and it shouldn’t have to be.” **LaSonia Mansfield owner of Mansfield Construction Clean-up Co.** is a brave woman – brave enough to own her own business in an*

*industry that's nearly all owned and controlled by white men, the old boys' club, and brave enough to turn out at 7:00 a.m. on a cold Dec. 14 morning with other Black contractors and truckers to shut down a construction site on Potrero Hill at 26th & Connecticut to demand a fair share of the work.*

*"We can't feed our families and we can't support our community if we're not working. It's Christmas time. We should be working too," declared **Keith Smith, owner of Global Team Corp.**, a trucker since 2005 and one of the Black truckers whose big rigs were blocking the entrance to the Potrero Hill jobsite. The white contractors and truckers hired by the general contractor, Cahill, were lining up wondering if they'd be going to work.*



*"We can't feed our families and we can't support our community if we're not working. We should be working too," exclaimed Keith Smith, a trucker and owner of Global Team Corp.*

*"I'm here supporting my local truckers, my local contractors," asserted **HVYW8 Trucking's Michael Gregory, who also heads the African American Construction Collective**, which organized the shutdown.*

*"This has been a brewing situation. Local contractors have been at the table with Cahill letting them know that when you come into this community, it's important that you hire Black contractors; it's important that you hire Black truckers. This is our community, and if we can't go to work in our community, how can we let others come and funnel the money out of the community?"*

As depicted, the above issue of White developers not contracting with Black contractors is obviously cyclic and regularly occurs.



## **Public Art Requirement**

During the Oakland Planning Commission meeting on 2/15/23, at the 2 hours 54 minutes time mark, there takes place a discussion of the Public Arts component read by the City Attorney regarding public art.

Michael Branson, City Attorney, reads it as transcribed: "The applicant has proposed and by this condition shall be required to distribute 20 percent of the project's Public Art Requirements to the Malonga Casquelourd Center for the Arts Theater and the African American Museum and Library at Oakland (City-owned Arts Facilities or Facilities) to be split equally between the two facilities. It would be the responsibilities of the facilities to obtain City Approval for the capital improvement project and satisfy any City requirements for the for the application of the contributed funds. The remaining portion of the Public Art Requirements shall be met through the means provided in the ordinance."

According to Chapter 15.78 PUBLIC ART REQUIREMENTS FOR PRIVATE DEVELOPMENT.docx:

### Chapter 15.78 PUBLIC ART REQUIREMENTS FOR PRIVATE DEVELOPMENT

#### 15.78.070 Contribution Requirements.

##### C. Alternative Means of Satisfaction of Public Art Requirement.

2. The developer and/or owner may by special application to and approval by the City make a contribution to the City, either in the full amount of the in lieu contribution or a percentage thereof (with the remainder of the in lieu contribution placed into the Public Art Project account), for the purpose of capital improvements to a specified City-owned arts facility or facilities within one-half (1/2) mile of the development.

I. The City Administrator may approve such a contribution if he or she finds that:

1) the city-owned Arts Facility or Facilities are in need of capital improvements

--**Definition of Capital Improvements**- A capital improvement is the addition of a permanent structural change or the restoration of some aspect of a property that will either enhance the property's overall value, prolong its useful life, or adapt it to new uses.

2) the facilities once improved will create greater opportunities for the exhibition of visual or performing arts, and provide enhanced opportunities for city residents and visitors to experience visual or performing arts; and

3) the project will not create unbudgeted costs for the City.

The Planning Commission exceeded its authority by adding this requirement, mere seconds before taking their final vote. The Planning Commission does not have the power to determine how the funds from the Public Art Requirement are disbursed. This is the purpose and within the purview of the Public Art Advisory Committee. The project developer/owner is entitled to make a special application, but approval can only be granted by the City Administrator - not the Planning Commission.

The primary purpose of the Public Art Requirement is to maintain Oakland's art and culture for generations. The City must not imperil the vitality of an adjacent historic privately-owned arts facility (410 14<sup>th</sup> Street) to transfer funds to City-owned projects which will suffer no similar immediate threat from this project. The Planning Commission cannot add conditions to this project in a manner intended to buy its support.

-Transcribed Language of Randolph Belle at The Planning Commission meeting 2/15/2023

1:50 Randolph Belle reading a statement from Bamidele Agbasegbe-Demerson Chief Curator of the African American Museum and Library at Oakland - AAMLO

[1:50:37]

*Hello .... Randolph Belle. I'm actually calling in for Bamidele Demerson, Chief Curator of the African American Museum and Library at Oakland, who is having computer problems, and he asked me to read his comments, and they go like this:*

*Good afternoon, my name is Bamidele Agbasegbe-Demerson. I serve as Chief Curator at the African American Museum and Library at Oakland, better known by AAMLO, located at 659 14th Street. AAMLO is a branch of the Oakland Public Library. Tidewater Development Initiative at 1431 Franklin will certainly benefit the African American Museum and Library at Oakland. Supportive funding will underwrite a wide range of dynamic efforts at AAMLO. Such efforts include changing exhibitions, public programs, and educational offerings that provide an understanding and appreciation of African- American culture, history, and aesthetic expression. Unmistakably, these efforts give prominent attention to Blacks, their*

*achievements, and their contributions toward building the great City of Oakland. This is indeed important to Americans of African ancestry, but equally significant, Tidewater's supportive funding of AAMLO's installations, speakers, film screenings, poetry, useful programs, children's story hours, and learning tours, among other efforts, supply all citizens with opportunities to engage and grow in the important task of creating cross-cultural competency. In this way, Tidewater, by way of its development initiative at 1431 Franklin, is therefore helping Oakland realize a goal of creating a vibrantly thriving community that values ethnic diversity, equality, and inclusion. He also asked me to read a part of the letter that you have in your record, in letters of support. In moving forward, this company will support two arts facilities owned and operated by the City of Oakland, more specifically .... [Time alarm] .... Tidewater will allocate ten-percent of its public art budget to capital improvement initiatives at African-American Museum and Library and the Malonga Casquelourd Center for the Arts Theater. Thank you.*

[1:53:07]

This is another example of Tidewater not meeting its requirements for the Public Art Requirement section. All the culture related activities Randolph Belle discussed in that clip are just that, **activities**. Not an iota of what Mr. Belle inventories are **capital improvements**.

(please refer to Page 16 for the definition of capital improvements)

This speaker and the preceding Planning Commissions misuse of power in relation to the Public Art Requirement further underscores the fact that this dialogue was purely a disingenuous attempt to satisfy a requirement needed to streamline the permitting process for Tidewater Capital.

This scheme was fastened together in *less than ten days* (2/1/2023 BAMBD is first spoken of by the Planning Commission-2/10/2023 when the Planning Commission posted their updated agenda). This is ushered in during that brief time period, after overlooking the existence of BAMBD being a cultural district throughout this entire permitting process, spanning well over multiple years' time.

The Public Art Requirement and it's subsequent funding cannot be used for the stated purposes. This verity has been explicitly stated. In addition, this very speech points to a duplicitous agreement that was settled upon in a clandestine fashion in the mere days between the botched 2/1/2023 meeting, where the Planning Commission first acknowledged the fact that the Black Arts Movement and Business District is in fact a cultural district throughout this lengthy process, and the 2/15/2023 favorable decision for Tidewater Capital.

Lastly, Randolph Belle is renowned as a close affiliate of Tidewater Capital and having him read this letter reportedly on the behalf of the Curator of the African American Museum and Library at Oakland (AAMLO) must be a conflict of interest in this matter. He is an affiliate Tidewater Capital.

### **Mural on the Wall is of Significant Importance Culturally**

Located on the left wall of the historical building at 1441 Franklin Street is a mural of Derrick Hayes. Mr. Hayes, now deceased, was a well know and beloved community member and hero. He was a man of humble means but highly respected. Please find an excerpt from an article written about him:

*Walking down Franklin Street in Downtown Oakland you'll see a larger-than-life mural of a man in a baseball cap. With gentle eyes and a wide smile, he looks east over the city, watching over the people passing by. Small businesses line Franklin Street to the left and right. Below the mural is a parking lot, and shiny office buildings tower above. In between lies the portrait of Derrick Hayes, a 59-year-old homeless resident of Oakland who has been selling Street Spirit for almost 20 years.*

*Hayes—known to many as Brother Hayes—was manning one of his usual posts, outside the Peet's Coffee on Piedmont Avenue, when he caught the attention of Jerry Smith—the president of a commercial real estate firm that revitalizes historic buildings. Like many of the things that make Hayes a staple of Oakland, the mural's origin story begins with his contagious spirit.*

*"He had this huge smile, he was unbelievably engaging," Smith says. "He just seemed like a good person."*

*... the moment when he saved two little boys from being run over by a driver who rolled through a stop sign. "How do you go from a gangster to a cry baby?" he asks. "But I did, and I'm glad about it."*

*This metamorphosis didn't happen overnight. To explain how he transformed into the person he is today, Hayes recalls an afternoon when he was selling Street Spirit on Piedmont Avenue, and noticed an 11-year-old girl being bothered by an older man. Hayes watched this man follow and then assault the girl—so he stepped in to help. He threw the man to the ground and held him until the police came.*

*The next morning the girl came back to the same street corner with her mother and asked, "Mommy, when I go back to school, is the bad man going to be there?" Her mother shook her head. The girl looked at Hayes. "When I get back to school, is the good man going to be there?"*

*As Hayes remembers the story, his eyes fill with tears. "Ain't that something?" He pauses, then says, "I've done a lot of bad in my life, but the good things should be accounted for."*

-According to the bylaws of the Oakland City Council adopted Resolution 85958 regarding BAMBD:

"...and this designation aligns with Oakland's existing policy codified in the historic preservation element of Oakland's general plan which states a desire to "**preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value**".

Under this bylaw, this mural is determined as a special historic, cultural and aesthetic interest and/or value that must be preserved protected and prevented from unnecessary destruction or impairment. This mural is invaluable to our district and community. The beloved Derrick Hayes's memorial is a cultural treasure and deserves to be protected.

### **3-5 Years of Constant Construction Debris, Dust and Zero Street Parking**

The proposed building is projected to be completed in three to five years after its proposed beginning. This translates to road closures which would further exacerbate the parking crisis currently experienced by the Black arts Movement and Business District. Its proposal will limit access for patrons and business owners which has the large potential to offset revenues offset revenues. The constant and ever-present changes to the quality of life due to noise, dust, and debris contamination can prove to be insufferable.

What is being proposed is essentially three years or more, due to these projects rarely being completed on schedule, of constant drilling and machinery. Cranes, oversized load trucks, dump trucks and a multitude of contractors and crews littering the street and hampering entrance to the small businesses accommodated here. The amount of income loss for all businesses located on this historical block and its adjacent streets will be detrimental and insuperable if permitting granted.

As we know from the construction of the Atlas Building across the street, built on the former two-story parking lot that served most downtown businesses and patrons, these construction crews work loudly and insistently for 24 hours a day. This form of noise and space pollution will undoubtedly prove to be harmful to businesses and their patrons. To enact this level of imposition on a National Resource

Building and District, a protected cultural district, loyal Oakland business and property owners and taxpayers twice within a five-year period is massively unethical.

The businesses in the Black Arts Movement and Business District current have at least two other massive developments being constructed in our cultural district, and we still haven't overcome the setbacks we encountered during the Atlas Building's lengthy construction. The applicant proposed in a recent meeting with the Planning Commission that his contractor crews would not park their personal vehicles on 14<sup>th</sup> Street or Franklin when construction is taking place. That comment does not mention where his multiple cranes and large building construction equipment will be. It would have to be located on Franklin, therefore claiming more space than personal vehicles. This action has the enormous potential to impede and obstruct the business processes of the longstanding businesses of this district. This is yet another example of using selective language to achieve their goal, without care or concern for the surrounding neighbors.

### **Tidewater Capital**

Throughout this process Kyle Winkler and Ross Stackhouse, both representatives of Tidewater Capital have been extraordinarily misleading. When the notion of the building was proposed they came to the office of 410 14<sup>th</sup> Street and spoke with Mr. Pete. They promised to make sure he and his building were well taken care of relative to consultant fees. They extended an offer of a partnership with their proposed building and his legacy performing arts business, 30 years in operation. They offered (verbally) to restore his façade and install a state-of-the-art elevator. They ensured him that they were courteous and trustworthy businessmen with cultural sensitivity.

Although from the onset, Mr. Pete was not in agreement with the proposed oversized, less than architecturally harmonizing and dangerous structure, he entertained their offers with great professionalism. Once Tidewater representatives felt they had convinced him to comply, they quickly reneged on the offers of the partnership, elevator installation, fair consultant compensation and façade upgrades without an afterthought. Very soon after they delivered a letter from their lawyers stating that the maximum for consultant fees would be \$5,000.00 in total.

Please see verbatim language from the Pete Construction and Logistics Agreement from Tidewater's legal counsel REUBEN, JUNIUS & ROSE, LLP:

*Neighbor's Consultants. Project Sponsor agrees to reimburse Neighbor for **the cost of Neighbor's attorney's fees in reviewing and negotiating the terms of this Agreement, and for the cost of Neighbor's architect and engineering and other consultants in reviewing the proposed Project plans and other related Project materials up to the amount of \$5,000.***

This a far cry from the aforementioned offers. Mr. Pete, of his own volition and expense secured legal counsel, Clinton Killian of Killian and Fannyan APC, who are largely a real estate and probate firm. They were instrumental in negotiations during the beginning of this process.

Again, I must note, when this information was address in the recent city Planning Commission meeting on 2/15/2023, the applicant did rebut, stating that \$5,000.00 was a *starting figure* of negotiations. Once more, this statement was untrue. When the applicant's counsel addressed Mr. Pete's counsel they were clearly unwilling to move further to obtain an more respectable agreement.

During this time the Planning Commission meetings for the Landmarks Preservation Advisory Board and The City Planning Commissions Design Review were well underway. Mr. Pete and other were vocal in their objection to this proposal and its lack of seamlessness into the Black Arts Movement and Business District, as well as his concerns for his registered National Resource, historic building.

The emails sent thereafter, originating from Tidewater Capital, were nothing more that a mere formality to present a landscape where Geoffrey Pete is painted as unresponsive and unsympathetic to city and business processes. This could not be further from the truth. What dialog can occur when Tidewater Capital has taken a position of a stoic intimidator?

During this time, Kyle Winkler and Ross Stackhouse embarked on what can only be described as an underhanded payola campaign. Tidewater Capital representatives approached African American business owners, and institutions such as the Oakland Black Chamber of Commerce and many others offering donations for endorsements. They constantly approached Mr. Pete's personal tenants of 410 14<sup>th</sup> Street and rendered checks of \$1,000.00 and \$2,000.00 to ensure their support of the 1431 Franklin Street proposal. Joyce Gordon Gallery is among these tenants whom Kyle Winkler of Tidewater Capital would regularly disturb with the goal of phishing for supporters of his proposal in the Black community.

This ideal of ‘culture for purchase’ behavior is additionally shown in their late efforts to include the *African-American Museum and Library and the Malonga Casquelourd Center for the Arts* in their contributions ten days after being informed of this being the Black Arts Movement and Business District. Before 2/1/2023 they had conducted this entire permitting process without knowledge of our cultural district’s existence (established in 2016).

Tidewater Capital has zero interest in the betterment, advancement and preservation of the Black Arts Movement and Business District.

Their singular orientation is achieving the construction of their gentrification. By any means necessary.

### **The Black Arts Movement and Business District (BAMBD)**

The 1431 Franklin Street project is located in the Downtown Historic District Area of Primary Importance, the Downtown Oakland Historic District - a registered National Resource - and the Black Arts Movement and Business District (BAMBD). Geoffrey's Inner Circle Club, located at 410 14th St. (formerly the Athenian Nile Club Building, previously addressed as 1411 Franklin) is a significant cornerstone of the Black Arts Movement and Business District, through its transformation in 1993 until this current day. It maintains the safety and vibrancy of 14th and Franklin and promotes the daily activity of the other black and minority-owned businesses that operate there today. Surrounded by a sea of vacant street-level storefronts, it thrives and survives as a 100% Oakland community, embodying Love Life, the City's official motto.

The importance of these districts is expressed in official city documents such as Zoning Regulations, the Downtown Oakland Specific Plan, the Oakland General Plan, and City Council Resolution 85958, which created the BAMBD. Due to the heightened importance of this location, the 1431 Franklin Street application must be held to the highest standards that these city regulations require. Oakland's general plan states the desire to "preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value." This appeal addresses all of these desires. This location is the heart of Oakland.

On January 7, 2016, the Oakland City Council adopted Resolution 85958, which designated The Black



Arts Movement and Business District (BAMBD) as a cultural district on the 14th Street corridor. This designation is intended to support a critical mass of arts and entertainment establishments in the area, and to promote and celebrate the significant current and historical black leaders, arts, political movements, enterprises, and culture in the area. The resolution also calls for the City's Downtown Specific Plan to include the BAMBD.

On January 8, 2021, the Planning Commission issued a Zoning Code Bulletin which provides specific direction on the implementation of the Black Arts Movement and Business District, the City's first formally adopted cultural district. The bulletin states that the goals of the BAMBD are to be considered in the review of development applications by:

- Providing applicants with a copy of Council Resolution 85958
- Encouraging applicants to ensure their proposal is consistent with the goals of the BAMBD
- Ensuring consistency with draft policies in the Downtown Oakland Specific Plan related to BAMBD, through architectural design and detailing, through consideration regarding future commercial tenants; and other strategies the city deems appropriate
- Encouraging applicants to consult with nearby business owners in the BAMBD

In addition to the partial list of requirements above, the Zoning Code Bulletin concludes by stating "conformance with the BAMBD goals should be included in any project narrative describing the project, for example in public notices (including newspaper notices and yellow project information signs) and staff reports." This was never done.

### **The Planning Commission Has Consistently Ignored the Existence of the BAMBD**

The Planning Commission and the project applicants have consistently ignored the Black Arts Movement and Business District, through every project narrative of any description. The Planning Commission has

approved multiple permits for high-rise buildings to be developed within this district. Not one of their notices have indicated that this is a cultural district. The established guidelines have been consistently ignored.

The BAMBD conditions and even the existence of this district was not listed in any document provided by the Planning Commission prior to their decision on February 15, 2023. The BAMBD was never mentioned any single occasion or listed on any notice or sign.

On September 28, 2022, the Oakland Planning Commission was informed of the project's location within the Black Arts Movement and Business District (BAMBD) and Resolution 85958 at their Design Review Committee hearing. This information was clearly provided by Tina Muriel during the Public Hearing, along with its significance and relevance to the project application. It is not the duty of members of the public to provide this knowledge. Once again, it was ignored.

Prior to the Planning Commission meeting on February 1, 2023, the prescribed policies for processing planning applications in the BAMBD had not been met. The owner of 410 14th Street informed the commission once again. Finally, this was recognized, but the requirements were not fully understood, which prompted the project applicant to ask for a continuance of the hearing. The Planning Commission granted this continuance, and the hearing was postponed to February 15.

### **The Planning Commission Has Failed to Adhere to the Requirements of the BAMBD**

During this time, the project applicant responded with a letter from its legal team, which was attached to its documentation as Supplement-Report-to-Item-4-PLN20125.pdf. This February 6, 2023 letter from Reuben, Junius & Rose, LLP fails to substantiate the project applicant's compliance with the aims of the BAMBD. Much of this letter is boilerplate, merely a copy-and-paste of City documentation. Some of the information it purports is erroneous and misleading.

This letter also points to the "solution" it would propose at the February 15 hearing: diverting a portion of the project's mandatory Public Art fee to the Malonga Casquelourd Center for the Arts

Theater and the African American Museum and Library of Oakland. As noted, prior in this appeal, the Planning Commission does not have the jurisdiction to approve this diversion of City funds. Nonetheless, this diversion was approved and attached in the project's Conditions of Approval. This was the only additional condition that was attached. Every other issue expressed by the appellant and concerned members of the public was ignored.

Following the decision issued on February 15, the appellant made multiple requests to receive the Planning Commission's Decision Letter, Findings for Approval and Conditions of Approval. These documents must be referenced before an appeal can be filed. These documents were finally supplied on February 22, a full week after the decision, near the end of the 10-day window in which an appeal must be filed.

Once again, within this entire 67-page package, the Black Arts Movement and Business District is not mentioned once. There is not one single reference to the BAMBD. The word "Black" appears zero times, and "African American" mentioned only once, in reference to the museum designated to receive improperly diverted funds. This is shameful.

### **Adherence to Resolution 85958 Requires Additional Scrutiny**

In addition to upholding our appeal, we request that the City Council conducts an additional review to ensure that future projects within the Black Arts Movement and Business District adhere to the requirements of Council Resolution 85958.

Our letters and testimony have documented in detail how this application falls short of meeting city planning requirements. We have revealed how the review process completely ignored policy direction to address the BAMBD goals in the project noticing and narrative. The Planning Commission's approval of this application eviscerates the spirit of the Resolution 85958. Its decision renders mute the efforts of countless city staff, elected officials and citizens who invested tirelessly to create and maintain a district where cultural institutions would thrive.

The appellants and other members of the public have asked the planning department and planning commissioners to hold a meeting to discuss how it can better serve the Black community, a community rapidly being displaced from the city due to a plethora of less than qualifying reasons. These requests have not been granted. We were told the Planning Commissioners had no time to do so. The status of our district was continuously dismissed, nor is it listed in city districting maps. The Planning Commission acknowledged at its February 1, 2023 meeting that it had no idea that this was a Black Cultural district. The fact that the Commission either did not know and/or disregarded the status of the district has harmed our district significantly and the potential benefits which the designation of the district was intended to create for the Black community in the city of Oakland. The entire approval process was conducted without consideration of the cultural district status as well as the National Resource status of the historical building located at 410 14th Street.

We respectfully request that future projects proposed within this district begin with expert testimony on the appropriate overall design of a district intended to promote Black culture and business. We ask that Planning staff and Commissioners display full knowledge of the status of this cultural district and provide this information to future project applicants. We must inquire if 400-foot towers of high-end housing and/or office space enhance the cultural aspects of the Black Arts Movement and Business District. We ask for necessary amenities for the public, such the replacement of lost public parking. We request a review with local residents and business owners to address how the Planning Commission and future developers will act in a culturally competent manner in a diverse city like Oakland.

#### **PROTECTIONS UNDER THE BAMBD STATUS**

Oakland City Council adopted Resolution 85958 calls for the City's Downtown Specific Plan to include the BAMBD, and to consider policies that animate the public space, rejuvenate the streetscape, improve local business viability, improve public safety, and bring diverse people together in celebration of this Cultural District.

#### Types of Planning Bureau Actions of Interest in the BAMBD

The following actions should consider the goals of the BAMBD (outlined above). Further, conformance with the BAMBD goals should be included in any project narrative describing the project, for example in public notices (including newspaper notices and yellow project information signs) and staff reports.

1. Temporary uses and pop-up activities;
2. Conditional Use Permits/Variances;
3. Design Review.

The Black community is inclusive of multiple distinct communities of color including but not limited to African Americans, Afro-Caribbeans, and Africans; and

WHEREAS, there exists a congregation both historical and contemporary of

Black owned businesses and artistic or cultural spaces focused on Black expression in the 14th Street corridor on or within four blocks of 14th Street from Lake Merritt to 1-880 defined as from Oak Street to Frontage Road; and

WHEREAS, a congregation of Black owned businesses and artistic or cultural spaces focused on Black expression currently exists in the 14th Street corridor and includes but is not limited to the Malonga Casquelourd Center for the Arts, Joyce Gordon's gallery, **Geoffrey's Inner Circle Club**, the Oakland POST Newspaper Group, OCCUR, Oakland African-American Chamber of Commerce, Oakland Cultural Center, Bissap Baobab, The Hatch, Venue Nightclub, U'NEXT Barber Shop, Unique Braids, Imagine Affairs Lounge, Quick Bite, Crossburger, Feelmore, A City Obsession, New Karibbean City, Uncle Willie's BBQ, Black Arts Movement co-founder Marvin X's Academy of da Corner, and the Betti Ono Gallery; and

WHEREAS, public or historical buildings and public art in the 14th Street corridor exemplify the historical legacy of the Black community in Oakland including but not limited to the African American Museum and Library at Oakland, the Oakland Main Library, the Ebony Museum, the 16th Street Train Station, the Rene C. Davidson Courthouse, the Calvin Simmons Theater, the C.L. Dellums Apartments, the Elihu M. Harris State Office Building, the Byron Rumford Post Office, the Lionel J. Wilson Building, the Ronald V. Dellums Federal Building and U.S. Courthouse, and the bust of John B. Williams; and this designation aligns with Oakland's existing policy codified in the historic preservation element of Oakland's general plan which states a desire to "preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value"; and

WHEREAS, the designation of the Black Arts Movement and Business District is captured by the historic preservation element of Oakland's general plan

### **Closing Remarks**

In closing, small businesses in Downtown Oakland should not be caused to suffer revenue losses and possible liquidation at the expense of ushering in larger, richer yet, less than culturally connected new development proposals.

What is the benefit of being registered as a **National Resource building such as 410 14<sup>th</sup> Street**, a **National Resource District such as The Downtown Oakland Historic District**, labeled a **Downtown Historic District Area of Primary Importance** and have **Oakland City Council adopt Resolution 85958 designating this area The Black Arts Movement and Business District** only to have to spend countless hours arguing the protections granted by the above statuses, pay high legal counsel fees and over \$5,200.00 in appeal fees to ensure those very statuses and rights aren't demolished by well moneyed, opportunistic developers who are incentivized to monopolize us due to our areas being greenlit as **Opportunity Zones**.

What this really is, is an opportunity for a mutually beneficial outcome between the City of Oakland and protected areas. An opportunity that cannot occur when the existence of historical businesses, districts and structures are not afforded the consideration due them.

Page 1-2, Opportunity Zones and Map of Opportunity Zones

City of Oakland Website

<https://www.oaklandca.gov/resources/designated-opportunity-zones>

Pages 3-6, Conditional Use Permit Criteria

Oakland, California - Planning Code Chapters 17.134 - 17.136 - CONDITIONAL USE PERMIT PROCEDURE

City Of Oakland Website

[https://library.municode.com/ca/oakland/codes/planning\\_code?nodeId=TIT17PL\\_CH17.134COUSPEPR](https://library.municode.com/ca/oakland/codes/planning_code?nodeId=TIT17PL_CH17.134COUSPEPR)

Page 6-7 and 17, Oakland General Plan Historic Preservation Element (HPE)

City of Oakland Website

<https://www.oaklandca.gov/documents/historic-preservation-element-for-the-general-plan>

Page 9

Oakland Ca

National Resource District - The Downtown Oakland Historic District (attached)

Page 10

410 14<sup>th</sup> Street Oakland Ca 94612

National Resource Building Documentation (attached)

Page 10 Historical Status Regulations

California State Parks- Office of Historic Preservation Website

[https://ohp.parks.ca.gov/?page\\_id=1077](https://ohp.parks.ca.gov/?page_id=1077)

Historic Preservation Chapter 3 - Identifying Historic Properties (Attached)

California State Law & Historic Preservation Statutes, Regulations & Administrative Policies Regarding the Preservation & Protection of Cultural & Historical Resources Manual (Attached)

Page 10 The Landmarks Preservation Advisory Boards Website Missing District National Resource Status  
City of Oakland website

<http://gisapps1.mapoakland.com/planmap/planmap.html?apn=008%20062100900>

Page 10 Tidewater Offering \$5000.00 for Consulting Fees

Pete Construction and Logistics Agreement from REUBEN, JUNIUS & ROSE, LLP

Number 11, Page 6 (attached)

Pages 11-12 and Page 19 Downtown Oakland Specific Plan (DOSP)

City of Oakland Website

<https://www.oaklandca.gov/topics/downtown-oakland-specific-plan>

Page 13 Tidewater Capital's Map

Regarding Egress (attached)

Page 15 CEQA Report

Page 16 The distribution of Public Art Requirements as specified in the Oakland Code of Ordinances

Chapter\_15.78\_\_\_PUBLIC\_ART\_REQUIREMENTS\_FOR\_PRIVATE\_DEVELOPMENT.docx



City of Oakland Website

[https://library.municode.com/ca/oakland/codes/code\\_of\\_ordinances?nodet=TIT15BUCO\\_CH15.78PUA\\_RREPRDE](https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodet=TIT15BUCO_CH15.78PUA_RREPRDE)

Page 16 Definition of Capital Improvements

Investopedia Website

<https://www.investopedia.com/terms/c/capitalimprovement.asp>

Pages 22-24 Black Contractors

Black contractors: 'We want to put our community to work' - January 2, 2023

The Bayview Newspaper

<https://sfbayview.com/2023/01/black-contractors-we-want-to-put-our-community-to-work/>

Pages 25-26 Article on Derrick Hayes

The Street Spirit

<https://thestreetspirit.org/2019/10/01/derrick-hayes-street-spirit-vendor-community-member/>

Page 29-30 Oakland City Council adopted Resolution 85958

Black Arts Movement and Business District Resolution

Page 3 (attached)

Page 27-28 Offering \$5000.00 for Consulting Fees (verbatim)

Pete Construction and Logistics Agreement from REUBEN, JUNIUS & ROSE, LLP

Number 11, Page 6 (attached)

Page 28 Attorney Clinton Killian

Killian and Fannan APC

<https://www.killfannlaw.com/>

Page 24 Planning Commission Meeting Recording

City of Oakland Website

<https://www.oaklandca.gov/meeting/planning-commission-meeting-13-3>

Page 25 City of Oakland Bureau Planning Notice

Lack of Acknowledgement of Cultural District Status (attached)

## OFFICE OF HISTORIC PRESERVATION

## DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942898

SACRAMENTO 94296-0001

(916) 653-6624

FAX: (916) 653-9824



JULY 21, 1998

RE DOWNTOWN OAKLAND HISTORIC DISTRICT  
OAKLAND, ALAMEDA COUNTY, CALIFORNIA

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

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

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

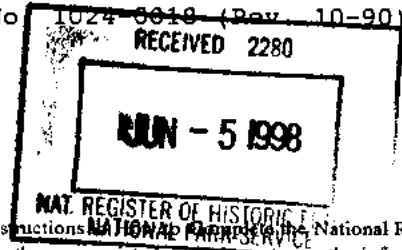
If you have questions or require further information, please contact the National Register Unit at (916) 653-6624.

Sincerely,

Cherylyn Wideell

State Historic Preservation Officer

United States Department of the Interior  
National Park Service



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NATIONAL REGISTER OF HISTORIC PLACES  
REGISTRATION FORM

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions on the back of the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

1. Name of Property

historic name Downtown Oakland Historic District

other names/site number \_\_\_\_\_

2. Location

street & number 1100-1637 Broadway plus cross streets: 11 blocks around 14th St. & Broadway

city or town Oakland not for publication   
vicinity \_\_\_\_\_

state California code CA county Alameda code 001 zip code 94612

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this  nomination /  request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property  meets /  does not meet the National Register Criteria. I recommend that this property be considered significant  nationally  statewide /  locally. (See continuation sheet for additional comments.)

[Signature]  
Signature of certifying official

May 18, 1998  
Date

California Office of Historic Preservation  
State or Federal agency and bureau

In my opinion, the property  meets /  does not meet the National Register criteria. (See continuation sheet for additional comments.)

\_\_\_\_\_  
Signature of commenting or other official Date

\_\_\_\_\_  
State or Federal agency and bureau

4. National Park Service Certification

I hereby certify that this property is:

- entered in the National Register Edson H. Beall 7.1.98  
See continuation sheet.
- determined eligible for the National Register \_\_\_\_\_
- See continuation sheet.
- determined not eligible for the National Register \_\_\_\_\_
- removed from the National Register \_\_\_\_\_
- other (explain): \_\_\_\_\_

[Signature]  
Signature of Keeper

\_\_\_\_\_  
Date of Action

**5. Classification**

Ownership of Property (Check as many as apply)

- private
- public-local
- public-State
- public-Federal

Category of Property (Check only one box)

- building(s)
- district
- site
- structure
- object

Number of Resources within Property

Contributing	Noncontributing	
<u>43</u>	<u>13</u>	buildings
<u>1</u>	<u>      </u>	sites
<u>      </u>	<u>      </u>	structures
<u>1</u>	<u>      </u>	objects
<u>45</u>	<u>13</u>	Total

Number of contributing resources previously listed in the National Register 4

Name of related multiple property listing (Enter "N/A" if property is not part of a multiple property listing.) N/A

**6. Function or Use**

**Historic Functions**

(Enter categories from instructions)

- COMMERCE/TRADE/business
- COMMERCE/TRADE/financial institution
- COMMERCE/TRADE/professional
- COMMERCE/TRADE/specialty store
- COMMERCE/TRADE/department store
- GOVERNMENT/city hall
- LANDSCAPE/park
- LANDSCAPE/street furniture
- RECREATION/CULTURE/theaters, clubs

**Current Functions**

(Enter categories from instructions)

- COMMERCE/TRADE/business
- COMMERCE/TRADE/financial institution
- COMMERCE/TRADE/professional
- COMMERCE/TRADE/specialty store
- COMMERCE/TRADE/department store
- GOVERNMENT/city hall
- LANDSCAPE/park
- LANDSCAPE/street furniture

**7. Description**

**Architectural Classification** (Enter categories from instructions)

- Late 19th and 20th century revivals
- Beaux Arts
- Late Gothic Revival
- Late 19th-Early 20th C. American Movements
- Chicago
- Commercial Style
- Modern Movement
- Moderne
- Art Deco
- International Style
- Other

**Materials** (Enter categories from instructions)

- foundation CONCRETE
- walls BRICK
- CONCRETE
- roof ASPHALT
- other TERRA COTTA
- GLASS

**Narrative Description**

(Describe the historic and current condition of the property on one or more continuation sheets.)

**8. Statement of Significance**

**Applicable National Register Criteria**

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield information important in prehistory or history.

**Criteria Considerations** (Mark "X" in all the boxes that apply.)

- A owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or a grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years of age or achieved significance within the past 50 years.

**Areas of Significance** (Enter categories from instructions)

- COMMERCE
- ARCHITECTURE
- COMMUNITY PLANNING & DEVELOPMENT
- POLITICS/GOVERNMENT

Period of Significance 1900-1948

Significant Dates N/A

Significant Person (Complete if Criterion B is marked above) N/A

Cultural Affiliation N/A

Architect/Builder Multiple; see continuation pages

- Reed (Walter) & Corlett (Wm.)
- Dickey, Charles W.
- Mathews, Walter J.
- Knowles, William
- Diggs, Maury I.

**Narrative Statement of Significance**

(Explain the significance of the property on one or more continuation sheets.)

**9. Major Bibliographical References**

**Bibliography**

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

**Previous documentation on file (NPS)**

- preliminary determination of individual listing (36 CFR 67) has been requested.
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark
- recorded by Historic American Buildings Survey # \_\_\_\_\_
- recorded by Historic American Engineering Record # \_\_\_\_\_

**Primary Location of Additional Data**

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other

Name of repository: Oakland Cultural Heritage Survey, Community and Economic Development Agency, City of Oakland

**10. Geographical Data**

Acreage of Property 26 approx.

UTM References (Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing	Zone	Easting	Northing
1	10	564325	4184545	3	10	564180 4183880
2	10	564500	4184050	4	10	564080 4184260

     See continuation sheet

Verbal Boundary Description (Describe the boundaries of the property on a continuation sheet.)

Boundary Justification (Explain why the boundaries were selected on a continuation sheet.)

**11. Form Prepared By**

name/title Oakland Cultural Heritage Survey

organization City of Oakland, Community and Economic Development Agency date 1/23/98

street & number 1330 Broadway, Suite 310 telephone (510) 238-3941

city or town Oakland state CA zip code 94612

**Additional Documentation**

Submit the following items with the completed form:

**Continuation Sheets**

**Maps**

- A USGS map (7.5 or 15 minute series) indicating the property's location.
- A sketch map for districts and properties with large acreage or numerous resources.

**Photographs**

Representative black and white photographs of the property.

**Additional items**

(Check with the SHPO or FPO for any additional items)

**Property Owner**

(Complete this item at the request of the SHPO or FPO.)

name \_\_\_\_\_

street & number \_\_\_\_\_ telephone \_\_\_\_\_

city or town \_\_\_\_\_ state \_\_\_\_\_ zip code \_\_\_\_\_

**Paperwork Reduction Act Statement:** This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reduction Project (1024-0018), Washington, DC 20503.

United States Department of the Interior  
National Park Service

NATIONAL REGISTER OF HISTORIC PLACES  
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Downtown Oakland Historic District  
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## 7. Narrative Description

The Downtown Oakland Historic District occupies a roughly L-shaped area of 11 whole or partial city blocks centered on the intersection of 14th Street and Broadway. It includes City Hall and its plaza and a series of early 20th century 7- to 24-story skyscrapers along Broadway between 11th and 17th Streets. Boundaries are defined partly by natural transition to different eras and uses (mainly to the north and east) and partly by late 20th century redevelopment (to the southwest, west and southeast). The district contains 56 buildings, 1 public plaza, 1 fountain, and 6 vacant lots. Forty-five resources contribute to the district's significance: 43 buildings, City Hall Plaza (Frank Ogawa Plaza) and Latham Memorial Fountain. Four properties are individually listed on the National Register of Historic Places, and as many as 19 others may be individually eligible. There are only 13 noncontributors (3 post-1948, 10 remodeled). In addition to the many individually notable buildings, the pattern of skyscrapers spaced among lower buildings creates a still-distinctive downtown Oakland skyline.

Downtown Oakland developed historically with most of its banks and tall office buildings on the east side of Broadway, and major retail - furniture, clothing and department stores - on the west side. Most of the early large-scale retail section has been replaced by the City Center redevelopment southwest of 14th and Broadway (outside the district), and the present district is predominantly defined by its early 20th century office skyscrapers. Tall buildings occur at intervals, one or two per block, punctuating the surrounding low- to medium-rise small office and specialty retail buildings. Along Broadway, Franklin Street, and the flatiron corners west of Broadway, the skyscrapers are located with remarkable regularity on the southwest-facing corners of blocks, providing natural light to the offices inside and enhancing the play of light and shade on the exteriors of the buildings.

Almost all the district's buildings are built to the front and side lot lines with no setbacks. Most are three stories or over; only two slender towers (both 1922-23 additions to older buildings) and the 18-story International Style 1330 Broadway (1956-59) are higher than 15. Most of the tall buildings are fairly narrow, half to a third of a block on each frontage. At least half the tall buildings are designed as free-standing towers, fully finished and ornamented on all sides. Two of the skyscrapers - City Hall and the Tribune Tower - are widely recognized symbols of Oakland for their distinctive silhouettes on the skyline as well as for their historical importance.

The majority of contributing buildings in the district date from 1901 to 1929 and display a general unity of design: brick and masonry surfaces, two- or three-part vertical composition, neoclassical ornament, projecting terra cotta or metal cornices, and Chicago-style window treatment. There is a great deal of fine terra cotta, by N. Clark & Son of Alameda and Gladding McBean of Lincoln, California. Buildings vary in their proportions of stone, brick, and terra cotta surfacing; in construction (brick, steel frame, reinforced



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concrete) and in the contrast between three-part skyscraper composition and smaller buildings with high glass base and brick or terra cotta top. Cornices occur in a wide, flat, modillion style as well as a narrower, corbeled, mainly 1920s version. Cream-colored brick predominates on the 1910s buildings, dark brown on the 1920s. Ornamentation is derived from Renaissance, Romanesque, and other historic sources. The Federal Realty (Cathedral) Building at 1605-15 Broadway (B.G. McDougall, 1913-14), and the East Bay Water Company and Roos Brothers buildings at 512 16th Street and 1500-20 Broadway (William Knowles, 1919 and 1922-23) are fine examples of terra cotta Gothic. The Financial Center Building at 401 14th Street (Reed and Corlett, 1928) retains the composition and materials of the historicist skyscraper but substitutes Art Deco motifs in its terra cotta base and capital. The office buildings typically had elaborate lobbies and banking halls. Outstanding examples of these semi-public interiors survive at the Financial Center Building, the Federal Realty Building, the Realty Syndicate Building at 1420-40 Broadway, and the First Trust and Savings Building at 1540-50 San Pablo Avenue.

Interspersed between the large commercial and financial buildings are smaller store and loft buildings dating mostly from the early 1920s, including several fine examples of the high glass base type (especially on the 400 block of 15th Street and the 1600 blocks of Broadway and Telegraph). There are a number of Art Deco remodelings and new buildings - four from 1928-29 and two later. The 1929 remodeling of the Elks Hall at 420 14th Street and the two 1928-29 banks at 364 14th Street and 369 13th Street have Moderne sculptural concrete and tile treatments that are found in greater numbers in Oakland's Uptown Art Deco district. Tile facades from 1935-48 are found at 1220-40 and 1450 Broadway, one new building and one representative of the characteristic downtown pattern of storefront and facade modernization.

Two notable later buildings within the district are the late Moderne Anglo-California Bank by Milton Pflueger at 393 13th Street (1950) and the 18-story blue-glass International style First Interstate Bank Building at 1330 Broadway (1956-59), a corner skyscraper that remains compatible with the scale and rhythm of the district. Because they are less than 50 years old these buildings (as well as two facade remodelings similar to the Pflueger bank) are not now considered district contributors, but they represent a continuation of the district's historic patterns.

A few buildings in the district predate the large-scale development of Downtown and represent the setting in which the skyscrapers developed. These include a small 1903 hotel at 415-17 15th Street, a commercial building at 1631 Telegraph Avenue that may date back to 1892, and the 1901 Athenian Club at 400-08 14th Street, as well as five others modernized in the 1920s or after and no longer recognizable as 19th century buildings (1308-12, 1621-23, 1625-29, and 1633 Broadway; 1522-34 San Pablo Avenue). Multi-story hotels - with or without ground floor commercial space - ring the east and west edges of the district and mark the transition to apartment and neighborhood commercial areas. Three early hotels, built when the pattern was still evolving, are within the district boundaries and are considered contributors.

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Theaters and clubs, once numerous, have all but vanished from the district. The Athenian Club and Elks Hall buildings survive on 14th Street, the former still operating as a (new) private club. There were at least a dozen downtown stage and movie theaters as late as the 1950s; none still operates. The Dufwin Theater, just outside the district at 511-23 17th Street, closed in the early 1980s and has been totally remodeled for offices; an earlier remodeling turned the Pantages Theater (400-16 12th Street) into the Oakland Tribune printing plant in 1946. The main commercial space of 1224-40 Broadway was occupied by the Lux Theater from about 1947 to 1986, but is once again a retail store. The largest gap in the district, on the 1400 block of Franklin Street, is the site of the 1903 Ye Liberty Playhouse, and the First Interstate Bank Building (1330 Broadway) replaced the 1892 Macdonough Theater: both of these were stage theaters that later became movie houses.

Redevelopment of the blocks southwest of 14th and Broadway eliminated most of the major retail portion of downtown, beginning in the late 1960s. The two surviving big department store buildings in the district are Kahn's/Liberty House at 1501 Broadway and Roos Bros. at 1500 Broadway. Both have been remodeled for other uses. A greater proportion of downtown's ground floor businesses than in the past are services and conveniences for office workers, such as small lunch restaurants and copy shops. The office buildings have on the whole retained their original use, now often as relatively unmodernized and inexpensive space. Several bank spaces have been converted to retail or offices, as banks moved uptown to new quarters in the 1970s and after.

The Tribune complex (401-17 13th Street, 400-16 12th Street) has been vacant since the newspaper moved to Jack London Square in 1992. Since the 1989 earthquake, there have been many closed buildings and retail vacancies. Before the earthquake, office conversion of rehabilitated older buildings was becoming an important trend, and this trend appears to be resuming, with the Broadway Building (1401-19 Broadway) incorporated into the new City office complex and a mixed-use project proposed for the Tribune property.

The Downtown district is clearly recognizable in early aerial views and from the freeways today, by its series of equally-spaced, cornice-topped towers, extending two or three blocks in each direction from 14th Street and Broadway. The pattern of recurring tall buildings unifies the district across occasional vacant lots and the change in the street grid where Telegraph and San Pablo Avenues cut diagonally into the west side of Broadway. The intersection of these radial streets from the north reflects the fact that the early 20th century downtown lies at the north edge of the original town plat of Oakland. Major traffic and transit nodes developed at these junctions: 14th Street, Broadway, and San Pablo Avenue at City Hall Plaza, and Broadway and Telegraph Avenue at Latham Square. Both these intersections are distinguished by outstanding early flatiron buildings (the Broadway and Cathedral Buildings, 1401-19 and 1605-15 Broadway; photos #1 and 2).

Distinctive clusters of buildings embody the district's various themes and give it coherence at pedestrian level. Narrow 16th Street between San Pablo and Telegraph Avenues, noted historically as a "canyon" between tall buildings

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(photo #3), is one of number of prominent view corridors. The five small 1920s high-base loft buildings on the gore behind the Cathedral Building (1600 block of Broadway and Telegraph; photo #4), and a more diverse group of small buildings facing them across Telegraph Avenue, lead into another "canyon of commerce" between the tall Cathedral Building and Latham Square Building at the 16th Street gore (photos #5 and 6). A contrasting streetscape is the 400 block of 15th Street (photo #7), low-rise mostly 1920s store buildings linking Broadway with the 1920s financial district along Franklin Street (photo #8).

The two flatiron buildings, the Broadway and Cathedral Buildings, distinguish the view north on Broadway from below 14th Street (photo #9). From 11th and Broadway north, the chain of southwest-facing skyscrapers is still strong. Looking north in front of City Hall, the 11-story First Trust and Savings Bank, Plaza Building, and Kahn's Department Store, all built in 1913-14, frame the City Hall Plaza (photo #10).

The central downtown skyline is seen to advantage along Broadway (photos #11, 12, 13), looking south on San Pablo or Telegraph Avenue from 17th Street, west on 14th Street from Webster or Franklin (photo #14), and north on Franklin from 11th Street (photo #15). Vistas outward provide a sense of the natural boundaries of the district: tall buildings occur at wider intervals to the east and west, and later styles appear to the north and south in Uptown and the redevelopment area.

Integrity of the district - individual buildings as well as streetscapes - is very high. Most of the 13 noncontributing buildings are post-1948 remodelings, which at least retain their historic scale and placement despite incongruous surfaces. They include several of the small commercial buildings: 1625-29 Broadway, 1635 Telegraph Avenue, and 409-11, 425, and 422-30 15th Street. Some noncontributing buildings are believed to retain their original designs under the new surfaces, and such buildings are considered potential contributors if restored. Of the 43 buildings that currently contribute, most have had some remodeling of ground floor commercial spaces, but upper stories are generally intact. There are also some remarkably intact storefronts and lobbies. Common alterations include reshaped and resurfaced storefronts, changed entries, new windows, paint on brick or tile or stone surfaces, removal of cornices and other ornament, and ephemeral alterations like signs and awnings. Although some buildings, including the very important 1100, 1300, and 1501 Broadway, are still closed in the aftermath of the earthquake, the condition of most buildings in the district appears excellent to good.

The present Downtown district boundary encompasses the concentration of tall, Beaux Arts-influenced, early 20th century office and institutional buildings centered on City Hall and the Broadway skyscraper group, and their supporting neighbors. The south and west boundaries, along 11th and 12th Streets, along Broadway from 11th to 14th, and behind City Hall, are created by the Chinatown and City Center redevelopments, cleared sites, and new city, state, and university office buildings. Many of the demolitions were due to the 1989 earthquake. Boundaries were drawn at vacant lots (the southeast edge), extensive remodeling (e.g. Broadway north of Roos Bros.), and new construction

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(the various redevelopment sites, the Merchants parking structure west of Franklin between 13th and 14th Streets). The north and east boundaries more closely approximate the gradual historic demarcations by architectural style, scale, and use. The northern boundary along Broadway and Telegraph is fixed at 17th Street by new and remodeled buildings at the prominent gore and southwest-facing corners, and also by a perceptible change of scale and uses in the Uptown district. On the east, the district boundary is drawn to include the financial strip along Franklin Street and exclude the surrounding neighborhood of hotels and smaller-scale commercial development.

Four buildings in the district are listed individually on the National Register (as of January 1998):

1100-10 Broadway, Security Bank & Trust-Key System Building;  
1501-39 Broadway, Kahn's Department Store-The Rotunda;  
1605-15 Broadway, Federal Realty-Cathedral Building;  
1 City Hall Plaza, Oakland City Hall.

Nine district contributors are currently designated as Oakland City Landmarks:

1100-10 Broadway, Security Bank & Trust-Key System Building;  
1500-20 Broadway, Roos Bros. Department Store;  
1601 Broadway, Latham Memorial Fountain;  
1605-15 Broadway, Federal Realty-Cathedral Building;  
1 City Hall Plaza, Oakland City Hall;  
401-17 13th Street, Oakland Tribune Tower;  
380-98 14th Street, Alameda County Title Insurance Company Building;  
401-15 14th Street, Financial Center Building;  
401-03 15th Street, Oakland Title Insurance & Guaranty Co. Building.

Another 19 are on the Oakland Landmarks Board's Preservation Study List.

*[Individual building descriptions that follow are keyed by number to the district sketch map, attached.]*

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Individual Properties

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| <p>1. 1100-10 BROADWAY/436-46 11TH ST<br/>Security Bank &amp; Trust-Key System building<br/>Beaux Arts skyscraper<br/>1911-12 add 1924 eq 1989<br/>architect: Meyer &amp; Reed; Bank of<br/>Italy (1924)</p> | <p>DISTRICT CONTRIBUTOR<br/>APN 002 0051 014 02<br/><br/>(permit 23633, plans reviewed)<br/>builder: P.J. Walker; Bank of Italy<br/>(1924)</p> |
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1100-10 BROADWAY/436-46 11TH STREET, the Security Bank and Trust Company building, is a seven story steel-frame and brick Beaux Arts bank and office building on a corner lot, with a small matching two-story 1924 addition to the north. Above the first story, the building plan is a broad U-shape, opening onto 11th Street. The one-story base is surfaced with artificial stone labeled "plaster" on the blueprints; the four-story shaft is cream-colored pressed brick with terra cotta trim and spandrel panels; the two-story capital is clad in terra cotta with a wide metal cornice. The corners are rounded. Though taller than its historic neighbors, the building is ornamented only on the two street facades; the off-street sides are common brick. The two-story base is articulated by a giant order of flat piers culminating in a frieze of swags. The shaft has brick piers framing double-hung windows, and the capital has round arched window bays framed by an ornate pilaster order. The monumental entry and ground floor windows have been remodeled. The building has been vacant since the 1989 earthquake.

This is the southernmost of the series of southwest-facing skyscrapers admired by Hegemann, and represents the post-1906 building and financial boom. It marked the line between the "old" downtown around 9th and 10th Streets and the rapidly developing one around 14th and Broadway. The Security Bank and Trust Company was founded in 1903, headed by H.C. Capwell. In 1917 the Bank of Italy absorbed Security Bank, and in 1924 built the two-story addition. In 1929 the Bank of Italy became Bank of America, and after absorbing the Oakland Bank, moved into the Oakland Bank building at 1200 Broadway. Later the Key System transit company and its successor the Alameda-Contra Costa Transit District occupied 1100 Broadway, from 1943 into the 1960s. The building is a fine example of its type, by an important San Francisco firm, and is individually listed on the National Register.

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| <p>2. 1200-12 BROADWAY/448 12TH ST<br/>Oakland Bank of Savings building<br/>Beaux Arts office building<br/>1907-08 add 1909&amp;22<br/>architect: Charles W. Dickey; Reed &amp;<br/>Corlett (1922)</p> | <p>DISTRICT CONTRIBUTOR<br/>APN 002 0051 005 00<br/><br/>(permit 7724, plans reviewed)<br/>builder: Mahoney Brothers; P.J.<br/>Walker</p> |
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1200-12 BROADWAY/448 12TH STREET, the Oakland Bank of Savings building, is an eight-story Beaux Arts bank and office building at the southwest-facing corner of Broadway and 12th Street (1907-09), with an 18-story tower addition to the north at 1210-12 Broadway (1922-23). Both sections are of steel frame and

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brick construction, clad in light gray granite at the bases, brown brick on the shafts, and brown brick and terra cotta on the capitals, with elaborate cornices and Renaissance and Baroque ornamentation. The corner building was built as six stories, and expanded to eight stories two years later, with a rich terra cotta entablature on the added top. The shaft consists of brick walls with undifferentiated piers and spandrels. The newer tower has a three-story granite base with a central monumental entry, a simple ten-story shaft, and an elaborate capital and cornice. Its frieze is actually a grille in front of the 17th floor windows. Some of the upper floor windows have been replaced with plain aluminum sash, and doors and windows on Broadway remodeled.

The Oakland Bank of Savings, described in 1911 as the oldest and largest bank in Alameda County, was organized in 1867 by A.C. Henry and moved to the present corner in 1871. In December 1929 it was absorbed by the Bank of America, which continued to operate here into the 1990s. Charles W. Dickey, designer of the 1907 structure, was a major Oakland architect who also designed Kahn's Department Store (1501-39 Broadway) in the district. Walter Reed joined with Dickey for the second phase of the Oakland Bank Building, and thirteen years later, Reed and his then partner, William Corlett, designed the tower addition. Reed & Corlett designed six other buildings in the present district, the largest number by any single firm. The six-story 1907 building was Oakland's second steel-frame "skyscraper," and epitomized Oakland's rapid post-earthquake growth. When finished in 1923, the 225' tower was the second tallest building in Oakland (after City Hall) and an important symbol of Oakland's rapidly expanding metropolitan ambitions.

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| <p>3. 1224-40 BROADWAY/427-49 13TH ST<br/>Charles Jurgens Co.-Lux Theater building<br/>Art Deco commercial building<br/>1935-36<br/>architect: H.A. Minton; Cantin &amp;<br/>Cantin (1948)</p> | <p>DISTRICT CONTRIBUTOR<br/>APN 002 0051 001 00<br/><br/>(permit A57565, plans reviewed)<br/>builder: F.A. Muller</p> |
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1224-40 BROADWAY/427-49 13TH ST is a two-story Art Deco store and loft building at the southeast corner of Broadway and 13th Street, rectangular in plan, of concrete clad in tan architectural terra cotta. There are massive piers with faceted surfaces between tripartite bays, and decorative horizontal bands with zig-zag sunbursts and other geometric Art Deco motifs above and below windows and at the top of the parapet. The 1948 Camera Corner storefront is notable for its large enameled metal sign with giant Deco lettering.

This building for the Charles Jurgens Company replaced the Jurgens Block, a three-story building constructed c.1880 by Charles Jurgens, a German immigrant who invested widely in real estate and was also closely involved in downtown Oakland development as director of several banks and president of the Oakland Hotel Company. The building is notable as part of the Art Deco theme in the district, more common as remodelings than as new construction like this building. From 1947 to 1986 its largest Broadway storefront was occupied by the Lux Theater, with a streamlined facade and marquee by A.A. Cantin.

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4. 1300-04 BROADWAY/430-48 13TH ST  
Union Savings Bank-Easton Building  
Beaux Arts derivative skyscraper  
1903-05 eq 1989  
architect: Walter J. Mathews

DISTRICT CONTRIBUTOR  
APN 002 0053 007 00

(dated by Edwards Transcript of Records)  
builder: Childs Pearson & Co. et al;  
Colusa Sandstone Company

1300-04 BROADWAY/430-48 13TH STREET is an 11-story Beaux Arts bank and office building (stores and offices since the 1920s), located at the northeast corner of Broadway and 13th Street. It is rectangular in plan, steel frame with a Colusa sandstone exterior (now painted). The three-part vertical composition has a two-story base, six-story shaft, and three-story capital. The shaft has paired windows set in a smooth wall, in simple molded frames and deep reveals. The capital has a giant order of paired Corinthian pilasters separating arched bays, and a wide cornice with some ornament removed. The ground floor has been completely remodeled with tile and aluminum storefronts. The 13th Street lobby is partially intact with light marble walls and a hanging iron chandelier. This building was damaged in the 1989 earthquake, and the upper floors have been closed ever since.

This building is extremely significant as Oakland's first skyscraper and first steel-frame structure, predating the 1906 earthquake, by an important early Oakland architect. The Union Savings Bank was established in 1869 by A.C. Henry, just two years after the first bank in Alameda County. The 1903 building was admired for its steel frame "cast in this city" and stonework from a Colusa quarry; the building was built by "Oakland mechanics." It was one of Oakland's most photographed buildings. After the Union Bank was absorbed by the Central Bank in 1914, the ground floor was remodeled for commercial use.

5. 1308-12 BROADWAY  
DeLauer's-Kay Jewelers-Oregon Block  
Art Deco remodeled as late 20th century commercial building  
1937 inc 1889 rem 1964-65  
architect: Edward T. Foulkes; Arthur  
Peter Lenz

NONCONTRIBUTOR  
APN 002 0053 008 .00  
(permit A68814, plans not listed)  
builder: Wilbur C. Cone; Hayward  
Concrete Const.Co

1308-12 BROADWAY is a two-story brick store building (visually high one story) on an interior lot between two tall buildings. Its present upper facade consists of six textured stucco panels framed in anodized aluminum, above a transom strip and plate glass storefront windows. There are two retail stores on the ground floor. The original structure dates from 1889, the north half of the Oregon Block whose south half was demolished in 1903 for the Union Savings Bank Building at 1300-04 Broadway. A 1937 black glazed tile Art Deco facade designed by Edward T. Foulkes was covered or replaced with the present modern commercial front in 1965 after a fire. If the black glazed tile facade still exists and if the building were restored to its 1937 appearance, it could be a contributor to the Downtown District, representing the theme of Depression-era Art Deco remodelings.

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6. 1330 BROADWAY/417-29 14TH ST **NONCONTRIBUTOR**  
First Western Building & Garage APN 002 0053 001 00  
International style skyscraper - store and office building  
1956-59 (permit B66378, plans listed)  
architect: Stone Mulloy Marraccini; & builder: Swinerton & Walberg  
Patterson

1330-40 BROADWAY/417-29 14TH STREET/420 13TH STREET is an 18-story, T-plan steel-frame International style office tower faced with blue-gray aluminum panels ("skyzure blue") and blue tinted glass in bright aluminium mullions. The upper stories float above a projecting glass-walled second story (originally a bank), which in turn floats above a retail ground floor. Both "floating" effects are the result of recessed intermediate sections. The stem of the T faces south, with a 21-story elevator tower and a 9-story garage wing fronting on 13th Street, all faced in a bluish gray concrete aggregate. Escalators lead from a large lobby on Broadway and a secondary entrance on 14th Street to the second floor former banking hall; interior marble and terrazzo walls and floors and black granite columns are partially intact.

