

Landmarks Preservation Advisory Board
Mills Act Contract Applications

STAFF REPORT

July 12, 2021

	Proposal:	Mills Act Contract Applications by owners.
	Case File Number /Location/ City Council District /Zoning:	1) MA21-003: 1420 Magnolia St. (APN 5-378-21); City Council District 3, Zoning RM-2 S-20 2) MA21-004: 1120 Chester St. (APN 4-85-24); City Council District 3, Zoning RM-2 3) MA21-001: 1020-22 Bella Vista Av. (APN 23-389-11); City Council District 2, Zoning RM-1 4) MA21-005: 671 Longridge Rd. (APN 11-885-21); City Council District 2, Zoning RD-1 5) MA21-002: 901 Trestle Glen Rd. (APN 23-436-26-3); City Council District 2, Zoning RD-1
	Applicant/Owner:	Multiple, see five individual applications attached
	Environmental Determination:	Categorically Exempt per CEQA Guidelines Sections: 15301 (Existing Facilities); 15305 (Minor Alterations in Land Use Limitations); 15306 (Information Collection); 15308 (Actions by Regulatory Agencies for Protection of the Environment); 15331 (Historical Resource Restoration/Rehabilitation); Section 15183 (Projects consistent with the General Plan or Zoning).
	Action to be Taken:	Discuss and select applications to recommend for 2021 Mills Act contracts. Forward to Planning Commission as informational item. Forward recommendations to City Council.
	For Further Information:	Contact case planner Betty Marvin at (510) 238-6879 or by email at: bmarvin@oaklandnet.com

BACKGROUND

The Mills Act is a California state law passed in 1972 that allows property owners and local governments to contract for a potential property tax reduction for participating historic properties, using an alternate tax assessment formula. The state law establishes a ten-year perpetually renewing contract term and penalties for non-fulfillment of the contract. Local governments (city or county) that elect to participate design other aspects of their own programs, such as eligibility criteria and work program requirements. Oakland requires that the property have local historic designation (Landmark, Heritage Property, S-7, or S-20) and *commits the owner to spending the amount of the tax savings on a pre-approved, recorded program of eligible improvements* that restore or maintain the historic exterior character of the building and/or its structural integrity. The relatively small tax benefit gives owners the means and motivation for high quality historically appropriate improvements, and can be especially beneficial for underutilized or undermaintained properties. Such projects further City goals including creation and preservation of housing, reduction of blight, and enhancement of neighborhoods. Oakland has approved 92 Mills Act contracts since the first contracts in 2008.

A two-year pilot Mills Act program was adopted by the Oakland City Council in 2006-07, partly as a recommended action from the West Oakland and Central City East redevelopment plans. In 2009 the City Council expanded the program and made it permanent. The 2009 ordinance authorized a City property tax revenue loss of \$25,000 a year in new contracts, with additional larger reductions in Redevelopment areas (\$250,000 a year in the Central Business District and \$25,000 a year in each of the other areas). Since the abolition of Redevelopment in 2012, the special Redevelopment tax formula no longer exists, but the (former) Redevelopment areas continue to be targeted for Mills Act contracts. The ordinance also provides that tax losses may exceed any of the limits with approval of the City Council.

To be eligible for a Mills Act contract, a property must be on an official register of historical resources (California Government Code [ARTICLE 12. Historical Property Contracts \[50280. - 50290.\]](#)). Oakland's Local Register - about 3% of buildings citywide - is an umbrella category defined in Historic Preservation Element Policy 3.8 for the most significant historic resources in Oakland, whether designated by the Landmarks Board or identified by the Survey. It includes buildings with Oakland Cultural Heritage Survey ratings of 'A' or 'B', buildings in Areas of Primary Importance (APIs), and Designated Historic Properties (Landmarks, Heritage Properties, and properties in S-7 and S-20 districts). Oakland's Mills Act program requires that Local Register properties not already formally designated by the Landmarks Board must concurrently obtain Heritage Property or other formal designation from the Board.

By State law the Mills Act establishes an alternate method of calculating property taxes for participating properties based on the income method of appraisal. In this method, property value is extrapolated each year from actual or potential estimated rental income, using a capitalization rate or multiplier. Under the Mills Act the capitalization rate, usually around 10%, is adjusted by the County Assessor for "historic property risk" of 4% for owner-occupied residential properties or 2% for all others, giving potentially a 20 to 40 percent reduction of ad valorem property tax to Mills Act ("historical restricted") properties. (Special assessments are not affected.) Assessment may be prorated between owner-occupied and income portions of a property, or between historic and non-historic portions ([Revenue and Taxation Code - RTC / ARTICLE 1.9. Historical Property \[439. - 439.4.\]](#); <https://www.boe.ca.gov/proptaxes/pdf/lta05035.pdf> - State Board of Equalization).

Important features of the Mills Act program, established by the State legislation and incorporated into Oakland's Mills Act contracts, include:

- The Mills Act program is a voluntary program.
- The Mills Act contract is between the City and the owner of a designated historic structure.
- The initial contract is for 10 years. At the end of each year, the term is automatically extended one year, unless the owner or the City gives notice not to renew. If notice of non-renewal is given, the contract remains in effect for the balance of the current 10-year term.
- The agreement provides for periodic inspections to determine compliance with the contract.
- The penalty for breach of contract is 12.5 percent of the property's current market value.
- The basic State requirement is that the owner preserve, rehabilitate, and maintain the historical and architectural character of the property. Oakland's program further requires that the entire tax savings be invested back into the property according to a ten-year future work program that is recorded with the contract.
- The contract runs with the property, that is, its benefits and obligations automatically transfer to each new owner and the property is not reassessed to full market value upon sale.
- The largest tax reductions usually occur for properties purchased or reassessed in recent years and at high market values. For properties with existing low assessments, such as long-time owners, taxes cannot increase due to a Mills Act contract, but it is likely that they will not decrease.

CONTRACT CONDITIONS, ALL PROPERTIES

The Secretary of the Interior's Standards for Rehabilitation are incorporated as conditions in the Mills Act agreement (Attachment 6), and apply whenever permits are requested to carry out work program items. Especially in regard to windows, a significant item in most of this year's proposed work programs, attention is called to Standards 5 and 6:

5. **Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.**
6. **Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.**

The Model Mills Act Agreement (8 pages, Attachment 6) spells out obligations and procedures:

... Both Owner and City desire to enter into an Agreement to preserve the Property so as to retain its characteristics of cultural, historical and architectural significance and to qualify the Property for an assessment of valuation pursuant to Section 439.2(a) of the Revenue and Taxation Code of the State of California.

4) Preservation/Rehabilitation and Maintenance of Property (California Government Code Section 50281(b)(1)) During the term of this Agreement, the Property shall be subject to the following conditions, requirements and restrictions:

a. Owner(s) agree to preserve/rehabilitate and maintain cultural, historical and architectural characteristics of the Property during the term of this Agreement as set forth in the attached schedule of improvements, which has been reviewed by the Landmarks Preservation Advisory Board and approved by the City Council No demolition or other work may occur which would adversely impact the cultural, historical and architectural characteristics of the Property during the term of this Agreement.

b. All work on the Property shall meet, at a minimum, the Secretary of Interior's Standards for Rehabilitation of Historic Properties, the Office of Historic Preservation of the Department of Parks and Recreation ..., the Minimum Property Maintenance conditions ... the State Historical Building Code as determined as applicable by the City of Oakland and all required review and conditions of the Landmarks Preservation Advisory Board, the Planning Commission, the City Council, and/or the Department of Planning and Building of the City of Oakland.

2021 MILLS ACT APPLICATIONS

Mills Act applications are accepted from January to May of each year, to allow time for processing by the City and recording with the County by December 31. Five completed Mills Act applications were submitted this year and are before the Landmarks Board for review. Four of the five are also applying for Heritage Property designation at this meeting, while one is already a Designated Historic Property in the Oak Center Historic District (S-20 Preservation Combining Zone). All the 2021 applications are for small residential buildings (houses and duplexes).

Geographic Distribution and Outreach

The map on the next page illustrates geographic distribution of all Oakland's current and proposed Mills Act properties. For 2021, two of the five are in West Oakland, one in Bella Vista, and two in Lakeshore-Trestle Glen.

As in past years, at least weekly phone and email inquiries about the program were received from all parts of Oakland during 2020-2021. Applicants heard about the program from neighbors, real estate agents, neighborhood and preservation organizations, and the City website. In addition, staff mentions the program whenever contacted by owners, permit applicants, or real estate agents about seemingly eligible properties. Staff also emailed reminders to potential applicants from a list of 2019-20 and earlier inquiries. Staff and potential applicants discuss in detail to find out if the property is a good match for the program in terms of building significance, restoration needs, tax status, risk tolerance, commitment to a long-term work program, and more, and applicants ultimately self-select. This year several owners of highly qualified properties decided to wait till next year to apply, citing current economic uncertainty, pandemic conditions, and a desire to take time to better know their buildings. Staff will continue to remind them next year.

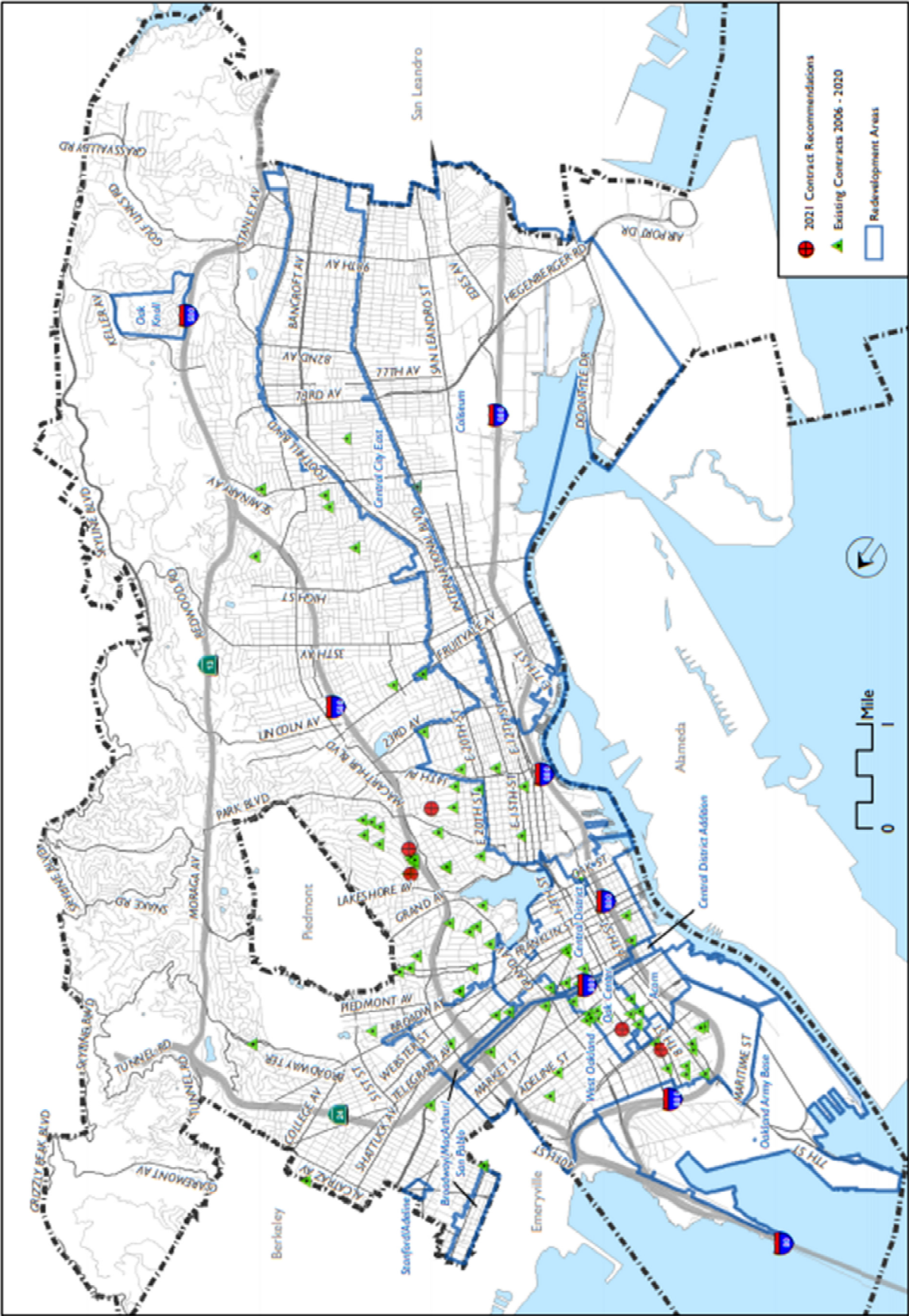
Applications were fewer than last year, and not as diverse in location and building type. Last year and the year before, planners actively encouraged several large-scale adaptive reuse applicants to use the Mills Act to support historically appropriate exterior restoration of significant but challenging properties, but similar projects were not forthcoming in 2021.

Historic Preservation Staff Review

Selection criteria for Mills Act applications were developed by a Landmarks Board committee and adopted by the Board during the first year of the Mills pilot program, to screen and rank applications, as well as to direct applicants as they develop their applications. Evaluation focuses on:

- *significance* of the property;
- immediate *necessity* of the work to prevent deterioration;
- *scope* of the work in relation to the estimated tax reduction;
- *visibility* of the work proposed, to act as a catalyst for neighborhood revitalization;
- *neighborhood* diversity, to spread the program to as many neighborhoods as possible;
- *building type* diversity, to illustrate use of the Mills Act for different types of properties;
- *thoroughness* of the application above and beyond being minimally complete.

Staff is recommending selection of all five 2021 Mills Act contract applications, as satisfying the applicable criteria for both historic designation and Mills Act participation. The Class of 2021's Mills and Heritage applications are all well researched, documented, and explained, and all present thoughtful plans to address significant restoration needs. Two properties are in the targeted former Redevelopment area of West Oakland (19 contracts so far), and the other three are east of the Lake in the enthusiastically participating Lakeshore-Trestle Glen neighborhood (12 Mills contracts so far) and in nearby Bella Vista. Further details are provided in the individual property summaries on the following pages and in the full applications, Attachments 1 through 5.



Planning & Building Department
May 2021



Mills Act Contracts and Contract Recommendations

Financial Impacts - 2021 Mills Act Applications

A simplified calculator on the City website <https://www.oaklandca.gov/search?query=mills+act> allows applicants to make a *rough estimate* of tax outcomes: see table of estimates for 2021 applications on the next page. Calculations are based on tax assessment data from Alameda County records and rental estimates from applicants.

Columns 2 and 3 list the current assessed value and ad valorem property tax for each property (note that special assessments – about \$1000 to \$1500 a year for most properties - are not affected by the Mills Act and are not reflected in the table).

Column 4 lists the *estimated* Mills Act ad valorem tax, using the state formula based on square footage and hypothetical or actual rent.

Column 5 lists the difference between current taxes and the *estimated* tax under the Mills Act.

Column 6 is 27.28% of the estimated change in taxes due to the Mills Act formula. The City receives approximately 27.28% of ad valorem property taxes, so 27.28% of the change is the estimated first-year reduction of property tax revenue to the City.

