

**CITY OF OAKLAND  
AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2004 APR 22 PM 1:09

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: May 4, 2004

RE: **PUBLIC HEARING AND AN ORDINANCE DESIGNATING THE VICTORIAN LEGAL CENTER – LAW OFFICES OF WARREN B. WILSON (HISTORIC NAME: MASON-ELSEY-WILSON HOUSE) AT 653 11<sup>TH</sup> STREET AS A LANDMARK PURSUANT TO SECTION 17.102.030 OF THE OAKLAND PLANNING CODE**

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**SUMMARY**

The City Planning Commission recommends designating 653 11<sup>th</sup> Street (Victorian Legal Center; historic name – Mason-Elsey-Wilson House) as a City of Oakland landmark.

The landmark nomination was submitted to the Landmarks Preservation Advisory Board by the owner, Warren B. Wilson. On December 8, 2003, the Landmarks Board unanimously recommended designation, as did the Planning Commission on April 7, 2004. There is no known opposition to the landmark designation.

Staff recommends that the City Council adopt the attached ordinance designating the Victorian Legal Center as a City of Oakland landmark.

**FISCAL IMPACT**

None

**BACKGROUND**

The Victorian Legal Center has been designated since 1979 as a contributor to the Grove Street/Lafayette Square Historic District, an S-7 Preservation Combining Zone.

**KEY ISSUES AND IMPACTS**

Historical and Architectural Significance: The Victorian Legal Center is eligible for landmark designation in that it:

- is an early and elaborate Italianate house dating from Oakland's boom years after the arrival of the transcontinental railroad;

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- reflects the later evolution of the neighborhood, from the Colonial Revival remodel and expansion in the 1890's through the rooming-house occupancy in the Depression era, to a pioneering 1979-80 restoration and adaptive reuse;
- is a prominent visual landmark on a corner site, and a contributor to the Lafayette Square Historic District and to the Preservation Park S-7 Historic District;
- is a well-designed example of a large, two-story Italianate style house with landscaped setbacks behind wrought iron gates, memorable for its pedimented cross-gables over two-story polygonal bays on both street frontages, rustic siding, tall double-hung windows with segmental-arched tops and molded frames, porch and veranda balustrades, and cornices lined with horizontal modillions and dentils;
- was originally occupied by J. R. Mason, possibly an Alameda County Supervisor, and then by Charles Elsey of the Oakland firm of Elsey, D.E. Gillett & Co., stock and money brokers and served as "Housekeeping Rooms" by 1935, characteristic of the history of the district;
- was a beacon for restoration for the entire neighborhood when in 1979 Warren B. Wilson purchased the house, managed the restoration which was completed in 1980, and moved his law offices from Old Oakland to adaptively reuse the house; and
- is currently occupied by the Victorian Legal Center, Law Offices of Wilson & Casey, Mr. Warren B. Wilson, Attorney, former CEO of Thomas Brothers Maps, a member of one of Oakland's most prominent families and a brother of Mr. Lionel Wilson, a former Oakland Mayor.

The building has a rating of 'A' on the Landmarks system and a 'B' from the Oakland Cultural Heritage Survey. The reason for the difference is that the Landmarks Board System is less closely tied to the National Register criteria, giving more weight to social history and less to architecture and integrity. Also, the LPAB updated the Person/Organization rating to recognize the (recent) significance of the applicant, his law firm and his family history. From a practical perspective, either an 'A' or 'B' building is eligible for City Landmark Designation.

Regulatory Effect of Designation: Regulations and benefits for an S-7 contributor (the building's present status) and a landmark (proposed) are substantially the same. Both designations provide for design review of exterior changes (only), up to 240 days delay of demolition, and a duty to keep in good repair. Both types are treated as historic resources for purposes of CEQA review, both are eligible to use the State Historical building Code, and both are exempt from design review fees (the only direct local monetary incentive currently offered to designated historic properties).

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Significant exterior changes to landmarks and S-7 properties are referred to the Landmarks Preservation Advisory Board for recommendations (Section 17.136.040) before the design review application is acted upon by the Development Director or the Planning Commission. For both types of properties, minor exterior changes can be processed administratively by the Development Director, who may seek input from the LPAB as needed.

The design review findings for the two types of properties (S-7, Landmark) are worded somewhat differently but have the same effect.

In the S-7 zone (Section 17.84.040) the design review criteria for exterior changes require “That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility...” and “That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or the neighboring facilities...”

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

Several buildings in the Preservation Park and Old Oakland S-7 zones are also individually designated landmarks. The dual designation has primarily honorific value, and under present zoning regulations it does not increase either regulations or incentives as compared to district or landmark designation alone.

## **SUSTAINABLE OPPORTUNITIES**

Economic: Landmark designation encourages maintenance and careful rehabilitation of buildings, which creates skilled employment opportunities. Maintenance and rehabilitation of existing buildings also stabilize and enhance property values.

Environmental: Landmark designation encourages the maintenance and re-use of existing historic buildings and therein helps to conserve the materials and energy used to construct those buildings.

Social Equity: Landmark designation encourages continued maintenance and restoration or rehabilitation of existing buildings. Therefore, it acts as a catalyst for neighborhood revitalization and further enhances the community by creating community identity.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Landmark designation does not prohibit modifications to achieve compliance with the American with Disabilities Act (ADA) and can facilitate such modifications through use of the State Historical Building Code.

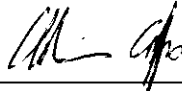
Item: \_\_\_\_\_  
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## RECOMMENDATION(S) AND RATIONALE

Adopt the attached ordinance designating the Victorian Legal Center as a City of Oakland Landmark.

Landmark designation has the potential to be a catalyst for further revitalization of Oakland's distinct and diverse neighborhoods and its strong historical character. The honorific designation and requirements for maintenance and repair would continually promote economic, quality of life and sense of community goals throughout the city as the building is restored or rehabilitated.

Respectfully submitted,



\_\_\_\_\_  
CLAUDIA CAPPIO  
Development Director

Prepared by:  
Joann Pavlinec, Planner III  
Historic Preservation/Major Projects  
Community and Economic Development Agency

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:



\_\_\_\_\_  
OFFICE OF THE CITY MANAGER

## ATTACHMENTS:

- A) Ordinance designating 653 11<sup>th</sup> Street as a City of Oakland landmark
- B) Landmarks Board Resolution 2003-1
- C) April 7, 2004 Planning Commission Staff Report, including landmark nomination form and eligibility rating sheet

Ref: Mydocumetns/citycouncilreports/LM-VictorianLegalCenter

Item: 14.2  
City Council  
May 4, 2004

FILED  
OFFICE OF THE CITY CLERK  
APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

*Mason*  
2004 APR 22 PM 4:09  
CITY ATTORNEY

ORDINANCE No. \_\_\_\_\_ C.M.S.