The architectural firm, Stone, Mulloy, Marraccini and Patterson or SMMP, was a major designer of hospitals and other large projects. The building is a direct reflection of the landmark Lever House (1952: Skidmore, Owings & Merrill) in New York City, and one of the earliest examples of the International Style in the Bay Area. As such it may become individually eligible for the National Register and a district contributor when fifty years old. It occupies the site of the 1892 Macdonough Theater, and continues the pattern of well-spaced corner skyscrapers, compatible with the district in use, scale, and siting.

7. 1400-16 BROADWAY/424-48 14TH ST **DISTRICT CONTRIBUTOR**  
Central Bank building APN 008 0621 011 00  
Beaux Arts derivative office building  
1925-26 rem 1959 (permit A 34, plans reviewed)  
architect: Kelham & Mathews builder: Dinwiddie Construction Co

1400-16 BROADWAY/424-48 14TH STREET, the Central National Bank building, is a 16-story (or 15-story and mezzanine) steel-frame and reinforced concrete Beaux Arts skyscraper, rectangular in plan, on a southwest-facing corner lot. It was designed for a bank in its base and mezzanine levels, with offices above. The building is clad in brown brick with glazed brown terra cotta trim. Ornamentation is early Italian Renaissance, with Romanesque references in the round arches. The original base had giant arched entrances on each facade, high arched windows on the ground level, rusticated terra cotta walls, and bronze window and door frames. The base has been completely remodeled with flat red marble and tan terra cotta panels (further ground floor remodeling is anticipated, as of late 1997). The ten-story shaft, with bays of paired windows and recessed spandrel panels, is framed above and below by arched transitional stories with engaged columns. The two-story capital has arched bays of paired arched windows, below a tall, shallow, corbelled cornice. Of several fine interior public spaces, only the 14th Street lobby remains intact, with a high ceiling and richly ornamented surfaces.



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The Central Bank occupied this corner from 1893, soon after its founding, in a five-story brick building known as the Central Block. It bought up a number of smaller banks - including Union Bank, of 1300 Broadway, in 1914 - and required larger quarters by 1925. The 1925 building was designed by two prominent Oakland architects of two generations, Beaux Arts-trained George Kelham and pioneer Oakland architect Walter Mathews. In style, the building echoes the Holland Building at 380-98 14th Street (McCall & Davis, 1923-24), with its dark brick, double arches, and corbeled cornice. It is one of a number of major downtown Oakland banking and institutional buildings dating from the real estate and financial boom of the 1920s, and continues the pattern of corner skyscrapers which Mathews's Union Bank (1300 Broadway) initiated.

8. 1401-19 BROADWAY/1402 SAN PABLO DISTRICT CONTRIBUTOR  
First National Bank of Oakland building APN 008 0619 007 00  
Beaux Arts derivative office building  
1907-08 eq 1989 (permit 7980, plans missing)  
architect: Llewellyn B. Dutton builder: Thompson Starrett Company

1401-19 BROADWAY/1402-14 SAN PABLO, the First National Bank of Oakland building (commonly known as the Broadway Building), is an eight-story and basement Beaux Arts Classical flatiron bank and office building occupying the prominent gore corner of Broadway and San Pablo Avenue. It is reinforced concrete with rusticated white terra cotta cladding, in a three-part vertical composition with articulated end bays. The design is at least partly inspired by New York's 1902 Flatiron Building. The high base of the building originally had giant columns and monumental entries but has been entirely remodeled except for the richly sculptured clock and figures above the corner entrance, which was originally flanked by columns. The transitional second level has paired windows with transoms set in a deeply rusticated wall. The shaft has paired windows in a more lightly rusticated wall. The capital story has paired arched windows set within larger arches. The top story is a band of small square windows and panels treated as a frieze below the wide modillion cornice and corner crest. Closed since the 1989 earthquake, the building is now (late 1997) being rehabilitated for city offices (see also #58, 2 Frank Ogawa Plaza).

The First National Bank of Oakland was founded in 1874 and was located at 10th and Broadway until it occupied the present structure in 1908 - part of a general northward move of Oakland's business and financial district. In addition to the bank, the building was to house a luxurious basement restaurant and upper-floor medical and dental offices. Architect Llewellyn B. Dutton originally came to San Francisco to open a western office for Daniel H. Burnham & Co., architects of the New York Flatiron Building. In Oakland he also designed another early skyscraper, the First Trust and Savings Bank building at 1540-50 San Pablo Avenue (1913-14). Located at the most important intersection in the city and across from City Hall, the flatiron Broadway Building is a handsome and distinctive example of its style and type, and an image deeply associated with the city.

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9. 1420-44 BROADWAY

Realty Syndicate Bldg-YeLiberty Playhouse  
Beaux Arts derivative office building  
1910-11 inc 1903-04  
architect: William L. Woollett; D.  
Franklin Oliver

DISTRICT CONTRIBUTOR

APN 008 0621 008 06

(permit 21510, plans missing)  
builder: Galloway & Markwart; P.J.  
Walker

1420-44 BROADWAY, the Realty Syndicate Building, is a Beaux Arts derivative office building, steel frame with brick curtain walls and concrete floors. It is 10 stories, rectangular in plan, on an interior lot. It is in a three-part vertical composition with a two-story rusticated stone base, a seven-story brick-clad shaft with terra cotta sills, and a one-story polychrome terra cotta capital. A horizontal organization of bays in the pattern 2-1-2-1-2 is carried through the full height of the building. The cornice is copper. Ornamental references are to Renaissance and Baroque architecture. The upper facade is unaltered. On the ground floor one of two monumental entries has been removed, and all storefronts have been remodeled. The remaining entry leads to a richly decorated barrel-vaulted corridor with green marble walls and iron framed showcase windows and a marble-walled elevator lobby.

The base incorporates the front of Ye Liberty Playhouse, a two-story theater and office building built in 1903-04 that extended behind the present footprint of this building to Franklin Street and was demolished in 1961. The original office occupant and developer was Borax Smith's Realty Syndicate, Oakland's leading real estate, development, and transit firm from 1895, headquartered in this building until its demise around 1931. Until 1925 this was the skyscraper on the 1400 block of Broadway.

10. 1450-60 BROADWAY/429-49 15TH ST

Anglo California Bank-Mazor Bros. bldg.  
Classic Moderne originally Beaux Arts derivative commercial building  
1947-48 inc 1920-21  
architect: H.H. Winner; Bernard J.  
Joseph

DISTRICT CONTRIBUTOR

APN 008 0621 001 00

(permit B16691, plans reviewed)  
builder: Stolte Inc.; Barrett &  
Hilp (1920-21)

1450-60 BROADWAY/429-49 15TH STREET, the Anglo-California National Bank Building, is a Classic (or WPA) Moderne commercial building on a southeast corner lot. It is reinforced concrete, rectangular in plan, in a two-part vertical composition with a two-story base and a two-story upper section with metal-framed windows grouped vertically in tall, narrow, recessed bays. The building is almost square, 13 bays wide on 15th Street, 12 bays on Broadway, clad in white terra cotta panels with a baseboard of dark green marble. It is an updated classical banking temple with ornamentation stripped and stylized in the Moderne manner. The two-story piers between bays are fluted like giant pilasters, with their capitals and entablature reduced to horizontal lines in the terra cotta and undersized round medallions. The vestigial cornice is a vertically articulated band with the same round medallions. Decorated panels at the ends of the parapet depict human figures with astronomical instruments.

The building was designed to house retail space at the ground level and an

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upper level banking hall, "to avoid breaking the continuity of retail business in the heart of Oakland's downtown shopping district." It is the result of a one-story addition and complete remodeling of a 1920-21 Beaux Arts clothing store building for Anglo-California National Bank. Architect H.H. Winner had designed San Francisco offices for Anglo-California Bank as early as 1911. This building is part of Oakland's rich collection of Moderne and Art Deco commercial buildings, a strong secondary theme downtown.

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| <p>11. 1500-20 BROADWAY/448 15TH ST<br/>Roos Brothers store building<br/>early 20th century - Gothic Revival commercial building<br/>1922-23<br/>architect: William Knowles</p> | <p>DISTRICT CONTRIBUTOR<br/>APN 008 0622 005 01 S<br/>(permit 74900, plans reviewed)<br/>builder: William Knowles</p> |
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1500-20 BROADWAY, the Roos Brothers building, is a four-story early 20th century commercial building with Gothic ornament, rectangular in plan, on a corner lot. It is reinforced concrete clad in glazed pink terra cotta. Ornament on the upper stories is Gothic with thin ribbed terra cotta pilasters, piers, and mullions that culminate in finials against the parapet wall, and spandrel panels with decorative tracery and ogee arches in relief. Upper stories have tripartite Chicago-type windows. The building was designed originally as a department store with one store occupying the main corner ground floor space and all of the upper floors, and two smaller stores occupying separate ground floor spaces at the north end on Broadway. Ground floor storefronts have been totally remodeled with brown tile facing and new doors and windows. The upper floors are now joined internally with 1530-32 Broadway next door, and the upstairs entry is through that building.

The original occupant was Roos Brothers clothing store, and the building is an excellent example of a daylight department store building of the 1920s. Its Gothic terra cotta ornament was a favored style of its architect William Knowles, whose other buildings in the district at 512 16th Street and 416-20 15th Street use similar vocabulary.

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| <p>12. 1501-39 BROADWAY/501-11 16TH ST<br/>Kahn's Department Store building<br/>Beaux Arts derivative commercial building<br/>1913-14 add 1923-24<br/>architect: Charles W. Dickey; E.W.<br/>Cannon</p> | <p>DISTRICT CONTRIBUTOR<br/>APN 008 0619 004 01<br/>(permit 28389, plans reviewed)<br/>builder: R.C. Kahn; McDonald and<br/>Kahn (1923)</p> |
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1501-39 BROADWAY, Kahn's Department Store, currently known as The Rotunda, is a four-story plus basement and mezzanine Beaux Arts derivative commercial building with a six story corner addition, on an irregular L-shaped site fronting on Broadway, 16th Street, and San Pablo Avenue. Construction is steel frame and reinforced concrete. It has a giant central steel-framed glass dome on top of the main roof, approximately 100' across, with a cylindrical cupola on top; inside is a four-story open rotunda. Both sections of the building are clad in light brown brick with terra cotta trim and are essentially simple skeletal structures. The original is somewhat more elaborate, in a two-part vertical composition with elaborate cast stone entry arches in the end bays.

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An elaborate frieze separates the base and the upper levels, which have Chicago-type windows set off by giant piers and decorative spandrels, the end ones with small inlaid marble panels. On top is a frieze with inlaid marble panels, and a galvanized iron cornice on modillion blocks. The addition's windows are divided in two rather than three, and it has an attic story with a narrow cornice with foliated cresting. The ground floor has been repeatedly remodeled, most recently quasi-reconstructed with plate glass windows, black granite base, and prism glass transom, in a rehabilitation project that stopped in 1988.

Kahn's was founded in 1879 by one of Oakland's prominent early Jewish merchant families, and operated in the 12th and Washington Street retail district before moving this store, which adopted features of Parisian department stores and aimed at attracting elegant trade away from San Francisco to Oakland. After 1960 the business was known as Rhodes, and then as Liberty House, which closed in 1984. Architect Charles Dickey was one of Oakland's leading early 20th century architects, designer of the Claremont Hotel, schools, and libraries as well as commercial and residential buildings. His other works in the Downtown district include 1200 Broadway (1907-09). The Kahn's building is individually listed on the National Register.

13. 1601 BROADWAY/GORE TELEGRAPH DISTRICT CONTRIBUTOR  
Latham (James/Henrietta) Memorial Fountain APN 008 0640 PUB 01  
Beaux Arts fountain  
1913 (dated by newspaper report)  
architect: Raphael Charles Peyre builder: Gorham & Company

1601 BROADWAY, the Latham Memorial Fountain, is located on a sliver of land known as Latham Square at the gore of Broadway and Telegraph Avenue. It has a total height of about 15' and is constructed of unpolished pink granite and cast bronze. Its slightly tapered granite shaft has four semicircular granite basins on each side, set about three feet above ground for horses to drink. There are also four smaller basins at ground level for dogs. Between the basins are cast bronze flowers and foliage, with small animals amid the vegetation. The shaft supports a cast bronze group of three children who hold a large shell-like basin. On the shaft are granite lion and dog heads with water spouts, bronze lettering "Erected to the memory of James H. Latham and Henrietta Marshall Latham ... under the auspices of the Oakland Society for the Prevention of Cruelty to Animals..." and a circular bronze plaque that depicts the story of Baalam (in 1913 workmen's dress) and the ass. The fountain has not run since the 1940s; at times the basins have been planted with flowers. Erected by arrangement with Mayor Frank Mott, promoter of the City Beautiful movement, it is one of the few public monuments in the area.

14. 1605-15 BROADWAY/1606 TELEGRAPH DISTRICT CONTRIBUTOR  
Federal Realty Co.-Pierce building APN 008 0640 017 00  
Beaux Arts - Gothic Revival office building  
1913-14 (permit 31619, plans reviewed)  
architect: Benjamin Geer McDougall builder: Carlston & Snyder

1605-15 BROADWAY, the Federal Realty Building, now commonly known as the

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Cathedral Building, is a Gothic ornamented flatiron skyscraper of steel-frame and reinforced concrete construction located on the narrow gore of Broadway and Telegraph Avenue. The building is 14 stories (7 at the narrow end), clad in terra cotta and cast concrete decorative panels. The extensive decoration at the top two floors is hollow sheet metal. The facade is composed of bay windows piled continuously, forming tall vertical columns up to the tenth story. Colossal two-story basket arches and colonettes outline the eleventh and twelfth story windows which are flush with the building. The Gothic ornament is especially lavish at the thirteenth and fourteenth floors. The tall steep roof is covered in silver-painted slate, with a decorated parapet. Ornate entries to the office lobby are located at the north end of each facade. Next to the one on Telegraph is the name "Benjamin Geer McDougall, Architect." The small ornate lobby retains a barrel vaulted ceiling, bronze elevator doors, and marble walls.

The building was built for J.F. Carlston and Andrew Jackson Snyder, the latter a major 19th century Oakland real estate developer. It was one of several downtown Oakland office skyscrapers built in the early 1910s at the same time as City Hall, and formed one end of the "16th Street Canyon." Its Gothic design, by an architect of statewide prominence, shows the influence of New York's Woolworth Building; it was in turn widely admired and imitated. This building is individually listed on the National Register.

15. 1617-19 BROADWAY/1618 TELEGRAPH DISTRICT CONTRIBUTOR  
Moyles (Mary)-Kappenman (Charlotte)bldg. APN 008 0640 016 00  
Beaux Arts derivative commercial building  
1928 (permit A35177, plans reviewed)  
architect: H.G. Brelin; T. Ronneberg builder: W.C. Cone  
(Eng.)

1617-19 BROADWAY/1618-20 TELEGRAPH AVENUE is a small two-story brick and tile Beaux Arts derivative store building on a double frontage lot immediately behind the Federal Realty (Cathedral) Building, the southernmost of a group of five. Both street elevations are essentially the same. The tall ground floor, framed in black and green marble, has a single storefront which has been remodeled with aluminum frame display windows. The upper portion of the building is clad in tan pressed brick with four rectangular wood frame windows below a Romanesque corbelled cornice and a parapet wall with terra cotta relief panels with shields and garlands.

The store space was occupied by Loeb and Velasco Jewelers from at least 1930 into the 1990s. The building appears to be one of the many small speculative real estate ventures developed in downtown Oakland in the 1920s, and is typical of them in its brick and tile construction and historicist styling.

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16. 1621-23 BROADWAY/1624 TELEGRAPH **DISTRICT CONTRIBUTOR**  
**Perine (N.P.)-Gilmour (Wm.G.) building** APN 008 0640 015 00  
 Beaux Arts derivative - glass front commercial store and office building  
 1924 inc 1877-78 (permit 91527, plans not listed)  
 architect: Reed & Corlett builder: William G. Gilmour

1621-23 BROADWAY/1624-26 TELEGRAPH AVENUE is a small three-story Beaux Arts derivative brick store and office building on a double-ended lot with matching enframed window wall facades clad in pinkish-gray terra cotta. The two upper floors are divided into three sections with slender modified Corinthian pilasters. Other classical motifs occur on the elaborate frieze and end piers.

It is a semi-twin of 1633 Broadway, and like it, is a 1920s remodeling of a Victorian commercial building by prominent Oakland architects Reed & Corlett. Walter Reed was also the developer of 1633 Broadway, and he and Corlett designed or redesigned a row of three buildings (1621-3, 1625-9, and 1633 Broadway) in this block behind the Federal Realty Building in 1923-24, typical of small scale speculative commercial infill in the district in the 1920s.

17. 1625-29 BROADWAY/1630 TELEGRAPH **NONCONTRIBUTOR**  
**Steinbeck (H.C.W.) building** APN 008 0640 014 00  
 Beaux Arts derivative remodeled as Moderne commercial building  
 1924 inc 1877 rem 1955 (permit 90721, plans not listed)  
 architect: Reed & Corlett; A. Lewis Koue builder: F.A. Muller

1625-29 BROADWAY/1630-32 TELEGRAPH AVENUE is a three-story brick and concrete commercial building on a double-ended lot on the gore block behind the Federal Realty Building. Its metal-edged facades are entirely covered with bands of vertically-grooved aluminum siding alternating with bands of windows in sliding casement sash. The modernized facades were applied in 1955, designed by Oakland architect A. Lewis Koue. Its previous appearance was similar to the small Beaux Arts derivative commercial buildings on either side of it, and like them, it was apparently a 1923-24 terra cotta-clad remodeling by Reed and Corlett of a Victorian commercial building. It represents the small-scale speculative commercial development going on in downtown Oakland in the 1920s, as well as more recent modernizations. If restored to its 1920s appearance, it might become a contributor to the district.

18. 1633 BROADWAY/1636 TELEGRAPH **DISTRICT CONTRIBUTOR**  
**Reed (Walter D.) building** APN 008 0640 013 00  
 Beaux Arts derivative commercial building  
 1923 inc 1877 (permit 78268, plans not listed)  
 architect: Reed & Corlett builder: F.A. Muller

1633 BROADWAY/1636 TELEGRAPH AVENUE is a small two-story and mezzanine Beaux Arts derivative commercial building, one of a row of five on double-frontage lots behind the Federal Realty Building. Its matching stuccoed brick facades have extensive glass surfaces and are in a two-part vertical composition with a tall enframed first floor and mezzanine base and a second floor with

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Corinthian colonettes between the windows. Other ornament includes rope moldings and a panel flanked by two griffins. Parapet detailing appears to have been removed. The ground floor has been remodeled with aluminum storefront windows.

The building is a semi-twin of 1621-23 Broadway, like it a remodeling of a Victorian building. The owner was Walter Reed of Reed and Corlett; it is one of several examples of speculative development by architects downtown during the 1920s. The building is one of several early 20th century small commercial structures in the district using the high base convention with extensive glazed surfaces and historicist terra cotta ornament.

19. 1635-37 BROADWAY/451-57 17TH ST DISTRICT CONTRIBUTOR  
Bercovich (B. & H.) store building APN 008 0640 012 00  
glass front commercial - Beaux Arts derivative store and office building  
1922-23 (permit 75170, plans reviewed)  
architect: Leonard H. Thomas builder: F.A. Muller

1635-37 BROADWAY/451-57 17TH ST/1642-44 TELEGRAPH is a three story Beaux Arts derivative glass-front brick store and office building on a three-frontage lot at the wide end of the Broadway-Telegraph gore block behind the Federal Realty Building. It has a cast iron framed two story high glass base and a third floor surfaced with light brown pressed brick with cream terra cotta and sheet metal trim. The transomed Chicago style windows are divided by brick piers with terra cotta cartouches at the tops, and there is a sheet metal cornice above a brick and terra cotta frieze. A freestanding metal and glass Art Deco clock along the Broadway curb is associated with a former jewelry store occupant. The ground floor has been partly remodeled, but retains some green and black marble splash panels.

The building is one of the best examples in downtown Oakland of the high glass base commercial structure, and one of a number of small Chicago-influenced commercial buildings that constitute an important element in the district.

20. CITY HALL PLAZA/14TH/SAN PABLO DISTRICT CONTRIBUTOR  
City Hall Plaza-Memorial Plaza APN 003 0067 002 00  
early 20th century park  
1911-14 inc 1868 rem 1954&97 (dated by secondary sources)  
architect: unknown builder: unknown

CITY HALL PLAZA, recently renamed Frank Ogawa Plaza, is a triangular public open space in front of City Hall, bounded by 14th Street and the former lines of San Pablo Avenue and City Hall Plaza (the former 1400 block of Washington Street). Its focal point is a wide-spreading California live oak known as the Jack London Oak, planted by London's widow in 1917. Major alterations are underway in connection with the new City Administration complex: San Pablo Avenue and City Hall Plaza are being closed as streets and absorbed into an enlarged plaza connecting City Hall and the new building at 2 Frank Ogawa Plaza.

The land between 14th, 15th, and Clay Streets and San Pablo Avenue was

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surveyed as City Hall Tract and purchased by the city in 1868, and a city hall constructed just east of the present building. When the present city hall was completed in 1914, Washington Street was cut through in front of it and the present shape of the plaza was created as an open space setting off City Hall. The plaza was renamed Memorial Plaza in 1922 as a World War I memorial, and in 1995 was named Frank Ogawa Plaza in memory of Frank Ogawa, City Council member for 27 years and the first Asian-American elected to a major public office. Pictures of the plaza over the years show ever-changing monuments, landscaping, and structures, while the presence of the municipal open space makes a continuing contribution to the civic aspect of the district.

21. 1 CITY HALL PLAZA/14TH/15TH STS

DISTRICT CONTRIBUTOR

Oakland City Hall

APN 003 0067 001 00 E

Beaux Arts civic building - skyscraper

1911-14 eq 1989

(permit 29722, plans not listed)

architect: Palmer & Hornbostel

builder: 27 subcontractors;

Gladding McBean (terra c)

1 CITY HALL PLAZA, Oakland City Hall, is a Beaux Arts steel-frame skyscraper clad in white granite and richly detailed cream-colored terra cotta. It has a three-story ceremonial base that fronts the entire city block from 14th to 15th Street facing City Hall Plaza, a narrower nine-story office tower shaft, and a multi-stage penthouse, clock tower, and cupola. The base is a giant order with composite pilasters flanking three-story arched bays and a monumental entry portico with fluted columns. Ornament at the base includes a pierced terra cotta rail with eagles over the entry columns, a paneled terra cotta frieze showing California grapes, olives, and figs, and freestanding terra cotta light standards draped with grapes, pinecones, and acanthus. The shaft has paired office windows, and rectangular slit windows at its top floor, originally the city jail. The interior has a vaulted vestibule and rotunda with a grand staircase in marble and terra cotta. Other notable interior spaces are the City Council Chamber, with silver gilt columns and barrel vaulted ceiling, and the wood paneled mayor's office.

This city hall replaced an 1877 woodframe building on the same block. The design, by the eminent New York firm of Palmer & Hornbostel, was chosen in a nationwide competition following a 1909 bond issue promoted by Progressive Mayor and City Beautiful advocate Frank Mott. It is said to be the first skyscraper city hall in the country, symbolically uniting the ceremonial and business sides of government. When new it housed all the functions of Oakland's municipal government, including the city jail in the top floor of the tower. The building was extensively rehabilitated and restored in 1991-95 following the 1989 Loma Prieta earthquake, including the world's first base isolation retrofit of a historic structure. It is individually listed on the National Register.



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22. 1301-15 FRANKLIN ST/400-12 13TH ST **NONCONTRIBUTOR**  
Richfield Oil Co. building APN 002 0053 003 01  
Beaux Arts derivative office building  
1924-25 rem 1980c (permit 96800, plans missing)  
architect: H.H. Winner builder: Herbert Yerxa; Gladding  
McBean (terra c)

1301-15 FRANKLIN ST/400-12 13TH ST is a five-story Beaux Arts derivative store and office building, heavily remodeled, on a corner lot. The structure is steel frame with brick curtain walls, in a two-part vertical composition with a ground floor base and skeletally articulated four story shaft. Ornamentation was Romanesque/Baroque but much of it has been obscured or removed. The granite base and brick shaft have been painted and the metal cornice enclosed. Windows have been altered from paired double-hung to pairs of fixed tinted glass with the center mullion painted out. Spandrel panels of stucco have been added. Ground floor storefronts are all remodeled, as is the office entry.

The original major office occupant of this building, from 1925 at least into the 1940s, was Richfield Oil, which operated an Oakland waterfront terminal for the distribution of petroleum products to the Bay Area and interior valleys. The building's massing and skeletal articulation are intact, and if other features were restored or exposed it could become a contributor.

23. 1437-45 FRANKLIN ST **DISTRICT CONTRIBUTOR**  
Graneton (William)-Brownell Building APN 008 0621 007 00  
Beaux Arts derivative commercial building  
1924 (permit 88540, plans not listed)  
architect: Schirmer-Bugbee Company builder: Cahill Brothers; Gladding  
McBean (terra c)

1437-45 FRANKLIN ST is a four story Beaux Arts store and office building of reinforced concrete construction on an interior lot. The somewhat Venetian facade is designed in a three-part vertical composition with a two story shaft and a fourth floor capital. The ground floor, which has been remodeled, has two tall recessed storefront bays flanking a recessed upper floor entry. The three upper floors are clad in variegated red pressed brick with mottled terra cotta quoins and other trim. The shaft has three two-story semicircular arched bays with tripartite Chicago-type windows and diamond pattern brickwork on the spandrels. The top floor has three groups of three arched windows separated by twisted engaged columns, and a dark red tile roof.

Architects William Schirmer and Arthur Bugbee were an Oakland firm best known for period revival residential work. Occupants of this speculative building included (c. 1930) the Press Club and the Fifty-Fifty Club. A distinguished design of polychrome brick and terra cotta, the building harmonizes well with the arcaded Oakland Title Insurance building next door.

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24. 1503-17 FRANKLIN ST/400-14 15TH ST **NONCONTRIBUTOR**  
Hawley Investment Co. building APN 008 0622 002 00  
early 20th century remodeled as mid-20th century store building  
1915 rem 1964 (permit 38816, plans reviewed)  
architect: Charles W. Dickey builder: Hawley Investment Company

1503-17 FRANKLIN ST/400-14 15TH ST is a one story and mezzanine brick commercial building on a corner lot, totally remodeled. This building has been entirely refaced, its original cornice and tile pent roof have been removed, and the upper level covered with stucco panels. Both storefronts on Franklin and seven of the eight on 15th Street have been much remodeled. One storefront, 402 15th Street, has a black tile base and recessed door that may be original, and 1517 Franklin is a Streamlined Moderne bar with a neon sign and blue glass. Originally this building was part of the pattern of small-scale speculative commercial development in downtown Oakland in the 1910s and 20s, and the work of a major Oakland architect.

25. 1522-34 SAN PABLO AV **NONCONTRIBUTOR**  
Lurie Co.-Gariot building-Nucleus House APN 008 0619 009 01  
Moderne store building  
1938 inc 1877-78 rem 1970etc (permit A70931, plans not listed)  
architect: W.D. Peugh builder: Cahill Bros.

1522-34 SAN PABLO AV is a one story frame and brick Moderne commercial building on a interior lot, consisting originally of 6 storefronts, all remodeled. Sanborn maps and the 1938 permit ("removed second story... new fronts") imply that this is a much-altered 19th century building. Its present appearance originated in 1938: a streamlined facade with a long, low stepped parapet, salmon-colored enamel facing and horizontal stripes above transom level. It is a small-scale example of the Depression-era practice of updating commercial buildings. The right third of the building is now faced with a 1970 metal screen above and rough white stucco formed to imitate stone below, and the middle half of the enameled metal parapet has been painted.

26. 1540-50 SAN PABLO AV/521-63 16TH ST **DISTRICT CONTRIBUTOR**  
First Trust & Savings-American Bank bldg APN 008 0619 001 01  
Beaux Arts bank building - office building  
1913-14 add 1952 (permit 32453, plans reviewed)  
architect: Llewellyn B. Dutton builder: P.J. Walker Company

1540-50 SAN PABLO AV is an eleven-story steel frame and reinforced concrete Beaux Arts bank and office building with Renaissance/Baroque ornamentation, on a five-sided corner lot. It has five bays on the San Pablo Avenue side and eight bays on 16th Street. The facades are in a two-part vertical composition with a two-story base and nine-story shaft. Surfaces are clad with Manti stone which has since been stuccoed and painted. The 4' base is gray granite. Doors and windows on the bottom and top floors are set in a semicircular arcade decorated with Renaissance motifs. Windows are paired double-hung. The broad galvanized iron cornice has scrolled and foliated cresting with lion heads. A three-story reinforced concrete Moderne style annex was added on the 16th



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shaft, and two-story capital. The base, originally pink glazed terra cotta, is now beige limestone tile; the shaft is brown brick with alternating combed and pitted finishes; the capital is terra cotta. Tripartite Chicago-like metal-frame windows with transoms are set back in deep reveals. The capital has paired arches, pilasters, and a slightly projecting cornice above a highly decorated frieze.

This Chicago- and Beaux Arts-influenced building represents the mid-1920s wave of skyscraper construction in downtown Oakland. Oakland architect Maury Diggs acted as designer, builder, and co-developer of the building, which was designed for Owl Drug Company in the main ground floor space and professional offices above.

29. 1621-29 TELEGRAPH AV  
Sullivan (D.J.) building  
Beaux Arts derivative loft building  
1924  
architect: John J. Donovan

DISTRICT CONTRIBUTOR  
APN 008 0620 004 00

(permit 96000, plans reviewed)  
builder: Barrett & Hilp

1621-29 TELEGRAPH AV is a five story terra cotta-clad concrete store and loft building, forming a transition in scale between the 14-story Latham Square Building to the south and a two-story shop building to the north. The enframed skeletal facade, five windows wide, is composed of a two-story high base and three-story shaft. The base is framed by a terra cotta frieze and pilasters, and has been remodeled on the ground floor. The shaft has terra cotta pilasters below a frieze of swags and medallions, molded cornice, and elevated urns at each end.

This is a particularly fine example of the high-base loft building type common in downtown Oakland in the 1920s, by a prominent architect best known for schools and other civic and institutional buildings.

30. 1631 TELEGRAPH AV  
Sexton (Charles)-Favre (J.) building  
19th century - Mediterranean commercial building  
1892-93 rem 1937etc  
architect: Howard Burns (1893)

DISTRICT CONTRIBUTOR  
APN 008 0620 003 00

(dated by Edwards Transcript of Records)  
builder: Burpee & Libbey; Unit-Bilt  
Fixture Co('37)

1631 TELEGRAPH AV is a two-story stuccoed brick Mediterranean style commercial building on a interior lot. The upper facade has an arcade of twisted Corinthian columns and deep-set leaded glass windows with fanlights, below a single-paneled frieze and tiled pent roof. The high base has been totally remodeled, with a late 20th century plate glass and aluminum storefront and sheet-metal paneling over the wide transom level. It is not clear whether the present design is the original 1892-93 facade or an undocumented 1920s remodeling. This small-scale brick commercial building is consistent with the speculative development occurring in this part of downtown in the 1920s.

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31. 1635 TELEGRAPH AV **NONCONTRIBUTOR**  
Columbia Outfitting Company building APN 008 0620 002 00  
Beaux Arts derivative remodeled as mid-20th century store building  
1922 rem 1951&65 (permit 68700, plans reviewed)  
architect: Mel Schwartz; John B. builder: Cress & Troback  
Anthony

1635 TELEGRAPH AV is a two story and basement reinforced concrete building on an interior lot. The original three-bay facade with elaborate cast concrete frieze and cornice has been entirely covered or removed. The upper facade is entirely covered with flat white stucco panels. This surface projects well beyond the original plane of the building, suggesting that some of the original may survive behind it. The shopfront area is recessed, with green terrazzo pavement and overhanging polygonal show windows (1951).

Original plans show a two-part facade with an almost Baroque cast cement frieze and the legend "Columbia Outfitting Company" - which sold men's suits, overcoats, and hats here at least through 1932. If restored to its original appearance, the building might become a contributor to the Downtown District.

32. 1645 TELEGRAPH AV/501-09 17TH ST **DISTRICT CONTRIBUTOR**  
Cahill (J.R.) & Sbarbaro building APN 008 0620 001 00  
Chicago style loft building  
1922 (permit 66351, plans listed)  
architect: John Cahill builder: Cahill Brothers

1645 TELEGRAPH AV/501-09 17TH ST is a three-story concrete Chicago style store and loft building on a corner lot, surfaced in dark brown brick, two bays wide on Telegraph Avenue and eight bays wide on 17th Street. The high base has been totally remodeled with stucco and a metal and terrazzo corner shopfront. The two loft stories have recessed Chicago style windows, brick pilasters, recessed spandrels, brick frieze with diamond insets, brick parapet, and a simple cornice molding with brick dentils.

Built by and for James Cahill and Company, dealers in wall paper and paints, this building represents the high-base and loft style common in downtown Oakland in the 1920s.

33. 1401-15 WEBSTER ST/350-56 14TH ST **DISTRICT CONTRIBUTOR**  
Bradley (Mary J.) store building APN 008 0624 038 00  
early 20th century - commercial building  
1916 rem 1928 (permit 42180, plans reviewed)  
architect: Charles W. Dickey builder: listed as owner

1401-15 WEBSTER ST is an early 20th century brick commercial building on a corner lot. It is a low two stories (originally one story and mezzanine), rectangular plan, with a straight parapet, molded cornice with dentils, ten storefronts, and a band of upper floor metal sash windows. Exterior walls are brown brick, with simple decorative brickwork in the frieze. Plans describe it as "brick, steel, and mill construction." Visible alterations new windows,

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ground floor alteration including new brick surfaces, and awnings. Original plans show eight narrow storefronts on Webster Street and two on 14th Street, and a tall transom level now converted to a second story.

Historically this building reflects small-scale speculative development in downtown Oakland. It is an early example of the decorative brick commercial style that became popular in the 1920s, by one of Oakland's most prominent early 20th century architects.

34. 380-88 12TH ST DISTRICT CONTRIBUTOR  
Marks (Martin E.) building APN 002 0057 007 00  
Beaux Arts derivative store building  
1912 (permit 29579, plans not listed)  
architect: unknown builder: Martin E. Marks (owner)

380-88 12TH ST is a one-story brick Beaux Arts derivative store building on an interior lot. The enframed window-wall facade has three storefront bays (extensively remodeled), with an elaborate stepped and crenellated brick parapet, the central section of which is embellished with a gray cast plaster shield and garland. Smaller plaster garlands decorate the faces of the end piers. A metal cornice with console brackets above a patterned red and beige pressed brick frieze extends across the top of the storefronts.

This unusually embellished small commercial building was owned and built by the same Marks family that owned and operated the St. Mark Hotel next door.

35. 390-96 12TH ST/1200 FRANKLIN DISTRICT CONTRIBUTOR  
St. Mark Hotel APN 002 0057 008 00  
Beaux Arts derivative hotel building  
1907 (permit 6743, plans not listed)  
architect: Benjamin Geer McDougall; builder: Lindgren Hicks Company  
John B. Leonard

390-96 12TH ST/1200 FRANKLIN is an eight-story Beaux Arts stucco-faced reinforced concrete hotel on a corner lot. It has a one-story base, plain six-story shaft, and ornate one-story capital with arched windows, pilasters, and modillion cornice. Above the rectangular base, the plan is U-shaped around a one-story skylit lobby, creating a pair of slender towers facing 12th Street. Windows are paired at the end bays on Franklin Street; elsewhere they are single. The building has been renovated as 100 senior apartments. Windows are now tinted glass casements in anodized aluminum sash. The ground floor is faced with new brick in deep arches. The lobby is largely intact, with coffered ceilings, Ionic columns and pilasters, hexagonal tile floor, and a large multi-paned rectangular skylight.

Benjamin Geer McDougall was one of California's leading early 20th century architects, and also designed the Federal Realty (Cathedral) Building at 1605-15 Broadway. John B. Leonard, engineer for the St. Mark Hotel, was an early and innovative user of reinforced concrete construction. In 1911 the St. Mark was described as "the largest and most prominent of the commercial hotels in Oakland," having hosted President Taft in 1909. Its height and its Beaux

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Arts design relate it to the early commercial skyscrapers in the Downtown district.

36. 400-16 12TH ST/1201-11 FRANKLN **DISTRICT CONTRIBUTOR**  
Pantages-Hippodrome Theater building APN 002 0051 004 00  
Beaux Arts derivative theater and store building  
1912 rem 1946ff (permit 25378, plans not listed)  
architect: O'Brien & Werner builder: S. Kulchar Company

400-16 12TH ST/1201-11 FRANKLIN is a three-story steel frame and concrete former theater, office, and commercial building on a corner lot. The building is faced with scored stucco, with a modillion cornice, Tuscan pilasters, and entablature on the ground floor, and paneling at the west end where the theater entry was located. Set back on the roof is a two-story penthouse housing the auditorium and fly tower of the theater. On the street fronts windows are punched out in regular rows, many of them now covered over.

The theater in this mixed use building opened as the Pantages vaudeville house, and was subsequently known as the Lurie, Hippodrome, Premier, Roosevelt, and Downtown. Architects O'Brien & Werner were especially known for Masonic temples and auditoriums. The Tribune Publishing Company bought the building in 1927 to expand its printing plant from next door into the office areas, and then occupied the theater space in 1946. The Tribune vacated its downtown buildings in 1992.

37. 363-69 13TH ST **DISTRICT CONTRIBUTOR**  
Central Building & Loan Association bldg APN 002 0057 003 01  
Art Deco bank building  
1929 (permit A37857, plans reviewed)  
architect: William E. Schirmer builder: Charles W. Heyer

363-69 13TH ST is a tall, narrow one story steel-frame reinforced concrete Art Deco bank building on an interior lot. The facade is designed as a massive vault, penetrated by a tall deeply recessed entry with a semicircular compound arched top. Surface materials are cast concrete slabs with a polished black granite base. The stepped top has at its center a large square bas-relief panel depicting heroic male figures trading or doing business, and a vertically grooved frieze. The original Art Deco entry doors and tall multi-paned window in the arch have been replaced with an aluminum window and new entry doors. "Central Building and Loan Association" in incised Deco letters below the frieze has been plastered over.

Central Building and Loan was an Alameda-based firm, founded in 1909. Its Oakland branch building, by an important Oakland architect of the Period Revival and Art Deco era, is an outstanding example of Deco design adapted to a financial institution. It is similar in size and vocabulary to the Income Securities Building a block away at 360-64 14th Street.

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38. 371-75 13TH ST **DISTRICT CONTRIBUTOR**  
Hotel St. George APN 002 0057 002 00  
Colonial Revival - Mansard hotel building  
1906-08 (permit 5575, plans reviewed)  
architect: Walter J. Mathews builder: Walter J. Mathews

371-75 13TH ST is a six-story mansard roofed brick masonry hotel and store building with simple Classical ornamentation, on an interior lot. The facade is four bays wide, in a three-part vertical composition with a commercial ground floor base, a three-story, stucco-surfaced shaft, a one-story capital, and a one-story attic with a sheet metal mansard roof with four pedimented dormers. Windows are set singly in slightly recessed molded bays. A molded belt course and modillion block cornice articulate the capital. The ground floor storefront has been altered; wood clerestory windows remain on the left side above the entry and lobby window of the residential hotel.

This building was developed by capitalist and wine merchant Charles Jurgens as a "lodging house," perhaps originally for earthquake refugees, and also housed Jurgens's business headquarters. The mansard top story, a rarity in Oakland, appears to have been added in 1907-08. It is an unusual design by Oakland's prolific and influential early architect Walter Mathews.

39. 393 13TH ST/1228 FRANKLIN **NONCONTRIBUTOR**  
Crocker Bank building APN 002 0057 001 00  
Moderne bank building  
1950-52 (permit B34598, plans )  
architect: Milton Pflueger builder: Dinwiddie Construction

393 13TH ST/1228 FRANKLIN ST is a high two-story concrete late Moderne bank and office building clad in tan glazed tile and red granite. It has a red granite base about 7 feet high. Tall red granite posts and lintel frame the central five of the seven bays on 13th Street, creating a monumental entry. Windows on both stories are in fixed aluminum sash, small square ones on the top floor aligned above tall strips on the ground floor. Inside, the main banking hall is two stories tall, floored and faced with marble. The building was most recently used, unaltered, as a YWCA child care center.

Architect Milton Pflueger was the brother and sometime partner of the more renowned Timothy Pflueger (d.1946). This building is a fine example of a distinctive late Moderne style of institutional architecture applied to an updated banking temple. It occupies the site of a small classical Farmers and Merchants Bank.

40. 401-17 13TH ST/1219 FRANKLIN **DISTRICT CONTRIBUTOR**  
Breuner Co.-Oakland Tribune building APN 002 0051 002 00  
Beaux Arts derivative - Renaissance revival office building  
1906 add 1922-23 (permit 2997, plans reviewed)  
architect: Edward T. Foulkes; builder: Lindgren Hicks Company  
D. Franklin Oliver



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401-17 13TH ST/1219 FRANKLIN is a rectangular six-story corner building originally designed as a furniture store (1906), later converted into the Oakland Tribune office. It is connected on 13th Street to a slender rectangular 24-story office tower (1922), integrated with it into a unified design. The corner building is of reinforced concrete construction throughout; the tower is of steel-frame construction with reinforced concrete floors and curtain walls. Both buildings are clad above the first floor with variegated orange-brown pressed brick with pinkish-cream terra cotta, and have sheet metal and concrete trim. Ornamentation is Renaissance/Baroque and Spanish Colonial. The tower shares the base and transitional story of the corner building, with a twelve-story shaft and two-story capital below a two-stage, five-story clock tower with a tall chateau style roof. The roof is sheathed with vertically-ribbed copper, giving it a distinctive green color. The building is currently vacant, the Tribune having moved out in 1992; a mixed-use adaptive reuse project is proposed.

Architecturally the 1906 Breuner's building is significant as a locally early example of reinforced concrete construction, designed by architect D. Franklin Oliver. The 1922 tower, designed by Edward T. Foulkes, is significant for its combination of utilitarian office design and a romantic eclectic top. The elaborate marquee over the sidewalk is one of few surviving examples. The complex housed a major Oakland institution, the Knowland family's powerful Tribune newspaper, for three-quarters of a century. The tower, part of the 1920s wave of skyscraper construction, is a prominent visual symbol of Oakland with its distinctive shape, illuminated clock and "Tribune" sign, and may be considered the signature building of the Oakland skyline.

41. 414-16 13TH ST

**Perry (Raymond A.) building**  
Beaux Arts derivative office building  
1910-11  
architect: Meyer & Reed

**DISTRICT CONTRIBUTOR**

APN 002 0053 005 00

(permit 21857, plans reviewed)  
builder: P.J. Walker

414-16 13TH ST is a narrow seven story steel frame and brick curtain wall store and office building on a interior lot. The facade is three bays wide, with a ground floor commercial base, a transitional second story, a four-story shaft, and a one-story capital. The upper floors are clad in rough surfaced variegated red pressed brick, patterned in the the spandrels, frieze, and top-story piers with square white marble panels and gray cement borders. A wide sheet metal cornice extends across the top, with long scrolled-end modillion blocks. The ground floor has been totally remodeled and the original paired, double-hung upper windows have been replaced.

This was one of downtown Oakland's early tall buildings, by two of the Bay Area's most prominent early 20th century architects, Frederick H. Meyer and Walter D. Reed (also the designers of 1100 Boroadway). It is distinctive as an early office-tower development by a private investor, attorney R.A. Perry, and not by a bank.

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42. 360-64 14TH ST DISTRICT CONTRIBUTOR  
Income Securities Building APN 008 0624 039 00  
Art Deco office building  
1928 (permit A33466, plans reviewed)  
architect: Frederick H. Reimers; John Stoll (artist) builder: Charles W. Heyer

360-64 14TH ST is a six-story Art Deco bank and office building on an interior lot. The structure is steel frame with reinforced concrete floors and brick curtain walls. The facade is three bays wide, with a ground floor base and a five-story shaft, clad with rendered concrete slabs. There is a polished gray granite base about 6' feet high. The bays are framed on both levels by angularly fluted piers. Ground floor entries have deep reveals, inward-slanted tops, and paired copper doors. Three cast stone bas-relief spandrel panels at the base of the upper bays depict "General Activities," "Architecture," and "Commerce and Shipping." Windows are vertically separated by concrete spandrels with geometric motifs, and piers are capped with a stylized eagle motif on the parapet. The exterior is unaltered except for a canopy across the ground floor.

The design by Oakland architect Frederick Reimers and San Francisco artist John Stoll was widely noted for its innovative "sculptural conception" and probably influenced the nearby Central Building and Loan building (369 13th Street, 1929). It is part of the strong Art Deco theme in the district.

43. 380-98 14TH ST/1400-4 FRANKLIN DISTRICT CONTRIBUTOR  
Alameda County Title Insurance building APN 008 0624 041 00  
Beaux Arts derivative office building  
1923 (permit 81200, plans reviewed)  
architect: McCall & Davis builder: Dinwiddie Construction Co

380-98 14TH ST is a seven-story Beaux Arts store and office building of steel frame and reinforced concrete construction, with a first floor base, a transitional second story, and a five-story shaft with articulated end bays. The lower part is clad in rusticated mottled beige terra cotta; the shaft is clad with variegated dark orange-brown combed pressed brick. Ornamentation is Romanesque and early Renaissance. The shaft has tall slightly recessed arched bays of paired windows, with straight-headed end bays. The semicircular bay arches enclose paired semicircular arched windows on the top floor, below a narrow corbeled galvanized iron cornice. The storefront at 386 14th Street has a deep blue glazed tile base and wood-paneled inset art-glass show windows. Most of the ground floor is intact; some windows have been replaced. Plans indicate that the structure was designed to hold five additional stories.

The Alameda County Title Insurance Company was formed in 1920 as a merger of two earlier title abstract firms. Its new building was an early representative of the "financial center" developing along Franklin Street. It was apparently an admired and influential building in its time; many of its features were adopted by the architects of 1400 Broadway two years later.

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44. **400-08 14TH ST/1401-11FRANKLIN** **DISTRICT CONTRIBUTOR**  
**Athenian-Nile Club building** APN 008 0621 009 00  
 Beaux Arts derivative - Colonial Revival commercial building - meeting hall  
 1901-02 (dated by assessor's block books)  
 architect: Walter J. Mathews builder: unknown

400-08 14TH ST is a four-story stuccoed brick turn-of-the-century store and hall building on a corner lot, with stores in the ground floor base and club rooms in the upper three floors. The upper floors have a cylindrical corner bay and slightly projecting end bays. Most of the second and third floor windows are arranged in groups, with panels substituting for some of the windows. All the upper floor windows have deeply recessed double-hung wood sash, most with twelve-light upper sash. The window heights decrease toward the top floor. A cornice and pent roof wrap around the top of the corner bay, forming a low pitched conical roof with ball finial, echoing the canopy roof over the hall entry on 14th Street. Some of the ground floor storefronts retain glazed wood entry doors and greenish-black marble splash panels.

One of the earliest surviving buildings in the Downtown district, this building for 90 years housed the Athenian-Nile Club, an exclusive men's club patterned after the Bohemian Club, whose members included many of downtown's business, financial, and political elite, among them its architect Walter Mathews. Since 1993 it has been occupied by a new social club, Geoffrey's Inner Circle.

45. **401-15 14TH ST/1319-27FRANKLIN** **DISTRICT CONTRIBUTOR**  
**Financial Center Building** APN 002 0053 002 00  
 Art Deco office building (permit A35730, plans reviewed)  
 1928-29 builder: Dinwiddie Construction  
 architect: Reed & Corlett

401-15 14TH ST is an Art Deco office building, fifteen stories with penthouse and mezzanine, on a corner lot. It has a two-story base, a transitional third story, a nine-story shaft, and a three story capital. The capital is slightly set back, and the decorated penthouse more so. Ornamentation is stylized in the Art Deco manner, with Churrigueresque and Mayan influence. Articulation is strongly vertical, with heavy full height piers separating narrow recessed bays of paired upper floor windows. The structure is steel frame with reinforced concrete floors and brick curtain walls, clad in variegated brown pressed brick with terra cotta base and trim. The terra cotta has been sandblasted on the bottom three floors. Ornament includes "FCB" monograms, stylized terra cotta eagles at the second floor, and an elaborate crenellated parapet. The main entry is on Fourteenth Street, with an elaborate outer vestibule and marble-walled interior lobby. Store windows are set in elaborate bronze architraves and have green-veined black marble splash panels.

The Financial Center Building was designed by the prominent Oakland firm of Reed & Corlett for a partnership including Oakland Tribune owner Joseph Knowland. Its name and location were "carefully chosen to appeal to firms having a financial slant to their business." It is an outstanding and unique

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combination of the brown brick and terra cotta characteristic of the district's earlier Beaux Arts office buildings and the stylized ornament and zigurat form of Art Deco skyscrapers.

46. 412-20 14TH ST DISTRICT CONTRIBUTOR  
Elks Hall-Scheeline (Louis) building APN 008 0621 010 00  
Art Deco originally Colonial Revival commercial building  
1929 inc 1902-03 (permit A39056, plans reviewed)  
architect: Russell G. DeLappe builder: Russell G. DeLappe

412-20 14TH ST is a four-story brick commercial building on an interior lot, with four store spaces in the ground floor base and a lodge hall in the three-story upper section. The stuccoed and tiled Art Deco facade is divided into six bays by fluted piers with ornate pointed arch caps projecting above the parapet. The wider bays are further divided by minor pinnacled piers. The window and spandrel heights decrease toward the top floor. The spandrels in the narrow bays are clad with light gold terra cotta tiles with a triangular arch pattern of blue and green tiles. The ground floor storefronts have been remodeled.

This is a 1929 remodeling of a 1902 building whose facade was clad with pressed brick and had curved bay windows, a modillion cornice, and a balustraded center parapet. It is a good example of the Art Deco remodelings that became an important pattern in downtown Oakland in the Depression era.

47. 401-03 15TH ST/1447-59FRANKLIN DISTRICT CONTRIBUTOR  
Oakland Title Insurance Co. building APN 008 0621 006 00  
Beaux Arts derivative - Renaissance revival office building  
1921-22 (permit 64100, plans listed)  
architect: Maury I. Diggs builder: F.A. Muller

401-03 15TH ST is a high two-story reinforced concrete store and office building in a modified temple composition, clad in elaborate mottled grayish beige terra cotta with richly polychromed details derived from Italian Renaissance sources. Each of the two tall stories has a mezzanine. Full-height arches enclose recessed windows on all four levels, with tripartite Chicago-type windows on the first mezzanine, second, and second mezzanine floors. The ground floor corner end bays of each elevation have pedimented entries with figures representing Mercury and Artemis seated on top, the initials "OTI&GCo." and polychrome cornucopias. The bracketed and pinnacled Gothic cornice has polychrome frieze and fascia panels.

Plans indicate that the structure was designed to support a future third floor. It was one of the first buildings in the expansion of downtown Oakland's financial and real estate center east of Broadway to Franklin Street in the 1920s, by prominent Oakland architect Maury Diggs (also designer and developer of the Latham Square Building, 1601 Telegraph). Its terra cotta "jewel box" design recalls banking temples of the era, and anchors the row of small 1920s real estate and commercial buildings on 15th Street between Franklin and Broadway.

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48. 405-07 15TH ST **DISTRICT CONTRIBUTOR**  
Wiener (Louis) building APN 008 0621 005 00  
Beaux Arts derivative store building  
1922 (permit 70400, plans reviewed)  
architect: Maury I. Diggs builder: Maury I. Diggs

405-07 15TH ST is a small one story single-bay enframed window-wall store building of brick construction on an interior lot. The piers and lintel framing the bay are surfaced in light brown pressed brick, with a painted galvanized iron cornice and plain brick parapet. Slightly recessed bronze entry doors are located at the left of the storefront, which is framed with polished marble, richly veined purple, maroon, white, and dark green. The clerestory, the full width of the bay, consists of five windows set in wood frames. Originally two storefronts (per plans and c.1935 Sanborn map), the building was altered to its present single marble-trimmed storefront at an unknown date.

This building is part of a distinctive group of low-rise commercial buildings along 15th Street within the downtown district, associated with the spread of financial offices east of Broadway. Architect Maury Diggs also designed the Oakland Title Insurance building next door.

49. 409-11 15TH ST **NONCONTRIBUTOR**  
Pioneer Investors-Porter (F.F.) building APN 008 0621 004 00  
Moderne originally Mediterranean commercial building  
1949-50 inc 1922 (permit B29724, plans reviewed)  
architect: William E. Schirmer; builder: unknown; Paulson & Marini  
Charles W. McCall (1922)

409-11 15TH ST is a tall, narrow 2-story and mezzanine reinforced concrete Moderne commercial building on a interior lot. The lower half of the facade is divided into three tall glazed openings separated by polished beige terrazzo surfaced piers. The upper facade consists of a single long, horizontal, sharp-edged window surrounded by plain pinkish gray terrazzo slabs. The stuccoed side wall shows brick underneath, and the outline of a former arched window.

The present facade is a 1949 remodeling by William E. Schirmer of a 1922 brick and terra cotta building with an arcaded loggia and Spanish tile roof designed by Charles McCall for F.F. Porter Real Estate and the Oakland Real Estate Board. Schirmer's earlier buildings in the district include the Mediterranean 1437-45 Franklin Street and the Art Deco 363-69 13th Street. The new facade is a late example of the theme of Moderne remodelings in the district.

50. 415-17 15TH ST **DISTRICT CONTRIBUTOR**  
The Majestic (furnished rooms) APN 008 0621 003 00  
Colonial Revival hotel building  
1903 (dated by Edwards Transcript of Records)  
architect: Frederick Soderberg builder: Henry Drath

415-17 15TH ST, now called the Ferns Hotel, is a small four-story wood-frame

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hotel with a ground floor store space on an interior lot. The upper floors are surfaced with narrow flush wood siding, with a pair of two-story polygonal bays on the second and third floor shaft. Each third floor bay has an arched front window with molded hood and keystone, small circular windows above the side rectangular windows, and a flat roof with molded and dentiled cornice. The three-part windows on the top floor, above the bays, have small square paned upper sash. There is a molded cornice and paneled parapet. The storefront has been modernized. The hotel entry vestibule has a polychrome tile floor and open stairway with turned balustrade and fluted newel post.

The building is a rare and well-preserved example of a small wood-frame residential hotel in downtown Oakland and is the oldest building on this block, predating the spread of the financial center east of Broadway and illustrating the evolution of the district. It has been known variously as The Majestic (1905-30), the Rose (1933), and the Ferns (1934-present). In the 1920s the storefront was occupied by Fred T. Wood Real Estate.

51. 416-20 15TH ST DISTRICT CONTRIBUTOR  
Surety Mortgage-Capwell Co. building APN 008 0622 003 00  
Beaux Arts derivative - Gothic Revival store building  
1922 inc 1913 (dated by terra cotta job list)  
architect: William Knowles; Charles builder: unknown; Surety Mortgage  
W. Dickey Co.(1913)

416-20 15TH ST is a one-story brick store building on an interior lot, in a three-bay enframed window wall composition with an elaborately decorated parapet. The upper wall is surfaced with yellow pressed brick with a reddish brick diamond pattern and beige terra cotta trim. Wide crenels over each bay are filled in with terra cotta panels with a Gothic "S" motif, and the molded terra cotta coping is capped with scrolled elements. Two storefronts retain early deeply-recessed entries with black and gold edged glass, parquet floored show windows, and marble base. Storefronts have been framed with molded aluminum. The center transom has a series of pointed arched panes within a wide segmental arch; the other two are covered. The present facade is apparently a 1922 alteration of a totally different 1913 Mediterranean style building.

This building is one of several small speculative commercial real estate ventures in downtown Oakland by department store owner H.C. Capwell in the 1920s, including the neighboring 426-30 15th Street (1924). The Gothic ornament is typical of architect William Knowles who later in 1922 designed the Gothic-ornamented Roos Brothers store on the same block at 1500 Broadway.

52. 419-23 15TH ST DISTRICT CONTRIBUTOR  
Foulkes (Edward T.) Building APN 008 0621 002 00  
Beaux Arts derivative store and office building  
1924 (permit 96966, plans reviewed)  
architect: Edward T. Foulkes builder: Edward T. Foulkes

419-21 15TH ST is a small two-story steel frame and reinforced concrete

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building on an interior lot with an unusual marble front and metal classical ornament. It is a single-bay enframed window wall, originally designed for two stores on each level. The ground floor has been remodeled; the second floor retains its polished green-veined black marble surfaces and bronzed metal trim, framing an elongated Palladian window with a marble tympanum panel, pilasters, and slender urns. The facade terminates with a bronzed festoon band, a slightly projecting marble cornice, and a scrolled center parapet with bronzed urn finial.

The front of the building originally contained a two-story vestibule open to the street with glass showcases at both levels; it was designed to support up to four additional floors. Architect Edward Foulkes, best known for the Tribune Tower, appears to have built this store as a speculation, reflecting the lucrative real estate market in 1920s downtown Oakland.

53. 422-30 15TH ST

NONCONTRIBUTOR

Capwell (H.C.)-Barber (Edgar H.)building APN 008 0622 004 00  
Beaux Arts derivative remodeled as Moderne store building  
1924 rem 1958-59 (permit 94603, plans reviewed)  
architect: Reed & Corlett builder: F.A. Muller; Burnham  
Constuction(1958)

422-30 15TH ST is a three-story reinforced concrete commerical building on an interior lot. As remodeled in 1958, it has a sharp-edged rectangular late-streamlined stucco, metal, and flagstone facade. The building is three bays wide, with banks of three-part aluminum-sash windows on the upper floors, and one small and one large storefront. The 3-by-3 structure is the only visible vestige of the original facade, which had elaborate Beaux Arts terra cotta surfaces, and bands of three-part windows on the mezzanine and upper story. The wood sash and turned mullions have have been replaced, but it is likely that part of the terra cotta survives under the newer surfaces.

This building was constructed as a "department store for H.C. Capwell Co.," leading Oakland dry goods business whose main store was then located on Clay Street west of City Hall in the now-vanished retail quadrant of downtown. It is no longer compatible with the historic character of the downtown district, but if restored could contribute as a representative of Reed & Corlett's work and patterns of 1920s downtown development.

