

A QUARTERLY PUBLICATION OF THE CALIFORNIA PRESERVATION FOUNDATION

"STATE REGISTER" BILL (SB 1188) INTRODUCED BY SENATOR MILTON MARKS

After four years of work by the State Historical Resources Commission, the Office of Historic Preservation and the heritage conservation community, the California State Register of Historical Resources is now a legislative proposal. SB 1188, based on recommendations approved by the Commission last Fall, would establish one all-encompassing register for State Landmarks, Points of Historical Interest, National Register properties (and those 'determined eligible'); local surveys, funded by the State Office, professionally evaluated, and updated by local communities, **the key to the program**, would also be eligible for the State Register, creating a great opportunity for cities and counties to benefit from the incentives attached to listing on the State Register. This item must still be amended in at this point, and CPF is insisting. A new element, folklife resources, adds to the comprehensive nature of this innovative California Register, a priority identified by the Heritage Task Force in 1984. CPF has worked hard to make this program a possibility and we are very excited by the prospects at this time... **but we will need your help to get SB 1188 enacted.**

Senator Marks' staff has been most helpful, but the 'local survey' amendments may not be a sure bet. **The bill also would require EIRs for any project impacting a State Register property**, and we know this provision will run into opposition. CPF has also suggested specific language to ensure that the State Historical Resources Commission oversees the program. Finally, we anticipate start-up costs for the program to be in the \$50,000 - 75,000 range --- not much, but more than the administration may support. .

With the 'local survey' component in place, the State Register could be of enormous benefit to local preservationists in California. Support letters are necessary, and mention:

- (1) local surveys must be eligible for the State Register, as intended and approved by the State Historical Resources Commission;
- (2) CEQA coverage of State Register properties - listed or eligible for listing - is reasonable and necessary; and,
- (3) the Commission, charged with creating the program, should be involved in ongoing program management.

Our latest information is:

SB 1188 is scheduled for hearing on Tuesday, May 9, in Senate Natural Resources Committee (Dan McCorquodale, Chairman). Letters and telegrams addressed to him should be sent to Room 2031 - State Capitol, Sacramento, CA 95814; copies of letters should go to Senator Marks (Room 5035 - State Capitol, Sacramento, CA 95814) **and to CPF.**

The Heritage Task Force and CPF have envisioned a comprehensive California preservation program, with benefits and protections similar to the federal program but closer at hand and more in keeping with California's sense of what is a valued cultural resource. This expanded State Register is the heart of the program; help us make it a reality.

Write/send your letter or telegram now!

COSTA INTRODUCES BOND ACT (\$\$\$\$)

Assemblyman Jim Costa (Fresno) designed AB 145, the "California Wildlife, Park, Recreation, and Museum Bond Act of 1990", last year but it was held back because of the success of Prop 70, the citizen initiative Bond Act passed last June. AB 145 (with "History" added to the Title, we hope), creates a 710 million dollar fund for natural and cultural resources' acquisition/development, projects much like those funded under Prop 70 and Farr's 1984 Bond Act.

15 million is specifically earmarked for Historic Preservation, but preservation is also an eligible activity in several categories over the two years (FY 1991/92 & FY 1992/93) currently envisioned for program coverage:

- (a) 250 million is allocated for cities and counties (with the 15 million for preservation in this amount) in 10 categories, most open to a preservation project interpretation.
- (b) 70 million would go to the Coastal Conservancy, with at least one category - 20 million for urban waterfront restoration - lending itself to a preservation perspective.

AB 145 is being amended, so we haven't seen the final language yet. We are supporting others in the effort to ensure OHP manages the 15 million and is provided adequate administrative costs (to avoid last year's problem which saw DPR attempt to move the preservation grants from OHP). We also understand that language will be added to make archaeology a category clearly eligible for these grants.

CPF has also commented at length on the bill as it is currently written:

- (1) we would like to see the State Historical Resources Commission overseeing the grants (as SB 1252 requires).
- (2) we would like to see at least 1 million dollars added to allow grants for education, survey and planning, rather than limiting this to "bricks and mortar" projects alone.

