

Case File Number PUD03552, PUDF03553 and ER30022

LPAB August 12, 2013

**Attachment I: Findings Required for the Demolition of Historic
Properties – Category III**



CAREY & CO. INC.
ARCHITECTURE

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City of Oakland

Finding 1

Demolition Findings for Category III Historic Properties

440-448 23rd Street
The Hive – Valley Street Flats
Oakland, California

The proposed project known as The Hive proposes to demolish a building located at 440-448 23rd Street. This property is considered a historic resource by the City of Oakland and, as such, is subject to the city's Findings Required for the Demolition of Historic Properties; more specifically the Demolition Findings for Category III Historic Properties. Under this category, the proposal to demolish 440-448 23rd Street, a Cb+2+ rated building, must meet one of three findings. In consultation with city staff, Finding 1 will be addressed for the proposed project.

Finding 1: The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood.

1. A discussion of design quality in terms of: visual or design value; quality of surface materials; quality of detailing; composition; construction detail; and architectural integrity.

The Hive is a mixed-use real estate development adjacent to Oakland's Uptown Arts District. It is a city block of offices, retail, restaurants, outdoor event space and residential flats. The plan saves the most structurally sound existing 1920's era brick retail and warehouse buildings on Broadway and at the corner of Valley and 24th Streets. These buildings will be adapted for new uses. Ninety years of multiple remodels is being removed from their street facades. New buildings will connect between the salvaged old buildings and help re-establish an urban street edge. One of these new buildings will front on Valley Street.

On Valley Street, there will be a new three-story building that spans three quarters of Valley Street between 23rd and 24th Streets. The Valley Street façade is divided into two distinct parts. The southern two-thirds of the building is clad in painted cement plaster on all floors. The northern portion is clad in thin brick veneer at the lower two floors and painted cement plaster on the third floor. This cladding carries around the corner to the 23rd Street elevation. At the corner of Valley and 23rd Streets the brick cladding extends to the third level, thereby placing an emphasis on this corner, a desirable feature of the design. The overall composition of the brick-clad portion follows that of the rest of the building and is consistent in its pattern of wide and narrow bays, recessed entries, porches at the ground level, balconies at the upper two floors, and the use of industrial-looking aluminum windows. Thus, the two parts of the building maintain the overall integrity of the design approach.

The new brick cladding reflects the exterior material of the existing 440-448 23rd Street, a historic resource. Although taller by several stories, both the Valley and 23rd Street elevations are divided into distinct bays divided by protruding pilasters that reflect, but do not mimic the existing historic resource.

The elevations are further detailed in brick at the headers (8") and sills (4") of the windows and at the openings for the porches and balconies. Corner brick pieces will be used to wrap pilasters and columns with the look of full brick. An 8" cornice brings the elevations to visual closure at the roof.

2. For proposals in an ASI, the analysis should compare the integrity of the ASI with the proposal to the integrity of the ASI with the structure proposed for demolition. This analysis should include a discussion of consistency with street frontage patterns, fenestration patterns, contribution to the visual quality of the district, and cohesiveness of the district.

440-448 23rd Street was included as a contributing building to the 23rd Street Group, an Area of Secondary Importance (ASI) through its rating of Cb+2+ in the Oakland Cultural Heritage Survey (OCHS). This was confirmed in a note in a preliminary Draft EIR for the Broadway & West Grand project (ER 03-0022) dated June 16, 2004. The note read: "REVIEWERS: In her comments on the ADEIR, Betty Marvin confirmed that this building [440-448 23rd Street] is within the ASI (23rd Street Group) that includes the buildings across 23rd Street" (page IV.E-17).

Since that time, all the buildings across 23rd Street have been demolished and replaced with a seven-story mixed-use development. Effectively this new development has removed the majority of the 23rd Street Group ASI leaving 440-448 23rd Street the sole remaining property in that group. Because of the loss of the ASI, an analysis of consistency cannot be made.

3. A discussion of the historic significance of the structure proposed for demolition.

440-448 23rd Street is rated Cb+2+ in the OCHS. This indicates that the property is of secondary importance (C), possibly of major importance (b) and a contributor (+) to an Area of Secondary Importance (the Valley Street Group), which no longer exists as noted above. In 2004, Carey & Co. confirmed this rating through an onsite survey and additional research into the historic significance of the property. For the current project, Carey & Co. made a site visit to view the exterior of the building and confirmed that it continues to retain its integrity. See recent photographs.

4. A discussion of whether incorporation of the historic structure into the proposal will result in a project that has a design quality that is at least equal or better than the original structure.

The existing historic structure is a single story building, which would not be able to provide the residential density necessary for the overall project. The proposed density would have to be accommodated in a three story structure with two new floors above the existing one-story building. Even if the upper two floors were setback, the historic structure would be overwhelmed and it would lose its integrity of design, feeling, and association. Since the existing building has also lost its setting due to the loss of the Area of Secondary Importance, the design quality with incorporation of the building into the project would be less than the original structure.

However, consideration was given to the possibility of retaining the facades and building additional floors behind. This was deemed to be infeasible structurally and architecturally. Structurally, since there are little structural properties in the existing walls, a new building would essentially have to be constructed behind the existing wall with a structural system to support and brace the historic facades. Architecturally, the height of the historic building is approximately 19 feet to the top of the parapet. The underside of the arches at each bay is about 15 feet above the ground. A new building constructed

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behind would have 11 feet floor-to-floor. These are common residential heights. The result would be a ground floor unit with its ceiling below the arch and a second floor unit with its windows and balcony mostly hidden by the parapet. Both of these conditions are undesirable from a livability standpoint.

