

## City's Space-Age Shopping Center Must Go

### ■ MacArthur/Broadway Center Demolition Underway

By Valerie Winemiller

"There are few buildings for which the highest and best use is demolition," the late developer Frank Stern once said of the failing MacArthur/Broadway Shopping Center, "That's one of them."

Original storefront window areas had been filled in over the years, accelerating with Kaiser Permanente's purchase of the complex in 1997, making the building more and more of a concrete fortress. Its demolition is currently underway for Kaiser's hospital replacement Phase 2 construction. Since the center was built during an underappreciated era of architectural history, few today would imagine the number of laudatory words written about it when it opened Sept. 7, 1965.

"A Big Blast-Off for City's Space-Age Shopping Center," trumpeted the headline in the next day's *Oakland Tribune*. Over 1,000 people attended the opening reception, which featured live music by the Jimmy Moore Band and giveaways of helium "astro" balloons, space rocket guns and space records by "Astro the Space Clown." Doreen Georgeson, touted as the center's "space queen," was tapped to "brighten up the proceedings."

The mall contained 10 restaurants, 26 stores and a Bank of America branch. Topped by a six-story office tower, the complex served as an early example of a completely enclosed shopping mall and used innovative concrete technology. The office tower portion was given an Award of Merit in the year it opened by the Prestressed Concrete Institute. The national publication *Architectural Record* featured the tower in both 1965 and 1966. The photograph in the 1966 issue was by Julius Shulman, who produced many of the most iconic images of modernist architecture, including the Case Study houses in southern California. A photo of the tower under construction also appeared in the *Los Angeles Times*.

Dr. Irving Shapiro of Los Angeles, noted



**ONCE CONSIDERED GROUNDBREAKING**, the M/B Center has seen better days . . . but won't have any at all soon. Demolition is underway.

architect and urban renewal economist, designed the project. The shopping center had large expanses of glass at street level on both Broadway and MacArthur. Large concrete overhangs were cantilevered out over the sidewalks, supporting part of the rooftop parking lot. Concrete support pillars continued as decorative ribs under and then up the face of the overhang. Most of the Piedmont Avenue frontage was given over to two levels of parking; additional parking was on the roof of the shopping mall. The office tower was designed in the International Style. Its concrete floor girders and plates break through ribbons of glass at each floor, where their edges form a partial honeycomb pattern and create interesting shadows.

Another of Shapiro's structures, the Columbia Savings headquarters in Los Angeles, is the center of a preservation campaign. Parallels can be seen with the form of the MB Center, which the Los Angeles Conservancy considered to be one of Shapiro's best works. The MB Center is "notable for

its early use of pre-stressed concrete construction that moved away from conventional uses and began to exploit the technology's true capabilities," wrote Marcello Vavala of the Conservancy. Other Shapiro designs, all in California, include Lincoln Plaza, twin office and professional buildings, Anaheim; Hidden Gardens apartments, Palm Springs; Beverly Hills Art Center, Beverly Hills; Four Chaplains Memorial, Veteran Affairs Campus, Los Angeles; and the Bank of California, San Bernardino.

An electric walkway ramp connecting the MB Center's stores with the 750-space rooftop parking lot was said to have been inspired by the 1964–65 New York World's Fair. The ramps were equipped with grooves that locked onto shopping cart wheels, allowing their safe transport to and from the roof. There, the space-age theme was continued as "Astro Buses" shuttled shoppers to their cars. Mall interior hallways, lined with shop dis-

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# M/B Center

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play windows, were decorated with chandeliers, planters, and space-age, free-form, cast concrete benches, touches that would be very hip in today's revival of interest in mid-century modern design.

The center atrium of the mall contained a 600-seat International Food Bazaar designed to serve up to 4,000 hungry patrons a day. Even the food bazaar's mechanical dishwasher was described as "space-age."

Anchor tenants included F. W. Woolworth, with a 35,000-square-foot department store, and Mayfair Market, successor to an earlier, highly-successful grocery store on the site.

The \$10 million mall was said to be the result of 20 years' planning by attorney, merchandiser and developer Edmund E.

Herrscher. A San Leandro native, Herrscher was past chairman of Mayfair Markets, a supermarket chain second only to Safeway at the time. He advocated using good taste in decor over the era's hard-sell market ambiance, and decried the "quick buck attitude" that led to building "future slums."

The development process for the M/B Center had its bumps from the beginning. Several schemes were announced in the *Oakland Tribune*, starting in the early 1950s, then disappeared; one included a 28-story office tower next to the Sawmill building (originally Lyons Moving and Storage). Partnerships shifted. Then the new I-580 freeway took part of the site and a great deal of the street traffic which had made it so attractive for commercial development. Though she had a dress shop in the mall, Herrscher's fifth wife sued for divorce barely five weeks after the

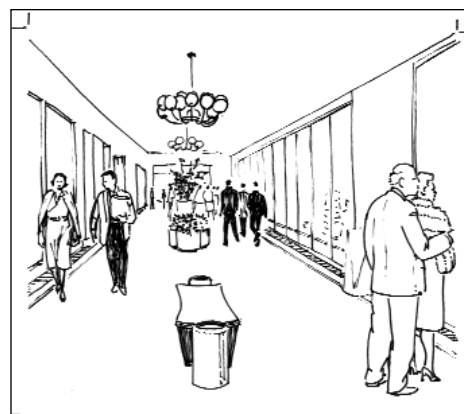


Valerie Winemiller: photo and illustration

grand opening. He was 75, she 30 years younger; the messy details were splashed in the *Tribune*.