**AN ORDINANCE DESIGNATING THE VICTORIAN LEGAL CENTER – LAW OFFICES OF WARREN B. WILSON (HISTORIC NAME: MASON-ELSEY-WILSON HOUSE) AT 653 11<sup>TH</sup> STREET AS A LANDMARK PURSUANT TO SECTION 17.102.030 OF THE OAKLAND PLANNING CODE**

**WHEREAS**, the owner, Warren B. Wilson, submitted a Landmark nomination for the Victorian Legal Center at 653 11<sup>th</sup> Street on August 6, 2003; and

**WHEREAS**, the Landmarks Preservation Advisory Board at its meeting of December 8, 2003, recommended designation of the Victorian Legal Center (historic name: Mason-Else-Wilson House) at 653 11<sup>th</sup> Street as a Landmark pursuant to Section 17.102.030 of the Oakland Planning Code; and

**WHEREAS**, notice of public hearing on this matter was given to the owner of the subject property, the property was posted, and a hearing was held by the City Planning Commission on April 7, 2004; and

**WHEREAS**, after the hearing, the City Planning Commission voted on April 7, 2004, to recommend landmark designation of the property; and

**WHEREAS**, notice of public hearing on this matter was given to the owner of the subject property, the property was posted, and a hearing was held by the City Council on May 4, 2004; and

**WHEREAS**, the City Council at its meeting of May 4, 2004, has determined that the proposed Landmark has historical and architectural significance as described and presented in the Landmarks Preservation Advisory Board Resolution 2003-1, and is a unique asset to the City; and that for these reasons the Landmark is worthy of preservation; and

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

**14.2**  
**ORA/COUNCIL**  
**MAY 4 2004**

**Now, Therefore, the Council of the City of Oakland does ordain as follows:**

**SECTION 1.** The Victorian Legal Center (historic name: Mason-Else-Wilson House) at 653 11<sup>th</sup> Street is hereby designated as a Landmark pursuant to Section 17.102.030 of the Oakland Planning Code as described and presented in Landmarks Preservation Advisory Board Resolution 2003-1, attached as Exhibit A and incorporated herein by reference.

**SECTION 2.** Said Landmark shall be preserved in all its particular exterior features as existing on the date hereof, and as described and depicted in the photographs, case reports, Case File LM03-583, and other material in the Department of City Planning; provided, however, it may be modified to replicate or more closely resemble its original appearance.

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES-Brunner, Wan, Nadel, Quan, De La Fuente, Brooks, Reid, Chang

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

*mae*

# **NOTICE & DIGEST**

**AN ORDINANCE DESIGNATING THE VICTORIAN LEGAL CENTER – LAW OFFICES OF WARREN B. WILSON (HISTORIC NAME: MASON-ELSEY-WILSON HOUSE) AT 653 11<sup>TH</sup> STREET AS A LANDMARK PURSUANT TO SECTION 17.102.030 OF THE OAKLAND PLANNING CODE**

**This ordinance designates the Victorian Legal Center – Law Offices of Warren B. Wilson -- at 653 11<sup>th</sup> Street as an Oakland Landmark**

RESOLUTION 2003-1  
LANDMARKS PRESERVATION ADVISORY BOARD  
CITY OF OAKLAND

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

WHEREAS, the Board has reviewed and examined the material pertaining to this property in Case File **LM03-583** and the Oakland Landmark Nomination Application form, a copy of which is attached; and

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

- is an early and elaborate Italianate house dating from Oakland's boom years after the arrival of the transcontinental railroad;
- reflects the later evolution of the neighborhood, from the Colonial Revival remodel and expansion in the 1890's through the rooming-house occupancy in the Depression era, to a pioneering 1979-80 restoration and adaptive reuse;
- is a prominent visual landmark on a corner site, and a contributor to the Lafayette Square Historic District and to the Preservation Park S-7 Historic District;
- is a well-designed example of a large, two-story Italianate style house with landscaped setbacks behind wrought iron gates, memorable for its pedimented cross-gables over two-story polygonal bays on both street frontages, rustic siding, tall double-hung windows with segmental-arched tops and molded frames, porch and veranda balustrades, and cornices lined with horizontal modillions and dentils;
- was originally occupied by J. R. Mason, possibly an Alameda County Supervisor, and then by Charles Elsey of the Oakland firm of Elsey, D.E. Gillett & Co., stock and money brokers and served as "Housekeeping Rooms" by 1935, characteristic of the history of the district;
- was a beacon for restoration for the entire neighborhood when in 1979 Warren B. Wilson purchased the house, managed the restoration which was completed in 1980, and moved his law offices from Old Oakland to adaptively reuse the house;
- is currently occupied by the Victorian Legal Center, Law Offices of Wilson & Casey, Mr. Warren B. Wilson, Attorney, former CEO of Thomas Brothers Maps, a member of one of Oakland's most prominent families and a brother of Mr. Lionel Wilson, a former Oakland Mayor;

**14.2**  
**ORACOUNCIL**  
**MAY 4 2004**



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

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

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

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

Now therefore be it

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

HISTORICAL NAME: Mason-Elsey-Wilson House  
COMMON NAME: Victorian Legal Center-Law Offices of Warren B. Wilson  
ADDRESS: 653 11<sup>th</sup> Street  
DATE BUILT: 1871-72  
ARCHITECT: Unknown  
ORIGINAL USE: Residential – Single Family House  
PRESENT USE: Commercial - Law Offices  
PARCEL NUMBER: 002 0023 005 00

And be it

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

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

Approved by the Landmarks Preservation Board,  
Oakland, California:  , 2003

ATTEST:  , Secretary

Case File Number LM03-583

April 7, 2004

<b>3.</b>	<b>Location:</b>	<b>653 11<sup>th</sup> Street, Victorian Legal Center (APN002 0023 05 00)</b>
	<b>Proposal:</b>	Application to designate 653 11 <sup>th</sup> Street, Victorian Legal Center, as a City of Oakland Landmark
	<b>Applicant:</b>	Warren B. Wilson
	<b>Owner:</b>	Warren B. Wilson
	<b>Case File Number:</b>	<b>LM03-583</b>
	<b>Planning Permits Required:</b>	Landmark Designation
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	C-51-Central Business Service Commercial; S-17-Downtown Residential Open Space Combining Zone.
	<b>Environmental Determination:</b>	Exempt per Sections 15061(b)(3) and 15331 of the State CEQA Guidelines.
	<b>Historic Status:</b>	Oakland Cultural Survey Rating: B1+; Designated Historic Property (Contributor in the Preservation Park S-7 Historic District) Local Register.
	<b>Service Delivery District:</b>	Downtown Metro
	<b>City Council District:</b>	3
	<b>Status:</b>	The Landmark Preservation Advisory Board adopted a Resolution to initiate action to establish 653 11 <sup>th</sup> Street as a Landmark and to forward the action to the Planning Commission for public hearing and consideration.
	<b>Action to be Taken:</b>	Recommend Landmark Designation and forward to City Council
	<b>Finality of Decision:</b>	<i>City Council</i>
	<b>For further information:</b>	Contact case planner Joann Pavlinec at (510) 238-6344 or by email at <a href="mailto:jpavlinec@oaklandnet.com">jpavlinec@oaklandnet.com</a>