("Costa" story continues on next page)

COSTA BILL - AB 145 (continued)

(3) we urged that grant eligibility include listing on the new "State Register", and that the State Historical Resources Commission be written into the grant selection process, as required by SB 1252, and,

(4) grants awarded be subject to "Section 5024" a State Public Resources Code provision --- similar to Section 106, but now only covering State Agencies, not the negative impacts on cultural resources resulting from State funding.

Costa's staff inform us that AB 145 will be heard on May 2 (or May 16) by Assembly Water, Parks and Wildlife Committee, chaired by Costa. Address letters to: Jim Costa, Chairman, Water, Parks and Wildlife Committee, Room 2111- State Capitol, Sacramento, CA 95814. And please send CPF a copy of your letter.

Federal "bricks and mortar" grants may never be seen again so state bond acts may be the only real source; there is no preservation money for "education and planning" so argue the case for a set-aside (we suggested one million be added to OHP's 15 million). And remind the author that OHP should be running the preservation grant program, and needs adequate administrative money to do so!

OTHER BILLS INTRODUCED

SB 1088 (Mello) amends the 1982 Community Facilities Act permitting cities and counties to create bond financing and assist property owners in meeting new seismic standards. CPF is attempting to ensure that funds raised and loans made will require that seismic work on 'qualified historic buildings' be done in accordance with the State Historical Building Code and the "Secretary's Standards".

SB 1453 (Marks) redefines the role of the State Lands Commission in granting permits for underwater salvage of shipwrecks and historic maritime resources. The Society for California Archaeology feels this bill would give the Commission its first real opportunity to protect the public interest in dealing with the salvage industry, and OHP is written into the bill with a permit review prerogative. The bill is worthy of **SUPPORT**. Policy Committee hearings before Senate Natural Resources Committee are to be April 11.

SB 1600 (Roberti), a CPF initiated "CEQA bill", would require an EIR if historical properties are to be demolished, expanding the category of "historic property" to include properties recognized as significant by OHP. We would hope the bill would stop the issuing of demo permits (often "ministerial" and not subject to CEQA) and eliminate project segmenting (demolishing a building by permit, bringing in the new project for CEQA review on the site later --- a practice validated by the "Adams Point" decision in Oakland). **SB 1600 is scheduled for hearing on May 9, before Senate Natural Resources Committee (as is the State Register bill); send letters and telegrams to: Senate Natural Resources Committee, Chairman Dan McCorquodale, Room 2031 - State Capitol, Sacramento, CA 95814.**

SB 1600 should be very important to you - WRITE!

FIVE VIEWS - New Publication from OHP

The State Office of Historic Preservation announces the publication of *Five Views, an Ethnic Sites Survey for California* (272 pages, 145 photographs) showing historic and contemporary properties associated with American Indians, Black Americans, Chinese Americans, Japanese Americans, and Mexican Americans in California. Each chapter surveys one group, providing historical overviews and descriptions of sites which tie events and people of the past to the places which best represent them. *Five Views* will be useful to schools, local planners, historians, and anyone interested in California's rich cultural heritage. As California SHPO Kathryn Gualtieri observed, "*Five Views* provides a dramatic portrait of California's multi-heritage experience exemplified by heroic struggles, cultural unity, and pride of community."



The Chinese town of Locke in the Delta (Photo: Aaron Gallup)

Five Views is available for \$11.95 (plus tax & \$1.00 for handling); order from OHP, P.O. Box 942896, Sacramento, 94296-0001, or call Publications at (916) 322-7000. The book will be sold at the State Conference in L.A. and five of the authors — Antonio Castaneda, Jose Pitti, Isami Arifuku, Eleanor Ramsey and Nancy Wey — will be there to autograph copies of *Five Views*.