The following year, the construction contractor sued over a half-million dollar outstanding bill on the building. Herrscher said the action "didn't mean anything" and described it as resulting from a legal technicality. Also in 1966, Herrscher petitioned Alameda County for a reduction of nearly 50% on the tax assessment for the property; he received a mere 1% reduction. A 1968 *Tribune* story announced that Herrscher would be forced into a bankruptcy sale. The property did change hands in March 1969, but new owners apparently were not more successful than Herrscher, and it sold twice more before being acquired by the Harsh Investment Corporation of Portland in 1977. Harsh also owned the Claremont Hotel and numerous shopping centers and hotels in western U.S. cities. Harsh transferred the property to another Portland investment group in 1980.

In the 1980s, the famous Consumers Cooperative of Berkeley ("the Co-op") bought the Mayfair Market at the M/B Center and two others in Oakland. The shopping center itself was already in decline, from competition from larger, newer malls and from real and exaggerated perceptions of crime. The failure of this venture was partially blamed for the Co-op's bankruptcy in 1988. As the mall



**AN INTERESTING HONEYCOMB PATTERN** of glass and concrete, top. Illustration at bottom is based on an *Oakland Tribune* photograph of the center's opening day.

declined, a story in the *East Bay Express* described the food bazaar as "all the world's cuisines that can be deep fat fried in cottonseed oil." By 1990, the mall still advertised 48 shops in a back-to-school promotion, but it struggled. In the early 1990s, Mayor Elihu Harris personally escorted executives of Lucky supermarkets through the site, hoping to sell them on occupying the empty Co-op store. "Timing is everything," he sighed wryly at a Piedmont Avenue Neighborhood Improvement League meeting the next night. The execs had seemed interested until they

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## Phantom Condo Project Dooms Courthouse Athletic Club Building?



Andrew Stevenson

**THE COLONIAL REVIVAL FACADE** of the Courthouse Athletic Club is unusual.

Inertia is a strange phenomenon: once you start something in motion, it may continue moving, however improbably. That's what we have with the Courthouse condos project that was launched in 2005. With some notable downtime and an interrupted back room sale, the phantom project/demolition scenario continues to this day.

The permit approval process is currently incomplete, however, and the public can weigh in. There is also the possibility that Bank of the West, after underwriting the developer in the amount of \$11.3 million and counting, will finally pull the plug. The bank lost \$143.1 million in the second quarter of 2009 after losing \$85 million in the first quarter, so maybe the bottom line matters to them.

OHA members can help at this critical juncture.

First, some background: Former Mayor Jerry Brown's Planning Commission supported condomania developers with unbridled passion. Some market rate condo projects were built, some only halfway—the most notorious being “CityWalk” in the shadow of City Hall. In my neighborhood Temescal, where the condo development pressures were especially strong, the

hurricane has passed and most of the proposed projects are “on hold,” and the sites of approved projects with entitlements (all the required building permits and plans) are for sale.

Attractive and affordable cottages, small businesses, and apartments, once presumed toast, are being rented out. Even the beloved, funky Kingfish Pub has reopened with a new operator. From a preservation perspective, most of the threatened structures were “C” rated at best, “contributing” buildings that provide context for the spectacular “A's” like the G & G Hardware Building.

But local tornadoes still threaten sites like the Courthouse Athletic Club—a cultural resource and singularly important “B+” building—at 2935 Telegraph at the foot of Pill Hill.

The Courthouse with its unusual Colonial Revival facade is a forlorn, empty landmark, soon to be (if we're not lucky) one of the highest profile victims of condomania slamming up against the economic reality of overproduction and sated demand for a niche market. In the short-term, this stretch of Telegraph has yet to benefit from the redevelopment that jump-

*We're proud to host Robert Brokl's opinion piece on the fate of the Courthouse Athletic Club Building for the OHA News, wearing his hat as a member of SavetheCourthouse.com. Brokl is also a former OHA board member and long-time member.*

started the Uptown District and, further north, the trendy Temescal.

Trammell Crow Residential, a Dallas-based housing developer, bought the Courthouse site for \$7.7 million, closing down a functioning gym in the former mortuary. The site might be eligible for the National Register of Historic Places. TCR submitted plans for a five-story, 142-unit, high-end condo project and conducted an EIR. The project and EIR were dutifully approved by the Planning Commission in August 2007.

The EIR did note that the Courthouse was in an area of several distinguished period revival mortuary businesses—including others facing uncertain futures—which constitutes a potential landmark district. St. Augustine's Church, across the street at 29th and Telegraph, is listed on the Register.

TCR, realizing their project was going nowhere thanks to the economy, never finalized its plans or acquired the necessary permits, and instead shopped the site around. Their good fortune was to find an eager new buyer: the Oakland Housing Authority. (The Authority shares an acronym with Oakland Heritage Alliance, so we will call it the Authority in this article.)

The Authority was willing to pay \$9 million for the site with entitlements, a sale that might have gone through if TCR hadn't resisted an additional \$30,000 mitigation fee for Telegraph Avenue facade improvement—\$77,500 had been required as part of the 2007 project approval. (Staff and Oakland Heritage Alliance had advocated,

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## Courthouse

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and Landmarks Board and Planning Commission voted, to require \$77,500 for the city's facade improvement fund as a small mitigation for a large loss. They added \$30,000 when TCR asked for earlier demolition of the historic building.)

TCR also wanted one condition of approval from 2007 modified, to meet the demands of the Authority. TCR now asked permission to clear the site before obtaining the building permits.

These issues and some well-timed inquiries by citizens revealed the radical change of developers and plans to the public. Instead of quiet staff approval, the Planning Commission and Landmarks Advisory Board weighed in again. Commissioner Doug Boxer did an abrupt about-face, citing a new appreciation for Oakland's historic building. At the Landmarks Board, Kirk Peterson argued eloquently against TCR's neglect of the property, subjecting it to vandalism and graffiti.