54. 425 15TH ST

NONCONTRIBUTOR

The Hub building APN 008 0621 008 04  
remodeled as Moderne store building  
1919 rem 1960 (permit 52344, plans reviewed)  
architect: Hamilton Murdock builder: H.M. Frosthalm

425 15TH ST is a small one story and mezzanine brick building on an interior lot with a single-bay enframed window wall composition. The facade has been totally remodeled to a sleek late Moderne. Polished black granite slabs cover or replace the original red pressed brick on the bay framing; the clerestory is covered or replaced with five rough stucco surfaced slabs. The original

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also had a galvanized iron cornice and suspended canopy.

The building was a small-scale speculative commercial development by Oakland's leading real estate firm, the Realty Syndicate. On the same block of 15th Street are similar small income buildings erected by merchant-developer H.C. Capwell and prominent downtown architect Edward Foulkes. The original surface brick may survive under the present facade, allowing a possibility that the building could be restored and become contributory to the district.

55. 500-08 15TH ST/FRANK OGAWA PLZ DISTRICT CONTRIBUTOR  
Plaza Building APN 003 0065 007 00  
Beaux Arts derivative - glass front commercial commercial building  
1913 (permit 31798, plans reviewed)  
architect: O'Brien & Werner builder: William J. Baccus

500-08 15TH ST is a six-story and mezzanine steel frame and brick curtain wall store and office building on a corner lot, with Renaissance/Baroque ornamentation. The building is trapezoidal in plan, with unelaborated back walls and a wedge-shaped corner. It has a high first and second floor base, red brick three-story shaft, and top floor capital. The two-story base was originally almost entirely glass, with very thin cast iron framing, but has been partially remodeled. The ground floor storefronts retain black marble bases and recessed entries with mosaic tile floors. Second floor windows have high transoms, formerly prism glass. The third to fifth story red brick shaft has herringbone brick spandrels with tile insets, and small terra cotta cartouches above the fifth floor windows. The capital has terra cotta panels on the piers, and an elaborate galvanized iron entablature and cornice. Remodeling and restoration are taking place in connection with the neighboring City Administration Complex.

The Plaza Building was developed by Charles Heeseman, a successful Oakland clothier who had recently sold his business to concentrate on real estate investments in the post-earthquake boom. It is an outstanding example of its type by a prominent San Francisco architectural firm, part of a cluster of early 1910s buildings developed around the 1911-14 City Hall.

56. 512 16TH ST DISTRICT CONTRIBUTOR  
East Bay Water Company building APN 008 0620 006 00  
Beaux Arts derivative - Gothic Revival office building  
1919 (permit 52700, plans reviewed)  
architect: William Knowles builder: William Knowles

512 16TH ST is a four-story reinforced concrete office building, clad in buff terra cotta with skeletal articulation and rich stylized Gothic ornament. The L-shaped plan has a light court on the left above a ramped driveway to a basement garage. The three upper stories have windows framed by molded basket-handle arches with embellished spandrels, piers with decorative elements including gargoyles, and a balustrade with flowing Gothic tracery panels and volute buttresses. The remodeled ground floor originally had an ogee-arched main entry in the center bay and show windows in the flanking



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bays. Windows were originally Chicago-style with decorated vertical mullions.

This building for East Bay Water Company was part of a pattern of development of large, imposing downtown headquarters in the 1910s and 20s by the Realty Syndicate, Oakland Tribune, Pacific Telephone, Pacific Gas and Electric, and numerous banks. Architect William Knowles was particularly noted for designs in the Gothic mode, a style first established in downtown Oakland by B.G. McDougall's 1913-14 Federal Realty Building at 1605-15 Broadway.

57. **516-20 16TH ST** **NONCONTRIBUTOR**  
Kessler & Kessler-The Vauban building APN 008 0620 007 00  
Moderne originally Beaux Arts derivative office building  
1953-54 inc 1922-23 (permit B50000, plans not listed)  
architect: Cecil Moyer; Reed & builder: A.S. Holmes & Son  
Corlett (1922)

516-20 16TH ST is a small two-story brick and concrete store and office building on an interior lot. As remodeled in 1953, it has an asymmetrical late Moderne shadow-box facade with tall plate glass windows on the second story and an angled ground-floor storefront, framed by smooth, sharp-edged, rectangular expanses of red brick veneer in stack bond above and on the left side, and a narrow pier surfaced with gray spatter-finish enameled metal on the right. The trapezoidal inset entry is paved with pink and charcoal terrazzo. The east side wall, exposed over a neighboring driveway, is tan brick with the remains of an original 1922 terra cotta cornice molding. Originally built as a restaurant and remodeled as law offices, this is one of the more interesting of a number of late Moderne remodelings downtown.

58. **2 FRANK OGAWA PLAZA/BROADWAY/15THST** **NONCONTRIBUTOR**  
City Administration Building APN 008 0619 008 00  
postmodern office building  
1997 (dated by field observation)  
architect: Fentress Bradburn & Assoc builder: Hensel Phelps Const.  
Company

2 FRANK OGAWA PLAZA is a steel frame Postmodern office building on a double frontage lot extending from Broadway to the former line of San Pablo Avenue on Frank Ogawa (City Hall) Plaza. It is 7 stories on the south, 5 stories on the north, clad in concrete and stone panels, an irregular trapezoidal plan with a rounded bay at the northwest corner. It is internally connected to the Broadway Building (1401-19 Broadway), part of the City Administration Complex. Its floor heights match the Broadway Building, and it has Postmodern cornices of pipes and metal brackets alluding to and aligned with the cornices of the Broadway Building.

This building occupies the site of three earthquake-damaged and demolished buildings on the 1400 blocks of Broadway and San Pablo Avenue between the Broadway Building and the Rotunda (Kahn's Department Store). It is one of two new City office buildings constructed north and east of City Hall in 1997.

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### 8. Narrative Statement of Significance

The Downtown Oakland Historic District appears eligible for the National Register under Criterion C, architecture, and Criterion A, patterns of history, with a period of significance of 1900-1948. The district is an architecturally, historically, and functionally distinct area within central Oakland: the financial, business, and civic core that achieved prominence after the turn of the century and symbolized Oakland's transformation from a suburban town to a major California city.

Under Criterion C, the district is significant as a well-preserved example of the downtown commercial architecture of a larger American city in the first half of the twentieth century. The greatest number of its buildings, and the buildings that most strongly define its character, were built between 1903 and 1929, and represent the introduction into Oakland of the steel frame skyscraper, Beaux Arts-influenced architecture, and the City Beautiful movement. These urbane, ambitious buildings display a general unity of style and scale, and represent the work of many of the better-known Bay Area commercial architects of the period. In their siting and relation to each other, with 7- to 24-story skyscrapers punctuating lower construction, they represent an urban design termed "ideal" by City Beautiful planner Werner Hegemann in 1915, and gave Oakland a distinctive and much-photographed skyline that symbolized the city's prominence.

Under Criterion A, the district represents the financial and institutional core of Oakland's early 20th century central business district. Its development was one of a series of distinct stages whereby Oakland's commercial center moved north along Broadway from its original waterfront location in the 1850s, to Uptown (around 20th Street) in the 1930s and after. Downtown's primary period of growth from 1903 to 1929 spans two boom periods for Oakland, the decade including the San Francisco earthquake of 1906 and the Progressive era of the early 1910s, and the intense real estate and financial activity in the 1920s. Its further evolution encompasses the Depression with efforts at economic recovery through building modernization, and the postwar prosperity of the late 1940s and 1950s. Large scale redevelopment from the late 1960s may be considered to end the district's prominence as a traditional downtown.

The 14th and Broadway district developed as an office and financial center, in contrast to the 1870s center (the Old Oakland district) typified by hotels and real estate offices, and the later Uptown district with its movie palaces and department stores. Downtown's cluster of distinguished early 20th century skyscrapers, including the Beaux Arts highrise City Hall, permanently established it as the city's center in both function and image, and as "downtown" for the entire outlying East Bay area. Although redevelopment has replaced the retail section southwest of 14th and Broadway, the imagery and integrity of the remaining district remain strong.

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The early downtown skyscrapers, the character-defining buildings of the district, are collectively and individually Oakland's most prominent buildings. Along with City Hall and their low- and mid-rise neighbors, these "Broadway giants" established the business center and the skyline. They were designed by prominent architects for influential owners and occupants, and almost every one has ties to notable patterns and names in Oakland history. They represent a distinct and important period of Oakland's growth, from about 1903 to 1929, associated with the Key System and Realty Syndicate, the Progressive and City Beautiful movements, and mayors Frank Mott and John Davie. They also represent a distinct era in Bay Area building construction and design.

The original Oakland mapped in 1850 by Julius Kellersberger for Horace Carpentier and his fellow squatters extended east and west about seven blocks on either side of Broadway, and north from the waterfront to 14th Street. Blocks were 200' by 300'; Broadway was 110' wide, the other streets 80'. Broadway, and the grid, ended at 14th Street. Beyond 14th Street the land "remained for many years in an agricultural state, and its streets were later developed with reference to the purely accidental lines of the two country roads (San Pablo and Telegraph) leading to town" (Werner Hegemann, Report on a City Plan for the Municipalities of Oakland and Berkeley, 1915, p.5). In time this "accident" made the convergence at 14th and Broadway the transportation hub of Oakland and the site of two handsome flatiron buildings.

In the 1850s and early 60s, Oakland's commercial center was mostly south of 4th Street near the water. Completion of the Oakland and San Francisco Railroad along 7th Street in 1863 drew development northward, as did Oakland's residential growth (population 1,543 in 1860, 10,500 in 1870, 67,000 by 1900) with the intentionally-named Broadway as its commercial strip. Oakland in the late 19th century was the western terminus of the transcontinental railroad and a manufacturing center for building materials and food and textiles, as well as a residential suburb for San Francisco commuters.

As early as 1893 the president of the Oakland Board of Trade reported that "for many years Broadway, a magnificent street extending from the harbor line on the south to the foothills on the north, has been the main business artery of the city. Business houses have grown up along the thoroughfare until now some thirty blocks are quite solid... the mercantile district may be said to occupy the area between Seventh, Fourteenth, Washington and Franklin Street..." (M.J. Keller, Album of Oakland..., 1893). Part of this 19th century mercantile section survives as the Old Oakland district along Broadway, 9th, and Washington Streets, and gives some idea of the setting into which the early skyscrapers were placed. Within the present Downtown district a few buildings from this earlier layer survive, most of them old brick buildings much remodeled. In 1924 the Oakland newspapers recorded a concerted effort to rid the downtown area of "old wooden shacks" and rebuild in masonry. The only woodframe building now in the district is the small 1903 Ferns Hotel at 415-17 15th Street.

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Oakland's City Hall has been located at the junction of 14th, San Pablo, and Broadway since the 1870s. By about 1880 the library and main post office were also at that crossroads. From 1868 to 1873 the College of California (predecessor of the University of California at Berkeley) occupied the four city blocks southeast of 14th and Franklin Streets. Thus the downtown area was a civic and institutional center before it became a business and financial one. It was a natural focal point because of the radial streets converging from the north. In Hegemann's view (1915), this street pattern meant that "the entire northwestern section of the huge East Bay area is opened up in a remarkable way," creating the potential for a "powerful business center, strong enough to compete at every point with... San Francisco." Charles Mulford Robinson's 1906 "Plan of Civic Improvement" proposed enhancing the area with new street openings and a vista linking the City Hall and the post office at 17th Street and Broadway (no longer extant) and creating suitable sites for sculptures and "another public, or semi-public building." Mayor Frank Mott's 1909 inaugural address, urging the construction of a new City Hall on the old site, noted that "the present day idea as to a City Hall is that it should be within the business district and as accessible as possible to the public," and 14th, Broadway, and San Pablo by then promised to "meet the requirements for many years to come."

Downtown Oakland's prominence by the turn of the century owed a great deal to the growth of electric streetcar lines in the 1890s, linking formerly isolated Oakland suburbs from Golden Gate and Temescal on the north to Fruitvale, Melrose, and Elmhurst on the south. In Beth Bagwell's vivid description (Oakland, the Story of a City, 1982, pp.159-60):

As the town grew, and partly in response to the streetcar routes, "downtown" crept north up Broadway until by the 1890s, Fourteenth and Broadway was the most important intersection... Now, not just Oaklanders, but also residents of Berkeley, Alameda, Fruit Vale, and other communities thought of downtown Oakland as the place to go ... to shop for clothing, to go to a restaurant, ... or to meet friends. If they chose to go on to San Francisco to do these things, they still passed through downtown Oakland en route to the ferry. "Downtown" in Oakland meant, just as it meant in other cities at that time, a lively concentrated district rich in experience day or evening, ... for virtually all errands and business took place there.

Oakland's rapid growth in the first decade of the 20th century has often been attributed to the "earthquake boom" - the influx of businesses and residents displaced from San Francisco by the 1906 earthquake and fire. But Oakland's physical and political infrastructure was already well developed and prepared for the new arrivals. In 1903 Francis Marion Smith (Borax Smith) completed consolidation of the East Bay's street railways into the Key System, a full-fledged competitor to the Southern Pacific's interurban transit system, complete with its own transbay ferries. Smith also established the Realty Syndicate, which bought up vast areas of the Oakland hills and claimed to have developed nearly a hundred residential tracts between 1895 and 1911. The Realty Syndicate remained Oakland's leading development firm until the Crash

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of 1929. Its headquarters building still stands in the heart of downtown Oakland at 1420-40 Broadway. In 1905 Progressive Mayor Frank K. Mott took office, beginning a decade of ambitious public improvements - civic buildings, parks, harbor improvements, utilities, police and fire services. Mott presided over the 1906 earthquake relief, record years of residential development in 1907-08, and the annexation of close to 40 square miles of north and east Oakland in 1909. Mott's administration also commissioned studies by famed city planners Charles Mulford Robinson in 1906 and Werner Hegemann in 1915.

In 1903-04, the Union Savings Bank revolutionized architecture in downtown Oakland by erecting at 1300 Broadway "Oakland's only skyscraper, the largest office building in Alameda County... an ornament to the City... ahead of any other edifice in Oakland" (Oakland Herald, 12/22/04, p.12). The 11-story steel-frame building designed by Walter Mathews was the first of a series of southwest-facing corner skyscrapers along Broadway that came to define the skyline of downtown Oakland: 1100, 1200, 1300, 1400, 1401, 1420, 1605, and 1700 Broadway, and 1540 San Pablo Avenue. The Union Bank was designed with lightwells and blank walls on its north side: the pattern of freestanding towers was not yet established. The building's 50' x 100' base replaced one half of the 2-story, pre-1889 Oregon Block. The north half of the Victorian building remains, much remodeled, at 1308-12 Broadway, an extreme example of the way downtown's new buildings grew up among the old.

Before 1903 Oakland's largest buildings were brick blocks, two to five stories at the highest, with boxy shape, large footprint, open horizontal interior spaces. Buildings of this type made up the retail quadrant that no longer exists, along Washington Street southwest of 14th and Broadway. The district contains a few 20th century buildings of this general type, mainly large single-use commercial and loft buildings. Examples include the Athenian-Nile Club (400-08 14th Street, 1901-02, Walter J. Mathews), the Breuner furniture store which later became the Oakland Tribune offices (401 13th Street, 1906), and the Kahn's (1501-39 Broadway, 1913-14) and Roos Bros. (1500 Broadway, 1922-23) department stores.

Eighteen of the contributing buildings in the district date from the "earthquake boom" decade, 1906-15, concentrated in 1906-07 (6 buildings) and 1910-13 (11 buildings including City Hall and its neighbors). Henry Lafler in the Oakland Observer of April 8, 1916, reviewed "Ten Years of Progress in Oakland - 1906-1915":

Ten years ago... the tallest and most imposing buildings in the business center were churches... one beheld the lone bulk of the Union Savings Bank Building in the midst of half a dozen spires... and frame structures mostly of the vintage of the seventies or earlier... The Oakland Bank of Savings... three-story quarters were badly damaged by the earthquake; a new six-story steel and brick building [1200 Broadway, C.W. Dickey] ... commenced in September, 1907...; the Hotel St. Mark [opened] on December 31, 1907 [390-96 12th Street, B.G. McDougall]...; 1907 was by far the biggest year in home building that Oakland ever had... Nineteen-nine saw the beginning of the concentration of the

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retail district in the vicinity of Fourteenth and Clay. In this year Taft and Pennoyer moved into their new building [1401-27 Clay, demolished], the first modern merchandising establishment in Oakland... In the two years 1912 and 1913 Oakland's building permits amounted to 18 millions of dollars, and this is a record that has never been even approached either right after the fire or in recent years... During 1913 more seven-story buildings were in course of construction at one time than there were previously in Oakland....

Another article in the same issue elaborated on the northward expansion of the retail district following Taft and Pennoyer's then-innovative move. Clay Street and especially Washington Street, paralleling Broadway to the west, were the primary shopping streets. This 19th and early 20th century retail district of three, four, and five-story brick loft-type buildings southwest of 14th and Broadway was removed by redevelopment in the 1960s and after, and is now the site of the City Center commercial complex, the Convention Center, and new highrise office buildings.

Outside the retail quadrant, most of downtown's 1906-1915 buildings originated as banks and office buildings in the central core, and hotels on the east and west edges. These were the first buildings in Oakland to use steel frame construction to exceed earlier feasible building heights. Their footprints are typically smaller than those of big 19th century commercial buildings. Built in a fairly short span of time, they have a strong stylistic unity. Along with the 13-story City Hall (1911-14) they established a new and distinctive Oakland skyline, and permanently established the area along Broadway from about 11th to 17th Street as the city's center in both function and image.

Physically these buildings are tall (8 to 14 stories), slender, prominently sited on choice corner lots. They are of steel frame or concrete construction, with classical ornament, three-part vertical composition, prominent metal or terra cotta cornices, light-colored brick or terra cotta exteriors, skeletal articulation emphasizing a grid of windows, glass-fronted commercial ground floors, monumental office entries, and often a marble-paneled elevator lobby. They show the influence of the American Renaissance and City Beautiful movements in their lighter colors and massing, and classical rather than Victorian Gothic or Romanesque ornamentation. Where earlier brick blocks, at most four or five stories, had added height with ornamental cupolas and towers, these buildings were themselves the towers. White terra cotta and pale buff pressed brick became popular as facade materials, contrasting with the buildings' red common brick off-street sides. A ground floor bank might be distinguished from other commercial spaces by the absence of tall display windows, and by an imposing vault- or temple-like entry. Some of the bank and lobby interiors were extremely opulent.

These buildings were designed by prominent architects, often from San Francisco, including Walter Mathews (3 buildings in the district), Charles Dickey (5 buildings), Frederick Meyer (2), Walter Reed (2), Benjamin Geer McDougall (2), O'Brien & Werner (2), and Llewellyn B. Dutton (2). Mathews, son of pioneer California architect Julius Mathews, was Oakland's leading late

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19th century architect, known for the Romanesque First Unitarian Church and many Victorian business blocks. Meyer was a prominent City Beautiful exponent who served on the San Francisco Civic Center Commission in 1913-15. Dutton, who designed two important downtown Oakland bank buildings, came to California in 1903 for Daniel Burnham & Co.; his First National Bank (1401 Broadway, 1907, now known as the Broadway Building) is a miniature of Burnham's Flatiron Building in New York. John Donovan served as supervising architect for Palmer & Hornbostel of New York on the construction of City Hall (1911-14) and stayed to become Oakland City Architect, designing notable schools and civic buildings. All these firms and individuals brought big city architecture to turn of the century Oakland.

The proliferation of early highrises was exciting to contemporaries: completion of the 16th Street "canyon" - from San Pablo Avenue opposite City Hall to Telegraph Avenue and the Federal Realty Building - was a highlight of 1914 ("Canyon Completed - May Be On City Seal": Oakland Tribune). A mixture of heights was perpetuated as department and furniture stores erected new four and five story buildings, and six to eight story hotels and smaller office buildings were built on the fringes of the district. In 1915 city planner Werner Hegemann was extremely impressed with the "almost ideal spacing between skyscrapers" along Broadway and the tall buildings "architecturally developed on all four sides." He warned that "If nothing is done to make this state of things permanent the building of new skyscrapers will produce unsatisfactory conditions in regard to light and air, as bad as in San Francisco if not New York" (Report on a City Plan..., pp.98-100).

In Oakland's first skyscraper decade, banks were the main developers of the new building type: they had funds available, and at least as important, drew prestige and publicity from the tall, modern, prominent buildings known by the name of the bank. Their names were on the corner skyscrapers: Security Bank & Trust, Oakland Bank of Savings, Union Bank, Central Bank, First National Bank, First Trust and Savings Bank. The Union Bank Building in particular, as Oakland's first skyscraper, was widely published on postcards and promotional material. An Architect and Engineer article in April 1916, "The Bank in the Skyscraper," elaborated:

The value of the tall piles we know as skyscrapers is no longer questioned. Bearing the name of the banks occupying the first or the first two stories, these inspiring structures, piercing the very clouds, bring to those institutions an enviable prestige.... The advantage of a high-priced, prominent corner lot upon which to build a bank is generally appreciated. The cost, however, frequently ... practically precludes a... single story, highly ornamental bank building, which receives no income whatever from its investment.... An office building properly executed and in a desirable location is bound to pay a splendid return. This is particularly true in medium sized cities like Sacramento, San Jose, Oakland and Stockton...

The article was illustrated with a picture of Dutton's First Trust and Savings building, 1540-50 San Pablo Avenue. A fairly close-knit group of Oakland

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financiers controlled these banks, which merged and regrouped over the years: H.C. Capwell, Charles Jurgens, Volney D. Moody, Philip E. Bowles, A.J. Snyder, A.C. Henry, and others.

There were also a few prominent early high-rise office buildings not associated with banks, developed by businesses and individual investors: the Realty Syndicate's headquarters at 1420-40 Broadway, 19th century capitalist A.J. Snyder's Federal Realty Building at 1605-15 Broadway, attorney R.A. Perry's building at 414-16 13th Street, and clothier Charles Heeseman's Plaza Building at 500-08 15th Street, all before 1915. (Another example, the Thomson building, on the southwest-facing corner at 1700 Broadway, is now totally remodeled and not included in the district.) By the late 1910s and 20s other corporations and utilities were establishing headquarters in the downtown center: the East Bay Water Company (512 16th Street, 1919) and Oakland Tribune (401-17 13th Street, occupied 1918) within the district, as well as Pacific Telephone (1519 Franklin, 1918, demolished) and Pacific Gas and Electric (1625 Clay, 1922) outside the present district.

The second wave of downtown construction, between 1922 and 1929, continued Hegemann's ideal of freestanding towers by using contrasting infill, both higher and lower. In 1922-23 tower additions of 24 and 18 stories were made to the Tribune (401-17 13th Street) and Oakland Bank (1200 Broadway) buildings. In 1925-26 a new 15-story Central Bank replaced the 5-story one at 1400 Broadway, surpassing the 10-story Realty Syndicate building (1420-40 Broadway) as that block's tall building. A second row of tall financial, medical, and telephone company office buildings, some in newer Art Deco and Period Revival styles, went up along Franklin Street parallel to Broadway. The last of the early downtown skyscrapers, built in 1928-29 at 401-15 14th Street at Franklin, was Reed & Corlett's 17-story Art Deco Financial Center Building.

The 1920s also introduced small two- and three- story speculative commercial buildings into the central district in large numbers, helping to perpetuate the distinctively punctuated skyline. These include two clusters of small buildings along the 400 block of 15th Street and behind the Cathedral Building on the 1600 blocks of Broadway and Telegraph, among them some fine examples of two-part composition, terra cotta and brick above a high glass base. They represent a pattern of small-scale speculative building, and architects Reed and Foulkes each built at least one as personal investments. These small buildings typically housed specialized retail and services: clothing, shoes, jewelry, luggage, florists, confectioners, cafes, opticians. They differed from their counterparts in Oakland's neighborhood commercial areas in some ways: as a group they were more uniformly of masonry, being inside the Fire Limits, and were generally more sophisticated in construction techniques; they had more Beaux Arts or high Art Deco ornament and less quasi-vernacular decorative brickwork; they were probably more often built speculatively; and the upper floors were commercial or offices rather than residential.

The design of the 1920s buildings in the district remained mainly historicist, in brick and terra cotta. Variations from the classical patterns of 1906-15



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include the narrow corbeled cornices of the new dark brown brick skyscrapers at 380-98 14th Street (Charles McCall's Alameda County Title building, 1923-24) and 1400 Broadway (George Kelham and Walter Mathews' Central Bank, 1925-26) and the Gothic terra cotta facades of William Knowles's 512 16th Street, 416-20 15th Street, and 1500 Broadway, all built between 1919 and 1922. By far the most prolific architects in the district between 1921 and 1929 were the firm of Walter Reed and William Corlett (8 extant buildings); others of importance were Maury I. Diggs (3 buildings), Edward T. Foulkes (3), William Knowles (3), and Schirmer & Bugbee (2).

A group of Art Deco buildings from 1928-29 concludes the period of most active development of downtown Oakland, as well as setting the style for the small amount of remodeling and new construction that took place in the next 20 years. This group includes Reed & Corlett's Financial Center skyscraper (401-15 14th Street), a striking brick and terra cotta combination of historicist and Deco styles, F.H. Reimers's Income Securities Building at 360-64 14th Street, a smaller bank building by W.E. Schirmer at 369 13th Street, and the tile resurfacing of the 1902 Elks Hall at 412-20 14th Street.

Advertisements, directory listings, and other records indicate that many of Oakland's early professionals - medical, legal, financial, architectural - worked in these downtown office towers. Information on the original and later occupants of the rental floors of the early downtown office buildings is somewhat piecemeal. A 1936 reverse directory shows mostly attorneys in 1100, 1200, 1300, and 1401 Broadway, medical offices in 1605-19 Broadway (the Cathedral Building), real estate and insurance in 1400 Broadway, medical and insurance offices in 1601 Telegraph (the Latham Square Building), and so on. The only concentrations of offices anywhere else in the city were the "Pill Hill" area off upper Broadway, a popular location for medical offices after about 1928, and the Fruitvale commercial district with two late-1920s multi-story medical office buildings and a cluster of branch banks.

The Financial Center Building (401-15 14th Street at Franklin, 1928-29) was marketed as "in the heart of the group of large banks, stock and bond houses and other organizations which form the financial district of this city." This subarea along Franklin Street developed mainly after the openings of 17th Street east of Broadway and 15th Street east of Franklin in the early 1920s. True to the real estate and stock market booms of the 1920s, new buildings in the "financial district" were developed by title companies and building and loan associations: Oakland Title Insurance and Guaranty Co. (401-03 15th Street, 1921-22), Alameda County Title Insurance Company (380-98 14th Street, 1923-24), Central Building and Loan Association (363-69 13th Street, 1929), Income Securities Building (360-64 14th Street, 1928). These and the smaller real estate and financial businesses reflected the industrial and residential growth of Oakland in the 1920s.

The Crash of 1929 coincides with the end of historic downtown Oakland's most rapid physical growth, though contemporary observers saw it slowing earlier. The 1928 Mayor's Message noted a slacking of new construction, and Ann Orr (Observer, August 13, 1932) attributed Uptown's recent success as a luxury

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shopping and entertainment district to "ten years or more" of downtown lethargy. Orr added that Downtown was beginning to fight back with "rehabilitations of old, favored spots. The Abrahamson store putting on a gallant new front, green tile, pristine, inviting..." Edward T. Foulkes showed this (now demolished) building in an article on "Modernization" in the September 1934 Architect and Engineer, with other examples of the Oakland Downtown Property Owners' two year old "modernization and rehabilitation campaign." Most of these projects were in the retail area southwest of 14th and Broadway, and in time contributed to making that area a target for redevelopment. In the present district, new facades exemplifying this Depression-era pattern include a zig-zag black tile front on 1308-12 Broadway (Foulkes, 1937, now covered over by yet another layer), while 1224-40 Broadway (1935) is a new building in similar style.

The economic revival after World War II brought one distinguished late WPA-Moderne building to the district, the Anglo-California Bank at 1450-60 Broadway (1947-48), which pioneered the use of a second floor banking hall to preserve valuable ground floor retail space. Just 50 years old at the time of this nomination, this is the most recent building considered to contribute to the district. The next generation of downtown buildings and remodelings, in later Moderne and International styles, include some interesting examples: 393 13th Street, 1950-52, Milton Pflueger's sleek Crocker Bank clad in beige terra cotta and red granite; 516-20 16th Street, an angular 1953 resurfacing of a 1922 building; and the First Western Bank building at 1330 Broadway, 1956-59, a blue glass scaled-down version of Lever House designed by Stone, Mulloy, Marraccini & Patterson, one of the first International Style buildings in the Bay Area.

A trend of the 1930s that helped insure downtown's survival in its early 20th century form was the shift of civic center development to the Lake Merritt area near the 1913-15 Municipal Auditorium. Ambitious civic center plans were laid around the lake, not around City Hall. A new main post office was built at 13th and Alice Streets in 1930, the county courthouse on Fallon Street in 1935-36, and a new main library at 125 14th Street opposite the lake in 1951. Downtown continued its historic pattern of uses into the 1960s: City Hall at the center, banks and offices east of Broadway, department and furniture stores southwest of 14th and Broadway, movie theaters and banks along Broadway, hotels on the periphery. After about 1960 Downtown was affected by the move of the financial center north to the vicinity of the Kaiser Building. In the early 1960s a "Washington Mall" project, consisting mainly of street beautification, was an early revitalization effort in the retail section. In the 1970s the City Center and Chinatown redevelopment projects created the Downtown district's sharp southern boundaries, and the 1989 earthquake and 1995 demolitions for new city and state office buildings further contracted its edges, but the core remains remarkably intact.

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9. Major Bibliographical References

Sanborn maps, 1889-1901, 1902-11, 1912-35, 1912-51, 1953-70s

City and County tax rolls and block books, 1864-1967

City directories and telephone books, 1869-1990

Kelts Geographical Directory, Oakland, 1936

Building and alteration permits, plans and specifications, City of Oakland  
Building Services Division

Edwards Transcript of Records, Alameda County, 1880s-1910

Alameda County Miscellaneous Records, completion notices, 1898-1905

Gladding McBean and N. Clark & Son terra cotta job lists, manuscripts at  
Oakland Cultural Heritage Survey

Oakland History Room, Oakland Public Library, biographical and subject indexes  
(obituaries, clippings, pamphlets) and photo collection

Oakland Cultural Heritage Survey, research files and inventory forms on  
Central District properties, 1979-95; architect and builder files;  
context statement on unreinforced masonry buildings, 1995

Architect and Engineer of California, "The Bank in the Skyscraper," v. 45, no.  
1 (April 1916)

Bagwell, Beth, Oakland: The Story of a City, Novato, 1982

Baker, Joseph E., Past and Present of Alameda County, Chicago, 1914

Blake, Evarts J., Greater Oakland, Oakland, 1911

Commy, Peter T., Beginnings of Oakland, A.U.C., Oakland Public Library, 1961

Corbett, Michael, et al., Splendid Survivors: San Francisco's Downtown  
Architectural Heritage, San Francisco, 1979

Dykstra, John B., "A History of the Physical Development of... Oakland...  
1850-1930," M.C.P. thesis, U.C, Berkeley, 1967

Elliott, W.W., Oakland and Surroundings, Oakland, 1885

Ford, Robert S., Red Trains in the East Bay, 1977

Glover, Eli S., Illustrated Directory of Oakland, California, 1896

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---

Harland Bartholomew & Associates, A Proposed Plan for a System of Major Traffic Highways, Oakland, California, for the Major Highway and Traffic Committee of One Hundred, St. Louis, 1927

Hegemann, Werner, Report on a City Plan for the Municipalities of Oakland and Berkeley ..., Oakland, 1915

Hinkel, Edgar J., and William McCann, Oakland, 1852-1938..., WPA & Oakland Public Library, 1939

Jones, Mark M., Alameda County, California, U.S.A., Board of Supervisors, 1915

Keller, M.J., Album of Oakland, California, Oakland, Pacific Press, 1893

Lafler, Henry A., "Ten Years of Progress in Oakland - 1906-1915," The Observer, April 8, 1916, pp. 3-12

Mott, Frank K., "Third Inaugural Message of Frank K. Mott, Mayor," Oakland, April 5, 1909

Oakland Tribune, Illustrated Editions, 1898 (Alameda County Illustrated), Dec. 31, 1900, Jan. 17, 1912

Oakland Tribune Year Books, 1919-1949

Orr, Ann, "Places and Personalities," The Observer, August 13, 1932, pp. 8-9

Robinson, Charles Mulford, "A Plan for Civic Improvement for...Oakland," 1906

Scott, Mel, The San Francisco Bay Area, Berkeley, 1959

Thompson & West, Historical Atlas of Alameda County, 1878 (reprinted 1978)

Walker, Jim, Key System Album, Glendale, 1978

Weber, David, Oakland, Hub of the West, Tulsa, 1981

Wood, M.W., History of Alameda County, Oakland, 1883

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10. Geographical Data

Verbal Boundary Description:

The boundary of the nominated district is shown on the accompanying map.

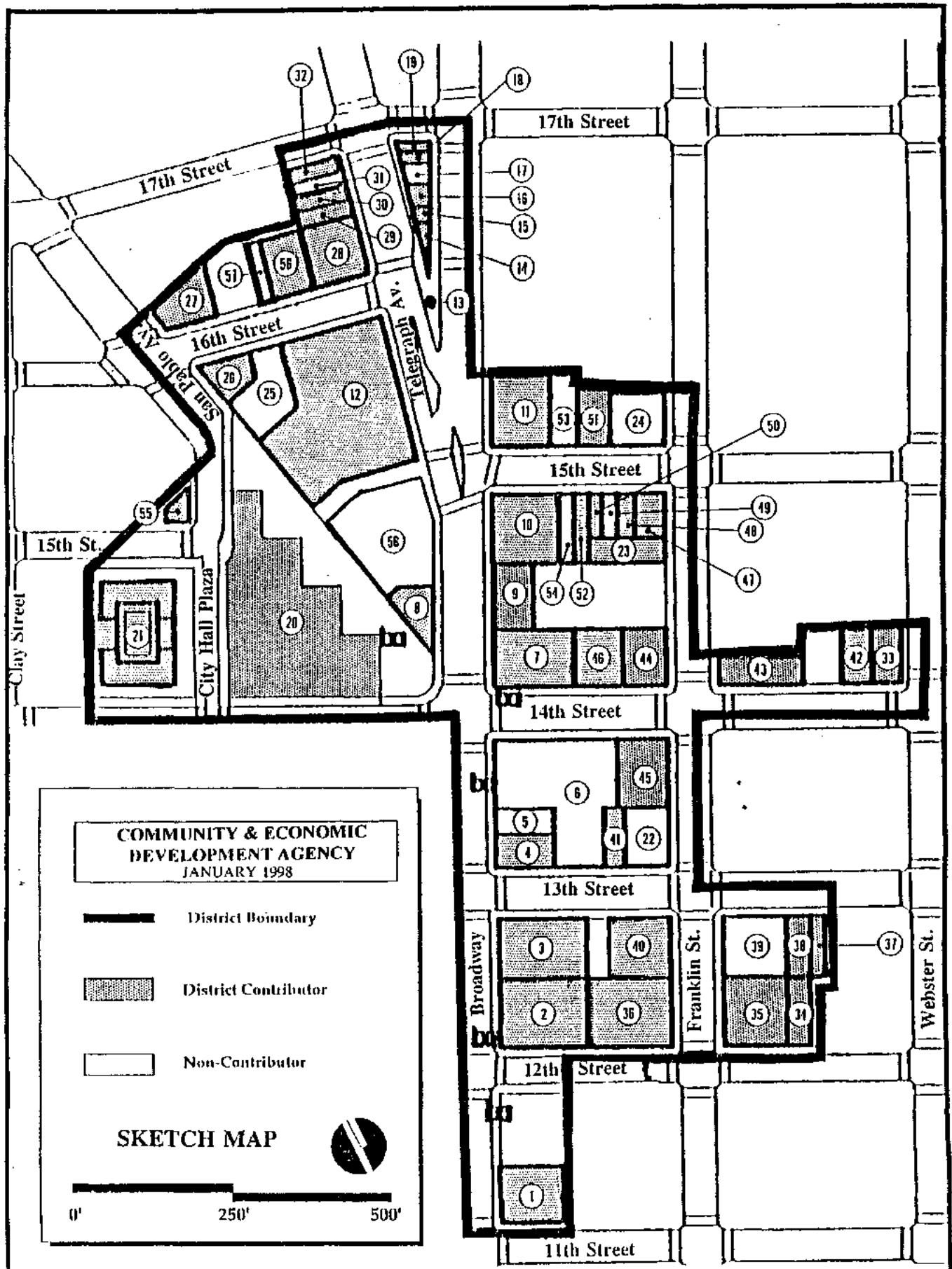
In Assessor's Map Book 2 it includes all of Block 53 and portions of Blocks 51 and 57; in Map Book 3, portions of Blocks 65 and 67; and in Map Book 8, all of Blocks 619 and 621, and portions of Blocks 620, 622, 624, and 640.

Approximate boundaries, clockwise from City Hall, are San Pablo Avenue, 17th Street, Broadway, 15th Street, Franklin Street, 14th Street, Webster Street, 12th Street, Broadway from 11th to 14th Street, and back to City Hall.

Boundary Justification:

The district represents the most intact, solid core of Oakland's early 20th century downtown civic, financial, and commercial center, around the historic hub of 14th Street and Broadway. It includes City Hall and the concentration of tall, mostly 1900-29 Beaux Arts-influenced buildings in and near the central skyscraper group along Broadway. The south and west boundaries, along 11th and 12th Streets, along Broadway from 11th to 14th, and behind City Hall, are created by the Chinatown and City Center redevelopments, cleared sites, and new city, state, and university office buildings. Boundaries were drawn at vacant lots (the southeast edge), extensive remodeling (e.g. Broadway north of Roos Bros.), and new construction (the various redevelopment sites, the Merchants parking structure west of Franklin between 13th and 14th Streets). The north and east boundaries more closely approximate the gradual historic demarcations by architectural style, scale, and use. The northern boundary along Broadway and Telegraph is fixed at 17th Street by new and remodeled buildings at the prominent gore and southwest-facing corners, and also by a perceptible change of scale and uses in the Uptown luxury shopping and entertainment district. On the east, the boundary is drawn to include the financial strip along Franklin Street and exclude the neighborhood of hotels and smaller-scale commercial development east of Franklin and Webster.

# DOWNTOWN OAKLAND HISTORIC DISTRICT





Downtown Oakland History District, Oakland, Alameda County, CA. photo by 'Ab'





NORTH FROM 13<sup>TH</sup> & BROADWAY, OAKLAND.

Downtown Oakland Historic District, Oakland, Alameda County, CA; photo "6"



Downtown Oakland Historic District, Oakland, Alameda County, CA. photo "g"



Do want to win Oakland Historic District, Oakland, Alameda County, CA

photo "d"



Downtown Oakland Historic District, Oakland, Alameda County, CA:

photo # 10<sup>b</sup> 11





Down town Oakland Historic District, Oakland, Alameda County, CA. # 6  
Phot. "fb"



Down town Oakland Historic District, Oakland, Alameda County, CA.

Photo "g"<sup>b</sup>



Downtown Oakland Historic District, Oakland, Alameda County, CA.

photo "A"



Downtown Oakland Historic District, Oakland Alameda County, CA  
photo "i"





b

Down town Oakland Historic District, Oakland, Alameda County, Cal.  
Photo: j. b.



Downtown Oakland Historic District, Oakland, Alameda County, CA.  
Photo "K<sup>b</sup>"



Downtown Oakland Historic District, Oakland, Alameda County, CA.  
Photo "m" b



Down town Oakland Historic District, Oakland, Alameda County, CA,  
photo "L<sup>b</sup>"





Downtown Oakland Historic District, Oakland, Alameda County, CA.  
Photo: P.



Downtown Oakland Historic District, Oakland, Alameda County, CA  
Photo "a" O "b"

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

Ser. No. 53-9999

HABS \_\_\_\_\_ HAER \_\_\_\_\_ NR 12 SHL \_\_\_\_\_ Loc \_\_\_\_\_

UTM: A10/564630/4184490 B10/564360/4183840

C10/564155/4183940 D10/563850/4184540

HISTORIC RESOURCES INVENTORY

0004 0498  
IDENTIFICATION

- 1. Common name: Downtown District
- 2. Historic name: Downtown
- 3. Street or rural address: Multiple- see continuation pages  
City Oakland Zip 94612 County Alameda
- 4. Parcel number: Multiple - see continuation pages
- 5. Present Owner: Multiple Address: \_\_\_\_\_  
City \_\_\_\_\_ Zip \_\_\_\_\_ Ownership is: Public  Private
- 6. Present Use: Commercial Original use: Commercial

DESCRIPTION

- 7a. Architectural style: predominantly: early 20th century commercial/derived from Beaux Arts
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

The Oakland Downtown district occupies a roughly L-shaped area of 17 city blocks (or parts of blocks) centering on the intersection of 14th Street and Broadway, the City Hall and its plaza, and a series of early 20th century 7 to 18-story skyscrapers along Broadway between 11th and 17th Streets. Boundaries are defined partly by natural transition to residential and secondary or contrasting commercial areas (mainly to the north and east) and partly by large-scale redevelopment since 1980 (to the south and southeast, preempting the earlier more gradual transition to the Old Oakland and Chinatown areas). The district includes 96 buildings, 2 public plazas, and 11 vacant lots. About 72 buildings contribute to the district's significance, as do City Hall Plaza and Latham Memorial Square. Thirty sites and buildings appear to be individually eligible for listing on the National Register of Historic Places while twenty-four are too new or too remodeled to be considered district contributors. The buildings in the district constitute a well-preserved sample of the commercial architecture of larger American cities in the first quarter of the twentieth century. They are notable both as individual examples and, despite (see continuation page 4)

Attach Photo(s) Here

- 8. Construction date: Estimated \_\_\_\_\_ Factual predominantly 1904-1929
- 9. Architect Various
- 10. Builder Various
- 11. Approx. property size (in feet)  
Frontage \_\_\_\_\_ Depth \_\_\_\_\_  
or approx. acreage 34.09
- 12. Date(s) of enclosed photograph(s)  
c. 1910's, 1983

AT09FA-01





13. Condition: Excellent  Good  Fair  Deteriorated \_\_\_\_\_ No longer in existence \_\_\_\_\_
14. Alterations: Various
15. Surroundings: (Check more than one if necessary) Open land \_\_\_\_\_ Scattered buildings \_\_\_\_\_ Densely built-up   
Residential  Industrial \_\_\_\_\_ Commercial  Other: Parking lots
16. Threats to site: None known \_\_\_\_\_ Private development  Zoning \_\_\_\_\_ Vandalism \_\_\_\_\_  
Public Works project  Other: \_\_\_\_\_
17. Is the structure: On its original site?  Moved? \_\_\_\_\_ Unknown? \_\_\_\_\_
18. Related features: Uptown District, Old Oakland District

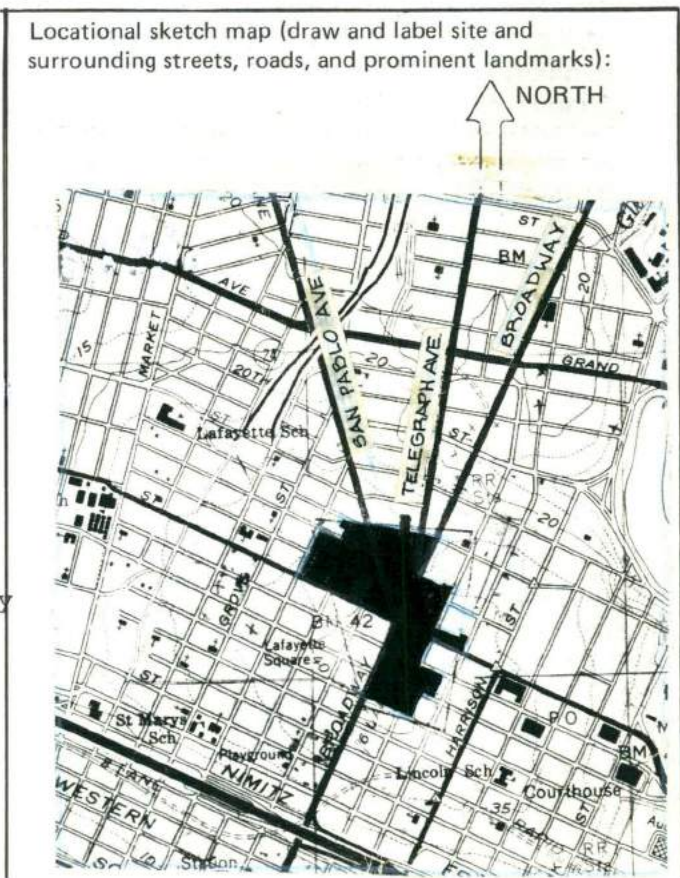
**SIGNIFICANCE**

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)  
The Downtown district is an architecturally, historically, and functionally distinct area within central Oakland. It contains the City Hall and a strong concentration of well-preserved commercial buildings from about 1900 to 1929, spanning two boom periods for Oakland, the East Bay response to the San Francisco earthquake and fire of 1906, and the intense real estate and financial growth of the 1920s. These urbane, mostly Beaux Arts-inspired buildings display a general unity of style and scale, and represent many of the better-known Bay Area commercial architects of the period. In their siting and relation to each other, with 17-to 21-story "skyscrapers" punctuating lower construction, they represent an urban design termed "ideal" by City Beautiful planner Werner Hegemann in 1915, and gave Oakland a distinctive and much-photographed skyline. Downtown's development was one of a series of distinct stages whereby Oakland's commercial center moved north along Broadway from its original waterfront location in the 1850s, to Uptown (around 20th Street) in the 1930s. The economics of the era in which the 14th and Broadway district developed made it Oakland's office and financial center, in contrast to the Old Oakland district (see continuation page 13)

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)  
Architecture 1 Arts & Leisure 4  
Economic/Industrial 2 Exploration/Settlement \_\_\_\_\_  
Government 3 Military \_\_\_\_\_  
Religion \_\_\_\_\_ Social/Education \_\_\_\_\_

21. Sources (List books, documents, surveys, personal interviews and their dates).  
Building permits, plans & specifications  
Oakland Directories, 1871-1943  
Sanborn Maps, 1889-1901, 1903-1911, 1912-57  
City Tax Assessment Block Books, 1889-1925  
(see continuation page 15)

22. Date form prepared August 31, 1984  
By (name) Staff and Consultants  
Organization Oakland Cultural Heritage Survey  
Address: City Planning Dept., City Hall  
City Oakland Zip 94612  
Phone: (415) 273-3941







HISTORIC RESOURCES INVENTORY

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Street or rural address: Downtown District

164/34 view NW on 14th Street from  
Franklin: Athenian & Elks Clubs,  
Central Bldg., City Hall

167/8 view north from 14th and Broad-  
way: Liberty House, Broadway Bldg.  
Cathedral Bldg.



167/3 view northeast from 11th and  
Broadway: Nick & Gus, Tribune, Bank  
of America, Union Savings, Smith's







HISTORIC RESOURCES INVENTORY

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Sheet of ~~0000~~ 0001 address: Downtown District

7b. Physical Description (continued from page 1)

alterations and demolitions, in their historic relationships to one another, skyscrapers spaced among lower buildings creating a still-distinctive downtown Oakland skyline.

The great majority of contributing buildings date from 1904 to 1928 and display a general unity of style: attached at ground floor level with no setbacks, brick and masonry surfaces, 2 or 3-part vertical composition, Beaux Arts-derived ornament, projecting terra cotta or metal cornices, frequently skeletal articulation and Chicago-style window treatment. Unity of style is due in part to unity of architects: Walter Mathews, Charles Dickey, William Knowles, Reed and Corlett, Edward T. Foulkes, and Maury Diggs are each represented by several buildings, and there are two apiece by other recognized firms of the period including O'Brien and Werner, Benjamin G. McDougall, Charles McCall, Clay Burrell, D. Franklin Oliver, Llewellyn B. Dutton, and Schirmer-Bugbee. Variations within the prevailing 1906-20s historicist style of the district include brick or reinforced concrete construction; varying proportions of stone, brick, and terra cotta surfacing; and the contrast between 3-part skyscraper composition and smaller loft buildings with high glass base and brick or terra cotta top. Cornices come in wide, flat, neo-classical modillion style as well as a narrower, corbeled version. The Federal Realty (Cathedral) Building at 1605 Broadway (B.G. McDougall, 1913), and the East Bay Water Co. and Roos Bros. buildings at 512 16th Street and 1500 Broadway (William Knowles, 1919 and 1922) are fine examples of terra cotta Gothic. (A 1909 classic temple style bank, at 393 13th Street was demolished in 1950).

There are also a few buildings recognizably predating downtown development in style, scale, or original use, generally located around the edges of the district: Ferns Hotel, 415 15th Street, 1903; J.J. and T.D. Newsom - designed funeral parlor at 1500 Jefferson Street, 1906; 1898-99 Maclise Drugstore at 1631 San Pablo Avenue, and two former carriage factories - Kiel and Evans at 1628 San Pablo (1903-04), and another J.J. and T.D. Newsom, the 1893-4 Florence Block at 368 12th Street. There is a scattering of Art Deco remodelings or new buildings - 4 from 1928-9 at the end of the reference period and 4 later. The Financial Center Building at 401 14th Street (Reed and Corlett, 1928-9) retains the composition and materials of the historicist skyscraper style, substituting Deco motifs in its terra cotta base and capital. The 1929 remodeling of the Elks Hall at 420 14th Street, and newly-constructed banks at 364 14th Street and 369 13th Street, have more modern sculptural concrete and tile treatments which would characterize the Uptown Art Deco district. From 1935-47 are the tile facades of 1120, 1224, 1429, and 1450 Broadway, one new building and three representatives of the characteristic downtown pattern of storefront and facade modernization.

Although the City Center redevelopment project has replaced one quadrant of the natural and historic downtown with massive 1970s and 1980s highrises, in the remaining three-quarters constituting the present district, new construction has not been frequent since 1929: 1220 Broadway in 1935, the late Moderne Anglo-California Bank by Milton Pflueger at 393 13th in 1950, parking garage behind City Hall (1960), the garage at 420 13th Street (1957), and most conspicuously the 19-story blue-glass International style Smith's/First Western Building at 1330 Broadway (1956-59) which does not violate the scale or rhythm of the district. Most of the noncontributing buildings are recent radical remodelings, which at least retain their historic scale and placement despite incongruous surfaces:

They include City Hall West, formerly Taft and Pennoyer, at 1401 Clay (remodeled 1957-58); 39 Broadway (1951; 1925 surface surviving on one side); 1625 Broadway; 400, 409, 425, and 426 15th Street; the Pythian Castle at 379 12th Street (1878, modernized 1949); 1635 Telegraph (1960); and the formerly Italianate 1608-10 and 1612-16 San Pablo Avenue.

(see continuation page 5)





HISTORIC RESOURCES INVENTORY

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City or Rural Address: 0001 0000 Downtown District

7b. Physical Description (continued from page 4)

The scale of the district is urban but not massive: buildings were designed to be solidly attached, and almost all the historic buildings are 3 stories or over, but only two slender towers (both 1922-3 additions to adjacent buildings) are higher than 15. Even the major buildings are fairly narrow, half to a third of a block on each frontage: of the 18 buildings over 6 stories, only City Hall (which has a stepped-back tower) occupies a lot larger than the 100' by 150' footprints of 1200 and 1400 Broadway. The 75'x100' lot of 1100 Broadway is closer to the average. At least half were conceived as point towers, fully finished and ornamented on all 4 sides. The mass of almost all the buildings is further broken up by their ornamentation and the contrasting registers of their three-part and glass base designs.

Tall buildings occur at intervals, one or two per block, punctuating the surrounding low-to medium-rise buildings. Along Broadway, Franklin Street, and the two flatiron corners west of Broadway, the skyscrapers are located with surprising regularity on the southwest-facing corners of blocks, the most advantageous siting for natural light to the offices inside, as well as for the sunlit exterior appearance of the building. (Werner Hegemann's 1915 city plan suggested perpetuating by law this "ideal" spacing that market and aesthetic considerations had by then produced, and it was a much photographed skyline).

The Downtown district is clearly recognizable in early aerial and rooftop photographs by this series of equally-spaced, cornice-topped towers, extending two or three blocks in each direction from 14th Street and Broadway, and it is equally recognizable today from the streets within the district. The rhythm of recurring tall buildings in the district is strong enough to bridge vacant lots (which Sanborn maps and photos show to have been an occasional part of the district all through its history) and noncontributing buildings, as well as the discontinuity created on the west side of Broadway where Telegraph and San Pablo Avenues cut diagonally into the street grid forming small irregular lots and overly wide expanses of street.

The intersection of these radial streets from the North Oakland residential areas (and what later became Uptown) reflects the early 20th century downtown's location at the outskirts of Oakland as originally mapped, and creates major traffic and transit nodes at the junctions of 14th Street, Broadway, and San Pablo Avenue (City Hall Plaza) and Broadway and Telegraph Avenue (Latham Memorial Plaza). Because of the convergence of three major streets at 14th and Broadway, and conversely the lack of cross streets at Broadway and Telegraph, traffic congestion has always been a problem at these points: a solution is currently attempted by closing off the end of San Pablo Avenue. The congestion created by the street system was cited by Hegemann and others in the 1910s and 20s as a reason for limiting height and density downtown; they also recognized the radials as making downtown Oakland the natural collector district for East Bay commerce.

Important clusters of buildings give the district coherence at pedestrian level, and embody some of its main themes in concentrated form: the west side of Clay Street between 15th and 17th Streets, two unbroken blocks of early, reasonably intact, and generally large-scale buildings including the P.G. and E. building and Hotels Wagner and Touraine; a group of three early 1910s hotels on Jefferson and 15th Streets; five small 1920s high-base soft buildings on the gore behind the Cathedral Building (1600 block of Broadway and Telegraph), and a more diverse group of small buildings across Telegraph from them, which support and focus on the tall Cathedral Building and Latham Square Building at the 16th Street node. Narrow 16th Street between San Pablo and Telegraph, noted historically as (see continuation page 6)





HISTORIC RESOURCES INVENTORY

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set of ~~four~~ four addresses: Downtown District

7b. Physical Description (continued from page 5)

a "canyon" between tall buildings, is one of a number of distinctive view corridors within the district. The two flatiron buildings distinguish the view north on Broadway from 14th Street and below. Looking east on 16th from Jefferson Street, the 11-story First Trust and Savings Bank becomes a focal point. The central downtown skyline is seen to advantage not only along Broadway itself but looking south on San Pablo or Telegraph from 17th Street, west on 14th Street from Webster, and north on Franklin from 11th Street. Vistas outward provide a sense of the natural boundaries of the district, as tall buildings occur at wider intervals to the east and west (notably hotels on 14th and 15th Streets beyond Jefferson and on 13th beyond Franklin), and in later styles to the north and south in Uptown and the redevelopment area.

Uses within the Downtown district developed with a preponderance of banks and tall office buildings on the east side of Broadway (because of the choice corner lots), and major retail - furniture, clothing and department stores - in mid-rise loft buildings on the west side. Interspersed between the major commercial and financial buildings were and still are smaller store and loft buildings dating mostly from the early 1920s and including several fine examples of the high glass base type (see especially 1515 San Pablo, the 400 block of 15th Street, and 1600 blocks of Broadway and Telegraph), and public/semi-public buildings and utilities: City Hall, PG&E, and Pacific Telephone buildings, the Oakland Tribune. Multi-story hotels - with or without ground floor commercial space - dot the east and west edges of the district, and mark the transition to outlying apartment and neighborhood commercial areas. Theaters and clubs have all but vanished from the district, moving elsewhere or closing for good. Athenian, Pythian, and Elks Halls survive - some barely - as buildings if not as uses; Masonic and Athens Clubs were demolished in the redevelopment area, and an IOOF Hall at 1105 Franklin in the district. At least a dozen downtown stage and movie theaters as late as the 1950s have dwindled to one adult cinema at 1112 Broadway and one kung fu cinema, 1224 Broadway, recently closed for repairs. The Dufwin/Roxie at 511 17th Street survives as a building but recently closed as a theater.

Redevelopment of the blocks southwest of 14th and Broadway eliminated most of the major retail portion of downtown (Liberty House, 1501 Broadway, closed June 1984, was the only department store remaining; Roos Bros., on the other side of Broadway, is becoming offices). Thus a greater proportion of downtown's ground floor storefront uses than in the past seem to be services and conveniences for office workers, such as small lunch restaurants and printing and copy shops. The financial and office buildings have on the whole retained their original uses (exceptions are 1600 San Pablo Avenue and 526 14th Street, converted to apartments during World War II; a more typical change is the ground floor of 1401 Broadway from a bank to a shoe store). Downtown's banking and retail uses are now continuous with those of Uptown to the north, but the style, scale, and period of the buildings define them as two separate districts.

The present Downtown district has been defined on the basis of integrity and continuity, within the historically somewhat larger area of central district development of the reference period 1900-29. The southwest boundaries, along 11th and 14th Streets and Broadway from 11th to 14th, were automatically determined by the Transpacific and City Center redevelopments that cut sharply across the district. The other boundaries more closely approximate the gradual historic demarcations by architectural style and use. The hotel group on Jefferson Street was judged to be a natural, historic boundary, and a strong visual focus redeeming the break created by the City Hall parking structure and modernized 1401 Clay Street. The northern boundary along Broadway and Telegraph was fixed at 17th Street

(see continuation page 7)



**HISTORIC RESOURCES INVENTORY**

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et or rural address: \_\_\_\_\_ Downtown District

7b. Physical Description (continued from page 6)

both by a new American Savings building in the gore block and by a perceptible change to scale and uses more characteristic of Uptown. The general aim was to include that area with a concentration of tall, historicist, 1900-29 office and hotel buildings consistent with the central skyscraper group along the Broadway corridor; and in those general, natural boundaries to draw the specific lines where major discontinuities were created by vacant lots (e.g., both sides of San Pablo north of 17th Street), incompatible or excessive remodeling or new construction (Broadway north of Roos Bros., Franklin north of the 1927 Pacific Telephone building, the Merchants parking structure west of Franklin between 13th and 14th Streets).

165/11 16th St. "canyon", west from  
Telegraph to San Pablo: Liberty House  
Hotel Touraine, Latham Square Bldg.