OOPS --- In our October, 1988 issue, we inadvertently forgot to thank Mel Green and the International Conference of Building Officials for their generous participation as co-sponsors and contributors during the four one-day conferences on building codes and their impact on the preservation of historical resources. ICBO donated Mel Green's time, travel and accommodations, as well as contributing over 200 copies of the Uniform Code for Building Conservation. We at CPF sincerely thank ICBO and Mel Green for their generous contributions.

Preservation Week
May 14th-20th

Look Homeward
America

NEXT NEWSLETTER DEADLINE-JUNE 30



CALIFORNIA PRESERVATION FOUNDATION NEWS

REGIONAL WORKSHOPS CONTINUE

Sonora is the latest locale for a CPF workshop on preservation. Co-sponsored by the Tuolumne County Planning Department, the workshop will be held on Friday, May 19, from 8:45 a.m. until 4 p.m. CPF trustees --- Bruce Judd, Wayne Donaldson and GeeGee Platt --- with Executive Director John Merritt, will take part in the program which is aimed at Gold Country public and private sectors.

Topics to be covered include planning for preservation at the local level, a review of state and federal legislation, recognizing historic architectural building features, the importance of archaeology in California history, landmarks commissions, the State Historic Building Code, economic incentives and restoration principles and techniques.

Joining CPF representatives at the podium will be Maryln Lortie who will discuss the State Office of Historic Preservation's role in California and the programs and services OHP offers; Julia Costello, a professional archaeologist and former member of the State Historical Resources Commission; M. E. Freeman, a Sonora resident who will tell about his successful rehab of the 1852 City Hotel Building in Sonora and Elena Marie Koster, manager of Sonora's highly acclaimed Main Street Project.



The 1857 Tuolumne County Jail (now museum) in Sonora

Three local preservation groups are co-sponsors of the day-long forum: Central Sierra Archeological Society, Southern Tuolumne County Historical Society and the Tuolumne County Historical Society. The latter organization is hosting a continental breakfast in the morning. Lunch will be served in the courtyard of the historic Tuolumne County Jail/Museum. Self-guided walking tours of landmark buildings found between the workshop and luncheon sites will be part of the day's emphasis on the value of preserving the irreplaceable past.

Deadline to register is May 10. Tuition is \$25.00 per person (includes lunch). Reservations can be made with the Tuolumne County Planning Department, 2 South Green Street, Sonora, CA 95370. The Planning Department's telephone number is (209) 533-5611.

The preservation workshop is part of a hopping busy weekend in the Gold Country for CPF board members. Our quarterly meeting will be held in the historic Odd Fellows Lodge building (1853) in downtown Sonora. And, on top of everything else, that weekend is part of the four-day run of the Calaveras County Fair where the world-famous Frog Jump is held.

CPF regional workshops are held periodically in non-metropolitan areas; the next such program is scheduled for Escondido in July. CPF realizes everyone can't come to the "big city" for the Annual State Conference and we try to deal with regional needs in this way. If your local preservation group is willing to host a "Regional Workshop" and help with the planning, call the Foundation office in Oakland (415/ 763-0972) to initiate the discussions.

TAX INCENTIVES FOR PROPERTY OWNERS

Rancho Cucamonga has been working to find as many incentives as possible which would encourage owners of historic properties to feel enthusiastic about landmark designation. A most promising, often mentioned but surprisingly underused tool is the **Mills Act**.

This State law (Government Code Section 50280.1) enables a city council to contract with an owner of a qualified historical property (listing on an official local register may be sufficient) to "restrict the use of the property" for historic preservation purposes. The contract term is for a minimum of ten years. It can contain conditions about repair and rehabilitation, but there is no public access requirement as there once was. Once a contract is approved, the county assessor's office is notified, and the assessor must then determine the value of the property using a "capitalization of income method." In some cases, especially for property bought after Proposition 13, property taxes may be reduced by a large percentage. The beauty of the Mills Act is that a modest home can qualify — there's no necessity for a National Register listing or an "income producing" goal, as is the case with federal tax credits.