The Authority isn't just any deep-pocketed developer. Controversial in some of the neighborhoods where its properties are located, as the largest landlord in Oakland, it's been sued by the city attorney over the "condition of unabated criminal activity . . . at some sites." It resisted hiring on-site managers for years, although in the course of discussions about the Telegraph sites the Authority claimed that this facility would be managed differently. Some would argue the Authority is attempting to re-brand its product, without changing its basic operation.

The Authority's participation, once revealed, was problematic, especially since the project grew from one costing \$25 million under TCR to a \$40 million, 115-unit, "workforce housing" project with the same footprint. The Authority would probably need federal funds and therefore federal review—under Section 106 of the National Historic Preservation Act and the National Environmental Policy Act—might be required.

This was pointed out to the Authority by noted environmental attorney Susan Brandt-Hawley (who handled the Old Merritt College, Sacred Heart Church, and Montgomery Ward court cases), HUD, and

the State Office of Historic Preservation. Rather than comply, the Authority appeared to drop out.

Inertia can keep even phantom projects moving forward. TCR decided to go through the motions of compliance with the 2007 conditions, thereby rendering moot the neighbors' appeal to the City Council of the Planning Commission approvals. TCR is completing plans and permits for their original market rate condo project, and demolition nears.

First, TCR will end up paying close to \$500,000 in fees: "the equivalent of two staff positions," according to one city employee I spoke to. Will staff question whether TCR intends to sell the vacant lot after demolition, and whether the Authority will reappear on the scene? Who other than the Authority could meet TCR's price, considering the costs of demolition and site cleanup?

TCR has already anted up \$330,000 of its permit fees, although not yet the original \$77,500 mitigation fee.

According to a prominent local developer, the site is worth about half what TCR paid for it. Seemingly, only the Authority could or would be able to pay \$9 million.

However, I reviewed a terse, unambiguous email from the HUD environmental official to the city, which administers compliance with federal environmental regulations by the Authority. The Authority was warned it was foreclosing the use of federal funds on this project in the future by avoiding federal environmental review before demolition occurs (like a trial after the execution: not very meaningful!)

My call to the Bank of the West "relationship manager" (aka loan officer) in Newport Beach confirmed that it was funding the demo and site cleanup, with no firm commitment beyond that. Partners with TCR since the heady days of 2005, the bank now must determine whether this is a good investment.

**How you can help stop this wasteful and needless demolition:** Preservationists can write to Bank of the West with letters asking that the company not sell to the Authority, and that it consider not demolishing the building on the site. Urge that the project incorporate the existing buildings into a viable commercial project that will

better fit the neighborhood and have an improved chance of success and community support. Michael Shepherd, President/CEO, Bank of the West, 180 Montgomery St., 25th Floor, San Francisco, CA 94104. Also, Allen Kirschenbaum, Executive Vice President & Division Manager, Real Estate Industries Division, 300 S. Grand Ave., Los Angeles, CA 90071. (213) 972-0384, (213) 972-0616 (Fax).

Also, TCR must apply for tree removal permits for the two stands of mature redwoods on the site. Their removal seems gratuitous and most un-green if the goal is simply a cleared, for-sale vacant lot; a new owner might welcome the trees (or the Courthouse Building, for that matter). The comment period to argue for redwood retention has been extended to Sept. 22. Write to Gay Luster, Tree Division, 7101 Edgewater Dr., Oakland, CA 94621, or email [gluster@oaklandnet.com](mailto:gluster@oaklandnet.com). An appeal to the City Council is likely sometime in the fall, whichever side prevails this round. ■

*You can contact Robert Brokl at [brokl-crofts@earthlink.net](mailto:brokl-crofts@earthlink.net). More info can be found at [www.SavetheCourthouse.com](http://www.SavetheCourthouse.com).*

## M/B Center

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returned to their car on the rooftop lot and found it had been broken into.

PANIL began urging Kaiser to buy the mall rather than to tear down more housing for expansion in the late 1980s, during the planning process for the Fabiola Medical Office Building on Howe Street. Kaiser did so in 1997. Early plans for the site were a set of low-rise clinics, but the final project will be nearly a million square feet of hospital and related diagnostic facilities and clinics, a central utility plant, and a garage with eight above-ground levels and two below. ■

*With thanks to the staff of the Oakland History Room and the Periodicals Room of Oakland Main Library, and to Betty Marvin of the city's Cultural Heritage Survey. For more info on Shapiro, visit [www.laconservancy.org/issues/issues\\_columbia.php4](http://www.laconservancy.org/issues/issues_columbia.php4).*



# A look back at this summer's weekend walking tour series



Mario DiGiovanni

**KATHLEEN DIGIOVANNI**, seen at far right, begins the tour, top. OHA volunteers set up the registration table, bottom left, and the tour visits the Sacramento Northern Railroad berm, bottom right.



## Key System tour



Kevin Dwyer

**DANIEL LEVY** talks in front of the Key System mural, left, while at right he debriefs after the tour with Naomi Schiff and Arthur Levy.

Kevin Dwyer

**PAMELA MAGNUSON-PEDDLE**, with earpiece, discusses the area while participants look at historic photos, top. One of the many tile mosaics done by an artists studio in Jingletown, bottom.



## Fernwood House Tour takes place where Hays once lived

By Annalee Allen and Dennis Evanosky

Nearly overlooked in virtually every account of Oakland's founding is an individual with a background as colorful and controversial as any pioneer in California.

John Coffee Hays was born on Jan. 28, 1817, on his father's plantation near Little Cedar Lick, Tenn. His parents named him for a close family friend, 1812 war hero General John R. Coffee. Hays was orphaned at 15. He struck out alone, heading to Mississippi in 1832, determined to become a land surveyor. Hays was small in stature, with dark hair, and eyes.

From the very start he learned to hold his own. While on a survey assignment in Mississippi swamp country, he and a companion were ambushed by mounted Indians. It was the first of many such encounters. Hays developed a reputation as an Indian fighter.

