

Category II

FINDINGS REQUIRED FOR THE DEMOLITION OF DESIGNATED HISTORIC PROPERTIES AND POTENTIALLY DESIGNATED HISTORIC PROPERTIES

This handout contains the findings required to be met to approve a Regular Design Review application to demolish a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) in the City of Oakland. These findings are required by Section 17.136.075 of the Oakland 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 an historic building. The submittals may consist of economic, structural and financial analyses and/or informational reports. 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.

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. Any submittal shall also include attributes that support the demolition proposal and/or replacement project.

A complete application for demolition of a Designated Historic Property (DHP) or Potentially Designated Historic Property (PDHP) includes following:

- ▶ A completed application for Regular Design Review;
- ▶ A description of how a project meets the findings described in this form; and
- ▶ The required submittals described in this form.

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 (API). Any building in an S-7 or S-20 Zone or an API, 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 (ASI). 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 II HISTORIC PROPERTIES

The following findings are required to be met to demolish a Category II Historic Structure. This category includes any buildings in an Area of Primary Importance (API), S-7 Zone, or S-20 Zone.

Finding 1a. or 1b. plus Findings 2, 4 and 5, below, must be met to demolish a Category II Historic Resource that contributes to an API, S-7 Zone, or S-20 Zone historic district.
Finding 3a., 3b., or 3c. plus Findings 4 and 5 are required to be met to demolish a noncontributing property.

Please indicate how the proposed demolition meets the required findings and include all the applicable submittal materials for the corresponding findings.

Finding 1 (contributing properties): The applicant demonstrates that:

a) the existing property has no reasonable use or cannot generate a reasonable economic return and that the development replacing it will provide such use or generate such return; **OR**

b) the applicant demonstrates that the structure constitutes a public nuisance and is economically infeasible to rehabilitate on its present site. For this finding, a public nuisance constitutes a threat to health and safety that is not immediate.

Finding 1a. submittal requirements:

1. *Building Use – Economic Viability.* The applicant shall submit a market analysis prepared by an architect, developer, real estate consultant, appraiser, or other real estate professional with extensive experience in both real estate and historic rehabilitation based on the requirements contained in the Economic Viability Report Requirements, attached. The Economic Viability Report must demonstrate all of the following:
 - a. The current use does not generate a reasonable economic return (may include market report of like uses and building scale in the same or similar neighborhood);
 - b. That appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return;
 - c. That alterations or additions to the existing building could not make the current or future use generate a reasonable economic return; and
 - d. Potential Federal Tax Credits, Mills Act Contracts, Façade Grants, Transfer of Development Rights or other funding sources are not feasible to bridge the gap identified above.

Finding 1b. submittal requirements:

1. A declaration from the Building Official or City Council that the structure to be demolished

is a public nuisance. For this finding, a public nuisance constitutes a threat to health and safety that is not immediate.

2. A report from a licensed engineer or architect with extensive experience in rehabilitation as to the structural soundness of the property and its suitability for rehabilitation. The soundness report shall be based on the requirements contained in the Soundness Report Requirements, attached.
3. Existing Building Appraised Value. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - a. Existing Building/Property Appraisal (current within the last six months):
 - i. Estimated market value of the property in its current condition under best practices management;
 - ii. After repair of construction deficiencies as defined in the Soundness Report Requirements, attached;
 - iii. After completion of the proposed demolition or removal; and
 - iv. After completion of the replacement project proposal.

Finding 2 (contributing properties): It is economically, functionally, architecturally, or structurally infeasible to incorporate the historic structure into the proposed development.