The range of estimates confirms the rough nature of these figures, especially as 2021-22 assessments have not been published at the time of this report. The 2022-23 Mills Act or “historical restricted” assessments based on the Assessor’s judgment of market rents will not be calculated and billed by the County until 2022.

Since the 1970s when the Mills Act program was created by the California legislature, and even since 2007-09 when Oakland’s program was adopted, tax outcomes of the Mills formula have been affected by changes in the California real estate market. Inflation of real estate prices and the Proposition 13 system under which properties are reassessed to market value only at change of ownership mean that new owners are likely to benefit much more than long-time owners. Because the Mills Act assessment formula is based on the income method of appraisal (using a hypothetical market rent), rising rental prices mean that Mills Act savings may be less than in early years of the program. According to staff at the Assessor’s office in 2016, “higher rents will have an impact on Mills Act restricted assessments. The restricted [Mills Act] assessment will be calculated using market rent as of January 1. An increase in market rents would yield a higher restricted assessment.” Assessment is done property by property in the new tax year (i.e., in 2022 for 2021’s contracts). Applicants were advised to put a higher rent per square foot in the calculator (at least \$2.50 to \$3 in 2021, vs. \$1.25 when the calculator was designed by consultants Economic Planning Systems Inc. in 2006). Lower Mills Act savings for owners would, of course, also mean less revenue reduction for the City.

Disclaimer (accompanies calculator on the City website and in instructions to applicants):

The online calculator that produces these estimates is an interactive spreadsheet based on the Mills Act formula for tax assessments, which uses a modified version of the income approach to appraisal. It gives a rough estimate of potential tax savings. The City makes no warranties or representations about the accuracy of the calculator – it is an information tool that applicants may use at their sole risk, and does not replace legal counsel or a financial advisor. Actual tax reductions, if any, will be calculated by the County Assessor’s Office after the Assessor has received the executed Mills Act contracts at the end of the calendar year.

ESTIMATED TAX RESULTS, 2021 MILLS ACT APPLICATIONS

1 Mills Act Application	2 Assessed Value 2021 (land & imps - county record)	3 Current ad valorem property tax (county rec.)	4 Mills ad valorem tax from calculator (based on owner's rent estimate)	5 Change in taxes (current less Mills estimate)	6 City Revenue Loss, Year 1 (27.28% of tax change)
MA21-003, Magnolia	\$836,000	\$11,676	\$3,267	(\$8,409)	(\$2,294)
MA21-004, Chester	\$652,000	\$9,128	\$2,756	(\$6,372)	(\$1,738)
MA21-001, Bella Vista	\$1,150,000	\$16,100	\$6,406	(\$9,694)	(\$2,645)
MA21-005, Longridge	\$2,189,000	\$26,221	\$9,044	(\$17,177)	(\$4,686)
MA21-002, Trestle Glen	\$1,052,383	\$14,457	\$7,760	(\$6,697)	(\$1,827)
TOTAL estimated taxes and reductions		\$77,582	\$29,233	(\$48,349)	(\$13,190)

An estimated City revenue reduction of \$13,190 for the five residential properties applying this year is well below the annual City revenue loss limit of \$25,000 for new Mills Act contracts. The City's share of ad valorem property tax revenue, and therefore of any tax reduction to the owners, is 27.28%. Since property owners must reinvest the *entire* tax saving in the restoration program, the City tax reduction leverages almost four times its value in reinvestment in Oakland's historic buildings. As the Mills work programs are carried out, this reinvestment will in turn result in higher assessed property values as well as tax revenues arising from the actual labor, materials, and permit fees.

Next Steps

Following Landmarks Board recommendation at this meeting, the selected Mills Act applications will be presented to the Planning Commission as an information item, to City Attorney and Budget for review, to City Council for a resolution authorizing the contracts, and to the City Administrator's office for review and signatures. After contract execution by the City and the applicants, contracts must be recorded with the County by the end of the calendar year. Heritage Property applications for the four properties that are not already designated are being reviewed by the Landmarks Board at this meeting. Staff has reviewed the applications and preliminarily determined that the nominated properties are all eligible for Heritage Property designation and Mills Act participation.

MILLS ACT CONTRACT APPLICATIONS

MA21-003: **1420 Magnolia Street** (APN 5-378-21) (see Att. 1)

Ellen Wyrick-Parkinson house, Stick-Italianate cottage, 1886-87

Applicants: Naveed Namaky and Victoria Hernandez, owners/residents

1980



OCHS Rating: C2+ (intensive, 1992), secondary importance or superior example.
Designated Historic Property as contributor to Oak Center S-20 Preservation Combining Zone.

Work Program (Attachment 1):

- anchor foundation, install shear walls, transfer ties, and blocking
- repair brick chimney
- restore windows from aluminum sash to authentic wood replica sash
- repair and restore ornamental woodwork, especially at front porch; paint house
- replace roof and gutters, repair eaves, fascia, and trim at roofline

Application Strengths:

- systematic repair program
- maintaining elaborate millwork
- 20th Mills Act project in West Oakland, 8th in Oak Center
- illustrates importance and quality of builder-designed houses in the neighborhood
- City Landmark potential as 40-year home of community activist Ellen Wyrick-Parkinson



MA21-004: **1120 Chester St.** (APN 4-85-24) (see Att. 2)
 Carter (George & Mollie) house, Stick-Eastlake house, 1887
 Applicants: Reuben Tomar and Dylan Denicke, owners/residents



OCHS Rating: C1+ (intensive, 1989), indiv. secondary importance, Oakland Point API contributor
 Heritage Property Eligibility Rating: B (34/29 points) Determined eligible for National Register

Work Program (Attachment 2):

- seismic retrofit – replace brick foundation with concrete
- repair siding and trim and paint house
- double-hung wood-sash windows to replace aluminum throughout
- rebuild front stairs and railings; rebuild and restore Victorian entry door and transom

Application Strengths:

- thorough repair and reversal of alterations, hands-on understanding of building's needs
- highly visible project with catalyst potential for Prescott neighborhood
- 21st Mills Act project in West Oakland, target area in original Mills ordinance



MA21-001: **1020-22 Bella Vista Av.** (APN 23-389-11) (see Att. 3)

Myers (J. S.) – Taylor (Fred & Elizabeth) house, Colonial-Craftsman, 1900-01, Leo Nichols arch.,
C. M. MacGregor bldr. Applicants: Nora Brereton and Patrice Chiquet, owners/residents



Right side of house – asbestos siding, original vs aluminum sash



Rear – stabilize upper sunporch as part of foundation work

OCHS Rating: Dc2+ (San Antonio survey, 1996): secondary imp., altered, district contributor

Heritage Property Eligibility Rating: B/C (33 points without deduction for alterations/20 as altered)

Work Program (Attachment 3):

- seismic retrofit of foundation including support for rear porch
- window repair and casement restoration including dry rot repair, sealing, and painting
- replacement of non-original windows with wood windows of matching design
- removal of asbestos siding to be based on exploratory assessment
- replacement and/or repair of shingles, siding, and wood trim

Application Strengths:

- transformative restoration of distinguished and prominently located house
- catalyst for neighborhood and example for other owners of asbestos-clad buildings
- sequence of work carefully thought out to suit owners' budget and comfort level
- foundation work coordinated with City's Brace and Bolt program
- first application in little-known historic Bella Vista Area of Secondary Importance



MA21-005: **671 Longridge Rd.** (APN 11-885-21) (see Att. 4)

Dowell-Chambliss house, Beaux Arts eclectic house, 1919-20, Albert Farr architect

Applicants: Bradley and Susie Cohn, owners/residents



2011>



OCHS Rating: C2+ (preliminary/field, 1986): secondary importance, ASI contributor

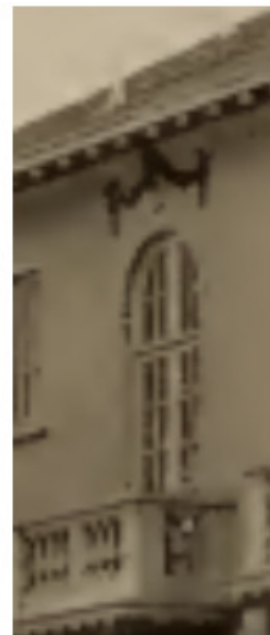
Landmark/Heritage Property Eligibility Rating: B (33/25 points)

Work Program (Attachment 4):

- seismic retrofit of foundation including support for rear porch
- retain eroding hillside on southwest property line
- replace fiberglass windows with period-appropriate wood windows
- restore cantilevered balconette on north (front) façade
- exterior stucco repair and paint

Application Strengths:

- addresses widespread problem of site stability on Lakeshore's hilly contoured lots
- 1921 published photo available to guide restoration
- first Mills application representing work of major California architect Albert Farr
- 13th application in Lakeshore Homes neighborhood, seeds of possible district designation



MA21-002: **901 Trestle Glen Rd.** (APN 23-436-26-3) (see Att. 5)

Tucker - Garden house, Normandy Revival-Moderne house, 1941, William E. Schirmer, architect
Applicants: Stephen and Laura Geist, owners/residents



OCHS Rating: C2+ (prelim., 1986): secondary importance, contrib. to Lakeshore-Trestle Glen ASI
Landmark/Heritage Property Eligibility Rating: B (34 points)

Work Program (Attachment 5):

- structural reinforcement: completing extensive foundation work over culvert
- repair steps, paths, driveway, garden features, etc. due to sinking ground
- repair windows and doors throughout
- wood shingle roof replacement, gutters and downspouts, rebuild failing upper chimney
- repair original copper light fixture
- exterior stucco repair and paint

Application strengths

- work addresses ongoing challenges of site over creek and culvert
- ambitious and comprehensive work program
- unusual 1940s Period Revival house by major Oakland architect W.E. Schirmer
- location marks effect of 580 freeway construction on the Lakeshore district
- 14th application in Lakeshore Homes neighborhood, seeds of possible district designation



RECOMMENDATIONS

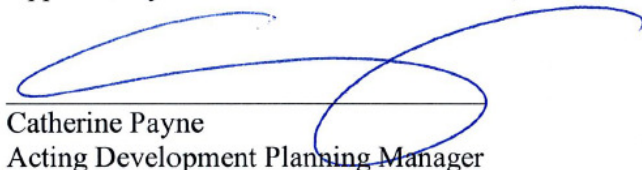
1. Receive any testimony from applicants and interested citizens;
2. Discuss and provide recommendations on Mills Act applications for 2021; and
3. Based on the above discussion:
 - a. Recommend all or selected applications to City Council for 2021 Mills Act contracts;
 - b. Forward the recommendations to the Planning Commission as an informational report.

Prepared by:



Betty Marvin
Historic Preservation Planner

Approved by:



Catherine Payne
Acting Development Planning Manager

Attachments:

1. Application, work program, and photos: MA21-003: **1420 Magnolia Street**
2. Application, work program, and photos: MA21-004: **1120 Chester Street**
3. Application, work program, and photos: MA21-001: **1020-22 Bella Vista Avenue**
4. Application, work program, and photos: MA21-005: **671 Longridge Road**
5. Application, work program, and photos: MA21-002: **901 Trestle Glen Road**
6. Model Mills Act Agreement, including Secretary of the Interior's Standards for Rehabilitation



Oakland Landmarks Preservation Advisory Board

MILLS ACT APPLICATION

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612-2031 Phone: 510-238-3941

1. GENERAL INFORMATION

Property Address: 1420 Magnolia Street
Assessor's Parcel Number(s): 005-0378-021-00
Property Owner(s): Naveed Namaky & Victoria Hernandez
Applicant's Name: Naveed Namaky & Victoria Hernandez
Phone: (day) (972)-408-7118 (evening) (972)-408-7118 email ndnamaky@gmail.com
Year of Purchase: 2020 Assessed Value: 836,000 (assumed)
Existing Use of Property: owner occupied residence
Legal Description (from deed – if long, please attach)

Please see the attached.

2. HISTORIC PROPERTY INFORMATION

If not already designated by Landmarks Board, Heritage Property application is required concurrently.

HISTORIC/COMMON NAME: 1420 Magnolia street

CONSTRUCTION DATE: approximately 1887

HISTORIC STATUS as of application date (contact Preservation staff at 510-238-6879 to confirm):

Designated Historic Property Date of Designation July 15, 2003

☐ City Landmark ☐ Heritage Property ☒ **Contributor to S-7 or S-20 District**

Local Register of Historical Resources

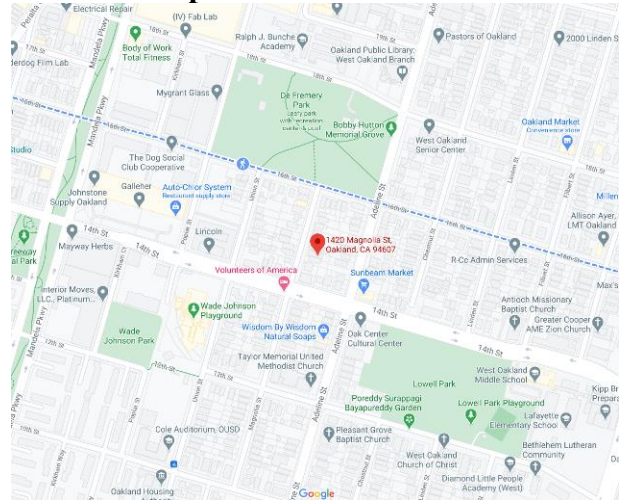
☐ Survey Rating A or B ☐ Area of Primary Importance ☐ National Register

Oakland Cultural Heritage Survey: Survey Rating: _____ Date: _____ Prelim/Intensive: C2+

Photo



Location Map



Summary of property's history:

The earliest record of 1420 Magnolia Street found is from the *Oakland, Alameda, and Berkeley City Directory* (Husted, F.M; L.M. McKenny & Co) from 1887. (Call number: 1595069 At San Francisco Main Public Library). The directory lists Thomas Blachowski, carpenter, residing at 1216 Magnolia (the previous designation for this lot). The architect and builder of the home are unknown. It can be inferred that the house was constructed in 1886 or 1887.

The property is an early example of a “stick” style Victorian era cottage. As an early prototype, it contains some features of the prior prominent style (Italianate); arguably the building's style is translational between these two styles. The house is a contributing structure in the locally significant Defremery neighborhood district (District name DF2). It also contributes architecturally to the larger Oak Center district, formally designated by the Oakland Landmarks Board.

Visible alterations include aluminum windows with exterior steel security bars, a basement exit, and reconstructed entry steps with period inappropriate banisters and ornamental planters. The building also has many exterior lights and security elements not original to the structure. The roof (composite shingles) and gutters (steel) are also not original, nor in the original style. Much of the siding and ornamental wood work does appear to be original or historically accurate.

A previous owner of the property (from 1976 - 2017) was Ms Ellen Wyrick-Parkinson. Ellen Wyrick-Parkinson was “a respected community and social activist who fought for historic preservation, the rerouting of the dreaded Cypress Freeway and creation of the Mandela Parkway” (Mercury News). She was also largely responsible organizing the recognition of Oak Center as a designated historic district (S-20 zone) in 2002.