In 1836, after the fall of the Alamo, the 19-year-old Hays decided to fight for the Republic of Texas. He joined Captain Erastus "Deaf" Smith's company, and was appointed an officer and surveyor for the Texas Rangers.

Three years later, Hays had command of his own company of Rangers. In 1846, by then a colonel, he formed a regiment of

**Join us Oct. 4 for the Fernwood House Tour, of seven houses in this lush Montclair neighborhood. See page 9 for more.**

Texas Rangers for service in the Mexican War. On April 23, 1846, Hays married Susan Calvert in Sequin, Texas.

He served in the army throughout the Mexican War, attached to the command of General Zachary Taylor. According to James L. Haley's *Texas, an Album of History*, Hays saw the importance of repeating pistols, or six-shooters. Colt six-shooters permanently changed the odds in favor of the mounted Rangers; the Comanches and other tribes became seriously out matched.

After the war Hays decided to travel west with his friend (and future deputy sheriff and

business partner) Major John Caperton. The pair commanded 40 soldiers who were charged with guarding a detachment of army engineers who were building the road to El Paso. While at El Paso, Hays attempted to come to peaceful terms with the Gila Apaches who were harassing the engineers.

When the Apaches told Hays that they refused to accept life on a reservation, he resigned his post and decided to accompany a small party through Apache country to California. They traveled 30 miles a day down the Gila River to the Colorado River and reached California on Dec. 5, 1848.

Hays arrived in San Francisco in 1850, planning to head to the gold fields and send for his wife when he became settled.

But Sam Brannan and other city leaders, concerned with rampant lawlessness and frequent arson fires, which ravaged the city, prevailed upon the national war hero to remain and run for sheriff.

After Hays' successful election as sheriff, he and John Caperton enlisted the help of a 200-man volunteer night force to help maintain law and order. Their first prisoner was hanged on the plaza for stealing a safe. Some of the very leaders who had encouraged Hays to run for sheriff became the vigilantes responsible for hanging captured suspects without formal trial.

Lack of secure jail facilities worsened the problem of crime and disorder. Hays instituted a temporary floating jail on the brig *Euphemia*, moored in the bay. He actively sought contributions from business leaders, many of whom also happened to be members of the Committee of Vigilance-and before he left office, enough funds were raised to construct a new jail.



**FERNWOOD ESTATE** in its heyday.

Hays did more than serve as sheriff; he helped organize the city's first fire department. By September 1850, his wife, Susan, and brother Robert were in San Francisco with him. Hays and Susan bought the Mountain Home Ranch, a spread of 2,000 acres, some 30 miles away in San Mateo County.

See **HAYS** on page 7

### Welcome to our new members!

*OHA is pleased to welcome these newest members to our roster:*

Barney Smits, Michael Colbruno & Alex Paul, Alex Rood, Judith Myers, Zeld Bronstein, Alyson Yarus, Christi Azevedo & Katherine Catlos, Rachel Force, Laura Jackson, Marianne McLaughlin, Kathy Krohn, Rhonda Smith, Charles Konigsberg, Shirley Wilkinson, John Lindow, Evelyn & Allan Humphrey, Bruce Nye, Dan & John Embree, Ray Serb, Mrs. William Nicholson, Susan Schultz, Susan Jaeger, Tiffany Crittendon, Joseph Johnston, Catherine West, Rebecca Mehr, David Brandon, Emily Mendel, Linda Cleveland, Chia Hamilton, Nelson Bunin, Britt Moore, Robin & Mark Violet, Sandra & Timothy Cormier, Mary & Ron Loar, Lawrence & Emily Lohr



# Hays

*Continued from page 6*

When Hays was re-elected sheriff, he and Susan moved back to San Francisco to a home on Powell Street.

In addition to keeping the peace, Sheriff Hays, as an officer of the court, served writs and executed sales. It was during this time that he first met the Peralta brothers. William Davis, a San Francisco merchant who had been in California since 1831, had tried unsuccessfully for years to buy land from Vicente Peralta.

On March 13, 1852, Hays and four associates contracted with Vicente for the Oakland portion of Vicente Peralta's share of the Rancho San Antonio. The agreed upon price was \$10,000.

The Hays consortium placed a notice on page one of the local paper: "Caution to the Public: The undersigned being the sole owners of the Encinal in Contra Costa County, opposite San Francisco by purchase from V. Peralta, hereby warn the public against purchasing from any other parties pretending to claim said land."

As we know, this notice did not prevent speculators such as Carpentier from staking their own claims to what they considered to be vacant land. Charles Wollenberg's *Golden Gate Metropolis* provides a concise overview of how Bay Area land ownership issues dragged on in the courts for years, and how Californios like the Peraltas were forced to sell off their land to pay legal fees.



**ONE OF THE CHARMING HOMES** in the Fernwood neighborhood today.

While Carpentier and his partners opted to circumvent the Peralta family, maintaining that the U. S. government would never uphold the Peralta land grant, Col. Hays negotiated in good faith with the lawful owners, acquiring thousands of acres during the 1850s and '60s.

Ultimately the Peralta and Hays transactions were upheld in the courts. Perhaps because of his long years in Texas and Mexico and his knowledge of the Spanish language and culture, Hays was able to earn the respect and trust of the Peraltas. They may well have preferred to deal with the ex-Texas Ranger than with those "shrewd Yankees."

While the land claims were moving through the courts, Hays finished his first term as sheriff and ran successfully for a second term. He did not complete his second term, however. In keeping with his Jacksonian Democrat roots, Hays had become active in Democratic party politics.

