2.	**Location:**	**1807-1829 Telegraph Avenue – Fox Oakland Theater and Building** APN 008-0642-001-00
	Proposal:	Rehabilitation of the Oakland Fox Theater to establish a cabaret-style venue; rehabilitation of the one to three-story wrap-around building for the Oakland School for the Arts; second and third story +/-20,000 sq. ft. addition, located above the one-story portions of the wrap-around building for the Oakland School for the Arts.
	Applicant:	City of Oakland City of Oakland
	General Plan:	Central Business District
	Zoning:	Entire Site: S-17 – Downtown Residential Open Space Combining Zone Northwestern Portion: C-51 – Central Business Service Commercial Zone Southwestern Portion: C-55 – Central Core Commercial Eastern Portion: C-55 – Central Core Commercial S-8 – Urban Street Combining Zone
	Environmental Determination:	Initial Study in support of a Mitigated Negative Declaration
	Historic Status:	Listed on the National Register of Historic Places; City of Oakland Landmark; Anchor and contributor in an Area of Primary Importance
	Service Delivery District:	Downtown Metro
	City Council District:	3, Nancy Nadel
	Action to be Taken:	Provide recommendations to the Planning Commission on design review; and review and comment on the Historic Resource report and the historic and cultural resource issues in the Initial Study in Support of a Mitigated Negative Declaration;
	For further information:	Contact case planner **Joann Pavlinec** at (**510) 238-6344** or by e-mail at **jpavlinec@oaklandnet.com**

INTRODUCTION

The purpose of this Landmarks Preservation Advisory Board (LPAB, Board) review is to provide comments and recommendations on design, on the Historic Resources report and on the historic and cultural resource issues in the Initial Study/Mitigated Negative Declaration for the Oakland Fox Theater rehabilitation and addition project.

PROJECT DESCRIPTION

The approximately 1-acre project site is located in downtown Oakland, California, in Alameda County. The site is located within the northwest quadrant of the intersection of Telegraph Avenue and 18th Street. The project is bounded by 19th Street on the north, Telegraph Avenue to the east, 18th Street on the south, and is adjacent to a parking lot on the west. The main entryway to the Fox Theater is on Telegraph Avenue.

Constructed in 1928, the theater was designed to accommodate three uses: a theater, first floor commercial space and second and third floor office uses. The theater is centrally

located, with the office and commercial space flanking it on both sides in three-story wings that step down to a single-story ground floor. The theater operated as a movie house until its closing in 1962. In 1978 the vacant Fox Theater complex was declared a city landmark and the following year it was listed on the National Register of Historic Places.

Implementation of the proposed project would consist of a partial interior and exterior rehabilitation of the Fox Theater (to establish a cabaret style venue for live performances with platform seating for 600 people and food and beverage service), rehabilitation with permanent improvements of the ground floor retail storefronts on Telegraph Avenue suitable for new tenants, and rehabilitation of the remainder of the commercial wings to provide space for the Oakland School for the Arts. The proposed reuse of the Fox Theater on an interim basis for cabaret style performance arose from a "ruins concept" which seeks to provide interim and easily reversible measures to allow safe public access and use of the theater auditorium in its current state until additional funds can be raised for a more complete restoration. A +/- 20,000 square foot addition would augment the existing space to meet the school's program requirements. The school is currently located in a temporary structure located to the west of the Fox Theater. The rehabilitation would also include a limited seismic retrofit. This work is proposed to be undertaken in accordance with the Secretary of Interior Standards.

An Initial Study in support of a Mitigated Negative Declaration has been prepared for the Oakland Fox Theater Building rehabilitation and addition and the study concluded that there would be no significant impacts with adoption of certain mitigation measures.

GENERAL PLAN

The site is a historic resource per the Historic Preservation Element, Policy 3.8, as follows:

> For purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland's Local Register of Historical Resources.
>
> 1) All Designated Historic Properties, and
> 2) Those Potential Designated Historic Properties that have an existing rating of "A" or "B".
>
> Until complete implementation of Action 2.1.2 (Redesignation), the Local Register of Historical Resources will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.
>
> A proposed addition or alteration to a Historical Resource that has the potential to disqualify a property from landmark or Preservation District eligibility or may have substantial adverse effects on the property's Character-Defining Elements

will normally, unless adequately mitigated, be considered to have a significant effect.

