

## **Introduction**

This chapter presents the prehistoric and historic background of the project site, its setting in relation to cultural resources, and a discussion of potential impacts of the proposed project on cultural resources.

## **Setting**

### **Cultural and Historical Resources**

The setting for cultural resources consists of the historic context of the project vicinity, the regulatory setting that provides the criteria for determining the significance of historical resources, and an identification of properties in the project area that are considered significant historical resources under CEQA. The historic context presented below includes a narrative of prehistoric and historic themes, and a general history of the area. The historic context and the summary of architectural resources were summarized from the relevant sections of the Historic Preservation Element (HPE) of the General Plan and the relevant forms of the Oakland Cultural Heritage Survey (OCHS), sponsored by the City. The regulatory setting provides the evaluation criteria used to identify significant historical resources. The “Setting” section concludes with a discussion of the project site’s sensitivity for archaeological resources and descriptions of historic architectural properties in the project area.

### **Prehistoric Background**

Results from previous archaeological investigations in the project area and the surrounding region have shown that the San Francisco Bay Area was inhabited by mobile hunter-gatherers. Over time, their foraging strategies became more focused on locally obtainable resources and their lives became increasingly more sedentary. Fredrickson and Bennyhoff developed a taxonomic sequence that defined three basic cultural patterns throughout the Bay Area and interior Delta.

The three general patterns of resource use have been identified for the period between 2500 B.C. and A.D. 1500 (Moratto 1984).

The Windmill Pattern (2500 B.C. to 1000 B.C.) is thought to represent a mixed economy of game procurement and the use of wild plant foods. Evidence of these activities includes fishing hooks spears crafted from fish bone, and of stone tools such as milling slabs and handstones (Moratto 1984). The Windmill Pattern reflects a seasonal adaptation in which habitation sites in the valley were occupied during the winter months; summer camps are found in the foothills (Moratto 1984).

The Windmill Pattern shifted to the Berkeley Pattern, which spanned the period from about 1500 B.C. to 500 B.C. Changes in tool technology indicates an increased dependence on acorns, though shell mounds and the presence of projectile points and atlatls suggests that hunting was still an important part of subsistence (Fredrickson 1973). In the southern Bay Area, the Berkeley Pattern is illustrated by a heavy reliance on the bayshore environment.

The Augustine Pattern succeeded the Berkeley Pattern around A.D. 500. This adaptation was adopted by the ethnographically documented people of the historic period. The Augustine Pattern exhibits an increase in ceremonialism, social organization, and stratification. Trade was an important element of this adaptation and is evidenced by the different types of obsidian from other regions and shell beads. The presence of shaped Gunther Barbed series in the archaeological record indicates the use of the bow and arrow.

The Emergent Period (A.D. 1200–1777) in the Bay Area is characterized by an elaborate social organization and the formation of small, autonomous sociopolitical groups called tribelets. An economic relationship was maintained among the many small groups, and trade was frequent between the coastal groups and the valley/bayshore groups. The Augustine Pattern tool kit is found throughout the Emergent Period. According to ethnographic studies from researchers such as Alfred Kroeber (1925), the material and social culture described here represented the way of life of the native people in the southern Bay Area upon contact with the European explorers.

## Ethnographic Background

At the time of European contact, the San Francisco Bay region was occupied by a group of Native Americans whom the ethnographers referred to as the Ohlone or Costanoan. The Ohlone are a linguistically defined group composed of several autonomous tribelets that speak eight different, but related languages. At the time of contact, the territory of the Ohlone people extended along the coast from Golden Gate in the north to just beyond Carmel in the south, and as much as 60 miles inland. This territory encompasses a lengthy coastline as well as several inland valleys (Levy 1978). The Ohlone were hunter-gatherers and relied heavily on acorns and seafood.