3. PRESERVATION WORK PROGRAM AND TIME LINE**Property Address:** _____ **1420 Magnolia Street** _____

Please list the improvements to take place over the next 10 years. Listed work should be limited to stabilization or maintenance of the historic structure and restoration or repair of exterior character defining features. State anticipated costs of improvements, including but not limited to materials, labor, permits and fees. Anticipated cost must equal or exceed tax savings: see Mills Act Calculator for a rough estimate of potential property tax reduction. Attach additional text and photos as necessary to fully describe work program. *This page will become part of the contract: please keep to one page.*

- 1. Year:** 2022__ **Cost:** \$20K _____ **Improvement:** Seismic retrofit. Work includes anchoring mudsills to the foundation, installing shear walls and shear transfer ties, and blocking in floor framing. Repair brick chimney (currently a seismic hazard)
- 2. Year:** 2023__ **Cost:** _____ **Improvement:** 2022 Work continued
- 3. Year:** 2024__ **Cost:** _____ **Improvement:** 2022 Work continued
- 4. Year:** 2025__ **Cost:** \$25K _____ **Improvement:** Replace post-war aluminum windows and doors with historically accurate replica wood windows
- 5. Year:** 2026__ **Cost:** _____ **Improvement:** 2025 Work continued
- 6. Year:** 2027__ **Cost:** _____ **Improvement:** 2025 Work continued
- 7. Year:** 2028__ **Cost:** \$20K _____ **Improvement:** Repair and restore remaining ornamental woodwork, particularly at front porch. Repaint entire house with historical painting contractor.
- 8. Year:** 2029__ **Cost:** \$20K _____ **Improvement:** Replace roof and gutters. Repair, restore, and repaint rotten eaves, fascias, and ornamental woodwork at the eaves.
- 9. Year:** 2030__ **Cost:** _____ **Improvement:** 2029 Work continued
- 10. Year:** 2031__ **Cost:** _____ **Improvement:** 2029 Work continued

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

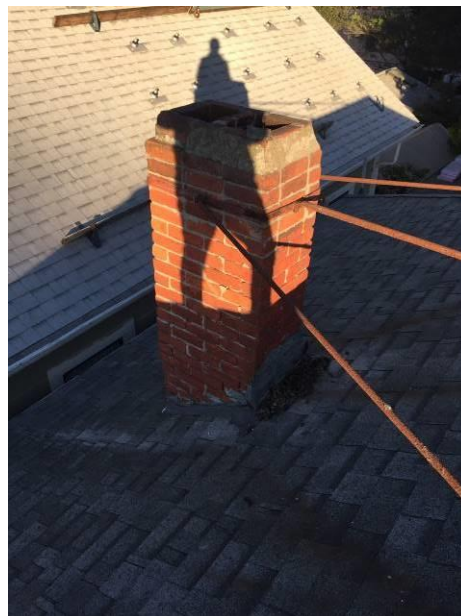
Seismic retrofit



Work includes anchoring mudsills to the foundation, installing shear walls and shear transfer ties, and blocking in floor framing. Observe the absence of shear walls.



Observe the absence of shear transfer ties or blocking between joists.

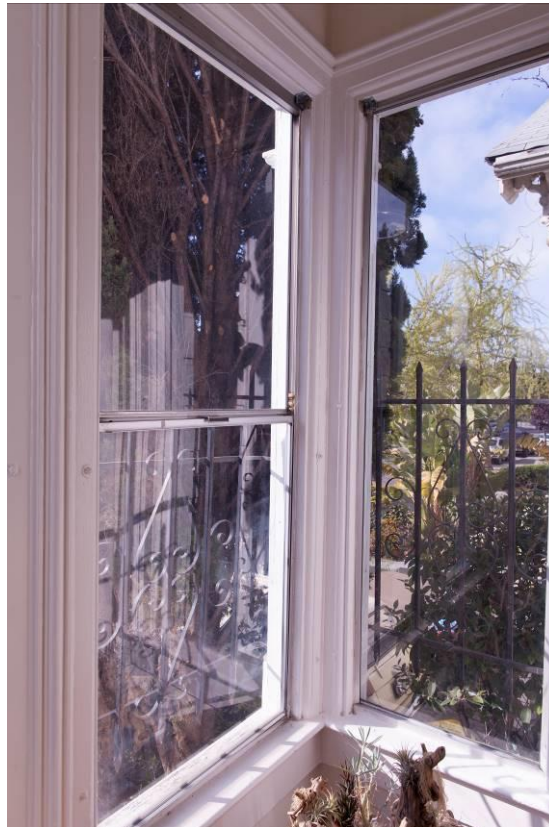


Repair brick chimney (currently a seismic hazard).

Replace windows and doors



Replace post-war aluminum windows and doors with historically accurate replica wood windows



Observe aluminum window frames. Original windows would have been wood.

Intent is to replace windows with replica wood windows (double or triple glazed for increased energy efficiency).

Intent is to remove security bars and replace with security bug screens.



Observe aluminum window frames. Casing appears to be original. Intent is to replace aluminum windows with replica wood windows (double or triple glazed for increase energy efficiency).

Repair
Ornamental
Woodwork



Repair and restore remaining ornamental woodwork, particularly at front porch. Repaint entire house with historical painting contractor.



Observe rotted and deteriorated bracket. This damage is typically painted over throughout the house.

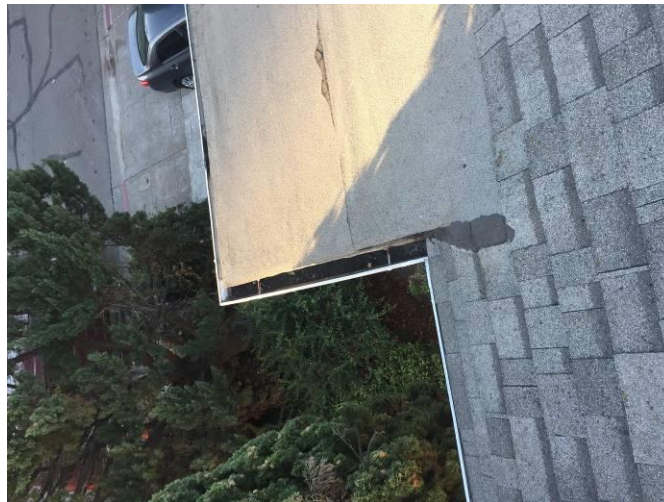
Intent is to repair and restore all ornamental woodwork. Any woodwork unable to be repaired will be replaced in kind.



Observe this rotten door casing. All wood with ground contact will be repaired or replaced in kind with historically accurate moldings.

Replace roof at end of feasible lifespan

Replace roof and gutters. Repair, restore, and repaint rotten eaves, fascias, and ornamental woodwork at the eaves.



Observe asphalt composite shingle roof. At the end of the usable life, the intent is to replace the roof with a standing seam metal roof.

The original structure would have had redwood shakes as roofing with redwood internal gutters.

Standing seam roofing was common at the time of construction (historically they were typically tin).

Legal Description:

For APN/Parcel ID(s): 005-0378-021-00

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

COMMENCING AT A POINT ON THE EASTERN LINE OF MAGNOLIA STREET, DISTANT THEREON 140 FEET NORTHERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE NORTHERN LINE OF 14TH STREET; THENCE NORTHERLY ALONG SAID LINE OF MAGNOLIA STREET 35 FEET; THENCE AT RIGHT ANGLES EASTERLY 128 FEET 3 INCHES; THENCE AT RIGHT ANGLES SOUTHERLY 35 FEET; THENCE AT RIGHT ANGLES WESTERLY 128 FEET 3 INCHES TO THE POINT OF COMMENCEMENT ON SAID LINE OF MAGNOLIA STREET.

BEING A PORTION OF BLOCK 587, ACCORDING TO BOARDMAN'S MAP OF OAKLAND AND VICINITY OF FILE IN THE COUNTY RECORDER'S OFFICE OF ALAMEDA COUNTY.

4. SELECTION CRITERIA

The City of Oakland has adopted a Mills Act Property Tax Abatement Program for qualified historic properties. The 2006-08 ordinances creating the program limit impact on City revenues to \$25,000/year, plus \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000 a year for all redevelopment areas outside the Central Business District. In the Central Business District, impact on Redevelopment revenues is limited to \$100,000/building/year with a cumulative limit of \$250,000/year. Any property tax loss that exceeds the above limits requires special consideration by the City Council.

If applications exceed the above limits, selection will be evaluated on the following criteria. These criteria may also be used to evaluate applications for completeness and eligibility.

Necessity, quality, and impact of proposed work program:

- The property needs exterior or structural work (e.g., stabilization, maintenance, reversal of inappropriate modifications, etc. - not interior work or additions) and the cost of the proposed work is equal to or greater than the potential reduction of property taxes.
- The proposed work program has strong potential to act as a catalyst for neighborhood revitalization by increasing architectural integrity, preserving neighborhood character, and conserving materials and energy embodied in the existing building.
- The application exhibits timely completion, quality of documentation, well thought out and realistic work program, clear understanding of work program and contract, ability to follow through.

Diversity of property types and locations:

- Geographic distribution: The property's location contributes to the goal of Mills Act contracts in neighborhoods throughout the City.

Contracts will be especially encouraged for properties in the (former) West Oakland and Central City East Redevelopment Areas because implementation of the Mills Act was a mitigation measure in the West Oakland and Central City East Redevelopment Plans.

- Building type and nature of significance: The property contributes to the goal of a variety of Mills Act building types (e.g., residential, commercial, industrial; rarity, age, style, use, etc.).

Historic and architectural significance of building:

- Either currently a Designated Historic Property, *or* a Heritage Property, Landmark, or S-7/S-20 District application is submitted concurrently and building is eligible for designation.
- Oakland Cultural Heritage Survey rating and Landmarks Board eligibility determination.
- Timely completion, quality, depth, and active involvement in Heritage Property application.

5. SUBMITTAL REQUIREMENTS

- ☐ Mills Act Application Form: This application form completed and signed.
- ☐ Assessor's Parcel Map and Legal Description: From deed or County Assessor's office.
- ☐ For corporate owners (LLC, condo, etc.): Document exact entity name and signatory/ies.
- ☐ Photographs
 - Photographs must be in color, labeled, and printed on 8-1/2" x 11" paper.
 - Illustrate the overall exterior condition and character of the property.
 - Show the structure from across the street and from front, side and rear.
 - Include detailed close up views of each feature listed in the work program.
 - Label each photo (e.g., Work Program Item #1, #2, etc.).
- ☐ Oakland Landmark, Heritage Property or S-7/S-20 Preservation District Application
 - Required for properties that are not already designated by Landmarks Board.
- ☐ Additional pages to describe and illustrate the work program, as necessary.
- ☐ Copy of last property tax bill.
- ☐ Printout of Mills Act Calculator estimate, showing anticipated tax saving.
- ☐ Filing Fee - \$601.29, due at the time of application submittal.

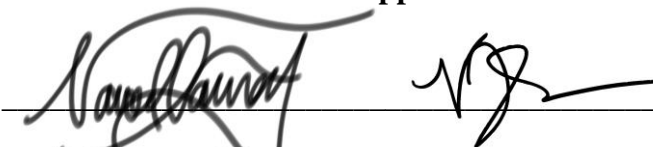
Please read and review (online at www.oaklandnet.com/historicpreservation):

- Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)
- (Model) Mills Act Agreement for Preservation of Historic Property (contract you will sign);
- Secretary of the Interior's Standards for Rehabilitation (included in Mills contract);
- Minimum Property Maintenance Standards (included in Mills contract); and
- Mills Act Property Tax Calculator (for rough estimate of potential change in taxes).

NOTICE: Each property owner is advised to consult legal counsel and/or a financial advisor concerning the advisability of entering into a Mills Act agreement, prior to completing and submitting this application. The City makes no warranties or representations about the accuracy or validity of the Mills Act Property Tax Calculator – it is merely an information tool that applicants may use at their sole risk, which does not substitute for or replace legal counsel or a financial advisor.

I hereby apply to be considered for a Mills Act agreement, have read and agree with the above documents, and agree to execute the (Model) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY if selected for the program. The information submitted is true and correct as of the date of application.

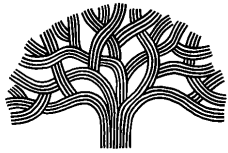
Owner's Signature



Date 04/26/2021

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612
Monday, Tuesday, Thursday & Friday: 8am-3pm; Wednesday: 9:30 – 3pm



Oakland Landmarks Preservation Advisory Board

MILLS ACT APPLICATION

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612-2031 Phone: 510-238-3941

1. GENERAL INFORMATION

Property Address: 1120 Chester Street, Oakland, CA 94607

Assessor's Parcel Number(s): 4-85-24

Property Owner(s): Reuben Tomar, Dylan Denicke

Applicant's Name: Reuben Tomar

Phone: (day) 510-314-6768 (evening) same email rubentomar@gmail.com

Year of Purchase: 2020 **Assessed Value:** 652,000

Existing Use of Property: Owner Residence

Legal Description (from deed – if long, please attach)

Lot 5, Block 557, "Map of Chester and Center Street Lots," filed April 6, 1886, Map book 4, Page 28, Alameda County.

2. HISTORIC PROPERTY INFORMATION

HISTORIC/COMMON NAME: George & Mollie Carter House **CONSTRUCTION DATE:** 1887

HISTORIC STATUS as of application date (contact Preservation staff at 510-238-6879 to confirm):

Designated Historic Property

Date of Designation _____

☐ City Landmark

☐ Heritage Property

☐ Contributor to S-7 or S-20 District

Local Register of Historical Resources

☐ Survey A or B

☒ Area of Primary Importance

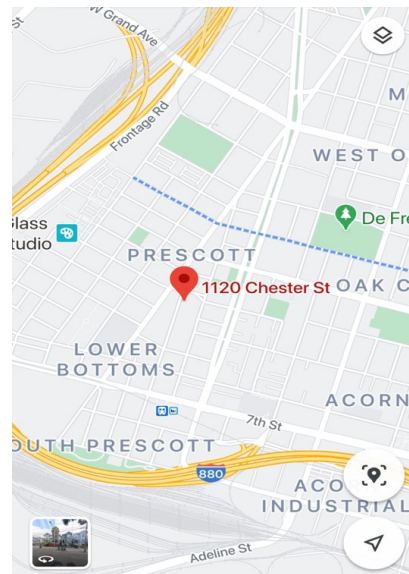
☒ **National Register: determined eligible**

Oakland Cultural Heritage Survey: Survey Rating: C1+ Date: 10/8/1989 Intensive

Photo



Location Map



3. PRESERVATION WORK PROGRAM AND TIMELINE**Property Address: 1120 Chester St., Oakland, California 94607**

Please list the improvements to take place over the next 10 years. Listed work should be limited to stabilization or maintenance of the historic structure and restoration or repair of exterior character defining features. State anticipated costs of improvements, including but not limited to materials, labor, permits and fees. Anticipated cost must equal or exceed tax savings: see Mills Act Calculator for a rough estimate of potential property tax reduction. Attach additional text and photos as necessary to fully describe work program. *This page will become part of the contract: please keep to one page.*

1. Year: 2021 Cost: 19,500 Improvement: replace brick foundation with reinforced concrete

2. Year: 2022 Cost: 9,500 Improvement: continue seismic retrofit

3. Year: 2023 Cost: 12,500 Improvement: repair siding and trim

4. Year: 2024 Cost: 11,000 Improvement: paint house

5. Year: 2025 Cost: 9,500 Improvement: rebuild and restore the Victorian entry way (door and transom), originals having been walled over and replaced with modern inexpensive 36" door

6. Year: 2026 Cost: 12,000 Improvement: rebuild original double-hung windows for first floor

7. Year: 2027 Cost: 11,000 Improvement: replace roof, gutters

8. Year: 2028 Cost: 12,000 Improvement: rebuild original double hung windows for second floor

9. Year: 2029 Cost: 6,000 Improvement: rebuild front stairs in Victorian style

10. Year: 2030 Cost: 6,000 Improvement: rebuild Victorian railings for front steps

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

Years 1 -2:



Fissures in the brick foundation



Rotting corners



Collapsing sill plate and hollowed out brick foundation

Years 3 – 4:



The siding is warped, and the paint is deeply blighted on the south and east sides. The rear of the house is dilapidated and rotten.