To figure out how the Mills Act works, get a copy of Article 1.9, Section 439 of Chapter 3, Part 2, Division 1 of the State Revenue and Taxation Code (your city's finance department may be willing to photocopy the two pages of section 439.2 — the heart), along with a copy of the Mills Act, and ask your tax preparer to calculate your savings.

An oversimplified example of how it works for an owner-occupied home is as follows:

1. Calculate the annual income that would be earned by your qualified historic building if it were to be rented, minus expenses.
2. Calculate the "capitalization rate" by adding:
 - a. The Federal Home Loan Bank Board's September interest rate rounded to the nearest 1/4%, (last September: 10.25), PLUS
 - b. An historical property risk component of 4% for residential property, PLUS

(story continues on page 4)

- c. Tax rate percentage (a little over 1%), PLUS
- d. Percentage equal to reciprocal of the remaining life of the building. "Remaining life" figures of 20-50 years are commonly used; the reciprocal of 20 years is 1/20, which is 5%.

3. Divide the annual income in (1) by the sum of a., b., c. and d.

The answer gives you the new value of the historic property. The current tax rate is applied to this new value. When we calculated an example of a \$100,000 house which ordinarily would pay about \$1200 per year in property taxes, the new taxes under the Mills Act were under \$300 per year.

City staff called all over the state to find sample agreements and found only a handful. Rancho Cucamonga's City Attorney has drawn up a sample model agreement which will soon be presented to the City Council. If the concept is approved by the Council, owners of potential landmarks will be contacted to see if they are interested in pursuing an agreement. Landmark designation and preservation would be a requirement. The contract automatically renews itself every year unless a notice is given. If an owner cancels a Mills Act contract without the required 10-year notice, the law mandates payment of a hefty fee: 12 1/2% of the full current value of the property.

— Arlene Banks

Editor's Comment : CPF, following Heritage Task Force recommendations, succeeded in getting amendments made to the Mills Act in 1985 in an attempt to simplify the requirements and increase usage. We also found that the Mills Act cancels any Prop. 13 reassessment at time of sale of a contracted property, another real benefit. Still, there are few instances of Mills Act use. CPF member Arlene Banks, Associate Planner for the City of Rancho Cucamonga, contributed this article as the first part of a renewed CPF effort to make this important incentive better known to Californians; we intend to publish a lengthier study on the rules, process, and benefits - with sample contracts and case studies - in September.

LONG BEACH FREEWAY UPDATE

The longstanding battle to prevent the Long Beach Freeway Extension from gutting South Pasadena appears to be coming to a head with the submission by CALTRANS of its final report recommending the Meridian Route.

Extracts from a March 22, 1989 letter from J. Jackson Walter, National Trust President, to Transportation Secretary Samuel Skinner were so much to the point and so well stated that we decided to reproduce selected comments at some length. After remarking on several prior meetings and some legal cases, Walter continues:

"On February 21, 1989, the Advisory Council issued a strongly disapproving comment letter on this project. While the Department is obligated to "take into account" those comments under Section 106 of the National Historic Preservation Act, Section 4(f) of the Department of Transportation Act imposes a much higher standard. As you know, when a project will require the use of historic

resources or parks, Section 4(f) prohibits the Secretary from approving federal funding for the project if there are feasible and prudent alternatives that would either avoid the destruction or be less harmful to protected resources.

"The impact of this highway project on historic properties will be devastating. The "Meridian Variation" proposed by the California Department of Transportation (CALTRANS) would require the destruction of nearly 1500 homes, five historic districts, and some 70 historic properties. And this does not even take into account the impact of the highway on the thousands of homes and the neighborhoods that will survive — only to have neighborhood tranquility replaced by a massive concrete highway. The scale of this demolition, which would cut a wide swath through the heart of the City of South Pasadena, is reminiscent of the worst impacts of the federal highway program during the 1960s and 1970s.

"Frankly, based on our experience in litigating Section 4(f) issues, we are hard pressed to understand how the Department of Transportation would be able to justify approving this project in light of your legal requirements under Section 4(f) [our emphasis]."