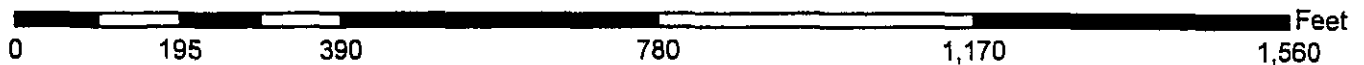
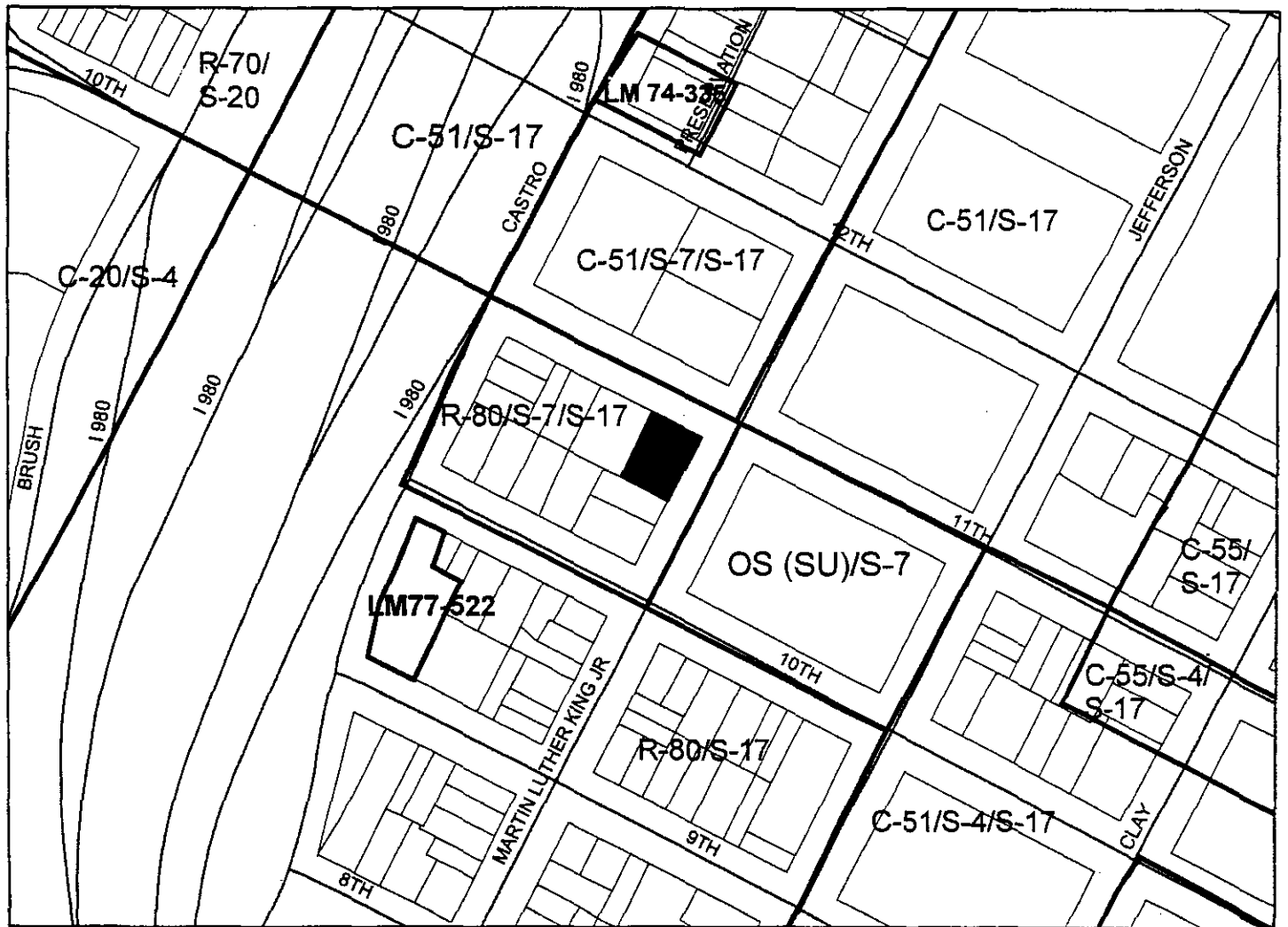
## SUMMARY

The nomination of the Victorian Legal Center for Landmark Designation was submitted by the owner, Warren B. Wilson, on August 6, 2003, and reviewed by the Landmarks Preservation Advisory Board (LPAB) at its November 3, 2003 meeting. At that meeting the LPAB reviewed and unanimously accepted the eligibility rating, and directed staff to prepare a draft resolution initiating landmark designation. The draft resolution recommending landmark designation was unanimously adopted at the LPAB meeting of December 8, 2003, to be forwarded to the Planning Commission for public hearing, after which the Commission may recommend designation to the City Council. Landmark designation is accomplished through adoption of an ordinance by the City Council.

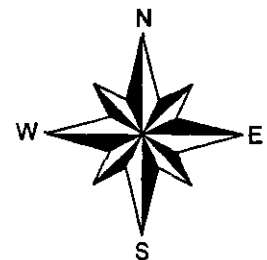
## BACKGROUND

The Victorian Legal Center has been designated since 1979 as a contributor to the Grove Street/Lafayette Square Historic District, an S-7 Preservation Combining Zone (See Attachment D).

# CITY OF OAKLAND PLANNING COMMISSION



Case File: LM03-583  
Applicant: Warren B. Wilson  
Address: 653-11th Street  
Zone: R-80 / S-7 / S-17



75-11-17

### **Historical and Architectural Significance**

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

- is an early and elaborate Italianate house dating from Oakland's boom years after the arrival of the transcontinental railroad;
- reflects the later evolution of the neighborhood, from the Colonial Revival remodel and expansion in the 1890's through the rooming-house occupancy in the Depression era, to a pioneering 1979-80 restoration and adaptive reuse;
- is a prominent visual landmark on a corner site, and a contributor to the Lafayette Square Historic District and to the Preservation Park S-7 Historic District;
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- is currently occupied by the Victorian Legal Center, Law Offices of Wilson & Casey, Mr. Warren B. Wilson, Attorney, former CEO of Thomas Brothers Maps, a member of one of Oakland's most prominent families and a brother of Mr. Lionel Wilson, a former Oakland Mayor.

The building has a rating of 'A' on the Landmarks system and a 'B' from the Oakland Cultural Heritage Survey. The reason for the difference is that the Landmarks Board System is less closely tied to the National Register criteria, giving more weight to social history and less to architecture and integrity. Also, the LPAB updated the Person/Organization rating to recognize the (recent) significance of the applicant, his law firm and his family history.

### **Landmarks Board Action**

At the November 3<sup>rd</sup> LPAB meeting, the Board modified the Preliminary Evaluation Sheet for Landmark Eligibility #6-Person/Organization, from “FP-Person/Organization of tertiary importance loosely connected or no connection with person/organization of importance,” to “G-Person/Organization of secondary importance loosely connected, or person/organization of tertiary importance intimately connected” to recognize the (recent) significance of the applicant, his law firm and his family history. The modified form is attached. With this modification the Present (Adjusted Total) and the Contingency Rating (Preliminary Total) are 40 points. A minimum of 35 points is required for an ‘A’ rating. The building has an ‘A’ rating for both the ‘Present rating’ and the ‘Contingency rating.’ ‘A’ and ‘B’ rated buildings are eligible for City Landmark Designation.

At the LPAB meeting, Mr. Steve Lowe commented on how wonderful the building is. The building was a beacon for restoration for the entire neighborhood. Prior to his location at this building, Mr. Wilson was one of the first tenants in the Old Oakland project. He recommended landmarking the building.

### **Effect of Landmark Designation**

Regulations and benefits for an S-7 contributor (the building’s present status) and a landmark (proposed) are substantially the same. Both designations provide for design review of exterior changes (only), up to 240 days delay of demolition, and a duty to keep in good repair. Both types are treated as historic resources for purposes of CEQA review, both are eligible to use the State Historical building Code, and both are exempt from design review fees (the only direct local monetary incentive currently offered to designated historic properties).

Significant exterior changes to landmarks and S-7 properties are referred to the Landmarks Preservation Advisory Board for recommendations (Section 17.136.040) before the design review application is acted upon by the Development Director or the Planning Commission. For both types of properties, minor exterior changes can be processed administratively by the Development Director, who may seek input from the LPAB as needed.

The design review findings for the two types of properties (S-7, Landmark) are worded somewhat differently but have the same effect.

In the S-7 zone (Section 17.84.040) the design review criteria for exterior changes require “That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility...” and “That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or the neighboring facilities...”

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

Several buildings in the Preservation Park and Old Oakland S-7 zones are also individually designated landmarks. The dual designation has primarily honorific value, and under present zoning regulations it does not increase either regulations or incentives as compared to district or landmark designation alone.