401-449 15th St.  
107-32A

16th St  
Canyon  
165-11

107/32A 401-449 15th St., west from  
Franklin: Oakland Title, Ferns Hotel,  
Broadway Atrium Bldg, City Hall beyond

1617-1637 Broadway  
128/4

128/4 1617-1637 Broadway: loft group  
north of Cathedral Building





HISTORIC RESOURCES INVENTORY

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set or rural address: \_\_\_\_\_ Downtown District

165/2 view north from 14th & Broadway:  
Broadway & Cathedral Bldgs. at gores



165/9 view NW at Telegraph & Broadway  
gore: Latham Square bldg. & fountain  
loft group, Cathedral Bldg



110/18 371-449 13th St., west from  
Klin: Will Rogers Hotel, Gateway  
Savings, Tribune, Jurgens Bldg, City Center



144/6A 1601-25 Clay St.: Hotel Wagner,  
Lavenson Bldg, P.G. & E. Bldg.



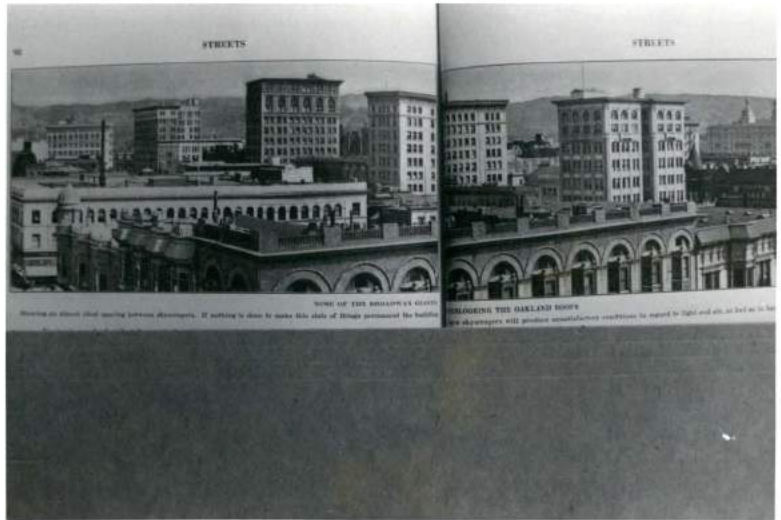




**HISTORIC RESOURCES INVENTORY**

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169/34 Downtown skyline, looking NE toward 1100-1501 Broadway, 1915; source, Hegemann Report.



169/29 Gores of Broadway, San Pablo & Telegraph, c.1910. Source, Oakland History Room



169/4A District view E on 14th from Clay, c.1915; source, Oakland Museum.



169/25 14th, San Pablo, & Broadway, 1889. Source Oakland History Room





HISTORIC RESOURCES INVENTORY

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City or rural address: Downtown District

107/10A West side of Franklin, 13th to 15th Streets: McMullen, Financial Center, Athenian, Graneton, & Oakland Title Insurance Co. Buildings



167/2 view northeast from 11th & Broadway: Pussycat Theater, 1100 Broadway & annex, Healy Bldg., Travelers Hotel



147/14 view east on 15th Street from Jefferson into district: Hotels Savoy & Oaks, City Hall West, City Hall



165/33 view into district, southeast on San Pablo from 17th Street, converging at 14th & Broadway





HISTORIC RESOURCES INVENTORY

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Street or rural address: Downtown District



Postcard view of the north side of 14th Street looking west from Franklin Street, Postmark reads August 21, 1941.



Downtown Oakland, Ca., 1915. "The Flatiron building is flanked by the recently built City Hall and the slender Cathedral Building" (postcard caption) Oakland Museum postcard reprints.





HISTORIC RESOURCES INVENTORY

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Street or parcel address: Downtown District

19. Historical and/or Architectural Importance (continued from page 2)

with its large number of real estate offices and hotels, and to the Uptown district with its movie palaces and department stores. Downtown's cluster of distinguished early 20th century skyscrapers, and the Beaux Arts City Hall, permanently established it as the city's center in both function and image, and as "downtown" for the entire East Bay area. Although the City Center redevelopment project has replaced the southwest retail quadrant of the historic downtown area with massive new office buildings (and more to come), the imagery and integrity of the remaining district remain strong.

The original Oakland mapped in 1853 by Julius Kellersberger extended east and west for about seven blocks on either side of Broadway, and north from the waterfront to 14th Street. Beyond 14th Street the land "remained for many years in an agricultural state, and its streets were later developed with reference to the purely accidental lines of the two country roads (San Pablo and Telegraph) leading to town" (Hegemann, p.5); in time this accident made 14th and Broadway the transportation hub of Oakland and the site of two handsome flatiron buildings. In the 1850s and early 60s, Oakland's commercial center was mostly south of 4th Street. Completion of the Oakland and San Francisco Railroad along 7th Street in 1863 drew commerce northward, as did residential Oakland's growth (population 1,543 in 1860, 10,500 in 1870, 67,000 by 1900) with the intentionally-named Broadway as its commercial strip. As early as 1893 the president of the Board of Trade, M.J. Keller (quoted by Dykstra, p.197) reported that "for many years Broadway, a magnificent street extending from the harbor line on the south to the foothills on the north, has been the main business artery of the city. Business houses have grown up along the thoroughfare until now some thirty blocks are quite solid... the mercantile district may be said to occupy the area between Seventh, Fourteenth, Washington and Franklin Streets..." Part of this mercantile section survives as the Old Oakland district (see SHRI form), and gives some idea of the setting into which the early skyscrapers were placed. Two former carriage factories on the edges of the present district, the 1893 Florence Block at 368 12th Street and the 1903 Kiel and Evans at 1628 San Pablo Avenue, also embody some of the area's late 19th century character; several other Victorians survive much remodeled.

Although the Alameda County courthouse was located in the earlier business district at 4th and Broadway, Oakland's City Hall has been located at 14th and Broadway since the 1870s. From 1868 to 1873 the College of California (now the University of California at Berkeley) occupied the four city blocks at the southeast corner of 14th and Franklin. The 14th and Broadway area was a civic and institutional center before it became a commercial one. The 1906 "Plan of Civic Improvement" by Charles Mulford Robinson proposed a new street and vista linking the City Hall and the post office at 17th Street and Broadway and creating suitable sites for sculptures and "another public, or semi-public building." Mayor Frank Mott's 1909 inaugural address, urging the construction of a new City Hall on the old site, noted that "the present day idea as to a City Hall is that it should be within the business district and as accessible as possible to the public," and 14th, Broadway, and San Pablo by then promised to "meet the requirements for many years to come."

In 1904, the Union Savings Bank erected at 1300 Broadway "Oakland's only skyscraper, the largest office building in Alameda County... an ornament to the City... ahead of any other edifice in Oakland" (Oakland Herald, 12/22/04, p.12). The 11-story steel frame building by Walter Mathews became the first of a series of well-spaced southwest-facing corner skyscrapers along Broadway that came to define the skyline of downtown Oakland. It was designed, however, as an attached building for its full height, with lightwells and blank walls on its north side: the pattern was not yet set. The building's 50'x100' mass replaced one-half of the 2-story, pre-1889 "Oregon Block": the north half of the Victorian (see continuation page 13)





HISTORIC RESOURCES INVENTORY

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City or rural address: Downtown District

19. Historical and/or Architectural Importance (continued from page 12)

building remains, much remodeled, as DeLauer's News Agency (1308-12 Broadway), an extreme example of the way downtown's 20th century buildings gradually grew up among the old.

31 of the contributory buildings now in the district date from 1906-1915, with major concentrations in 1906-7 (9 buildings) and 1912-13 (16 buildings). Henry Lafler in the Oakland Observer of April 8, 1916, reviewed the milestones of "Ten Years of Progress in Oakland - 1906-1915":

"Ten years ago...the tallest and most imposing buildings in the business center were churches...one beheld the lone bulk of the Union Savings Bank Building in the midst of half a dozen spires... and frame structures mostly of the vintage of the seventies or earlier... The Oakland Bank of Savings... three-story quarters were badly damaged by the earthquake; a new six-story steel and brick building (1200 Broadway, C.W. Dickey) was started immediately...; the First National Bank Building (1401 Broadway, L.B. Dutton)... commenced in September, 1907...; the Hotel St. Mark (opened) on December 31, 1907 (390-96 12th Street, B.G. McDougall)...; 1907 was by far the biggest year in home building that Oakland ever had... Nineteen-nine saw the beginning of the concentration of the retail district in the vicinity of Fourteenth and Clay. In this year Taft and Pennoyer moved into their new building (1401-27 Clay, Parkinson & Bergstrom, 1907-08), the first modern merchandising establishment in Oakland... In the two years 1912 and 1913 Oakland's building permits amounted to 18 millions of dollars, and this is a record that has never been even approached either right after the fire or in recent years... During 1913 more seven-story buildings (including the Jefferson/Clay Street hotel group) were in course of construction at one time than there were previously in Oakland... With 1914 and 1915 arrived the war and one of those periods of quiescence in a City's history...". (The whole Bay Area experienced a hotel boom from about 1913, in anticipation of the 1915 World's Fair).

Another article in the same issue elaborated on the northward expansion of the retail district following Taft and Pennoyer's then-courageous move. By 1916 retail gentrification drove the Produce Market from 11th and Washington to a new waterfront site (see SHRI form on Produce Market District). This retail district of 3-story brick loft-style buildings, concentrated southwest of 14th and Broadway, is the major historic component missing from the present district, replaced by the City Center project. The Taft and Pennoyer store survives (in radically remodeled form) as City Hall West (1401-27 Clay St.), and Kahn's department store (1501 Broadway; C.W. Dickey, 1912-13) as Liberty House.

Outside the retail quadrant, most of the 1906-1915 buildings originated as banks, office buildings, and hotels. They are predominantly tall (6 to 14 stories), on choice corner lots, and share a general Beaux Arts style. Characteristic materials are brick, stone, and reinforced concrete, with metal and terra cotta classically-derived ornament. Three-part composition is typical of these buildings, with elaborate entry arches (often lost to ground floor remodeling) and wide modillion cornices. The white granite and terra cotta clad City Hall (Palmer and Hornbostel, 1911-14) and the two white terra cotta clad flatiron buildings 401 Broadway, L.B. Dutton, 1907, and 1601 Broadway, B.G. McDougall, 1913-14), all date on this period. Architects who established the character of downtown Oakland in this decade with two or more buildings were Walter Mathews, Charles Dickey, Benjamin McDougall, Llewellyn B. Dutton, Frederick Meyer, Clay Burrell, and O'Brien & Werner. These Bay Area firms brought to commercial Oakland the imagery and pretension of New York's skyscraper and (see continuation page 14)





HISTORIC RESOURCES INVENTORY

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Sheet of ~~0001~~ 0100 address: Downtown District

19. Historical and/or Architectural Importance (continued from page 13)

flatiron architecture, imported first-hand for the City Hall.

Werner Hegemann's Report on a City Plan for the Municipalities of Oakland and Berkeley, prepared for those cities' governments and improvement organizations in 1915, portrays a downtown Oakland that is still physically recognizable today. Hegemann was particularly impressed with the "almost ideal spacing between skyscrapers" - the series of banks and office buildings on southwest-facing corners from 1100 to 1605 Broadway, the exemplary setback of the City Hall tower, and the design of tall buildings "architecturally developed on all four sides" (pp. 98-100). The "canyon" of skyscrapers formed around 16th Street by the completion of the Federal Realty Building (1605-15 Broadway) had been exciting in its way ("Canyon" Now Complete; May Be on City Seal,' Oakland Tribune, August 30, 1914, p.30), but Hegemann warned that Oakland should guard its distinctively punctuated skyline: "If nothing is done to make this state of things permanent the building of new skyscrapers will produce unsatisfactory conditions in regard to light and air, as bad as in San Francisco if not New York." Downtown Oakland's other enduring feature discussed by Hegemann was the radial street pattern whereby "the entire northwestern section of the huge East Bay area is opened up in a remarkable way" and a "powerful business center, strong enough to compete at every point with...San Francisco" created by the convergence of Broadway, San Pablo Avenue and Telegraph Avenue. This focal character survives, especially at 14th and Broadway, as do the flatiron buildings and triangular City Hall Plaza and Latham Square, and the traffic congestion for which Hegemann offered unrealized City Beautiful solutions of sweeping street openings and a ring road.

The second wave of downtown construction, between 1922 and 1929, continued Hegemann's ideal of point towers individually seen, in preference to wall-to-wall tall buildings, and the skyline was a much-photographed Oakland symbol in Tribune Yearbooks, postcards, and other civic publications. The '20s buildings in the district include examples both taller and shorter than the medium-high buildings of the first decade, consciously or unconsciously maintaining the "ideal spacing" by using contrasting infill. Tower additions of 21 and 18 stories were made to the Tribune building (401-17 13th Street) and the Oakland Bank of Savings (1200-12 Broadway) in 1922-23; also from the '20s are the two clusters of small, 2 and 3 story buildings in the district, along the 400 block of 15th Street and behind the Cathedral Building on the 1600 blocks of Broadway and Telegraph. Some of these buildings, especially the Broadway group, introduce into the district a number of fine examples of 2-part store and loft composition, terra cotta and brick above a high glass base. They also introduced small-scale speculative building: architects Reed and Foulkes each built at least one as investments for themselves.

The style of the 1920s buildings in the district remained mainly historicist; variations from the mostly Classical patterns of 1906-13 include the 2-part glass base style, the narrow corbeled cornices of 380-98 14th Street (Charles McCall, 1923-4) and 1400 Broadway (George Kelham and Walter Mathews, 1925-6), and Gothic motifs in terra cotta (William Knowles's 512 16th Street and 1500 Broadway, 1919 and 1922). By far the most prolific architects in the district between 1921 and 1929 were the firm of Walter Reed and William Corlett (10 extant buildings); others of importance were Maury I. Diggs, Charles McCall, Edward T. Foulkes, William Knowles, and Schirmer and Bugbee. A group of Art Deco buildings from 1928-9 concludes the period of active development of downtown Oakland, as well as setting the style for the full amount of remodeling and new construction that took place in the next 20 years. This group includes Reed and Corlett's Financial Center skyscraper (401-15 14th Street), a striking 3-part brick and terra cotta Ziggurat type transition between the historicist and deco styles, F.H. Reimers' proto-WPA Income Securities Building at 360-4 14th Street, a smaller (see continuation page 15)





HISTORIC RESOURCES INVENTORY

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et or (url) address: Downtown District

19. Historical and/or Architectural Importance (continued from page 14)

bank building by W.E. Schirmer at 369 13th Street, and the tile resurfacing of the 1902 Elks Hall at 412-20 14th Street.

The Crash of 1929 coincides with the end of historic downtown Oakland's physical growth, though contemporary observers saw it slowing earlier: the 1928 Mayor's Message noted a slacking of new construction, and Ann Orr (Observer, August 13, 1932) attributed Uptown's recent success as a luxury shopping and entertainment district to "ten years or more" of downtown lethargy. Orr added that Downtown was beginning to fight back with "rehabilitations of old, favored spots. The Abrahamson store putting on a gallant new front, green tile, pristine, inviting..." Edward T. Foulkes showed this (now demolished) building in an article on "Modernization" in the September 1934 Architect and Engineer, with other examples of the Oakland Downtown Property Owners' two-year-old "modernization and rehabilitation campaign." Tile facades in the district exemplifying this depression-era pattern are 1429 Broadway (Foulkes, 1935) and 1120-38 Broadway (1938); 1220 Broadway (1935) is a new building in similar style. Another trend of the 1930s that insured Downtown's survival in its 1900-29 form was the shift of civic center development to the lakeside area near the 1913-15 Municipal Auditorium (main post office in 1930, county courthouse in 1935-6). Ambitious civic center plans of the 1940s and 50s were laid there, not around City Hall. Downtown continued its historic pattern of uses into the 1960s: City Hall at the center, banks and offices east of Broadway, department and furniture stores southwest of 14th and Broadway, movie theaters along Broadway, hotels on the periphery. The 1966 Oakland Central District plan projected something like the present City Center redevelopment, with hotel, malls and office towers around a rapid transit node, but placed it uptown west of Telegraph; the plan for the core itself was "containment and intensification." The subsequent City Center and Trans-Pacific projects created the district's sharp southern boundaries along 14th, Broadway, and 11th Streets, leaving the remaining two-thirds or three-quarters relatively unintensified, its scale and style still those of its historic period of development.

In recent years the district lost most of its department&furniture stores to redevelopment, theaters have closed, and a number of banks have moved uptown to large, computer-oriented buildings. Downtown has become predominantly an office (and office-worker) district, and office conversion of rehabilitated older buildings an important trend - recent commercial examples include 1100 and 1450 Broadway, there is a cluster of converted government offices at 1401 and 1501 Clay and 560 14th Street, and office remodeling is in progress at the old Roxie Theater and Roos Bros. store and anticipated for Liberty House.

21. Sources (continued from page 2)

Photo files, Oakland History Room, Oakland Public Library  
Werner Hegemann, Report on a City Plan for the Municipalities of Oakland and Berkeley, 1915  
Charles Mulford Robinson, "A Plan of Civic Improvement for...Oakland," 1906  
"Third Inaugural Message of Frank K. Mott, Mayor," Oakland, April 5, 1909  
Henry A. Lafler, "Ten Years of Progress in Oakland - 1906-1915," The Observer, April 8, 1916, pp. 3-12  
Oakland Tribune Yearbooks, 1923-30  
Ann Orr, "Places and Personalities," The Observer, August 13, 1932, pp. 8-9  
Oakland Central District Plan, 1966, Oakland City Planning Department  
John B. Dykstra, "A History of the Physical Development of...Oakland...1850-1930," M.C.P. thesis, U.C. Berkeley, 1967





HISTORIC RESOURCES INVENTORY

CP

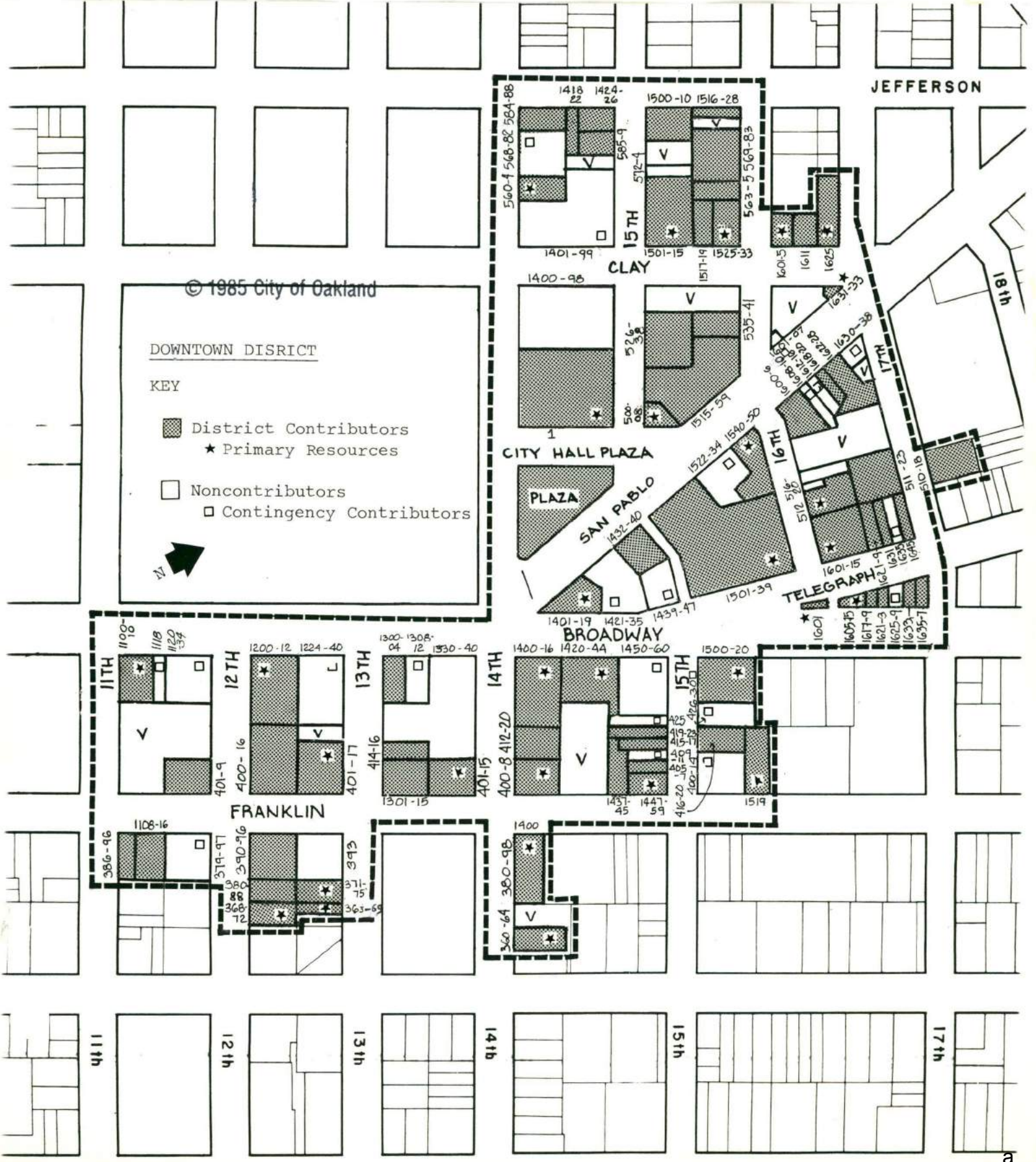
Street or rural address: Downtown District

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DOWNTOWN DISTRICT

KEY

- District Contributors
- Primary Resources
- Noncontributors
- Contingency Contributors





OAKLAND CULTURAL HERITAGE SURVEY - OAKLAND CITY PLANNING DEPARTMENT  
 LIST OF PROPERTIES WITHIN THE BOUNDARIES OF THE DOWNTOWN DISTRICT  
 (Draft 12-7-84 - Rev. 11-7-84)

(1)	Address/Location	Common Name (C)/Historic Name (H)	Date (2)	Architect (A) Engineer (E), Builder (B) or other Designer	(3)	(4)	(5)
<b>BROADWAY</b>							
I/DT	1100-10 Broadway/ 436-46 11th St.	1100 Broadway Building (C); Security Bank & Trust Co. Building, later Key System Bld. (H)	1911-12; add. 1924	Frederick H. Meyer (A) 1911-12; Bank of Italy (A) 1924	A	1	SL
DT	1118 Broadway	Pussycat Theater Building (C) Remillard's Building; later Regent Theater Building (H)	1871-72; rem. 1912 and c. 1950	Unknown	D	4D	-
DT	1120-34 Broadway/ 435-49 12th St.	Central Block (H); later Central Building (H)	1871-72; rem. 1938	W. C. Milwain (A) 1938	C	4	-
I/DT	1200-12 Broadway/ 448 12th St.	Bank of America Building (C); Oakland Bank of Savings Building (H)	1907; add 1909 & 1922-23	Charles W. Dickey (A) 1907; Dickey & Reed (A) 1909; Reed & Corlett (A), 1922-23	A	2	SL
DT	1224-40 Broadway/ 427-49 13th St.	Lux Theater Building (C); Charles Jurgens Company Building (H)	1935	H. A. Minton (A)	C	4D	-
DT	1300-04 Broadway/ 430-48 13th St.	Unity Building (C); Union Savings Bank Building, later Easton Bldg. (H)	1904-05	Walter J. Mathews (A)	A	3D/4	SL
DT	1308-12 Broadway	De Lauer's Super News Stand (C)	pre-1889; rem. 1937 & 1964-65	Edward T. Foulkes (A) 1937; Arthur Peter Lenz (A) 1964-65	D/C <sup>5</sup>	4D	-
I	1330-40 Broadway/417-29 14th St/ 420 13th St.	1330 Broadway Bldg. and Garage (C); First Western Building (H)	1956-59	Stone, Mulloy, Marraccini and Patterson (A)	*	4	-
I/DT	1400-16 Broadway/ 424-48 14th St.	Central Bank Building (C) (H)	1925-26	George W. Kelham (A) & Walter J. Mathews (A)	A	3	SL
I/DT	1401-19 Broadway/ 1402-14 San Pablo Ave.	Broadway Building (C); First National Bank of Oakland Building (H)	1907-08	Llewellyn B. Dutton Co. (A)	A	3	-
I/DT	1420-44 Broadway	1440 Broadway Building (C); Realty Syndicate Building & Ye Liberty Playhouse (H)	1903-04; add. 1910-11	D. Franklin Oliver (A) 1903-04; William L. Woollett (A), 1910-11	A	3	-
DT	1421-35 Broadway/ 1420-30 San Pablo Ave.	KCR Building (C); Potter Block (North portion); later Playter Block (North portion), Playter Building (H)	1877-78; add. 1886-87; rem. 1927 & 1935, 1966 & C. 1970	Edward Foulkes (A) 1935	D/C <sup>2</sup>	4D	-

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<b>BROADWAY</b>							
DT	1439-47 Broadway (SW corner 15th St. Alley)	Store Building	1925; rem. 1951	Reed & Corlett (A) 1925; Confer & Wills (A) 1951	D	4	-
DT	1450-60 Broadway/ 429-49 15th St.	Broadway Atrium Bldg. (C); Mazor Bros. Bldg.; later Anglo-California National Bank Bldg. (H)	1920-21; add. and rem. 1947- 48	Bernard J. Joseph (A), 1920-21; H.H. Winner (A), 1947-48	*	4D	-
I/DT	1500-20 Broadway/ 448 15th St.	Roos Brothers Store Building (H)	1922-23	William Knowles (A)	A	3	SL
I/DT	1501-39 Broadway/ 501-11 16th St./ 1500 San Pablo Ave.	Liberty House Department Store (C); Kahn's Department Store (H)	1912-13; add. 1923- 24	Charles W. Dickey (A), 1912-13; E.A. Cannon (A), 1923-24	A	3	SL
I/DT	1601 Broadway and Telegraph Ave. Gore	Latham (James H. & Henrietta Marshall) Memorial Fountain (C) (H)	1913	Raphael Charles Peyre (sculptor); Gorham & Co. (foundry)	A	3	SL
I/DT	1605-15 Broadway/ 1606-14 Telegraph Ave.	Cathedral Building (C); Federal Realty Co. Building, later Pierce Bldg. (H)	1913-14	Benjamin Geer Mc Dougall (A)	A	1	LM
DT	1617-19 Broadway/ 1618-20 Telegraph Ave.	Loeb & Velasco Jewelers Building (C)	1928	H. G. Brellin (A)	C	3D	SL
DT	1621-23 Broadway/ 1624-26 Telegraph Ave.	Medical & Podiatry Building (C)	1877-78; rem. 1924	(Walter D.) Reed & (William H.) Corlett (A), 1924	C	3D	-
DT	1625-29 Broadway/ 1630-32 Telegraph Ave.	Steinbeck (H.C.W.) Building (H)	1878-79; rem. 1924 and 1955	Reed & Corlett (A) 1924; A. Lewis Koue (A) 1955	D/C <sup>2</sup>	4D	-
DT	1633 Broadway/ 1636 Telegraph Ave.	Reed (Walter D.) Building (H)	1877-78; rem. 1923	Reed & Corlett (A) 1923	C/B <sup>2</sup>	3D	-
DT	1635-37 Broadway/ 451-57 17th St./ 1642-44 Telegraph Ave.	Store Building	1922-23	Leonard H. Thomas (A)	C/B <sup>2</sup>	C/B <sup>2</sup>	-
<b>CITY HALL PLAZA</b>							
DT	City Hall Plaza	Memorial Plaza; City Hall Plaza (C) (H)	1868; rem. 1911-14	Unknown	C/B <sup>3</sup>	3D	-
I/DT	#1 City Hall Plaza (formerly 1421 Washington)	Oakland City Hall (C) (H)	1911-14	Palmer & Hornbostel	A	1	LM

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<b>CLAY STREET</b>							
DT	1400-98 Clay St. (N.E. Corner of 14th St. and S.E. corner of 15th St.)	Clay Street Garage; City Hall Garage (C) (H)	1960	John Papadakis (A)	*	5	-
DT	1401-99 Clay St. (N.W. Corner 14th St. and S.W. Corner 15th St.)	City Hall Annex (C); Taft & Penoyer Department Store Building (H)	1907-08; rem. 1957-58	Parkinson & Berg- strom (A) 1907-08; Clayton Van Wagner (A) 1957-58	C/A <sup>5</sup>	4	-
I/DT	1501-15 Clay St./ 550-74 15th St.	George P. Miller Federal Office Building and Annex (C) John Breuner Co. Building and Annex (H)	1916-17; add. 1924	Walter J. Mathews (A) 1916-17; Reed & Cor- lett (A) 1924	B	3	SL
I/DT	1517-19th Clay St.	M. Stulsaft Co. Bldg. (H)	1924	H. P. Hoyt (A)	C	3D	-
I/DT	1525-33 Clay St./ 557-59 16th St.	Hotel Touraine Building (C) (H)	1913-14	Henry H. Meyers (A)	B	3	SL
I/DT	1601-05 Clay St./ 550-56th St.	Hotel Wagner Building (C) Alameda Building & Loan Association Bldg. (H)	1907	Cunningham & Politeo (A)	B/A <sup>5</sup>	3	SL
DT	1611 Clay St.	Lavenson (Albert S.) Building (H)	1923	Edward T. Foulkes (A)	C/B <sup>2</sup>	3D/4	-
I/DT	1625 Clay St. / 551 17th St.	Pacific Gas & Electric Co. Building (H)	1922	Charles W. Dickey (A)	A	3	SL

**FRANKLIN STREET**

I/DT	1108-16 Franklin St.	I.D.E.S. (Irmandade do Divino Espirito Santo) Building (C)	1923-24	M. F. Sommarstrom (A)	C	3D	-
DT	1301-15 Franklin St./400-12 13th St.	McMullen Building (C); Richfield Oil Co. Building (H)	1924-25	H. H. Winner (A)	C	3D	-
DT	1437-45 Franklin St.	Brownell Building (H)	1924	Schirmer-Bugbee (A)	C	3D	-
I/DT	1447-59 Franklin St./401-03 15th St.	Oakland Title Insurance & Guaranty Co. Building (H)	1921-22	Maury I. Diggs (A)	A	3	SL
I/DT	1519 Franklin St.	Pacific Telephone and Telegraph Co. Building (C) (H)	1918; add. 1927	E. V. Cobby (A)	B	3	SL

**JEFFERSON STREET**

DT	1418-22 Jefferson St.	Hotel Savoy Cafeteria and Restaurant Building (H)	1912	Unknown	C	3D	-
DT	1424-26 Jefferson St./593-7 15th St.	Dragon Hotel Building (C); Hotel Savoy Building (H)	1912-13	Remy J. Pavert (A)	C	3D	-

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<b>JEFFERSON STREET</b>							
DT	✓ 1500-10 Jefferson St./588-98 15th St.	Taylor (James) Mortuary Building (H)	1906	T. D. Newsom (A)	C/B <sup>2</sup>		-
DT	✓ 1516-28 Jefferson St./595-16th St.	Tucker (A.J.) Building (H)	1923-24	James L. Rich (B)	C	3D	-
<b>SAN PABLO</b>							
DT	✓ 1432-40 San Pablo Ave./467-77 15th St.	Woodward Building (C) (H); Bell Theater (1904-12) (H)	1904; add. & rem. 1912-13	Unknown (1904); Walter J. Mathews (A), 1912-1913	B	3D	-
DT	✓ 1515-59 San Pablo Ave./512-520 15th St./525-33 16th St.	New York Fabrics Bldg. (C); Midgley Bldg. (H)	1923 (2 phases)	Willis C. Lowe (A)	C	3D	-
DT	✓ 1522-34 San Pablo Ave.	Store Building	1877-78; rem. 1913 & 1938	Unknown	D/B <sup>2</sup>	4D	-
I/DT	✓ 1540-50 San Pablo Ave./1521-63 16th St.	Oakland Commerce Building (C); First Trust and Savings Bank Bldg; later American Bank Bldg. (H)	1913-14	Llewellyn B. Dutton Co. (A)	A	3	SL
DT	✓ 1600-06 San Pablo Ave./532-38 16th St.	Drake Building (C); Heald-Dixon Business College Building (H)	1906; add. 1918-19	Charles F. Mau (A), 1906; E.W. Cannon (A) 1918-19	C	3D	-
	✓ 1601-07 San Pablo Ave./540 16th St.	Store Building	1950-51; pt. dem. 1965	Alben Froberg (A)	*	5	-
DT	✓ 1608-10 San Pablo Ave.	Store Building	1887-88; pt. dem. 1944-45; rem. 1970	Unknown	D/B <sup>2</sup>	4D	-
DT	✓ 1612-16 San Pablo Ave.	Store Building	1887-88; rem. c. 1970	Unknown	C/B <sup>2</sup>	4D	-
DT	✓ 1618-20 San Pablo Ave.	Store Building	1906-7; rem. c. 1925	(Charles W.) McCall & (William Joseph) Wyeth (A)	C	3D	-
DT	✓ 1622-28 San Pablo Ave./529 17th St.	Kiel & Evans Carriage Factory Building (H)	1902-03	Unknown	C/B <sup>2</sup>	3D	SL
DT	✓ 1630-32 San Pablo Ave. (SE corner 16th St.)	Store Building	1894-95; rem. 1950 & 1973	Unknown	D/C <sup>3</sup>	4D	-
I/DT	✓ 1631-33 San Pablo Ave./1624 Clay St.	MacIise (James) Drug Store Building (H)	1898-9	Unknown	A	3	LM

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<b>TELEGRAPH AVENUE</b>							
I/DT	1601-15 Telegraph Ave./500-08 16th St.	Latham Square Building (C) (H)	1925-26	Maury I. Diggs (A)	B/A <sup>2</sup>	3	SL
DT	1621-29 Telegraph Ave.	Store Building	1924	John J. Donovan (A)	C	3D	-
DT	1631 Telegraph Ave.	Store Building	1892-93; rem. c. 1925	Unknown	C	3D	-
DT	1635 Telegraph Ave.	Columbia Outfitting Co. Bldg. (H)	1922; rem. 1951 & 1965	Mel Schwartz (A) 1922; John B. Anthony (A) 1951	D/C <sup>3</sup>	4D	-
DT	1645 Telegraph Ave. 501-09 17th St.	Cahill (J.R.) Sbarbara (A.) Building (H)	1922	John Cahill (A)	C	3D	-
<b>11TH STREET</b>							
DT	386-96 11th St./ 1100-04 Franklin St.	Travelers Hotel Bldg. (C) Vernon Hotel Building (H)	1913-14	William Wilde (A)	C/B <sup>3</sup>	3D	-
<b>12TH STREET</b>							
	368-72 12th St.	Florence Block (C) (H)	1893-94	John J. & Thomas D. Newsom (A)	B/A <sup>3</sup>	3	SL
<b>12TH STREET</b>							
DT	379-97 12th St./ 1120-30 Franklin St.	Lee Family Benevolent Society (C); Pythian Castle (H)	1878-79; rem. 1949	Unknown	C/A <sup>2</sup>	4	-
DT	380-88 12th St.	Store Building	1912	Martin E. Marks (B)	C	3D	-
DT	390-96 12th St./ 1200-14 Franklin St.	St. Mark Hotel (H) (C)	1907	Benjamin Geer Mc Dougall (A)	B/A <sup>2</sup>	3D/4	-
DT	400-16 12th St./ 1201-11 Franklin St.	Oakland Tribune Press Bldg. (C); Pantages Theater Building (H)	1912	(Mathew) O'Brien & (Carl) Werner (A)	C	3D	-
DT	401-09 12th St./ 1119-45 Franklin St.	Starlight Ballroom Bldg. (C); Weber House (H)	c. 1885; rem. 1924-25	Allen E. King (A) 1924-25	C	3D	-

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<b>13TH STREET</b>							
I/DT	✓ 363-69 13th St.	Central Building and Loan Association Building (H)	1929	William E. Schirmer (A)	B/A <sup>2</sup>	3	SL
I/DT	✓ 371-75 13th St.	Hotel Will Rogers Bldg. (C); Hotel St. George Bldg. (H)	1906-08	Walter J. Mathews	B	3	SL
DT	393 13th St./ 1228 Franklin St.	Gateway Savings Building (C); Crocker Bank Building (H)	1950-52	Milton Pflueger	*	5	-
I/DT	✓ 401-17 13th St./ 1219 Franklin St.	Oakland Tribune Building and Tower (C); John Breuner Co. Building (H)	1906; add 1922-23 (tower)	D. Franklin Oliver (A) 1906; Edward T. Foulkes (A) 1922-23	A	3	LM (tower)
DT	✓ 414-16 13th St.	Popper-Bernhelm Building (C) Perry (R.A.) Building (H)	1910-11	Frederick H. Meyer & Walter Reed (A)	C/B <sup>2</sup>	3D	-
-	420 13th St.	See 1330 Broadway					
<b>14TH STREET</b>							
I/DT	✓ 360-64 14th St.	Bank of Oakland Building (C); Income Securities Building (H)	1928	Frederick H. Relmers (A)	B	3	SL
I/DT	✓ 380-98 14th St./ 1400-04 Franklin St.	Holland Building (C); Alameda County Title Insurance Company Building (H)	1923-24	C.W. McCall (A) & C.T. & Davis (A)	B	3	SL
I/DT	✓ 400-08 14th St./ 401-11 Franklin St.	Athenian Nile Club Bldg. (C) (H)	1901-02	Walter J. Mathews (A)	A	3	SL
I/DT	✓ 401-15 14th St./ 1319-27 Franklin St.	Financial Center Building (C) (H)	1928-29	(Walter) Reed & (William H.) Corlett (A)	A	3	-
DT	✓ 412-20 14th St.	Elks Hall Bldg. (C) (H)	1902-03; rem. 1929	Unknown, 1902-03; R.G. de Lappe (A) 1929	B	3D/4	SL
I/DT	✓ 560-64 14th St.	Blood (Nellie E.) - Appleton (Jessie L.) Building (H)	1914	Charles W. Dickey (A)	B/A <sup>3</sup>	3	SL
DT	✓ 568-82 14th St.	Locke (John M.) Bldg. (H)	1911-12; rem. c. 1940	Charles W. Dickey (A) 1911-12	D	4D	-
DT	✓ 584-88 14th St./ 1400-16 Jefferson St.	Hotel Sutter (C) (H)	1913-14	Clay N. Burrell (A)	B	3D/4	-

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<b>15TH STREET</b>							
DT	400-414 15th St./ ✓ 1503-17 Franklin St.	Store Building	1915; rem. 1954	C. W. Dickey (A) 1915	D/C <sup>2</sup>	4D	-
DT	✓ 405-07 15th St.	Store Building	1922	Maury I. Diggs (A)	C	3D	-
DT	✓ 409-11 15th St.	Pioneer Investors Savings and Loan Association Bldg. (C) Porter (Frank Flint) Bldg. (H)	1922; rem. 1949-50	C. W. McCall (A), 1922; W.E. Schirmer (A), 1949	C/B <sup>2</sup>	4	-
DT	✓ 415-17 15th St.	Ferns Hotel Bldg. (C)The Majestic (furnished rooms) (H)	1903	Unknown	C	3D	-
DT	✓ 416-20 15th St.	Store Building	1913; rem. 1922	Charles W. Dickey (A), 1913; William Knowles (A), 1922	C/B <sup>3</sup>	3D	-
DT	✓ 419-23 15th St.	Foulkes (Edward T.) Building (H)	1924	Edward T. Foulkes (A)	C/B <sup>3</sup>	3D/4	SL
DT	✓ 425 15th St.	"The Hub" Building (C)	1919; rem. c. 1960	Hamilton Murdock (A)	D/C <sup>2</sup>	4D	-
DT	✓ 426-30 15th St.	Store Building	1924; rem. 1958-59	Reed & Corlett (A) 1924	C/B <sup>3</sup>	4D	-
I/DT	✓ 500-508 15th St./ ✓ 101-161 City Hall Plaza	Plaza Bldg. (C) (H)	1913	(Mathew) O'Brien & (Carl) Werner (A)	B	3	-
DT	✓ 526-38 15th St.	Dalziel (Robert J.) Building (C) (H)	1913-14	Milwain Brothers (A)	B	3D/4	SL
DT	✓ 572-74 15th St.	Coakley Hotel Bldg. (C) (H)	1911	D. L. Coleman (A)	C	3D	-
DT	✓ 585-89 15th St.	Hotel Oaks Building (C) (H)	1912-13; add. 1914-15	Clay N. Burrell (A) 1914-15; John B. Leonard (E) 1914-15	C/B <sup>2</sup>	3D/4	-
<b>16TH STREET</b>							
I/DT	✓ 512 16th St.	Morgan Building (C); East Bay Water Company Building (H)	1919	William Knowles (A)	B/A <sup>2</sup>	3	SL
DT	✓ 516-20 16th St.	Kessler & Kessler Law Offices Bldg. (C) Vauban's Restaurant Bldg. (H)	1922-23; rem. 1953-54	Reed & Corlett (A) 1922-23; Cecil S. Moyer (1953-54)	*	5	-
DT	✓ 535-41 16th St.	Store Building	1921	M. I. Diggs (A)	C	3D	SL
DT	✓ 563-65 16th St.	Alameda City Loan Association Bldg. Annex (H)	1912-13	A.T. Ehrenfort (A)	C	3D	-
DT	✓ 569-83 16th St.	Store Building	1922	L.S. Stone (A)	C	3D	-
<b>17TH STREET</b>							
DT	✓ 510-18 17th St.	Show Plaza Center (C)	1923	Reed and Corlett (A)	C/B <sup>2</sup>	3D	-
DT	✓ 511-23 17th St.	Roxie Theater (C); Dufwin Theater (H)	1928	Weeks and Day (A)	B	3D/4	SL

(1) State Form Information: I=See Individual State form only; I/DT = See Individual and District State form; DT = See District State form only.

(2) Date: rem. = remodeled; add. = addition; dem. = demolished; mvd. = moved; rebilt. = rebuilt.

Significance Rating: A = Highest Importance; B = Major Importance; C = Secondary Importance; D = Of no particular interest; \* = Not rated. Combined Ratings: eg. D/C<sup>1</sup> or C/B<sup>2</sup> or C/B<sup>3</sup> = Present significance/future significance, if (1) additional information can be found, or (2) property is restored--scope of work appears to be extensive or has not yet been identified, or (3) property is restored--required work does not appear to be extensive.

(4) National Register Status: 1 = Listed; 2 = Eligible; 3 = Appears eligible; 4 = May become eligible if restored or when over 50 years old; 5 = Does not appear eligible; 1D, 2D, 3D, 4D = 1, 2, 3 or 4 only as part of district.

(5) City Landmark Status: LM = Landmark; S7 = In S-7 Preservation Zone; SL = On Study List.



a

164/23 view north into district from  
- 11th and Franklin -

AT09FA-13





a

- 128/4 1617/1637 Broadway: loft group -  
north of Cathedral Building

AT09FA-11





a



107/32A 401-449 15th St., west from  
Franklin: Oakland Title, Ferns Hotel,  
Broadway Atrium Bldg, City Hall Beyond

AT09FA-12





a

165/11 16th St. "canyon", west from  
- Telegraph to San Pablo: Liberty House -  
Hotel Touraine, Latham Square Bldg.

AT09FA-10



\*Resource Name or #: Serial No. 211  
400-08 14TH ST/401-11 FRANKLIN Oakland CA 94612

- B1. Historic Name: Athenian-Nile Club building
- B2. Common Name: Athenian-Nile Club
- B3. Original Use: Commerce
- B4. Present Use: Commerce
- \*B5. Architectural Style: Beaux Arts derivative - Colonial Revival
- \*B6. Construction History: built 1901-02  
storefront changed, some ornament removed
- \*B7. Moved?  No / Yes / Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_
- \*B8. Related Features:

B9a. Architect: Mathews, Walter J.                      b. Builder: unknown

- \*B10. Significance: Theme: masonry buildings (commercial)                      Area: Oakland  
Period: 1850-1948 Property Type: commercial building                      N.R. Criteria: A,C  
(Discuss importance in terms of context as defined by theme, period, and geographic scope. Also address integrity.)

400-08 14TH ST; the Athenian-Nile Club building, is a representative example of a Beaux Arts derivative-Colonial Revival commercial building. It was built in 1901-02, architect Walter J. Mathews and builder unknown. It is dated by assessor's block books, and was originally valued at \$25,000. Historically the building reflects downtown Oakland business and commercial development, and social history. The original owner and occupant was Athenian-Nile Club. Walter Mathews (1850-1947), son of pioneer Oakland architect Julius Mathews, was city architect in the 1890s, designed First Unitarian Church (1890) and Oakland's first skyscraper (1904), and by 1911 was said to have designed so many buildings that they would stretch the length of Broadway.

The Oakland Cultural Heritage Survey rates this property B+al+ (B, major importance, landmark quality; potentially A, highest importance, if restored), particularly for its historical associations and designer. It is a contributor to the Downtown district (Area of Primary Importance: 1+). It meets the definition of a Historic Structure in the Oakland URM ordinance. It is on the City of Oakland Preservation Study List. This building has been determined eligible for the National Register as a contributor to the Downtown district. It also appears individually eligible.

NOTE: THIS FORM UPDATES AN EARLIER FORM FOR THIS PROPERTY (OCHS vol.9: SEE ITEM P11), AND INCORPORATES BY REFERENCE ALL INFORMATION NOT SUPERSEDED BY THIS UPDATE.

B11. Resource Attributes: HP07,13--commercial building - meeting hall.

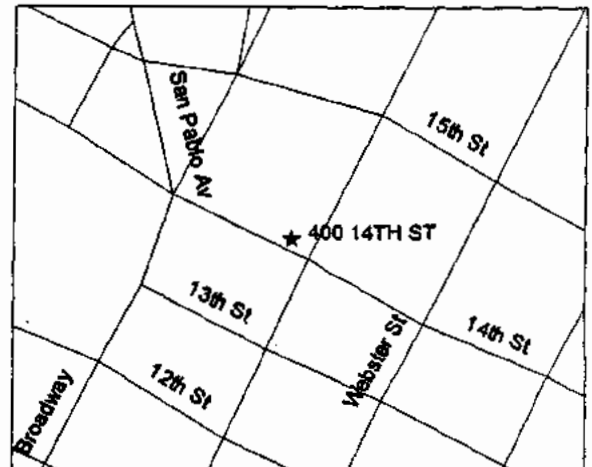
- \*B12. References:  
City & county tax rolls & block books, 1869-1925; Sanborn maps, 1882-1970s; city directories & phone books; U.S. census; building & alt. permits; biographical & subject indexes, Oakland History Room; OCHS vol.9

B13. Remarks:  
Primary Record submitted 9/30/94.

- \*B14. Evaluator: HUD (NR); OCHS Christopher Buckley  
\*Date of Evaluation: 01/19/86 (NR); OCHS 01/20/84  
Date Recorded: 09/30/95

(This space reserved for official comments.)

(Sketch map, <sup>^</sup>N<sup>^</sup> north at top.)



DOWNTOWN DISTRICT  
Primary Resource

Ser. No. 4623-53-74

HABS \_\_\_\_\_ HAER \_\_\_\_\_ NR 3 SHL \_\_\_\_\_ Loc \_\_\_\_\_  
UTM: A \_\_\_\_\_ B \_\_\_\_\_  
C \_\_\_\_\_ D \_\_\_\_\_

0001.1132

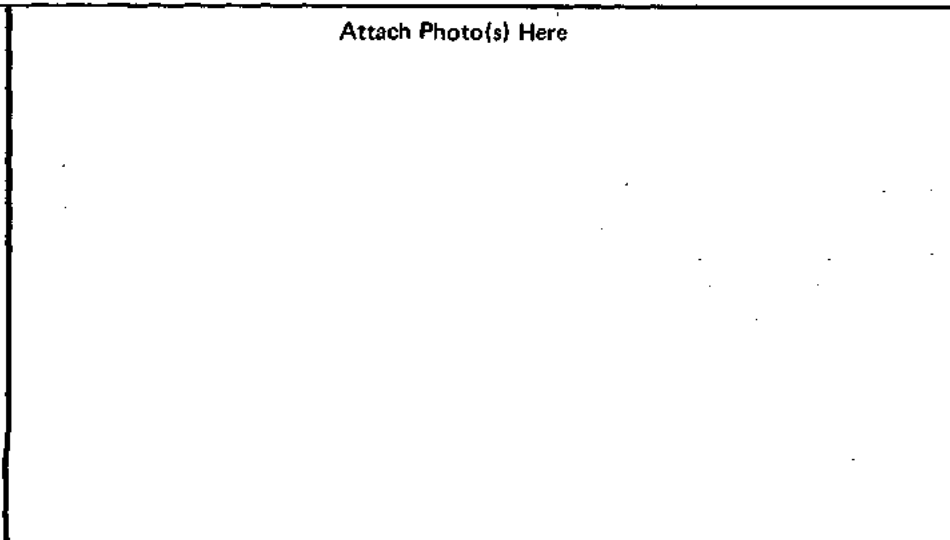
IDENTIFICATION

- 1. Common name: Athenian - Nile Club Building
- 2. Historic name: Same
- 3. Street or rural address: 400- 08 14th Street/1401- 11 Franklin Street  
City Oakland Zip 94612 County Alameda
- 4. Parcel number: 8-621-9
- 5. Present Owner: Adrien M. Hynes Address: 721 Central Building  
City Oakland Zip 94612 Ownership is: Public \_\_\_\_\_ Private X
- 6. Present Use: Club and commercial Original use: Same

DESCRIPTION

- 7a. Architectural style: Early 20th century commercial
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

See separate Historical Resources Inventory form for physical description



- 8. Construction date: 1901-  
Estimated \_\_\_\_\_ Factual 1902
- 9. Architect Walter J. Mathews
- 10. Builder Walter J. Mathews
- 11. Approx. property size (in feet)  
Frontage 75 Depth 100  
or approx. acreage \_\_\_\_\_
- 12. Date(s) of enclosed photograph(s)  
\_\_\_\_\_

- 13. Condition: Excellent \_\_\_ Good  Fair \_\_\_ Deteriorated \_\_\_ No longer in existence \_\_\_
- 14. Alterations: Storefronts; some stucco ornamentation removed
- 15. Surroundings: (Check more than one if necessary) Open land \_\_\_ Scattered buildings \_\_\_ Densely built-up   
Residential \_\_\_ Industrial \_\_\_ Commercial  Other: \_\_\_\_\_
- 16. Threats to site: None known \_\_\_ Private development  Zoning \_\_\_ Vandalism \_\_\_  
Public Works project \_\_\_ Other: \_\_\_\_\_
- 17. Is the structure: On its original site?  Moved? \_\_\_ Unknown? \_\_\_
- 18. Related features: Frederick B. Ginn House (later Nile Club) at 660 13th Street

**SIGNIFICANCE**

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

See separate Historic Resources Inventory form for statement of significance

- 20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)  
 Architecture 3 Arts & Leisure \_\_\_\_\_  
 Economic/Industrial 2 Exploration/Settlement \_\_\_\_\_  
 Government \_\_\_\_\_ Military \_\_\_\_\_  
 Religion \_\_\_\_\_ Social/Education 1

21. Sources (List books, documents, surveys, personal interviews and their dates).

22. Date form prepared May 31, 1984  
 By (name) Staff  
 Organization Oakland Cultural Heritage Survey  
 Address: City Planning Dept., City Hall  
 City Oakland Zip 94612  
 Phone: (415) 273-3941

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):





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

Ser. No. 4623-53-74  
 HABS \_\_\_\_\_ HAER \_\_\_\_\_ NR 3 SHL \_\_\_\_\_ Loc \_\_\_\_\_  
 UTM: A 10/564360/4184130 B \_\_\_\_\_  
 C \_\_\_\_\_ D \_\_\_\_\_

**HISTORIC RESOURCES INVENTORY**

0003.0122

**IDENTIFICATION**

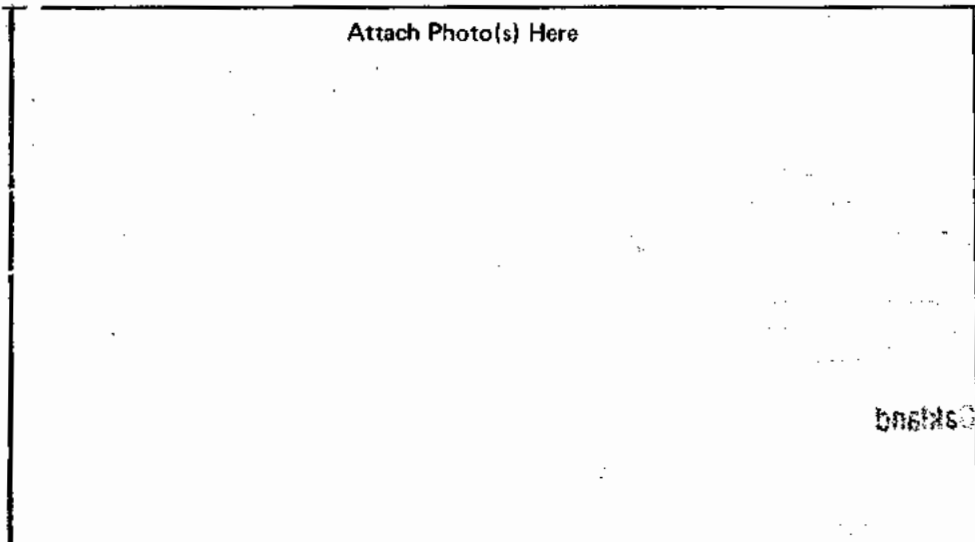
1. Common name: Athenian - Nile Club Building
2. Historic name: Same
3. Street or rural address: 400- 08 14th Street/1401-11 Franklin Street
- City Oakland Zip 94612 County Alameda
4. Parcel number: 8-621-9
5. Present Owner: Adrien M. Hynes Address: 721 Central Building
- City Oakland Zip 94612 Ownership is: Public \_\_\_\_\_ Private X
6. Present Use: Club and Commercial Original use: Same

**DESCRIPTION**

- 7a. Architectural style: Early 20th century commercial
- 7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

An attached four-story stuccoed brick masonry block on a corner lot, designed in a two-part vertical composition with stores in the ground floor base and club rooms in the upper three floors. A recessed ground floor entry to the club is located at the left end of the 14th Street side, approached by four beige marble steps. The entry is framed by engaged wood Doric columns with fluted lower sections resting on marble blocks. The columns support a wood architrave and blank frieze below a semi-circular wood canopy with molded fascia and semi-conical wood roof with radiating cylindrical ridges and ball finial. A second entrance that appears to date from a later period is in the center of the Franklin Street side. The ground floor storefronts have experienced varying alterations, although some retain original or early glazed wood entry doors and greenish-black marble splash panels. A painted-over leaded glass clerestory is over one of the storefronts.

The upper floors have a cylindrical corner bay window and slightly projecting end bays. Most of the second and third floor windows are arranged in groups, with panels (see continuation page 4)



8. Construction date:  
Estimated \_\_\_\_\_ Factual 1901-1902
9. Architect Walter J. Mathews
10. Builder Walter J. Mathews
11. Approx. property size (in feet)  
Frontage 75 Depth 100  
or approx. acreage \_\_\_\_\_
12. Date(s) of enclosed photograph(s) a \_\_\_\_\_

© 1985 City of Oakland



13. Condition: Excellent \_\_\_ Good X Fair \_\_\_ Deteriorated \_\_\_ No longer in existence \_\_\_
14. Alterations: Storefronts; some stucco ornamentation removed
15. Surroundings: (Check more than one if necessary) Open land \_\_\_ Scattered buildings \_\_\_ Densely built-up X  
Residential \_\_\_ Industrial \_\_\_ Commercial X Other: \_\_\_
16. Threats to site: None known \_\_\_ Private development X Zoning \_\_\_ Vandalism \_\_\_  
Public Works project \_\_\_ Other: \_\_\_
17. Is the structure: On its original site? X Moved? \_\_\_ Unknown? \_\_\_
18. Related features: Frederick B. Ginn House (later Nile Club) at 660 13th Street

**SIGNIFICANCE**

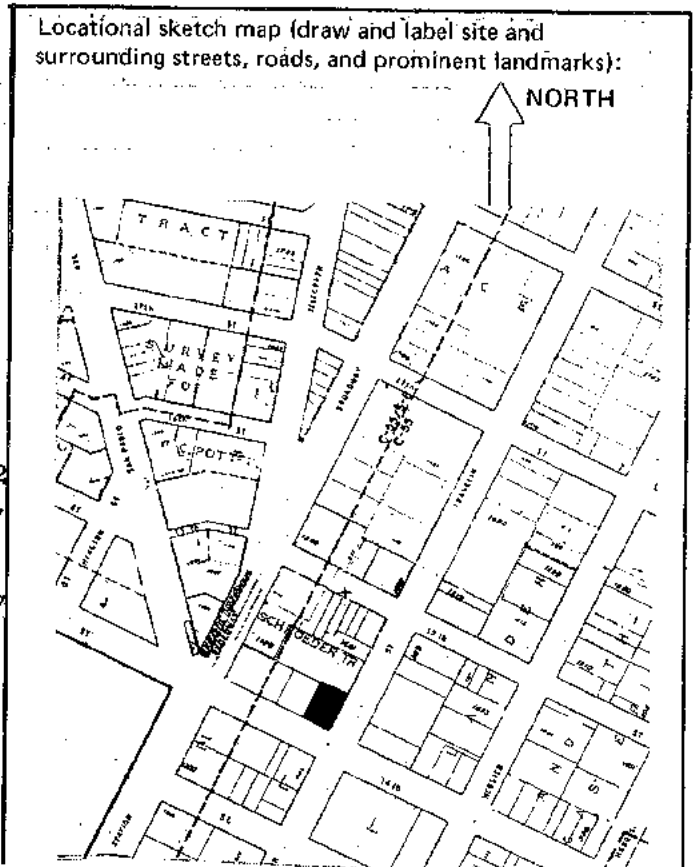
19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

Note: Unless otherwise indicated, the following information was obtained from the Athenian-Nile Club's "Membership Roster and History", June 1, 1981 and from Richard West, "Athenian-Nile Club to Mark 75th Birthday Wednesday" in the Oakland Tribune, April 13, 1958, p. 34. More detailed information on the Club's history can be obtained from these sources.

