

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: 5837-5839 Ayala Ave
Assessor's Parcel Number(s): 16-1398-11
Property Owner(s): Joshua Eric Benjamin and Roseanne Raizen
Applicant's Name: Joshua Benjamin
Phone: (day) 217-369-6325 **(evening)** 217-369-6325 **email** josh.benjamin@gmail.com
Year of Purchase: 2022 **Assessed Value:** \$1,200,000
Existing Use of Property: Owner-occupied duplex
Legal Description (from deed – if long, please attach) Attached

2. HISTORIC PROPERTY INFORMATION

HISTORIC/COMMON NAME: Vaughn (M.C.)-Wilson (Caroline) house
CONSTRUCTION DATE: 1911

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

Designated Historic Property **Date of Designation** N/A - currently applying

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

Local Register of Historical Resources

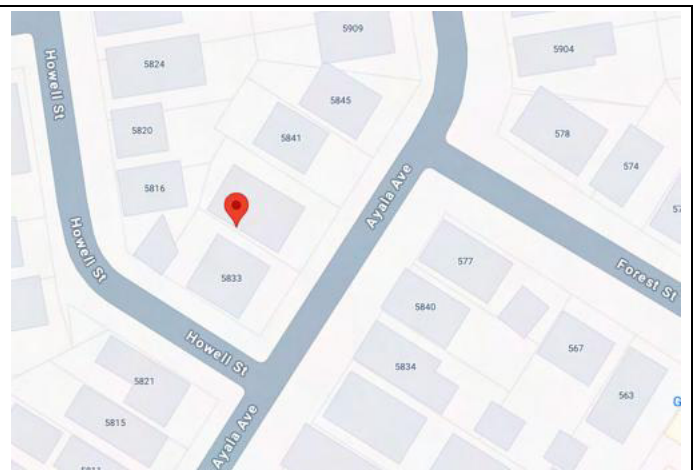
Survey Rating A or B Area of Primary Importance National Register

Oakland Cultural Heritage Survey: Survey Rating: C2+ Date: 1986

Prelim/Intensive: Prelim



Photo



Location Map

Mills Act Application**3. PRESERVATION WORK PROGRAM AND TIME LINE****Property Address: 5837-9 Ayala Ave**

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: 2025 Cost: \$69,900 Improvements:**
 1. Exterior drainage improvement to stabilize foundation
 2. Replace crumbling sculpted cement block masonry foundation with poured concrete and restore sculpted cement as veneer
 3. Perform brace and bolt retrofit on house foundation
 4. Replace T1-11 from 1960s upper rear addition with individual cedar shake siding shingles, and unify siding to matching colors including 1/2" plywood and building paper underneath
 5. Repair/replace elephantine column trim, beam ends, window trim, roof trim and eaves damaged from dry rot, insects, and rodents
 6. Paint/seal all shingle siding and trim (window/doors, roof, eaves) to protect from elemental damage
- 2. Year: 2026 Cost: (continued) Improvement: Continued**
- 3. Year: 2027 Cost: (continued) Improvement: Continued**
- 4. Year: 2028 Cost: \$25,000 Improvement: Repair/replace portions of asphalt shingle roof, one portion is 20 years into 25-year lifespan. Roof removal, re-roofing**
- 5. Year: 2029 Cost: (continued) Improvement: Continued**
- 6. Year: 2030 Cost: \$10,000 Improvement: Repoint and maintain masonry of porch, exterior foundation wall, and chimney**
- 7. Year: 2031 Cost: (continued) Improvement: Continued**
- 8. Year: 2032 Cost: \$40,000 Improvements:**
 1. Replace/repair worn and rotting 18 double-hung wood sash windows and casework in kind, to match original
 2. Replace 1 downstairs and 2 upstairs large aluminum windows and 1 upstairs alum. casement window with mix of wood picture, casement, and double-hung windows that better reflect Craftsman aesthetic
- 9. Year: 2033 Cost: (continued) Improvement: Continued**
- 10. Year: 2034 Cost: (continued) Improvement: Continued**

Note: Each work item will require separate building and zoning review and approval prior to undertaking the actual work.