"First, the evaluation of this project prepared by CALTRANS, in an effort to comply with Section 4(f), is inadequate. CALTRANS has not sufficiently examined feasible and prudent alternatives that are less harmful to historic properties than the Meridian Variation. The evaluation also fails to consider the indirect effects of the project on historic properties. This is an extremely significant defect, in our view. Indirect effects are clearly within the scope of Section 4(f), by virtue of the "constructive use" doctrine, which has been strongly reaffirmed in recent litigation involving historic resources in Fort Worth and Mobile as noted above.

"Second, Section 4(f) requires that the least harmful alternative be chosen in order to minimize impacts on protected sites. Druid Hills Civic Ass'n v. Federal Highway Administration, 772 F.2d 700, 716 (11th Cir. 1985); Louisiana Environmental Society, Inc. v. Coleman, 537 F.2d 79, 86 (5th Cir. 1976). **If a proper Section 4(f) evaluation were done in this case, it would lead to one overriding conclusion: Section 4(f) mandates the selection of the "no build" alternative. The record does not support the conclusion that transportation needs justify closing this gap [our emphasis]."**

This battle has been going on for years...and hundreds of very significant buildings would be demolished. A lawsuit is expected from South Pasadena, but we are pleased to see that a solid momentum for a "no-build" alternative is growing.

This Newsletter was brought to you by John Merritt with the able assistance of Dick Price; contributors included Annalee Allen, Arlene Banks, Gene Itogawa, Sharon Marovich, Sue Mossman and Eric Stoltz. Your contributions are welcome; please send material typed and include a b/w glossy photo.



CALIFORNIA PRESERVATION FOUNDATION

1989 Design Awards - presented April 21, in L.A.

The re-use of historic structures is gaining importance and popularity in California. That is one conclusion suggested by the announcement of winners of the Preservation Design Award, the statewide competition sponsored by the Foundation. Fifteen projects in six categories throughout California were singled out by a prestigious jury of architects, landscape architects, preservation officials and an editor. The winners of this statewide competition will be honored by the California Preservation Foundation at a gala Union Station awards reception to be held on April 21, 1989.

Rehabilitation Awards

Attention to detail and courage to make a long-term commitment to a marginal urban area were cited by jurors as reasons to honor the **San Fernando Building** in Los Angeles in the rehabilitation category. This 1906 reinforced concrete building at 400 S. Main Street underwent a two-year rehabilitation which included upgrading to meet fire codes, repairing of Victorian details such as flooring and exterior color scheme and refinishing of brass fittings throughout the building. It is owned by the San Fernando Building Associates/ Phillip Lynch, Owner-Architect.

A Merit Award for rehabilitation was granted to the **Woodland Opera House** in Woodland (Yolo County). For 17 years, beginning in 1896, the Woodland Opera House was host to more than 300 touring theatrical companies and local groups. It was closed in 1913 due to a lawsuit, and was partially destroyed by fire in 1937. It remained neglected and vandalized until 1980, when the theatre was given to the State of California.

Brocchini Architects of Oakland worked with the state's Department of Parks and Recreation, the City of Woodland and the Woodland Opera House Board of Directors to bring this Victorian gem back to life. Jurors praised this enlightened effort on the part of a small community as evidence of growing public support of preservation.

Also honored with a Merit Award was the rehabilitation of the lobby and exterior of the old post office integrated into San Francisco's **Rincon Center**. The jury was impressed with the sensitive way in which this 1940 classical moderne historic landmark was integrated into a contemporary mixed-use development. The jury singled out for special mention the conservation of the WPA-style murals in the lobby area. Page & Turnbull submitted the entry for this project located at Spear and Mission Streets.

Adaptive Re-Use Awards

By far the jury saw the most promising work being done in the area of adaptive re-use --- using a structure for a creative new use not originally intended.