Finding 2 submittal requirements:

A report prepared by an architect or professional with equivalent experience shall be submitted that addresses the following points:

1. Could alternations or additions to the existing building make the current or a future use generate a reasonable economic return and/or architecturally/structurally accommodate the proposed uses?
2. Do preservation alternatives exist which can achieve at least the same level of non-preservation benefits?
3. Include an economic benefits analysis that takes into consideration the educational, cultural, social, equity, and economic benefits of the historic building and the proposed building, and discusses the potential economic benefits of a rehabilitated or reused cultural resource, including how building or district character might affect property values, attract commercial economic development, and increase City tax revenues. Some issues that shall be considered include, but are not limited to:

- The benefits to the City's tourism industry;
- The benefits to owners of other commercial and residential property owners and renters in the area;
- The services provided to the community;
- Housing and jobs opportunities;
- Civic, community, and neighborhood identity; and

- Cultural heritage and the image of the City and local neighborhood

Finding 3 (noncontributing properties): The existing facility is:

a) a public nuisance. For this finding, a nuisance structure constitutes a threat to health and safety that is not immediate; **OR**

b) the public benefits of the proposed replacement project outweigh the benefit of retaining the original structure; **OR**

c) the existing design is undistinguished and does not warrant retention.

Finding 3a. submittal requirements:

1. A declaration from the Building Official or City Council that the structure to be demolished is a public nuisance. For this finding, a public nuisance constitutes a threat to health and safety that is not immediate.

Finding 3b. submittal requirements:

1. A public benefits analysis that takes into consideration the educational, cultural, social, and economic benefits of the existing building, and discusses the potential economic benefits of the proposed replacement project. Some issues that shall be considered include, but are not limited to:
 - a. The benefits to the City's tax revenues and economic development;
 - b. The benefits to owners of other commercial and residential property owners and renters in the area;
 - c. The services provided to the community; and
 - d. Housing and jobs opportunities.

Finding 3c. 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.
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Finding 4 (all properties): The design quality of the replacement project is equal or superior to that of the existing facility.

Finding 4 submittal requirements:

A report prepared by an architect or professional with equivalent experience shall be submitted that addresses whether the proposal demonstrates equal or superior quality with respect to:

1. A clearly identifiable visual or design value. For instance, does the replacement project express its present character as strongly as the historic design expressed its past?
2. Durability, quality, and design value of surface materials. Durable and quality materials include, but are not limited to: stone, granite, marble, concrete, highest quality and detailed glass curtain wall, terra cotta or other materials appropriate to the design style of the building or context of the neighborhood. In terms of design value, are materials in the replacement building used to enhance the architectural design elements of the building instead of used solely for the sake of variety?
3. Significant enhancement of the visual interest of the surrounding area;
4. Composition. A well composed building integrates all aspects of the building (materials, façade patterns, proportions, openings, forms, massing, detailing, etc.) into its overall character and design.
5. Site setting, neighborhood, and streetscape contexts;
6. Incorporating construction details, methods, or structural materials that successfully address challenging structural problems, contribute significantly to the project's overall design quality, exhibit fine craftsmanship, or are visible design elements;
7. The replacement project's reflection of the time it was designed, not merely a caricature of the demolished building;
8. The replacement project's contemporary interpretation of the demolished building's elements in terms of the cultural, historic, economic, or technological trends of its time.

Finding 5 (all properties): The design of the replacement project is compatible with the character of the district, and there is no erosion of design quality at the replacement project site and in the surrounding area. This includes, but is not necessarily limited to, the following additional findings:

1. The replacement project is compatible with the district in terms of massing, siting, rhythm, composition, patterns of openings, quality of material, and intensity of detailing;
2. New street frontage includes forms that reflect the widths and rhythm of the facades on the street and entrances that reflect the patterns on the street;
3. The replacement project provides high visual interest that either reflects the level and quality of visual interest of the district contributors or otherwise enhances the visual interest of the district;
4. If the design contrasts the new to the historic character, the replacement project enriches the historic character of the district;
5. The replacement project is consistent with the visual cohesiveness of the district. For the purpose of this item, visual cohesiveness is the architectural character, the sum of all visual aspects, features, and materials that defines the district. A new structure contributes to the visual cohesiveness of a district if it relates to the design characteristics of a historic district. New construction may do so by drawing upon some basic building features, such as the way in which a building is located on its site, the manner in which it

relates to the street, its basic mass, form, direction or orientation (horizontal vs. vertical), recesses and projections, quality of materials, patterns of openings and level of detailing. When a combination of some of these design variables are arranged in a new building to relate to those seen traditionally in the area, but integral to the design and character of the proposed new construction, visual cohesiveness results; and