The Oakland Fox Theater is a City of Oakland landmark, (also listed on the National Register of Historic Places) and therefore is included on the City of Oakland's Local Register of Historic Resources and is considered an historic resource for the purpose of environmental review under the California Environmental Quality Act.

Environmental Review – Cultural Resources

The City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND). The IS/MND is included with this report. The Historic Resources report is attached to the IS/MND, Appendix A.

Please take note that the project design development has been continuous in order to meet funding deadlines. Therefore, the drawings used for the draft Initial Study have been refined since the analysis contained in the IS/MND. Your packet contains the refined, most current, drawings. This report discusses changes that have been made since completion of the draft Initial Study. Some changes have already been made to the drawings in response to the initial mitigation measures. The Mitigation Measures stated in this report and in the Cultural Resource section of the Initial Study have been updated to reflect the current status of the proposal. The accompanying text of the Cultural Resources section of the Initial Study and the Historic Report have not yet been updated, but will be revised for consistency prior to Planning Commission review of the project. Additionally, direction on several design elements has been modified following a Preliminary meeting regarding historic tax credits with the State Historic Preservation Office.

At this point, staff believes that the mitigation measures are sufficiently specified to assure no significant loss of historic resources.

Review of the Cultural Resources has been framed into five building areas as follows:

1. Theater Rehabilitation
2. Theater Auditorium
3. Three Story Commercial Wings
4. One Story Commercial Wings
5. New School Wing Addition

The IS/MND Cultural Resources found that the project would have potentially significant impacts unless mitigations were incorporated. Implementation of the mitigation measures proposed would reduce impacts to the historic features to a less-than-significant level. Following is a summary of each of the five building area's impacts and mitigation measures, along with information regarding the current design development of the proposal.

1. Theater Rehabilitation

The theater rehabilitation work is primarily oriented toward conservation. Potential Impacts to the theater exterior and interior ancillary spaces include the following proposed work:

- Selected stabilization/repair of terrazzo and terra cotta;
- Preservation of the painted ceiling so that further deterioration is deterred;
- Installation of an new operable security grille at or near the sidewalk edge;
- Some alteration work at the lobby and foyer spaces, including access to a new ticket office and security booth;
- Temporary seismic bracing components for the auditorium that would pass through at the lobby ceiling, in order to tie into the structure at the east side of the foyer; (See Sheets A2.1 and S2.2);
- New access doors and stairs to connect the school lobby to the mezzanine lobby (See Sheet A2.2);

The following mitigation measures would reduce these potential impacts to less than significant:

(1) Any new terrazzo repair and replacement shall match the historic terrazzo in all visual qualities, including color, aggregate size and surface texture.

(2) When terra cotta is to be repaired, it shall be repaired or replaced in a manner that matches the historic terra cotta in all visual qualities, including color, size, texture, and surface finish. Preservation Brief 7 – *The Preservation of Historic Glazed Architectural Terra-Cotta* published by the National Park Service shall guide the treatment of the terra cotta.

(3) The new security grille/gate shall be installed in the least destructive and visually obtrusive manner and shall not destroy significant historic fabric.

(4) The decorative grille removed from the south side of the lobby shall be conserved, labeled and stored on-site with a description of its original location. The marble removed for the enlarged openings shall be used to patch and repair like marble in other parts of the theater.

(5) Any seismic safety work shall be accomplished in a manner that is consistent with the Secretary of Interior's Standards, to be completed in a manner that is the least visually obtrusive.

(6) The painted ceiling shall be conserved and stabilized. No new in-painting shall be undertaken. Should funds become available, the painting will meet the Secretary of Interior Standards. A plan for any new proposed

painting shall be submitted to the City for review and approval by the Planning Director.

(7) The new mezzanine opening that removes a blank wall installed in the 1946 remodeling shall be held to the minimum necessary for the installation of the doors and staircase. The new doors shall be differentiated from the historic doors in the theater and office areas.