The Athenian-Nile Club Building is important for its continuing and long-established use as one of Downtown Oakland's leading private gentlemen's clubs. The club history states the structure was erected in 1901 (p.13) and that a housewarming celebration was held February 1, 1902 (p.10). The history identifies the owner as clubmember William G. Henshaw, (pp. 12 and 13) then President of the nearby Union Savings Bank (see SHRI form for 1300-06 Broadway) and the architect and construction supervisor as clubmember Walter J. Mathews (p.10). A jump in the value of improvements on the property in city tax assessment block-books from \$100 in mid-1901 to \$25,000 in mid-1902 confirms the construction date, but shows the owner through (see continuation page 4)

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)  
 Architecture 3 Arts & Leisure \_\_\_  
 Economic/Industrial 2 Exploration/Settlement \_\_\_  
 Government \_\_\_ Military \_\_\_  
 Religion \_\_\_ Social/Education 1

21. Sources (List books, documents, surveys, personal interviews and their dates).  
 Tax assessment block books.  
 City directories.  
Oakland Tribune, 4/13/1958, p.34.  
 Brochure, "The Athenian-Nile Club", c.1982  
Pacific, Gas & Electric Magazine, 12/1911,
22. Date form prepared March 31, 1982  
 By (name) Staff and Consultants  
 Organization Oakland Cultural Heritage Survey  
 Address: City Planning Dept., City Hall  
 City Oakland, CA Zip 94612  
 Phone: (415) 273-3941



Cont'd.

21. V.3, pp. 261, 267.  
Athenian-Nile News, 75th Anniversary edition.  
 Athenian Nile Club, "Membership Roster and History", June 1, 1981.

13. Condition: Excellent \_\_\_ Good  Fair \_\_\_ Deteriorated \_\_\_ No longer in existence \_\_\_
14. Alterations: Storefronts; some stucco ornamentation removed
15. Surroundings: (Check more than one if necessary) Open land \_\_\_ Scattered buildings \_\_\_ Densely built-up   
Residential \_\_\_ Industrial \_\_\_ Commercial  Other: \_\_\_\_\_
16. Threats to site: None known \_\_\_ Private development  Zoning \_\_\_ Vandalism \_\_\_  
Public Works project \_\_\_ Other: \_\_\_\_\_
17. Is the structure: On its original site?  Moved? \_\_\_ Unknown? \_\_\_
18. Related features: Frederick B. Ginn House (later Nile Club) at 660 13th Street

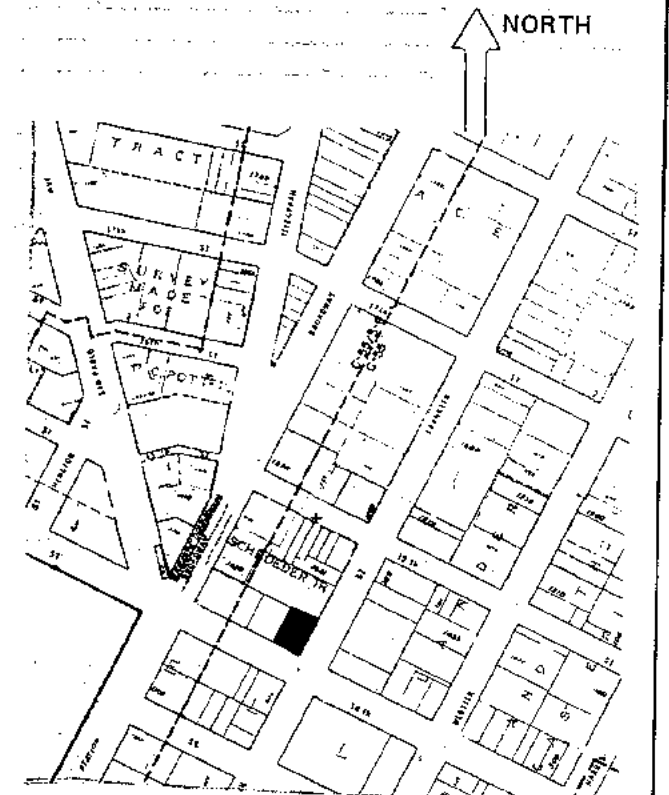
## SIGNIFICANCE

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Note: Unless otherwise indicated, the following information was obtained from the Athenian-Nile Club's "Membership Roster and History", June 1, 1981 and from Richard West, "Athenian-Nile Club to Mark 75th Birthday Wednesday" in the Oakland Tribune, April 13, 1958, p. 34. More detailed information on the Club's history can be obtained from these sources.

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Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)  
Architecture 3 Arts & Leisure \_\_\_  
Economic/Industrial 2 Exploration/Settlement \_\_\_  
Government \_\_\_ Military \_\_\_  
Religion \_\_\_ Social/Education 1
21. Sources (List books, documents, surveys, personal interviews and their dates).  
Tax assessment block books.  
City directories.  
Oakland Tribune, 4/13/1958, p.34.  
Brochure, "The Athenian-Nile Club", c.1982  
Pacific, Gas & Electric Magazine, 12/1911,
22. Date form prepared March 31, 1982  
By (name) Staff and Consultants  
Organization Oakland Cultural Heritage Survey  
Address: City Planning Dept., City Hall  
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Phone: (415) 273-3941
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Cont'd.

21. V.3, pp. 261, 267.  
Athenian-Nile News, 75th Anniversary  
edition.  
Athenian Nile Club, "Membership Roster  
and History", June 1, 1981.

HISTORIC RESOURCES INVENTORY

0003.0122

Street or rural address: 400-08 14th Street/1401-1411 Franklin Street

City Oakland Zip 94612 County Alameda

7b. substituting for some of the windows. The windows and panels are divided within the groups by Tuscan piers with fluted lower shafts, except on the third floor of the corner bay window which has Tuscan columns. The groups are framed on the bottom by common sills and on the top by hood molds, which although discontinuous are closely enough spaced to appear as virtually unbroken bands. The third floor hood molds are heavier than on the second floor, giving the effect of a belt cornice. The fourth floor windows are irregularly placed, but in vertical alignment with the windows below; they are set in molded architraves with a common stringcourse sill. All the upper floor windows have deeply recessed double-hung wood sash, mostly with twelve light upper sash on the second and third floors. Most of the third floor upper lights are elaborated with an "X" pattern. The window heights decrease toward the top floor.

The facades terminate with a cornice above block modillions, egg and dart molding, dentil course and decorated frieze, which wrap around the top of the corner bay. The frieze is interrupted by the top of the fourth floor window architraves. Above the cornice is a composition shingled pent roof attached to a parapet with projecting chimneys that masks a flat roof. The pent roof forms a low pitched conical roof with ball finial over the corner bay, echoing the canopy roof over the 14th Street entry.

The exterior appears essentially unaltered above the first floor, although some portions of the moldings may have been removed.

The club is entered on the second floor by a long flight of stairs extending from the 14th Street entry. The second floor has a large lounge with Doric colonnades along two sides. A dining room occupies most of the third floor, extending across the building from the 14th Street side and divided into two sections by a colonnade. The club also has a library and reading room, billiard room, domino room and sideboard room and bar; the latter features a back bar with a mirrored center section and end sections framed by Romanesque columns. The bar came "around the horn" to the Banker Restuarant in San Francisco,<sup>1</sup> then to the 1915 Panama-Pacific Exposition before being installed in the club. A number of the rooms have fireplaces and most retain what appear to be early furnishings. The rooms are decorated with statuary, oil paintings and other art works, reflecting the Club's interest in the promotion and appreciation of the arts.

19. mid-1902 as Montgomery Howe, with William G. Henshaw not shown as owner until 1903. The club history states and the block books confirm that Henshaw sold the property in 1906 to Mrs. Pauline M. Hynes, wife of W.H.L. (Bill) Hynes, in whose family the ownership remains. At the time of the building's construction, city directories indicate that the club president was John A. Britton who later became president of Pacific Gas and Electric Company.

<sup>1</sup> Brochure "The Athenian-Nile Club" (no date), available from the club.

HISTORIC RESOURCES INVENTORY

0003.0122

Street or rural address: 400-08 14th Street/1401-1411 Franklin Street

City Oakland Zip 94612 County Alameda

19. (Continued from page 5)

When the clubs' merger was celebrated on April 8, 1915, the Nile members paraded from their building on 13th Street to the headquarters of the combined clubs at the subject building at 14th Street and Franklin Street. In addition to the founding members, later members of the two original clubs and the combined club have included State Senator, Assemblyman and U.S. Congressman Joseph R. Knowland, editor and publisher of the Oakland Tribune; his son U.S. Senator William F. Knowland who succeeded his father as Tribune editor and publisher; Oakland's civic-minded Mayor, Frank K. Mott; California Governor George H. Pardee (son of Club charter member Enoch H. Pardee); leading retailers H.C. Capwell and Charles J. Heeseman; Theodore Roosevelt's Secretary of Commerce and of the Navy Victor H. Metcalf; and artists Christian Jorgensen, Richard L. Parkington and Xavier Martinez.

The building's designer, Walter J. Mathews was one of Oakland's leading late 19th and early 20th century architects, his works including the First Unitarian Church at 685 14th Street (see SHRI form); Oakland's first skyscraper, the Union Savings Bank Building at 1300-1306 Broadway (see SHRI form) and F.M. "Borax" Smith's "Arbor Villa" mansion. Mathews died in 1948 at the age of 97 and is described in the Club History as "in many respects the Dean and Nestor of this Club for many, many years" (p.10)... "who aspired to be the world's oldest architect" (p.12). In 1935, during discussion of whether the club should have an elevator, Mathews was personally affronted when it was suggested that the building would collapse during installation of such a facility. When one of the proponents argued "we have some elderly members who need an elevator" Mathews retorted "The elderly gentlemen can get into the club and we can install an elevator to carry the younger members out" (p.10).

The Athenian-Nile Club is one of the few remaining important and long-established institutions in Downtown Oakland that continues to occupy a building intimately associated with its history. The club's 19th century origins, its rich and colorful history and the continued maintenance of its conservative traditions are vividly recalled in its elegantly furnished interior spaces. Other similar organizations such as the Athens Club at 12th and Clay Streets, the Elks Club at 20th and Broadway (see site form for 1970 Broadway) and the Knights of Pythias at 12th and Franklin Streets have either moved or vanished, their buildings being demolished or remodeled.

The Athenian-Nile Club Building is a primary contributor to a possible Downtown National Register District, and appears individually eligible for the National Register.





**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

**REUBEN, JUNIUS & ROSE, LLP**

One Bush Street  
Suite 600  
San Francisco, CA 94104  
Attn: 7810.20.JCK

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(Space above line for Recorder's use only)

**CONSTRUCTION LOGISTICS AGREEMENT**

This Construction Logistics Agreement (“**Agreement**”) is made and entered by and between TC II 1431 Franklin, LLC, a Delaware limited liability company (“**Project Sponsor**”) and Lamumba Inc., a California corporation (“**Neighbor**”), effective as of the date of recording (“**Effective Date**”) with reference to the following facts:

**RECITALS**

A. Project Sponsor is the record owner of the real property commonly known as 1431 Franklin Street, Oakland, California, which is more particularly described in **Exhibit A**, appended to this Agreement and incorporated herein by this reference (“**Project Site**”). As of the Effective Date, the Project Site is improved with a public parking lot.

B. Neighbor is the record owner of the real property commonly known as 1415 Franklin Street, Oakland, California, which is more particularly described in **Exhibit B**, appended to this Agreement and incorporated herein by this reference (“**Neighbor Property**”). The Neighbor Property is improved with a four-story commercial building (“**Neighbor Building**”).

C. Project Sponsor is in the processing of seeking entitlements to construct a new building at the Project Site. A dual entitlement is being sought, which would allow for the construction of either a 27-story office building or a 38-story, 350-unit residential building (“**Project**”).

D. The Project Site and the Neighbor Property share a common boundary line (“**Boundary**”).

E. Project Sponsor and Neighbor seek to enter into this Agreement in order to govern certain construction logistics issues while protecting Neighbor from any potential impacts of the Project construction.

NOW, THEREFORE, in consideration of the foregoing, and the mutual promises and covenants contained in this Agreement, the Parties, intending to be legally bound, agree as follows:

## AGREEMENT

The Recitals set forth in the introductory paragraphs of this Agreement constitute a material part of this Agreement, and are fully incorporated herein by this reference, as if set forth in their entirety.

1. **Licenses and Rights of Entry to Project Sponsor.** Subject to the terms and conditions of this Agreement, Neighbor grants to Project Sponsor and its authorized agents, employees, consultants, contractors, subcontractors, and their respective employees (“**Construction Personnel**”) the following licenses (collectively, “**Licensed Activities**”):

a. a license to enter and access that portion of Neighbor Property and Neighbor Building, on reasonable notice to Neighbor, to the extent reasonably necessary to perform the Pre-Construction Inspection (defined below);

b. a license to enter upon and access the Neighbor Property as reasonably necessary to perform the Shoring and Tie-Back Work (defined below), and related construction and clean-up activities (“**Shoring License**”);

c. a license to complete and perform the Settlement Monitoring Activities (defined below), as contemplated by this Agreement (“**Settlement Monitoring License**”), with any interior access to the Neighbor Building to be permitted on reasonable notice to Neighbor;

d. a license to operate a tower crane over the vertical airspace above the Neighbor Property, for the duration of the construction on the Project (“**Crane License**”);

e. a license to install the Flashing (“**Flashing License**”)

f. a license to enter upon and access the Neighbor Property and Neighbor Building in order to fill in lot line windows on Neighbor Building (“**Lot Line Window License**”).

The Project Sponsor’s right to conduct the Licensed Activities shall commence three (3) business days after Project Sponsor provides written notice to Neighbor (“**Commencement Date**”), and shall terminate upon issuance of the final certificate of occupancy (“**CO**”) for the Project by the City of Oakland, California (“**City**”). On or before the termination of this Agreement, Project Sponsor shall, at its sole expense, remove the Tower Crane, and all other property and equipment used in connection with the Licensed Activities.

2. **Sharing of Geotechnical and Structural Documentation.** Project Sponsor will have the draft Geotechnical Report finalized prior to the start of construction. Upon completion of the final Geotechnical Report, Project Sponsor shall provide a copy to Neighbor. Project Sponsor shall also provide Neighbor a copy of the Project’s foundation and structural drawings prior to filing them as part of a building permit application.

3. **Pre-Construction Inspection.**

a. Prior to the commencement of construction of the Project, the existing conditions of the Neighbor Property and interior and exterior of the Neighbor Building shall be documented by a photographic survey (“**Pre-Construction Survey**”) obtained by Project Sponsor, at its sole cost and expense.

b. Upon at least two (2) business days' prior notice, Neighbor shall provide Project Sponsor with reasonable access to the Neighbor Building to conduct the Pre-Construction Survey of the interior of the Neighbor Building, and the installation of such equipment as be reasonably necessary to perform the settlement monitoring activities outlined in this Agreement.

c. The Pre-Construction Survey shall be used to conclusively determine whether any damage is caused to the Neighbor Property and/or Neighbor Building by the Licensed Activities and/or construction of the Project.

d. A copy of any report or other documentation generated in connection with the Pre-Construction survey shall be provided to Neighbor within fifteen (15) business days after completion of the Pre-Construction survey.

#### 4. **Shoring and Tie-Back Work.**

a. Construction of the Project will require excavation and the installation of certain shoring and tie-back elements to support the Project and/or the improvements located on the Project Site ("**Shoring and Tie-Back Work**").

b. Project Sponsor shall provide Neighbor plans and specifications of such work ("**Shoring Plans**"). Neighbor shall review Shoring Plans and shall not unreasonably withhold approval of such plans.

c. In the event that City requires Neighbor to execute documents confirming its approval of the Shoring Plans for issuance or permits or otherwise, Neighbor shall promptly execute and return the required documents to Project Sponsor for submittal to City.

d. The Shoring and Tie-Back Work shall be performed by Project Sponsor at Project Sponsor's sole cost and expense, and shall be performed in substantial conformance with the Shoring Plans, subject to non-material modifications to account for field and other conditions, and in compliance with applicable laws and regulations.

e. To the extent that material modification to the Shoring Plans is necessary or advisable, due to field conditions or other circumstances, such modifications shall be presented for Neighbor's approval, which shall not be unreasonably withheld, conditioned, or delayed. If Neighbor notifies Project Sponsor of its disapproval, Neighbor shall also advise Project Sponsor of the reasons therefor and any specific changes that Neighbor requires for its approval.

f. Project Sponsor shall cause the Shoring and Tie-Back Work to be performed by licensed, bonded, and insured contractors in a professional and workmanlike manner.

g. Neighbor acknowledges and agrees that the tieback elements that are installed under the Neighbor Property as part of the Shoring and Tie-Back Work shall remain in place in accordance with standard industry practice. Legal title to the components of the tieback elements located on the Neighbor Property shall pass to Neighbor upon substantial completion of the Project.

#### 5. **Settlement Monitoring.**

a. In connection with the Pre-Construction Survey, Project Sponsor shall establish survey measurements on the exterior elevations of the Neighbor Building in relation to the Project Site and/or Project.

b. Project Sponsor will take periodic measurements to determine if settlement has occurred on the Neighbor Property during construction of the building foundation.

c. If settlement of the Neighbor Property occurs in amounts greater than industry standard, Project Sponsor shall cease construction activities and shall promptly notify Neighbor. Project Sponsor and Neighbor shall jointly develop a plan to respond to such settlement, reasonably and in good faith.

6. **License to Operate Tower Crane Over Neighbor Property.**

a. Construction of the Project will require the use of a tower crane. The tower crane will be mounted within the Project Site and is expected to swing over the Neighbor Property during use and when the Tower Crane is not in operation.

b. Project Sponsor and Crane Operator shall be permitted to operate the Tower Crane over the Neighbor Property, as generally reflected on the Crane Schematic. The crane shall be permitted to pass over the vertical airspace above the Neighbor Property provided that (i) the crane shall not pass over any point less than fifteen (15) feet above the height of the Neighbor Building; and (ii) no live loads shall pass over Neighbor Property.

c. Project Sponsor shall require Crane Operator to comply with all laws and regulations in connection with the installation and operation of the Tower Crane, to use due care to avoid causing physical damage to the Neighbor Property, and improvements located thereon.

7. **Construction Hours/Activities.**

a. Project Sponsor will use commercially reasonable efforts to avoid undue disruption to the Neighbor Property, taking into consideration that the construction of the Project will result in some amount of inconvenience, noise, dust, and vibration. Provided that Project Sponsor uses such commercially reasonable efforts, Project Sponsor and its authorized agents, including without limitation Project Sponsor's contractor and Crane Operator shall have no liability to Neighbor or its building tenants, for such inconvenience, noise, dust, and vibration.

b. All excavation and construction work in connection with the Project shall be performed during such hours as are permitted under the municipal codes or other regulations of the City, or as otherwise approved by the City; provided that if, in the reasonable opinion of Project Sponsor, a hazardous condition exists or is imminent, Project Sponsor may temporarily extend its excavation and construction activities beyond such hours to the extent necessary to correct such hazardous condition, consistent with applicable laws and regulations.

c. The Project's contractors, agents, guests, etc, shall not park on the Project Site nor in any on-street parking spaces along the block of Franklin Street between 14<sup>th</sup> and 15<sup>th</sup> Streets nor in the surface parking lot located at 1424 Franklin St.

d. Project Sponsor will make commercially reasonable efforts to minimize construction staging, safety, and logistical barriers along the frontage of the Project Site.

e. Project Sponsor will undertake a noise reduction plan with a licensed acoustical engineer.

f. Project Sponsor will undertake a vibration reduction plan with a licensed acoustical engineer.

8. **Flashing/Waterproofing**

a. Project Sponsor may, at its sole cost and expense, construct or have constructed flashing, gutters, expansion joints, and related improvements at the intersection between the Neighbor Building and the Project (“**Flashing**”) in substantial conformance with the plans/specifications for the building flashing appended to this Agreement as **Exhibit C**, and incorporated herein by this reference (“**Flashing Detail**”).

b. Subject to reasonable access being provided by Neighbor as described herein, Project Sponsor shall at its sole cost and expense be responsible for the maintenance, repair, and replacement of the Flashing, as reasonably necessary or prudent during the term of and subject to the provisions of this Agreement.

c. Project Sponsor shall cause all work incidental to the installation, maintenance, repair, removal, and/or replacement of the Flashing (collectively, the “**Flashing Work**”) to be performed in accordance with sound and generally accepted engineering and construction practices and procedures, and in accordance with any standards and specifications which may be prescribed by any governmental or quasi-governmental body or authority having jurisdiction.

d. Project Sponsor shall be responsible for obtaining and maintaining any and all required permits and approvals for, and shall pay all fees and expenses assessed in connection with, the Flashing Work.

e. Neighbor hereby acknowledges and agrees that the Flashing is not intended to and will not prevent the intrusion of all water between the Neighbor Building and the Project, but is intended, but not guaranteed, to prevent excessive water from being drained or directed from the Project onto or adjacent to the Neighbor Building.

f. The installation of the Flashing does not mitigate or excuse either party from its obligation to maintain the exterior envelope of its own building.

g. Project Sponsor makes no representations or warranties regarding the Flashing, the sufficiency of the Flashing to minimize or reduce water intrusion, or the performance of the Flashing.

h. Neighbor hereby grants to Project Sponsor a permanent easement with respect to the presence of the Flashing over the Boundary, once installed (“**Flashing Easement**”).

i. Project Sponsor shall not be obligated to reconstruct the Flashing if the Project is materially damaged or destroyed or if Neighbor revokes the license(s) and/or easement(s) conferred by this Agreement.

j. The rights and obligations of the parties concerning the installation of Flashing and the Flashing Work shall survive the expiration of termination of this Agreement.

9. **Neighbor Building Lot Line Windows.** The Neighbor Building contains three potentially non-compliant windows at the ground and second floor along the Boundary (“**Lot Line Windows**”) which may need to be closed upon construction of the Project due to non-compliance with the fire separation requirements of California Building Code Section 705.8. If such closure is required for one or more of the Lot Line Windows, as determined during the building permit review process, Project Sponsor shall, at its sole cost and expense, be responsible for the work involved with closing the Lot Line Windows (“**Lot Line Window Work**”). Project Sponsor shall be responsible for obtaining and maintaining any and all required permits and approvals for, and shall pay all fees and expenses assessed in connection with, the Lot Line Window Work. It is Project Sponsor’s understanding that Neighbor windows located on the 3<sup>rd</sup> floor set back from the



Boundary would still be compliant with California Building Code Section 705.8 after the Project is constructed. In the event it is determined these windows require additional protection, Project Sponsor will perform fire upgrades (i.e. increasing the fire rating of Project Sponsor's exterior wall) on Project Sponsors new development to eliminate any required modifications of these windows.

10. **Affirmative Support for Project.** In consideration for Project Sponsor's performance of the obligations assumed by this Agreement, Neighbor shall affirmatively support the Project, and shall provide City with a support letter prior to the Planning Commission's hearing on the Project. Prior to construction, Neighbor shall also provide a letter to the City indicating approval of the Project and incorporated herein by this reference. Neighbor shall take no action to oppose the Project, including communicating opposition to staff or the Planning Commission or filing any appeals of a Project approval, or filing an action in any California Superior Court challenging any aspect of the Project, Project approvals, or Project's environmental review.

11. **Neighbor's Consultants.** Project Sponsor agrees to reimburse Neighbor for the cost of Neighbor's attorney's fees in reviewing and negotiating the terms of this Agreement, and for the cost of Neighbor's architect and engineering and other consultants in reviewing the proposed Project plans and other related Project materials up to the amount of \$5,000.

12. **No Obligation to Construct Project.** Nothing in this Agreement shall impose on Project Sponsor any obligation to construct or complete the Project.

13. **Repair and Indemnification.**

a. In consideration for the rights conferred by this Agreement in connection with the performance of the Licensed Activities, Project Sponsor shall indemnify and hold Neighbor harmless from and against physical damage to the improvements located on the Neighbor Property, and shall be responsible for repair of such damage, to the extent caused by the Licensed Activities which are the subject of this Agreement. Project Sponsor's obligations shall not, however, extend to any of the following: (i) minor settlement cracks in buildings or other structures, for which Project Sponsor has no liability under California Civil Code section 832; (ii) damage caused or exacerbated by Neighbor's conduct, including without limitation, Neighbor's failure to disclose material information concerning improvements located on the Neighbor Property known to Neighbor; (iii) Neighbor's failure to follow the recommendations of Project Sponsor's contractors, structural engineers, or other consultants to protect the improvements located on the Neighbor Property; (iv) improvements on the Neighbor Property to the extent that damage directly or indirectly relates to a pre-existing condition or latent defect on the Neighbor Property, (v) damages caused by the gross negligence, willful misconduct, or breach of this Agreement by Neighbor; and (vi) damages arising from or related to a natural disaster.

b. Except as limited by this Agreement, Project Sponsor shall defend, indemnify, and hold harmless Neighbor and its principals, members, shareholders, managers, agents, and employees ("**Neighbor Indemnitees**"), from and against all third party claims, damages, losses and expenses, including, without limitation, reasonable attorneys' fees, but excluding claims for lost profits and/or other consequential damages, arising out of or resulting from or against all claims, actions, suits, liabilities, bills, attorneys' fees and costs made by any party against any of the Neighbor Indemnitees to the extent arising out of or resulting from (i) the Licensed Activities; (ii) work performed by contractor(s) and/or any subcontractor(s) employed by, or on behalf of, Project Sponsor; (iii) entry onto the Neighbor Property and/or Neighbor Building by Project Sponsor or its agents; and/or (iv) mechanics' liens recorded against the Neighbor Property in connection with the construction activities permitted by this Agreement ("**Neighbor Claims**"). Project Sponsor shall have no obligation to indemnify or hold harmless Neighbor to the extent any claims, demands, losses and expenses result from the gross negligence or willful misconduct of Neighbor or its agents.

c. Upon notice by any of the Neighbor Indemnitees of a Neighbor Claim brought or threatened against any of them, Project Sponsor (or its insurance carrier) will provide legal representation for the Neighbor Indemnitee(s) at Project Sponsor's sole cost and expense (or that of its liability insurance carrier(s)) by attorneys selected by Project Sponsor (or its insurance carrier(s)), and subject to Neighbor Indemnitees' reasonable approval. Neighbor shall reasonably cooperate with such counsel and shall participate in the defense of the Neighbor Claims.

d. The defense and indemnity obligations assumed by Project Sponsor in this Agreement shall be deemed satisfied if Project Sponsor has complied with the insurance obligations provided below, and its insurance carrier agrees to defend and indemnify Neighbor from and against Project Sponsor Claims, or otherwise pay damages, losses, and/or expenses which are the subject of its indemnity obligations. Neighbor agrees to look solely to such insurance, and hereby waives its rights to enforce the indemnity obligations imposed by this Agreement beyond the limits of such insurance coverage.

e. The indemnity obligations provided herein shall survive termination of this Agreement for a period of three (3) years.

14. **Insurance.** Prior to commencement of the Licensed Activities to be performed during construction and prior to issuance of the CO, the following insurance coverage shall be procured and maintained by Project Sponsor, at no cost or expense to Neighbor:

a. Commercial General Liability insurance for the Project written on an occurrence form with policy limits of not less than \$25 Million for each occurrence, and \$25 Million general aggregate, and \$25 Million aggregate coverage for products-completed operations hazard, providing coverage for claims including (i) damages because of bodily injury, sickness, disease, or death of any person; (ii) personal and advertising injury; (iii) damages because of physical damage to or destruction of tangible property, including the loss of use of such property; (iv) bodily injury or property damage arising out Contractor's completed operations; and (v) the indemnity obligations assumed by Project Sponsor as provided in this Agreement. Such liability insurance policies shall be endorsed to identify Neighbor and its agents, managers, partners, members, and affiliated entities as additional insureds.

b. Project Sponsor may comply with its insurance obligations through an Owner-Controlled Insurance Program, a Contractor-Controlled Insurance Program, or by procuring insurance coverage that includes some combination of liability and excess liability insurance policies.

c. All insurance policies shall be issued by reputable insurance companies that are licensed to do business in the State of California.

d. Prior to commencement of the Licensed Activities, Project Sponsor shall provide Neighbor with certificates of insurance and additional insured endorsements naming Neighbor and Tenant, and their respective agents, managers, and its representatives as additional insureds.

15. **Notices.** Any notice, request, demand, or other communication given with reference to this Agreement shall be in writing, shall reference this "Construction Logistics Agreement," and shall be delivered by e-mail electronic transmission (effective on acknowledgement or receipt of delivery confirmation), personally, by overnight courier or by First Class mail, correctly addressed as follows, or to such other address(es), as a Party may from time to time provide notice, in accordance with this paragraph:

TO PROJECT SPONSOR:

TO NEIGHBOR:

WITH COPY TO:

WITH COPY TO:

16. **Dispute Resolution.** Any claim or controversy between the Parties which relates to or arises from this Agreement, the rights and obligations conferred thereby (“**Dispute**”), shall be resolved as provided herein:

a. **Mediation.** The Parties shall first mediate any Dispute, before a mediator to whom they shall reasonably agree within ten (10) days after a request for mediation is made. Mediation fees, if any, shall be allocated equally between the Parties. If either of the Parties (i) commences any legal action without first having attempted to resolve the Dispute through mediation, or (ii) refuses mediation after a request has been made, that party shall not be entitled to recover attorneys’ fees incurred in connection with such Dispute, even if such recovery would otherwise be available in such action. The filing of an action to preserve a statute of limitations, to enable the recording of a notice of pending action/*lis pendens*, or for provisional remedies (*i.e.*, a temporary restraining order) shall not constitute a waiver or violation of these mediation requirements.

b. **Judicial Reference.** In the event that a Dispute is not resolved by Mediation, either of the Parties may commence litigation in the Superior Court for the County of San Francisco which action shall be resolved by a general reference to a referee as provided in California Code of Civil Procedure Section 638. The referee shall be a retired Judge or Justice of the California state court system. The referee(s) shall be selected by mutual written agreement of the Parties. If the Parties do not agree, the referee(s) shall be selected by the Presiding Judge of the Court (or his or her representative) as provided in California Code of Civil Procedure Section 640. The referee(s) shall hear and determine all issues relating to the Dispute, whether of fact or of law, and shall do so in accordance with the Laws of the State of California, and shall report a statement of decision. The referee(s) shall be empowered to enter legal or equitable relief, provide all temporary or provisional remedies, enter equitable and legal orders that will be binding on the Parties, and rule on any motion which would be authorized in court litigation, including without limitation motions to dismiss, for summary judgment, or for summary adjudication. The referee(s) shall also have authority to award reasonable attorneys’ fees and costs (including the fees of the referee(s)) relating to the judicial reference proceeding, and to any related litigation or arbitration, in accordance with the terms of this Agreement. The award that results from the decision of the referee(s) shall be entered as a judgment in the court that appointed the referee(s), in accordance with the provisions of California Code of Civil Procedure Section 644(a). Pursuant to California Code of Civil Procedure Sections 645, the Parties reserve the right to seek appellate review of any judgment or order, including but not limited to, orders pertaining to class certification, to the same extent permitted in a court of law.

17. **Consultation with Counsel.** Each signatory to this Agreement represents and warrants that he/she/it has read and understands this Agreement and is readily familiar with and understands its legal effect(s). Each Party represents and warrants that it has had the opportunity to consult with his/her/its independent counsel, with respect to the advisability of signing this Agreement

18. **Duty to Cooperate.** Each Party hereto specifically agrees to cooperate with each other, as reasonably necessary to achieve the goals and objectives of this Agreement, and agree that they shall execute, file and/or record any additional documents reasonably required to do so.

19. **Authority to Execute Agreement.** The Parties, and each of them, represent and warrant to the other Parties hereto that the individual signatories to this Agreement have authority to execute this Agreement, on behalf of themselves and the entities on whose behalf they purport to act.

20. **Recitals and Exhibits.** Any and all recitals at the beginning of this Agreement are accurate and shall constitute an integral part of this Agreement, and this Agreement shall be construed in light of those recitals. Any and all exhibits, schedules, and addenda attached to and referred to in this Agreement are hereby incorporated into this Agreement as if fully set forth in their entirety herein.

21. **Reciprocal Limitation of Liability.** The liability of each Party to this Agreement shall be limited to its interest in the Neighbor Property/Neighbor Building or the Project Site/Project, as applicable. Notwithstanding anything to the contrary in this Agreement, no affiliate of either Party or any direct or indirect partner, member or shareholder of either Party or any affiliate of either Party (or any officer, director, agent, manager, personal representative, trustee or employee of either Party, any affiliate of either Party or any such direct or indirect partner, member or shareholder) shall be liable for the performance or non-performance of such Party's obligations under this Agreement. Neither Party shall look to any other property or assets of the other Party or the property or assets of any of the other Party's parent, subsidiaries, divisions, affiliates, and any of their respective officers, equity holders, direct or indirect partners, directors, principals, agents, representatives, employees (collectively, "**Principals**"), or to their respective successors or assigns in seeking either to enforce that Party's obligations under this Agreement or to satisfy a judgment for that Party's alleged failure to perform such obligations. The Principals of the Parties shall not be personally liable for the performance of the obligations assumed by their respective Parties under this Agreement. In no event shall either Party have liability to the other under this Agreement for lost profits, special damages, consequential damages or punitive damages.

22. **Successors and Assigns.** This Agreement shall inure to the benefit of, and be binding on the Parties and each of their respective successors and assigns, including without limitation subsequent owner(s) of the properties identified in this Agreement. This Agreement provides certain benefits and burdens to each of the Properties, and shall therefore be a covenant running with the land for purposes of California Civil Code Section 1468.

23. **No Third Party Beneficiaries.** The Parties intend that no third party is or shall be treated as a direct, indirect, intended or incidental third party beneficiary of this Agreement for any purpose whatsoever, nor shall any other person have any legal or equitable right, remedy or claim under or in respect of this Agreement.

24. **Time of Essence.** Time is expressly declared to be of the essence of this Agreement, and of each, every, and all of the covenants and conditions herein contained.

25. **Agreement Jointly Prepared.** This Agreement shall be deemed to have been jointly prepared by the Parties, and shall not be construed against one Party or the other in the event of any claimed uncertainty or ambiguity.

26. **Entire Agreement.**

a. This Agreement contains the entire agreement between the Parties with respect to the matters referred to in this Agreement. It supersedes all prior agreements,

understandings, negotiations, and discussions by and between the Parties, whether oral or written. There are no representations or other agreements between the Parties in connection with the subject matter hereof, except as specifically set forth herein.

b. This Agreement may not be modified, changed, supplemented or terminated, nor may any of the obligations hereunder be waived, except by written instrument signed and acknowledged (notarized) by the party to be charged.

c. Any amendments or modifications of this Agreement, whenever made, shall be superior to any and all liens to the same extent as this Agreement as if such amendment or modification had been executed concurrently herewith.

d. If any provision of this Agreement conflicts with applicable law or is declared invalid, such provision shall be severed from the document and the remainder shall continue to be given full force and effect.

27. **Choice of Law.** This Agreement shall be governed by the laws of the State of California.

28. **Counterparts.** This Agreement may be executed in counterparts, and each executed counterpart shall be considered to be as valid as the original executed Agreement and any action in connection with its terms.

[SIGNATURES FOLLOW]

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date noted below.

Date: March \_\_\_\_, 2022

TC II 1431 FRANKLIN, LLC  
a Delaware limited liability company

\_\_\_\_\_  
By:  
Its:

Date: March \_\_\_\_, 2022

LAMUMBA INC.  
a California corporation

\_\_\_\_\_  
By:  
Its:



**Exhibit A**

Legal Description – Project Site



**Exhibit B**

Legal Description – Neighbor Property

**Exhibit C**  
Schematic – Flashing Detail











10

California Office of Historic Preservation  
Department of Parks & Recreation

*Technical Assistance Series*

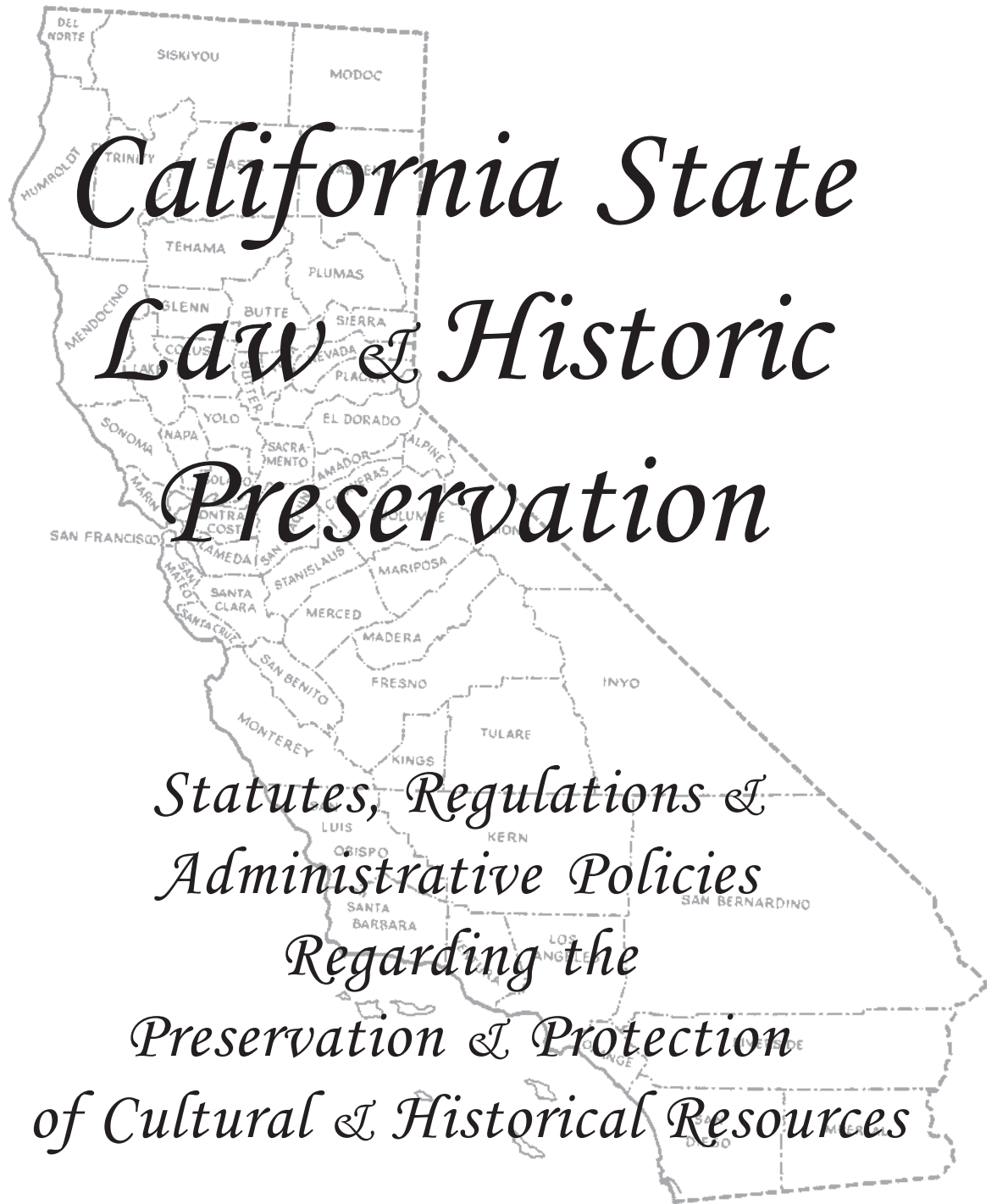


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# INTRODUCTION

***California State Law and Historic Preservation***, a publication of the State Office of Historic Preservation (OHP), is a compilation of state statutes and regulations that govern the identification, designation and protection of the State of California's significant historical resources. ***California State Law and Historic Preservation*** is organized by statutes (code and section number), followed by regulations (title and section number), followed by advisory guidance and administrative policies. A topical index allows users to access information on specific topics within and among codes. The State Office of Historic Preservation is responsible for administering federal and state preservation programs in California and for assisting local governments and citizens in the preservation of the state's rich and diverse cultural heritage. ***California State Law and Historic Preservation*** is part of the OHP Technical Assistance Series.

The source book contains amendments through August 1999. The statutes included in this publication can be accessed on the internet at [www.leginfo.ca.gov](http://www.leginfo.ca.gov).

Information about the California Register of Historical Resources is available on OHP's website at [www.ohp.parks.ca.gov/default.asp?page\\_id=21238](http://www.ohp.parks.ca.gov/default.asp?page_id=21238).

The California Environmental Quality Act (CEQA) and the CEQA Guidelines are found at <http://ceres.ca.gov/ceqa>. The CERES website also provides additional technical information regarding CEQA, including the Office of Planning and Research technical advice manuals *CEQA and Historical Resources* and *CEQA and Archeological Resources*.

*The Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* is available online at [www.cr.nps.gov/hps/tps/standguide/index.htm](http://www.cr.nps.gov/hps/tps/standguide/index.htm)

Information regarding the State Historic Building Code can be found at [www.dsa.dgs.ca.gov/StateHistoricalBuildingSafetyBoard/default.htm](http://www.dsa.dgs.ca.gov/StateHistoricalBuildingSafetyBoard/default.htm) .

# STATUTES

# Public Resources Code

## Historical Resources

### **5020.** State Historical Resources and Commission.

The Historical Landmarks Advisory Committee is continued in existence as the State Historical Resources Commission. Any reference in any law to the Historical Landmarks Advisory Committee shall be deemed to refer to the State Historical Resources Commission.

### **5020.1.** Definitions.

As used in this article:

- (a) "California Register" means the California Register of Historical Resources.
- (b) "Certified local government" means a local government that has been certified by the National Park Service to carry out the purposes of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.) as amended, pursuant to Section 101(c) of that act and the regulations adopted under the act which are set forth in Part 61 (commencing with Section 61.1) of Title 36 of the Code of Federal Regulations.
- (c) "Commission" means the State Historical Resources Commission.
- (d) "Department" means the Department of Parks and Recreation.
- (e) "Director" means the Director of Parks and Recreation.
- (f) "DPR Form 523" means the Department of Parks and Recreation Historic Resources Inventory Form.
- (g) "Folklife" means traditional expressive culture shared within familial, ethnic, occupational, or regional groups and includes, but is not limited to, technical skill, language, music, oral history, ritual, pageantry, and handicraft traditions which are learned orally, by imitation, or in performance, and are generally maintained without benefit of formal instruction or institutional direction. However, "folklife" does not include an area or a site solely on the basis that those activities took place in that area or on that site.
- (h) "Historic district" means a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
- (i) "Historical landmark" means any historical resource which is registered as a state historical landmark pursuant to Section 5021.
- (j) "Historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.
- (k) "Local register of historical resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
- (l) "National Register of Historic Places" means the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture as authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.).
- (m) "Office" means the State Office of Historic Preservation.
- (n) "Officer" means the State Historic Preservation Officer.
- (o) "Point of historical interest" means any historical resource which is registered as a point of historical interest pursuant to Section 5021.
- (p) "State Historic Resources Inventory" means the compilation of all identified, evaluated, and determined historical resources maintained by the office and specifically those resources evaluated in historical resource surveys conducted in accordance with criteria established by

the office, formally determined eligible for, or listed in, the National Register of Historic Places, or designated as historical landmarks or points of historical interest.

(q) "Substantial adverse change" means demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired.

**5020.2.** State Historical Resources Commission; membership; qualifications; term of office.

(a) The commission consists of nine members appointed by the Governor. The director, in consultation with the State Historic Preservation Officer, shall submit to the Governor a list of persons to be considered for vacant positions on the commission.

(b) (1) Five members shall be recognized professionals in one of each of the following disciplines: history, prehistoric archaeology, historic archaeology, architectural history, and architecture. However, one individual may represent both disciplines of architecture and architectural history and one individual may represent both disciplines of prehistoric archaeology and historic archaeology.

(2) One member shall be knowledgeable in ethnic history.

(3) One member shall be knowledgeable in folklife.

(4) Two members shall represent the public or possess expertise in fields of expertise the Governor deems necessary or desirable to enable the commission to carry out its responsibilities.

(c) Members shall hold office for a term of four years.

(d) Members of the commission on January 1, 1985, shall not be disqualified from serving the remainder of their existing term by reason of the requirements of subdivision (b). However, appointments made to the commission on and after January 1, 1985, shall be made so that the requirements of paragraph (1) of subdivision (b) are satisfied at the earliest possible time.

**5020.3.** State Historical Resources Commission; meetings; chairperson, vice-chairperson; compensation.

(a) The commission shall meet at least four times per year in places it deems necessary to fulfill its responsibilities. Five members of the commission constitute a quorum.

(b) The commission shall elect annually from its members a chairperson and vice chairperson.

(c) The members of the commission may receive a salary for their services in an amount of fifty dollars (\$50) for each day, up to a maximum salary of one hundred dollars (\$100) per month. A member of the commission may also be reimbursed for the actual and necessary expenses which are incurred in the performance of the member's duties. Notwithstanding any other provision of law, any member of the commission who is also a member of, and is entitled to receive the benefits from, the Legislators' Retirement System may elect to forego the compensation provided by this section and, if the compensation is foregone, the member shall not have his or her retirement benefits reduced and shall not be required to be reinstated into the retirement system.

**5020.4.** State Historical Resources Commission; powers and duties.

(a) The commission shall do all of the following:

(1) Receive and evaluate applications for, and make recommendations with respect to entries on, the National Register of Historic Places to the officer.

(2) Conduct a statewide inventory and maintain comprehensive records of historical resources pursuant to federal and state law, including, but not limited to, historical landmarks and points of historical interest.

(3) Establish criteria for the recording and preservation of historical resources, and for deletions from historical registers warranted by destruction or damage of a historical resource or other change in conditions.

(4) Develop and adopt criteria for the rehabilitation of historic structures.

(5) Establish policies and guidelines in compliance with state and federal requirements for a comprehensive statewide historical resources plan which includes, but is not limited to, architecture, history, archaeology, and folklife.



(6) Develop and update annually, based upon public hearings and active public participation, the statewide historical resources plan.

(7) Make recommendations to the department, based upon the statewide historical resources plan, including the listing of historical resource projects on a priority basis.

(8) Oversee the administration of the California Register, receive and evaluate nominations to, and cause qualified resources to be listed in, the California Register, and adopt, as necessary, timely revisions of the California Register criteria and procedures as may be advisable.

(9) Recommend to the department the criteria and standards for acceptance of historical buildings, structures, sites, or places for registration as historical landmarks or points of historical interest.

(10) Receive and evaluate applications for registration of structures, sites, or places as historical landmarks or points of historical interest. The commission shall select and designate historical landmarks and points of historical interest that it determines meet the criteria in subdivision (a) of Section 5031. The commission shall maintain a register which identifies historical landmarks and points of historical interest by number and description.

(11) Make recommendations to the office with respect to a standard design and detail for the marker or plaque which may be erected or raised at registered historical landmarks or historical resources, and with respect to the use of the marker or plaque. The commission shall consult with cities and counties in developing design and placement standards. These standards shall not prevent a city or county from implementing its own standards if they meet the minimum criteria established by the commission.

(12) Recommend to the department the type of directional sign to be erected in connection with the registration of a point of historical interest. The commission shall consult with cities and counties in developing design and placement standards. These standards shall not prevent a city or county from implementing its own standards if they meet the minimum criteria established by the commission.

(13) Submit an annual report in January to the director and the Legislature giving an account of its activities, identifying unattained goals of historical resources plans and programs, and recommending needed legislation for the support of those programs. The director shall advise the commission of new and continuing plans, policy, and programs concerning statewide historical resources and shall receive and consider the views of the commission.

(14) Consult with, and consider the recommendation of, public agencies, civic groups, and citizens interested in historic preservation.

(15) Develop criteria and procedures based upon public hearings and active public participation for the selection of projects to be funded through the National Historic Preservation Fund, the California Heritage Fund, and other federal and state programs that have as their primary purpose the preservation and enhancement of historical resources.

(16) Prepare, or cause to be prepared, and recommend to the director, a budget with respect to those duties and responsibilities of the commission contained in this section. (b) The commission may adopt guidelines for the review of applications for excavation and salvage permits submitted pursuant to Section 6313 and make recommendations thereon to the State Lands Commission.

**5020.5.** State Historical Resources Commission; archeological sites.

(a) The commission shall develop criteria and methods for determining the significance of archaeological sites, for selecting the most important archaeological sites, and for determining whether the most significant archaeological sites should be preserved intact or excavated and interpreted.

(b) The commission shall develop guidelines for the reasonable and feasible collection, storage, and display of archaeological specimens.

**5020.6.** State Historic Preservation Officer.

(a) The Governor shall appoint the State Historic Preservation Officer. The director, in consultation with the commission, shall submit to the Governor a list of persons to be

considered for the position. The person appointed shall be knowledgeable about historical resources.

(b) The officer shall serve as the executive secretary of the commission and shall be the chief administrative officer of the Office of Historic Preservation in the department.

(c) The officer shall have no responsibilities other than those provided by statute, executive order, and regulation, as well as any other duties the director assigns for the preservation and enhancement of the state's historical resources.

(d) The officer, or the officer's alternate, shall serve as an ex officio member of the Historic State Capitol Commission.

**5020.7. Legislative Intent.**

The Legislature recognizes that the long-term preservation and enhancement of historical resources is dependent, to a large extent, on the good will and cooperation of the general public and of the public and private owners of those resources. Therefore, it is the intent of the Legislature that public agencies, including the commission and the office, shall endeavor to carry out their responsibilities under this article in a manner designed to elicit the cooperation of the owners of both identified and unidentified resources, to encourage the owners to perceive these resources as assets rather than liabilities, and to encourage the support of the general public for the preservation and enhancement of historical resources.

**5021. Registration of State Landmarks and Points of Interest; publications of archeological investigations.**

The department shall consider all recommendations for registration made by the commission, and shall register, as state historical landmarks, those buildings, structures, sites, or places which the department deems to be important historical resources and shall register, as points of historical interest, those buildings, structures, sites, or places which the department deems to be historical resources of sufficient historical interest to qualify for the placement of signs pursuant to Section 5022.5. The commission shall maintain a register which shall identify by number and description such historical landmarks and points of historical interest. The department may publish results of office and field archaeological investigation annually and shall issue additional publications, such as detailed site reports and area resource reports, as necessary, to inform the public and educational institutions.

**5022. Landmark and Point of Interest Plaques.**

The department may contract with or cooperate with public or private agencies for suitable plaques, markers, and directional signs at the site of, or on the approaches to, registered historical landmarks or points of historical interest, including signs on highways and roads.

**5022.5. Landmark and Point of Interest Directional Markers.**

There shall be two categories of places of historical significance: the registered historical landmark and the registered point of historical interest. The location of the point of historical interest shall be designated by a sign indicating "Point of Historical Interest" with an appropriate direction, which sign shall be erected and maintained by the Department of Transportation, as to state highways, or the county authorities or city authorities, as to streets or highways under their jurisdictions. A local historical group or organization may raise a marker or plaque at a registered point of historical interest. Nothing herein shall require the signing of such points where parking is not available or where such signing would cause a traffic safety hazard or would interfere with the normal flow of traffic.

**5022.6. Landmark and Point of Interest Markers; design; misdemeanor violation.**

The department shall adopt standard design and detail for the marker and for the plaque which may be erected or raised at registered historical landmarks. The use of such marker or plaque shall be prescribed by rule adopted by the department. Any person who maliciously or for commercial purposes, or contrary to such rule, uses or allows to be used any reproduction or

facsimile of such standard marker or plaque in any manner whatsoever is guilty of a misdemeanor.

**5023. Landmark and Point of Interest Markers; duty to maintain.**

(a) It shall be the duty of the Department of Transportation to keep in repair all objects or markers adjacent to a state highway which have been erected to mark registered historical places and to keep such monuments or markers free from vegetation which may obscure them from view.

(b) It shall be the duty of the county authorities, in charge of county highways, and all city authorities, with respect to streets and highways under their respective jurisdictions, to keep in repair or cause to be kept in repair all objects or markers adjacent to a public highway which have been erected to mark registered historical places and to keep such markers and monuments free from all vegetation which may obscure them from view.

(c) It shall be the duty of the department to keep in repair or cause to be kept in repair all objects, markers and monuments designating any registered historical places in respect to which no obligation in respect thereto is imposed on other governmental agencies by this section, and the department shall keep such markers and monuments free from all vegetation which may obscure them from view.

**5024. State-owned Historical Resources; policies to preserve; master list; documentation.**

(a) On or before January 1, 1982, each state agency shall formulate policies to preserve and maintain, when prudent and feasible, all state-owned historical resources under its jurisdiction listed in or potentially eligible for inclusion in the National Register of Historic Places or registered or eligible for registration as a state historical landmark pursuant to Section 5021. The State Historic Preservation Officer shall provide such agencies with advice and assistance as needed.

(b) On or before July 1, 1983, each state agency shall submit to the State Historic Preservation Officer an inventory of all state-owned structures over 50 years of age under its jurisdiction listed in or which may be eligible for inclusion in the National Register of Historic Places or registered or which may be eligible for registration as a state historical landmark. State-owned structures in freeway rights-of-way shall be inventoried before approval of any undertaking which would alter their original or significant features or fabric, or transfer, relocate or demolish those structures.

(c) The State Historic Preservation Officer, with the advice of the State Historical Resources Commission, shall establish standards, after consultation with agencies to be affected, for the submittal of inventories and development of policies for the review of historical resources identified pursuant to this section. These review procedures shall permit the State Historic Preservation Officer to determine which historical resources identified in inventories meet National Register of Historic Places and state historical landmark criteria and shall be placed in the master list of historical resources.

(d) The State Historic Preservation Officer shall maintain a master list comprised of all inventoried structures submitted and determined significant pursuant to this section and all state-owned historical resources currently listed in the National Register of Historic Places or registered as a state historical landmark under state agency jurisdiction. The State Historic Preservation Officer shall inform agencies with historical resources on the master list of current sources of funding for preservation activities, including rehabilitation and restoration.

(e) On or before July 1, 1984, and annually thereafter, each state agency shall submit inventory updates to the State Historic Preservation Officer and a statement of its year's preservation activities.

(f) Each state agency shall submit to the State Historic Preservation Officer for comment documentation for any project having the potential to affect historical resources listed in or potentially eligible for inclusion in the National Register of Historic Places or registered as or eligible for registration as a state historical landmark.

(g) As used in this section and Section 5024.5, "state agency" means any agency, department, division, commission, board, bureau, officer, or other authority of the State of California.

(h) As used in this section and Section 5024.5, "structure" means an immovable work constructed by man having interrelated parts in a definite pattern of organization and used to shelter or promote a form of human activity and which constitutes an historical resource.

**5024.1. California Register of Historical Resources.**

(a) A California Register of Historical Resources is hereby established. The California Register is an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The commission shall oversee the administration of the California Register.

(b) The California Register shall include historical resources determined by the commission, according to procedures adopted by the commission, to be significant and to meet the criteria in subdivision(c).

(c) A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

(d) The California Register shall include the following:

(1) California properties formally determined eligible for, or listed in, the National Register of Historic Places.

(2) State Historical Landmark No. 770 and all consecutively numbered state historical landmarks following No. 770. For state historical landmarks preceding No. 770, the office shall review their eligibility for the California Register in accordance with procedures to be adopted by the commission.

(3) Points of historical interest which have been reviewed by the office and recommended for listing by the commission for inclusion in the California Register in accordance with criteria adopted by the commission.

(e) If nominated for listing in accordance with subdivision (f), and determined to be significant by the commission, the California Register may include the following:

(1) Individual historical resources.

(2) Historical resources contributing to the significance of an historic district under criteria adopted by the commission.

(3) Historical resources identified as significant in historical resources surveys, if the survey meets the criteria listed in subdivision (g).

(4) Historical resources and historic districts designated or listed as city or county landmarks or historic properties or districts pursuant to any city or county ordinance, if the criteria for designation or listing under the ordinance have been determined by the office to be consistent with California Register criteria adopted by the commission.

(5) Local landmarks or historic properties designated under any municipal or county ordinance.

(f) A resource may be nominated for listing as an historical resource in the California Register in accordance with nomination procedures adopted by the commission, subject to all of the following:

(1) If the applicant is not the local government in whose jurisdiction the resource is located, a notice of nomination in the form prescribed by the commission shall first be submitted by the applicant to the clerk of the local government. The notice shall request the local government to join in the nomination, to provide comments on the nomination, or if the local government

declines to join in the nomination or fails to act upon the notice of nomination within 90 days, the nomination may be submitted to the office and shall include any comments of the local government.

(2) Prior to acting on the nomination of a survey, an individual resource, an historic district, or other resource to be added to the California Register, the commission shall notify property owners, the local government in which the resource is located, local agencies, other interested persons, and members of the general public of the nomination and provide not less than 60 calendar days for comment on the nomination. The commission shall consider those comments in determining whether to list the resource as an historical resource in the California Register.

(3) If the local government objects to the nomination, the commission shall give full and careful consideration to the objection before acting upon the nomination. Where an objection has been raised, the commission shall adopt written findings to support its determination concerning the nomination. At a minimum, the findings shall identify the historical or cultural significance of the resource, and, if applicable, the overriding significance of the resource that has resulted in the resource being listed in the California Register over the objections of the local government.

(4) If the owner of a private property or the majority of owners for an historic district or single property with multiple owners object to the nomination, the commission shall not list the property as an historical resource in the California Register until the objection is withdrawn. Objections shall be submitted to the commission by the owner of the private property in the form of a notarized statement certifying that the party is the sole or partial owner of the property, and that the party objects to the listing.

(5) If private property cannot be presently listed in the California Register solely because of owner objection, the commission shall nevertheless designate the property as eligible for listing.

(g) A resource identified as significant in an historical resource survey may be listed in the California Register if the survey meets all of the following criteria:

(1) The survey has been or will be included in the State Historic Resources Inventory.

(2) The survey and the survey documentation were prepared in accordance with office procedures and requirements.

(3) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.

(4) If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources which have become eligible or ineligible due to changed circumstances or further documentation and those which have been demolished or altered in a manner that substantially diminishes the significance of the resource.

(h) Upon listing an historical resource or determining that a property is an historical resource that is eligible for listing, in the California Register, the commission shall notify any owner of the historical resource and also the county and city in which the historical resource is located in accordance with procedures adopted by the commission.

(i) The commission shall adopt procedures for the delisting of historical resources which become ineligible for listing in the California Register.

**5024.5. State-owned Historical Resources; notice and summary of proposed actions to SHPO; mediation responsibility.**

(a) No state agency shall alter the original or significant historical features or fabric, or transfer, relocate, or demolish historical resources on the master list maintained pursuant to subdivision (d) of Section 5024 without, early in the planning processes, first giving notice and a summary of the proposed action to the officer who shall have 30 days after receipt of the notice and summary for review and comment.

(b) If the officer determines that a proposed action will have an adverse effect on a listed historical resource, the head of the state agency having jurisdiction over the historical resource and the officer shall adopt prudent and feasible measures that will eliminate or mitigate the adverse effects. The officer shall consult the State Historical Building Safety Board for advice when appropriate.