Aboriginally, the Ohlone were politically organized by tribelet, each having a designated territory. A tribelet consisted of one or more villages and camps in a territory designated by physiographic features. Ohlone villages typically consisted of four types of structures: dwellings, sweathouses, dance structures, and the assembly house. (Levy 1978)

Seven Spanish missions were founded in Ohlone territory between 1777 and 1797. While living in the mission system, the Ohlone commingled with other groups, including Esselen, Yokuts, Miwok, and Patwin. Mission life was devastating to the Ohlone population. It has been estimated that, in 1770, when the first mission was established in Ohlone territory, the Native American population numbered around 10,000. This population rapidly declined to less than 2,000 by 1832 as a result of introduced diseases, harsh living conditions, and reduced birth rates. After the secularization of the missions around 1830, Native Americans gradually left the missions; many went to work as wage laborers on the ranchos, in mines, and in domestic positions. There was a partial return to aboriginal religious practices and subsistence strategies, but for the most part, the Ohlone culture was greatly diminished (Levy 1978). Today, descendants of the Ohlone still live in the area and many are active in maintaining their traditions and advocating Native American issues.

## Historic Context

The following historic context for the development of Oakland was adapted from the General Plan, HPE (City of Oakland 1998). The historic context for the produce district was adapted from the Historic Resources Inventory form produced by the City and concurred by the State Office of Historic Preservation (City of Oakland 1985).

### The Original City of Oakland

The original city of Oakland began in 1850 with the sale of lots by Vicente Peralta to squatters on his land. A 480-acre settlement was incorporated in 1852 as the City of Oakland, the name derived from “El Encinal (oak grove) de Temescal,” referring to a vast forest of oaks extending from what is now Lake Merritt to the San Francisco Bay. The original city included what is now downtown and West Oakland up to about 22nd Street. The first official map of Oakland was filed in 1853 for the area roughly bordered by the Estuary, Market Street, 14th Street and the Lake Merritt Channel. The map established today’s pattern of 200- by 300-foot-long blocks, 80-foot-wide streets, and the 110-foot-wide main street called Broadway.

The earliest townspeople numbered less than 100 and clustered around what is now the foot of Broadway, which immediately became the commercial spine. This began the development of “downtown” Oakland up Broadway, which has continued to the present day. Uncertain land titles and a lack of street improvements slowed development during the early 1850s, but when a bridge

was erected in 1856 over what is now the Lake Merritt Channel, improved communication and transportation ensured urban progress on the east side of San Francisco Bay. In 1854, ferryboat service to San Francisco was established, and in the late 1850s, the City's first brick building was erected at the northwest corner of 3rd Street and Broadway. This building and five other brick commercial structures from the early 1860s still stand along lower Broadway.

Commercial and industrial development was centered near the wharves. By 1863, the San Francisco and Oakland Railroad was in operation along Railroad Avenue (now 7th Street), extending from the deep-water ferry service at Oakland Point to Broadway. The railroad's location stimulated a shift of Oakland commercial center from below 4th Street to 7th and Broadway. The selection of Oakland as the land terminus for the Central Pacific, completed in 1869 as the country's first transcontinental railroad, stimulated a development boom, and the population more than tripled from 10,500 in 1870 to 34,555 in 1880. Commercial development continued up Broadway and up neighboring Washington and Franklin Streets.

In 1873, the City became the seat of Alameda County. Oakland continued to grow, with multistory commercial buildings extending up Broadway beyond 14th Street by 1880. The 1906 earthquake and San Francisco fire generated a major population increase and development boom in Oakland, which continued into the 1930s. In 1910, the City's population reached 150,174, more than double the 1900 level. The post-earthquake development boom defined much of downtown Oakland as it is known today and resulted in most of the City's notable early 20th century skyscrapers.

## **The Produce Market**

The City's first produce business is said to have been founded in 1877, and by the 1890s, a Grand Central Market with several other wholesale grocery houses had developed around Rouse at 11th and Washington Streets. By the 1910s, according to the Oakland Tribune, "The produce and commission men had to be moved from their uptown location. The retail district of the City was rapidly growing around them and they became entirely out of place." The City Council, in an effort to locate this "class of trade by law," enacted an ordinance in 1917 "permitting the use of sidewalks for display and sale of merchandise, and...awnings over sidewalks in a certain portion of the city of Oakland." This portion was bounded by Broadway, 7th Street (the railroad tracks), Fallon Street, and the waterfront and encompassed the present produce and Waterfront Warehouse Districts. This was an area of early homes, deteriorating and giving way to small-scale manufacturing and warehousing, especially after the inauguration of Western Pacific service along 3rd Street in 1909. Improved transportation made the area advantageous for all kinds of warehousing businesses, and especially for fresh produce.