Another consideration was given to incorporating the existing building into the overall project by using the ground floor for commercial uses, which could take advantage of the existing ceiling heights. However, the city's land use policies deemed commercial uses to be more desirable along Broadway, where commercial uses are placed in existing buildings as part of the larger project.



Figure 1. Corner showing the two primary elevations

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Figure 2. 23rd Street Entry



Figure 3. Entry Detail

Category III

FINDINGS REQUIRED FOR THE DEMOLITION OF HISTORIC PROPERTIES

This handout contains the findings required to be met to approve a Regular Design Review application to demolish a historic structure in the City of Oakland. These findings are required by Section 17.136.075 of the Planning Code. All other regulations, including analysis required under the California Environmental Quality Act, apply.

The handout also describes the items required to be submitted with the design review application. The goal of the required submittals is to assist staff in evaluating whether a project meets the findings required to demolish a building. The submittals may consist of economic and financial analyses, informational reports, and/or "discussion points" required to be addressed within a design or historic analysis of a project. The submittals are not criteria for whether a demolition can or cannot occur; they are only the information required by the City to make a determination as to whether an application meets the required findings for demolition. Further, the required submittals are not meant to discourage either contemporary or historicist architecture in new construction. The Planning Director can, from time to time, make modifications to the required submittals if they are consistent with the intent of the proposed requirements.

All reports required for the demolition findings must be prepared by independent third party consultants or be peer reviewed. Reports will be paid for by the applicant and consultant shall be approved by, and report to, the City. All applicable discussion points shall be taken into account when making a finding. If a point is not applicable, the analysis shall state why. Any submittal may also include attributes that support the demolition proposal and/or the replacement project.

A complete application for demolition of historic property includes following:

- A completed application for Regular Design Review.
- A description of how a project meets the findings described in this form.
- The required submittals described in this form.
- A complete application for the replacement project, including plans designed by a licensed architect.

Different findings are required for the demolition of three categories of historic structures::

- **Category I** includes any Landmark; Heritage Property; property rated "A" or "B" by the Oakland Cultural Heritage Survey; or Preservation Study List Property. This category excludes any property that falls into Category II.
- **Category II** includes properties in an S-7 or S-20 zone or an Area of Primary Importance. Any building, including those that do not contribute to the historic quality of the district, fall into this category.
- **Category III** includes properties rated "C" by the Oakland Cultural Heritage Survey or contributors to an Area of Secondary Importance. This category excludes any property that falls into Category II.

Please call the Oakland Cultural Heritage Survey at (510)238-6879 to determine if a property falls into any of the three categories described above.



CITY OF OAKLAND DEMOLITION FINDINGS FOR CATEGORY III HISTORIC PROPERTIES

The following findings are required to be met to demolish a Category III Historic Structure. This category includes properties rated “C” or that are contributors to an Area of Secondary Importance as defined by the Oakland Cultural Heritage Survey. This category excludes any properties contained in Category II, such as buildings that contribute to an Area of Primary Importance, S-7 zone, or S-20 zone.

A proposal to demolish a Category III historic resource must meet one of the three of the findings described below. Please indicate how the proposed demolition meets the required finding(s) and include all the applicable corresponding submittal materials.

The submittals and discussion points for Category III are for guidance to the applicant and staff. These submittal requirements may be modified on a case-by-case basis by the Planning Director depending on the content of a particular proposal.

Finding 1: The design quality of the proposed replacement project is at least equal to that of the original structure and the proposed replacement project is compatible with the character of the neighborhood.

Finding 1 submittal requirements:

Analysis of 'equal quality' and compatibility prepared by historic architect, or professional with equivalent experience. This analysis should include:

1. A discussion of design quality in terms of: visual or design value; quality of surface materials; quality of detailing; composition; construction detail; and architectural integrity.
 2. For proposals in an ASI, the analysis should compare the integrity of the ASI with the proposal to the integrity of the ASI with the structure proposed for demolition. This analysis should include a discussion of consistency with street frontage patterns, fenestration patterns, contribution to the visual quality of the district, and cohesiveness of the district.
 3. A discussion of the historic significance of structure proposed for demolition.
 4. A discussion of whether incorporation of the historic structure into the proposal will result in a project that has a design quality that is least equal or better than the original structure.
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Finding 2: The public benefits of the proposed replacement project outweigh the benefit of retaining the original structure.

Finding 2 submittal requirements:

The analysis should include a discussion of the benefits of the replacement structure and the existing historic structure, prepared by appropriate qualified consultants such as an economist, realtor with experience in evaluating both new and historic structures. The analysis should include a discussion of the following topics, as applicable:

1. Civic, community, and neighborhood identity;

2. The economy, including the City's tourism industry and the local commercial district. This includes the number of post construction jobs provided.
 3. The services provided to the community, including social services;
 4. Fulfilling the intent of (1) the Land Use and Transportation Element of the General Plan for the area and (2) other General Plan policies, as applicable.
 5. Housing opportunities;
 6. Cultural heritage and the image of the City and local neighborhood; and
 7. Educational opportunities and cultural resources regarding architectural and local history.
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Finding 3: The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

Finding 3 submittal requirements:

1. The submittal shall include an analysis, to be reviewed by the Oakland Cultural Heritage Survey, to determine if the building is "of no particular interest" as defined by the Historic Preservation Element survey evaluation methods and criteria. If the applicant submits a claim that the structure proposed for demolition is of "no particular interest", then the applicant may provide material such as photos, written analysis or expert opinion that provides evidence that the building should be so rated.
2. Analysis of 'compatibility with the neighborhood' prepared by historic architect (see discussion point 2. for Finding 1, above).