(c) Each state agency shall maintain written documentation of the officer's concurrence with proposed actions which would have an effect on an historical resource on the master list.

(d) The officer shall report to the Office of Planning and Research for mediation instances of state agency refusal to propose, to consider, or to adopt prudent and feasible alternatives to eliminate or mitigate adverse effects on historical resources on the master list as specified in subdivision (f) of Section 5024.

(e) The officer may monitor the implementation of proposed actions of any state agency.

(f) Until such time as a structure is evaluated for possible inclusion in the inventory pursuant to subdivisions (b) and (c) of Section 5024, state agencies shall assure that any structure which might qualify for listing is not inadvertently transferred or unnecessarily altered.

(g) The officer may provide local governments with information on methods to preserve their historical resources.

**5024.6.** State Office of Historic Preservation; powers and duties.

There is in the department the State Office of Historic Preservation, which is under the direction of the officer. The office shall do all of the following:

(a) Serve as the staff of the commission in carrying out its responsibilities, and as the staff of the officer in carrying out the responsibilities of that position.

(b) Recommend properties of historical significance for nomination by the commission for the National Register of Historic Places, for registration as historical landmarks and points of historical interest, and for listing in the California Register.

(c) Administer state and federal incentive programs for the preservation of historical resources, including the California Register.

(d) Provide information on federal and state benefits for preservation projects and enhancement of historical resources.

(e) Administer grant and loan programs to survey historical resources and assist the development and enhancement of these resources.

(f) Assist other state agencies by providing information and education on the economic and social benefits of utilizing historical resources.

(g) Provide public education and information on the preservation and enhancement of historical resources.

(h) Provide information and technical assistance to local, state, and national organizations to promote preservation and enhancement of historical resources by developing model ordinances, financial mechanisms, educational programs, conferences, workshops, and other materials.

(i) Cooperate with cultural and ethnic commissions, such as the Native American Heritage Commission, or other organizations or representatives when projects involve these groups' concerns.

(j) Review and comment on the impact on historical resources of publicly funded projects and programs undertaken by other governmental agencies.

(k) Review applications for excavation and salvage permits for salvage in state waters.

(l) Assist the State Lands Commission in administering Section 6313.

(m) Administer the California Register in accordance with procedures adopted by the commission.

(n) Administer and maintain the State Historic Resources Inventory in accordance with procedures developed by the office and adopted by the commission.

(o) Administer the California Heritage Fund created pursuant to Section 5079.10.

**5025.11.** State Historical Resources Commission; historic trails.

The department shall, with the advice of the Historical Landmarks Advisory Committee, or, as to certifications on or after January 1, 1975, with the advice of the commission, certify the route followed by Colonel John Charles Fremont and party from the Nevada state line through Mono, Inyo, Alpine, Amador, and El Dorado Counties to Sutter's Fort in Sacramento County in the winter of 1843, and the Donner Party Trail, from the Nevada state line to the junction of Verdi Canyon to Alder Creek Camp of the Donner Party, thence to the Donner Monument at Donner

Memorial State Park. The department may certify and mark, with the advice of the commission, other historic routes of travel within the state.

**5025.12.** Historic Trail and Markers.

The department is authorized to place suitable markers along these certified routes at intervals and at each intersection with a state highway or county road.

**5025.2.** Historic Trail Markers; duty to maintain.

It shall be the duty of the department to keep in repair, or cause to be kept in repair, all markers of such historical routes.

**5026.** Nomination to National Register of Historic Places; notification of city and county.

Upon receipt of an application for an entry on the National Register of Historic Places and prior to making any evaluation and recommendation with respect to such application, the commission shall first submit the application to the appropriate city council or county board of supervisors for comment. The city council or county board of supervisors shall have 45 days from the date of receipt in which to transmit written comments to the commission. Each member of the commission shall be provided by staff with a copy of such comments not less than 15 days prior to the hearing on the application by the commission.

**5027.** Transfer of State-owned National Register Property; legislative approval of demolition and alteration.

Any building or structure that is listed on the National Register of Historic Places and is transferred from state ownership to another public agency shall not be demolished, destroyed, or significantly altered, except for restoration to preserve or enhance its historical values, without the prior approval of the Legislature by statute. This section applies to any building or structure transferred from state ownership to another public agency after January 1, 1987.

**5028.** Natural Disaster Damage to Historic Property.

(a) No structure that is listed on the National Register of Historic Places, on the California Register of Historic Places, or on any local public register of historic places, and that has been damaged due to a natural disaster, including, but not limited to, an earthquake, fire, or flood, may be demolished, destroyed, or significantly altered, except for restoration to preserve or enhance its historical values, unless the structure presents an imminent threat to the public of bodily harm or of damage to adjacent property, or unless the State Office of Historic Preservation determines, pursuant to subdivision (b), that the structure may be demolished, destroyed, or significantly altered.

(b) Any local government may apply to the State Office of Historic Preservation for its determination as to whether a structure meeting the description set forth in subdivision (a) shall be demolished, destroyed, or significantly altered. That determination shall be based upon the extent of damage to the structure, the cost of rehabilitating or reconstructing the structure, the structure's historical significance, and any other factor deemed by the State Office of Historic Preservation to be relevant. In making that determination, the State Office of Historic Preservation shall consider the recommendation made by a team selected by the State Office of Historic Preservation, composed of three residents with historic preservation expertise who reside in the affected county. The determination of the State Office of Historic Preservation shall be issued no later than 30 days after the structure was damaged, or 30 days after the receipt of the application, whichever occurred later.

**5029.** State Historical Resource Designation; notification of county recorder; effect on title.

(a) The commission shall, within 90 days after the approval by the director of the issuance by the commission of an historical resources designation for an individual property, submit to the county recorder for recordation, and the county recorder shall record, a certified resolution establishing the historical resources designation. For historical resources designations



approved prior to March 15, 1993, the commission may submit for recordation, and the county recorder shall record, a certified resolution of historical resources designation.

(b) Any local agency, or unit thereof, shall, within 90 days of an historical resources designation by the local agency or unit for an individual property, submit to the county recorder for recordation, and the county recorder shall record, a certified resolution establishing the historical resources designation. For historical resources designations made prior to March 15, 1993, the local agency, or unit thereof, may submit for recordation, and the county recorder shall record, a certified resolution of historical resources designation.

(c) The resolution shall include the name of the current property owner, the designating entity, the specific historical resources designation, and a legal description of the property.

(d) The recorder shall index the recorded resolutions of the commission or local agency, or unit thereof, listing the respective agency as the "grantor" and the current owner as the "grantee" for that purpose.

(e) For the purpose of this section, the term "historical resources designation" means the California Register of Historical Resources and any local historical resources designation resulting in restrictions on demolitions or alterations.

(f) This section shall have no effect on the right, title, or interest in the property identified after March 15, 1993, which is acquired by a bona fide purchaser for value between the time of designation of the property as a historical resource and time that the designation is recorded unless the purchaser had actual knowledge of the designation.

(g) This section shall have no effect upon the title to any property that is subject to this section.

## State Landmarks

### **5031. Qualified Historical Property.**

"Qualified historical property" means privately owned property which is not exempt from property taxation, is visually accessible to the public, and which is:

(a) All landmark registrations up to and including Register No. 769, which were approved without the benefit of criteria, shall be approved only if the landmark site conforms to the existing criteria as determined by the California Historical Landmarks Advisory Committee or as to approvals on or after January 1, 1975, by the State Historical Resources Commission. Any other registered California historical landmark under Article 2 (commencing with Section 5020) of this chapter, except points of historical interest, and which satisfies any of the following requirements:

(1) The property is the first, last, only, or most significant historical property of its type in the region;

(2) The property is associated with an individual or group having a profound influence on the history of California; or

(3) The property is a prototype of, or an outstanding example of, a period, style, architectural movement, or construction, or if it is one of the more notable works, or the best surviving work, in a region of a pioneer architect, designer, or master builder; or

(b) A property which is listed on the national register described in Section 470A of Title 16 of the United States Code; or

(c) A property which is listed on a city or county register or inventory of historical or architecturally significant sites, places or landmarks, provided, that such property satisfies any of the requirements set forth in paragraph 1, 2 or 3 under subdivision (a).

### **5032. Additional criteria.**

(a) "Qualified historical property" pursuant to Section 5031 includes:

(1) Individual sites having structures.

(2) Facades or portions of entire sites.

(3) Historic districts.

(b) "Qualified historical property" does not include individual sites without structures.

(c) Commercial operation in itself does not necessarily disqualify a landmark's registration. However, should a commercial enterprise by its physical development plans, or its proximity, impact, excessive use, or management philosophy so dilute or erode the significance of or quality of the landmark's integrity, then an adverse effect shall have occurred and its registration may be withdrawn.

**5033. Authority to adopt rules.**

The department shall adopt all rules and regulations relating to standards for qualifying as a historical property. In adopting such rules and regulations, the department shall consider all recommendations of the State Historical Resources Commission.

## Heritage Fund

**5079. Heritage Fund; legislative declaration.**

The Legislature hereby finds and declares all of the following:

(a) The preservation of California's historical resources is a responsibility of all citizens, and deserving of continued support through private contributions and efforts and through the use of public funds.

(b) Peoples of many cultures, backgrounds, and abilities have contributed to the economic and social diversity of the state.

(c) Increasing pressures for development, increasing public use, and deterioration through age and exposure continue to place California's historical resources at risk.

(d) Preservation of historical resources stimulates the economy, promotes energy conservation, contributes to the tourism industry, and enhances the quality of life in California.

(e) The stewardship of historical resources will further educational goals, deepen cultural and historical awareness, and advance the public's understanding of the existing human environment and institutions.

(f) Therefore, it is the policy of the state to encourage the stewardship and preservation of California's historical resources.

**5079.01. Definitions.**

As used in this chapter, the following terms have the following meanings:

(a) "California Register" means the California Register of Historic Resources.

(b) "Commission" means the State Historical Resources Commission.

(c) "Fund" means the California Heritage Fund created pursuant to Section 5079.10.

(d) "Historical landmark" and "historical resource" have the same meaning as set forth in subdivision (i) and subdivision (j), respectively, of Section 5020.1.

(e) "Historical resource preservation project" is a product, facility, or project designed to preserve an historical resource that is listed, or formally determined eligible for listing, in the National Register of Historic Places or the California Register, or designated as a historical landmark or point of historical interest.

(f) "National Register of Historic Places" means the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture as authorized by the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.).

(g) "Nonprofit organization" means any private, nonprofit organization, existing under Section 501(c)(3) of the United States Internal Revenue Code, that has, among its principal charitable purposes, the preservation of historic resources for cultural, scientific, historic, educational, recreational, agricultural, or scenic opportunities.

(h) "Office" means the State Office of Historic Preservation.

(i) "Point of historical interest" has the same meaning as set forth in subdivision (o) of Section 5020.1.

(j) "Preservation" means identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, and reconstruction, or any combination of those activities.

(k) "Public agency" means a federal agency, state agency, city, county, district, association of governments, joint powers agency, or tribal organization.

(l) "Stewardship" means the development and implementation of programs for the proper care, interpretation, and repose of items of historic and cultural value.

**5079.10.** Creation of funds; administration of funds.

The California Heritage Fund is hereby created in the State Treasury and shall be administered by the office. Money in the fund shall be available, upon appropriation by the Legislature, to implement laws providing for historical resource preservation, including, but not limited to, Section 5028 and Executive Order W-26-92, under criteria developed by the office and adopted by the commission. The actual costs incurred by the office in connection with administering and implementing the services and functions authorized in this chapter shall be paid from the fund.

**5079.11.** Deposits.

Unless otherwise provided by law, all funds received by the office for the purposes of historical resource preservation shall be deposited in the fund. The office and the Controller may establish separate accounts in the fund for the purpose of separating deposits according to their origin or intended purpose.

**5079.12.** Grants, gifts, donations.

In addition to any public funds appropriated expressly for the purposes of this chapter, the office may apply for and accept grants, and accept gifts, donations, subventions, rents, royalties, and other financial support, or real or personal property, from private sources. All money received from private sources shall be deposited in a separate account established pursuant to Section 5079.11 and, notwithstanding Section 5079.10, is hereby continuously appropriated to the office for expenditure for historical resources preservation projects pursuant to this chapter after notification to, and project approval by, the Department of Finance.

**5079.13.** Deposit of proceeds.

The office shall deposit the proceeds from any lease, rental, sale, exchange, or transfer of real property, or any interest therein or option thereon, made pursuant to Section 5079.23, in the fund, together with any other reimbursements, repayments, and income received by the office, unless otherwise provided by law.

**5079.14.** Deposit of proceeds from real property lease.

When a lease of real property is made to a private individual, group, or entity, the office shall annually transfer an amount not to exceed 25 percent of the gross income from the lease to the city or, if in an unincorporated area, the county in which the real property is located. Fifty percent of the funds received by the city or county shall be used for historical preservation projects, as approved by the office.

**5079.15.** Emergency financial support.

The office may apply for and receive emergency financial support for projects and areas identified under federal and state emergency and disaster guidelines. These funds shall be available for expenditure for the purposes of this chapter and Article 2 (commencing with Section 5020) of Chapter 1 under criteria developed by the office and adopted by the commission.

**5079.20.** Real property acquisition.

(a) Pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code), the State Public Works Board may acquire, on behalf of the office, fee title, or any lesser interest, in any real property whose preservation is

required to meet the policies and objectives of the California Register, including any interest required to provide public access to cultural or historical resources.

(b) The office may accept gifts or dedications of real property in order to meet the purposes of this chapter.

(c) The office may enter into an option to purchase real property in order to meet the purposes of this chapter.

**5079.21.** Acquisition for public access.

The office may acquire and hold historical resources, artifacts, or objects, or any interest therein, that are required to provide public access to cultural or historical resources. These items may be acquired by purchase, option to purchase, gift, exchange, dedication, or any combination thereof.

**5079.22.** Agreements for preservation and management.

The office may, in order to carry out historic preservation projects for purposes of Article 2 (commencing with Section 5020) of Chapter 1 and Article 2 (commencing with Section 5079.10) of this chapter, initiate, negotiate, and participate in agreements for the preservation and management of historical resources under its control with public agencies, nonprofit organizations, private entities, or individuals, and enter into any other agreements authorized by state law.

**5079.23.** Real property transactions; authorization.

Notwithstanding any other provision of law, the Director of General Services, when so requested by the office, may lease, rent, sell, exchange, or otherwise transfer any real property, or interest therein or option to purchase, acquired under this chapter, provided that the Director of General Services determines that the action is in the best interests of the state. The Department of General Services shall be reimbursed for any services rendered pursuant to this section.

**5079.24.** Real property transactions; adoption and implementation of procedures.

The commission shall adopt, and the office shall implement, appropriate procedures to ensure that real property transactions undertaken pursuant to this chapter are carried out in the public interest and with proper notice to the public.

**5079.25.** Loans and grants to public agencies and non profit organizations.

Money in the fund shall be available, upon appropriation by the Legislature, for loans and grants to public agencies and nonprofit organizations to carry out the purposes of this chapter. No loan or grant shall be made except pursuant to an agreement with the office, and subject to terms and conditions approved by the commission, that ensure that the loan or grant carries out the purposes of this chapter.

**5079.26.** Authorization to contract and issue grants.

(a) The office shall encourage and support historical resource preservation through education activities, including publications and training, that further the policies set forth in Section 5079.

(b) The office may enter into contracts with public agencies, nonprofit organizations, or private entities for this purpose and may make grants to public agencies and nonprofit organizations to carry out these activities.

**5079.27.** Support services.

The office may select and contract with other state agencies and with private entities and individuals to provide services necessary to carry out the purposes of this chapter and Section 5020.4.

**5079.28.** Project selection criteria.

Criteria for the selection of projects shall include, but not be limited to, all of the following:

(a) The project is representative of the concerns and needs of a broad range of constituencies or an underrepresented constituency.

(b) The proposal considers aspects of the broad political, social, and economic issues of the present and their implications for the future preservation of historical resources.

(c) The project effectively links historical resources preservation issues and concerns with other public policy areas.

(d) The project strengthens and fosters the role of local communities in historical resources preservation issues.

(e) The project supports and enhances the capacity of public policy planning processes to accommodate historical resources preservation issues and concerns.

(f) The project enhances the historic preservation program of certified local governments, as defined in subdivision (b) of Section 5020.1, and is consistent with the support of the office of certified local government programs.

**5079.35.** Acquisition, conservation, return and transfer of title.

(a) The office may acquire any interest in real property pursuant to Section 5079.20, or personal property pursuant to Section 5079.21, with historical, including archaeological, significance, or necessary for the preservation or management of any such property, in order to prevent the loss of historic integrity or imminent destruction or to otherwise secure the preservation of the historical resource.

(b) The office may undertake conservation or preservation activities for historical resources acquired under this chapter.

(c) The office shall encourage, to the greatest extent feasible, the acquisition of historical resources by other qualified purchasers, and the acquisition of the property shall only occur with the office acting as the buyer of last resort.

(d) The office shall take all feasible action to return or transfer title to the historical resources to a nonprofit organization, public agency, private entity, or individual, for all properties acquired for historical resources preservation under this chapter.

(e) Prior to taking any action towards the acquisition of any historical property, the office shall consult as needed with the appropriate city or county in order to better assess the historical significance of the historical property.

**5079.40.** Grants award; maximum amount.

The office shall award grants on a competitive basis to public agencies and nonprofit organizations for the preservation of historical resources. A grant made pursuant to this article may not exceed the lesser of one million dollars (\$1,000,000) or 50 percent of the cost of the project. A grant may be awarded on a noncompetitive basis for emergency purposes only.

**5079.41.** Matching funds.

The office shall adopt guidelines, subject to the approval of the commission, for determination of the amount of matching funds required, if any, for a grant.

**5079.42.** Agreements with non profit organizations.

A public agency may enter into an agreement with a nonprofit organization for the purpose of carrying out a historical resource preservation project funded by a grant made pursuant to this article.

**5079.43.** Excess funds.

After completion of the historical resource preservation project, the grant recipient shall return to the office the amount of the grant that exceeds the eligible project costs.

**5079.44.** Assessment of significance; consultation with local government.

The office shall consult as needed with the appropriate city or county in order to assess the historical significance of historical resources in connection with an historical resource preservation project proposed pursuant to this article by a nonprofit organization.

**5079.50.** Grants for impaired resources; restrictions.  
The office shall award grants to public agencies and nonprofit organizations to improve the management of California's historical resources which, because of natural events or human activities, have suffered impairment or loss of historic integrity. Grants made pursuant this section shall not be available to acquire public facilities, except to the extent the acquisition is incidental to the historical resource management project.

**5079.51.** Planning grants.  
After the approval of a proposed historical resource management project, the office may expend funds to prepare a plan for the protection and enhancement of the historical resource.

**5079.52.** Assessment of significance; consultation with local government.  
The office shall consult as needed with the appropriate city or county in order to assess the historical significance of historical resources in connection with an historical resource management project proposed pursuant to this article by a nonprofit organization.

**5079.60.** Archeological resources, legislative findings and declarations.  
The Legislature hereby finds and declares that California's archaeological resources are endangered by urban development and population growth and by natural forces. The Legislature further finds and declares that these resources need to be preserved in order to illuminate and increase public knowledge concerning the historic and prehistoric past of California.

**5079.61.** Archeological resources; grant.  
The office may award grants to public agencies and nonprofit organizations for historical resource preservation projects that include the acquisition of significant archaeological resource areas and artifacts associated with those sites.

**5079.62.** Archeological resources; grant restrictions.  
(a) The amount of the grant shall not exceed the cost of the project.  
(b) The amount of the grant and the amount of matching funds required, if any, shall be determined by the office, based on the financial resources available to the grant applicant, the urgency of the project relative to other archaeological projects, the extent to which the project furthers program objectives, and other factors identified by the office and approved by the commission that further the purposes of this chapter.

**5079.63.** Archeological resources; loans.  
The office may loan funds to a nonprofit organization for the temporary acquisition of an archaeological resource that will be subsequently acquired by a public agency.

**5079.64.** Archeological resources; grant restrictions.  
Not more than 25 percent of any grant made pursuant to the article may be expended for archaeological survey and reports, special salvage excavation, and artifact preservation activities in conformance with accepted curation standards. No funds shall be expended for the survey or excavation of any site that the owner intends to resell for commercial gain.

**5079.65.** Archeological resources; assessment of significance; consultation with local government.  
The office shall consult as needed with the appropriate city or county in order to assess the historical significance of historical resources in connection with an historical resource preservation project proposed pursuant to this article by a nonprofit organization.

## Archeological Sites

**5097.** Archeological, Paleontological and Historical sites definitions; state lands.

As used in this chapter, "state lands" means lands owned by, or under the jurisdiction of, the state or any state agency. It does not include lands owned by, or under the jurisdiction of a city, county, or district, or fire trails under the jurisdiction of the Division of Forestry in the Department of Conservation.

**5097.1.** Public Works.

Prior to the commencement of construction of any major public works project on any state lands, the state agency proposing to construct the project, or on whose behalf the project is to be constructed, may submit to the State Department of Parks and Recreation general plans sufficient to indicate the nature of the project, its location, and the excavations which will be undertaken in connection with the project.

**5097.2.** Archeological Site Survey.

Upon receipt of plans for a proposed construction project upon state lands, the department may conduct an archaeological site survey on the affected state lands in order to determine whether the lands may contain any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological sites, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature. The department shall submit to the state agency, by or on whose behalf the project is to be constructed, its recommendations concerning the preservation, photographing, recording, or excavation for, any archaeological, paleontological, or historical features which may be located upon the lands.

**5097.3.** Department of Parks and Recreation.

The state agency, by or on whose behalf public works are to be constructed on state lands, may undertake such surveys, excavations, or other operations on the state lands as it determines to be necessary to preserve or record any archaeological, paleontological, or historical features, including rock art, which may be located on the lands, after receiving the recommendations of the department, or the state agency may contract with the department to undertake those operations. The department may carry out the operations.

**5097.4.** Delay.

No archaeological program conducted by the Department of Parks and Recreation shall impair, impede or delay any state construction project.

**5097.5.** Removal or Destruction; Prohibition.

(a) No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. Violation of this section is a misdemeanor.

(b) As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof.

**5097.6.** Appropriations.

Expenditures to carry out the purposes of this chapter shall be made only pursuant to legislative appropriation for these purposes or by contract with other state agencies.



## Native American Heritage

**5097.9.** Native American Historical, Cultural and Sacred Sites; free exercise of religion; cemeteries, place of worship on ceremonial sites.

No public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. The provisions of this chapter shall be enforced by the commission, pursuant to Sections 5097.94 and 5097.97.

The provisions of this chapter shall not be construed to limit the requirements of the Environmental Quality Act of 1970, Division 13 (commencing with Section 21000). The public property of all cities, counties, and city and county located within the limits of the city, county, and city and county, except for all parklands in excess of 100 acres, shall be exempt from the provisions of this chapter. Nothing in this section shall, however, nullify protections for Indian cemeteries under other statutes.

**5097.91.** Native American Heritage Commission.  
There is in state government a Native American Heritage Commission, consisting of nine members appointed by the Governor with the advice and consent of the Senate.

**5097.92.** Native American Heritage Commission; membership; executive officer.  
At least five of the nine members shall be elders, traditional people, or spiritual leaders of California Native American tribes, nominated by Native American organizations, tribes, or groups within the state. The executive secretary of the commission shall be appointed by the Governor.

**5097.93.** Native American Heritage Commission; compensation.  
The members of the commission shall serve without compensation but shall be reimbursed their actual and necessary expenses.

**5097.94.** Native American Heritage Commission; powers and duties.  
The commission shall have the following powers and duties:

(a) To identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The identification and cataloging of known graves and cemeteries shall be completed on or before January 1, 1984. The commission shall notify landowners on whose property such graves and cemeteries are determined to exist, and shall identify the Native American group most likely descended from those Native Americans who may be interred on the property.

(b) To make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans.

(c) To make recommendations to the Legislature relative to procedures which will voluntarily encourage private property owners to preserve and protect sacred places in a natural state and to allow appropriate access to Native American religionists for ceremonial or spiritual activities.

(d) To appoint necessary clerical staff.

(e) To accept grants or donations, real or in kind, to carry out the purposes of this chapter.

(f) To make recommendations to the Director of Parks and Recreation and the California Arts Council relative to the California State Indian Museum and other Indian matters touched upon by department programs.

(g) To bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, pursuant to Section 5097.97. If the court finds that severe and irreparable damage will occur or that appropriate access will be denied, and appropriate mitigation measures are not available, it shall issue an injunction, unless it finds, on clear and convincing evidence, that the public interest and necessity require otherwise. The Attorney General shall represent the commission and the state in litigation concerning affairs of the commission, unless the Attorney General has determined to represent the agency against whom the commission's action is directed, in which case the commission shall be authorized to employ other counsel. In any action to enforce the provisions of this subdivision the commission shall introduce evidence showing that such cemetery, place, site, or shrine has been historically regarded as a sacred or sanctified place by Native American people and represents a place of unique historical and cultural significance to an Indian tribe or community.

(h) To request and utilize the advice and service of all federal, state, local, and regional agencies.

(i) To assist Native Americans in obtaining appropriate access to sacred places that are located on public lands for ceremonial or spiritual activities.

(j) To assist state agencies in any negotiations with agencies of the federal government for the protection of Native American sacred places that are located on federal lands.

(k) To mediate, upon application of either of the parties, disputes arising between landowners and known descendents relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

The agreements shall provide protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction and provide for sensitive treatment and disposition of Native American burials, skeletal remains, and associated grave goods consistent with the planned use of, or the approved project on, the land.

(l) To assist interested landowners in developing agreements with appropriate Native American groups for treating or disposing, with appropriate dignity, of the human remains and any items associated with Native American burials.

**5097.95.** Native American Heritage Commission; state and local agency cooperation; environmental impact reports.

Each state and local agency shall cooperate with the commission in carrying out its duties under this chapter. Such cooperation shall include, but is not limited to, transmitting copies, at the commission's expense, of appropriate sections of all environmental impact reports relating to property identified by the commission as of special religious significance to Native Americans or which is reasonably foreseeable as such property.

**5097.96.** Native American Heritage Commission; sacred sites.

The commission may prepare an inventory of Native American sacred places that are located on public lands and shall review the current administrative and statutory protections accorded to such places. The commission shall submit a report to the Legislature no later than January 1, 1979, in which the commission shall report its findings as a result of these efforts and shall recommend such actions as the commission deems necessary to preserve these sacred places and to protect the free exercise of the Native American religions.

**5097.97.** Native American Heritage Commission; public hearings; legal action.

In the event that any Native American organization, tribe, group, or individual advises the commission that a proposed action by a public agency may cause severe or irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, or may bar appropriate access thereto by Native Americans, the commission shall conduct an investigation as to the effect of the proposed action. Where the commission finds, after a public hearing, that the proposed action would

result in such damage or interference, the commission may recommend mitigation measures for consideration by the public agency proposing to take such action. If the public agency fails to accept the mitigation measures, and if the commission finds that the proposed action would do severe and irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, the commission may ask the Attorney General to take appropriate legal action pursuant to subdivision (g) of Section 5097.94.

**5097.98.** Native American Heritage Commission; human remains; most likely descendent.

(a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

(b) Whenever the commission is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(c) Notwithstanding the provisions of Section 5097.9, the provisions of this section, including those actions taken by the landowner or his or her authorized representative to implement this section and any action taken to implement an agreement developed pursuant to subdivision (l) of Section 5097.94, shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(d) Notwithstanding the provisions of Section 30244, the provisions of this section, including those actions taken by the landowner or his or her authorized representative to implement this section, and any action taken to implement an agreement developed pursuant to subdivision (l) of Section 5097.94 shall be exempt from the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)).

**5097.99.** Felony Possession of Native American Human Remains and artifacts.

(a) No person shall obtain or possess any Native American artifacts or human remains which are taken from a Native American grave or cairn on or after January 1, 1984, except as otherwise provided by law or in accordance with an agreement reached pursuant to subdivision (l) of Section 5097.94 or pursuant to Section 5097.98.

(b) Any person who knowingly or willfully obtains or possesses any Native American artifacts or human remains which are taken from a Native American grave or cairn after January 1, 1988, except as otherwise provided by law or in accordance with an agreement reached pursuant to subdivision (l) of Section 5097.94 or pursuant to Section 5097.98, is guilty of a felony which is punishable by imprisonment in the state prison.

(c) Any person who removes, without authority of law, any Native American artifacts or human remains from a Native American grave or cairn with an intent to sell or dissect or with malice or wantonness is guilty of a felony which is punishable by imprisonment in the state prison.

**5097.991.** Repatriation.

It is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.

# California Environmental Quality Act

## **21083.2.** Archeological Resources.

(a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.

(d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

(e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:

(1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.

(2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.

(3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:

- (A) Two hundred dollars (\$200) per unit for any of the next 99 units.
- (B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.
- (C) One hundred dollars (\$100) per unit in excess of 500 units.

(f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

(g) As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

(h) As used in this section, "nonunique archaeological resource" means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

(i) As part of the objectives, criteria, and procedures required by Section 21082 or as part of conditions imposed for mitigation, a lead agency may make provisions for archaeological sites accidentally discovered during construction. These provisions may include an immediate evaluation of the find. If the find is determined to be a unique archaeological resource, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in this section. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

(j) This section does not apply to any project described in subdivision (a) or (b) of Section 21065 if the lead agency elects to comply with all other applicable provisions of this division. This section does not apply to any project described in subdivision (c) of Section 21065 if the applicant and the lead agency jointly elect to comply with all other applicable provisions of this division.

(k) Any additional costs to any local agency as a result of complying with this section with respect to a project of other than a public agency shall be borne by the project applicant.

(l) Nothing in this section is intended to affect or modify the requirements of Section 21084 or 21084.1.

**21084.** Guidelines shall list classes of projects exempt from Act.

(e) No project that may cause a substantial adverse change in the significance of an historical resource, as specified in Section 21084.1, shall be exempted from this division pursuant to subdivision (a).

**21084.1.** Historical Resources Guidelines.

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a

lead agency from determining whether the resource may be an historical resource for purposes of this section.

# Government Code

## Public Records

### **6254.** Restriction of Archeological Record Disclosure.

Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following: (r) Records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

**6254.10.** Information maintained by Department of Parks and Recreation. Nothing in this chapter requires disclosure of records that relate to archeological site information maintained by the Department of Parks and Recreation, the State Historical Resources Commission, or the State Lands Commission.

## Capitol View Protection

### **8162.5.** Definitions.

(a) This section and Sections 8162.6, 8162.7, 8162.8, and 8162.9 shall be known as the Capitol View Protection Act.

(b) "Capitol Park" means the area lying between 9th Street on the west, 15th Street on the east, N Street on the south, and L Street on the north.

(c) "Height limit" means the highest point of the building except for the following unoccupied elements: building caps that serve a decorative function and rooftop mechanical equipment that is screened and placed in a location furthest away when viewed from the State Capitol or Capitol Park.

(d) "Block" means a reference to a block in a specified direction from a given numbered street bounded by the center line of the given street and the center line of the adjacent numbered street in the specified direction. A reference to a block in a specified direction from a given lettered street shall mean the property bounded by the center line of the specified street and the center line of the adjacent lettered street in the specified direction. A reference to a block may also be defined by specific stated lines on opposite sides of a given street, but parallel to the center line of the street.

(e) "Half block" means a reference to a half block in a specified direction from a given numbered street bounded by the center line of the given street and a line parallel to, and 200 feet in the specified direction from, the center line of the given street. A reference to a half block in a specified direction from a given lettered street shall mean the property bounded by the center line of the given street and a line parallel to, and 210 feet in the specified direction from, the center line of the given street.

(f) "Street" means, for purposes of the height restrictions and setback requirements, the center line of the street.

(g) "Abandoned or built across streets" means an instance in which a portion of a given street has been abandoned or built across. A reference to the given street shall mean the center line of the street that would have existed if the street had not been abandoned or built across, and was the same width as the existing given street.

(h) "K Street" shall mean, for property west of 14th Street, the center line of the K Street Mall.

### **8162.6.** Legislative findings and declarations.

The Legislature hereby finds and declares all of the following:



(a) Sacramento's State Capitol and Capitol Park provide the City of Sacramento with a unique cultural and open-space resource that is a major attraction for thousands of visitors each year.

(b) Over the past 10 years, the skyline of downtown Sacramento has changed dramatically, signifying the city's diversity as a center of commerce and government. As a result of this growth, the State Capitol no longer has the most prominent position on the skyline.

(c) In the last three years, 10 major project office buildings have been constructed or approved within the downtown's C-3 zone and approximately 14 additional buildings have been proposed. This growth has prompted increased community concern about preservation of the visual prominence of the State Capitol. (d) Since June of 1990, state officials have been working with the city toward developing a plan that would guide future development downtown in a way that would preserve and enhance the visual prominence of the State Capitol and the character and scale of Capitol Park.

**8162.7.** Height limitations.

Notwithstanding any other provision of law, except as provided in Section 8162.9, the following height limits shall apply as follows:

(a) The applicable height limit shall be 80 feet for the following areas:

(1) The block surrounded by L Street on the north, 16th Street on the east, Capitol Avenue on the south, and 15th Street on the west.

(2) The half block surrounded by Capitol Avenue on the north, 16th Street on the east, 15th Street on the west, and a line parallel to and 210 feet to the south of Capitol Avenue on the south.

(3) The half block to the east of 15th Street between a line running parallel to and 210 feet to the north of N Street on the north, and a line running parallel to and 210 feet to the south of N Street on the south.

(4) The half block to the south of N Street between 15th Street on the east, and a line parallel to and 200 feet to the west of 9th Street on the west.

(b) The applicable height limit shall be 120 feet for the following area: The blocks between L Street on the north, 17th Street on the east, N Street on the south and 16th Street on the west.

(c) The applicable height limit shall be 150 feet for the following areas:

(1) The half block to the west of 16th Street between a line parallel to and 210 feet to the north of N Street on the north, and a line parallel to and 210 feet to the south of N Street on the south.

(2) The half block to the north of O Street between 16th Street on the east and 8th Street on the west.

(3) The half block to the south of N Street between 8th Street on the west and a line parallel to and 200 feet to the east of 8th Street on the east.

(4) The block to the south of O Street between a line parallel to and 200 feet to the east of 11th Street on the east and a line parallel to and 200 feet to the west of 11th Street on the west.

(5) The half block to the north of L Street between 16th Street on the east and a line parallel to and 200 feet to the west of 9th Street on the west.

(6) The half block to the west of 9th Street between L Street on the north and N Street on the south.

(d) The applicable height limit shall be 250 feet for the following areas:

(1) The half block to the south of O Street between 13th Street and a line parallel to and 200 feet to the west of 12th Street.

(2) The half block to the south of O Street between a line parallel to and 200 feet to the east of 10th Street on the east, and a line parallel to and 200 feet to the west of 8th Street on the west.

(3) The half block to the west of 8th Street between N Street on the north and O Street on the south.

(4) The half block to the south of K Street between 12th Street on the east and 10th Street on the west.

(5) The block to the north of K Street between a line parallel to and 200 feet to the west of 11th Street on the west, and a line parallel to and 200 feet to the east of 11th Street on the east.

(e) The applicable height limit shall be 300 feet for the following areas:

(1) The half block to the south of K Street, between 16th Street on the east and 12th Street on the west.

(2) The half block to the South of K Street, between 10th Street on the east and 8th Street on the west.

(3) The half block east of 8th Street, between a line parallel to and 210 feet to the north of L Street on the north and N Street on the south.

(f) The applicable height limit shall be 350 feet for the following areas:

(1) The block to the north of J Street between a line parallel to and 200 feet to the east of 11th Street on the east and a line parallel to and 200 feet west of 11th Street on the west.

(2) The half block to the north of I Street, between 11th Street on the east and a line parallel to and 200 feet to the west of 11th Street on the west.

(g) The applicable height limit shall be 400 feet for the following areas:

(1) The half block to the north of K Street between 16th Street on the east and a line parallel to and 200 feet to the west of 12th Street on the west.

(2) The half block to the north of K Street between a line parallel to and 200 feet east of 10th Street on the east and a line parallel to and 200 feet west of 8th Street on the west.

(3) The block to the west of 8th Street between K Street on the north and N Street on the south.

(h) The applicable height limit shall be 450 feet for the following areas:

(1) The half block to the south of J Street between 16th Street on the east and a line parallel to and 200 feet west of 12th Street on the west.

(2) The half block to the south of J Street between a line parallel to and 200 feet to the east of 10th Street on the east and 7th Street on the west.

(3) The half block to the north of K Street between a line parallel to and 200 feet to the east of 7th Street on the east and 7th Street on the west.

#### **8162.8. Setback requirements.**

Notwithstanding any other provision of law, the following setback requirements shall apply:

(a) Buildings in the first half block north of L Street between a line parallel to and 200 feet to the east of 15th Street on the east and a line parallel to and 200 feet to the west of 9th Street on the west, and buildings in the first half block west of 9th Street between L Street on the north and N Street on the south shall be subject to the following setback requirements:

(1) Each building shall be set back not less than 15 feet from the property line along L Street or 9th Street.

(2) Buildings may be designed to include street level pedestrian oriented features such as arcades, plazas, or building bases. These features may extend up to six feet into the required 15-foot setback area, but shall not exceed 30 feet in height.

(b) Buildings in the first half block east of 15th Street between L Street on the north and N Street on the south shall be subject to the following setback requirements:

(1) Each building shall be set back not less than 9 feet from the property line along 15th Street.

(2) That portion of each building exceeding 60 feet shall be set back not less than 15 feet from the base of the building along 15th Street.

(c) Buildings in the first half block east of 11th Street between I Street on the north and a line parallel to and 210 feet to the south of K Street on the south, and buildings in the first half block to the west of 11th Street between H Street on the north and a line parallel to and 210 feet to the south of K Street on the south, shall be subject to the following setback requirement:

That portion of each building exceeding 70 feet or five floors, whichever is lower, shall be set back not less than 30 feet from the base of the building along Capitol Mall and 11th Street.

#### **8162.9. Height limitation capitol area development authority's Stanford and Heilbron Mansions.**

(a) Notwithstanding subdivision (a) of Section 8162.7, a 96-foot height limit shall apply to construction, exclusively for the purposes of residential development, for Lot 4, Block 223 (known as Capitol Area Development Authority Residential Site 21) surrounded by N Street on

the north, 14th Street on the east, 120 feet west of 14th Street on the west, and one quarter of a half block to the south of N Street on the south.

(b) Notwithstanding any other provision of law, development on the city blocks surrounding the Stanford Mansion located at 802 N Street, and the Heilbron Mansion located at 704 O Street, shall be environmentally sensitive to these historic mansions. Copies of environmental documents for any development on the city blocks surrounding these mansions shall be distributed by the State Clearinghouse within the Governor's Office of Planning and Research to the State Office of Historic Preservation, and other agencies as required by the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

## **State Capitol Commission**

### **9149. Legislative findings and declaration.**

The Legislature finds and declares that the historic State Capitol is a state historic and architectural legacy which must be preserved and maintained in a manner befitting the significance of the structures to the history and people of California. It is the intention of the Legislature, in enacting this article, to provide a permanent, official body to be charged with advisory review of the maintenance, restoration, development, and management of the historic State Capitol.

### **9149.1. Definitions.**

As used in this article:

- (a) "Commission" means the Historic State Capitol Commission created by Section 9149.2.
- (b) "Historic State Capitol" is the building housing the state legislative offices and chambers, situated in the area bounded by 10th, L, 15th and N Streets in the City of Sacramento, except the east annex thereto.

### **9149.2. Historical State Capitol Commission; membership.**

(a) There is in state government, the Historic State Capitol Commission, which shall consist of seven members, initially appointed as follows:

(1) Two members appointed by the Speaker of the Assembly, with one member initially serving a term of four years and one member initially serving a term of six years; thereafter, any appointment under this paragraph shall be for a term of six years.

(2) Two members appointed by the President pro Tempore of the Senate, with one member initially serving a term of two years and one member initially serving a term of six years; thereafter, any appointment under this paragraph shall be for a term of six years.

(3) The State Historic Preservation Officer, the State Librarian, and the State Archivist, who shall serve ex officio.

(b) Each member shall serve until his or her successor is appointed and qualified. Vacancies shall be filled by the appointing power for the remainder of the term. The commission shall from time to time elect one of its members to chair the commission.

### **9149.3. Historical State Capitol Commission; legislative appointees.**

The appointees of both the Speaker of the Assembly and the President pro Tempore of the Senate shall include one person who represents the arts or humanities and one person from the general public.

### **9149.4. Historical State Capitol Commission; reimbursement.**

The members of the commission shall serve without compensation, but shall receive reimbursement for travel and living expenses in connection with their official duties, at rates established by the Department of Personnel Administration.

**9149.5.** Historical State Capitol Commission; subcommittee on the capitol restoration project. The Joint Rules Committee shall appoint a Subcommittee on the Capitol Restoration Project, comprised of three members from the Senate and three from the Assembly, to monitor the commission. The legislators so appointed shall have no vote in commission proceedings.

**9149.6.** Historical State Capitol Commission; meetings.

(a) Four members of the commission shall constitute a quorum to do business, and no action of the commission may be taken except upon an affirmative recorded vote of four or more members.

(b) All meetings of the commission shall be open to the public.

(c) The commission shall meet upon call of the chairperson and at such other times as it may prescribe.

**9149.7.** Historical State Capitol Commission; powers and duties.

The commission shall have the following powers and duties:

(a) To prepare, complete, and, from time to time, to amend, a comprehensive master plan, based on a priority of needs, for the restoration, preservation, and maintenance of the historic State Capitol.

(b) To review and advise the Legislature on any development, improvement, or other physical change in any aspect of the historic State Capitol.

(c) To manage, with the approval of the Joint Rules Committee, all historic and museum spaces and any concessions, in the historic State Capitol.

(d) To develop and manage historic art loans or other programs, exhibits, films, convocations, or other activities of an historic, architectural, or cultural nature, including any museum space in the historic State Capitol, as the commission determines will serve the interests of the public and promote public interest in the historic State Capitol under Joint Rules Committee supervision.

(e) To purchase for the state, or to accept as gifts to the state, any furnishings, artifacts, works of art, or other property which the commission determines will enhance the historic and cultural aspects of the historic State Capitol. All furnishings, artifacts, works of art, or other property so acquired shall be managed by the commission under supervision of the Joint Rules Committee.

(f) To accept financial contributions from any source, public or private, including any advisory foundation or group.

(g) To do any other act which the commission determines will maintain or enhance the historic and cultural legacy of the historic State Capitol.

**9149.8.** Standards for restoration, maintenance and curation.

In carrying out its duties and responsibilities under this article, the commission shall follow accepted standards for restoration, preservation, and maintenance of historic structures, including all of the following, where applicable and feasible:

(a) Standards for historic preservation, maintenance, recordation, and documentation of landmarks, promulgated by the United States Department of the Interior or its successor.

(b) Guidelines and museum management procedures, established by the National Trust for Historic Preservation or its successor.

(c) Standards, procedures, and guidelines for maintenance and protection of historic properties established or administered by the State Historic Preservation Officer and the Office of Historic Preservation.

(d) The management, conservation, and accession policies and procedures for historic features and artifacts developed for the Capitol Museum project interpretive program of the Joint Rules Committee in connection with the State Capitol Restoration Project conducted under Section 9124.

(e) Recommended procedures of the American Association of Museums.

- 9149.9.** Restoration project data and research.  
The commission shall maintain and may utilize all historic data, research, and project files developed and gathered by the state, and in the possession of the state, in connection with the State Capitol Restoration Project. On the date that the commission commences business, all of the written materials covered under this section shall be transferred to the State Archives to inventory, process, and store on behalf of the commission.
- 9149.10.** Assistance from state agencies.  
The commission may request and shall receive assistance and data, relevant to the commission's duties and responsibilities, from every agency of state government.
- 9149.11.** Records and reports.  
The commission shall maintain complete records of its proceedings and may publish reports and other publications in connection with its duties and responsibilities.
- 9149.12.** Funds.  
The commission shall use any funds appropriated to its use, or allocated to its use by the Joint Rules Committee, donated to it, or acquired as revenue from any concession operated in the State Capitol, only for purposes of furthering the objectives of this article.
- 9149.13.** Concessions.  
The commission shall review and advise on any interagency agreement for management of concessions within the historic State Capitol.
- 9149.14.** Historical State Capitol Commission; executive officer.  
The commission shall employ an executive officer, who shall have at least three years of administrative-curatorial experience in the cultural or historic preservation fields, and staff persons as may be necessary to provide administrative services to the commission. No person may be employed as executive officer without approval, by majority vote, of the members of the Joint Rules Committee.
- 9149.15.** Contracts for services.  
The commission may contract with any agency, public or private, for services, in connection with the commission's duties and responsibilities, as the commission determines to be necessary, including, but not limited to, the Department of Parks and Recreation in connection with the management of the Capitol Museum, as approved by the Joint Rules Committee. These contracts shall be subject to and consistent with existing laws, rules, and state policy regarding contracts with private firms or individuals for services provided to the state.
- 9149.16.** Legislative report.  
The commission annually shall report to the Legislature on its activities. The commission shall propose to the Legislature such recommendations for legislation in connection with the historic State Capitol as the commission determines to be necessary.
- 9149.17.** Allocation.  
The commission shall be supported by allocations by the Joint Rules Committee from the Contingent Funds of the Assembly and Senate. The commission annually shall submit to the Joint Rules Committee a proposed budget for each fiscal year. The budget shall be subject to approval by a majority vote of the Joint Rules Committee.

## California Main Street Program

**15399.** Legislative findings and declarations.

The Legislature finds and declares the following:

(a) The continued economic vitality of business districts in our state's smaller cities and the neighborhoods of larger urban and suburban cities are essential to community preservation, social cohesion, and economic growth.

(b) In recent years these central business districts have experienced economic difficulties due to shifting population bases, changes in the marketplace, and greater competition from suburban shopping malls.

(c) This decline has further eroded the ability of small businesses and property owners to renovate and enhance their commercial and residential properties.

(d) Merchants in the smaller cities are also experiencing greater difficulties in obtaining financial aid at reasonable interest rates, thereby further inhibiting their ability to develop new business as well as continue existing operations.

(e) Neighborhood commercial areas in medium-sized and larger cities need to maintain their local economies in order to provide goods and services to adjacent residents, to provide employment opportunities, and to avoid disinvestment and economic dislocations.

**15399.1.** Legislative intent.

(a) It is the intent of the Legislature to establish in the agency a program, the California Main Street Program, to provide technical assistance and training for small cities' government, business organizations, and merchants and property owners to accomplish community and economic revitalization and development of older central business districts and neighborhoods. It is the further intent of the Legislature that this program shall employ the techniques developed by the National Trust of Historic Preservation's Main Street Center which are designed to stimulate business reinvestment, restore building facades, retain existing small businesses, strengthen the local tax base, create employment opportunities, promote new businesses in downtown areas, and help to create a renewed sense of community pride. The Legislature further intends that this program be a joint state, local government, and private sector partnership utilizing private and public financial resources.

(b) It is the further intent of the Legislature to expand the California Main Street Program enacted pursuant to Chapter 1577 of the Statutes of 1985 to include assistance for commercial areas in medium-sized cities and larger urban communities.

**15399.2.** Development plan.

(a) There is hereby created within the agency a California Main Street Program which shall operate according to a plan developed by the agency with the assistance of all of the following:

(1) Organizations representing merchants and governments of small cities, historic preservation interests, financial institutions, and economic development groups.

(2) The California private industry councils.

(3) The Office of Small Business, the Office of Business Development, and the Small Business Development Center within the agency.

(4) The Office of Historic Preservation.

(5) The Department of Housing and Community Development.

(6) The chairpersons of the following committees of the Legislature:

(A) The Assembly Select Committee on Small Business.

(B) The Senate Select Committee on Small Business Enterprises.

(C) The Assembly Committee on Economic Development and New Technologies.

(D) The Joint Committee on the State's Economy. These chairpersons shall assist in the development of the plan to the extent that their participation is not incompatible with their positions as Members of the Legislature.

(7) The California Preservation Foundation.

(b) The agency shall modify and expand the California Main Street Program plan pursuant to Chapter 1577 of the Statutes of 1985 to include program elements designed to assist merchants and residents in the neighborhoods of larger and medium-sized cities.

**15399.3.** Development plan content.

The plan required by Section 15399.2 shall describe the objectives and strategies of the California Main Street Program, how the program will be coordinated with existing federal, state, local, and private sector small business development and historic preservation efforts, the means by which private investments will be solicited and employed, and methods of selecting and providing assistance to participating and demonstration communities.

**15399.4.** Implementation.

In order to implement this program, the agency shall do all of the following:

(a) Contract with the National Main Street Center of the National Trust for Historic Preservation to assist in accomplishing the program's objectives, to provide technical assistance to the agency, and to assist in developing criteria for the selection of, and aid in selecting, the participating and demonstration communities.

(b) Designate a program manager and staff.

(c) Develop objective criteria for selecting the participating and demonstration communities. The criteria shall include, but shall not be limited to, all of the following:

(1) Evidence of interest and commitment to downtown economic development and historic preservation by both the private and public sectors.

(2) Evidence of potential private investment in the downtown area.

(3) A downtown with sufficient historic fabric to become a foundation for an enhanced community image.

(4) Organization and financial commitment to implement a long-term economic revitalization program which includes a commitment to employ a full-time, professional project manager with an operating budget.

(d) Devise a method of inviting eligible communities to submit applications, select demonstration communities, and additional participating communities in subsequent years.

(e) Include in the program, in addition to the demonstration communities, any city which has on the effective date of this chapter a contract with the National Trust's Main Street Center for a local main street program.

**15399.5.** Program available to cities and countries.

The program established pursuant to Chapter 1577 of the Statutes of 1985 shall continue to provide services to cities with populations of less than 50,000. There shall be three pilot programs for cities with the following characteristics:

(a) For cities with populations in excess of 50,000 but less than 200,000.

(b) For cities with populations of 200,000 or more but less than 400,000.

(c) For cities with a population of 400,000 or more.

**15399.6.** Private contributions.

In order to reduce costs to the state, the agency shall include in the plan a means to solicit private contributions for state and local operations of the program.

**15399.7.** Program fund.

There is hereby established in the State Treasury the California Main Street Program Fund. All private contributions, federal funds, and fees for services, if levied, shall be deposited into the fund for the operation of the program.

**15399.8.** Legislative report.

The agency shall include in its annual report to the Legislature a special report on the effectiveness of this program.

## Local Government



**25373.** County Property; power to regulate for protection of historical resources; non-commercial property owned by religiously affiliated associations.

(a) The board of supervisors may acquire property for the preservation or development of a historical landmark. The board of supervisors may also acquire property for development for recreational purposes and for development of facilities in connection therewith.

(b) The board may, by ordinance, provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value. These special conditions and regulations may include appropriate and reasonable control of the appearance of neighboring private property within public view.

(c) Until January 1, 1995, subdivision (b) shall not apply to noncommercial property owned by a religiously affiliated association or corporation not organized for private profit, whether incorporated as a religious or public benefit corporation, unless the owner of the property does not object to its application. Nothing in this subdivision shall be construed to infringe on the authority of the board of supervisors to enforce special conditions and regulations on any property designated prior to January 1, 1994.

(d) Subdivision (b) shall not apply to noncommercial property owned by any association or corporation that is religiously affiliated and not organized for private profit, whether the corporation is organized as a religious corporation, or as a public benefit corporation, provided that both of the following occur:

(1) The association or corporation objects to the application of the subdivision to its property.

(2) The association or corporation determines in a public forum that it will suffer substantial hardship, which is likely to deprive the association or corporation of economic return on its property, the reasonable use of its property, or the appropriate use of its property in the furtherance of its religious mission, if the application is approved.

(e) Nothing in this subdivision shall be construed to infringe on the authority of any legislative body to enforce special conditions and regulations on any property designated prior to January 1, 1994, or to authorize any legislative body to override the determination made pursuant to paragraph (2) of subdivision (d).

**27288.2.** County Recordation of Historically designated properties. Pursuant to Section 5029 of the Public Resources Code, after March 15, 1993, the county recorder shall record a certified resolution establishing an historical resources designation issued by the State Historical Resources Commission or a local agency, or unit thereof. For previously designated properties, the county may record the certified resolution establishing the historical resources designation upon submission.

## City Property

**37361.** Power to regulate for protection of historical resources; non-commercial property owned by religiously affiliated associations.

(a) The legislative body may acquire property for the preservation or development of a historical landmark. The legislative body may also acquire property for development for recreational purposes and for development of facilities in connection therewith.

(b) The legislative body may provide for places, buildings, structures, works of art, and other objects, having a special character or special historical or aesthetic interest or value, special conditions or regulations for their protection, enhancement, perpetuation or use, which may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both.

(c) Until January 1, 1995, subdivision (b) shall not apply to noncommercial property owned by a religiously affiliated association or corporation not organized for private profit, whether incorporated as a religious or public benefit corporation, unless the owner of the property does

not object to its application. This subdivision does apply to a charter city. Nothing in this subdivision shall be construed to infringe on the authority of the legislative body to enforce special conditions and regulations on any property designated prior to January 1, 1994. Subdivision (b) shall not apply to noncommercial property owned by any association or corporation that is religiously affiliated and not organized for private profit, whether the corporation is organized as a religious corporation, or as a public benefit corporation, provided that both of the following occur:

(1) The association or corporation objects to the application of the subdivision to its property.

(2) The association or corporation determines in a public forum that it will suffer substantial hardship, which is likely to deprive the association or corporation of economic return on its property, the reasonable use of its property, or the appropriate use of its property in the furtherance of its religious mission, if the application is approved.

(e) Nothing in this subdivision shall be construed to infringe on the authority of any legislative body to enforce special conditions and regulations on any property designated prior to January 1, 1994, or to authorize any legislative body to override the determination made pursuant to paragraph (2) of subdivision (d). This subdivision and subdivision (d) shall apply to a charter city.

**37361.1.** Conveyance to historical association; conditions; reversions. Notwithstanding anything in this chapter to the contrary, the legislative body may convey, upon such terms and conditions as it determines to be in the public interest, any surplus real property, together with any building thereon, owned by the city which has been determined by the legislative body to be of general historical interest, to an association or society the purpose of which is to research and promote the city's historical heritage or to preserve property of historical interest in the city and which is a nonprofit corporation formed under the laws of this state. Any such conveyance shall contain a condition to the effect that the historical nature of the property be restored, preserved, or both, for the benefit of the citizens of the city, and that title will revert to the city in the event that the association or society conveys the property in question to any person or entity which is not a nonprofit corporation involved with preserving and researching the history of the city.

## **Mills Act: Historical Property Contracts**

**50280.** Restriction of property use.

Upon the application of an owner or the agent of an owner of any qualified historical property, as defined in Section 50280.1, the legislative body of a city, county, or city and county may contract with the owner or agent to restrict the use of the property in a manner which the legislative body deems reasonable to carry out the purposes of this article and of Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code. The contract shall meet the requirements of Sections 50281 and 50282.

**50280.1.** Qualified historic property.

"Qualified historical property" for purposes of this article, means privately owned property which is not exempt from property taxation and which meets either of the following:

(a) Listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.

(b) Listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

**50281. Required contract provision.**

Any contract entered into under this article shall contain the following provisions:

(a) The term of the contract shall be for a minimum period of 10 years.

(b) Where applicable, the contract shall provide the following:

(1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.

(2) For the periodic examinations of the interior and exterior of the premises by the assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the owner's compliance with the contract.

(3) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.

(c) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.

**50281.1. Fees.**

The legislative body entering into a contract described in this article may require that the property owner, as a condition to entering into the contract, pay a fee not to exceed the reasonable cost of administering this program.

**50282. Renewal.**

(a) Each contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the legislative body desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least 90 days prior to the renewal date or by the legislative body at least 60 days prior to the renewal date, one year shall automatically be added to the term of the contract.

(b) Upon receipt by the owner of a notice from the legislative body of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The legislative body may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

(c) If the legislative body or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

(d) The owner shall furnish the legislative body with any information the legislative body shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than 20 days after a city or county enters into a contract with an owner pursuant to this article, the clerk of the legislative body shall record with the county recorder a copy of the contract, which shall describe the property subject thereto. From and after the time of the recordation, this contract shall impart a notice thereof to all persons as is afforded by the recording laws of this state.

**50284. Cancellation.**

The legislative body may cancel a contract if it determines that the owner has breached any of the conditions of the contract provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The legislative body may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

**50285. Consultation with state commission.**

No contract shall be canceled under Section 50284 until after the legislative body has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to

the last known address of each owner of property within the historic zone and shall be published pursuant to Section 6061.

**50286. Cancellation.**

(a) If a contract is canceled under Section 50284, the owner shall pay a cancellation fee equal to 121/2 percent of the current fair market value of the property, as determined by the county assessor as though the property were free of the contractual restriction.

(b) The cancellation fee shall be paid to the county auditor, at the time and in the manner that the county auditor shall prescribe, and shall be allocated by the county auditor to each jurisdiction in the tax rate area in which the property is located in the same manner as the auditor allocates the annual tax increment in that tax rate area in that fiscal year.

(c) Notwithstanding any other provision of law, revenue received by a school district pursuant to this section shall be considered property tax revenue for the purposes of Section 42238 of the Education Code, and revenue received by a county superintendent of schools pursuant to this section shall be considered property tax revenue for the purposes of Article 3 (commencing with Section 2550) of Chapter 12 of Part 2 of Division 1 of Title 1 of the Education Code.

**50287. Action to enforce contract.**

As an alternative to cancellation of the contract for breach of any condition, the county, city, or any landowner may bring any action in court necessary to enforce a contract including, but not limited to, an action to enforce the contract by specific performance or injunction.

**50288. Eminent domain.**

In the event that property subject to contract under this article 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 contract, such contract shall be canceled and no fee shall be imposed under Section 50286. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

**50289. Annexation by city.**

In the event that property restricted by a contract with a county under this article is annexed to a city, the city shall succeed to all rights, duties, and powers of the county under such contract.

**50290. Consultation with state commission.**

Local agencies and owners of qualified historical properties may consult with the State Historical Resources Commission for its advice and counsel on matters relevant to historical property contracts.

## **General Plans**

**65303. Authority for preservation elements.**

The general plan may include any other elements or address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county or city.

# Health and Human Safety Code

## Human Remains

### **7050.5.** Removal of Human Remains.

(a) Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code or to any person authorized to implement Section 5097.98 of the Public Resources Code.