The distinctive architectural appearance of the produce district is reinforced by distinctive commercial activity. During the early morning hours, trading and loading takes place on the sidewalks and streets, by truck, forklift, and hand truck

(there are no loading docks). During the afternoon, the screen fronts of the markets are closed and the produce trading is quiet, but commercial activity continues with the restaurants and businesses in the market area.

In 1916, Fruit and Produce Realty Company (F&PR), a consortium of 11th Street merchants, was incorporated and quickly assembled some 38 continuous lots along Franklin between 1st and 4th Streets. Other merchants and developers quickly moved into the district and followed F&PR's lead in adapting their buildings for market use. Infill and expansion in the early 1920s departed from the design of the produce markets, often using the ornamental pressed brick storefront style. These new buildings were adaptable to a variety of warehouse, garage, or commercial uses. The strongly traditional character of the produce district is seen today in its unique physical features; the district's buildings display a rare, traditional building type that influences the business practices of its current occupants by encouraging use of outdoor space, such as the canopy-covered sidewalks.

## **Archaeological Resources on the Project Site**

### **Records Search Results**

A records search was conducted on March 22, 2001, at the Northwest Information Center of the California Historical Information System at Sonoma State University. The records search involved a search of the database of previously recorded archaeological sites and studies within a 1-mile radius of the project area. The records search indicated that there are no previously recorded prehistoric or historic archaeological resources in the project area. Historic maps, the historic resources inventory index, and various local inventories were also checked. A Jones & Stokes historian also consulted with the City of Oakland Planning Department, which provided specific, in-depth information regarding the architectural background of the project area. The information used in the discussion of archaeological resources was obtained from various Sanborn Insurance Company fire insurance maps, on file with the City of Oakland's Planning Department.

### **Sensitivity Analysis**

An archaeological sensitivity analysis was conducted by reviewing the Sanborn Insurance Company's fire insurance maps for the City. Information depicted on these maps includes building uses, construction materials, and building occupants' names. Table 3B-1 provides information on historic land uses.

## Summary of 3rd and Broadway Historic Uses

### Late 19th Century

The 1889 Sanborn Insurance Company map shows a full range of activities represented on this city block. There was a mix of family and domestic uses, commercial enterprises, and industry. The 1889 map indicates that the block was occupied by the Carriage Factory and Printing shop, the Oakland Hotel, a flour mill and flour storage facility, the Oakland Central Free kindergarten, a lumber yard, two single-family homes, two work sheds, and a Sunday School and associated outbuildings (with several of the buildings listed). The buildings were mostly one and two-story wood-frame structures with one three-story brick building, the Oakland Hotel. The Hickcock and Sons Golden Rule Patent Roller Flour Mill occupied four buildings along the center of the block on 3rd Street. The flour mill appears have also occupied several outbuildings that operated in the center, interior portion of the block. The lumberyard occupied the entire length of Franklin Street between 2nd and 3rd Streets.

### Early 20th Century

The 1903 Sanborn Insurance Company map reveals changes in use, such as a decrease in single-family homes and fire damage and an increase in vacant lots. At this time, the lumberyard was gone, as was the flour mill. 1903 might represent a transitional period for the block and perhaps the neighborhood. The kindergarten was still there, as were one of the single-family dwellings and the Sunday school. There were still lodging facilities where the Oakland Hotel was, but the name of the business does not appear on the map. The corner of Franklin and 2nd Streets, where the lumberyard was located, was occupied by a boiler room and several small, single-story buildings that appear to have been operated by a single company. No business name is stated on the 1903 map. The general character of the block appears to tend toward local business enterprises and industry, while still maintaining some family uses with the kindergarten and Sunday school. The general construction and materials used in building remained fairly consistent with the earlier period. The structures on the block were still primarily one- and two-story wood-frame buildings.