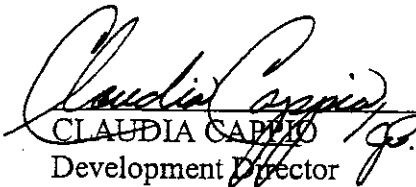
## CONCLUSION

Staff and the LPAB recommend landmark designation for the Victorian Legal Center. As a historic resource it clearly meets the Board’s historical and architectural eligibility criteria. Designation is sought for its honorific value. Individual designation carries the same level of regulation as the existing S-7 district contributor status, but offers additional recognition to the individual building.

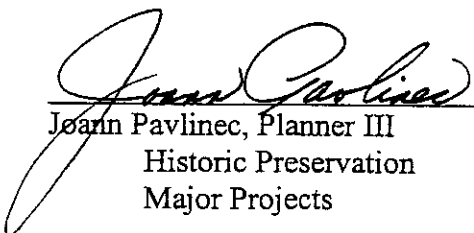
## RECOMMENDATION

1. Affirm the environmental determination.
2. Recommend that City Council adopt an ordinance designating the Victorian Legal Center an Oakland Landmark.

Respectfully submitted:

  
CLAUDIA CAPPIO  
Development Director

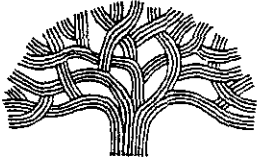
Prepared by:

  
Jean Pavlinec, Planner III  
Historic Preservation  
Major Projects

## ATTACHMENTS

- A. Oakland Landmark and S-7 Preservation Combining Zone Application
- B. Eligibility Rating Sheet
- C. Landmarks Board Resolution 2003-1, adopted December 8, 2003
- D. Grove Street/Lafayette Square Map
- E. S-7 and Landmark regulations (Planning Code Sections 17.84.010 and 17.102.030)

Ref: PlanningCommissionReports/Landmark-653 11<sup>th</sup> Street



# Oakland Landmarks Preservation Advisory Board

## OAKLAND LANDMARK AND S-7 PRESERVATION COMBINING ZONE APPLICATION FORM

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

### 1. IDENTIFICATION

A. Historic Name: Mason (Joseph R.) - Eisey (Charles) house

B. and/or Common Name: Victorian Legal Center

### 2. ADDRESS/LOCATION

Street and number: 653 11th Street, Oakland CA Zip Code: 94607

### 3. CLASSIFICATION

#### A. Category

- District
- Building(s)
- Structure
- Site
- Object

#### D. Present Use (P) and Historic Use (H)

- |   |   |
|---|---|
| <input type="checkbox"/> Agriculture                        | <input type="checkbox"/> Museum                       |
| <input checked="" type="checkbox"/> Commercial [law office] | <input type="checkbox"/> Park                         |
| <input type="checkbox"/> Educational                        | <input checked="" type="checkbox"/> Private Residence |
| <input type="checkbox"/> Entertainment                      | <input type="checkbox"/> Religious                    |
| <input type="checkbox"/> Government                         | <input type="checkbox"/> Scientific                   |
| <input type="checkbox"/> Industrial                         | <input type="checkbox"/> Transportation               |
| <input type="checkbox"/> Military                           | <input type="checkbox"/> Other (Specify):             |

#### B. Status

- Occupied
- Unoccupied
- Work in progress

#### E. Number of Resources within Property

- |                          |                                     |
|--------------------------|-------------------------------------|
| Contributing             | Non-contributing                    |
| <u>1</u>                 | <input type="checkbox"/> buildings  |
| <input type="checkbox"/> | <input type="checkbox"/> sites      |
| <input type="checkbox"/> | <input type="checkbox"/> structures |
| <input type="checkbox"/> | <input type="checkbox"/> objects    |
| <u>1</u>                 | <input type="checkbox"/> Total      |

#### C. Accessible

- Yes: restricted
- Yes: unrestricted
- No



4. OWNER OF PROPERTY

Name: Warren B. Wilson, Victorian Legal Center

Street and Number: 653 11th Street

City: Oakland State: CA Zip Code: 94607

Assessor's Parcel Number: 002 -0023-005-00

5. EXISTING FEDERAL/STATE DESIGNATIONS

A. Federal

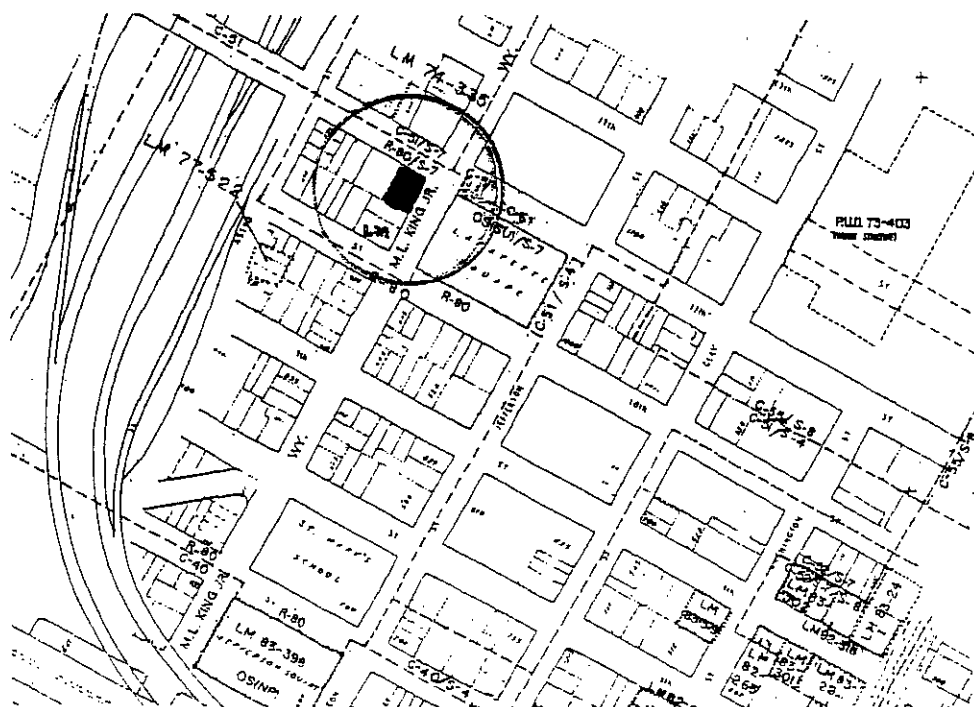
- National Historic Landmark
- Included in National Register of Historic Places
- Determined eligible for inclusion in National Register of Historic Places [1977]

B. State

- California Historical Landmark
- California Point of Historic Interest
- State Historical Resources Inventory

6. REPRESENTATION IN EXISTING SURVEYS

Name of Survey	Survey Rating (if applicable)	Date	Depository
Oakland Cultural Heritage Survey	B-1+	5/1/84	Oakland City Planning Dept.



(Location Map)

7. DESCRIPTION

<b>A. Condition:</b>	<b>B. Alterations: (Check one)</b>	<b>C. Site (Check one)</b>
<input checked="" type="checkbox"/> Excellent	<input type="checkbox"/> Unaltered	<input checked="" type="checkbox"/> Original Site
<input type="checkbox"/> Good	<input checked="" type="checkbox"/> Altered [minor changes]	<input type="checkbox"/> Moved (Date _____)
<input type="checkbox"/> Fair	<input type="checkbox"/> Deteriorated	
	<input type="checkbox"/> Ruins	
	<input type="checkbox"/> Unexposed	

**D. Style/Type:** Italianate house

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

653 11<sup>th</sup> Street is a large, elaborate two-story Italianate house at the corner of Martin Luther King Jr. Way, with landscaped 15-foot setbacks behind wrought iron gates. The plan is generally rectangular. A hip-roofed front section (with the main entrance on 11<sup>th</sup> Street) has pedimented cross-gables over two-story polygonal bays on both street frontages. A gable-roofed rear section running north-south is flanked by a one-story enclosed porch along M.L. King Jr. Way (left rear), and a one-story shed-roofed section to the right rear. Exterior walls have rustic siding. Windows are tall, double-hung, with segmental-arched tops and molded frames. Windows in the bays have plain surrounds and panels at their bases; the other windows have shouldered surrounds. The entry has a double, paneled door with transom above. A veranda on the right of the façade has square columns and pilasters with molded and paneled capitals. Porch and steps have large ornate newel posts and balustrades. Similar balustrades form balconies above the veranda and on the side sun-porch roof. The cornices of the porches and bays are lined with horizontal modillions and dentils. The main roof eaves have both modillion blocks and are shaped slender brackets, with paired brackets at the corners. The concrete foundation is surfaced with wood rustication.