(b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

(c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

## Hazardous Buildings

### **17922.2.** Hazardous Building Ordinances and Programs.

(a) Notwithstanding any other provisions of this part, ordinances and programs adopted on or before January 1, 1993, that contain standards to strengthen potentially hazardous buildings pursuant to subdivision (b) of Section 8875.2 of the Government Code, shall incorporate the building standards in Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials published in the California Building Standards Code, except for standards found by local ordinance to be inapplicable based on local conditions, as defined in subdivision (b), or based on an approved study pursuant to subdivision (c), or both. Ordinances and programs shall be updated in a timely manner to reflect changes in the model code, and more frequently if deemed necessary by local jurisdictions.

(b) For the purpose of subdivision (a), and notwithstanding the meaning of "local conditions" as used elsewhere in this part and in Part 2.5 (commencing with Section 18901), the term "local conditions" shall be limited to those conditions that affect the implementation of seismic strengthening standards on the following only:

(1) The preservation of qualified historic structures as governed by the State Historical Building Code (Part 2.7 (commencing with Section 18950)).

(2) Historic preservation programs, including, but not limited to, the California Mainstreet Program.

(3) The preservation of affordable housing.

(c) Any ordinance or program adopted on or before January 1, 1993, may include exceptions for local conditions not defined in subdivision (b) if the jurisdiction has approved a study on or before January 1, 1993, describing the effects of the exceptions. The study shall include socioeconomic impacts, a seismic hazards assessment, seismic retrofit cost comparisons, and earthquake damage estimates for a major earthquake, including the differences in costs, deaths, and injuries between full compliance with Appendix Chapter 1 of the Uniform Code for Building Conservation or the Uniform Building Code and the ordinance or program. No study shall be required pursuant to this subdivision if the exceptions for local conditions not defined in subdivision (b) result in standards or requirements that are more stringent than those in Appendix Chapter 1 of the Uniform Code for Building Conservation.

(d) Ordinances and programs adopted pursuant to this section shall conclusively be presumed to comply with the requirements of Chapter 173 of the Statutes of 1991.

## **State Historic Building Code**

### **18950. Short title.**

This part shall be known and may be cited as the "State Historical Building Code."

### **18951. Purpose.**

It is the purpose of this part to provide alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

### **18952. Application.**

This part shall apply to all qualified historical structures as defined in Section 18955.

### **18953. Intent.**

It is the intent of this part to provide means for the preservation of the historical value of designated buildings and, concurrently, to provide reasonable safety from fire, seismic forces or other hazards for occupants of such buildings, and to provide reasonable availability to and usability by, the physically handicapped.

### **18954. Repairs, alterations and additions.**

Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a historical building or structure may be made if they conform to this part. The building department of every city or county shall apply the provisions of alternative building standards and building regulations adopted pursuant to Section 18959.5 in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, safety, moving, or continued use of a historical building or structure. A state agency shall apply the alternative building regulations adopted pursuant to Section 18959.5 in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, safety, moving, or continued use of a historical building or structure. The application of any alternative standards for the provision of access to the physically handicapped or exemption from access requirements shall be done on a case-by-case and item-by-item basis, and shall not be applied to an entire building or structure without individual consideration of each item, and shall not be applied to related sites or areas except on an item-by-item basis.

**18955. Qualified historical building.**

For the purposes of this part, a qualified historical building or structure is any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

**18956. Application of government code, public resources code and other statutes.**

The application of the provisions of Part 5.5 (commencing with Section 19955) of Division 13 of this code, Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code, Division 15 (commencing with Section 25000) of the Public Resources Code, and of any other statute or regulation, as they may apply to qualified historical buildings or structures, shall be governed by this part.

**18957. Authorized building and fire officials.**

Nothing in this part shall be construed to prevent authorized building or fire officials from the performance of their duties when in the process of protecting the public health, safety, and welfare.

**18958. Additional agencies authorized to adopt rules.**

Except as provided in Section 18930, the following state agencies, in addition to the State Historical Building Safety Board, shall have the authority to adopt rules and regulations pursuant to the State Historical Building Code governing the rehabilitation, preservation, restoration, related reconstruction, safety, or relocation of qualified historical buildings and structures within their jurisdiction:

- (a) The Office of the State Architect.
- (b) The State Fire Marshal.
- (c) The State Building Standards Commission, but only with respect to approval of building standards.
- (d) The Department of Housing and Community Development.
- (e) The Department of Transportation.
- (f) Other state agencies that may be affected by this part.

**18959. Administration and enforcement.**

(a) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all state agencies shall administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdiction.

(b) Except as otherwise provided in Part 2.5 (commencing with Section 18901), all local building authorities shall administer and enforce this part with respect to qualified historical buildings or structures under their respective jurisdictions where applicable.

(c) The State Historical Building Safety Board shall coordinate and consult with the other applicable state agencies affected by this part and, except as provided in Section 18943, disseminate provisions adopted pursuant to this part to all local building authorities and state agencies at cost.

(d) Regulations adopted by the State Fire Marshal pursuant to this part shall be enforced in the same manner as regulations are enforced under Sections 13145, 13146, and 13146.5.

(e) Regular and alternative building standards published in the California Building Standards Code shall be enforced in the same manner by the same governmental entities as provided by law.

(f) When administering and enforcing the provisions of this part, all local agencies may make changes or modifications in the requirements contained in the State Historical Building Code, as described in Section 18944.7, as it determines are reasonably necessary because of local climatic, geological, seismic, and topographical conditions. The local agency shall make an



express finding that the modifications or changes are needed, and the finding shall be available as a public record. A copy of the finding and change or modification shall be filed with the State Historical Building Safety Board. No modification or change shall become effective or operative for any purpose until the finding and modification or change has been filed with the board.

**18959.5.** Alternative building standards; rules and regulations.

Subject to the applicable provisions of Part 2.5 (commencing with Section 18901) of this division, the State Historical Building Safety Board shall adopt and submit alternative building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division and may adopt, amend, and repeal other alternative rules and regulations under this part which the board has recommended for adoption under subdivision (b) of Section 18960 by the State Architect or other appropriate state agencies.

**18960.** State historical building safety board.

(a) A State Historical Building Safety Board is hereby established within the Office of the State Architect which shall be composed of qualified experts in their respective fields who shall represent various state and local public agencies, professional design societies and building and preservation oriented organizations.

(b) This board shall act as a consultant to the State Architect and to the other applicable state agencies. The board shall recommend to the State Architect and the other applicable state agencies rules and regulations for adoption pursuant to this part.

(c) The board shall also act as a review body to state and local agencies with respect to interpretations of this part as well as on matters of administration and enforcement of it. The board's decisions shall be reported in printed form.

(1) Notwithstanding subdivision (b) of Section 18945, if any local agency administering and enforcing this part or any person adversely affected by any regulation, rule, omission, interpretation, decision, or practice of this agency representing a building standard wishes to appeal the issue for resolution to the State Historical Building Safety Board, these parties may appeal to the board. The board may accept the appeal only if it determines that issues involved in the appeal have statewide significance.

(2) The State Historical Building Safety Board shall, upon making a decision on an appeal pursuant to paragraph (1), send a copy to the State Building Standards Commission.

(3) Requests for interpretation by local agencies of the provisions of this part may be accepted for review by the State Historical Building Safety Board. A copy of an interpretation decision shall be sent to the State Building Standards Commission in the same manner as paragraph (2).

(4) The State Historical Building Safety Board may charge a reasonable fee, not to exceed the cost of the service, for requests for copies of their decisions and for requests for reviews by the board pursuant to paragraph (1) or (3). All funds collected pursuant to this paragraph shall be deposited in the State Historical Building Code Fund, which is hereby established, for use by the State Historical Building Safety Board. The State Historical Building Code Fund and the fees collected therefor, and the budget of the State Historical Safety Board, shall be subject to annual appropriation in the Budget Act.

(5) Local agencies may also charge reasonable fees not to exceed the cost for making an appeal pursuant to paragraph (1) to persons adversely affected as described in that appeal.

(6) All other appeals involving building standards under this part shall be made as set forth in subdivision (a) of Section 18945.

(d) The board shall be composed of representatives of state agencies and public and professional building design, construction, and preservation organizations experienced in dealing with historic buildings. Unless otherwise indicated, each named organization shall appoint its own representatives. Each of the following shall have one member on the board who shall serve without pay, but shall receive actual and necessary expenses incurred while serving on the board:

- (1) Office of the State Architect.
- (2) The State Fire Marshal.
- (3) The State Historical Resources Commission.

- (4) The California Occupational Safety and Health Standards Board.
- (5) California Council, American Institute of Architects.
- (6) Structural Engineers Association of California.
- (7) A mechanical engineer, Consulting Engineers Association of California.
- (8) An electrical engineer, Consulting Engineers Association of California.
- (9) California Council of Landscape Architects.
- (10) The Department of Housing and Community Development.
- (11) The Department of Parks and Recreation.
- (12) County Supervisors Association of California.
- (13) League of California Cities.
- (14) The Office of Statewide Health Planning and Development.
- (15) The Department of Rehabilitation.
- (16) The California Chapter of the American Institute of City Planners.
- (17) The Department of Transportation.
- (18) The California Preservation Foundation.
- (19) The Seismic Safety Commission.
- (20) The California Building Officials.

The 20 members listed above shall select a building contractor as a member of the board. The members shall serve without pay, but shall receive actual and necessary expenses incurred while serving on the board. Each of the appointing authorities shall appoint, in the same manner as for members, an alternate in addition to a member. The alternate member shall serve in place of the member at such meetings of the board as the member is unable to attend. The alternate shall have all of the authority that the member would have when the alternate is attending in the place of the member. The board may appoint, from time to time, as it deems necessary, consultants who shall serve without pay but shall receive actual and necessary expenses as approved by the board.

(e) The term of membership on the board shall be for four years, with the State Architect's representative serving continually until replaced. Vacancies on the board shall be filled in the same manner as original appointments. The board shall annually select a chairperson from among the members of the board.

**18961.** Review enforcement and administration.

All state agencies which enforce and administer approvals, variances, or appeals procedures or decisions affecting the preservation or safety of the historical aspects of historical buildings shall use the alternative provisions of this part and shall consult with the State Historical Building Safety Board to obtain its review prior to undertaking action or making decisions on variances or appeals which affect historical buildings.

## **Marks Act: Historical Rehabilitation**

**37600.** Short title.

This part shall be known and may be cited as the Marks Historical Rehabilitation Act of 1976.

**37601.** Legislative finding and declaration.

The Legislature finds and declares that properties and structures of historical or architectural significance are an essential public resource and that it is necessary and essential that cities, counties, and cities and counties be authorized to make long-term, low-interest loans to finance the rehabilitation of properties of historic or architectural significance. Unless local agencies have the authority to provide loans for the rehabilitation of historic properties, many properties of historic or architectural significance will continue to deteriorate at an accelerated rate because loans from private sources are not sufficiently available for their rehabilitation. It shall be the policy of the state to preserve, protect, and restore the historical and architectural resources of the state.

### **37602. Definitions.**

Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by a local agency pursuant to this part and which are payable exclusively from the revenues, as defined in subdivision (k), and from any other funds specified in this part upon which the bonds may be made a charge and from which they are payable.

(b) "Financing" means the lending of money or thing of value for the purpose of historical rehabilitation of historical properties and includes refinancing of outstanding indebtedness of the participating party with respect to property which is subject to historical rehabilitation, the acquisition of historical properties for the purpose of historical rehabilitation, or the acquisition of historical properties rehabilitated by a redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(c) "Historical rehabilitation" means the reconstruction, restoration, renovation, or repair of the interiors or exteriors of historical properties or their relocation for the purposes of restoring or preserving their historical or architectural significance or authenticity, preventing their deterioration or destruction, continuing their use, providing for their feasible reuse, or providing for the safety of the occupants or passersby. "Historical rehabilitation" includes, but is not limited to, the repairing of architectural facades or ornamentation; removal of inappropriate additions or materials; replacement of facades, ornamentation, or architectural elements previously removed; repairing of roofs, foundations, and other essential structural elements; installing parking areas, if required by local regulation or law for the use for which the property is intended after rehabilitation; or any work done on a historical property in order to comply with rehabilitation standards. "Historical rehabilitation" also includes the cost of interest during construction on a historical rehabilitation loan and incidental expenses directly relating to the historical rehabilitation, including but not limited to architect and engineering fees and the costs of financing. "Historical rehabilitation" does not include the purchase, installation, or restoration of furnishings. Notwithstanding the foregoing, "historical rehabilitation" includes, but is not limited to, the purchase and installation of fixtures necessary for the use for which the property is intended after rehabilitation. By way of example and not limitation, equipment may include fire escapes, if required by local regulation for the use, and heating-ventilating-and-air-conditioning systems; if the intended use is a restaurant, "historical rehabilitation" may include, but is not limited to, the purchase and installation of fixed improvements which are installed as part of the historical property, including stoves, refrigerators, freezers, sinks, dishwashers, and work tables, but shall not include furnishings, such as pots, pans, dishes, or silverware.

(d) "Historical rehabilitation area" is a geographic area, with specific boundaries, which is designated by a local agency as an area in which a historical rehabilitation financing program shall apply. It may encompass the entire jurisdiction of the local agency, or any portions thereof, including single parcels.

(e) "Historical property" means any building or part thereof, object, structure, monument, or collection thereof deemed of importance to the history, architecture, or culture of an area as determined by an appropriate governmental agency. An appropriate governmental agency is a local official historic preservation board or commission, a legislative body of a local agency, or the State Historical Resources Commission. "Historical property" includes objects, buildings, structures, monuments, or collections thereof on existing national, state, or local historical registers or official inventories, such as the National Register of Historic Places and State Historical Landmarks.

(f) "Legislative body" means the city council, board of supervisors, or other legislative body of the local agency.

(g) "Local agency" means a city, county, city and county, or redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.

(h) "Participating party" means any person, company, corporation, partnership, firm, local agency, political subdivision of the state, or other entity or group of entities requiring financing for historical rehabilitation pursuant to the provisions of this part. No elective officer of the state

or any of its political subdivisions shall be eligible to be a participating party under the provisions of this part.

(i) "Qualified mortgage lender" means a mortgage lender authorized by a local agency to do business with the local agency and to aid in financing pursuant to this chapter on behalf of the local agency, for which service the qualified mortgage lender shall be reasonably compensated. Such a mortgage lender shall be a state or national bank, a federally or state-chartered savings and loan association, or a trust company or mortgage broker which is capable of providing such service or otherwise aiding in financing pursuant to this chapter.

(j) "Rehabilitation standards" means the applicable local or state standards for the rehabilitation of historical properties, including any higher standards adopted by the local agency as part of its historical rehabilitation financing program and including standards established pursuant to Part 2.7 (commencing with Section 18950) of Division 13, except that, for properties listed on or eligible for listing on the National Register of Historical Places, "rehabilitation standards" shall mean, at a minimum, those standards set forth by the United States Department of Interior as "The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as those standards may be applicable to any particular historical rehabilitation.

(k) "Revenues" means all amounts received as repayment of principal, interest, and all other charges received for, and all other income and receipts derived by, the local agency from the financing of historical rehabilitation, including moneys deposited in a sinking, redemption, or reserve fund or other fund to secure the bonds or to provide for the payment of the principal of, or interest on, the bonds and such other moneys as the legislative body may, in its discretion, make available therefor.

**37603. Request for information by SHPO.**

The local agency on request shall submit information regarding its programs to the State Historic Preservation Officer.

**37620. Bonds and bond anticipation notes.**

The local agency may issue bonds and bond anticipation notes of the local agency for the purpose of financing historical rehabilitation authorized by this part and for the purpose of funding or refunding such bonds or notes.

**37621. Fees.**

The local agency may fix fees, charges, and interest rates for financing historical rehabilitation and may from time to time revise such fees, charges, and interest rates to reflect changes in interest rates on the local agency's bonds, losses due to defaults, changes in loan servicing charges, or other expenses related to administration of the historical rehabilitation financing program. Any change in the interest rate shall conform to the provisions of Section 1916.5 of the Civil Code, except that paragraph (3) of subdivision (a) of Section 1916.5 shall not apply and that the "prescribed standard" specified in Section 1916.5 shall be periodically determined by the legislative body after hearing preceded by public notice to affected parties, and shall reflect changes in interest rates on the local agency's bonds, losses due to defaults, and bona fide changes in loan servicing charges related to the administration of a program under the provisions of this part. The local agency may collect interest and principal together with such fees and charges incurred in such financing and may contract to pay any person, partnership, association, corporation, or public agency with respect thereto. The local agency may hold deeds of trust as security for financing historical rehabilitation and may pledge the same as security for repayment of bonds issued pursuant to this part. The local agency may establish the terms and conditions for the financing of historical rehabilitation undertaken pursuant to this part. The local agency may require that the full amount owed on any loan for historical rehabilitation made pursuant to this part shall be due and payable upon sale or other transfer of ownership of the property subject to such rehabilitation.

**37622. Service of loans.**

The local agency may employ or contract for any engineering, architectural, accounting, collection, economic feasibility, or other services in connection with the servicing of loans made to participating parties, which may be necessary or useful in the judgment of the local agency for the successful financing of the historical rehabilitation. The local agency may pay the reasonable costs of consulting engineers, architects, accountants, construction experts, and economic feasibility experts, if, in the judgment of the local agency, the services are necessary or useful to the successful financing of any historical rehabilitation. The local agency may employ, contract for, and fix the compensation of financing consultants, bond counsel, and other advisers as may be necessary or useful in its judgment to provide for the issuance and sale of any bonds or bond anticipation notes of the local agency.

**37623. Powers.**

In addition to all other powers specifically granted by this part, the local agency may do all things necessary or convenient to carry out the purposes of this part.

**37624. Revenues.**

Revenues shall be the sole source of funds pledged by the local agency for repayment of its bonds. Bonds issued under the provisions of this part shall not be deemed to constitute a debt or liability of the local agency or a pledge of the faith and credit of the local agency but shall be payable solely from revenues. The issuance of bonds shall not directly, indirectly, or contingently obligate the legislative body to levy or pledge any form of taxation or to make any appropriation for their payment.

**37625. Rules and regulations.**

All historical rehabilitation shall be constructed or completed subject to the rules and regulations of the local agency. A local agency may acquire by deed, purchase, lease, contract, gift, devise, or otherwise any real or personal property, structures, rights, rights-of-way, franchises, easements, and other interests in lands necessary or convenient for the financing of historical rehabilitation, upon such terms and conditions as it deems advisable, and may lease, sell, or dispose of the same in such manner as may be necessary or desirable to carry out the objectives and purposes of this part.

**37626. Historical rehabilitation financing program mandatory.**

Prior to the issuance of any bonds or bond anticipation notes of the local agency for historical rehabilitation, the legislative body shall by ordinance or resolution adopt a historical rehabilitation financing program. The program shall include, but is not limited to, the following items:

(a) Criteria for the selection of historical properties eligible for financing. The criteria may include, but are not limited to, the following items of architectural significance:

- (1) Structures or areas that embody distinguishing characteristics of an architectural style, period, method of construction, or architectural development in a city or county.
- (2) Notable works of a master builder, designer, or architect whose style influenced the city's or county's architectural development, or structures showing the evolution of an architect's style.
- (3) Rare structures displaying a building type, design, or indigenous building form.
- (4) Structures which embody special architectural and design features.
- (5) Outstanding examples of structures displaying original architectural integrity, structurally or stylistically, or both.
- (6) Unique structures or places that act as focal or pivotal points important as a key to the character or visual quality of an area.

(b) The criteria may include the following items of historical significance:

- (1) Sites and structures connected with events significant in the economic, cultural, political, social, civic, ethnic, or military history of a community, state, or nation.
- (2) Structures or areas identified with the lives of historical personages of a community, state, or nation.

(3) Sites and groups of structures representing historical development patterns, including, but not limited to, urbanization patterns, railroads, agricultural settlements, and canals.

(c) Criteria for the selection of historical rehabilitation areas may include, but are not limited to:

(1) Areas constituting a distinct section of the city and having special character, historical, architectural, or aesthetic interest and value.

(2) Areas providing significant examples of architectural styles of the past, or landmarks in the history of architecture.

(3) Areas serving as a reminder of past eras, events, and persons important in local, state, or national history, and illustrating past living styles for future generations to observe, study, and inhabit.

(4) Historical and culturally significant grounds, gardens, and objects.

(d) Following the adoption of the criteria previously provided for in this section, the designation of one or more historical rehabilitation areas, including a description of the area, a map and other related information.

(e) Outstanding loans on the property to be rehabilitated, including the amount of the loans for rehabilitation, shall not exceed 90 percent of the anticipated value of the property after rehabilitation.

(f) The maximum repayment period for historical rehabilitation loans shall be 40 years or four-fifths of the economic life of the property, whichever is less.

(g) No less than 90 percent of any loan for historical rehabilitation and shall be used for financing of historical rehabilitation, as defined in this part.

(h) All historical rehabilitation financed pursuant to this chapter shall be done in compliance with the appropriate rehabilitation standards, as defined in subdivision (j) of Section 37602.

(i) The participating party shall commence the historical rehabilitation of a historical property within five years and shall complete the historical rehabilitation of the historical property within 10 years of the date on which the participating party obtained financing pursuant to this part.

**37627.** Historical rehabilitation financing program, permissible.

The historical rehabilitation financing program may include:

(1) A requirement that rehabilitation financed by the program shall meet standards higher than the applicable state or local standards for rehabilitation of properties, including, but not limited to, design guidelines, standards of aesthetics, use of materials, integrity of design, or historical authenticity.

(2) A provision for limitation of the degree or kind of historical rehabilitation eligible for financing, including, but not limited to, rehabilitation of parapets or dangerous parts of facades of historic properties.

(3) A requirement that the local agency receive a legally binding assurance that the property rehabilitated with financing from this program shall be preserved, subject to reasonable conditions. The form and conditions of such assurance shall be specified in a historical rehabilitation financing program.

(4) A capital outlay program for the historical rehabilitation area which identifies the public improvements needed to support private rehabilitation efforts. Such improvements may include street improvements, street closures, street fixtures, and landscaping.

(5) If the program is likely to result in anticipated increases in rents or other housing costs which would cause displacement of residents of historic properties, or is likely to result in residents paying a disproportionately large percentage of their incomes for housing, a commitment that the local agency shall make efforts to prevent displacement of residents. Such efforts shall include, but are not limited to, utilization of federal, state, or local funding programs which may be available for rent subsidies.

(6) A provision for control of rents if controls are included in order to prevent precipitous increases in rent which the rehabilitation would engender. Such provision may include a requirement that the borrower agree during the term of the loan not to raise the rental amount over an amount which the local agency establishes as a fair rate of return for similar investments and will allow for increases that are reasonably necessary to provide for proper maintenance of the property.

**37628. Citizen participation.**

Prior to the adoption of an historical rehabilitation financing program and the designation of an historical rehabilitation area, the local agency shall provide for citizen participation by persons who will be affected by historical rehabilitation financed under the provisions of this part with opportunities to be involved in planning and carrying out the historical rehabilitation program.

"Citizen participation" shall include, but is not limited to:

(a) Holding a public meeting to inform the public of the proposed historical rehabilitation financing program.

(b) Holding a public hearing prior to the adoption of the historical rehabilitation financing program and the designation of an historical rehabilitation area.

(c) Public notice by the local agency, at least seven days in advance of a public meeting or hearing, in a newspaper of general circulation in the area, of the time and place of a meeting or hearing and a general description of the program.

(d) Dissemination by the local agency, at least seven days in advance of a public meeting or hearing, by mailing to those individuals or groups which have requested notification, of information relating to the time and place of a meeting or hearing and a general description of the program.

(e) Establishment of a citizen advisory board for the purpose of providing recommendations to the legislative body on the contents of the historical rehabilitation financing program. Members of the citizens advisory board shall be appointed by the legislative body and shall include one or more representatives of owners of properties affected by the program, one or more representatives of residents or occupants (if any) of properties to be affected by the program, one or more representatives of the local community groups (if any) known by the legislative body to be concerned with historical rehabilitation, and others as the legislative body may deem appropriate. An existing local official historic preservation board or commission may be appointed as the citizens advisory board, provided that, in addition, representatives as required by this section are also appointed.

**37629. Adoption of criteria of selection.**

No financing shall be provided under this part until criteria required by Section 37626 have been adopted. Properties eligible for financing shall be located within a designated historical rehabilitation area. Prior to granting financial assistance, the local agency shall find that the funds loaned shall be used for the purpose of historical rehabilitation.

**37630. Prohibition discrimination.**

The local agency shall require that any property which is rehabilitated with financing obtained under this part shall be open, upon sale or rental of any portion thereof, to all regardless of race, color, religion, national origin, or ancestry. The local agency shall also require that contractors and subcontractors engaged in historical rehabilitation financed under this part provide equal opportunity for employment, without discrimination as to race, sex, marital status, color, religion, national origin, or ancestry. All contracts and subcontracts for historical rehabilitation financed under this part shall be let without discrimination as to race, sex, marital status, color, religion, national origin, or ancestry.

**37631. Limitation of actions.**

Any action challenging the legality of an historical rehabilitation financing program, or of the selection of historical properties for rehabilitation pursuant to this part, shall be commenced within 60 days of the adoption of such program or within 60 days of such selection.

**37640. Negotiable bonds.**

(a) A local agency may issue its negotiable bonds or notes for the purpose of financing historical rehabilitation, including the rehabilitation of (1) single properties for single participating parties, (2) a series of properties for a single participating party, (3) single properties for several participating parties, or (4) several properties for several participating parties. In anticipation of



the sale of such bonds, the local agency may issue negotiable bond anticipation notes and may renew such notes from time to time. Bond anticipation notes may be paid from the proceeds of sale of the bonds of the local agency in anticipation of which they were issued. Bond anticipation notes and agreements relating thereto and the resolution or resolutions authorizing such notes and agreements may contain any provisions, conditions, or limitations which a bond, agreement relating thereto, or bond resolution of the local agency may contain except that any such note or renewal thereof shall mature at a time not later than two years from the date of the issuance of the original note.

(b) Every issue of its bonds shall be a special obligation of the local agency payable from all or any part of the revenues specified in this part. The bonds shall be negotiable instruments for all purposes, subject only to the provisions of such bonds for registration.

**37641. Serial or term bonds.**

The bonds may be issued as serial bonds or as term bonds, or the local agency, in its discretion, may issue bonds of both types. The bonds shall be authorized by resolution of the local agency and shall bear such date or dates, mature at such time or times, not exceeding 50 years from their respective dates of issuance, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America, at such place or places, and be subject to such terms of redemption as the resolution or resolutions of the local agency may provide. The bonds may be sold at either a public or private sale and for such prices as the local agency shall determine. Pending preparation of the definitive bonds, the local agency may issue interim receipts, certificates, or temporary bonds, which shall be exchanged for such definitive bonds. The local agency may sell any bonds, notes, or other evidence of indebtedness at a price below the par value thereof, but the discount on any bond so sold shall not exceed 6 percent of the par value thereof.

**37642. Terms and conditions.**

Any resolution or resolutions authorizing any bonds or any issue of bonds may contain provisions respecting any of the following terms and conditions, which shall be a part of the contract with the holders of the bonds:

(a) The pledge of all or any part of the revenues, as defined in this part, subject to such agreements with bondholders as may then exist.

(b) The interest and principal to be received and other charges to be charged and the amounts to be raised each year thereby, and the use and disposition of the revenues.

(c) The setting aside of reserves or sinking funds and the regulation and disposition thereof.

(d) Limitations on the purposes to which the proceeds of a sale of any issue of bonds, then or thereafter issued, may be applied, and pledging such proceeds to secure the payment of the bonds or any issue of bonds.

(e) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.

(f) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given.

(g) Limitation on expenditures for operating, administration, or other expenses of the local agency.

(h) Specification of the acts or omissions to act which shall constitute a default in the duties of the local agency to holders of its obligations, and providing the rights and remedies of such holders in the event of default.

(i) The mortgaging of any property and the site thereof for the purpose of securing the bondholders.

(j) The mortgaging of land, improvements, or other assets owned by a participating party for the purpose of securing the bondholders.

**37643. Personal liability.**

Neither the members of the legislative body of the local agency nor any person executing the bonds or notes shall be liable personally on the bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

**37644. Purchase by local agency.**

The local agency shall have the power out of any funds available therefor to purchase its bonds or notes. The local agency may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with the bondholders.

**37645. Trust agreements.**

In the discretion of the local agency, any bonds issued under the provisions of this part may be secured by a trust agreement by and between the local agency and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without this state. The trust agreement or the resolution providing for the issuance of bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged, and may convey or mortgage any historical property, the rehabilitation of which is to be financed out of the proceeds of bonds. The trust agreement or resolution providing for the issuance of bonds may contain provisions for protecting and enforcing the rights and remedies of the bondholders which are reasonable and proper and not in violation of law, including any provisions which may be included in any resolution or resolutions of the local agency authorizing the issuance of bonds pursuant to Section 37642. Any bank or trust company doing business under the laws of this state which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish any indemnity bonds or pledge any securities which may be required by the local agency. Any trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any trust agreement or resolution may contain such other provisions which the local agency may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement or resolution may be treated as a part of the cost of historical rehabilitation.

**37646. Enforcement rights and duties.**

Any holder of bonds issued under the provisions of this part or any of the coupons appertaining thereto, and the trustee or trustees appointed pursuant to any resolution authorizing the issuance of such bonds, except to the extent the rights thereof may be restricted by the resolution authorizing the issuance of the bonds, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect or enforce any and all rights specified in the laws of the state or in such resolution, and may enforce and compel the performance of all duties required by this part or by such resolution to be performed by the local agency or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution to be fixed, established, and collected.

**37647. Payment of bonds.**

Bonds issued under the provisions of this part shall not be deemed to constitute a debt or liability of the local agency or a pledge of the faith and credit of the local agency, but shall be payable solely from the funds specified in this part. All such bonds shall contain on the face thereof a statement to the following effect: Neither the faith and credit nor the taxing power of the (local agency) is pledged to the payment of the principal of or interest on this bond. The issuance of bonds under the provisions of this part shall not directly, indirectly, or contingently obligate the local agency to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

**37648. Refunding bonds.**

(a) The local agency may provide for the issuance of the bonds of the local agency for the purpose of refunding any bonds of the local agency then outstanding, including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such bonds, and, if deemed advisable by the local agency, for the additional purpose of paying all or any part of the cost of additional historical rehabilitation.

(b) The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the local agency, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or any subsequent redemption date or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the local agency.

(c) Pending use for purchase, retirement at maturity, or redemption of outstanding bonds, any proceeds held in escrow pursuant to subdivision (b) may be invested and reinvested as provided in the resolution authorizing the issuance of the bonds. Any interest or other increment earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and any interest or increment earned or realized from the investment thereof may be returned to the local agency to be used by it for any lawful purpose.

(d) That portion of the proceeds of any such bonds designated for the purpose of paying all or any part of the cost of additional historical rehabilitation pursuant to subdivision (a) may be invested and reinvested in obligations of, or guaranteed by, the United States of America or in certificates of deposit or time deposits secured by obligations of, or guaranteed by, the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost.

(e) All bonds issued pursuant to this section shall be subject to the provisions of this part in the same manner and to the same extent as other bonds issued pursuant to this part.

**37649. Legal investments.**

Notwithstanding any other provisions of law, bonds issued pursuant to this part shall be legal investments for all trust funds, the funds of insurance companies, savings and loan associations, investment companies and banks, both savings and commercial, and shall be legal investments for executors, administrators, guardians, conservators, trustees, and all other fiduciaries. Such bonds shall be legal investments for state school funds and for any funds which may be invested in county, municipal, or school district bonds, and such bonds shall be deemed to be securities which may properly and legally be deposited with, and received by, any state or municipal officer or by any agency or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state is now, or may hereafter be, authorized by law, including deposits to secure public funds.

**37650. Exercise of powers for benefit.**

The exercise of the powers granted by this part shall be in all respects for the benefit of the people of this state and for their health and welfare. Any bonds or notes issued under the provisions of this chapter, their transfer and the income therefrom, shall at all times be free from taxation of every kind by the state and by the municipalities and other political subdivisions of the state.

**37660. Financing to participating parties.**

The local agency may provide financing to any participating party for the purpose of historical rehabilitation authorized pursuant to an historical rehabilitation financing program. All agreements for loans shall provide that the architectural and engineering design of the historical rehabilitation shall be subject to the standards which may be established by the local agency and that the work of historical rehabilitation shall be subject to any supervision the local agency

deems necessary. The local agency may provide financing to any qualified mortgage lender provided that the qualified mortgage lender shall use the financing to provide financing to any participating party for the purpose of historical rehabilitation authorized pursuant to a historical rehabilitation financing program pursuant to this chapter.

**37661. Loan agreements.**

The local agency may enter into loan agreements with any participating party or qualified mortgage lender relating to historical rehabilitation of any kind or character. The terms and conditions of the loan agreements may be as mutually agreed upon. Any loan agreement may provide the means or methods by which any mortgage taken by the local agency shall be discharged, and it shall contain any other terms and conditions which the local agency may require. The local agency is authorized to fix, revise, charge, and collect interest and principal and all other rates, fees, and charges with respect to financing of historical rehabilitation. The rates, fees, charges, and interest shall be fixed and adjusted so that the aggregate of the rates, fees, charges, and interest will provide funds sufficient with other revenues and moneys which it is anticipated will be available therefor, if any, to do all of the following:

(a) Pay the principal of and interest on outstanding bonds of the local agency issued to finance the historical rehabilitation as the same shall become due and payable.

(b) Create and maintain reserves required or provided for in any resolution authorizing bonds. A sufficient amount of the revenues derived from historical rehabilitation may be set aside at regular intervals as may be provided by the resolution in a sinking or other similar fund, which is hereby pledged to, and charged with, the payment of the principal of and interest on the bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. The pledge shall be valid and binding from the time the pledge is made. The rates, fees, interest, and other charges, revenues, or moneys so pledged and thereafter received by the local agency shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the local agency, irrespective of whether the parties have notice thereof. Neither the resolution nor any loan agreement by which a pledge is created need be filed or recorded except in the records of the local agency. The use and disposition of moneys to the credit of the sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of bonds. Except as may otherwise be provided in the resolution, the sinking or other similar fund may be a fund for all bonds of the local agency issued to finance the rehabilitation of the historical property of a particular participating party without distinction or priority. The local agency, however, in the resolution may provide that the sinking or other similar fund shall be the fund for a particular historical rehabilitation project or projects and for the bonds issued to finance the historical rehabilitation project or projects and may, additionally, authorize and provide for the issuance of bonds having a lien with respect to the security authorized by this section which is subordinate to the lien of other bonds of the local agency, and, in which case, the local agency may create separate sinking or other similar funds securing the bonds having the subordinate lien.

(c) Pay operating and administrative costs of the local agency incurred in the administration of the program authorized by this part.

**37662. Trust funds.**

All moneys received pursuant to the provisions of this part, whether proceeds from the sale of bonds or revenues, shall be deemed to be trust funds to be held and applied solely as provided in this part. Any bank or trust company in which such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes specified in this part, subject to the terms of the resolution authorizing the bonds.

# Civil Code

## Easements

### **815.** Conservation Easements legislative findings and declaration.

The Legislature finds and declares that the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California. The Legislature further finds and declares it to be the public policy and in the public interest of this state to encourage the voluntary conveyance of conservation easements to qualified nonprofit organizations.

### **815.1.** Conservation easement defined.

For the purposes of this chapter, "conservation easement" means any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.

### **815.2.** Interest in real property.

(a) A conservation easement is an interest in real property voluntarily created and freely transferable in whole or in part for the purposes stated in Section 815.1 by any lawful method for the transfer of interests in real property in this state.

(b) A conservation easement shall be perpetual in duration.

(c) A conservation easement shall not be deemed personal in nature and shall constitute an interest in real property notwithstanding the fact that it may be negative in character.

(d) The particular characteristics of a conservation easement shall be those granted or specified in the instrument creating or transferring the easement.

### **815.3.** Entities authorized to acquire.

Only the following entities or organizations may acquire and hold conservation easements:

(a) Tax-exempt nonprofit organization qualified under Section 501 (c)(3) of the Internal Revenue Code and qualified to do business in this state which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use.

(b) The state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed. No local governmental entity may condition the issuance of an entitlement for use on the applicant's granting of a conservation easement pursuant to this chapter.

### **815.4.** Grantors.

All interests not transferred and conveyed by the instrument creating the easement shall remain in the grantor of the easement, including the right to engage in all uses of the land not affected by the easement nor prohibited by the easement or by law.

### **815.5.** Recordation.

Instruments creating, assigning, or otherwise transferring conservation easements shall be recorded in the office of the county recorder of the county where the land is situated, in whole or in part, and such instruments shall be subject in all respects to the recording laws.

**815.7. Enforcement.**

(a) No conservation easement shall be unenforceable by reason of lack of privity of contract or lack of benefit to particular land or because not expressed in the instrument creating it as running with the land.

(b) Actual or threatened injury to or impairment of a conservation easement or actual or threatened violation of its terms may be prohibited or restrained, or the interest intended for protection by such easement may be enforced, by injunctive relief granted by any court of competent jurisdiction in a proceeding initiated by the grantor or by the owner of the easement.

(c) In addition to the remedy of injunctive relief, the holder of a conservation easement shall be entitled to recover money damages for any injury to such easement or to the interest being protected thereby or for the violation of the terms of such easement. In assessing such damages there may be taken into account, in addition to the cost of restoration and other usual rules of the law of damages, the loss of scenic, aesthetic, or environmental value to the real property subject to the easement.

(d) The court may award to the prevailing party in any action authorized by this section the costs of litigation, including reasonable attorney's fees.

**815.9. Political Subdivision; authority to hold comparable easements.**

Nothing in this chapter shall be construed to impair or conflict with the operation of any law or statute conferring upon any political subdivision the right or power to hold interests in land comparable to conservation easements, including, but not limited to, Chapter 12 (commencing with Section 6950) of Division 7 of Title 1 of, Chapter 6.5 (commencing with Section 51050), Chapter 6.6 (commencing with Section 51070) and Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of, and Article 10.5 (commencing with Section 65560) of Chapter 3 of Title 7 of, the Government Code, and Article 1.5 (commencing with Section 421) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code.

**815.10. Enforceable restrictions.**

A conservation easement granted pursuant to this chapter constitutes an enforceable restriction, for purposes of Section 402.1 of the Revenue and Taxation Code.

**816. Liberal Construction of Chapter.**

The provisions of this chapter shall be liberally construed in order to effectuate the policy and purpose of Section 815.

# Revenue and Taxation Code

## Historic Property Restriction

**439.** Historical Property Restrictions; enforceably restricted property.  
For the purposes of this article and within the meaning of Section 8 of Article XIII of the Constitution, property is "enforceably restricted" if it is subject to an historical property contract executed pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

**439.1.** Historical Property; definitions.

For purposes of this article "restricted historical property" means qualified historical property, as defined in Section 50280.1 of the Government Code, that is subject to a historical property contract executed pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. For purposes of this section, "qualified historical property" includes qualified historical improvements and any land on which the qualified historical improvements are situated, as specified in the historical property contract. If the historical property contract does not specify the land that is to be included, "qualified historical property" includes only that area of reasonable size that is used as a site for the historical improvements.

**439.2.** Historical Property; valuation.

When valuing enforceably restricted historical property, the county assessor shall not consider sales data on similar property, whether or not enforceably restricted, and shall value that restricted historical property by the capitalization of income method in the following manner:

(a) The annual income to be capitalized shall be determined as follows:

(1) Where sufficient rental information is available, the income shall be the fair rent that can be imputed to the restricted historical property being valued based upon rent actually received for the property by the owner and upon typical rentals received in the area for similar property in similar use where the owner pays the property tax. When the restricted historical property being valued is actually encumbered by a lease, any cash rent or its equivalent considered in determining the fair rent of the property shall be the amount for which the property would be expected to rent were the rental payment to be renegotiated in the light of current conditions, including applicable provisions under which the property is enforceably restricted.

(2) Where sufficient rental information is not available, the income shall be that which the restricted historical property being valued reasonably can be expected to yield under prudent management and subject to applicable provisions under which the property is enforceably restricted.

(3) If the parties to an instrument that enforceably restricts the property stipulate therein an amount that constitutes the minimum annual income to be capitalized, then the income to be capitalized shall not be less than the amount so stipulated. For purposes of this section, income shall be determined in accordance with rules and regulations issued by the board and with this section and shall be the difference between revenue and expenditures. Revenue shall be the amount of money or money's worth, including any cash rent or its equivalent, that the property can be expected to yield to an owner-operator annually on the average from any use of the property permitted under the terms by which the property is enforceably restricted. Expenditures shall be any outlay or average annual allocation of money or money's worth that can be fairly charged against the revenue expected to be received during the period used in computing the revenue. Those expenditures to be charged against revenue shall be only those which are ordinary and necessary in the production and maintenance of the revenue for that period. Expenditures shall not include depletion charges, debt retirement, interest on funds invested in the property, property taxes, corporation income taxes, or corporation franchise taxes based on income.



(b) The capitalization rate to be used in valuing owner-occupied single family dwellings pursuant to this article shall not be derived from sales data and shall be the sum of the following components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and that was the yield rate equal to the effective rate on conventional mortgages as determined by the Federal Housing Finance Board, rounded to the nearest 1/4 percent.

(2) A historical property risk component of 4 percent.

(3) A component for property taxes that shall be a percentage equal to the estimated total tax rate applicable to the property for the assessment year times the assessment ratio.

(4) A component for amortization of the improvements that shall be a percentage equivalent to the reciprocal of the remaining life.

(c) The capitalization rate to be used in valuing all other restricted historical property pursuant to this article shall not be derived from sales data and shall be the sum of the following components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and that was the yield rate equal to the effective rate on conventional mortgages as determined by the Federal Housing Finance Board, rounded to the nearest 1/4 percent.

(2) A historical property risk component of 2 percent.

(3) A component for property taxes that shall be a percentage equal to the estimated total tax rate applicable to the property for the assessment year times the assessment ratio.

(4) A component for amortization of the improvements that shall be a percentage equivalent to the reciprocal of the remaining life.

(d) Unless a party to an instrument that creates an enforceable restriction expressly prohibits the valuation, the valuation resulting from the capitalization of income method described in this section shall not exceed the lesser of either the valuation that would have resulted by calculation under Section 110, or the valuation that would have resulted by calculation under Section 110.1, as though the property was not subject to an enforceable restriction in the base year.

(e) The value of the restricted historical property shall be the quotient of the income determined as provided in subdivision (a) divided by the capitalization rate determined as provided in subdivision (b) or (c).

(f) The ratio prescribed in Section 401 shall be applied to the value of the property determined in subdivision (d) to obtain its assessed value.

#### **439.3. Historical Property; notice of nonrenewal.**

Notwithstanding any provision of Section 439.2 to the contrary, if either the county or city or the owner of restricted historical property subject to contract has served notice of nonrenewal as provided in Section 50282 of the Government Code, the county assessor shall value that restricted historical property as provided in this section.

(a) Following the hearing conducted pursuant to Section 50285 of the Government Code, subdivision (b) shall apply until the termination of the period for which the restricted historical property is enforceably restricted.

(b) The board or assessor in each year until the termination of the period for which the property is enforceably restricted shall do all of the following:

(1) Determine the full cash value of the property pursuant to Section 110.1. If the property is not subject to Section 110.1 when the restriction expires, the value shall be determined pursuant to Section 110 as if the property were free of contractual restriction. If the property will be subject to a use for which this chapter provides a special restricted assessment, the value of the property shall be determined as if it were subject to the new restriction.

(2) Determine the value of the property by the capitalization of income method as provided in Section 439.2 and without regard to the fact that a notice of nonrenewal or cancellation has occurred.

(3) Subtract the value determined in paragraph (2) of this subdivision by capitalization of income from the full cash value determined in paragraph (1).

(4) Using the rate announced by the board pursuant to paragraph (1) of subdivision (b) of Section 439.2, discount the amount obtained in paragraph (3) for the number of years remaining until the termination of the period for which the property is enforceably restricted.

(5) Determine the value of the property by adding the value determined by the capitalization of income method as provided in paragraph (2) and the value obtained in paragraph (4).

(6) Apply the ratios prescribed in Section 401 to the value of the property determined in paragraph (5) to obtain its assessed value.

**439.4. Historical Property; recordation.**

No property shall be valued pursuant to this article unless an enforceable restriction meeting the requirements of Section 439 is signed, accepted and recorded on or before the lien date for the fiscal year in which the valuation would apply.

## **Penal Code**

### **Destruction of Historical Properties**

**6221/2.** Destruction, defacement of objects of archeological or historical interest. Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.

# **REGULATIONS**

# California Code of Regulations

## California Register of Historical Resources (Title 14, Chapter 11.5)

### **4850.** Authority.

On September 27, 1992, Assembly Bill 2881 (Statutes of 1992, Chapter 1075) was signed into law amending the Public Resources Code as it affects historical resources. This legislation, which became effective on January 1, 1993, also created the California Register of Historical Resources, henceforth the California Register.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.  
Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

### **4850.1.** Purpose.

The California Register is an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.

Definitions are found in Appendix A, "A Glossary of Terms", of this chapter.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.  
Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

### **4851.** Historical Resources Eligible for Listing in the California Register of Historical Resources.

The California Register consists of historical resources that are: (a) listed automatically; (b) listed following procedures and criteria adopted by the State Historical Resources Commission, henceforth the Commission; and (c) nominated by an application and listed after a public hearing process.

(a) Historical resources automatically listed in the California Register include the following pursuant to California Public Resources Code Section 5024.1 (d)(1) and (2):

(1) California historical resources listed in, or formally determined eligible for, the National Register of Historic Places, henceforth the National Register. "Formally determined eligible" for the purpose of this section means determined eligible through one of the federal preservation programs administered by the California Office of Historic Preservation, henceforth the Office. Specifically, these programs are the National Register, Tax Certification (Evaluation of Significance, Part 1, 36 CFR Part 67), and National Historic Preservation Act (Section 106, 16 U.S.C. 470f) reviews of federal undertakings.

(2) California Registered Historical Landmarks, henceforth Landmarks, from No. 770 onward.

(3) Upon effective date of this chapter, the Office will notify resource owners by first class mail that as a result of listing or being formally determined eligible for listing in the National Register of Historic Places, and/or being designated a California Registered Historical Landmark subsequent to, and including No. 770, the resource has been automatically placed in the California Register. The owner(s) will be advised of the criteria for listing in the California Register and procedures for removal found in Sections 4855 and 4856 of this chapter. Removal may be requested at any time, but must satisfy one of the criteria for removal as listed in Section 4856 (a) of this chapter.

(b) Historical resources which require action by the State Historical Resources Commission to be listed in the California Register. The following resources require review and action by the Commission prior to listing, but are not subject to the formal nomination and application procedures described in Section 4851 (c) of this chapter.

(1) Landmarks with numbers preceding No. 770 pursuant to California Public Resources Code Section 5024.1 (d)(2). Procedures for inclusion of landmarks preceding No. 770 in the California Register have not been adopted by the State Historical Resources Commission at the time of inception of this chapter.

(2) California Points of Historical Interest, hereafter Points of Historical Interest, pursuant to California Public Resources Code Section 5024.1 (d)(3). Points of Historical Interest, which have been reviewed by the Office and recommended for listing by the Commission, will be included in the California Register if the following conditions are met:

(A) The resource meets the statutory criteria for the California Register;

(B) A boundary is provided that clearly delineates the area of historic importance;

(C) A list of contributing and noncontributing features is provided. Contributing features are those remaining from the resource's period of historic significance that retain integrity; and

(D) The application is accompanied by the appropriate State Historical Resources Commission approved recordation form, such as the DPR Form 523- Historic Resources Inventory Form.

Historical resource owners shall be notified of proposed Commission actions to nominate Points of Historical Interest to the California Register sixty (60) days prior to the Commission meeting at which a hearing is scheduled.

The Office shall notify resource owners of time and location of the hearing.

The Commission shall hear testimony regarding whether or not the criteria for listing a Point of Historical Interest in the California Register have been met. If the criteria for listing are met, the Commission shall recommend that the historical resource be made a Point of Historical Interest to the Director of the Department of Parks and Recreation. When the Director signs the nomination, the historical resource shall be listed as a Point of Historical Interest and listed in the California Register.

(c) Historical resources which require nomination to be listed in the California Register pursuant to California Public Resources Code Section 5024.1 (e)(1)-(5). Historical resources may be nominated to the California Register by individuals, organizations, or government agencies.

(1) An historical resource or historic district;

(2) An historical resource contributing to the significance of a nominated historic district;

(3) A group of historical resources identified in historic resource surveys, if the survey meets the criteria and standards of documentation listed in Section 4852 (e);

(4) An historical resource, a group of historical resources, or historic districts designated or listed as city or county landmarks or historical resources or districts pursuant to any city or county ordinance, if the criteria for designation or listing under the ordinance have been reviewed by the Office as meeting the California Register criteria as stated in this chapter and approved by the Commission; or

(5) An historical resource or a group of local landmarks or historical resources designated under any municipal or county ordinance which has not been previously approved by the Office.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code. Reference: National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470a), as amended; National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347); Title 36, Parts 60, 63, 67, and 800, Code of Federal Regulations; Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

#### **4852. Types of Historical Resources and Criteria For Listing in the California Register of Historical Resources.**

The criteria for listing historical resources in the California Register are consistent with those developed by the National Park Service for listing historical resources in the National Register, but have been modified for state use in order to include a range of historical resources which better reflect the history of California. Only resources which meet the criteria as set out below may be listed in or formally determined eligible for listing in the California Register.

(a) Types of resources eligible for nomination:

(1) Building. A resource, such as a house, barn, church, factory, hotel, or similar structure created principally to shelter or assist in carrying out any form of human activity. "Building" may also be used to refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn;

(2) Site. A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric or historic event, and if no buildings, structures, or objects marked it at that time. Examples of such sites are trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs;

(3) Structure. The term "structure" is used to describe a construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, bridges, and tunnels;

(4) Object. The term "object" is used to describe those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, as opposed to a building or a structure. Although it may be movable by nature or design, an object is associated with a specific setting or environment. Objects should be in a setting appropriate to their significant historic use, role, or character. Objects that are relocated to a museum are not eligible for listing in the California Register. Examples of objects include fountains, monuments, maritime resources, sculptures, and boundary markers; and

(5) Historic district. Historic districts are unified geographic entities which contain a concentration of historic buildings, structures, objects, or sites united historically, culturally, or architecturally. Historic districts are defined by precise geographic boundaries. Therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas. The district must meet at least one of the criteria for significance discussed in Section 4852 (b)(1)-(4) of this chapter.

Those individual resources contributing to the significance of the historic district will also be listed in the California Register. For this reason, all individual resources located within the boundaries of an historic district must be designated as either contributing or as noncontributing to the significance of the historic district.

(b) Criteria for evaluating the significance of historical resources. An historical resource must be significant at the local, state, or national level under one or more of the following four criteria:

(1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

(2) It is associated with the lives of persons important to local, California, or national history;

(3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or

(4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

(c) Integrity. Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance described in section 4852 (b) of this chapter and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.



It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

(d) Special considerations:

(1) Moved buildings, structures, or objects. The Commission encourages the retention of historical resources on site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historical resource. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment.

(2) Historical resources achieving significance within the past fifty (50) years. In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty (50) years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance.

(3) Reconstructed buildings. Reconstructed buildings are those buildings not listed in the California Register under the criteria in Section 4852 (b)(1), (2), or (3) of this chapter. A reconstructed building less than fifty (50) years old may be eligible if it embodies traditional building methods and techniques that play an important role in a community's historically rooted beliefs, customs, and practices; e.g., a Native American roundhouse.

(e) Historical resource surveys. Historical resources identified as significant in an historical resource survey may be listed in the California Register. In order to be listed, the survey must meet the following: (1) the resources meet the criteria of Section 4852 (b)(1)-(4) of this chapter; and (2) the survey documentation meets those standards of resource recordation established by the Office in the "Instructions for Nominating Historical Resources to the California Register" (August 1997), Appendix B.

(1) The resources must be included in the State Historical Resources Inventory at the time of listing of the survey by the Commission.

(2) The Office shall review all surveys to assure the standards of resource recordation, which can be found in the "Instructions for Nominating Historical Resources to the California Register" (August 1997), Appendix B of this chapter, have been met. If the survey meets the standards, the Office shall recommend to the Commission that all resources with a significance rating of category 1 through 4, or any subcategories thereof, on DPR Form 523 be listed in the California Register. The Office shall review all category 5 determinations for consistency with the California Register criteria of significance as found in Section 4852 (b) of this chapter. Office review will occur within sixty (60) days of receipt of the survey. At the end of sixty (60) days, the Office will either: (1) forward the survey for consideration by the Commission or (2) request additional information.

The status codes, established to indicate eligibility to the National Register of Historic Places, have the following meanings:

- (A) Category 1--Listed in the National Register of Historic Places;
- (B) Category 2--Formally determined eligible for listing in the National Register;
- (C) Category 3--Appears eligible for listing in the National Register;
- (D) Category 4--Could become eligible for listing in the National Register; or
- (E) Category 5--Locally significant.

(3) If the results of the survey are five or more years old at the time of nomination, the documentation for a resource, or resources, must be updated prior to nomination to ensure the accuracy of the information. The statute creating the California Register requires surveys over five (5) years old to be updated.

(f) Historical resources designated under municipal or county ordinances. Historical resources designated under municipal or county ordinances which have the authority to restrict

demolition or alteration of historical resources, where the criteria for designation or listing have not been officially approved by the Office, may be nominated to the California Register if, after review by Office staff, it is determined that the local designation meets the following criteria:

(1) The ordinance provides for owner notification of the nomination of the resource for local historical resource designation and an opportunity for public comment.

(2) The criteria for municipal or county historical resource designation consider the historical and/or architectural significance and integrity of the historical resource and require a legal description of the resource.

(3) The designating authority issues findings or statements describing the basis of determination for designation.

(4) The designation provides some measure of protection from adverse actions that could threaten the historical integrity of the historical resource.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code. Reference: Title 36, Part 60, Code of Federal Regulations; Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

#### **4853. Application Format.**

Applications shall be submitted on: (1) DPR Form 523-California Historic Resources Inventory Form, dated prior to January 1995; (2) DPR Form 422-Archeological Site Record, dated prior to January 1995; or (3) DPR Form 523 including supplemental forms DPR 523 (c), (f), (g), (h), (i), (j), (k), and/or (l) dated prior to January 1995, as appropriate. In addition, the applicant shall submit a set of clearly labeled photographs, as described in the OHP "Instructions for Nominating Historical Resources to the California Register" (August 1997), Appendix B, with the recordation form. If historical resources are recorded after the effective date of this chapter, a DPR Form 523 must be used. In addition, the Commission may require other information for specific types of historical resources as listed in Section 4853 of this chapter.

(a) General requirements. The requirements of Section 4853 (a)(1)-(4) of this chapter shall apply to all historical resources which are nominated to the California Register:

(1) The applicant shall use the inventory form which corresponds to the date of recordation of the resource. The inventory form shall be accompanied by a cover letter which includes the name of the applicant, the resource owner and local government with land-use control authority, hereafter local government, and a concise statement of significance. The statement of significance should clearly list the justification for the importance of the historical resource.

(2) A sketch map shall be included, clearly showing the boundaries of the nominated resources, the footprint of all contributing and noncontributing resources, a directional North arrow, and scale. Careful and accurate information shall be provided with sufficient detail to ensure that a legal description of the proposed historical resource may be recorded. These details may include the UTM coordinates marked on a section grid, United States Geological Survey maps, parcel number(s), and legally recorded boundary lines. Boundaries of sites with no material evidence of the significant event must be clearly defined on the map on the basis of specific and definitive historical documentation.

(3) One or more color slides and black and white or color photos shall be provided to properly document the historical resource. Color slides should provide a realistic overview of the historical resource in its setting or detailed views of the historical resource itself, as appropriate. The Commission may require that the applicant provide photos of contributing historical resources on surveys which are over five (5) years old. All photos should be labeled, including the date taken and a location of the image relative to the sketch map described above.

(4) Primary numbers will be assigned by the Regional Information Center. The applicant shall provide a copy of the application to the Information Center which has responsibility for information regarding historical resources for the county in which the resources are located (see Appendix B) at the same time the application is submitted to the Office. The Office of Historic Preservation will assure primary numbers are assigned.

(b) Information Required for Historical Resources.

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(1) Individual nominated resources. A single completed DPR Form 523 or Form 422 shall be submitted for each historical resource which is individually nominated. For resources recorded prior to the effective date of this chapter either a single completed DPR Form 523 or Form 422 shall be submitted for each historical resource which is individually nominated. If the historical resource is recorded after the effective date of this chapter, a DPR Form 523 (dated January 1995) shall be submitted for each historical resource.

(2) Historic districts. In the case of an historic district, the applicant shall complete one master form for the district as a whole, with an abbreviated form for each contributing resource. A list of noncontributing resources is required and must be provided in the cover letter. Owner information for each resource must be provided in the cover letter. Slides of contributing historical resources and/or streetscapes shall be included. Black and white or color photographs of each contributing historical resource and representative streetscape are required.

(3) Archeological resources. Archeological resources will be considered for nomination only after having been assigned a Site Trinomial Number by the appropriate Regional Information Center (see Appendix B). The Commission may require additional documentation to more accurately identify and define the site. Depending upon the date the resource was recorded, the DPR Form 523 (dated January 1995) or Form 422 must be accompanied by a statement of significance or research design which explains why the resource qualifies for listing in the California Register.

(4) Historical resource survey. Historical resources which have recordation forms already on file in the inventory with the Office will not require additional DPR Inventory Forms 523 (dated January 1995) unless the Commission requests re-evaluation or re-survey. A cover letter shall provide the owner and the local government information as described in Section 4853 (a)(1) of this chapter, an overview of survey methodology to verify that the survey meets the standards discussed in Section 4852 (e) of this chapter and adequate mapping showing all areas surveyed.

(5) Historical resources and historic districts designated or listed as city or county landmarks, historic resources or districts pursuant to any city or county ordinance, and local landmarks and other resources designated under municipal or county ordinances.

DPR Form 523 shall be submitted for all local landmarks or locally designated historical resources that have not previously been documented or do not have approved recordation forms on file with the Office. A cover letter shall be submitted, as described in Section 4853 (a) of this chapter, and it must include information regarding resource ownership, local government, and a list of all resources included in the nomination. A copy of the ordinance or criteria for local designation must be submitted with the application. Submitting a copy of the ordinance is required whether the resource was designated under a local historic preservation ordinance, which may cover a group or category of historical resources, or under an ordinance or resolution designating only the specific historical resource which is being nominated.