Year 5:



The entrance is a shell of its former self. Where there was a magnificent entryway and transom now hangs a flimsy Styrofoam-core door.

4. SELECTION CRITERIA

The City of Oakland has adopted a Mills Act Property Tax Abatement Program for qualified historic properties. The 2006-08 ordinances creating the program limit impact on City revenues to \$25,000/year, plus \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000 a year for all redevelopment areas outside the Central Business District. In the Central Business District, impact on Redevelopment revenues is limited to \$100,000/building/year with a cumulative limit of \$250,000/year. Any property tax loss that exceeds the above limits requires special consideration by the City Council.

If applications exceed the above limits, selection will be evaluated on the following criteria. These criteria may also be used to evaluate applications for completeness and eligibility.

Necessity, quality, and impact of proposed work program:

- The property needs exterior or structural work (e.g., stabilization, maintenance, reversal of inappropriate modifications, etc. - not interior work or additions) and the cost of the proposed work is equal to or greater than the potential reduction of property taxes.
- The proposed work program has strong potential to act as a catalyst for neighborhood revitalization by increasing architectural integrity, preserving neighborhood character, and conserving materials and energy embodied in the existing building.
- The application exhibits timely completion, quality of documentation, well thought out and realistic work program, clear understanding of work program and contract, ability to follow through.

Diversity of property types and locations:

- Geographic distribution: The property's location contributes to the goal of Mills Act contracts in neighborhoods throughout the City.

Contracts will be especially encouraged for properties in the (former) West Oakland and Central City East Redevelopment Areas because implementation of the Mills Act was a mitigation measure in the West Oakland and Central City East Redevelopment Plans.

- Building type and nature of significance: The property contributes to the goal of a variety of Mills Act building types (e.g., residential, commercial, industrial; rarity, age, style, use, etc.).

Historic and architectural significance of building:

- Either currently a Designated Historic Property, *or* a Heritage Property, Landmark, or S-7/S-20 District application is submitted concurrently and building is eligible for designation.
- Oakland Cultural Heritage Survey rating and Landmarks Board eligibility determination.
- Timely completion, quality, depth, and active involvement in Heritage Property application.

5. SUBMITTAL REQUIREMENTS

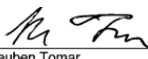

- ☐ Mills Act Application Form: This application form completed and signed.
- ☐ Assessor's Parcel Map and Legal Description: From deed or County Assessor's office.
- ☐ For corporate owners (LLC, condo, etc.): Document exact entity name and signatory/ies.
- ☐ Photographs
 - Photographs must be in color, labeled, and printed on 8-1/2" x 11" paper.
 - Illustrate the overall exterior condition and character of the property.
 - Show the structure from across the street and from front, side and rear.
 - Include detailed close up views of each feature listed in the work program.
 - Label each photo (e.g., Work Program Item #1, #2, etc.).
- ☐ Oakland Landmark, Heritage Property or S-7/S-20 Preservation District Application
 - Required for properties that are not already designated by Landmarks Board.
- ☐ Additional pages to describe and illustrate the work program, as necessary.
- ☐ Copy of last property tax bill.
- ☐ Printout of Mills Act Calculator estimate, showing anticipated tax saving.
- ☐ Filing Fee - \$601.29, due at the time of application submittal.

Please read and review (online at www.oaklandnet.com/historicpreservation):

- Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)
- (Model) Mills Act Agreement for Preservation of Historic Property (contract you will sign); Secretary of the Interior's Standards for Rehabilitation (included in Mills contract); Minimum Property Maintenance Standards (included in Mills contract); and Mills Act Property Tax Calculator (for rough estimate of potential change in taxes).

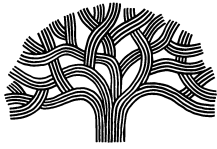
NOTICE: Each property owner is advised to consult legal counsel and/or a financial advisor concerning the advisability of entering into a Mills Act agreement, prior to completing and submitting this application. The City makes no warranties or representations about the accuracy or validity of the Mills Act Property Tax Calculator – it is merely an information tool that applicants may use at their sole risk, which does not substitute for or replace legal counsel or a financial advisor.

I hereby apply to be considered for a Mills Act agreement, have read and agree with the above documents, and agree to execute the (Model) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY if selected for the program. The information submitted is true and correct as of the date of application.

Owner's Signature  Reuben Torgar;  Dylan Denicke Date 4/18/21

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612
Monday, Tuesday, Thursday & Friday: 8am-3pm; Wednesday: 9:30 – 3pm



Oakland Landmarks Preservation Advisory Board

MILLS ACT APPLICATION

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612-2031 Phone: 510-238-3941

1. GENERAL INFORMATION

Property Address: 1020-22 Bella Vista Ave., Oakland, CA 94610

Assessor's Parcel Number(s): 023-0389-011-00

Property Owner(s): Nora Brereton and Patrice Chiquet

Applicant's Name: Nora Brereton

Phone: (day) (415) 424-5770 (evening) _____ email: nbrereton@gmail.com

Year of Purchase: 2019 **Assessed Value:** \$1,150,000

Existing Use of Property: owner-occupied duplex

Legal Description (from deed – if long, please attach) *see attached

2. HISTORIC PROPERTY INFORMATION

If not already designated by Landmarks Board, Heritage Property application is required concurrently.

HISTORIC/Common Name: Myers-Taylor House (J.S. Myers and Fred & Elizabeth Taylor)
/ 1020-22 Bella Vista Ave.

CONSTRUCTION DATE: 1900-1901

HISTORIC STATUS as of application date (contact Preservation staff at 510-238-6879 to confirm):

Designated Historic Property

Date of Designation _____

☐ City Landmark ☐ Heritage Property ☐ Contributor to S-7 or S-20 District

Local Register of Historical Resources

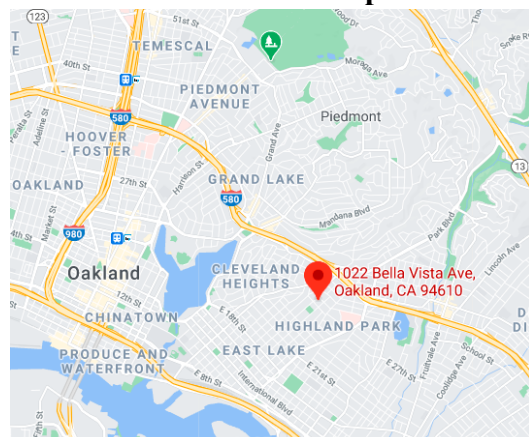
☐ Survey Rating A or B ☐ Area of Primary Importance ☐ National Register

Oakland Cultural Heritage Survey: Survey Rating: Dc2+ Date: 3/7/96 Prelim/Intensive: Int.

Photo



Location Map



Mills Act Application

3. PRESERVATION WORK PROGRAM AND TIME LINE

Property Address: 1020-22 Bella Vista Ave., Oakland, CA 94610

Please list the improvements to take place over the next 10 years. Listed work should be limited to stabilization or maintenance of the historic structure and restoration or repair of exterior character defining features. State anticipated costs of improvements, including but not limited to materials, labor, permits and fees. Anticipated cost must equal or exceed tax savings: see Mills Act Calculator for a rough estimate of potential property tax reduction. Attach additional text and photos as necessary to fully describe work program. *This page will become part of the contract: please keep to one page.*

- 1. Year:** 2021 **Cost:** \$7,500 **Improvement:** Seismic retrofit of foundation including Hardy Frame (prefab shear wall panel) for upstairs back porch.
- 2. Year:** 2022 **Cost:** \$7,500 **Improvement:** Seismic retrofit, continued.
- 3. Year:** 2023 **Cost:** \$7,500 **Improvement:** Seismic retrofit, continued.
- 4. Year:** 2024 **Cost:** \$7,500 **Improvement:** Seismic retrofit, continued.
- 5. Year:** 2025 **Cost:** \$7,500 **Improvement:** Window repair and casement restoration, incl. replacement of non-original windows with wood windows of matching design.
- 6. Year:** 2026 **Cost:** \$7,500 **Improvement:** Window repair, continued.
- 7. Year:** 2027 **Cost:** \$7,500 **Improvement:** Removal of asbestos siding and restoration of cedar shingle siding or wood siding, based on period photo and traces under asbestos. Phased work, prioritizing most prominent views of home.
- 8. Year:** 2028 **Cost:** \$7,500 **Improvement:** Removal of asbestos siding and restoration of cedar shingle siding or wood siding, continued.
- 9. Year:** 2029 **Cost:** \$7,500 **Improvement:** Removal of asbestos siding and restoration of cedar shingle siding or wood siding, continued.
- 10. Year:** 2030 **Cost:** \$7,500 **Improvement:** Removal of asbestos siding and restoration of cedar shingle siding or wood siding, continued.

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

Mills Act Application

4. SELECTION CRITERIA

The City of Oakland has adopted a Mills Act Property Tax Abatement Program for qualified historic properties. The 2006-08 ordinances creating the program limit impact on City revenues to \$25,000/year, plus \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000 a year for all redevelopment areas outside the Central Business District. In the Central Business District, impact on Redevelopment revenues is limited to \$100,000/building/year with a cumulative limit of \$250,000/year. Any property tax loss that exceeds the above limits requires special consideration by the City Council.

If applications exceed the above limits, selection will be evaluated on the following criteria. These criteria may also be used to evaluate applications for completeness and eligibility.

Necessity, quality, and impact of proposed work program:

- The property needs exterior or structural work (e.g., stabilization, maintenance, reversal of inappropriate modifications, etc. - not interior work or additions) and the cost of the proposed work is equal to or greater than the potential reduction of property taxes.
- The proposed work program has strong potential to act as a catalyst for neighborhood revitalization by increasing architectural integrity, preserving neighborhood character, and conserving materials and energy embodied in the existing building.
- The application exhibits timely completion, quality of documentation, well thought out and realistic work program, clear understanding of work program and contract, ability to follow through.

Diversity of property types and locations:

- Geographic distribution: The property's location contributes to the goal of Mills Act contracts in neighborhoods throughout the City.

Contracts will be especially encouraged for properties in the (former) West Oakland and Central City East Redevelopment Areas because implementation of the Mills Act was a mitigation measure in the West Oakland and Central City East Redevelopment Plans.

- Building type and nature of significance: The property contributes to the goal of a variety of Mills Act building types (e.g., residential, commercial, industrial; rarity, age, style, use, etc.).

Historic and architectural significance of building:

- Either currently a Designated Historic Property, *or* a Heritage Property, Landmark, or S-7/S-20 District application is submitted concurrently and building is eligible for designation.
- Oakland Cultural Heritage Survey rating and Landmarks Board eligibility determination.
- Timely completion, quality, depth, and active involvement in Heritage Property application.

Mills Act Application

5. SUBMITTAL REQUIREMENTS

- ☐ Mills Act Application Form: This application form completed and signed.
- ☐ Assessor's Parcel Map and Legal Description: From deed or County Assessor's office.
- ☐ For corporate owners (LLC, condo, etc.): Document exact entity name and signatory/ies.
- ☐ Photographs
 - Photographs must be in color, labeled, and printed on 8-1/2" x 11" paper.
 - Illustrate the overall exterior condition and character of the property.
 - Show the structure from across the street and from front, side and rear.
 - Include detailed close up views of each feature listed in the work program.
 - Label each photo (e.g., Work Program Item #1, #2, etc.).
- ☐ Oakland Landmark, Heritage Property or S-7/S-20 Preservation District Application
 - Required for properties that are not already designated by Landmarks Board.
- ☐ Additional pages to describe and illustrate the work program, as necessary.
- ☐ Copy of last property tax bill.
- ☐ Printout of Mills Act Calculator estimate, showing anticipated tax saving.
- ☐ Filing Fee - \$601.29, due at the time of application submittal.

Please read and review (online at www.oaklandnet.com/historicpreservation):

- Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)
- (Model) Mills Act Agreement for Preservation of Historic Property (contract you will sign);
- Secretary of the Interior's Standards for Rehabilitation (included in Mills contract);
- Minimum Property Maintenance Standards (included in Mills contract); and
- Mills Act Property Tax Calculator (for rough estimate of potential change in taxes).

NOTICE: Each property owner is advised to consult legal counsel and/or a financial advisor concerning the advisability of entering into a Mills Act agreement, prior to completing and submitting this application. The City makes no warranties or representations about the accuracy or validity of the Mills Act Property Tax Calculator – it is merely an information tool that applicants may use at their sole risk, which does not substitute for or replace legal counsel or a financial advisor.

I hereby apply to be considered for a Mills Act agreement, have read and agree with the above documents, and agree to execute the (Model) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY if selected for the program. The information submitted is true and correct as of the date of application.