### Mid-20th Century

The 1935 Sanborn Insurance Company map shows a number of new businesses and industries. There was a restaurant on the corner of Broadway and 2nd Streets, and the Empire Foundry Company occupied almost half the block, including the space where the flour mill was located during the late 19th century. In addition, the Empire Foundry Company occupied an area along Broadway that previously had been vacant. There was a garage on Broadway at this time, indicating the rising use of the automobile. The three-story brick building on the corner of Broadway and 3rd Street is shown on the map, but there is no clear indication of its use at this time. The Empire Foundry Company included a foundry yard; a flask yard; a single-story iron-storage building; two large buildings, including a brick oven, machine shop, pattern shop, and pattern storage facility; and the foundry itself along almost half of 3rd Street. The rest of the block appears to have housed commercial enterprises, none of which is named on the map. The entire length of Franklin Street is occupied by single-story, concrete-fronted stores with mezzanines up above. The kindergarten,

Sunday school, and single-family homes appear to have disappeared from this block, indicating the area's shift to commercial and industrial uses.

The 1951 Sanborn Insurance Company map shows some changes in commercial businesses and provides more details regarding company names. The Empire Foundry Company and the produce markets dominated the block. The Empire Foundry Company expanded to occupy a portion of 2nd Street and appears to have used a previously vacant lot for flask storage. The produce market occupied the length of Franklin Street and almost half of 2nd Street, as well as the length of Franklin Street on the other side of the road, creating a large market with several stores within it. The three-story brick building on the corner of Broadway and 3rd Street appears to have changed ownership and become a commercial store and cold-storage facility. There were no single-family homes or domestic activities present during this period.

The 1953 map shows the former Empire Foundry Company buildings vacant. Further research in the County Assessor's files revealed a demolition record for 1959 for the Empire Foundry Company, demolished because of severe fire damage. The maps appear to indicate that the fire took place sometime between 1951 and 1953. In 1953, the produce market still occupied a large portion of the block along Franklin and 2nd Street and one building on 3rd Street, where the kindergarten used to be. The three-story brick building on the corner of Broadway and 3rd Streets was occupied by Whole Meats. Clearly, the historic activities on this block shifted from mixed domestic, residential, commercial, and industrial to commercial and industrial and finally to primarily commercial enterprises.

## **Buildings on the Project Site**

Two buildings exist on the project site, located at 200 Broadway and 224–228 Broadway, within the Lower Broadway District, an Area of Secondary Importance (ASI) (see “Lower Broadway District ASI,” below). Both buildings front Broadway, and each is located at a corner adjacent to the corridors of 2nd and 3rd Streets, which lead to the produce market at the rear of the block.

### **200 Broadway**

The building at 200 Broadway is two-story, wood-frame commercial structure built in 1907. It has a flat roof with a projecting cornice line below the eaves and is sheathed in horizontal wood siding. All of the original windows have been changed to dual-pane with imitation muntins. The original columns and decorative woodwork have been stripped from the building. 200 Broadway is rated by the City Planning Department's comprehensive historic survey as Dc2+, which indicates that it is individually of minor importance (D), potentially of secondary importance (c), and a contributor to the Lower Broadway District ASI (2+). This building is not considered a historical resource for purposes of CEQA.

## 224–228 Broadway/449 3rd Street

The building at 224–228 Broadway/449 3rd Street is a decorative brick storefront building constructed in 1935. It was built as a high one-story structure with a stepped parapet and brick corbeled cornice. Exterior walls are combed brick and common brick with polychrome brick and ornamental, wrought-iron security grilles. Visible alterations include coverage of some windows and signs and the installation of awnings. 224-228 Broadway/449 3rd Street is rated C2+, which indicates that it is individually of secondary importance (C), and is a contributor to the ASI (2+). This building is not a historical resource for CEQA purposes.