Sanborn maps indicate that there was originally an L at the right front corner, which was filled in and the wide porch added between 1889 and 1902. Extensive renovation was carried out in 1979-80. The house was remodeled into law offices with new plumbing, heating, electrical, insulation, sheetrock, and new interior door, window and cornice moldings. The former rear porch became a solarium bay for a law library, the front porch was given neo-Victorian posts and railings, and a balustrade was added on top of the solarium. (See attachment headed "History of Victorian...")

8. SIGNIFICANCE

<p>A. <b>Period:</b></p> <p><input type="checkbox"/> Prehistoric</p> <p><input type="checkbox"/> Pre-1869</p> <p><input checked="" type="checkbox"/> 1869-1906</p> <p><input type="checkbox"/> 1906-1945</p> <p><input type="checkbox"/> Post-1945</p>	<p>B. <b>Areas of significance--check and justify below:</b></p> <table border="0"> <tr> <td><input type="checkbox"/> Archeology-prehistoric</td> <td><input type="checkbox"/> Landscape architecture</td> </tr> <tr> <td><input type="checkbox"/> Archeology-historic</td> <td><input type="checkbox"/> Law</td> </tr> <tr> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Literature</td> </tr> <tr> <td><input checked="" type="checkbox"/> Architecture</td> <td><input type="checkbox"/> Military</td> </tr> <tr> <td><input type="checkbox"/> Art</td> <td><input type="checkbox"/> Music</td> </tr> <tr> <td><input type="checkbox"/> Commerce</td> <td><input type="checkbox"/> Philosophy</td> </tr> <tr> <td><input type="checkbox"/> Communications</td> <td><input type="checkbox"/> Politics/government</td> </tr> <tr> <td><input type="checkbox"/> Community Planning</td> <td><input type="checkbox"/> Religion</td> </tr> <tr> <td><input type="checkbox"/> Conservation</td> <td><input type="checkbox"/> Science</td> </tr> <tr> <td><input type="checkbox"/> Economics</td> <td><input type="checkbox"/> Sculpture</td> </tr> <tr> <td><input type="checkbox"/> Education</td> <td><input type="checkbox"/> Social/humanitarian</td> </tr> <tr> <td><input type="checkbox"/> Engineering</td> <td><input type="checkbox"/> Theater</td> </tr> <tr> <td><input checked="" type="checkbox"/> Exploration/settlement</td> <td><input type="checkbox"/> Transportation</td> </tr> <tr> <td><input type="checkbox"/> Industry</td> <td><input type="checkbox"/> Other (specify)</td> </tr> <tr> <td><input type="checkbox"/> Invention</td> <td></td> </tr> </table>	<input type="checkbox"/> Archeology-prehistoric	<input type="checkbox"/> Landscape architecture	<input type="checkbox"/> Archeology-historic	<input type="checkbox"/> Law	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Literature	<input checked="" type="checkbox"/> Architecture	<input type="checkbox"/> Military	<input type="checkbox"/> Art	<input type="checkbox"/> Music	<input type="checkbox"/> Commerce	<input type="checkbox"/> Philosophy	<input type="checkbox"/> Communications	<input type="checkbox"/> Politics/government	<input type="checkbox"/> Community Planning	<input type="checkbox"/> Religion	<input type="checkbox"/> Conservation	<input type="checkbox"/> Science	<input type="checkbox"/> Economics	<input type="checkbox"/> Sculpture	<input type="checkbox"/> Education	<input type="checkbox"/> Social/humanitarian	<input type="checkbox"/> Engineering	<input type="checkbox"/> Theater	<input checked="" type="checkbox"/> Exploration/settlement	<input type="checkbox"/> Transportation	<input type="checkbox"/> Industry	<input type="checkbox"/> Other (specify)	<input type="checkbox"/> Invention	
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<input type="checkbox"/> Industry	<input type="checkbox"/> Other (specify)																														
<input type="checkbox"/> Invention																															

C. **Period of Significance:** 1871 ff                      D. **Significant dates:**

E. **Builder/Architect/Designer:** unknown

F. **Significant persons:**

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

The Mason-Eisey house appears significant as an early and elaborate Italianate house dating from Oakland's boom years after the arrival of the transcontinental railroad. Its subsequent history reflects the evolution of the neighborhood, from the Colonial expansion and remodel in the 1890s, through the rooming-house occupancy in the Depression era, to a pioneering restoration and adaptive reuse. It is currently designated as a contributor to the Preservation Park S-7 zone.

Tax rolls and deed books show that Joseph R. Mason bought this quadruple lot in June, 1870, from Frank Kimball. In 1871 construction began, and Mason was assessed \$300. In 1872 Mason is assessed \$1800 for the improvement and \$400 for personal property, and the following year the improvement is assessed at \$4000. According to City Directories, Mason lived here from 1872 to 1875, and is variously described as a "farmer" and "merchant." In 1876 Mason is listed as living at 1117 Castro nearby, and in the real estate business. He may be the Joseph R. Mason who served as an Alameda County Supervisor in 1856-58, was listed as a farmer in San Leandro in the 1867 Voter's Roll, and/or ran for Tax Collector in 1873. The elaborately detailed house and large corner lot suggest a prominent occupant. It was an early house in the northwest part of the original town plat of Oakland - scattered neighbors already standing when it was built included the Pardee home across the street.

In 1875 Mason sold the house to Annie and Charles Elsey, a farmer and stockman. The 1896 voting register lists Charles as a "capitalist," 65 years old, born in England and naturalized in Yuba County in 1867. The house remained in the Elsey family through 1912. The Elsseys remodeled the front of the house between 1889 and 1902, enlarging the porch in the popular neoclassical Colonial Revival style and adding a two-story 10x20 section on the right side allowing for the wider porch. (The original bills documenting this 1890s remodeling by the Elsseys was found in the course of the 1980s rehabilitation.) The mixture of modillion blocks and brackets on the eaves probably reflect this remodeling.

Characteristically for the district, the house had become "Housekeeping Rooms" by the time of the 1935 Sanborn map, when it was owned by Thomas and Josephine White, listed as managers and residents of the "White Swan Apartments" next door at 663 11th Street. The 1936 WPA housing survey shows 9 adult residents: the manager, a grainer, an office clerk, and unemployed residents whose occupations included stevedore, laborer, dredger, and gardener. The house was described as needing "major repairs." The managers, James and Clara Uhrin, had lived in the house for 14 years in 1936. In 1939 they bought the house and owned it until 1957.

Since 1979 the house has been owned by Warren Wilson, brother of former Oakland mayor Lionel Wilson. Warren Wilson recounts its recent history:

"I purchased the residence in about June of 1979. It had been previously occupied by a family on welfare. The premises were dilapidated and in terrible physical condition.

"The first night after the prior tenants moved out, the fireplaces, in walnut, in both the living room and dining room were ripped out and stolen by intruders.