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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 pride and revitalization by increasing architectural integrity and building safety, preserving neighborhood character and housing, 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, and 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, scale, cultural role, 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 preparing applications.

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5. SUBMITTAL REQUIREMENTS

- ~~Mills Act Application Form: This application form completed and signed.~~
- ~~Copy of Grant Deed, including assessor's parcel map, legal description, and form of title.~~
- ~~For corporate owners (LLC, condo, etc.): document exact entity name and signatory/ies.~~
- Photographs
 - Photographs must be in color, labeled, and laid out for 8-1/2" x 11" pages.
 - 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.~~
- ~~Mills Act Calculator estimate, showing anticipated tax saving.~~
- ~~Filing Fee - \$650.63, due at the time of application submittal.~~

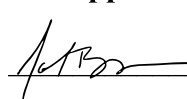
Please read and review the information packet previously emailed to you (partially online at <https://www.oaklandca.gov/topics/mills-act>):

- 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 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 and does not substitute for or replace applicant's own legal counsel or 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 5/28/24

APPLICATIONS ARE ACCEPTED ONLINE OR AT THE ZONING COUNTER

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

<https://www.oaklandca.gov/services/online-permit-center>

Appendix A - Baseline Elevation Photos



Front Elevation House View (facing Ayala Ave)

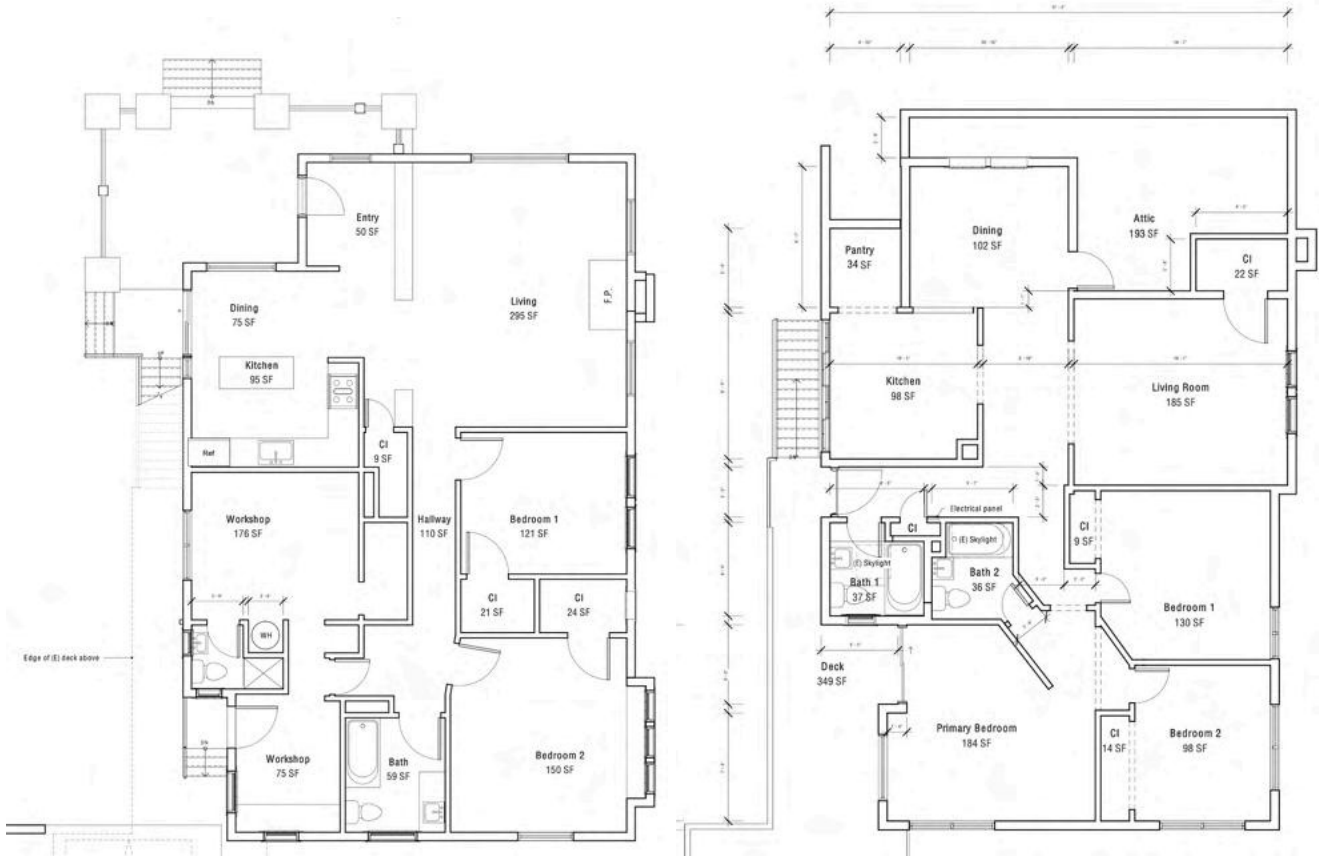


SW Side Elevation House View (facing Howell St)
Neighboring building at 5833 Ayala intentionally obscured for clarity

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NE Side Elevation House View (facing 5841 Ayala Ave)
Large upstairs window likely added as part of 1941 addition of 3 rooms

Appendix B - Floor Plans



*The current layout of the lower (left) and upper (right) floors of the house, 2024
Top of layout faces Ayala Ave, Upper Bedrooms 1 and 2 have sightlines from Howell St.*

Mills Act Application**Appendix C - Additional Description of the Work Program****Years 1-3****1. Drain installation (\$8,500)**

NE neighboring lot 5841 Ayala is at higher elevation. Currently, the storm drains need to be disconnected from the sewer line for PSL compliance leaving water from the downspouts and runoff from the neighboring property to collect against the NE side of the house, pooling against the mud-sill causing deterioration of the concrete foundation and stamped concrete veneer. Remedy by installing gravity storm drain discharging to street along NE side of property to move water away from the foundation. We received an estimate of \$8500 for this work.

2. Foundation and ext. foundation wall (\$13,300)

These show the facing crumbling masonry foundation facing Ayala Ave.
Concrete: remove stone, excavate, rebar work and formwork, pour, reinstall stone on framing wall

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HomeGuard property inspection found piers/post under front porch were added improperly, recommending repair/replacement.

3. Foundation - Brace and Bolt retrofit (\$7,000)

We have been accepted into the EBB program.