An Honor Award was given in adaptive re-use for the **Federal Building/U.S. Court of Appeals** in Pasadena. This imposing 1929 Mediterranean-style landmark is part of a significant expansion of a popular resort hotel in the 1920s. Abandoned in 1975, the buildings had deteriorated to the point where demolition was considered. Instead, the U.S. Government stepped in to make it a grand courthouse with traditionally appointed courtrooms and offices in keeping with the building's original character. The jury congratulated the architects, Neptune & Thomas Associates and J. Rudy Freeman, AIA, for working tirelessly with the General Services Administration to achieve such impressive results.

Another government building received a Merit Award for adaptive re-use. The **City of San Buenaventura City Hall Annex** was originally built in 1927 as the County Sheriff's Office and Jail. Vacated in 1981 by the Sheriff, the City of San Buenaventura purchased it in 1984 to serve as an annex to the City Hall, itself a tasteful example of adaptive re-use which had once been the County Courthouse. The jury applauded the dedication of this municipal government to the principles of preservation and the attention to detail.

The **Union Pacific Railroad Depot** in Riverside is a 1904 Mission Revival station which has been preserved as part of a proposed mixed-use development. Abandoned for some 20 years and ravaged by arson, it was restored to its former state by R. Denzil Lee, AIA, and Beverly Langdon, ASID. It was given a Merit Award for adaptive re-use by the jury, with general praise for the extensive research undertaken before starting the project.



The San Fernando Building in Los Angeles
(Photoby Chris Moreland)



Interior of the restored Woodland Opera House



Mural by Anton Refregier in the lobby of the Rincon Annex Post Office- San Francisco
(Photo courtesy of San Francisco Archives)



The main building of Pasadena's old Vista del Arroyo Hotel, now the U.S. Court of Appeals



"City Hall West" - Ventura



Riverside's 1904 Union Pacific Depot



Sonoma County Historical Museum - Santa Rosa



The Administration Building, Naval Air Station, North Island, San Diego, 1919 - Bertram Goodhue, Architect, with the Navy Bureau of Yards and Docks



Cascade Ranch Bunkhouse - 1975 (Photo: HABs)



The City of Fremont's Patterson House, east elevation (line drawing courtesy of Page and Turnbull, Inc.)



Pasadena's "Stowell House"



The Conservatory and Windmill at Heritage Park, City of Santa Fe Springs

A low income project in Santa Barbara might have sacrificed a quaint utility building, but the city's Housing Authority resisted pressure to demolish the 1931 **Victoria Street Water Pumphouse** and instead restored it as a charming adjunct to the development. The jury noted that even utilitarian buildings can add to a city's architectural resources, and commended the Housing Authority of the City of Santa Barbara with a Merit Award in the category of adaptive re-use for saving this delightful structure.

A united community banded together with a grassroots campaign to save a 1908 Post Office in Santa Rosa. Local citizens mounted a fundraising effort to save the unreinforced brick building --- scheduled for demolition in 1979. They ingeniously moved the building on rails to a new site and began a new life for it as the **Sonoma County Historical Museum**. Dan Peterson, AIA, and Associates received an Honor Award for the adaptive re-use of this building, owned by the City of Santa Rosa.

Preservation/Stabilization

Robert D. Ferris, AIA, and the Franciscan Fathers of the Santa Barbara Province were commended with an Honor Award in preservation and stabilization for the extensive work done on **Mission San Luis Rey** in Oceanside. This 1815 mission had suffered much neglect, and the work that had been done on it was of questionable historical authenticity. The jury was impressed with the extensive scope of the research, the project and the quality of the finished craftsmanship.

A project at another mission was acknowledged by the jury with a Merit Award. **The Furnaces at Mission San Juan Capistrano** are the only remaining Spanish furnaces in Alta California. Nicholas Magalouis, an archaeologist and metallurgist, stabilized these furnaces with the cooperation of the Diocese of Orange. Used to produce wrought iron, the Furnaces date from ca. 1776. For both projects, the jury commended a growing realization among religious leaders of the historic value of their buildings.

Studies also honored

Fahey/Watts Architects of San Diego received an Honor Award for their report, **The Architectural Significance of Buildings at Naval Air Station, San Diego, California**. Jurors commented that the report is significant because it impacts an entire district and serves as a master plan for the future.