Franklin Pierce appointed Hays (after Hays petitioned him) to the newly created job of Surveyor General of California in December

1853. Hays traveled to Washington to attend Pierce's inauguration. His presence at the reception threatened to upstage the other dignitaries. A local newspaper wrote:

"Amid the countless multitude attracted to Washington during the last few weeks no man was the object of deeper interest than Col. Jack Hays, the world renowned Texas Ranger. It may be safely asserted that no man in America, since the great John Smith explored the primeval forests of Virginia has run a career of such boldness, daring, and adventure. His frontier defense of the Texan Republic constitutes one of the most remarkable pages in the history of the American character."

Hays fought one more campaign against the Indians while living in California. The discovery of the Comstock Lode and the rush to Virginia City, Nevada, upset Chief Winnemucca of the Paiute Indians, who attacked the newcomers in 1860. Texas Ranger Captain Edward Storey, who had raised the Vir-

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Oakland History Room



**JACK HAYS**, Fernwood's first master.

**OHA is grateful for the generous financial support of its members.**

Teresa Kulka, Lorri Rosenberg Arazi, Jeffrey Neidleman, Deborah Cooper, Stephen & Valerie Garry, Alison Finlay, Joan Dark, Doug Dove, Laine Farley & Roy McCandless, Riley Doty, Arthur Levy, Ira Feldman & Patricia Gill, John Tuttle & Doug Drummond

Oakland Heritage Alliance



## Report from the Preservation Action Committee

# Victory for the boathouse!

By Naomi Schiff

Here are some of the projects OHA's Preservation Action Committee has been monitoring recently.

**Old Boathouse reopens!** The restored and rehabilitated boathouse on Lakeside has opened as of mid-August, with the Lake Chalet Restaurant operating as its main tenant. It also provides boat facilities for Gondola Servicio and for the Lake Merritt Rowing Club. For decades, the building served as Parks and Recreation Department headquarters. The space was subdivided into offices and not generally accessible to the public. Measure DD funds supplied by the citizens of Oakland financed a restoration which included complete resupport of the structure, which stands partly in the water. The Rotary Club donated a grand stairway to the entrance. The long bar looks out onto the lake, the restaurant already seems quite popular, and plans are underway to serve meals outside on the dock. In supporting the Lake Merritt Master Plan, advocating for the historic buildings around Lake Merritt, and supporting the effort to pass Measure DD, OHA can be proud of its role in this great community project.

**Ninth Avenue Terminal:** In yet another installment of the Oak to Ninth saga, Superior Court Judge Lee has rejected our appeal of the project approval. The last remaining item in our lawsuit had to do with seismic safety of new high-rise construction on soils subject to liquefaction. The OHA board will receive advice from its steadfast attorney Arthur Levy, after he has thoroughly analyzed the decision. A parallel appeal on other issues by CALM and Joyce Roy was also rejected.

**CBD Zoning update passes City Council:**

After months of meetings, City Council approved new zoning regulations for the Central Business District, the downtown area of Oakland between Lake Merritt, Grand Avenue, and interstates 880 and 980. OHA succeeded in making the case for special treatment of some Areas of Primary Importance, although we did not succeed in getting lower height limits in the National

Register District along Broadway. However, still in the works are plans to refine the city's demolition guidelines, which may help in clarifying the importance of historic properties. The city is also embarking on a view corridor study, which will address views from Lake Merritt, from the west and south, toward the CBD. In related activity, the residential and commercial citywide zoning updates are proceeding. If you or your neighborhood groups are interested there are meeting notices and materials available at [www.oaklandnet.com/government/ceda/revised/planningzoning/ZoningUpdateProject](http://www.oaklandnet.com/government/ceda/revised/planningzoning/ZoningUpdateProject)

**New Landmarks Board Members:** After being so shortstaffed that the Landmarks Board had a hard time maintaining a quorum, Mayor Dellums appointed three new members: Valerie Garry, Anna Naruta, Daniel Schulman. He also reappointed Kirk Peterson. Congratulations to these people who have volunteered their time and energy to the city, all OHA members!

**16th & Wood Street Train Station:** The old SP Station is still waiting for its reawakening. Currently, CCG, Phil Tagami's company, has been engaged by the nonprofit RAILS board to do feasibility studies. These studies will supply up-to-date information on how best to re-use the station, fulfill community goals for it, and achieve economic sustainability, all while preserving the historic architecture and cultural significance of the building. These reports should be appearing within the next month. In the meantime, community members are trying to make sure that the current property owner, BUILD housing, secures the building and protects it from further damage.

**Courthouse Athletic Club:** See Robert Brokl's piece in this issue, page 3. ■

## Thank you, volunteers!

*In addition to the walking tour volunteers (page 11), we want to recognize and thank some other key volunteers who make OHA programs happen. Thanks so much for volunteering your time to our organization!*

*If you would like to join our team,*

## OHA's popular lecture series continues this fall

Join us the second Thursday of each month at Chapel of the Chimes, to hear local historians, writers and thinkers.

**Oct. 8: Woody Minor**

Architectural historian Minor will talk about two Victorian homebuilders based in Alameda in the 1890s, the subject of his new book, *A Home in Alameda*. The firms of Marcuse & Rimmel and Joseph A. Leonard designed and built hundreds of houses in the East Bay and San Francisco. This lecture will shed light on their business practices and varied architectural approaches.

**Nov. 12: Annalee Allen**

Commemorating the 20th anniversary of the Loma Prieta Earthquake, Allen will recall how this disaster impacted Oakland and how preservationists rallied to successfully save some of the city's most treasured historic buildings, slated for demolition. Allen is a member of the Landmarks Preservation Advisory Board, chairwoman of the Alameda County Historical Commission, an Alameda County Historical Society board member and coordinator of the city-sponsored Oakland Tours Program. She also writes a weekly column on local landmarks and history for the *Oakland Tribune*.