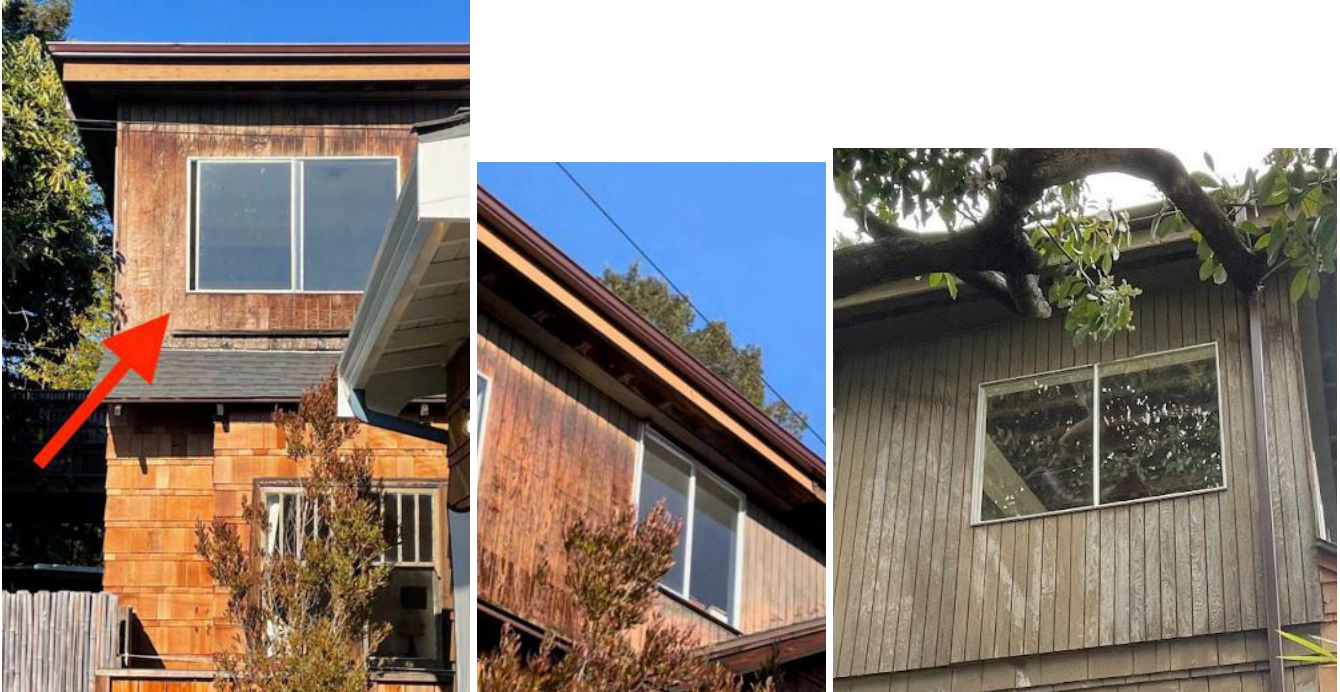


The foundation is resting on the original unreinforced footing and needs bolting/epoxy and bracing

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4. Siding (\$19,300)

An upstairs rear addition of bedrooms in the 1960s was made with T1-11 siding that does not match the Craftsman aesthetic. Remediate by installing building paper and cedar shake siding over ≈ 800 sq ft T1-11 siding.



T1-11 siding to be covered (upper rear Bedroom 1 and 2 faces Howell St)

In 2019, siding consisting of individual cedar shake shingles were installed on the S. side but only at portions of the E. (facing Ayala) side of the house. Remediate by removing ≈ 300 sq ft painted siding, Installing 1/2" plywood, Install building paper, Install cedar shake siding (Use fastener per manufacturer specifications), Windows to remain, Debris disposal.



Siding to be replaced (facing Ayala Ave)

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5. Trim Repair (\$8,000)

Repair with wood filler or replace elephantine column trim, beam ends, window trim, roof trim and eaves damaged from dry rot, insects, and rodents.



Elephantine column trim (left) and Beam end (right)



Awning window trim (SW side)

6. Paint (\$13,800)

To protect against UV and water damage, the cedar shingles on the left-hand side and front of house need to be stained, and the right-hand side and back of house need to be re-painted. Also: Painting of overhang and trim. Paint the exterior front porch floor at the front door and one exterior dutch door. Fill in and prep window corbels for paint, 1 coat of primer, 2 coats finish, prep and protect areas for paint.



Front Porch deterioration due to unprotected weather exposure (facing Ayala)

Mills Act Application**Years 4-5 - Roof (\$25,000)**

Repair/replace portions of roof, one portion is 20 years into 25-year lifespan. Roof removal, re-roofing, downspout, and gutter replacement



According to inspection report by HomeGuard, the roof is nearing the end of its life cycle

Year 6-7 - Repair, repoint and maintain masonry of porch, exterior foundation wall, and chimney (\$10,000)

According to roof report by HomeGuard, the front chimney is vulnerable to leakage

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Detail of balustrades and masonry on East (left) and North (right, bottom) sides of porch
New balustrades will need to be formed and poured, potentially taller to meet code

Mills Act Application**Year 8-10 - Window repair/replacement (\$40,000)**

There is much window restoration to be done in this house that includes repairing/replacing old wooden windows that are non-functional. 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.

1. Replace/repair worn and rotting 18 double-hung wood sash windows and casework in kind, to match original (\$27,500)



Deteriorating window sash frame and casing at S. side



Water damaged interior frame and casing at E. side

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Deteriorating frame of awning window (S. side)

- 2. Replace aluminum windows with wood to reflect Craftsman aesthetic (\$12,500)



Replace 1 downstairs (North side) large aluminum window with main window and smaller windows on each side

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Example of replacement for large aluminum windows from another house



Left and Right: Replace 2 upstairs (S. and W. side) large aluminum windows
Left: Replace 1 upstairs (S. side) alum. casement window with wood window