Owner's Signature _____

Date 4/28/21

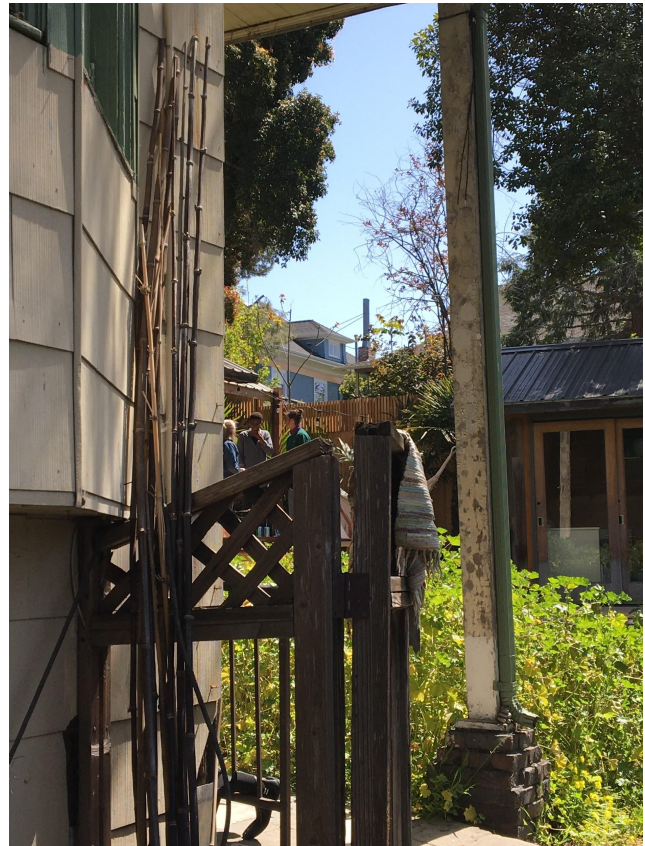
Mills Act Application**APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER**

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612
Monday, Tuesday, Thursday & Friday: 8am-3pm; Wednesday: 9:30 – 3pm

Rev.1/9/2020

Work Program Details**Work items #1-4: Seismic retrofit of foundation including hardy frame for original back porch.**

The first most pressing work to be done is to secure the house to the foundation for earthquake safety. We have applied to the EBB program and have had our plans approved by the city. The plan includes the hardy frame for the upper-story back porch as well as bracing and bolting work for the entire foundation. Securing the porch in compliance with current earthquake safety standards helps to preserve the structural integrity of the house. The estimate for this work by the contractor is \$30,000, plus \$2,500 for the structural engineer. The work was permitted by the city of Oakland and the seismic retrofit plans are attached to our application.



back porch which will be held up by a hardy frame, notice the brick foundation under the wood columns

Mills Act Application



right side foundation wall



shear panels to be added to cripple walls,
current support beams are leaning



left side foundation wall



addition foundation

Mills Act Application

Work items #5-6: Window repair and casement restoration, incl. replacement of non-original windows with wood windows of matching design.

There is much window restoration to be done in this house that includes repairing old wooden windows that are non-functional and need to be repainted and resealed. In some places dry rot has to be repaired before resealing and repainting. There are also several aluminum and vinyl windows that will be replaced with more historically fitting wood windows. This work will upkeep the historical integrity of the house and prevent further damage to the exterior.



right side of home, aluminum windows above bay



back of home, aluminum windows in porch and vinyl windows upstairs and downstairs on the right



detail of aluminum windows on right side



detail of downstairs addition window

Mills Act Application

Work items # 7-10: Removal of asbestos siding and restoration/replacement of cedar shingle siding or wood siding.

Like many homes in the area, the previous owners were sold on covering the wood shingles with asbestos siding to reduce fire risk. This has greatly altered the beauty and historic significance of the home. We plan on starting with exploratory removal of asbestos siding in areas that are protected from rain/sun (like under the porch in the back, or under large overhangs). This initial work will inform us about the state of the cedar shingles underneath the asbestos siding.

We hope to preserve and repair the original cedar shingles, however, that may not be possible. We've spoken with several contractors and opinions are split. Some think that the removal of the asbestos shingles will cause the cedar shingles to come off like fish scales and be too damaged to save. But some contractors predict that possibly only 20-30% of the cedar shingles would be damaged and therefore they might be worth saving. This scenario would still be a significant cost and require much restoration of the original. Condition of shingles and amount of reshingling needed will not be known until after exploratory asbestos removal, and work will be phased and prioritized accordingly. Either way, we are committed to the removal of the asbestos siding and in order to restore the home to its historically accurate splendor.



then vs. now, we hope to replicate the original design by painting the siding on the angled bay white

Mills Act Application



left side of home



back of home, cedar shingles on the downstairs addition



asbestos shingles along left side of home



notice the detail work, small asbestos shingles between the windows, original window trim surviving in part

Mills Act Application

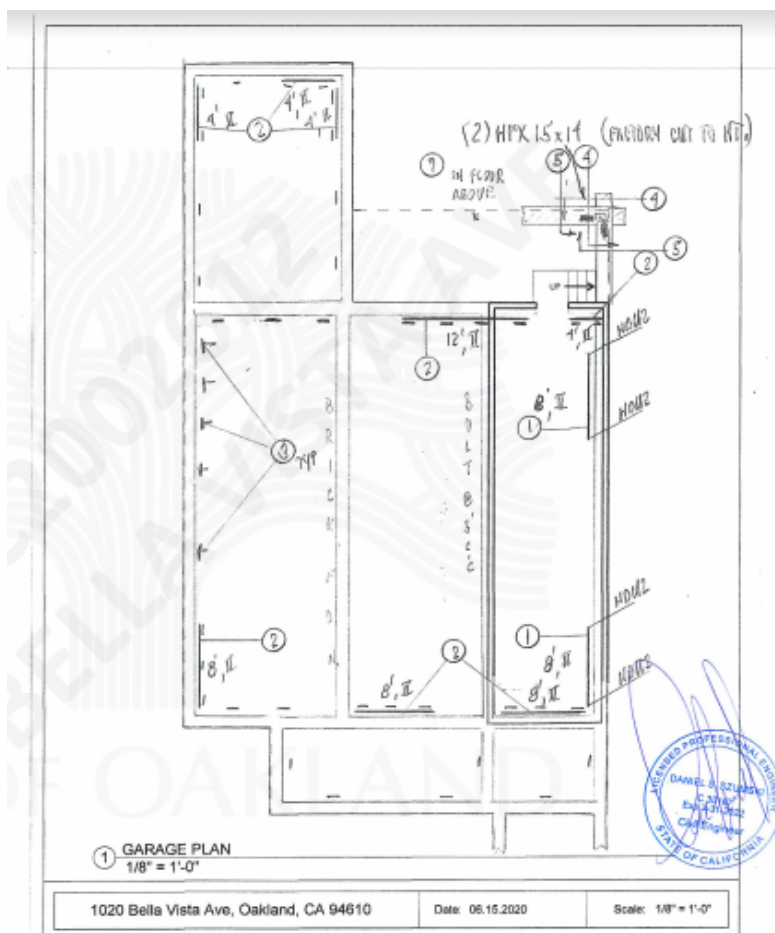
EXHIBIT "A" Legal Description

For APN/Parcel ID(s): 023-0389-011-00

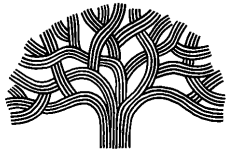
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PORTIONS OF LOTS 7 AND 8, BLOCK B, BELLA VISTA PARK, FILED JUNE 13, 1890, MAP BOOK 17, PAGE 90, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERN LINE OF BELLA VISTA AVENUE DISTANT THEREON NORTHEASTERLY 131.69 FEET FROM THE NORTHEASTERN LINE OF EAST 28TH STREET, AS SAID STREET AND AVENUE ARE SHOWN ON SAID MAP; AND RUNNING THENCE NORTHEASTERLY ALONG SAID LINE OF BELLA VISTA AVENUE ON THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 155 FEET, A DISTANCE OF 81.60 FEET; THENCE PARALLEL WITH SAID LINE OF EAST 28TH STREET SOUTHEASTERLY 115 FEET MORE OR LESS, TO A LINE DRAWN PARALLEL WITH THE SOUTHEASTERN LINE OF SAID LOT 8, AND DISTANCE THEN 15 FEET NORTHWESTERLY THEREFROM, MEASURED PARALLEL WITH SAID LINE OF EAST 28TH STREET; THENCE ALONG THE LINE SO DRAWN, SOUTHWESTERLY 59.3 FEET, MORE OR LESS, TO A LINE DRAWN PARALLEL WITH THE SOUTHWESTERN LINE OF SAID LOT 7, AND DISTANT 19 FEET, NORTHEASTERLY THEREFROM, MEASURED ALONG THE SOUTHEASTERLY LINE OF SAID LOT 8; THENCE ALONG THE LINE SO DRAWN NORTHWESTERLY 13 FEET; THENCE PARALLEL WITH THE SOUTHEASTERN LINE OF SAID LOT 8, SOUTHWESTERLY 19 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 7; THENCE ALONG THE LAST NAMED LINE NORTHWESTERLY 127 FEET TO THE POINT OF BEGINNING.



seismic retrofit plans



Oakland Landmarks Preservation Advisory Board

MILLS ACT APPLICATION

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612-2031 Phone: 510-238-3941

1. GENERAL INFORMATION

Property Address: 671 Longridge Road

Assessor's Parcel Number(s): 11-885-21

Property Owner(s): The Cohn Family Trust Dated July 16th 2020 (Susie and Bradley Cohn)

Applicant's Name: Susie and Bradley Cohn

Phone: (day) 650-861-1061 (evening) 650-861-1061 **email:** susiewng@gmail.com

Year of Purchase: 2017

Assessed Value: \$1,908,788.00

Existing Use of Property: Single Family Residence

Legal Description (from deed – if long, please attach)

Exhibit A Attached, p. 10

2. HISTORIC PROPERTY INFORMATION

If not already designated by Landmarks Board, Heritage Property application is required concurrently.

HISTORIC/COMMON NAME: 671 Longridge Road

CONSTRUCTION DATE: 1919

HISTORIC STATUS as of application date (contact Preservation staff at 510-238-6879 to confirm):

Designated Historic Property

Date of Designation _____

☐ City Landmark ☐ Heritage Property ☐ Contributor to S-7 or S-20 District

Local Register of Historical Resources

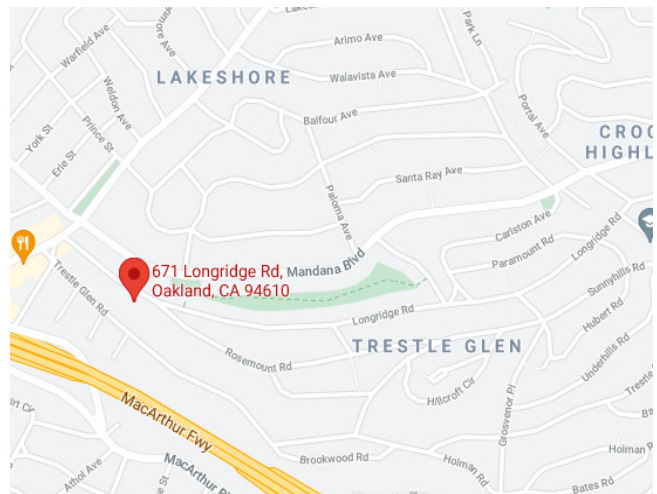
☐ Survey Rating A or B ☐ Area of Primary Importance ☐ National Register

Oakland Cultural Heritage Survey: Survey Rating: **C2+** Date: **1985-86** Prelim/Intensive: **Prelim**

Photo



Location Map



3. PRESERVATION WORK PROGRAM AND TIMELINE**Property Address: 671 Longridge Road, Oakland, California 94610**

Please list the improvements to take place over the next 10 years. Listed work should be limited to stabilization or maintenance of the historic structure and restoration or repair of exterior character defining features. State anticipated costs of improvements, including but not limited to materials, labor, permits and fees. Anticipated cost must equal or exceed tax savings: see Mills Act Calculator for a rough estimate of potential property tax reduction. Attach additional text and photos as necessary to fully describe work program. *This page will become part of the contract: please keep to one page.*

- 1. Year: 2022 Cost: \$100,000 ____ Improvement: Retain eroding hillside on southwest _____ property line. _____**
- 2. Year: 2023 Cost: (continued) _ Improvement: Retain eroding hillside on southwest _____ property line. _____**
- 3. Year: 2024 Cost: \$150,000 ____ Improvement: Replace fiberglass windows on north façade _ with period-appropriate wood windows. _____**
- 4. Year: 2025 Cost: (continued) _ Improvement: Replace fiberglass windows on north façade _ with period-appropriate wood windows. _____**
- 5. Year: 2026 Cost: (continued) _ Improvement: Replace fiberglass windows on north façade _ with period-appropriate wood windows. _____**
- 6. Year: 2027 Cost: (continued) _ Improvement: Replace fiberglass windows on north façade _ with period-appropriate wood windows. _____**
- 7. Year: 2028 Cost: (continued) _ Improvement: Replace fiberglass windows on north façade _ with period-appropriate wood windows. _____**
- 8. Year: 2029 Cost: (continued) _ Improvement: Replace fiberglass windows on north façade _ with period-appropriate wood windows. _____**
- 9. Year: 2030 Cost: \$30,000 ____ Improvement: Restore cantilevered balconette on north façade _____**
- 10. Year: 2031 Cost: \$40,000 ____ Improvement: Stucco replacement and painting of north façade _____**

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

4. SELECTION CRITERIA

The City of Oakland has adopted a Mills Act Property Tax Abatement Program for qualified historic properties. The 2006-08 ordinances creating the program limit impact on City revenues to \$25,000/year, plus \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000 a year for all redevelopment areas outside the Central Business District. In the Central Business District, impact on Redevelopment revenues is limited to \$100,000/building/year with a cumulative limit of \$250,000/year. Any property tax loss that exceeds the above limits requires special consideration by the City Council.

If applications exceed the above limits, selection will be evaluated on the following criteria. These criteria may also be used to evaluate applications for completeness and eligibility.

Necessity, quality, and impact of proposed work program:

- The property needs exterior or structural work (e.g., stabilization, maintenance, reversal of inappropriate modifications, etc. - not interior work or additions) and the cost of the proposed work is equal to or greater than the potential reduction of property taxes.
- The proposed work program has strong potential to act as a catalyst for neighborhood revitalization by increasing architectural integrity, preserving neighborhood character, and conserving materials and energy embodied in the existing building.
- The application exhibits timely completion, quality of documentation, well thought out and realistic work program, clear understanding of work program and contract, ability to follow through.

Diversity of property types and locations:

- Geographic distribution: The property's location contributes to the goal of Mills Act contracts in neighborhoods throughout the City.

Contracts will be especially encouraged for properties in the (former) West Oakland and Central City East Redevelopment Areas because implementation of the Mills Act was a mitigation measure in the West Oakland and Central City East Redevelopment Plans.

- Building type and nature of significance: The property contributes to the goal of a variety of Mills Act building types (e.g., residential, commercial, industrial; rarity, age, style, use, etc.).

Historic and architectural significance of building:

- Either currently a Designated Historic Property, *or* a Heritage Property, Landmark, or S-7/S-20 District application is submitted concurrently and building is eligible for designation.
- Oakland Cultural Heritage Survey rating and Landmarks Board eligibility determination.
- Timely completion, quality, depth, and active involvement in Heritage Property application.

5. SUBMITTAL REQUIREMENTS

- ☐ Mills Act Application Form: This application form completed and signed.
- ☐ Assessor's Parcel Map and Legal Description: From deed or County Assessor's office.
- ☐ For corporate owners (LLC, condo, etc.): Document exact entity name and signatory/ies.
- ☐ Photographs
 - Photographs must be in color, labeled, and printed on 8-1/2" x 11" paper.
 - Illustrate the overall exterior condition and character of the property.
 - Show the structure from across the street and from front, side and rear.
 - Include detailed close up views of each feature listed in the work program.
 - Label each photo (e.g., Work Program Item #1, #2, etc.).
- ☐ Oakland Landmark, Heritage Property or S-7/S-20 Preservation District Application
 - Required for properties that are not already designated by Landmarks Board.
- ☐ Additional pages to describe and illustrate the work program, as necessary.
- ☐ Copy of last property tax bill.
- ☐ Printout of Mills Act Calculator estimate, showing anticipated tax saving.
- ☐ Filing Fee - \$601.29, due at the time of application submittal.