Currently, the project consultants are exploring the possibility of permanent seismic bracing components for the auditorium, rather than the temporary solution illustrated in your drawings. Permanent seismic bracing may modify the component of the temporary bracing that would pass through at the lobby ceiling, in order to tie into the structure at the east side of the foyer. Per mitigation measure #5, should the permanent seismic solution be pursued, any seismic safety work is required to be consistent with the Secretary of Interior's Standards.

2. Theater Auditorium

The theater auditorium work is intended to allow for the interim use of the theater, as a cabaret-style theater, until a more complete and permanent rehabilitation can be undertaken. Most of the improvements are clearly distinguishable from the historic building and easily removed. Potential Impacts to the theater auditorium include the following proposed work:

- Addition of hanging light trusses from the ceiling;
- Overlaying the sloped floor to accommodate level cabaret seating;
- Addition of enclosed wait stations for the serving staff near the sidewalls;
- Possible temporary safety netting at the ceiling, unless the ceiling plaster anchoring system has been tested and found to meet safety standards;
- Temporary seismic bracing at the rear wall and underside of the balcony, screened by low walls;

The following mitigation measures would reduce these potential impacts to less than significant:

(1) If the horizontal beam cannot be installed from the ceiling void crawl space, then the historic plaster shall be saw cut, labeled, and curated for future reinstallation. If the beam is attached through the ceiling void and saw cutting takes place, adequate fire safety measures shall be instituted throughout the entire saw cutting process. If the plaster cannot be saw cut, then a mold of the profile shall be made and used for any new plastering when the beam is removed.

(2) The temporary bracing at the rear of the auditorium shall be screened by a wall not to exceed 42" in height in order to permit the auditorium space to be visually connected. The screen wall shall be located adjacent to the bracing and not in alignment with the aisle.

(3) If required, the temporary ceiling netting shall be as transparent as possible and shall be attached through the ceiling bosses[1], which shall be retained and conserved for future reinstallation. This provision is provided to the extent, that if the ceiling plaster anchoring system has been tested to meet safety standards, the ceiling netting would not be required.

(4) The temporary steel bracing, if it is not concealed, shall be painted a color to blend with historic theater walls.

(5) The new plywood flooring shall be installed over the historic wood floor and the cementitious aisle ends as unobtrusively as possible and to minimize damage, to the extent possible.

(6) The new partial height walls for the waiter stations at the sides of the auditorium shall be kept to a minimum height and shall be painted the same color as the historic wall to minimize visual intrusion.

(7) The new cable lighting system on the underside of the balcony and the light trusses in the auditorium shall use existing openings. If any historic fixtures or plaster elements are removed, they shall be conserved and labeled for re-installation in the future.

(8) The new plywood flooring and all new walls shall be installed in a manner to permit easy repairs when the walls are removed in the future.

Currently, the project consultants are exploring the possibility of permanent seismic bracing for the auditorium, rather than the temporary solution illustrated in your drawings at the rear of the Auditorium. Permanent seismic bracing would modify the bracing and its screening referred to in mitigation measure #2 above. Per mitigation measure #5 (listed under the Theater Rehabilitation, Section #1), should the permanent seismic solution be pursued, any seismic safety work is required to be consistent with the Secretary of Interior's Standards. Staff recommends that this mitigation measure be also added to the Theater Auditorium, Section #2 as stated below.

(9) Any seismic safety work shall be accomplished in a manner that is consistent with the Secretary of Interior's Standards, to be completed in a manner that is the least visually obtrusive.

[1] Boss – an ornamental knob or projection covering the intersection of ribs in a ceiling.

3. Three-Story Commercial Wings

The proposed work on the exterior of the three-story commercial office and retail wings consists of rehabilitation and repairs of a permanent nature. The project has received a California Heritage Fund Grant to restore storefronts including, strengthening, stabilization and cleaning of the existing terra cotta units, brickwork and decorative tile and steel sash transom windows and metal spandrel panel repair and painting.

Per the current submittal, the recessed theater exits and office lobby entries, along 18th and 19th Streets, would be retained and refurbished, as outlined in mitigation measures #1 and #2 below. The canopy would not be relocated in the current submittal, but would remain at its original location. Distinctive historic materials at the storefronts will be retained or refurbished, not removed, unless damaged.