Randolph Langenbach of the University of California at Berkeley researched and wrote a report for the California Coastal Conservancy: **Cascade Ranch Bunkhouse: Historic Structure Report**. His work outlines the historic importance and a strategy for saving this 1862 timberframe structure near San Mateo. The jury awarded him a Merit Award for his thoroughness and the depth of his research.

Page & Turnbull of San Francisco undertook an ambitious research project for the City of Fremont. **Patterson House Master Restoration Plan** received an Award of Merit for this Victorian House which dates from the 1850s.

Details honored with Craftsmanship Awards

Exceptional attention to detail was rewarded by the jury with a Merit Award for **Stowell House**, a 93 year-old Victorian in Pasadena. The J.C. Hammond Construction Company was the project director for the owner, Gabriel Reyes. Their loving care brought this house back to life after decades of neglect.

The City of Santa Fe Springs received a Merit Award for the **Tank House, Carriage Barn and Windmill at Heritage Park**, a reconstruction of an 1880s Victorian ranch. The architect was John Loomis of 30th Street Architects.

The Jury: Steade Craigo, AIA, Senior Restoration Architect with the California Office of Historic Preservation, served as jury chairman. Other jurors were Roger DeWeese, ASLA, landscape architect with DeWeese Burton Associates and a member of the Federal Advisory Council on Historic Preservation; John D. Henderson, FAIA, Preservation Officer of the San Diego Chapter, American Institute of Architects; Helge Landrup, Construction Manager, Carley Capital Group, Mission Inn Restoration Project; Deborah K. Denne, ASLA, a landscape architect and member of the State Historical Building Code Board; Knox Mellon, PhD, Director of the Mission Inn Foundation; Jay Oren, AIA, Staff Architect, City of Los Angeles Cultural Affairs Commission, and John Pastier, Contributing Editor, *Architecture Magazine*.

OAKLAND TESTS FEDERAL 106 REGULATIONS

What happens when local government won't carry out Section 106 responsibilities? Can it use federal funds to buy historic buildings, mothball the property for years, then "give the money back" in order to avoid historic review? These are the issues confronting City of Oakland officials as they decide what to do with the 1922 University High/Merritt College campus, purchased from the Oakland School Board with federal money in the early 1980s.

The building was designed by C.W. Dickey, best known as the architect for the Claremont Hotel. He was also responsible for other public buildings in downtown Oakland, such as the Rotunda and the PG&E Building. Fine architectural detailing still graces the north wing auditorium; other distinctive features include a panelled library flanked by inner courtyards where wisteria and sycamores have gone wild. The building is considered National Register eligible.

The site has a long history of neighborhood hopes and disappointments. Due to wartime declining enrollment, the high school was converted to trade school use in the 40s. Later it became Merritt Junior College. The Junior College relocated in the 60s and the site was left vacant. Located in a neighborhood of single-family homes, the complex has been poorly maintained and attracts unwelcome users. An earlier plan to retain the buildings for a wide variety of community, housing, and commercial uses fell through, and the property was returned to full City control in 1986. A series of community meetings were held and retaining the existing building was a high priority. The neighborhood also wanted a supermarket, a senior center and daycare facilities.

A 1987 RFP specified that the auditorium and bell tower be kept, and stated a preference for keeping all of the main building's facade; the city would mothball the building for future use. The developer chosen, North Oakland Redevelopment Associates (NORA), agreed to the terms but later requested the condition be removed when the mothballed building turned out to be unattractive to prospective supermarket tenants. NORA also claimed seismic problems would be too expensive to deal with. NORA's new plan called for razing the entire building which fronts Martin Luther King, Jr. Way, a major thoroughfare, for parking, a new supermarket and shopping center sited behind that. Since proposing to demolish the building would certainly lengthen the Section 106 process, the City was faced with the risk that the developers might pull out altogether.