Please read and review (online at www.oaklandnet.com/historicpreservation):

- Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)
- (Model) Mills Act Agreement for Preservation of Historic Property (contract you will sign);
- Secretary of the Interior's Standards for Rehabilitation (included in Mills contract);
- Minimum Property Maintenance Standards (included in Mills contract); and
- Mills Act Property Tax Calculator (for rough estimate of potential change in taxes).

NOTICE: Each property owner is advised to consult legal counsel and/or a financial advisor concerning the advisability of entering into a Mills Act agreement, prior to completing and submitting this application. The City makes no warranties or representations about the accuracy or validity of the Mills Act Property Tax Calculator – it is merely an information tool that applicants may use at their sole risk, which does not substitute for or replace legal counsel or a financial advisor.

I hereby apply to be considered for a Mills Act agreement, have read and agree with the above documents, and agree to execute the (Model) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY if selected for the program. The information submitted is true and correct as of the date of application.

Owner's Signature  Date 24 April 2021

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612
Monday, Tuesday, Thursday & Friday: 8am-3pm; Wednesday: 9:30 – 3pm

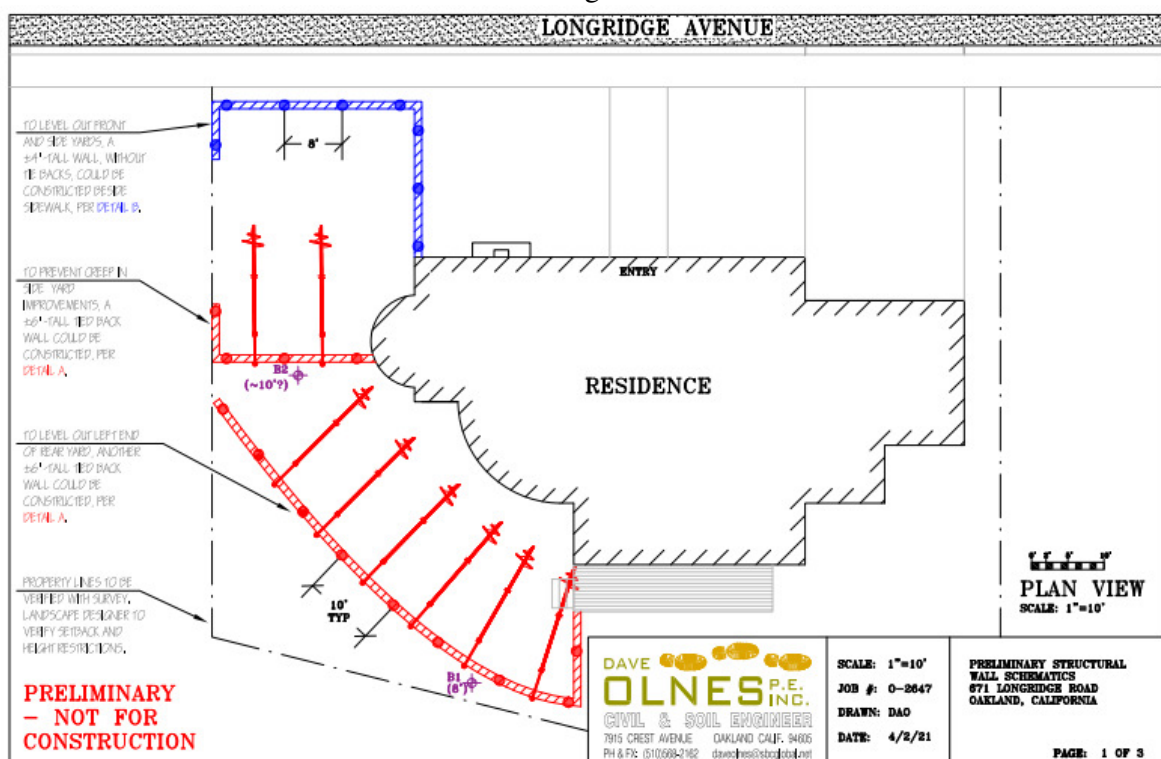
2022-2023 Retain Eroding Hillside on Southwest Property Line

In 2013 the house was extensively upgraded, with a new pier and grade beam foundation. However, the concrete stairs along the west side of the house, which were likely replaced as part of the foundation work, are not supported on piers, have separated from the house, and have shifted dramatically toward the rear slope. The existing retaining walls opposite the southwest corner of the house are also badly rotated and are at risk of failing. The movement of earth has also resulted in the sinking of the entry walkway with separation of the front porch from the residence and the general movement of unretained soil to the west and south. The Cohn family has engaged the support of a geotechnical engineering firm and prepared schematics for retaining the southwest hillside to prevent further degradation to the property.



Work Program Item #1, Figures A and B: Separation of the concrete stairs from the residence foundation as a result of soil shifting to the rear slope (left). Sinking of the entry walkway and separation of the front porch as a result of general movement of earth to the west and south (right).

Work Program Item #1, Figure C: Preliminary schematics for retaining southwest hillside, preliminary schematics for retaining southwest hillside



2024-2029 Replace Fiberglass Windows on North Façade with Period-Appropriate Wood Windows

As you can see from the reference photographs from this Application Page 1, the photos in the Historic Resources Report, and the paired images below, captured approximately 100 years apart, the original thirteen windows on the street-facing façade were replaced with non-period appropriate fiberglass windows during a 2013-2014 renovation. The Cohn family intends to replace each of these windows with period appropriate wood alternatives. The anticipated cost exceeds \$150,000.



671 Longridge Road, Residence of Dr. W. J. Dowell, Lakeshore Highlands, Oakland, California, Albert Farr, Architect, circa 1921. *The Building Review*, April 1921, Pg 177.



671 Longridge Road, Northwest Façade, 2021



Work Program Item #2 Figure A: Full height double casement window with fixed transom



Work Program Item #2 Figure B: Two full-height narrow casement windows with overlying fanlights



Work Program Item #2 Figures C and D: Eastern-most (left) cantilevered balconette partially obscuring large fanlight, square fixed window, and rectangular fixed window. French windows with an incorporated semicircular arch were featured in the original design (right)

2030 Restore Cantilevered Balconette on North Façade

The cantilevered faux balcony was a signature feature of Albert Farr's original design. The current balconette dates back to the original 1919 construction. The balconette is sagging and showing signs of decay and dry rot. The Cohn family intends to rebalance, strengthen, repair and restore this original feature of the residence. The estimated cost for this work is approximately \$30,000.



Work Program Item #3 Figures A, B and C: Restoration of Cantilevered Balconette

2031 Stucco Replacement and Painting of North Façade

Once the window replacement and balcony restoration are complete, the Cohn family intends to remove and replace the stucco for the entire street-facing façade of the residence to minimize inconsistencies in the stucco associated with the proposed renovations.

EXHIBIT A

Order No.: FWAC-5851701134

For APN/Parcel ID(s): 011-0885-021-00

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

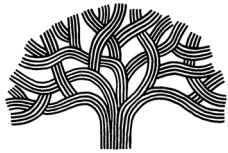
PARCEL ONE:

LOT 1, IN BLOCK 14, AS SAID LOT AND BLOCK ARE SHOWN ON THE MAP OF "LAKESHORE HIGHLANDS, OAKLAND, ALAMEDA COUNTY, CALIFORNIA", FILED JUNE 18, 1917 IN BOOK 16 OF MAPS, PAGE 37 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

PARCEL TWO:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERN LINE OF LONGRIDGE ROAD, WITH THE LINE DIVIDING LOTS 1 AND 2 IN BLOCK 14, AS SAID ROAD, LOTS AND BLOCK ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO; RUNNING THENCE SOUTHEASTERLY, ALONG SAID LINE OF LONGRIDGE ROAD, 10 FEET; THENCE SOUTHWESTERLY IN A DIRECT LINE, 81 FEET, MORE OR LESS, TO A POINT ON THE SOUTHWESTERN BOUNDARY LINE OF LOT 2, AFORESAID, DISTANT THEREON SOUTHEASTERLY 8 FEET 6 INCHES FROM THE LINE DIVIDING SAID LOTS 1 AND 2; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERN BOUNDARY LINE OF LOT 2 AFORESAID, 8 FEET 6 INCHES TO THE SAID LINE DIVIDING LOTS 1 AND 2; AND THENCE ALONG SAID LINE NORTH 24 DEGREES 43' 10" EAST 80.70 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 2 IN BLOCK 14, AS SAID LOT AND BLOCK ARE SHOWN ON THE MAP OF "LAKESHORE HIGHLANDS, OAKLAND, ALAMEDA COUNTY, CALIFORNIA", FILED JUNE 18, 1917 IN BOOK 16 OF MAPS, PAGE 37 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.



Oakland Landmarks Preservation Advisory Board

MILLS ACT APPLICATION

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612-2031 Phone: 510-238-3941

1. GENERAL INFORMATION

Property Address: 901 Trestle Glen Road Oakland CA 94610
Assessor's Parcel Number(s): 23-436-26-3
Property Owner(s): Laura L. and Stephen T. Geist
Applicant's Name: Laura L. and Stephen T. Geist
Phone: (day) (510) 610-1453 (evening) (510) 238-8851 email sgeist@geistenvironmental.com
Year of Purchase: 2002 Assessed Value: \$1,052,383
Existing Use of Property: Single family Residential
Legal Description (from deed – if long, please attach)
Please see the attachment for the Legal Description of Assessor's Map 23, Page 436

2. HISTORIC PROPERTY INFORMATION

Please see the attachment for the Landmarks Board, Heritage Property application.

HISTORIC/COMMON NAME: Tucker Residence / The Garden House

CONSTRUCTION DATE: 1941

HISTORIC STATUS as of application date (contact Preservation staff at 510-238-6879 to confirm):

Designated Historic Property Date of Designation _____
☐ City Landmark ☐ Heritage Property ☐ Contributor to S-7 or S-20 District

Local Register of Historical Resources

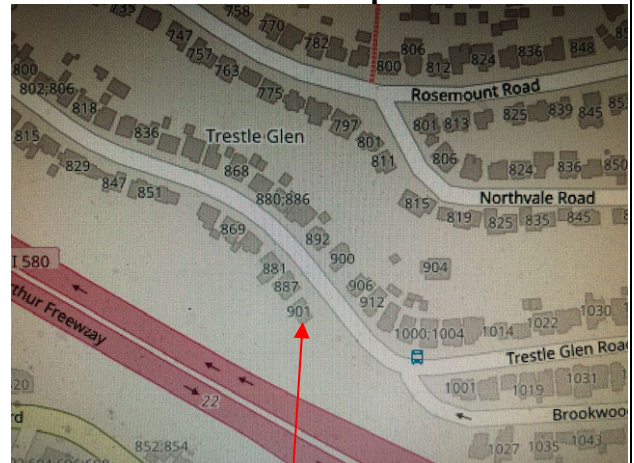
☐ Survey Rating A or B ☐ Area of Primary Importance ☐ National Register
Oakland Cultural Heritage Survey: Survey Rating: C2+ Date: _____ Prelim/Intensive: _____

Photo



View looking northwest at 901 Trestle Glen

Location Map



3. PRESERVATION WORK PROGRAM AND TIME LINE

Property Address: 901 Trestle Glen Road Oakland CA 94610

Please list the improvements to take place over the next 10 years. Listed work should be limited to stabilization or maintenance of the historic structure and restoration or repair of exterior character defining features. State anticipated costs of improvements, including but not limited to materials, labor, permits and fees. Anticipated cost must equal or exceed tax savings: see Mills Act Calculator for a rough estimate of potential property tax reduction. Attach additional text and photos as necessary to fully describe work program. *This page will become part of the contract: please keep to one page.*

***Note per the parcel owner: The below annual costs listed are a limited percentage of the restoration financial expenses and represent the estimated tax reduction under the Mills Act. The extensive foundation remediation and repair cost alone was more than \$150,000. The costs below do not include the interior work since it is not covered under the Mills Act (replace original plumbing, replace original electrical, etc.)**

- 1. Year: 2021 Cost: \$6,973 Improvement: 1) Foundation with grade beam installation (x3) over the culvert.**
- 2. Year: 2022 Cost: \$6,973 Improvement: 1) Upper window and front elevation oriel style bay window repair, 2) Front center rose garden picket fence and Bird Bath Repair and 3) Repair original copper light feature.**
- 3. Year: 2023 Cost: \$6,973 Improvement: 1) house exterior stucco new paint, and 2) Front House Elevation Decorative Garden Fence Restoration and Repair.**
- 4. Year: 2024 Cost: \$6,973 Improvement: 1) Wood shingle roof replacement, 2) Front Garden Stone Pathway and Entry Stairs to be repaired due to sinking ground, and 3) Repair cracked front door as needed and paint.**
- 5. Year: 2025 Cost: \$6,973 Improvement: 1) Upper masonry main failing chimney replacement and 2) Maintain the front eastern elevation original bay window and upper gable wood windows**
- 6. Year: 2026 Cost: \$6,973 Improvement: 1) Front house elevation single garage door repair and paint**
- 7. Year: 2027 Cost: \$6,973 Improvement: 1) Front house elevation gutter and downspout replacement and paint to match.**
- 8. Year: 2028 Cost: \$6,973 Improvement: 1) Maintain the side south elevation first floor windows and upper second story wood windows**
- 9. Year: 2029 Cost: \$6,973 Improvement: 1) Front house elevation concrete block driveway repair, and 2) Front house utility exposed panel box concealment.**
- 10. Year: 2030 Cost: \$6,973 Improvement: 1) Front east and side southern Stucco paint and repair, 2) Wood roof clean and Repair**

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work. Design Review fees are waived for Mills Act properties.

4. SELECTION CRITERIA

The City of Oakland has adopted a Mills Act Property Tax Abatement Program for qualified historic properties. The 2006-08 ordinances creating the program limit impact on City revenues to \$25,000/year, plus \$25,000/year in any single redevelopment area with a cumulative limit of \$250,000 a year for all redevelopment areas outside the Central Business District. In the Central Business District, impact on Redevelopment revenues is limited to \$100,000/building/year with a cumulative limit of \$250,000/year. Any property tax loss that exceeds the above limits requires special consideration by the City Council.

If applications exceed the above limits, selection will be evaluated on the following criteria. These criteria may also be used to evaluate applications for completeness and eligibility.

Necessity, quality, and impact of proposed work program:

- The property needs exterior or structural work (e.g., stabilization, maintenance, reversal of inappropriate modifications, etc. - not interior work or additions) and the cost of the proposed work is equal to or greater than the potential reduction of property taxes.
- The proposed work program has strong potential to act as a catalyst for neighborhood revitalization by increasing architectural integrity, preserving neighborhood character, and conserving materials and energy embodied in the existing building.
- The application exhibits timely completion, quality of documentation, well thought out and realistic work program, clear understanding of work program and contract, ability to follow through.

Diversity of property types and locations:

- Geographic distribution: The property's location contributes to the goal of Mills Act contracts in neighborhoods throughout the City.