"Restoration was managed under my supervision. The carpentry work was done by two highly skilled young men who had done carpentry work on the restoration of the Camron-Stanford House adjoining Lake Merritt. Their standards for materials and design were consistent with the Camron-Stanford House, far exceeding the previous quality of interior and material of the residence. It exceeds the quality of restoration of the homes in Preservation Park.

"Restoration was completed in October 1980, and occupancy was begun as law offices."

## 9. MAJOR BIBLIOGRAPHICAL REFERENCES

Assessor's block books and tax rolls, city directories, Sanborn maps, at Oakland History Room and Oakland City Planning Department.

Oakland Cultural Heritage Survey, vol. 11, "Grove Street-Lafayette Square Residential District," 1985, and related research files, at Oakland City Planning Department.

Warren Wilson, "History of Victorian..." (attached): includes details of 1980 rehabilitation and chain of title.

10. GEOGRAPHICAL DATA

A. Land area of property (square feet or acres): 42' x 126'

B. UTM-References: \_\_\_\_\_

USGS Quadrangle Name: Oakland West USGS Quadrangle Scale 1:24,000

A	<u>10</u>	<u>563700</u>	<u>4184120</u>	B	<u>          </u>	<u>          </u>	<u>          </u>
	Zone	Easting	Northing		Zone	Easting	Northing

C	<u>          </u>	<u>          </u>	<u>          </u>	D	<u>          </u>	<u>          </u>	<u>          </u>
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C. Verbal boundary description: APN 002 -0023-005-00, commonly known as 653 11th Street

11. FORM PREPARED BY

Name/Title: Warren Wilson

Organization: Wilson & Casey Date: August 6, 2003

Street and Number: 653 11th Street Telephone: 510-465-6511

City/Town: Oakland State: CA Zip Code: 94607

DEPARTMENTAL USE ONLY

A. Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

B. Action by Landmarks Preservation Advisory Board

           Recommended            Not recommended for landmark/S-7 designation

Date: \_\_\_\_\_ Resolution number: \_\_\_\_\_

C. Action by City Planning Commission

           Recommended            Not recommended for landmark/S-7 designation

Date: \_\_\_\_\_

D. Action by City Council

           Designated            Not Designated

Date: \_\_\_\_\_ Ordinance No: \_\_\_\_\_





1982



1963

HISTORY OF VICTORIAN  
Corner 11th & Grove Streets  
Oakland, California

This house was built in the early 1870's, according to information in the original deed, which was found in the attic during the course of this renovation. It was extensively remodeled in the 1890's to represent the contemporary fashion of the colonial revival.

Restoration has included modification of the interior to adapt the building to a commercial use, while retaining the essential integrity of the building's Victorian design. During the restoration, the building was taken back to its skeletal form, and new plumbing, heating, and electrical systems were installed, and the building was fully insulated. The building was then sheetrocked throughout, and all window and door moldings and cornice work were added. The bay in the library, which used to be a rear porch entrance, has been made into a solarium bay with detailing preserved. The front porch entrance has been restored in an Italianate facade, with detailing done to match or enhance its natural design.

The exceptional feature of the restoration is that the interior has been enhanced by the selection of detailed millwork patterns and cornice work consistent with Victorian style. To this has been added a more contemporary highlight of the vaulted ceilings on the upper level.

Those having an important role in the restoration were:

CO-OWNERS AND DEVELOPERS, Richard Glantz and Warren B. Wilson  
OVER-ALL SUPERVISION OF CONCEPT AND DESIGN, Warren B. Wilson  
OVER-ALL VICTORIAN DESIGN AND CONTROL, Peter Carlson and Ken Hughes  
ARCHITECTURAL MODIFICATION AND DESIGN, Lewis DiSibio  
WOODCRAFT AND SPECIALIZED VICTORIAN CONSTRUCTION AND CARPENTRY, Peter Carlson, Ken Hughes, Peter Kastmiller and Jim Brown  
WOODSTAINING AND FINISHING, George Hurt and Kevin Carroll  
EXTERIOR COLOR SELECTION AND PAINTING, "Women Painters" - Victoria Cruz and Debbie Fisher  
INTERIOR PAINTING, Robert Hernandez  
ETCHED GLASS, DESIGN AND CRAFT, Mary and Steven Kersey  
ANTIQUÉ LIGHTING FIXTURES, Ron Collier

And special tribute to many other important workers and craftsmen who contributed to the work involved in the completion of the Victorian Legal Center.



Mini-History of the house at 653 - 11th Street, at the corner of 11th and Grove Streets, Oakland, California - now owned by Richard Glantz and Warren B. Wilson

Mr. Frank Kimball sold a parcel of land where 653 - 11th Street is located to Mr. Joseph R. Mason, a merchant, in 1870. Oakland Tax Assessment records reveal that, in 1871, Joseph Mason was assessed \$300 per lot on the parcel of land consisting of Lots 15, 16, 17 and 18 in Block 147 of the original Kellersberger Survey of Oakland (1853). The following year, his assessment was the same for the land, but with the addition of \$1,800 for improvements and \$400 for a "fur". In 1873, Mr. Mason's land assessment was \$2,600, his improvements \$4,000, the "fur" at \$800, and a "watch" at \$100. Therefore, this indicates the house was built in 1871, and finished the following year. In 1875, he sold the house and property to Charles Elsey, a farmer and stockman. Deeds and billing statements found in the house during this rehabilitation work show that the neo-classical porch and other remodeling took place in the 1890's. Annie L. Elsey occupied the property in 1908.

Chain of Title on property:

Date	Owner	Approx. Price
1908	Annie Elsey	\$ -
- GAP -		
1935	Josephine S. White Thomas W. White	-
6/ 7/35	Bank of America, by foreclosure	7,000.00
6/ 6/39	James R. Uhrin-single man Clara Uhrin-single woman	7,500.00
1/11/49	Clara Uhrin-single woman	0
7/ 3/57	The Estate of Clara Uhrin Deeds to: <u>Mary E. Logan</u>	18,250.00
4/28/59	Leatha Vera Tupper-a married woman Mary E. Elston (Logan)-a widow	0
1/24/69	Lally R. Dulay + Consuelo C. Dulay- husband and wife	26,000.00
10/29/76	Fredrick H. Ellis, Jr. + Mary Louise Ellis-husband and wife	48,000.00
7/10/78	Fredrick H. Ellis, Jr.	0
7/ 6/79	Warren B. Wilson + Richard Glantz	77,000.00

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

Preliminary       Final

Address: 653 11<sup>th</sup> Street  
 Name: Victorian Legal Center (Common) Mason-Elsey-Wilson House (Historical)

**A. ARCHITECTURE**

- 1. Exterior/Design: Variety of form & detail/cross-gables/two-story bays/elaborate cornice    E    VG    G    FP
- 2. Interior: N/A    E    VG    G    FP
- 3. Construction: Wood frame with elaborate millwork    E    VG    G    FP
- 4. Designer/Builder: Unknown    E    VG    G    FP
- 5. Style/Type: Italianate House, somewhat elaborate and early example    E    VG    G    FP

**B. HISTORY**

Law Offices Of Warren B. Wilson, CEO of Thomas Brothers Maps, brother of Mayor Lionel Wilson, J.R. Mason, possibly County

- 6. Person/Organization: Supervisor. Elsey, D.E. Gillett & Co. – stock and money brokers    E    VG    G    FP
- 7. Event: N/A    E    VG    G    FP
- 8. Patterns: Railroad Boom, Residential Development near downtown, pioneer Victorian restoration/rehabilitation    E    VG    G    FP
- 9. Age: 1871-72    E    VG    G    FP
- 10. Site: Has not been moved    E    VG    G    FP