*Lectures start at 7:30 p.m. and are held at Chapel of the Chimes, 4499 Piedmont Ave. \$10 OHA members or \$15 non-members.*

*please call 763-9218. We appreciate it!*

Alex Rood, Alison Finlay, Dea Bachetti, Deborah Cooper, Doug Dove, Elaine Macey, Joan Dark, Juliet Carr, Kathryn Hughes, Kevin Dwyer, Lisa Hire, Lise Thogersen, Mary Harper, Naomi Schiff, Puanani Forbes, Rachel Force, Michael Crowe.



## Fernwood

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ginia City Rifles to fight the Paiutes, called on his old friend for help. Jack arrived and took command of the 530-man Washoe Regiment, many of whom had been Indian fighters in Texas. They were joined by 212 federal troops from Carson City.

The men encountered the Paiutes at Pinnacle Mount on June 2, 1860. "During three hours of fierce hand-to-hand combat, Jack's men drove between 800 and 1,000 Indians from their hiding places," writes Lee Paul on his site, [www.theoutlaws.com](http://www.theoutlaws.com). They then chased the Indians four miles before they scattered to their mountain retreat. Although Chief Winnemucca escaped, Hays had broken his power, and the army put an end to the hostilities. After just 10 days, Hays disbanded his men and returned to California.

Hays was otherwise considered a liberal philanthropist, a civil leader active in the promotion of utilities, banks, wharves and railroads. He was a major stockholder in Oakland Gas Light Company, and the founder and director of the Union National Bank.

The name Fernwood is a tangible link to the days when Jack Hays rode the East Bay hills. The site he chose for the home for his wife and family was in the wooded canyon behind what is now Piedmont. He called his spread "Fernwood."

In the 1860s Hays devoted his time to developing not only his personal estate (by now his family had grown in size), but also his holdings throughout what had become Alameda County.

He was among those interested in making Oakland the state capital. Two plazas Hays donated to the city, Franklin and Washington Squares, became sites for the Hall of Records and the Hall of Justice.

Several congregations received gifts of land from Hays for church sites. According to an obituary in the papers of the Society of Oakland Pioneers, Hays gave the land where the University of California was eventually built. (Actually the transaction appears somewhat more complex.)

Hays was a member of the U.C. Board of Regents and a director of the Deaf, Dumb, and Blind Asylum (precursor to the California School for the Deaf and Blind).

As for his property in what is now Oakland's Montclair District, several contemporary accounts describe Fernwood as "large and elaborate for its day. The attractive garden was well kept, the stables large, and there were a number of fine horses."

Nephew John Hays Hammond's autobiography describes his uncle's ranch: "Its alternating hills and wild ravines were an ideal place for a boy with an adventurous spirit, but my uncle's was really a ranch de luxe."

Wood's *History of Alameda County* called it "one of the most beautiful of the State, located at the base of the verdure-clad hills of the Coast Range, in a quiet nook of lordly oaks: a handsome building and exquisite art. Indescribable views in every direction."

Hundreds of trees and shrubs were planted, extensive lawns and graveled paths were put down. Sunday breakfasts were a regular occurrence, sometimes as many as 100 guests making their way out from town.

Hays arranged for the grading and construction of a road to his property. For many years it was known as Hays Canyon Road, it is today's Moraga Road.

California chronicler and well-known writer of the day, J. Ross Browne, became friendly with Hays during these years. Characterizing Hays as "the noblest Roman of them all," Browne wrote:

"There is about him such an unconscious power of winning your respect—such an entire absence of egotism, and so much that is true, generous, and reliable that you are completely charmed."

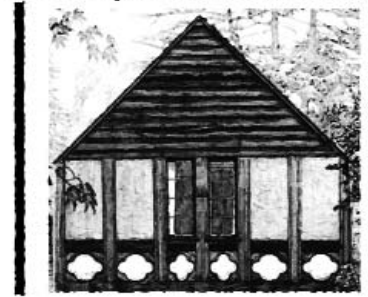
Hays last years were marked with sadness as well as prosperity. Three of his five children died young. By the late 1870s his health had begun to decline.

He died at his beloved Fernwood in 1883, on the anniversary of the battle of San Jacinto. His last words were "Do you know what day this is? It's San Jacinto Day."

Newspapers were filled with accounts of his passing. The funeral procession wound its way out Broadway, crowds lining the streets. The cortege, escorted by Mexican War veterans and delegates from the Society of Pioneers, made its way to the gates of Mountain View Cemetery.

"Only the throb of muffled drums and the ripple of flags at half-mast on public buildings and private residences were heard as the long column moved to the graveside. . ." The

### The Storybook Houses



## of Fernwood

**Presenting OHA's 2009  
House and Garden Tour**

**Sunday, Oct. 4: 1–5:30 p.m.**

Please join us for a self-guided tour of nine picturesque and charming 1920s homes in the hidden Fernwood neighborhood, in the Montclair District of Oakland. House styles reflect the Period Revival architecture of the Twenties, with Tudoresque, Norman, Mission Revival, and First Bay Area Tradition examples. The historic setting remains intact, with its bridges over Temescal Creek, beautiful trees and gardens: a unique and romantic hideaway. Tour begins at 1600 Mountain Blvd. (northwest of Thornhill)

Prices: OHA and Fernwood Club members: \$25 in advance, \$30 day of tour. Nonmembers: \$30 in advance, \$35 day of tour. 763-9218 or [www.oaklandheritage.org](http://www.oaklandheritage.org).

obituary in the *Tribune* called him "the moving spirit and founder of Oakland."

After Hays' death, the estate passed into the hands of William Dingee (see more on page 12). Fire destroyed the house in 1899.