Contracts will be especially encouraged for properties in the (former) West Oakland and Central City East Redevelopment Areas because implementation of the Mills Act was a mitigation measure in the West Oakland and Central City East Redevelopment Plans.

- Building type and nature of significance: The property contributes to the goal of a variety of Mills Act building types (e.g., residential, commercial, industrial; rarity, age, style, use, etc.).

Historic and architectural significance of building:

- Either currently a Designated Historic Property, *or* a Heritage Property, Landmark, or S-7/S-20 District application is submitted concurrently and building is eligible for designation.
- Oakland Cultural Heritage Survey rating and Landmarks Board eligibility determination.
- Timely completion, quality, depth, and active involvement in Heritage Property application.

5. SUBMITTAL REQUIREMENTS

- ☒ Mills Act Application Form: This application form completed and signed.
- ☒ Assessor's Parcel Map and Legal Description: From deed or County Assessor's office.
- ☐ For corporate owners (LLC, condo, etc.): Document exact entity name and signatory/ies.
- ☒ Photographs
- Photographs must be in color, labeled, and printed on 8-1/2" x 11" paper.
 - Illustrate the overall exterior condition and character of the property.
 - Show the structure from across the street and from front, side and rear.
 - Include detailed close up views of each feature listed in the work program.
 - Label each photo (e.g., Work Program Item #1, #2, etc.).
- ☒ Oakland Landmark, Heritage Property or S-7/S-20 Preservation District Application
- Required for properties that are not already designated by Landmarks Board.
- ☒ Additional pages to describe and illustrate the work program, as necessary.
- ☒ Copy of last property tax bill.
- ☒ Printout of Mills Act Calculator estimate, showing anticipated tax saving.
- ☐ Filing Fee - \$601.29, due at the time of application submittal. **will pay Invoice*

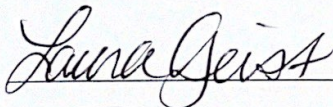
Please read and review (online at www.oaklandnet.com/historicpreservation):

- Mills Act (Sections 50280-90 of the California Government Code and Article 1.9, Sections 439 – 439.4 of the California Revenue and Taxation Code)
- (Model) Mills Act Agreement for Preservation of Historic Property (contract you will sign);
- Secretary of the Interior's Standards for Rehabilitation (included in Mills contract);
- Minimum Property Maintenance Standards (included in Mills contract); and
- Mills Act Property Tax Calculator (for rough estimate of potential change in taxes).

NOTICE: Each property owner is advised to consult legal counsel and/or a financial advisor concerning the advisability of entering into a Mills Act agreement, prior to completing and submitting this application. The City makes no warranties or representations about the accuracy or validity of the Mills Act Property Tax Calculator – it is merely an information tool that applicants may use at their sole risk, which does not substitute for or replace legal counsel or a financial advisor.

I hereby apply to be considered for a Mills Act agreement, have read and agree with the above documents, and agree to execute the (Model) MILLS ACT AGREEMENT FOR PRESERVATION OF HISTORIC PROPERTY if selected for the program. The information submitted is true and correct as of the date of application.

Owner's Signature



Date

5/1/2021

Owner's Signature



Date

5/1/2021

APPLICATIONS ARE ACCEPTED AT THE ZONING COUNTER

250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, CA 94612

Monday, Tuesday, Thursday & Friday: 8am-3pm; Wednesday: 9:30 – 3pm

Baseline Elevation Photos



Photo A Front Eastern Elevation House View (facing Trestle Gen Road)



Photo B Side Southern Elevation House View (facing Warren Hook Park)

This work plan focuses on the front eastern elevation facing Trestle Glen and side adjoining southern elevation facing the public use Warren Hook park. Foundation and Chimney Repair design approved by our engineer and City of Oakland (2020). The below items do not include the interior work since it is not covered under the Mills Act (replace original plumbing, replace original electrical, etc.)

Work Plan Item #1

Foundation with Grade Beam Installation over the Culvert:

Stabilize the house structure which is located over a City of Oakland underground culvert (~6-feet wide and ~5-feet tall ~17-feet directly below the house structure footprint. The City of Oakland operated culvert supports year-round water flow for Indian Gulch Creek. The house structure has unevenly sunk almost 12-inches since 2002. Install three grade beam foundations to stabilize the house from further sinking and house damage cracking on exterior front eastern elevation towards Trestle Glen Road and southern side elevation next to Warren Hook Public Park vertical surfaces. Fifteen (15) geotechnical helix foundation screws installed to stabilize the house (installed up to 50-feet below the house).



Work Item #1 - Photo 1 The stone step was installed ~2011 (yellow arrow) and pathway (red arrow) were originally level in 2002. The vertical displacement depicts significant and continued ground settling. Install support foundation under the house.



Work Item #1 - Photo 2 Robot with camera entry into Trestle Glen Road culvert access port directly in front of 901 Trestle Glen Road (2019).



Work Item #1 - Photo 3 Robot "BOB-4" with camera. TV view of the poured concrete 100 plus year-old culvert directly under 901 Trestle Glen Rd (2019). Install three grade beams to further separate the house from the culvert 17-ft below the house grade level.



*Work Item #1 - Photo 4 Interior original staircase cracking due to settling.
Foundation repair to stabilize.*

Work Plan Item #2**Upper Window and front elevation oriel style bay window Repair and Paint:**

Remove and replace upper front gable windowpanes update with historically correct wood widows by saving and stabilizing the window wood frames. **Front center rose garden picket fence and Bird Bath Repair:**

The front center rose garden picket fence Facing Trestle Gen Road near the front elevation of the house to be rehabbed and or replaced as needed with replacement rose and leaf hand carved vertical pickets. The original house rose fence hand carved posts and pickets are in place but over time many pickets have degraded fallen off or are missing. The support posts are original and will be stabilized. The current placement picket interval is too wide, and the refurbishment will bring this historical element back to the original design. The front concrete original bird bath will be rehabilitated so that this visual element is repaired.

Repair Original Copper Light Feature:

Rewire original house main porch copper light and replace.



Work Item #2 - Photo 1 Second Floor Window with dry rot and slipping window panes.



Work Item #2 - Photo 2 Rehab and restore the front elevation oriel style bay window on the first-floor eastern elevation.



Work Item #2 - Photo 3 Example of rose garden fence and posts carved and mounted to the house. Several fence items are damage or missing.



Work Item #2 - Photo 4 & 5 Early if not original bird bath to be repaired. Red arrow is a crack on the pedestal post.



Work Item #2 - Photo 6 Remove repair and rewire original light feature. Exposed wire insulation present. Patch and paint exterior wood and stucco.

Work Plan Item #3**Cracks Stucco Repair and Paint:**

Patch cracked stucco house walls and paint.

Front House Elevation Decorative Garden Fence Restoration and Repair:

Front garden fence replacement along the eastern front elevation facing Trestle Glen Road. Remove and replace the left front wood fence and gate with decorative hardware. The house is adjacent to the Warren Hooker public park with high visibility and use. Remove and replace the right front garden wood fence and gate with decorative hardware. Current fences are failing. Both garden fences will be designed and constructed to better match the house design with a decorative wood-based design to complement the front garden. Both fences are bolted and part of the front house eastern elevation.



Work Item #3 - Photo 1 Left front garden fence between the house and Warren Hook Park. Current fence has wood rot and missing panels.



Work Item #3 - Photo 2 Right front garden fence front elevation. Fence has wood rot and missing panels.

Work Plan Item #4**Wood Shingle Roof:**

Remove and replace roof wood shingles with new fire-retardant wood shingles. Include rooftop sheathing and breather strips for replacement wood shingles.

Front Garden Stone Pathway to be repaired due to sinking ground:

The early if not original stone walkway from the front sidewalk along Trestle Glen to the front door has become destabilized with the ground condition so that several inches off offset are present with loose rocks and tripping hazards present. The stone walkway will be repaired to make access safe and improve walking conditions. The character of the original stone walkway will be retained.

Repair/replace original front door:

Work Item #4 - Photo 1 Replace wood shingle roof with new fire-retardant rated wood shingle roof on upper & lower portions. Wood roof dated early 1990s.



Work Item #4 - Photo 2 Red arrow depicts significant separation based on ground settling.



Work Item #4 - Photo 3 Red arrows show missing and or significant separation based on ground settling.

Continued next page

Work Plan Item #5**Upper Masonry Chimney Replacement and Repaint to Match Existing:**

Remove masonry cracked and failing chimney and replace with steel supports and brick façade to match prior chimney.

Maintain the front eastern elevation original bay window and upper wood gable walls above the roofline and wood windows:

Maintain the front eastern elevation original bay window and upper gable wood windows. These features are directly visible from Trestle Glen Road. The bay window is original to the house and it is exposed to the elements. Window muntin and frame repair. Upper gable wood windows muntin, frame repair, and wood gable side features. Paint to keep the bay window and dormer windows features watertight and in good condition.



Work Item #5 - Photo 1 Replace upper masonry chimney stack to make seismic safe (yellow bracket) (visually “like for like”). Lower fire box remains. Red arrow depicts a large horizontal crack. Chimney leaning towards roof.



Work Item #5 - Photo 2 Bay window maintenance.



Work Item #5 - Photo 3 Bay window and upper gable maintenance.

Continued next page:

Work Plan Item #6**Front house elevation single garage door repair:**

Front house elevation single car original garage door repair and upgrade. Current garage door feature has been damaged by individuals trying to break in through this front element. The garage door feature is sagging and has cracked panels. The wood garage door to be rehabbed or replaced as needed to that it remains historically accurate to the house. Paint.



Work Item #6 - Photo 1 Original House 1941 garage door to be repaired and updated.

Work Plan Item #7**Front house elevation gutter and downspout replacement:**

Front eastern elevation facing Trestle Glen will be updated with gutters and downspouts that match the existing original gutter and downspouts. Current gutter and downspouts are wearing out and are near the end of their useful life. The downspouts are round, and the gutters are half round. The gutters are located between the roofline dormers. The side southern elevation gutters and downspouts facing Warren Hook park will be checked and repaired/painted as needed.



Work Item #7 - Photo 1 Historical gutter and downspouts to be repaired and/or replaced.

Work Plan Item #8**Maintain the side south elevation 1st floor windows and 2nd story wood windows:**

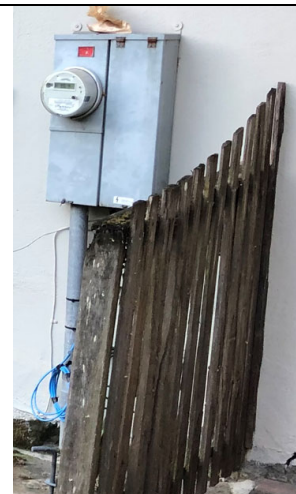
Maintain the side southern elevation original first floor window and upper gable wood windows. These features are directly visible from Warren Hook Park. Window muntin and frame repair. Paint to keep the first floor window and upper windows features watertight and in good condition. Service the chimney for cracks seal and paint the masonry and seismic attachments.



Work Item #8 - Photo 1- Paint windows and waterproof as needed. Clean and paint chimney and chimney with structural attachments.

Work Plan Item #9**Front house elevation concrete block driveway repair:**

Front single car driveway has a current concrete brick driveway facing Trestle Glen located between the sidewalk and the house garage. The driveway feature has damage from the soft sinking soils and use so that it is not flat. Broken water lines and separated sewer lines. The concrete brick driveway will be updated and repaired so that the surface does not have tripping hazards. Update so it supports the house historical presence.



Work Item #9 - Photo 1& 2 1990's era concrete brick driveway to be repaired. High spots and valleys are present. Sewer line underneath to be replaced. (If this was concrete it would be severely cracked but the brick helps conceal the soft sediment deformation. Exposed utility box.

Work Plan Item #10**Front east and side southern Stucco paint and repair, Wood roof clean and Repair:**

Front eastern house elevation facing Trestle Glen Road and side southern house elevation facing Warren Hook park will be repaired (fill stucco cracks) and painted so that the house maintains its character. The wood roof shingles, and flashing will be repaired and cleaned as needed to maintain the visual historical presence.



Work Item #10 – Photo 1- Repair and paint stucco and waterproof as needed. Clean and repair wood single roof as needed.

EXHIBIT ONE

Parcel 1:

A portion of Lot 1, Block 7, Map of "Lakeshore Oaks", filed May 13, 1922, Map Book 3, Page 39, Alameda County Records, described as follows:

Beginning at the most northern corner of said Lot 1, Block 7; running thence along the northeastern line of said lot, South $39^{\circ} 18' 20''$ East 75.00 feet; thence leaving said northeastern line South $51^{\circ} 22' 44''$ West 52.00 feet; thence North $51^{\circ} 33' 34''$ West 76.11 feet to a point on the northwestern line of said lot; thence along said northwestern line, North $50^{\circ} 41' 40''$ East 68.15 feet to the point of beginning.

Parcel 2:

A portion of Lot 1, Block 7, Map of "Lakeshore Oaks", filed May 13, 1922, Map Book 3, Page 39, Alameda County Records, described as follows:

Beginning at the most western corner of said Lot 1, Block 7; running thence along the northwestern line of said lot, North $20^{\circ} 34' 46''$ East 37.18 feet; thence North $50^{\circ} 41' 40''$ East 31.85 feet; thence leaving said northwestern line South $51^{\circ} 33' 34''$ East 76.11 feet; thence South $36^{\circ} 31' 11''$ West 50.00 feet to a point on the southwestern line of said Lot 1; thence along said southwestern line, North $64^{\circ} 17' 40''$ West 75.00 feet to the point of beginning.

Excepting therefrom that portion conveyed to the State of California, by deed recorded March 22, 1961, Series No. AS-34653.

ASSESSOR'S MAP 23

436

PAGE 2.