At this time, only a preliminary evaluation of the upper story windows has been conducted (See Sheets A3.3 and A3.4). A more extensive evaluation, including photographic and written documentation of each window's condition, will be conducted as outlined in mitigation measure #3 below to determine if repair or replacement is necessary. Noise mitigation measures also address the windows for classroom use. Several alternatives are suggested to meet the necessary internal noise reduction. The acoustics analysis suggests that if the existing windows are repaired and the openable sections are fitted with good quality weather-stripping, the noise level inside classrooms could be reduced. An alternative or additional measure would be to fit separate single-pane storm windows at least 4" behind the existing windows.

The following mitigation measures would reduce potential impacts to less than significant:

(1) Retain and refurbish original 1928 entries at 18th & 19th Streets, including doors and transoms, marble paving and base, metal canopies, painted transom signage, and other features. Secure doors in fixed inoperable position. Interior of 1928 lobbies may be reconfigured as proposed for school use, including removal of interior doors and transoms.

(2) Retain and refurbish original recessed 1928 theater exits at 18th and 19th Streets, including doors and transoms, paving, and all other exterior and interior finishes with the exception of where the access ramp must be modified to meet circulation requirements. The wainscoting underneath the new ramp may be removed and should be reused to patch areas where the removal of the existing ramp may expose wall area that is currently not wainscoted. The new ramp will also require removal of the existing terrazzo floor.

(3) All windows shall be evaluated consistent with criteria and standards of Preservation Brief 13 – *The Repair and Thermal Upgrading of Historic Steel Windows* published by the National Park Service. On the basis of the evaluation, damaged or deteriorated windows will be repaired or replaced in kind. Replacement windows will be modeled on that of the original windows, including glazing divisions, the exterior shape of the frames and muntins, and in a material that has the same appearance.

(4) Require further inspection and testing of decorative metal spandrel panels to determine physical condition and to verify the need to replace any severely damaged panels. Clean and remove rust using the gentlest means possible. Provide additional specifications for any abrasive cleaning and the design and fabrication of any replacement panels for review and approval by the Development Director prior to undertaking such work.

(5) Chemical or physical treatments, including cleaning of façade and/or façade elements, shall be conducted in accordance with Preservation Brief 1 – *Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings* and Brief 6 – *Dangers of Abrasive Cleaning in Historic Buildings* published by the National Park Service.

4. One Story Commercial Wings

The proposal for the one-story commercial wings is to retain the façade. If the storefronts are removed during construction, they will be returned to the original location and plane. It has preliminarily been determined that the existing structure behind the façade would not support the proposed addition. Therefore all interior partitions and the back wall would be removed to provide for a reconstructed ground floor with a two-story addition above.

The Initial Study discusses elimination of the roof over the new vestibule (See Sheet A2.1). This has been modified since the draft Initial Study and the current proposal replaces the roof.

The following mitigation measures would reduce potential impacts to less than significant:

(1) Retain in place the existing brick and terra cotta facades, including historic storefront elements at the transom and mezzanine levels. Shore and protect the façade during construction. If necessary to protect them from damage, historic storefront elements - including transom glazing and framing, mezzanine spandrel panels and recessed awning boxes - may be catalogued, removed and stored for reinstallation. However, these historic storefront elements shall be returned to the original location and plane, not recessed back from the façade opening. If left in place, provide adequate

protection against damage for façade and storefront elements during construction.

(2) Provide a new roof over the first two southern bays at the second floor level and provide continuous exterior walls so that the two bays are completely enclosed spaces.

(3) All storefront transoms and awning boxes, and mezzanine transoms shall be retained and refurbished or repaired to the same specification as the three-story office wings. Mezzanine spandrel panels shall be replaced where missing with opaque glass, similar to the originals. Marble bulkheads and column bases may be removed and replaced with compatible new material, such as dark colored opaque glass or other opaque panels. Marble so removed shall be salvaged for use in storefront rehabilitation at the three-story wings, along with any intact historic window frame elements. New glazing and bulkhead panels shall be installed in the same plane as the original material. Repairs to damaged terra cotta or replacement of missing pieces shall be treated the same as for the theater exterior. (Refer to Mitigation Measure CULT-1.)