Although the mansion is long gone, the parklike feel of today's Fernwood still evokes the feeling of one of Oakland's finest early day estates, and is the gift of that forgotten Oaklander, Colonel Jack Hays. ■

*Material drawn from Allen's Spring 1993 OHA News article and Evanovsky's Sept. 4, 2008 article in the Alameda Sun.*



## Vroom, vroom! East Bay Dragons Motorcycle Club recognized

On July 13, the city's Landmarks Preservation Advisory Group presented a Certificate of Recognition to the East Bay Dragons Motorcycle Club in honor of their 50th anniversary. The group is "All Black and All Harley."

The East Bay Dragons, LPAB directors, city staff, and members of the public adjourned briefly to view a circle of about 30 beautifully maintained and elaborately ornamented Harley-Davidsons, arranged around the fountain at City Hall.

Betty Marvin, of the Oakland Planning Department Cultural Heritage Survey, helps staff the Landmarks Preservation Advisory Board meetings . . . but she doesn't always get such a good seat!



Both photos: John Klein



## Landmarks Board meeting summaries

Following are summaries of the meetings of the city of Oakland's Landmarks Preservation Advisory Board.

■ **June 8, 2009:** Naomi Schiff of OHA invited members and public to an upcoming joint presentation from OHA and East Bay AIA, an illustrated **lecture on mid-century modern** in the East Bay, with Pierluigi Serraino focusing on some of the innovative but undercelebrated architects in our area.

Board member Rosemary Muller presented on the landmark **Frederick B. Ginn house** in Preservation Park.

Board discussed a revised Planned Unit Development at **St. Joseph's Senior and Family Development Project**, a combination of new construction, adaptive reuse, and historic preservation. The large main building and historic Laundry Building are to be reused. Changes included breaking project into three phases, building to a smaller scale for the new construction family units (requested by the National Park Service to

achieve greater sensitivity to the historic structures nearby), and the reuse of a small building called the Guardhouse. The Bridge Housing project, being planned with architects Van Meter, Williams & Pollack, stands in a prominent location on International Boulevard west of Fruitvale. Board discussed how much of the old brick walls enclosing the property could be reused.

Board heard staff reports concerning a revised set of **Demolition Guidelines** and a **report on view corridors**, related to the Central Business District zoning update in progress. Board discussed proposed new more-stringent findings for demolition of historic structures. Board also considered the practicality of designating view corridors toward downtown from various vantage points, and directed staff to study both issues further. John Klein of CALM presented a video of some views of downtown from surrounding freeways and roads.

Board passed two motions: one combined two categories of properties for the proposed

new demolition guidelines. The other focused further work on particular aspects of designating potential view corridors.

Robert Reed of the **East Bay Dragons Motorcycle Club** spoke requesting recognition on the club's 50th anniversary. Board passed a motion to honor his request.

■ **July 13, 2009:** Board presented Certificate of Recognition to the **East Bay Dragons** (see photos, above). Members and the founder of the club were present to accept and celebrate. Board and public attendees adjourned briefly to view the club's motorcycles, parked at Frank Ogawa Plaza.

Board member Biggs presented a history of the **Herbert Hoover House**, 1079 12th St.

Board heard from subcommittee about the major **Oakland Museum** project now underway, which will enlarge exhibition space and alter the entry from Oak Street to comply with ADA standards and protect visitors from rain.

Staff reported that upcoming Board action would be requested, to approve several **Mills Act** projects.

In August, the board did not meet. ■



## Gearing up for Fernwood House Tour

By Dea Bacchetti, President

The House and Garden tour is upon us! Please join us on Oct. 4 for “The Storybook Houses of Fernwood.” Our house tour this year offers a unique opportunity to visit nine privately-owned homes in Tudor, Spanish, French and Colonial revival styles, as well as an opportunity to learn about this charming section of the Montclair district. This is not only an important fundraiser for our organization, but also educational and fun! There will be a garden reception for tour participants offering food and beverages.

We encourage you to reserve your tickets in advance for our discounted rate; tickets will also be sold the day of the event. Please check our website or contact our office for more details.

I hope you all had a chance to attend at least one of our Walking Tours this year. We had a fantastic season, offering old favorites along with new ones like the sold-out Fox Oakland Theater and Uptown Art Deco tour. Thank you all for making this season such a success. Of course, none of it would be possible without our dedicated board members, tour leaders, and faithful volunteers.

OHA extends thanks to the following knowledgeable and dedicated leaders:

Annalee Allen, Phil Bellman, Chris Buckley, Ernie Chann, Michael Crowe, Patricia Dedekian, Kathleen DiGiovanni, Bruce Douglas, Dennis Evanovsky, Sara Fetterly, Karen Fiene, Bert Gordon, Daniel Levy, Ruby Long, Celia McCarthy, Pamela Magnuson-Peddle, Sue Mark, Betty Marvin, Woody Minor, Jane Powell, Ray Raineri, Naomi Schiff, and Barbara Smith.

We’d particularly like to single out first-timers who brought us fresh views of Oakland: Chris Buckley (ReZoning: Facing Oakland’s Future), Sara Fetterly (Stroll a Transformed Shoreline/Arrowhead Marsh), Daniel Levy (Walking the C Line), and Sue Marks and Bruce Douglas (Historic Town Squares). And we are eternally grateful to some veteran leaders of many tours over many years: Annalee Allen (Oakland tour pro), Phil Bellman (Borax Smith fount of knowledge), Ernie Chann (Chinatown insider), Michael Crowe and Barbara Smith, (Mountain View Cemetery team), Dennis Evanovsky (Laurel, Leona Heights, Dimond, and Mountain View Civil War buff), Betty Marvin (West Oakland, Fruitvale, Jingle-town), and Jane Powell (all things bungalow). Our faithful volunteers: Dea Bacchetti, Juliet Carr, Deborah Cooper, Joan Dark,

Doug Dove, Kevin Dwyer, Alison Finlay, Rachel Force, Mary Harper, Lisa Hire, Kathryn Hughes, Sara Jacobsen, Elaine Macey, Alex Rood, Naomi Schiff, and last but not least, none of this would be possible without our dedicated walking tour committee: Deborah Cooper, Joan Dark, Alison Finlay, Mary Harper. A round of applause for all of them, please!