South Lakeshore Glen. (BK. 6 PG. 46)

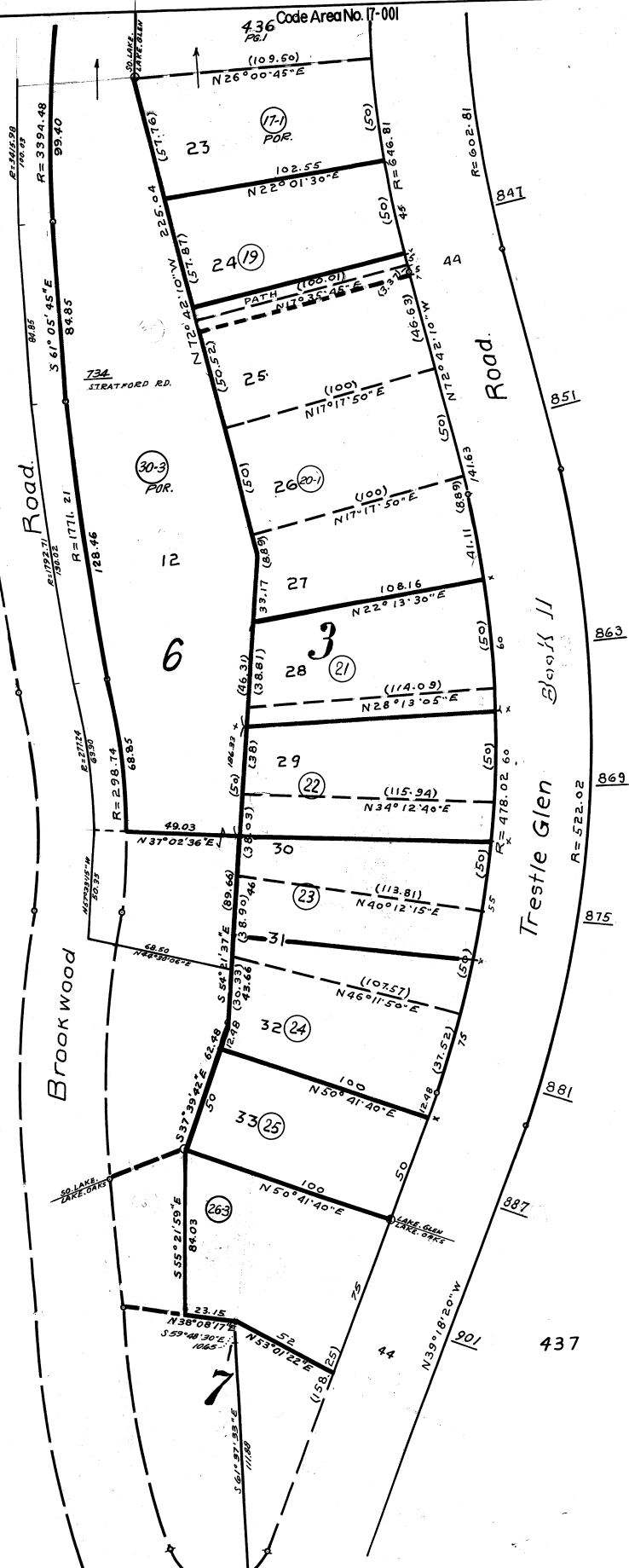
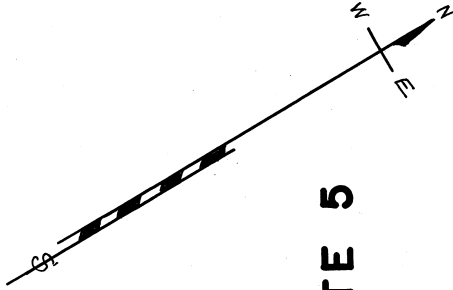
Lakeshore Glen. (BK. 6 PG. 29)

Lakeshore Oaks. (BK. 3 PG. 39)

Scale 1in=40ft.

Rev. 6-10-63 VT.
6-65 S.Y.
4-23-69 W.I.M.
3-21-01 PB
4-5-01 LL

STATE HIGHWAY ROUTE 5



WHEN RECORDED, MAIL TO:

City of Oakland
Bureau of Planning, Historic Preservation
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

**MILLS ACT AGREEMENT FOR
PRESERVATION OF HISTORIC PROPERTY**

This Agreement is entered into this ____ day of _____, 20__, by and between the City of Oakland, a municipal corporation (hereinafter referred to as the “City”), and _____ (hereinafter referred to as the “Owner(s)”), owner(s) of the structure located at _____ in the City of Oakland (Exhibit A: Legal Description of Property).

RECITALS

Owner possesses and owns real property located within the City and described in Exhibit A (“Property”) attached and made a part hereof.

The Property is a Qualified Historic Property within the meaning of California Government Code Section 50280.1, in that it is a privately owned property which is not exempt from property taxation and is on the City of Oakland’s Local Register of Historic Resources.

Both City and Owner desire to carry out the purposes of Sections 50280 *et seq.* of the California Government Code and Section 439 of the California Revenue and Taxation Code.

Both Owner and City desire to enter into an Agreement to preserve the Property so as to retain its characteristics of cultural, historical and architectural significance and to qualify the Property for an assessment of valuation pursuant to Section 439.2(a) of the Revenue and Taxation Code of the State of California.

NOW, THEREFORE, both Owner and City, in consideration of the mutual promise, covenants and conditions contained herein and the substantial public benefit to be derived therefrom, do hereby agree as follows:

- 1) **Effective Date and Term of Agreement (California Government Code Section 50281.a)** The term of this Agreement shall be effective commencing on **December 31, 20__** and shall remain in effect for a term of ten (10) years thereafter. Each year, upon the anniversary of the effective date of this Agreement (hereinafter “renewal date”), one (1) year shall automatically be added to the term of the Agreement, unless timely notice of nonrenewal, as provided in paragraph 2, is given. If either City or Owner(s) serves written notice to the other of nonrenewal in any year, the Agreement shall remain in effect for the balance of the term then remaining, either from its original execution or from the last renewal of the Agreement, whichever may apply.
- 2) **Notice of Nonrenewal (California Government Code Section 50282, California Revenue and Taxation Code Section 439.3)** If City or Owner(s) desires in any year not to renew the Agreement, that party shall serve written notice of nonrenewal in advance of the annual renewal date of the Agreement as follows:
- a. Owners must serve written notice of nonrenewal at least ninety (90) days prior to the renewal date; or
 - b. City must serve written notice within sixty (60) days prior to the renewal date. Owners may make a written protest of the notice. City may, at any time prior to the annual renewal date of the Agreement, withdraw its notice of nonrenewal to Owner(s).
 - c. If the City or Owner(s) serves notice of intent in any year to not renew the Agreement, the existing Agreement shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the Agreement, as the case may be.
 - d. Any notice required to be given by the terms of this Agreement shall be provided by U.S. mail or hand delivery at the address of the respective parties as specified below or at any other address as may be later specified in writing by the parties hereto.

To City: City of Oakland
Bureau of Planning, Historic Preservation
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

To Owner:

Oakland CA 946--

- 3) **Valuation of Historical Property (California Revenue and Taxation Code, Section 439.2)** During the term of this Agreement, Owner(s) are entitled to seek assessment of valuation of the Historical Property pursuant to the provisions of Section 439 et. seq. of the California Revenue and Taxation Code.

4) Preservation/Rehabilitation and Maintenance of Property (California Government Code Section 50281(b)(1)) During the term of this Agreement, the Property shall be subject to the following conditions, requirements and restrictions:

- a. Owner(s) agree to preserve/rehabilitate and maintain cultural, historical and architectural characteristics of the Property during the term of this Agreement as set forth in the attached schedule of improvements, which has been reviewed by the Landmarks Preservation Advisory Board and approved by the City Council (Exhibit B attached and made a part hereof). No demolition or other work may occur which would adversely impact the cultural, historical and architectural characteristics of the Property during the term of this Agreement.
- b. All work on the Property shall meet, at a minimum, the Secretary of Interior's Standards for Rehabilitation of Historic Properties (Exhibit C attached and made a part hereof), the Minimum Property Maintenance Standards (Exhibit D attached and made a part hereof), the State Historical Building Code as determined applicable by the City of Oakland, and all required review and conditions of the Landmarks Preservation Advisory Board, the Planning Commission, the City Council, and/or the Department of Planning and Building of the City of Oakland.
- c. If the schedule set out in Exhibit B is not complied with, then City will use the following process to determine whether the Owner(s) are making good faith progress on the schedule of work. Upon City's request, the Owner(s) shall timely submit documentation of expenditures made to accomplish the next highest priority improvement project for the property within the last 24 months. The Owner(s) shall be determined to be in substantial compliance when the expenditures are equal to or greater than the property tax savings provided by the Property being in the Mills Act Program. This schedule set out in Exhibit B shall be revised to reflect the schedule change. The Department of Planning and Building's Director, or his/her designee, shall have the ability to administratively adjust the schedule timeline, in concurrence with the Property Owners(s), only by written recorded instrument executed by the parties hereto.
- d. Owner(s) shall, within five (5) days of notice from the City, furnish City with any information City shall require to enable City to determine (i) the Property's present state, (ii) its continuing eligibility as a Qualified Historic Property, and (iii) whether the Owner is in compliance with this Agreement.

5) Destruction through "Acts of God" or "Acts of Nature" To the extent authorized by state law, Owner(s) shall not be held responsible for replacement/repair of the Property if it is Damaged or Destroyed through "Acts of

God/Nature”, such as slide, flood, tornado, lightning or earthquake. Damaged or Destroyed means that the property is no longer restorable to a condition eligible for historic designation due to substantial loss of integrity, as determined by a historic architect meeting the minimum qualifications contained within the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

- 6) **Inspections (California Government Code Section 50281(b)(2))** Every five years from the original execution of this Agreement, Owner(s) agrees to permit examinations/inspections, by appointment, of the interior and exterior of the Property by one or more of the following: City staff, Members of the Landmarks Preservation Advisory Board, representatives of the County Assessor’s Office, representatives of the State Board of Equalization and representatives of the Department of Parks and Recreation, as may be necessary to determine the Owner’s compliance with this Agreement. Such examination/inspection shall be upon not less than five (5) days written or oral notice.
- 7) **Payment of Fees (California Government Code Section 50281.1)** The Owner shall pay the City a fee established pursuant to the City’s Master Fee Schedule, for costs related to the preparation and review of the Agreement and related documents at the time of application.
- 8) **Binding on Successors and Assigns (California Government Code Section 50281(b)(3))** Owner agrees that this Agreement shall be binding upon and inure to the benefit of all parties herein, their heirs, successors in interest, legal representatives, assigns and all persons acquiring any part or portion of the Property, whether by operation of law or otherwise, and that any such person(s) shall have the same rights and obligations under this Agreement.
- 9) **Cancellation (California Government Code Section 50284)** City, following a duly noticed public hearing before the City Council, as set forth in California Government Code Section 50285, may cancel this Agreement if it determines that Owner(s): (a) have breached any of the conditions of the Agreement; (b) have allowed the property to deteriorate to the point that it no longer meets the standards for being on the City’s Local Register of Historic Resources; or (c) if the Owner(s) have failed to restore or rehabilitate the Property in the manner specified in paragraph 4 of this Agreement.

In the event of cancellation, Owner(s) shall be subject to payment of those cancellation fees set forth in California Government Code Section 50286, described herein. Upon cancellation, Owner(s) shall pay a cancellation fee of twelve and one-half percent (12 ½%) of the current fair market value of the Property at the time of cancellation, as determined by the County Assessor as though the Property were free of any restrictions pursuant to this Agreement.
- 10) **No Compensation** Owner shall not receive any payment from City in consideration of the obligations imposed under this Agreement, it being

recognized and agreed that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to Owner as a result of the effect upon the Property's assessed value on account of the restrictions required for the preservation of the Property.

11) Enforcement of Agreement (California Government Code Section 50284) As an alternative to cancellation of the Agreement for breach of any condition as provided in paragraph 9, City may, in its sole discretion, specifically enforce, or enjoin the breach of the terms of this Agreement. In the event of a default, under the provisions of this Agreement by the Owners, City shall give written notice to Owners by registered or certified mail. If such a violation is not corrected to the reasonable satisfaction of City within thirty (30) days thereafter, or if not corrected within such a reasonable time as may be required to cure the breach or default if said breach or default cannot be cured within thirty (30) days provided that acts to cure the breach or default may be commenced within (30) days and must thereafter be diligently pursued to completion by Owners, then City may, without further notice, declare a default under the terms of this Agreement and may bring any action necessary to specifically enforce the obligations of Owners arising out of the terms of this Agreement, apply to any violation by Owners or apply for such other relief as may be appropriate.

12) Indemnification Owner shall indemnify, defend (with counsel reasonably acceptable to City) and hold harmless the City of Oakland, and all of its Councilmembers, boards, commissions, departments, agencies, attorneys, agents, officers, and employees (individually and collectively, the "City") from and against any and all actions, causes of actions, liabilities, losses, costs, claims, judgments, settlements, damages, liens, fines, penalties and expenses (collectively called "Claims") incurred in connection with or arising in whole or in part from this Agreement, including without limitation:

- a. any accident, injury to or death of a person, loss of or damage to property occurring in or about the Property;
- b. the use or occupancy of the Property by Owner, its Agents or Invitees;
- c. the condition of the Property; or
- d. any construction or other work undertaken by Owner on the Property.
- e.

This indemnification shall include, without limitation, reasonable fees for attorneys, consultants and experts and related costs and City's cost of investigating any Claims. Owner shall defend the City from any and all Claims even if such Claim is groundless, fraudulent or false. Owner's obligations under this Paragraph shall survive termination of this Agreement.

13) Governing Law This Agreement shall be construed and enforced in accordance with the laws of the State of California.

- 14) **Amendments** This Agreement may be amended in whole or in part only by a written recorded instrument executed by the parties hereto in the same manner as this Agreement.
- 15) **No Waiver** No failure by the City to insist on the strict performance of any obligation of Owner under this Agreement or to exercise any right, power or remedy arising out of a breach hereof, shall constitute a waiver of such breach or of City's right to demand strict compliance with any terms of this Agreement. No acts or admissions by City, or any agent(s) of City, shall waive any or all of City's right under this agreement.
- 16) **Severability** If any provision of this Agreement is determined to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each other provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 17) **Recording with Alameda County (California Government Code Section 50282(e))** No later than 20 days after execution of this Agreement, the Owner shall record with the county recorder a copy of the Agreement and provide proof of such to the City.
- 18) **Notice to State Office of Historic Preservation** The Owner shall provide written notice of the Agreement to the State Office of Historic Preservation within six (6) months of the date of this Agreement, and provide City with a copy of such notice.
- 19) **Eminent domain (California Government Code Section 50288)** In the event that the Property is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the Agreement, such Agreement shall be canceled and no fee shall be imposed under Paragraph 9. This Agreement shall be deemed null and void for all purposes of determining the value of the Property so acquired.
- 20) **General Provisions** None of the terms, provisions, or conditions of this Agreement shall be deemed to create a partnership, joint venture, or joint enterprise between any of the parties hereto, or any of their heirs, successors or assigns.
- 21) **Attorney's Fees** In the event legal proceedings are brought by any party or parties hereto, to enforce or restrain a violation of any of the covenants, reservations or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover its reasonable attorney's fees in addition to court costs and other relief ordered by the court.

22) **Complete Agreement** This Agreement represents the complete understandings and agreement of the parties and no prior oral or written understandings are in force and effect.

23) **Headings** The headings in this Agreement are for reference and convenience of the parties and do not represent substantive provisions of this Agreement.

IN WITNESS WHEREOF, City and Owners have executed the Agreement on the day and year first written above.

Property Owner(s):

date

date

City of Oakland:

Edward D. Reiskin date
City Administrator

APPROVED AS TO FORM AND LEGALITY

Jordan Flanders date
City Attorney

EXHIBITS

- EXHIBIT A: Legal Description of Property
- EXHIBIT B: Schedule of Improvements
- EXHIBIT C: The Secretary of the Interior's Standards for Rehabilitation
- EXHIBIT D: Minimum Property Maintenance Standards

EXHIBIT C: SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES - Standards for Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

EXHIBIT D: MINIMUM PROPERTY MAINTENANCE STANDARDS

The following conditions are prohibited:

Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, windows, broken windows, peeling exterior paint, broken structures;

Graffiti;

Incomplete exterior construction where no building inspections have been requested for six or more months, or for work which does not require a building permit, where there has been no significant progress for 90 days.