- 6. The replacement project will not cause the district to lose its current historic status.**

Finding 5 submittal requirements:

Analysis of the findings prepared by a historic architect or professional with equivalent experience. Discussion points include the following:

1. The proposed design not only protects the integrity and aesthetic quality of the historic district but enhances and enlivens the historic fabric at the same time respecting and recognizing the district or due to circumstances discussed in the analysis, the project has been designed as a background project to the district (i.e., a simplified version of a period revival style).
 2. The new building's contemporary interpretation of the demolished building's elements in terms of the cultural, historic, economic, or technological trends of its time.
 3. If a replacement project conveys an authenticity of its own time, it is compatible with the authenticity of the existing historic district.
 4. The compatibility of the design of the replacement proposal with the district without being merely a compilation of façade features that are common to district or a caricature of the buildings in the district.
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CITY OF OAKLAND SOUNDNESS REPORT AND ECONOMIC VIABILITY REPORT REQUIREMENTS

Applicants proposing the demolition of any Category II resource that contributes to an Area of Primary Importance, S-7 Zone, or S-20 Zone require a report to determine the structural soundness of the historic building. Demolition proposals also require a report that focuses on the economic viability of the building. This attachment explains what should be included in both the Soundness Report and Economic Viability Report.

Soundness Reports are required to be produced by licensed construction professionals (architects, engineers, and contractors) or by certified construction cost estimators or building inspectors. The author of the report must be a disinterested third party that is not involved in the development's ownership, design or construction. Professionals who prepare such reports must be familiar with the City's demolition regulations and knowledgeable about construction assemblies, processes and cost.

Soundness Reports should focus on the structural integrity of the building or structure. It identifies potential problems and provides recommendations for repairs or further investigation. The report typically includes a general description of the structure, observations of its condition, analysis of any issues, and recommendations for addressing them.

Economic Viability Reports, on the other hand, should focus on an economic measure of the building, and must demonstrate all of the following:

- The current use does not generate a reasonable economic return (may include market report of like uses and building scale in the same or similar neighborhood);
 - That appropriate and reasonable alternate uses in the building could not generate a future reasonable economic return; and
 - That alterations or additions to the existing building could not make the current or future use generate a reasonable economic return.
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Definitions

Soundness is a measure of the structural integrity of a building or structure.

Nuisance structure is defined the same as it is in the Demolition Findings. For this finding, a nuisance structure constitutes a threat to health and safety that is not immediate.

Unsafe structure is defined the same as it is in the Demolition Findings. For this finding, an unsafe structure means a structure found by the Building Official or City Council to require immediate issuance of a demolition permit to protect the public health and safety.

Key Components of a Soundness Report

- *Introduction and Scope:*

This section outlines the purpose of the report, the building or structure being assessed, and the scope of the investigation (e.g., visual inspection, specific areas of concern).

- *General Description:*

A detailed description of the building's structural systems, including foundations, walls, framing, and roof, along with construction details.

- *Observations:*

This section documents the findings of the inspection, including any signs of distress like cracks, settlement, or deterioration. It should note the location and extent of any issues.

- *Analysis:*

The report analyzes the identified issues, including the cause of the problem (if known) and its potential impact on the structure's overall stability.

- *Recommendations:*

This section provides guidance on necessary repairs, further investigations, or preventative measures to address the identified issues.

- *Supporting Documentation:*

The report must include photographs, drawings, or other relevant documents to support the findings and recommendations.

Example:

A report on a historic building might note that the parapet wall exhibits deterioration and that some settlement has occurred along the perimeter. The analysis might suggest that the deterioration is due to weathering and the settlement may be due to soil conditions. The recommendations might include repairing the parapet, addressing the settlement, and potentially further investigating the foundation.

Importance of Soundness Reports

- *Building Safety:*

Determining the structural integrity of buildings, identifying potential collapse or other safety hazards. Generalities and assertions unsupported by professional, detailed justification, or by photographic evidence or other documentation will undermine the essential credibility of the report. Careful and thorough demonstration of any hazardous condition is required.

Copies of any structural engineering report and any other documentation supporting the conclusions of the soundness report should be provided.