**C. CONTEXT**

- 11. Continuity: Contributor to Lafayette Sq. District and to Preservation Park District    E    VG    G    FP
- 12. Familiarity: Prominent Site, Well-known for current occupant    E    VG    G    FP

**D. INTEGRITY**

- 13. Condition: \_\_\_\_\_    E    VG    G    FP
- 14. Exterior Alterations: \_\_\_\_\_    E    G    F    FP

Evaluated by: Chris Buckley, 1984; Betty Marvin/Joann Pavlinec, 10/29/2003

<b>STATUS</b>	
Rating: <b>A</b>	
City Landmark Eligibility: <input checked="" type="checkbox"/> Eligible	<input type="checkbox"/> Not eligible
National Register Status: <input type="checkbox"/> Listed	<input type="checkbox"/> In process
<input checked="" type="checkbox"/> Determined eligible*	<input type="checkbox"/> Appears eligible
<input type="checkbox"/> Appears ineligible	
Site of Opportunity <input type="checkbox"/> *1977 as part of Grove/Shafter Freeway Review	

This evaluation sheet was accepted by the landmarks Preservation Advisory Board at its meeting of November 3, 2003 (Date)

Attest: Joann M. Pavlinec  
Secretary

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

Preliminary      **X** Final

**Address:** 653 11<sup>th</sup> Street

**Name:** Victorian Legal Center (Common) Mason-Elsey House (Historical)

12	<u>6</u>	3	0	1. Exterior/Design	
6	3	2	<u>0</u>	2. Interior	
6	3	<u>2</u>	0	3. Construction	
4	2	1	<u>0</u>	4. Designer/Builder	
6	<u>3</u>	2	0	5. Style/Type	
				<b>A. ARCHITECTURE TOTAL (max. 26)</b>	<b>11</b>
30	15	<u>8</u>	0	6. Person/Organization	
30	15	8	<u>0</u>	7. Event	
18	9	<u>5</u>	0	8. Patterns	
8	<u>4</u>	2	0	9. Age	
<u>4</u>	2	1	0	10. Site	
				<b>B. HISTORY TOTAL (max. 60)</b>	<b>21</b>
<u>4</u>	2	1	0	11. Continuity	
14	7	<u>4</u>	0	12. Familiarity	
				<b>C. CONTEXT TOTAL (max. 14)</b>	<b>8</b>
<b>PRELIMINARY TOTAL (Sum of A, B and C) (max. 100)</b>					
<u>-0</u>	-3%	-5%	-10%	13. Condition (From A, B, and C total)	
<u>-0</u>	-25%	-50%	-75%	14. Exterior Alterations (From A, B and C total excluding 2)	
				<b>D. INTEGRITY</b>	
<b>ADJUSTED TOTAL (Preliminary total minus Integrity)</b>					<b>40</b>

**STATUS/RATING**

Present Rating (Adjusted Total):      **X** A(35+)      B(23-34)      C(11-22)      D(0-10)

Contingency Rating (Preliminary Total):      **X** A(35+)      B(23-34)      C(11-22)      D(0-10)

City Landmark Eligibility:       Eligible (Present Rating is A or B)       Not eligible

RESOLUTION 2003-1  
LANDMARKS PRESERVATION ADVISORY BOARD  
CITY OF OAKLAND

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

WHEREAS, the Board has reviewed and examined the material pertaining to this property in Case File LM03-583 and the Oakland Landmark Nomination Application form, a copy of which is attached; and

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

- is an early and elaborate Italianate house dating from Oakland's boom years after the arrival of the transcontinental railroad;
- reflects the later evolution of the neighborhood, from the Colonial Revival remodel and expansion in the 1890's through the rooming-house occupancy in the Depression era, to a pioneering 1979-80 restoration and adaptive reuse;
- is a prominent visual landmark on a corner site, and a contributor to the Lafayette Square Historic District and to the Preservation Park S-7 Historic District;
- is a well-designed example of a large, two-story Italianate style house with landscaped setbacks behind wrought iron gates, memorable for its pedimented cross-gables over two-story polygonal bays on both street frontages, rustic siding, tall double-hung windows with segmental-arched tops and molded frames, porch and veranda balustrades, and cornices lined with horizontal modillions and dentils;
- was originally occupied by J. R. Mason, possibly an Alameda County Supervisor, and then by Charles Elsey of the Oakland firm of Elsey, D.E. Gillett & Co., stock and money brokers and served as "Housekeeping Rooms" by 1935, characteristic of the history of the district;
- was a beacon for restoration for the entire neighborhood when in 1979 Warren B. Wilson purchased the house, managed the restoration which was completed in 1980, and moved his law offices from Old Oakland to adaptively reuse the house;
- is currently occupied by the Victorian Legal Center, Law Offices of Wilson & Casey, Mr. Warren B. Wilson, Attorney, former CEO of Thomas Brothers Maps, a member of one of Oakland's most prominent families and a brother of Mr. Lionel Wilson, a former Oakland Mayor;

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

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

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

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

Now therefore be it

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

HISTORICAL NAME: Mason-Elsey-Wilson House  
COMMON NAME: Victorian Legal Center-Law Offices of Warren B. Wilson  
ADDRESS: 653 11<sup>th</sup> Street  
DATE BUILT: 1871-72  
ARCHITECT: Unknown  
ORIGINAL USE: Residential – Single Family House  
PRESENT USE: Commercial - Law Offices  
PARCEL NUMBER: 002 0023 005 00