5. New School Wing Addition

The new three-story school wings would be constructed using the exterior façade wall of the one-story commercial wings at the base, with a newly constructed ground floor behind the retained historical facade. The two upper floors would be sheathed in a curtain wall system at the street facade and the east wall (See Sheet A3.1R). The curtain wall would be setback 2'-6" from the first floor historic façade (See Sheet A5.2R). A deeply recessed two-story bridge will connect the new construction to the historic three-story office wings. New enclosed stair towers are proposed at the west end of both new building additions, with painted cement plaster walls. The street walls of the stair tower are set back from the historic facade.

The details of the new addition have been further developed since the publishing of the IS/MND. Please see Attachments C and D, and Sheet A3.1R, the current submittal, for the design progression. The proposed additions are compatible with the size, scale, proportion, and massing of the historic building. The curtain wall vertical fins are spaced to continue the first floor bay widths and terminate to provide a contemporary crenellated roof termination, as does the historic three-story wing, with an ornamental metal cornice beyond. Colors and solid panel materials have not yet been determined.

Potential Impacts of the new addition includes the following:

- The proposed horizontal break up of the curtain wall façade is complicated and not subordinate to the historic façade.

The following mitigation measure would reduce this potential impact to less than significant:

During design development, the proportions of the horizontal break up of the curtain wall shall be developed to be more compatible with the historic three-story wrap around horizontal breaks.

ZONING – Design Review
DESIGN REVIEW

Design Review is required for designated Landmarks under Section 17.102.030B of the Planning Code. Design review approval may be granted subject to the determination that the proposal conforms to 1) and 2) below or to one or both of the criteria in 3).

1) That the proposal will not adversely affect the exterior features of the designated landmark nor, when subject to control as specified in the designated ordinance for a publicly owned landmark, its major interior architectural features;
2) That the proposal will not adversely affect the special character, interest, or value of the landmark and its site, as viewed both in themselves and in their settings;
3) If the proposal does not conform to the criteria set forth in subdivisions 1 and 2:
   a) That the designated landmark or portion thereof is in such condition that it is not architecturally feasible to preserve or restore it, or
   b) That, considering the economic feasibility of alternatives to the proposal, and balancing the interest of the public in protecting the designated landmark or portion thereof, and the interest of the owner of the landmark site in the utilization thereof, approval is required by consideration of equity.

With incorporation of the Mitigation Measures, Conditions of Approval and further design development to address issues discussed below, staff believes findings #1 and #2 can be made.

LPAB Sub-Committee Review Comments – April 26, 2005
(Kahn, Muller, Kershaw-not present)

The sub-committee suggested several Conditions of Approval (below) that would require further review and approval of building design elements that have not yet been visually articulated in the proposal set of drawings.

1. Prior to sign off of the building permit set of drawings, provide an architectural detail illustrating how the steel cable installation (or other seismic bracing of the auditorium) relates to the building in order to mitigate its appearance, for review and approval by the Development Director.
2. Prior to sign off of the building permit set of drawings, provide an architectural detail illustrating how the new mezzanine opening mitigates its appearance, for review and approval by the Development Director.
3. Prior to sign off of the building permit set of drawings, provide an architectural elevation, installation details and catalogue cuts, illustrating the new operable

security grille at or near the sidewalk edge, for review and approval by the Development Director.

4. Prior to sign off of the building permit set of drawings, provide an architectural elevation, of the new ticket office and security booth at the lobby foyer spaces, for review and approval by the Development Director.
5. Prior to building permit approval, the applicant shall submit interior elevations at the original recessed 1928 theater exits at 18th and 19th Streets, including all interior finishes for review and approval by the Development Director. As much as possible of the existing interior finishes shall be retained.
6. Prior to sign off of the building permit, the applicant shall submit an inventory management plan, including a records management system tying the record index to the stored materials' location and the original building location.