NOTE: Authority cited: Sections 5020.4, 5024.1, 5024.5, and 5024.6, Public Resources Code. Reference: Section 27288.2, Government Code; Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 5029, 21084, and 21084.1, Public Resources Code.

#### **4854. Application Procedures.**

(a) Ownership information. It is the responsibility of the applicant to provide complete information regarding the ownership of those historical resources which the applicant wishes to be included in the California Register. The ownership data must include assessor parcel numbers, maps, and a legal description of the resources. The applicant shall provide the owners' names and addresses on mailing labels, as well as any information necessary to establish whether a proposed resource or district has more than one owner. A boundary map and a list of all resource owners within the proposed district boundaries shall be included for each district. The list shall indicate whether the property of each owner is contributing or noncontributing to the significance of the district. Resources will not be listed in the California Register over the owner's objection, or in the case of a district, a majority of resource owners, but will be "formally determined eligible for listing" (see Section 4855(c) of this chapter).

(b) Submitting the application. Historical resources may be nominated by any individual or group including, but not limited to, members of the general public, private organizations, or local government with control authority over the designated historical resource.

(1) Local government, in whose jurisdiction the historical resource is located, shall submit their applications directly to the Office.

(2) If the applicant is not a local government, the applicant must notify the clerk of the local government by certified mail that an application will be filed with the Office and request that the local government join in the nomination and/or provide comments. Notification to the clerk of the local government shall include a copy of the application. Ninety (90) days after notification to the clerk of the local government, the applicant shall forward all completed applications and any comments to the Office.

(c) If the applicant is not the owner of the resource being nominated, within thirty (30) days of receipt of the application, the Office will provide a copy of the application to the owner and request any additional information.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.  
Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

#### **4855. State Historical Resources Commission's Public Hearing of a Nomination.**

After technical review by the Office, the nomination will be scheduled for a hearing by the State Historical Resources Commission. The Commission will only consider comments that relate to the criteria for listing a resource in the California Register.

(a) Public notification. At least sixty (60) days before the hearing to consider the nomination for listing, the Office shall do all of the following:

(1) Notify all affected historical resource owners that their resource has been nominated for listing; the time and place set for the hearing; and that the Commission will consider public comments related to whether the resource meets the criteria for listing in the California Register as well as any objections of the owner(s).

(2) Notify the local government and interested local agencies of the time and place set for the hearing and the opportunity for public comments in support of or opposition to the proposed listing.

(3) Notify the general public by means of the Commission's hearing notices of the scheduled hearing date and the opportunity to comment on the nomination.

(4) In the case of an historic district, nominated either individually or as part of a survey, the Office must make a reasonable effort to obtain the identities and addresses of all owners of resources within the proposed district. The Commission must provide notice of the hearing and opportunity to comment or object to all identified owners whether or not their properties were nominated as contributing resources.

(b) Support of or objections to the nomination. The Commission shall consider public comments when it determines whether to list the historical resource in the California Register. Any person or organization, including the following, may submit supporting or opposing comments to the Office before the hearing.

(1) Resource owners. Private resource owners must make any objection to listing in a notarized letter stating that they are the sole or partial owners, that they object to the listing, and the reasons for their objection. Letters of support from private resource owners are welcomed, but not required. If a private resource owner does not reply to a properly transmitted letter of notification, the absence of a reply will be interpreted as consent to the historical resource designation.

(A) Each owner or partial owner of a privately owned individual historical resource has one vote regardless of what percentage of the resource such person owns. Within a district, each owner has one vote regardless of how many buildings, or what percentage of the area of the proposed district, such person owns.

(B) If a majority of private resource owners should object for any reason, the proposed individual resource or district will not be listed. However, in such cases, the Commission shall designate the resource as "formally determined eligible for listing in the California Register." A

resource that has been designated as eligible may be listed at a later time if, and when, the objection is withdrawn.

(2) Local government. Support of, and objections by, local government are to be given full and careful consideration. When the local government objects to the listing, the findings of the Commission shall identify the historical or cultural significance of the resource and explain why the resource was listed in the California Register over the objections of the local government.

(c) Determinations of eligibility and formal listing. A privately owned resource may not be listed in the California Register over the objection of its owner, or in the case of a resource with multiple owners, over the objection of a majority of private resource owners. A district may not be listed in the California Register over the objection of a majority of private resource owners within the proposed district. If a district is listed, it will be listed in its entirety and all contributing resources will be listed, whether or not the owner of that resource has objected.

(1) If a private resource cannot be listed solely due to owner objection, the Commission shall designate the resource as "formally determined eligible for listing."

(2) An historical resource shall be considered formally "listed in the California Register" when the Commission, upon reviewing the nomination, designates the resource as eligible for listing and accepts it for official listing in the California Register.

(3) The Commission shall adopt written findings to support its determinations. Findings shall include a description of the historical resources and the historical or cultural significance of the resources and identification of those criteria on which any determination was based.

(4) Within forty-five (45) days after approval or disapproval of a nomination by the Commission, the Officer shall notify the applicant, resource owner(s), and the affected local government in writing of the Commission's decision.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code. Reference: Title 36, Part 60, Code of Federal Regulations; Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

#### **4856. Criteria and Procedures for Removal of an Historical Resource from the California Register of Historical Resources.**

Historical resources are formally determined eligible for, or listed in, the California Register on the basis of an evaluation of the historical data by qualified professionals. The Commission may, at its discretion, consider a request for formal de-listing after a public hearing has taken place.

(a) The Commission may remove an historical resource from the California Register if one of the following criteria is satisfied:

(1) The historical resource, through demolition, alteration, or loss of integrity has lost its historic qualities or potential to yield information; or

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(2) New information or analysis shows that the historical resource was not eligible at the time of its listing.

(b) Documentation supporting a request for removal of an historical resource from the California Register shall be provided to the Commission for its review. The documentation shall include:

(1) A written request from the Officer, resource owner, a member of the public, or local government in which the historical resource is located recommending the removal of the resource, including a detailed justification based on the criteria listed in Section 4856 (a)(1) or (2);

(2) Photographs and other documentation regarding the current condition of the historical resource;

(3) Photographic and archival documentation of the historical resource at the time of listing; and

(4) Complete current ownership information for historical resources included in the listing.

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(c) The Office shall notify the resource owners, the local government in which the historical resource is located, the general public, and the individual, organization, or government authority which made the original nomination at least sixty (60) calendar days prior to the date scheduled for the public hearing. At the hearing, the Commission shall hear comments and receive

information regarding whether or not the criteria for removal of an historical resource from the California Register have been met. If the criteria have been met, the resource shall be removed from the California Register. If the criteria for removal have not been met, the historical resource shall remain in the California Register. The decision of the Commission shall be final unless a request for reconsideration is made pursuant to Section 4857 of this chapter.

(d) The Office shall notify the resource owners, the local government described above, the general public, and the individual, organization, or government agency which made the original nomination within sixty (60) days after reaching a final decision. The decision of the Commission shall be binding.

Note: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.  
Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

#### **4857. Requests for Redetermination by the State Historical Resources Commission.**

Requests for redetermination may be submitted within thirty (30) days after the Commission transmits notice of its final determination. Such requests shall set forth the reasons why the Commission's determination was improper, including all new relevant facts and information.

(a) The Commission has the power to reverse or alter its prior determinations, in whole or in part, if any of the following occur:

(1) There is a significant error in the facts, information, or analysis on which the prior decision was based; or

(2) The prior determination, in light of current information, appears to have been arbitrary, capricious, or based on substantial error.

(b) The Commission shall advise the applicant within sixty (60) days after receipt of a request for redetermination whether it will consider such request, and if so, set the date for a hearing by the Commission.

(c) If the request for redetermination is denied, then the original determination shall become final for all purposes, unless the resource is later shown to be demolished, altered, or has lost its integrity.

Note: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.  
Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

#### **4858. Saving Clause.**

If any one or more of the regulations in this chapter, or any portion of any one of these regulations is found or held to be invalid, all other regulations and portions of regulations shall be severable from the invalid regulation or portion and shall be presumed to be valid.

Note: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.  
Reference: Section 11350, Government Code; California Drive-In Restaurant Asso. v. Clark (1943) 22 Cal.2d 287, 140 P.2d 657; Schenley Affiliated Brands Corp. v. Kirby (1971) 21 Cal.App.3d 177, 98 Cal.Rptr. 609.

### **Appendix A. A Glossary of Terms as used in the California Register of Historical Resources**

Note: Due to the length of this glossary, it has been moved to the end of this section, following the State Historic Building Code regulations.

## **CEQA Guidelines (Title 14, Chapter 3)**

Note: The sections printed here represent only those portions of the guidelines that specifically address historical resources. Article 18 *Statutory Exemptions* also reference historical resources in Sections 15269 *Emergency Projects*; 15279 *Housing for Agricultural Employees*; and 15280 *Lower-income Housing Projects*. The full text of the CEQA Guidelines can be accessed on the Internet at <http://www.ceres.ca.gov/ceqa/>.

**15064.5. Determining the Significance of Impacts to Archeological and Historical Resources.**

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation



and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate native americans as identified by the Native American Heritage Commission as provided in Public Resources Code SS5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native american.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

Note: Authority: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21083.2, 21084, and 21084.1, Public Resources Code; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 490.

#### **15126.4** Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.

(a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.

(D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale*(1981) 125 Cal.App.3d 986.)

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

(3) Mitigation measures are not required for effects which are not found to be significant.

(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an *ad hoc* exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

(b) Mitigation Measures Related to Impacts on Historical Resources.

(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

(2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

(3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

(A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

(B) Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites;
2. Incorporation of sites within parks, greenspace, or other open space;
3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
4. Deeding the site into a permanent conservation easement.

(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code.

(D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21002, 21003, 21100, and 21084.1, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California*, (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; and *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112; *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011.

### **15325. Transfers of Ownership of Interest In Land to Preserve Existing Natural Conditions and Historical Resources.**

Class 25 consists of transfers of ownership in interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve existing natural conditions, including plant or animal habitats.
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.
- (e) Acquisition, sale, or other transfer to preserve historical resources.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

**15331. Historical Resource Restoration/Rehabilitation.**

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Note: Authority cited: Section 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.

## **State Historic Building Code Regulations (Title 24, Part 8)**

### **[NOT INCLUDED]**

The regulations implementing the State Historic Building Code (Health and Safety code section 18950 et seq.) were amended in 1998. The SHBC is incorporated as Part 8 within the California Building Standards Code (Title 24). The California Building Standards Code is a copyright document and cannot be reproduced here.

Copies of the SHBC can be obtained by purchasing the entire California Building Standards Code or obtained as a stand alone document. The SHBC can be ordered by calling the International Conference of Building Officials (ICBO) at 1-800-284-4406. The item # is 158F98.

Additional descriptive information regarding the California Building Standards Code and the State Historic Building Code can be accessed on the Internet at <http://www.dsa.ca.gov/>.

# A Glossary of Terms as used in the California Register of Historical Resources (Title 14, Chapter 11.5, Appendix A)

## -A-

**Archeological District.** An area defined by a significant concentration, linkage, or continuity of sites.

**Archeological Site.** A bounded area of a resource containing archeological deposits or features that is defined in part by the character and location of such deposits or features.

**The Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa).** Provides for protection of terrestrial and submerged archeological resources. Authorizes criminal prosecution for the excavation, removal, or damage of archeological resources on public or Indian lands without appropriate permit. Governs the transportation of illegally obtained materials, access to information, and the permitting process.

## -B-

**Boundaries.** Lines delineating the geographical extent or area of an historical resource.

**Building.** A resource, such as a house, barn, church, factory, hotel, or similar structure, created principally to shelter or assist in carrying out any form of human activity. Also, used to refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn.

## -C-

**California Historical Resources Information System (CHRIS).** That collection of Site Records, Historic Resource Inventory Forms, and all information on historical resources which has been acquired and managed by the State Office of Historic Preservation since 1975. This shall include the State Historic Resources Inventory, the California Archaeological Site Inventory, properties listed in the National Register of Historic Places, California Registered Historical Landmarks, California Points of Historical Interest, and the California Register of Historical Resources.

**Conservation Easement.** A less than fee simple interest in real property recorded as a deed restriction which is designed to protect the historic, cultural, archeological, or ecological characteristics of a property. For purposes of the regulations in this chapter, it is interchangeable with the term "Preservation Easement."

**Cultural Heritage.** Pertaining to the sum total of traditions, body of knowledge, etc., inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual, but continuous modifications by succeeding generations.

**Cultural Resource.** See Historical Resource.

**Culture.** A linkage of people possessing shared values, beliefs, and historical associations coupling social institutions and physical materials necessary for collective survival.

## -D-

**Disclosure, archeological site.** To make available any records that pertain to an archeological site. However, "archeological site disclosure" need not take place if the nomination of a resource to the California Register requires making known any records which relate to archeological site information when those records are maintained by either the Department of Parks and Recreation or the State Historical Resources Commission.

**District.** A geographic area which possesses a significant concentration, linkage, or continuity of sites, buildings, areas, structures, or objects which are united historically, culturally, or aesthetically by plan, history, or physical development. For purposes of the regulations in this chapter, this term is interchangeable with "Historic District."

**DPR Form 422.** Department of Parks and Recreation Archeological Resources Inventory Form Number 422.

**DPR Form 523.** Department of Parks and Recreation Historic Resources Inventory Form Number 523.

**-E-**

**Evaluation.** A process carried out by the State Historical Resource Commission whereby the significance and integrity of an historical resource is judged, thereby determining its eligibility for listing.

**-F-**

**Footprint.** The form or pattern made by the perimeter of a building or other resource. Often used in connection with sketch maps or boundaries. A sketch map may show the footprint of historic resources as they are found on a parcel of land.

**Formally Determined Eligible for Listing.** An historical resource shall be considered “formally determined eligible for listing” when the State Historical Resources Commission accepts the nomination of the historical resource and designates the property as eligible for listing in the California Register.

**-G-**

**Geographical Area.** An area of land containing historical or archeological resources that can be identified on a map and delineated by boundaries.

**-H-**

**Historic Context.** An organizing structure for interpreting history that groups information about historical resources sharing a common theme, geographical area, or chronology. The development of “historic context” is a foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of historical resources based upon comparative historic significance.

**Historic District.** A geographic area which contains a concentration of historic buildings, structures, or sites united historically, culturally, or architecturally. “Historic districts” are defined by precise geographic boundaries. Therefore, “historic districts” with unusual boundaries require a description of what lies immediately outside the area in order to define the edge of the district and to explain the exclusion of adjoining areas.

**Historic Fabric.** (1) With regard to an historic building, “historic fabric” means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, “historic fabric” means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with the historic character of the district. (3) With regard to an archeological district, “historic fabric” means sites, standing structures or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.

**Historic Integrity.** The ability of a resource to convey its historical significance.

**Historic Resources Inventory Form (DPR Form 523).** A document which describes the characteristics and locations of buildings, structures, objects, and districts recorded for inclusion in an Historic Resources Inventory.

**Historical Landmarks.** See State Historical Landmark.

**Historical Resource.** Any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or which is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of California.

**Historical Resources Inventory.** A set of data, such as a list of historical resources, generated through an Historical Resources Survey.

**Historical Resources Survey.** The process of systematically identifying, researching, photographing, and documenting historical resources within a defined geographic area.

-I-

**Identification.** The process by which information is gathered regarding historical resources.  
**Information Center.** See Regional Information Center.

-L-

**Landscape, Cultural.** A geographic area that (1) has been used, shaped, or modified by human activity, occupation, intervention; or (2) possesses significant value in the belief system of a culture or society.

**Landscape, Designed.** A geographic area that (1) has significance as a design or work of art; (2) was consciously designed and laid out by (a) a designer according to academic or professional design standards, theories, or philosophies of landscape architecture; or (b) by an amateur using a recognized style or tradition; (3) has an historical association with a significant person, trend, or event in landscape gardening or landscape architecture; or (4) has a significant relationship to the theory or practice of landscape architecture.

**Landscape, Rural.** A geographic area that (1) has historically been shaped or modified by human activity, occupancy, or intervention; (2) possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings or structures, roads or waterways, or natural features; or (3) provides a sense of place.

**Listed.** A California Register historical resource shall be considered "listed" when (1) the State Historical Resources Commission, after reviewing the nomination of the historical resource, accepts it for listing in the California Register; or (2) it has been automatically "listed" under Public Resources Code Section 5024.1 (d)(1) & (2).

**Local government.** A public agency with land-use control authority over a designated historical resource. Local governments may include special district, tribal, city, or county governments.

-M-

**Manuscript.** (1) Bodies or groups of personal papers. (2) Collections of documents acquired from various sources according to a plan. (3) Individual documents acquired by a manuscripts repository because of their special importance. (Society of American Archivists)

-N-

**National Environmental Policy Act of 1969 (NEPA). (42 U.S.C. 4321-4347 (1969) (amended)).** Created a process by which to analyze significant environmental impacts, including impacts to historical resources, for federally funded or licensed actions.

**National Historic Preservation Act of 1966 (NHPA). (16 U.S.C. 470 (1966) (amended)).** Established the National Register of Historic Places. Created a partnership between federal, state, and local agencies to extend the national historic preservation programs to properties of state and local significance.

**National Register Criteria.** The federally established standards for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

**National Register of Historic Places, The. (16 U.S.C. 470a, 36 C.F.R. Parts 60, 63).** The official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461-467 (1935) (amended)) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 (1966) (amended)).

**Nomination.** A formal application, submitted to the State Historical Resources Commission, for listing an historical resource on the California Register of Historical Resources.

-O-

**Object.** Manifestations that are primarily artistic in nature, or are relatively small in scale and simply constructed. The "object" may be a fixture (real property) or movable (personal property). Although it may be movable by nature or design, an object must be associated with a



specific setting or environment. The “object” should be in a setting appropriate to its significant historical use, role, or character; for example, a fountain or boundary marker.

**Officer.** The State Historic Preservation Officer (SHPO) is appointed by the Governor under the authority of Public Resources Code Section 5020.6. The SHPO serves as the Chief Administrative Officer of the Office of Historic Preservation and Executive Secretary of the State Historical Resources Commission. The SHPO administers state and federally mandated historic preservation programs under the authority of the National Historic Preservation Act of 1966, Section 101 (b)(3), (16 U.S.C. 470 (1966) (amended)) and Cal. Pub. Res. Code Section 5024.

**Owner.** Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee simple interests, including leaseholds.

**-P-**

**Penal Code, Section 622.5.** Provides misdemeanor penalties for every person, other than the owner, who injures or destroys objects of historical or archeological interest located on public or private lands.

**Point of Historical Interest.** The California Point of Historical Interest Program (Cal. Pub. Res. Code Section 5021) is a state historical resources registration program, established in 1965, which provides official recognition for historical resources that are significant at a county or regional level, but do not qualify for designation as California Registered Historical Landmarks.

**Preservation (treatment).** The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.

**Preservation Commission.** A city or county board of appointed citizens with assigned responsibilities for surveying, designating, and protecting historical resources. May also be called an historic review board, design review board, landmarks commission, or cultural heritage commission.

**Primary Number.** The number used to identify and retrieve records regarding a specific site in the California Historical Resources Information System. The Primary Number describes the location of a resource in the same manner as a Site Trinomial Number.

**Protection (treatment).** The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archeological resources, protective measures may be temporary or permanent.

**Public Resources Code, Section 5097.5.** Defines as a misdemeanor the unauthorized disturbance or removal of archeological, historical, or paleontological resources located on public lands.

**-R-**

**Reconstruction (treatment).** The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time.

**Recordation.** Section 27288.2 of the Government Code and Section 5029 of the Public Resources Code require the County Recorder to record a certified resolution of historical resources designation containing the name of the current property owner, the historical resources registration program, the designating entity, the specific historical resources designation, and a legal description of the property.

**Regional Information Center.** An Information Center of the California Historical Resources Information System, under contract to the Office of Historic Preservation, which receives, manages, and provides information on historical and archeological resources. “An Information Center” may also provide training or technical assistance on a fee-for-service basis.

**Registration.** A program by which an historic resource is documented, evaluated, and determined eligible or nominated for listing as a type of historical resource. Such programs may be local, state, or national.

**Rehabilitation (treatment).** The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

**Research Design.** Reveals the logic that will be used to direct identification, documentation, investigation, analysis, or treatment of an historical resource that identifies the goals, methods and techniques, potential results, and the relationship of the potential results to other proposed activities or treatments.

**Resource, Contributing.** A resource which by location, design, setting materials, workmanship, feeling, and association adds to the sense of historical authenticity, historical development, or value of an historical resource.

**Resource, Non Contributing.** An historical resource which does not add to the sense of historical authenticity or evolution of an historic property or where the location, design, setting, materials, workmanship, history, and/or association of the historical resource have been so altered or deteriorated that the overall integrity of that resource has been irretrievably lost.

**Restoration (treatment).** The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

-S-

**Secretary of Interior Standards.** Identified in the **Secretary of the Interior Standards and Guidelines for Historic Preservation Projects** (36 C.F.R.67), with accompanying interpretive guidelines, which are utilized by federal agencies in the preservation of historical properties that are listed, or are eligible for listing, on the National Register. They are also used by some State Historic Preservation Offices in evaluating projects proposed as historical resources in accordance with federal regulations; or by local governments, organizations, and individuals in making decisions about the identification, evaluation, registration, or treatment of historic properties. The **Secretary of the Interior's Standards for Rehabilitation** is aimed at retaining and preserving those features and materials which are important in defining the historic character of an historical resource. Technical advice about archeological and historic preservation activities and methods is also included in the **Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation**.

**Site.** A location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing building, structure, or object. A "site" need not be marked by physical remains if it is the location of a prehistoric or historic event and if no buildings, structures, or objects marked it at that time. Examples include trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs.

**Site Record.** A document which describes the characteristics and location of a site, and which has been completed for entry in the California Archaeological Site Inventory.

**Site Trinomial Number.** A site registration number assigned by the Office of Historic Preservation to a specific archeological resource under which all documentation for that resource will be recorded.

**Stabilization (treatment).** The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

**State Historic Preservation Officer (SHPO).** See Officer.

**State Historic Resources Inventory.** Compilation of all identified and evaluated historical resources maintained by the State Office of Historic Preservation. It includes all those historical resources evaluated in surveys that were conducted in accordance with criteria established by

the Office (see Appendix B) and were thereafter determined eligible for, or listed in, the National Register of Historic Places or designated as California Registered Historical Landmarks, California Points of Historical Interest, or the California Register of Historical Resources.

**State Historical Building Code (SHBC).** The State Historical Building Code is contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified historic structures designated as historic buildings.

**State Historical Landmarks.** The California Registered Historical Landmarks Program (Cal. Pub. Res. Code Section 5021) is a state historical resources registration program which was created in 1949 to recognize historical resources with regional and statewide significance to the history of California.

**State Historical Resources Commission (SHRC).** Commission appointed by the Governor under Public Resources Code Section 5020.4 and 5020.5. The SHRC has broad responsibilities for the statewide historic preservation program that include conducting a statewide inventory of historical resources, establishing criteria for evaluating historical resources, and conducting public hearings to develop and review a statewide historical resources plan.

**Statement of Significance.** An organizational format which groups information about related historical resources based on theme, geographic units, and chronological period. The information should describe why the resource is significant within a relevant historic context.

**Structure.** A construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, bridges, and tunnels.

-T-

**Tax Certification.** A provision of federal tax law which, under certain conditions, allows money invested in capital rehabilitation to be deducted from income taxes owed. See those provisions for certified National Register structures which are included in the Economic Recovery Act of 1981 (Internal Revenue Code Sections 48, 168, 170, and 280B).

**Traditional Cultural Properties.** A geographic area or historical resource that embodies important cultural values. It may contain landscape characteristics that are the tangible evidence of the activities and habits of the people who occupied, developed, and shaped the land to serve their needs, or it may include several categories of properties. It may also contain, or consist primarily of, natural features which are important in a religious or belief system.

-U-

**UTM Coordinates.** A set of metric coordinates (easting and northing) that indicate a unique location according to the **Universal Transverse Mercator** grid appearing on maps of the United States Geological Survey.

# **ADMINISTRATIVE POLICIES**

# Executive Orders

## Executive Order W-26-92

Whereas, the preservation and wise use of California's cultural and historic resources are of importance to the people of this state; and

Whereas, these cultural and historic resources, hereinafter referred to as "heritage resources," include artifacts, sites, building, structures, districts, and objects with historical, architectural, archaeological, and cultural significance; and

Whereas, these heritage resources provide not only continuity with our past, but foster community pride, stimulate economic activity, improve housing, enhance the quality of life and, along with California's unique natural resources, draw hundreds of thousands of visitors to California every year; and

Whereas, due to their location, age, and the construction materials used, many of our important historic buildings and historic sites may be at risk from deterioration, destruction, and natural disasters; and

Whereas, an assessment of the extent of our heritage resources is needed in order to ensure their recognition and adequate protection in the future; and

Whereas, the preservation and wise use of historic resources must include consideration of cost-effectiveness and fostering private sector incentives, and state agencies must consider these and other public interests in their decision-making processes;

Now, therefore, I, Pete Wilson, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, do hereby issue this order to become effective immediately, and do hereby direct all agencies of the Executive Branch of state government as follows:

Section 1. In furtherance of the purposes and policies of the State's environmental protection laws, including but not limited to the California Environmental Quality Act, Public Resources Code Section 21000 et seq., the State Historic Building Code, Health and Safety Code Section 18950 et seq., and the historic resources preservation laws, Public Resources Code Section 5020 et seq., all state agencies shall recognize and, to the extent prudent and feasible within existing budget and personnel resources, preserve and maintain the significant heritage resources of the State. In accordance with these statutes, each state agency is directed:

- 1) to administer the cultural and historic properties under its control in a spirit of stewardship and trusteeship for future generations; and
- 2) to initiate measures necessary to direct its policies, plans, and programs in such a way that state-owned sites, structures, and objects of historical, architectural, or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people; and
- 3) to ensure that the protection of significant heritage resources are given full consideration in all of its land use and capital outlay decisions; and
- 4) in consultation with the California State Office of Historic Preservation, to institute procedures to ensure that state plans and programs contribute to the preservation and enhancement of significant non-state owned heritage resources.

Section 2. Each state agency shall designate from among its current staff a key official (Agency Preservation Officer) whose responsibility will be to ensure that the State's policies regarding

the protection of cultural and historic resources within the jurisdiction of such state agency are carried out.

Section 3. Under the direction of its Agency Preservation Officer, in consultation with the State Historic Preservation Officer, and in consultation as appropriate with the State Historical Building Safety Board, each agency shall, by January 1994, develop and institute feasible and prudent policies and a management plan to preserve and maintain its significant heritage resources.

(a) Inventories pursuant to Section 5024 are to be completed or updated by January 1995, or as soon thereafter as feasible as specified in a Memorandum of Understanding with the State Historic Preservation Officer. Inventory preparation shall take into account the kind, quantity, location of, and development risk to properties within the ownership and control of the agency.

(b) Heritage resources management plans and policies shall be reviewed periodically and revised as appropriate in consultation with the State Office of Historic Preservation.

(c) For purposes of developing management plans and policies under this order, resources which meet the following criteria shall be considered significant heritage resources:

(1) listed in or potentially eligible for inclusion in the National Register of Historic Places; or

(2) registered or eligible for registration as a state historical landmark or point of historical interest; or

(3) registered or eligible for listing in a California Register of Historical Resources in accordance with procedures and criteria developed by the State Historical Resources Commission.

Section 4. The State Historic Preservation Officer and the State Office of Historic Preservation shall provide leadership to and shall coordinate the efforts of State agencies in implementing their stewardship obligations with regard to historic resources, including, but not limited to, the requirements of Public Resources Code Sections 5020, et seq.

Section 5. Each state agency shall report to the State Office of Historic Preservation annually its progress in completing inventories, management plans, and policies pursuant to this order.

Section 6. The Resources Agency and the Office of Planning and Research shall provide guidance concerning the application of the California Environmental Quality Act (CEQA) and the state's CEQA regulations in order to provide for the consistent protection and preservation of the heritage resources of California.

The provisions of Section 21080(b)(3) and (4) of the Public Resources Code shall not be construed or applied to exempt from review projects to alter significant historic resources except to the extent that the condition of the historic structures or resources poses an emergency as defined by Section 21060.3 of the Public Resources Code. The historic value of structures is to be preserved and enhanced, unless the state or local agency finds the structure presents an imminent threat of harm to the public or of damage to adjacent property.

In witness whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8<sup>th</sup> day of April 1992.

Pete Wilson, Governor of California  
Attest: March Fong Eu, Secretary of State

# INDEX

Archeological Resources

Public Resources Code 5020.1(j); 5021; 5024.4(6); 5020.5; 5079.60-65; 5097; 5097.1; 5097.2; 5097.3; 5097.4; 5097.5; 5097.6; 5097.98; 21083.2; Government Code 6254; 6254.10; Penal Code 62.5

California Environmental Quality Act (provisions regarding historical resources)

Public Resources Code 21083.2; 21084; 21084(e); 21084.1; California Code of Regulations (title 14) CEQA Guidelines 15064.5; 15126.4; 15325; 15331

California Main Street Program

Government Code 15399; 15399.1-.8

California Register of Historical Resources

Public Resources Code 5020.1(a); 5020.4(a)(8); 5024.1; 5024.6(b)(m); 5028; 5029; 5079.20(a); 21084.1; Executive Order W-26-92

Capitol View Protection

Government Code 8162.5-9

Conservation Easements

Civil Code 815; 815.1-.10; 816

Definitions

Public Resources Code (General) 5020.1; 5079.01; 21083.2; 21084.1; Government Code 9149.1; 8162.5

Delisting of Historical Resources

Public Resources Code 5024.1(i)

Department of Parks and Recreation

Public Resources Code 5020.1(d); 5033

Economic Incentives

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Public Resources Code 5097.5; 5097.99

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Health and Safety Code 17922.2

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Public Resources Code 5020.4(a)(15); 5079 et seq.

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Public Resources Code 5020.1(h); 5024.1

Historic State Capitol Commission

Government Code 9149; 9149.1; 9149.2; 9149.3; 9149.4; 9149.5; 9149.6; 9149.7; 9149.8; 9149.9; 9149.10; 9149.11; 9149.12; 9149.13; 9149.14; 9149.15; 9149.16; 9149.17



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Historical Resources Commission

Public Resources Code 5020; 5020.1(c); 5020.2; 5020.3; 5020.4; 5020.5; 5020.6(b); 5021; 5024.1(f); 5024.6(a)-(6); 5025.11; 5026; 5029; 5033; 5079.01(6); 5079.24; 5079.41; 5079.62(6)

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Public Resources Code 5025.11; 5025.12; 5025.2

Legislative Intent

Public Resources Code 5020.7

Local Historical Property Designations

Public Resources Code 5020.1(k); 5024.1; 5028; 5029; Government Code 25373; Health and Safety Code 18955

Marks Rehabilitation Act

Health and Safety Code 37600-37631; 37640-37650

Mills Act

Government Code 25373; 27288.2; 37361; 37361.1; 50281

Mitigation

Public Resources Code 5024.5; 21083.2

National Register

Public Resources Code 5020.1(l); 5024.1(d); 5024.6(b); 5026; 5027; 5028; 5029

Native American Heritage Commission

Public Resources Code 5097.91; 5097.92; 5097.94; 5097.95; 5097.96; 5097.97; 5097.98; 5097.99

Native American Historical and Cultural Sites

Public Resources Code 5097.9; 5097.991

Natural Disasters (Emergencies)

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Government Code 25373; 37361

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Public Resources Code 5097.991

State Historic Preservation Officer

Public Resources Code 5020.1(n); 5020.6; 5024

State Historical Building Code

Health and Safety Code 18951; 18952; 18953; 18954; 18955; 18958; 18959; 18961

State Historical Building Safety Board

Health and Safety Code 18959.5; 18960

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Public Resources Code 5020.1(i); 5020.4(a)(9,10,11); 5021; 5022; 5022.3; 5022.6; 5023;  
5024.1(d); 5029; 5031; 5032; 5033

State Historical Resources Inventory

Public Resources Code 5020.1; 5020.4(a)(2); 5024(6); 5024.6(n)

State Office of Historic Preservation

Public Resources Code 5020.1(m); 5024.6; 5079.10

State Owned Historical Properties

Public Resources Code 5024; 5024.5; 5027; 5097 et seq.; Health and Safety Code 18961;  
Executive Order W-26-92

Substantial Adverse Change

Public Resources Code 5020.1(q); 5024.1(a); 21083.2(1); 21084.1

Taxation

Revenue and Tax Code 439-439.4; Government Code 50280-50290

**Chapter 3:**  
**IDENTIFYING HISTORIC PROPERTIES**

**OBJECTIVE 1: IDENTIFYING PROPERTIES  
POTENTIALLY WARRANTING PRESERVATION**

**To adopt an objective, consistent, well-documented, and widely-accepted method for identifying which properties warrant, or may warrant, preservation effort and for determining the relative importance of each of these properties so that preservation efforts may be appropriately gauged.**

---

For an effective historic preservation program, properties which may warrant preservation must first be identified. The usual process is a historical and architectural survey or inventory.

The City has been conducting the Oakland Cultural Heritage Survey since 1979 and conducted the Citywide Preliminary Historical and Architectural Inventory in 1986 (See Chapter 2 and Technical Report, Chapter 4, Section F.5). However, neither survey covers all properties in the City and neither has been formally adopted as the City's official method for determining which properties may warrant preservation. Moreover, the two surveys only provide the information necessary to make preservation determinations; they do not make the determinations themselves.

The following policies and actions use these surveys to determine which properties may warrant preservation effort and list the steps necessary to complete and maintain the surveys.

**POLICY 1.1: HISTORICAL AND ARCHITECTURAL  
INVENTORY**

**The City will establish and maintain a Historical and Architectural Inventory which covers all of Oakland. The Inventory will investigate all individual pre-1946 properties and areas throughout the City and will evaluate each property and area according to the table entitled "Historical and Architectural Inventory Rating System". The Inventory will consist of a Reconnaissance Survey which will cover the entire City as quickly as possible and an Intensive Survey that will perform detailed research and evaluation. The Reconnaissance Survey will serve as an interim Inventory for properties not yet covered by the Intensive Survey.**

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Policy's 1.1's "Historical and Architectural Rating System" is shown in Table 3-1 and described further in Appendix C. It is the same system now used by the existing Cultural Heritage Survey and Citywide Preliminary Historical and Architectural Inventory. The system uses five tiers (A-B-C-D-E) to rate individual properties and two tiers (**Areas of Primary Importance**, and **Areas of Secondary Importance**, or **APIs** and **ASIs**) to rate multiple properties and districts. Individual properties can have both "existing ratings" and "contingency ratings". Properties located in APIs and ASIs can be either "contributors", "noncontributors" or "potential contributors" to the API or ASI.

The five ratings and the bold face terms above are used throughout the Historic Preservation Element and are a primary basis for most of the Element's policies and actions. See Table 3-1 and Appendix C for definitions of these ratings and terms. Appendix C includes photographs showing examples of properties receiving various ratings.

**TABLE 3-1: HISTORICAL AND ARCHITECTURAL INVENTORY RATING SYSTEM.**  
(Incorporated by reference into Policy 1.1)

**INDIVIDUAL PROPERTY RATINGS**

**A - Highest Importance.** Properties of exceptional historical or architectural value which are clearly eligible individually for the National Register of Historical Places. Properties generally appropriate for an "A" rating include those which are outstanding examples of an important style, type, or convention, or which are intimately associated with a person, organization, event, or historical pattern of extreme importance at the local level or of major importance at the state or national level.

**B - Major Importance.** Properties of major historical or architectural value, but less important than those rated "A". Although most Bs are individually eligible for the National Register, they may be somewhat marginal candidates. Properties generally appropriate for a "B" rating include those which are especially fine examples of an important style, type, or convention; or which are intimately associated with a person, organization, event, or historical pattern of major importance at the local level or of moderate importance at the state or national level.

**C - Secondary Importance.** Properties having sufficient historical or visual/architectural value to warrant limited recognition but which do not appear individually eligible for the National Register. Properties generally appropriate for a "C" rating include those which are superior or visually important examples of a particular style, type, or convention and most buildings which were constructed prior to 1906.

**D - Minor Importance.** Properties which are not individually distinctive but which are typical or representative examples of an important style, type, convention or historical pattern. The great majority of Oakland's pre-1946 properties fall into the "D" category.

**E - Of No Particular Interest.** Properties which are not representative of any important style, type, convention, or historical pattern and are visually undistinguished.

**\* - Not Rated.** Properties built or established after 1945. Also pre-1946 properties that have been totally and irreversibly remodeled since 1945.

**Existing Ratings and Contingency Ratings**

Properties having conditions or circumstances which could change significantly in the future are assigned two ratings. The first, or "existing" rating, shown by an upper case letter, describes the property under present circumstances. The second, or "contingency" rating, shown by a lower case letter, describes the property under possible future circumstances.

The following properties normally receive both ratings: (i) properties which have been altered in a manner adversely affecting their Character-Defining Elements but which would receive higher ratings if the alterations were reversed; (ii) occasional post-1945 properties which are "Not Rated" because they are too new, but which are likely "A" or "B" candidates when they are older; and (iii) properties believed to have historical importance which has not been documented, but which would receive higher ratings if such documentation becomes available.

For example, a property rated "E/b" would be considered an "E" in its present condition or circumstance, but a possible "B" under a specific future circumstance such as an altered property that is later restored.

**MULTIPLE PROPERTY RATINGS -- AREAS OF PRIMARY IMPORTANCE AND AREAS OF SECONDARY IMPORTANCE**

**Areas of Primary Importance (APIs)** are historically or visually cohesive areas or property groups which usually contain a high proportion of individual properties with ratings of "C" or higher and appear eligible for the National Register of Historic Places either as a district or as a historically-related complex. At least two-thirds of the properties in an API must be "contributors" to the API, i.e. they reflect the API's principal historical or architectural themes and have not had their character changed by major alterations.

Properties which do not contribute to an API because of alterations, but which could contribute if the alterations are at least partly reversed, are "potential contributors" to the API. Properties which do not reflect the API themes are "noncontributors".

**Areas of Secondary Importance (ASIs)** are similar to APIs, except:

- potential contributors to the ASI are counted for purposes of the two-thirds threshold as well as contributors; and
- ASIs do not appear eligible for the National Register.

By adopting this rating system, Policy 1.1 establishes the existing surveys as the City's official Historical and Architectural Inventory. The "Reconnaissance Survey" referred to in Policy 1.1 is the Citywide Preliminary Historical and Architectural Inventory, while the "Intensive Survey" is the Oakland Cultural Heritage Survey.

Policy 1.1 is a commitment to complete both the Reconnaissance and Intensive Surveys. The Reconnaissance Survey can be finished fairly quickly, but the Intensive Survey will require a much longer period, perhaps 10-15 years.

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#### **ACTION 1.1.1: RECONNAISSANCE SURVEY**

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##### **Complete the Reconnaissance Survey.**

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Completing the Reconnaissance Survey will require:

- (a) surveying the relatively small part of Oakland that was not included in the original 1986 Survey; and
- (b) photographing properties receiving existing or contingency ratings of "C" or higher or located in APIs or ASIs. The photographs will provide the primary basis for the Survey's ratings and will document properties which could later be altered or demolished.

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#### **ACTION 1.1.2: INTENSIVE SURVEY**

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##### **Develop a long range plan and schedule for completing the Intensive Survey, including a priority list of properties and areas to be surveyed.**

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The priority list should be based on the Reconnaissance Survey results and on whether an area or class of properties may be threatened. The plan should involve community and business groups, other City departments and official bodies such as the Landmarks Board and City Planning Commission.

#### **ACTION 1.1.3: INVENTORY DATABASE, LISTS AND MAPS**

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##### **Prepare and maintain a comprehensive computerized database, lists and set of maps of properties included in the Reconnaissance and Intensive Surveys.**

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The database will be developed concurrently with completion of the Reconnaissance Survey (Action 1.1.1). The database will be organized by address or location and, for each property, show the Reconnaissance or Intensive Survey rating; National Register status; Landmark, Preservation District or other local designation status; year constructed or established; the architect, designer and/or builder, if known; identified interior spaces of major significance, if any; and other information as appropriate. The database should be incorporated into the proposed citywide land-use database (see Action 5.1.7).

The database will be used to generate a wide variety of lists of surveyed properties. The most important list would show properties receiving existing or contingency ratings of "C" or higher and properties located in APIs or ASIs. These properties are identified for possible preservation efforts by Policy 1.2 below and Policies 2.2 and 2.5 in Chapter 4. Other lists could show properties designed by a particular architect; those receiving "A", "B" or other specified ratings; and those representing "special development opportunities", e.g. vacant noncontributing parcels appropriate for new infill development in APIs or ASIs, or altered buildings which would have a better appearance if restored to their original or historic design.

The database and lists should be supplemented by a system of easily reproducible citywide maps. The maps should show all individual properties with existing or contingency ratings of "C" or higher and all properties located in APIs or ASIs. The maps should be prepared as part of the City's proposed computerized Geographic Information System (GIS).

**ACTION 1.1.4: UPDATING THE INVENTORY**

Establish a process for updating the Reconnaissance and Intensive Surveys as new information is obtained and to reflect changes to surveyed properties.

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There is presently no way to monitor demolitions, alterations, and other changes to surveyed properties. These changes sometimes significantly affect a property's character and can modify the property's Survey ratings.

The City's computerized Permit Tracking System, if linked to the Historical and Architectural Inventory database, would assist the updating process.

**POLICY 1.2: POTENTIAL DESIGNATED HISTORIC PROPERTIES**

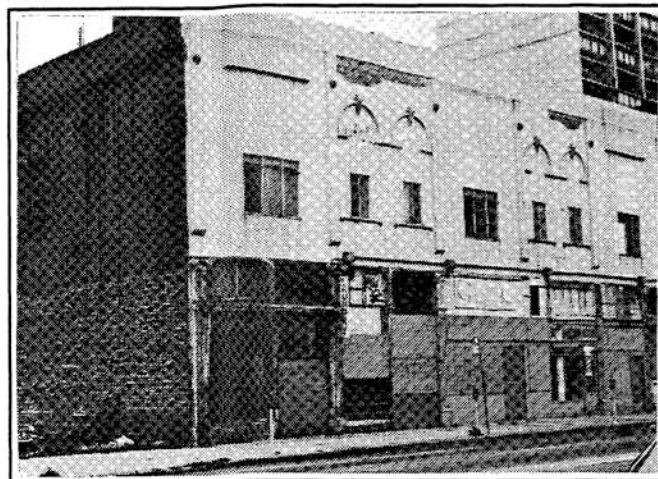
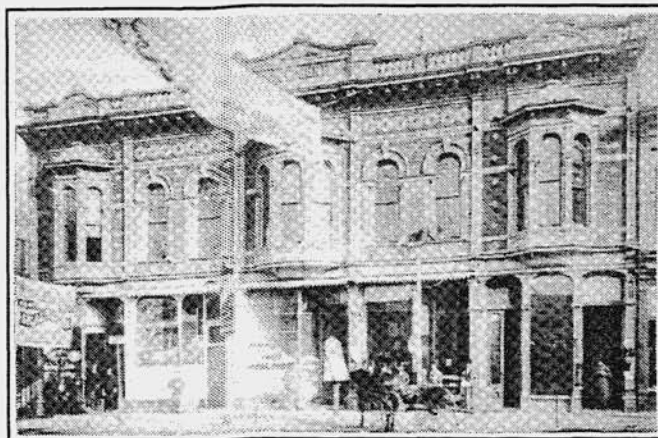
The City considers any property receiving an existing or contingency rating from the Reconnaissance or Intensive Surveys of "A" (highest importance), "B" (major importance), or "C" (secondary importance) and all properties determined by the Surveys to contribute or potentially contribute to an Area of Primary or Secondary Importance to warrant consideration for possible preservation. Unless already designated as Landmarks, Preservation Districts, or Heritage properties pursuant to Policy 1.3, such properties will be called "Potential Designated Historic Properties".

---

This policy describes the specific minimum significance thresholds for properties which may warrant preservation effort by the City.

The thresholds are those most consistent with the broad scope of Chapter's 2's Historic Preservation Goals. The "C" rating is the minimum threshold because "C's" have superior historic, architectural, or aesthetic value and are numerous enough to significantly influence the City's character in the manner envisioned by the Goals. "C's" include most pre-1906 properties including most Victorians. Some are borderline National Register candidates.

Treating contingency "A's", "B's" and "C's" according to their potential value if restored recognizes the design and development opportunities presented by these properties and the major role their restoration could have in Oakland's revitalization. Including API and ASI contributors and potential contributors will promote preservation of Oakland's more distinctive districts and neighborhoods.



*Development opportunities presented by remodeled properties: Leimert Block, 458-466 8th Street. Italianate Victorian built 1873-74 (top), poorly remodeled in 1950s (middle) and restored in 1980s (bottom).*

The generalized distribution of Potential Designated Historic Properties is shown in Figure 3-1.

**ACTION 1.2.1: LIST OF POTENTIAL DESIGNATED HISTORIC PROPERTIES**

Prepare a list of Potential Designated Historic Properties. Ensure that the list's information is available to the public.

Potential Designated Historic Properties will be included in Action 1.1.3's Historical and Architectural Inventory database and will also be available as a separate list. The list will be kept at the Permit Counter, and be readily available to the public. The list will be consulted along with Landmark, Preservation District and Heritage Property designations, as part of the Zoning staff's response to requests for how a property is zoned. This will help ensure that property owners and developers are aware of whether the property might be considered historic.

**POLICY 1.3: DESIGNATED HISTORIC PROPERTIES**

The City will designate significant older properties which definitively warrant preservation as Landmarks, Preservation Districts or Heritage Properties. The designations will be based on a combination of Historical and Architectural Inventory Ratings, National Register of Historical Places criteria, and special criteria for Landmarks and Preservation District eligibility. Landmarks, properties which contribute or potentially contribute to Preservation Districts, and Heritage Properties will be called "Designated Historic Properties".

The designation procedures and specific designation criteria for Landmarks and Preservation Districts are in Chapter 4, Policies 2.2 and 2.3.

The Heritage Property designation replaces the preservation study list (see discussion in Chapter 2). The designation procedures and specific designation criteria for Heritage Properties are in Chapter 4, Policy 2.5.

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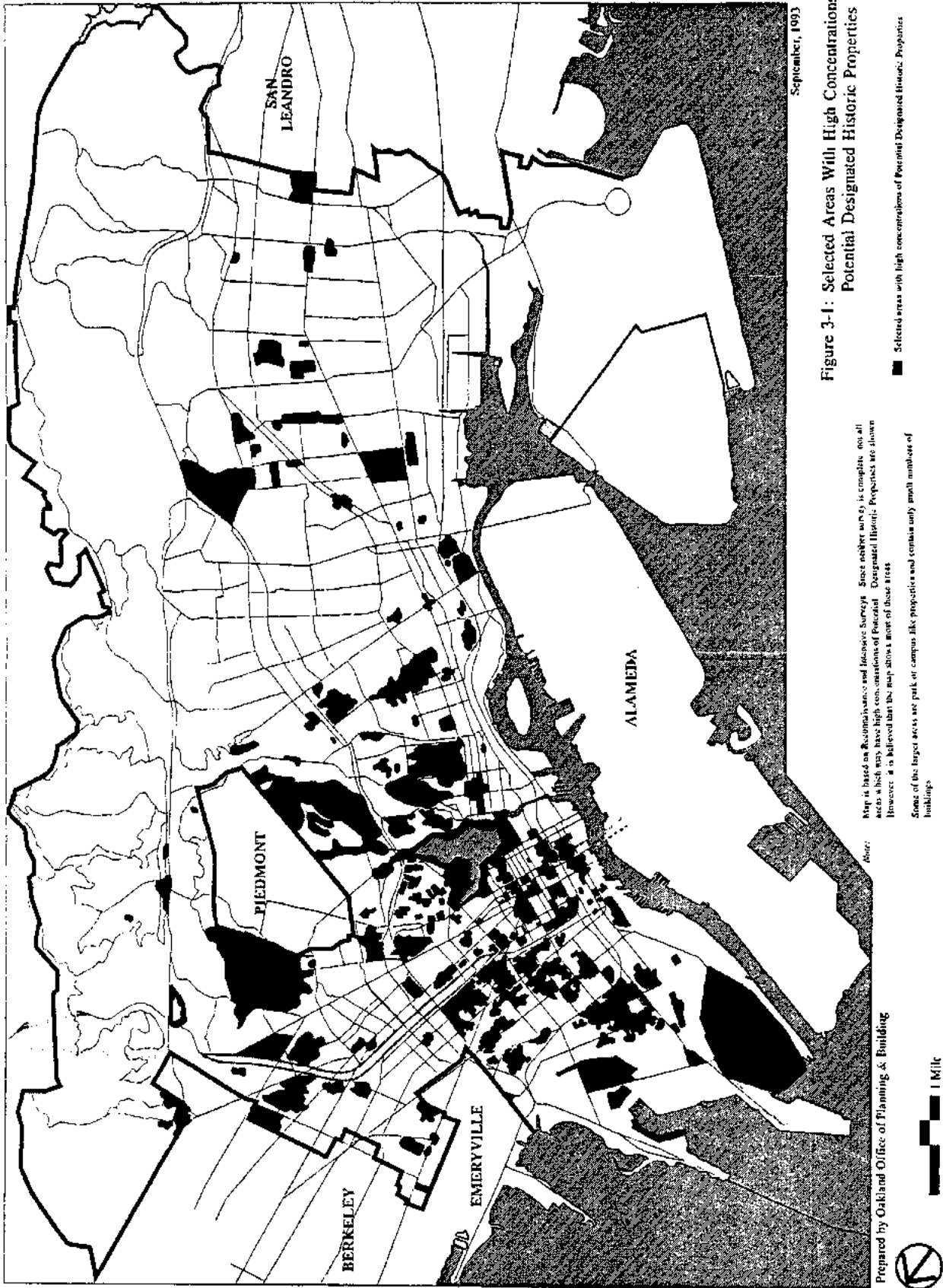
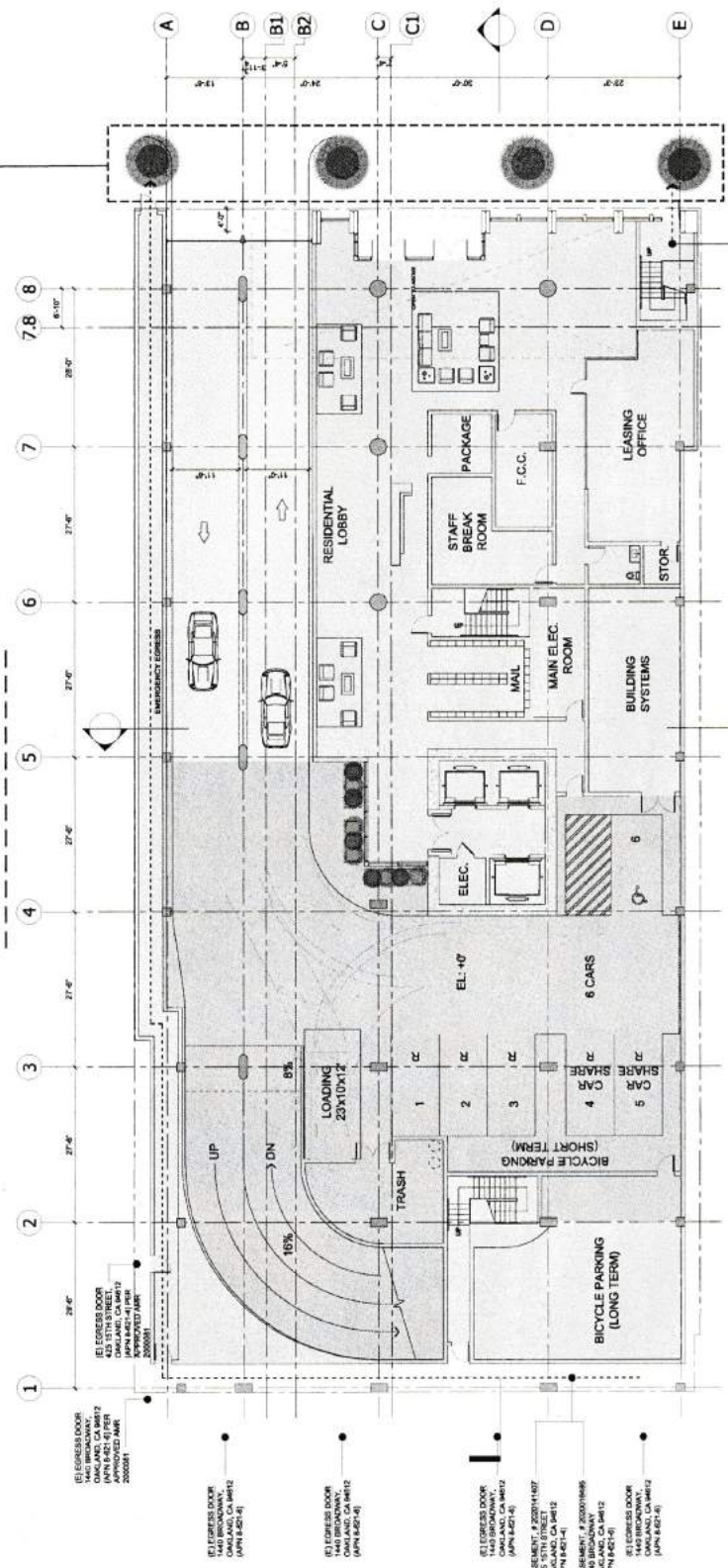


Figure 3-1: Selected Areas With High Concentrations of Potential Designated Historic Properties

■ Selected areas with high concentrations of Potential Designated Historic Properties

**NOTE:** This map was prepared in September 1993, based upon data available at that time. It may contain errors and may not be complete. Circumstances may have changed since 1993. Updated information is available from the Planning and Zoning Division of the Community and Economic Development Agency.





EASEMENT) EXPRESS FOR  
 425 15TH STREET (APN 08-01-001-000-000)  
 208 (02/10/000) FOR APPROVAL

(E) EGRESS DOOR  
 1445 BROADWAY,  
 OAKLAND, CA 94612  
 APPROVED MARK  
 2000001

(E) EGRESS DOOR  
 1445 BROADWAY,  
 OAKLAND, CA 94612  
 APPROVED MARK  
 (APN) 8-02-0

(E) EGRESS DOOR  
 1445 BROADWAY,  
 OAKLAND, CA 94612  
 APPROVED MARK  
 (APN) 8-02-0

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 APPROVED MARK  
 (APN) 8-02-0

1. EASEMENT # 2020/1407  
 425 15TH STREET  
 OAKLAND, CA 94612  
 (APN) 08-01-001-000-000

2. EASEMENT # 2020/1406  
 1445 BROADWAY  
 OAKLAND, CA 94612  
 (APN) 8-02-0

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 1445 BROADWAY,  
 OAKLAND, CA 94612  
 APPROVED MARK  
 (APN) 8-02-0



**CITY OF OAKLAND  
BUREAU OF PLANNING**

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031  
Phone: 510-238-3911 Fax: 510-238-4730

<b>Location:</b>	1431 Franklin Street, and the Black Arts Movement and Business District (BAMBD)
<b>Assessor's Parcel Number:</b>	008 062100807
<b>Proposal:</b>	Major Conditional Use Permits and Regular Design Review to construct a 27-story (410.5-foot tall) 419,480 square feet office tower with a parking garage above grade.
<b>Applicant:</b>	TC II 1431 Franklin, LLC
<b>Phone Number:</b>	(510) 290-9901
<b>Owner:</b>	TC II 1431 Franklin, LLC
<b>Case File Number:</b>	PLN20124
<b>Planning Permits Required:</b>	Major Conditional Use Permits for large scale development and tandem parking; Regular Design Review.
<b>General Plan:</b>	Central Business District (CBD)
<b>Zoning:</b>	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
<b>Environmental Determination:</b>	A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: <a href="https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022">https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022</a>
<b>Historic Status:</b>	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
<b>City Council district:</b>	3
<b>Status:</b>	Pending
<b>Staff Recommendation:</b>	Approval subject to the attached conditions
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For further information:</b>	Contact case planner <b>Michele T. Morris</b> at (510) 238-2235 or <a href="mailto:mmorris2@oaklandca.gov">mmorris2@oaklandca.gov</a>

**PLANNING COMMISSION PUBLIC NOTICE**

Your comments and questions, if any, should be directed to the case planner listed above under "For further information" at or prior to the public hearing to be held on **FEBRUARY 15, 2023**. This meeting will be held over Zoom and the invite link to the meeting is available at <https://www.oaklandca.gov/boards-commissions/planning-commission>. The public hearing will start at **3:00 P.M.**

If you challenge the Planning Commission decision on appeal and/or in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Bureau of Planning, at, or prior to, the public hearing on this case. If you wish to be notified of the decision of any of these cases, please provide the case planner with a regular email address or phone number.

Members of the public may make electronic presentations at Planning Commission, as follows: Please submit .pdf format file for presentation, indicating the commentor's first and last name (for identification during the meeting), and the applicable case file number from above, to Deborah French at [Dfrench@oaklandca.gov](mailto:Dfrench@oaklandca.gov) or 510-238-3759 at least **48 hours** prior to the meeting. We are unable to accommodate late material submissions at this time.

Please note that the description of the application found above is preliminary in nature and that the project and/or such description may change prior to a decision being made. Except where noted, once a decision is reached by the Planning Commission on this case, it is appealable to the City Council. **Such appeal must be filed within ten (10) calendar days of the date of decision by the Planning Commission and by 4:00p.m.** An appeal shall be on a form provided by the Bureau of Planning - Zoning, and submitted via email to your case planner, the Zoning Manager ([Rmerkamp@oaklandca.gov](mailto:Rmerkamp@oaklandca.gov)) and the Development Planning Manager ([Cpayne@oaklandca.gov](mailto:Cpayne@oaklandca.gov)). If you are unable to contact the City via email, you must contact your case planner by phone **as soon as possible** to arrange for an alternate method of submitting your appeal. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City of Oakland or wherein the decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to file a timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record during the previously mentioned ten (10) day public comment period. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

POSTING DATE: **02/03/2023**

**IT IS UNLAWFUL TO ALTER OR REMOVE THIS NOTICE WHEN POSTED ON SITE**