## Nearby Areas of Primary and Secondary Importance

The project site is located adjacent to the Oakland produce district, identified by the City as an Area of Primary Importance (API), listed on the Preservation Study List and within the Lower Broadway District, an ASI (Figure 3B-1). Areas of Primary Importance (APIs) are historically or visually cohesive areas or property groups which usually contain a high proportion of individual properties with ratings of “C” or higher and appear eligible for the National Register of Historic Places (NRHP) either as a district or as a historically-related complex. At least two-thirds of the properties in an API must be “contributors” to the AP (i.e., they reflect the API’s principal historical or architectural themes and have not had their character changed by major alterations). Properties that do not contribute to an API because of alterations but could contribute if the alterations were at least partly reversed are “potential contributors” to the API. Properties that do not reflect the API themes are “noncontributors.” ASIs are similar to APIs, except: 1) potential contributors to the ASI are counted for purposes of the two-thirds threshold as well as contributors; and 2) ASIs do not appear eligible for the NRHP. The following descriptions are adapted from the inventory forms on file at the City of Oakland Planning Department.

### Produce Market District API

The produce district API is located directly east of and adjacent to the project site. The district occupies portions of seven blocks on either side of Franklin Street between the Embarcadero (1st Street and railroad tracks) at the south end and 5th Street at the north end. The district includes the 10 buildings of the original F&PR complex and other buildings that contribute to the historic character of the district (referred to as *contributing buildings* or *contributors*). The unique and unified character of the district is established by the F&PR buildings at its historic and physical center. Constructed in a single distinctive market pattern in 1916–1917, the metal sidewalk canopies, screened fronts and clerestories, low scale, and horizontal form were repeated in the later produce buildings of the 1920s, as well as in alterations of the five pre-1916 buildings in the district. The district has been in continuous operation as a wholesale produce center for the East Bay, using traditional methods of trading and transport. This type of market in an urban setting is a rare commercial survivor. The produce

district is a commercially and architecturally distinctive area within the larger warehouse, industrial, and railroading strip along the Oakland Estuary. The other buildings in the district are a mix of earlier and later utilitarian warehouse, garage, and storefront styles, adapted for produce market use with the wide bays and metal sidewalk canopies that define the district. The produce district is rated by the city as an API and is on the Preservation Study List, and therefore is included in the Local Register of Historic Resources.

## **Lower Broadway District ASI**

The Lower Broadway District ASI covers approximately three blocks immediately west of the produce district between the Embarcadero and 4th Street, including the buildings on the project site. The area was historically used for commercial, railroad, and light industry. Buildings in the district date from Victorian to early 20th century commercial, and include some of the oldest buildings in Oakland. The buildings vary in size, age, and design. The typical Victorian-era buildings lining the west side of Broadway are one and two stories with tall vertical windows and straight parapets. Early 20th-century commercial buildings typically have brick exteriors with large multiple-sash industrial windows. The Lower Broadway District has been rated by the city as an ASI and therefore does not qualify as a historic district for the Local Register of Historic Resources or as a historical resource for CEQA purposes.

## **Buildings on the Blocks Surrounding the Project Site**

The following descriptions are adapted from the inventory forms on file at the City of Oakland Planning Department. Table 3B-2, at the end of this section, summarizes the listing status of each of the following properties.

### **Broadway between 2nd and 3rd Streets**

The east side of the Broadway block between 2nd and 3rd Streets contains two early commercial buildings (located on the project site, as noted above), one at each corner, with a paved parking lot filling the center of the block. The building at 200–208 Broadway is a 1907 wood-frame commercial structure rated by the city as Dc2+, indicating that it is a contributor to the Lower Broadway District ASI, but is not considered a historical resource for purposes of CEQA. The building at 224–228/449 3rd Street is a 1935 ornamental brick commercial building rated C2+, also a contributor to the ASI but not a historical resource for CEQA purposes.