The sub-committee commented on the new addition. One viewpoint expressed was that the new addition is 'visually jarring' and too different, and therefore not compatible. A suggestion for wider vertical fins was made, and that the curtain wall be expressed more simply as it is in Attachment D. GFRC (glass fiber reinforced concrete) was suggested as a more appropriate material, rather than a curtain wall system. However, a well designed and quality curtain wall was seen as a better design solution than a stucco exterior finish. Alternatively, it was expressed that the curtain wall façade, with some design modifications, could be compatible with the historic architecture and would provide an appropriate image for the dance school, especially when the large glazed areas are lighted during the evening. The curtain wall façade clearly defines the new from the old. Both members suggested that the solid panels be metal, to better relate to existing building materials.

DESIGN ISSUES

The main design issue, other than those that need further investigation (i.e., whether the windows can be repaired or will require replacement and the permanent vs. temporary seismic bracing of the auditorium balcony), is the design of the new addition façade. Staff recommends that the Board discuss the design and give the applicant direction on modifications to provide stronger compatibility with the historic resource. The IS/MND suggests that the curtain wall façade articulation is too complex and not subordinate to the historic façade. As a mitigation measure, it requires the proportions of the horizontal break up of the curtain wall to be more compatible with the historic three-story wrap around horizontal breaks. Other opportunities for direction are color selection of the new architectural components and material selection of the solid panels of the curtain wall.

RECOMMENDATION

1. Receive any testimony from the applicant and interested citizens;
2. Review and comment on the Historic Resource report and the historic and cultural resource issues in the Initial Study/Mitigated Negative Declaration;

3. Discuss outlined issues of concern and give direction to staff on these and any other issues raised by the Board;
4. Determine that the proposal, with specific direction on any design issues raised by the Board/report, meets the design findings for Design Review for designated Landmarks under Section 17.102.030B of the Planning Code can be made;
5. Recommend Design Review approval to the Planning Commission, subject to Conditions of Approval addressing the issues for discussion, any issues raised by the Board, and any recommendations submitted by the Board.

Respectfully submitted:

_____
Claudia Cappio
Development Director

Prepared by:

_____
Joann Pavlinec, Planner III
Historic Preservation, Major Projects

Attachments:

A. Drawings, plans, elevations, sections, etc.
B. Initial Study/Mitigated Negative Declaration
C. Addition Elevation, First design concept
D. Addition Elevation, Design Development of concept II
E. Images that reflect the intended new façade design:
   Jerome L. Greene Hall
   Columbia University Law School
   Polshek Partnership

PROPOSED CONDITIONS OF APPROVAL

1. Prior to sign off of the building permit set of drawings, provide an architectural detail illustrating how the steel cable installation (or other seismic bracing of the auditorium) relates to the building in order to mitigate its appearance, for review and approval by the Development Director.
2. Prior to sign off of the building permit set of drawings, provide an architectural detail illustrating how the new mezzanine opening mitigates its appearance, for review and approval by the Development Director.
3. Prior to sign off of the building permit set of drawings, provide an architectural elevation, installation details and catalogue cuts, illustrating the new operable security grille at or near the sidewalk edge, for review and approval by the Development Director.
4. Prior to sign off of the building permit set of drawings, provide an architectural elevation, of the new ticket office and security booth at the lobby foyer spaces, for review and approval by the Development Director.
5. Prior to building permit approval, the applicant shall submit interior elevations at the original recessed 1928 theater exits at 18th and 19th Streets, including all interior finishes for review and approval by the Development Director. As much as possible of the existing interior finishes shall be retained.
6. Prior to sign off of the building permit, the applicant shall submit an inventory management plan, including a records management system tying the record index to the stored materials' location and the original building location.
7. Prior to sign off of the building permit, the applicant shall submit proposed addition building colors and materials, for review and approval by the Development Director.
8. Should it be determined that the windows require replacement, the applicant shall submit architectural details of the proposed window replacement for review and approval by the Development Director.
9. Prior to sign off of the building permit set of drawings, the applicant shall submit a roof plan and a section through the roof with all proposed roof top equipment, to scale, to determine if rooftop screening is required, for review and approval by the Development Director.
10. Any proposed new signage shall be submitted under a separate application with appropriate submittals for review and approval.