This impasse prompted city council committee members to instruct staff to "back out" federal funds and avoid Section 106. But does this fund pay-back allow them to forego the historic review procedure? Oakland Heritage Alliance and local neighbors opposing demolition have asked National Trust lawyers as well as the SHPO to review this closely.

In discussions with the City and the developer, OHA has emphasized that the needs of the project do not preclude use of the existing buildings, and that retaining the buildings might provide more flexibility for future uses. A landmark to many in Oakland and the East Bay, the exterior of

the main complex is intact and, due to its open plan, could be adapted to many of the uses desired by the community.

An alternative plan put forward by UC Professor Randolph Langenbach calls for reorienting the parking and incorporating the auditorium into the current developer scheme. Structural Engineers, Peter Culley and Associates looked at the seismic problems in light of current practices and felt it was feasible to bring the building to standard. OHA has forwarded these experts' reports to the City Office of Economic Development so that, as the EIR is prepared, these figures can be considered in the process. Regardless of the legal outcome of the 106 issue, the City states it is committed to doing an adequate environmental review and considering historic documentation and feasible alternatives, consistent with the 106 procedure.

PASADENA: A NEW "PRIDE" OF PLACE

Neighborhood preservation got a big boost from Pasadena voters on March 7, after a David vs. Goliath campaign that at times looked like it would go the giant's way. By a solid majority of 57 %, the city's voters adopted a comprehensive citizen-sponsored growth management initiative and rejected a weaker City Board-sponsored measure. With that vote, they also appeared to reject deceptive campaign tactics heavily bankrolled by real estate and development interests, including many from outside Pasadena.

The winning measure, Proposition 2, was drafted last Fall by Pasadena Residents in Defense of Our Environment, a citizens' group of neighborhood activists. It was endorsed by the Pasadena Heritage Board, the League of Women Voters and the *Star-News* newspaper. The PRIDE measure was created to rein in the unplanned, runaway development plaguing Pasadena, a problem Pasadena Heritage has long warned could destroy the city's architectural and cultural heritage. It was opposed by a group called ABC, which by the end of the campaign spent more than \$70,000 to try to defeat the measure with a barrage of confusing and deceptive mailings. ABC was backed by, among others, the Pasadena Board of Realtors, California Board of Realtors, and the developer who plans to demolish the historic Huntington Hotel; the grassroots campaign, in contrast, spent about \$18,000.

In its main provisions, the PRIDE initiative will slow the pace and improve the quality of development by limiting new large commercial development each year to 250,000 square feet. It also limits to 250 the number of new apartment and condominium units that can be built within the city each year. It exempts from this limit State defined "affordable housing." Single-family homes and typical remodeling jobs are also exempt from any new constraints. The initiative also imposes a \$10,000 fine upon anyone demolishing existing housing without first obtaining a permit. In the past, developers have routinely ignored City rules prohibiting demolition of historic houses because there was no penalty. Now the city will have some bite to back up its bark and preservation efforts will be advanced.

Adapted from *Pasadena Heritage Newsletter*, April 1989



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Warren Williams (Sacramento)	916/925-5550
John Merritt (Berkeley), Executive Director	415/763-0972

The California Preservation Foundation exists to help you improve preservation awareness and activity in your town. If you think we can help, don't hesitate to call your nearest Board member or call 415/763-0972.

DOES YOUR TOWN NEED HELP -- OUR HELP ?

The California Preservation Foundation enters its fourteenth year, and with your continued support we will build on our record of preservation success into the 1990s. The Foundation -- a private, nonprofit -- receives no grants from state or federal sources; operating revenues come from local organizations and individuals like you, and from programs created to increase your knowledge and capabilities in your town. With CPF board members active in local programs we know what local needs are. Help us help you as **WE WORK TO IMPROVE THE CLIMATE FOR PRESERVATION IN CALIFORNIA.**

WE NEED YOUR HELP: JOIN -- RENEW -- REJOIN

Send the coupon below with your tax-deductible membership contribution to the California Preservation Foundation, 1615 Broadway, Suite 705, Oakland, CA 94612.

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