Don’t forget OHA’s terrific second Thursdays lecture series: we hope to see you there (information on page 8). And we will soon schedule our annual meeting; watch for your notification in the mail, and plan to gather with your fellow OHA members.

We at OHA can’t thank our members enough for your continued support of our organization. We would not be here if it weren’t for your membership and donations, which are crucial to our ability to serve our mission, particularly in our current economic climate.

In addition to monetary donations, we also seek in-kind donations of goods and services. Currently we need a laptop computer for our lecture series. The computer doesn’t need to be new, but it does need the ability to run PowerPoint. If you are upgrading your laptop computer and have an older one that fits the bill, please contact us. ■

CONTRIBUTORS: Annalee Allen, Dea Bacchetti, Robert Brokl, Kevin F. Dwyer, Kathleen DiGiovanni, Dennis Evanovsky, Naomi Schiff, Valerie Winemiller, Chela Zitani  
PRODUCTION: Erika Mailman

OHA News welcomes contributions: research projects large or small, historic photos and reports on preservation issues or events. Send to news@oaklandheritage.org.

MISSION STATEMENT: OHA is a nonprofit membership organization which advocates the protection, preservation and revitalization of Oakland’s architectural, historic, cultural and natural resources through publications, education, and direct action.

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OHA membership keeps you informed, helps make our city more livable, and puts you in touch with our many events. It makes a wonderful gift, too!

- \$45 Cornerstone** (individual): newsletter, advance notice and discounted pricing on programs, events and tours.
- \$65 Pilaster** (household): same as above, for two.
- \$110 Pediment** (organization/corporate): same as above for four (for corporate or organization, transferable).
- \$250-\$499 Doric** same as above plus two tickets to a walking tour
- \$500-\$999 Ionic**: same as above plus four tickets to a walking tour.
- \$1,000-\$2,500 Corinthian**: all access pass for two (transferable).

Some limited income memberships are available. Call for information

- I'd like to contribute \_\_\_\_\_ to the OHA Leadership Fund, and help assure the future of historic preservation in Oakland.

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446 17th St., Suite 301  
Oakland, CA 94612  
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## Fernwood Estate's rise and fall

By Kathleen Leles DiGiovanni

Jack Hays, Oakland pioneer and builder of Fernwood, died in 1883. In 1885, his Fernwood home and acreage passed into the hands William J. Dingee who had made a fortune—like so many others in the 19th century—in Oakland real estate.

Under the ownership of Dingee and his wife, the former Virginia Rose Dodge, Hays's Fernwood was enlarged to a 19-room mansion and its exterior was changed from Gothic Revival to the more fashionable and up-to-date Queen Anne style. The Dingees' Fernwood sported turrets on the outside and paneling, frescoes, and art on the inside, with an infrastructure supported by gas, electricity, and steam heat. The photograph you see, from an album called "Views of Fernwood," depicts a carriage house on the property.

The Dingees expanded Fernwood's grounds, adding terraces, fountains, vineyards and an estimated 50 thousand square feet of greenhouses. According to a 1973 *Montclair* article on the history of Montclair, these improvements exceeded the capacity of the creek to keep them all irrigated. Dingee's effort to identify a reliable water supply for Fernwood led him in 1890 to "dig a tunnel deep into the hills at about 1,100 feet elevation, and after he had dug about 200 feet, water began gushing out." That tunnel, and a couple of others, provided Dingee with enough water for Fernwood and then some. Not a man to let an opportunity go to waste, Dingee built a reservoir to store the extra water, laid pipes to deliver that water into

Oakland, formed the Piedmont Power and Water Company, and entered into competition with Anthony Chabot's Contra Costa Water Company. The ensuing rate war forced Chabot to consolidate with Dingee, leading to the later formation of the East Bay Municipal Water District.

A spectacular and fast-moving fire burned Fernwood to the ground on October 18, 1899, while Mr. and Mrs. Dingee were away in New York. Losses were estimated at \$300,000, but the property was insured for only \$60,000.

In the immediate aftermath, they made plans to rebuild. According to an *Oakland Enquirer* article, Dingee had engaged Oakland architect Walter J. Matthews to design and build a new Fernwood. In the end, though, they did not rebuild. They moved briefly into a cottage on the property but ultimately relocated to their San Francisco home, known variously as the "Glass" or "Crystal" or "Diamond" Palace for its dazzling use of glass and crystal. They also maintained homes on the Peninsula and in New York.

In 1900, Dingee took on Adeline Percy as a partner in Fernwood. Percy and her husband built their famous faux-rustic "log cabin" on the Fernwood property. That house was fea-



A "SIMPLE" CARRIAGE HOUSE on the Fernwood estate.

tured in national magazines for its meticulous construction and pioneering use of electrical appliances. By the early 1920s, Fernwood had been subdivided and the garden suburb featured in our Oct. 4 house tour was under development.

What became of the Dingees after they left Fernwood? After wresting control of the Contra Costa Water Company from Chabot, Dingee extended his fortune by gaining monopolies in roofing slate and cement, but his aggressive overexpansion led to the rapid unravelling of his financial empire in 1908. By 1910, the Dingees were living in Paris to escape their creditors. Widowed in 1914 and back in California, Dingee was finally forced into bankruptcy in 1921; his bankruptcy petition listed \$822,000 in liabilities. He lived another 20 years, dying in obscurity in Sacramento in 1941. At the time of his death, his fortune amounted to his burial plot at Cypress Lawn cemetery, his clothing, and \$150. ■