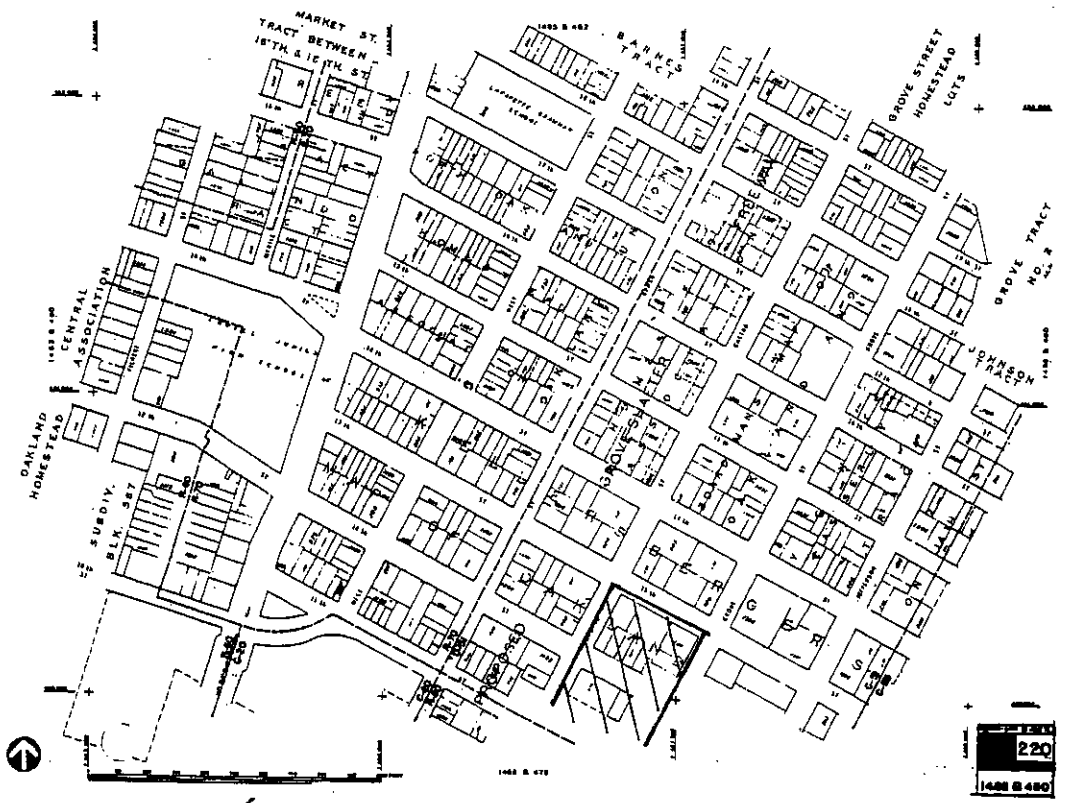
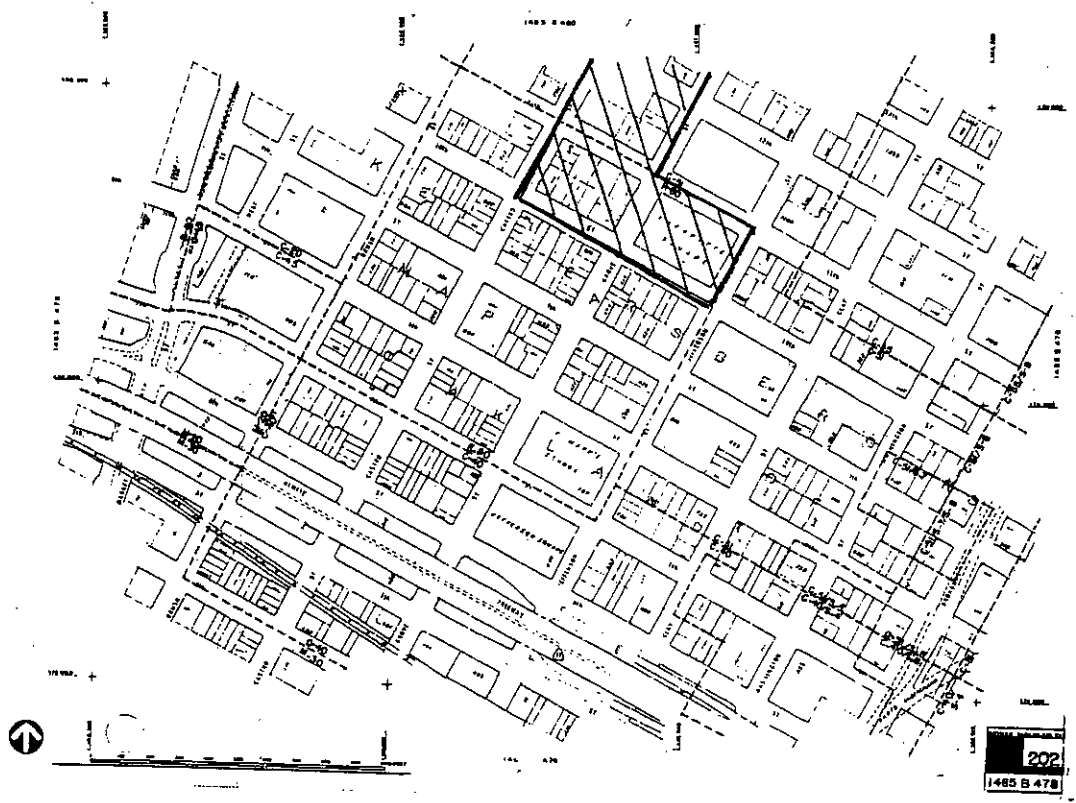
And be it

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

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

Approved by the Landmarks Preservation Board,  
Oakland, California: December 8, 2003

ATTEST:  Secretary



GROVE STREET/LAFAYETTE SQUARE HISTORIC DISTRICT

**Chapter 17.84**

**S-7 PRESERVATION COMBINING ZONE REGULATIONS**

**Sections:**

- 17.84.010 Title, purpose, and applicability.**
- 17.84.020 Zones with which the S-7 zone may be combined.**
- 17.84.030 Design review for construction, alteration, demolition, or removal.**
- 17.84.035 Special residential design review for Secondary Units.**
- 17.84.040 Design review criteria for construction or alteration.**
- 17.84.050 Design review criteria for demolition or removal.**
- 17.84.060 Postponement of demolition or removal.**
- 17.84.070 Duty to keep in good repair.**

**17.84.010 Title, purpose, and applicability.**

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

(Prior planning code § 6400)

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

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

(Prior planning code § 6401)

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

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

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

**17.84.035 Special residential design review for Secondary Units.**

No Secondary Unit shall be constructed or established unless plans for the proposal have been approved pursuant to the special residential design review procedure in Chapter 17.146.

(Ord. 12501 § 61, 2003)

**17.84.040 Design review criteria for construction or alteration.**

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

A. That the proposal will not substantially impair the visual, architectural, or historic value of the affected site or facility. Consideration shall be given to design, form, scale, color, materials, texture, lighting, detailing and ornamentation, landscaping, Signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the affected facility.



B. That the proposed development will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities. Consideration shall be given to integration with, and subordination to, the desired overall character of any such area or grouping of facilities. All design elements or effects specified in subsection A of this section shall be so considered. (Prior planning code § 6403)

**17.84.050 Design review criteria for demolition or removal.**

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

A. That the affected structure or portion thereof is not considered irreplaceable in terms of its visual, cultural, or educational value to the area or community;

B. That the proposed demolition or removal will not substantially impair the visual, architectural, or historic value of the total setting or character of the surrounding area or of neighboring facilities;

C. If the proposal does not conform to the criteria set forth in subsections A and B of this section:

1. That the structure or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or

2. That, considering the economic feasibility of preserving or restoring the structure or portion thereof, and balancing the interest of the public in such preservation or restoration and the interest of the owner of the property in the utilization thereof, approval is required by considerations of equity. (Prior planning code § 6404)

**17.84.060 Postponement of demolition or removal.**

If an application for approval of demolition or removal of a structure or portion thereof, pursuant to Sections 17.84.030 and 17.84.050, is denied, the

issuance of a permit for demolition or removal shall be deferred for a period of one hundred twenty (120) days, said period to commence upon the initial denial by the reviewing officer or body. However, if demolition or removal of the structure or portion thereof has also been postponed pursuant to Section 17.102.060, the initial period of postponement under this section shall be reduced by the length of the period imposed pursuant to Section 17.102.060. During the period of postponement, the Director of City Planning or the City Planning Commission, with the advice and assistance of the Landmarks Preservation Advisory Board, shall explore all means by which, with the agreement of the owner or through eminent domain, the affected structure or portion thereof may be preserved or restored. The reviewing officer or body from whose decision the denial of the application became final may, after holding a public hearing, extend said period for not more than one hundred twenty (120) additional days; provided, however, that the decision to so extend said period shall be made not earlier than ninety (90) days nor later than thirty (30) days prior to the expiration of the initial one hundred twenty (120) day period. Notice of the hearing shall be given by posting notices thereof within three hundred (300) feet of the property involved. Notice of the hearing shall also be given by mail or delivery to the applicant, to all parties who have commented on the initial application, and to other interested parties as deemed appropriate. All such notices shall be given not less than ten days prior to the date set for the hearing. Such extension shall be made only upon evidence that substantial progress has been made toward securing the preservation or restoration of the structure or portion thereof. In the event that the applicant shall have failed to exhaust all appeals under Sections 17.136.080 and 17.136.090 from the denial of the application, the decision to extend said period shall be appealable under the provisions of Sections 17.136.080 and 17.136.090 to those bodies to whom appeal had not been taken from the initial denial of the application. (Ord. 12237 § 4 (part), 2000: prior planning code § 6405)

**17.84.070 Duty to keep in good repair.**

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

**17.102.030 Special regulations for designated landmarks.**

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

B. Design Review for Construction, Alteration, Demolition, or Removal. Within any designated landmark site, no building, Sign, or other facility

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