The west side of the block contains one building that dates to an earlier era of Oakland and a restaurant that was built in 1965, as well as the rear wing of a modern hotel on Washington Street. The building at 201–205 Broadway/452–468 2nd Street is a two-story brick warehouse that was constructed in 1935. It

has been rated by the City as D2+, a contributor to the Lower Broadway District ASI but not considered a historical resource for purposes of CEQA.

### **3rd Street between Broadway and Franklin Street**

The north side of 3rd Street between Broadway and Franklin Street contains two large two-story brick commercial buildings. The structure at 435 3rd Street/300–304 Broadway was built in 1923 and has been rated as D2+, a contributor to the Lower Broadway District ASI but not a historical resource for CEQA purposes. The building at 416–426 3rd Street (corner of 2nd Street) has been rated Dc1+, a contributor to the produce district API. As a contributor to an API, this building is considered a historical resource for purposes of CEQA.

The south side of 3rd Street between Broadway and Franklin Street contains one building on the project site at 224–228 Broadway/449 3rd Street (discussed under “Buildings on the Project Site,” above). The south side of this block also contains a modified 1888–89 Victorian building and the side elevation of a produce building on the corner, addressed as 201–231 Franklin Street (discussed under “Franklin Street between 2nd and 3rd Streets,” below). The Victorian building at the center of the block is addressed as 413–415 3rd Street and rated as Cb+1+. It was built as the Central Free Kindergarten of Oakland and is considered a contributor to the produce district API and is therefore a historical resource for purposes of CEQA.

### **Franklin Street between 2nd and 3rd Streets**

The east and west sides of Franklin Street each contain a produce market building that runs the length of the block. Building B is located on the west side at 201–231 Franklin Street and Building E is located on the east side at 200–230 Franklin Street/386–392 2nd Street. They are both part of the original produce market group that was constructed in 1916–1917. Building E is rated by the City as A1+ and Building B as B+1+. Both are contributors to the produce district API and both are on the Landmark Board’s Preservation Study List; therefore, the two buildings are considered historic resources for purposes of CEQA.

### **2nd Street between Broadway and Franklin Street**

The north side of 2nd Street between Broadway and Franklin Street contains, at each end of the block, the side elevations of buildings fronting Broadway and Franklin Street (discussed in each respective section). The north side of this block also supports a produce building near the center of the block addressed as 424 2nd Street, which is attached to the produce building on the corner at 201–231 Franklin Street. This later produce building was constructed in 1924–1925 and has been rated by the City as Dc1+. It is a contributor to the produce district API and is therefore considered a historic resource for purposes of CEQA.

The south side of 2nd Street between Broadway and Franklin Street contains two attached produce market buildings (Buildings G and H) on the east end; Building G is addressed as 145–157 Franklin Street and Building H is addressed as 401–423 2nd Street. The buildings are part of the original produce market group constructed in 1916–1917 and rated as B\*1+ by the City. They are contributors to the produce district API and listed on the Local Register of Historical Resources, thereby making them historical resources for purposes of CEQA. The block also contains a 1946 store building at 427 2nd Street, rated as D1+, and an ornate one-story brick building at 116–126 Broadway/431–435 2nd Street, rated as B\*1+. Both are contributors to the produce district API, and the building at 116-126 Broadway is listed on the Preservation Study List; therefore, both buildings are considered historical resources for purposes of CEQA.

**Table 3B-2.** Historic Status of Buildings Surrounding the Project Site

Specific Building and its Location and Height	City Rating	Area that Site Contributes to	CEQA Significant Historical Resource Status
<b>Broadway between 2nd &amp; 3rd Streets</b>			
200-208 Broadway (20')	Dc2+	Contributor - Lower Broadway ASI	(non-historic resource)
224-228 Broadway / 449 3rd Street (20')	C2+	Contributor - Lower Broadway ASI	(non-historic resource)
201-205 Broadway / 452-468 2nd Street	D2+	Contributor - Lower Broadway ASI	(non-historic resource)
<b>3rd Street between Broadway &amp; Franklin</b>			
435 3rd Street / 300-304 Broadway (28')	D2+	Contributor - Lower Broadway ASI	(non-historic resource)
416-426 3rd Street (28')	Dc1+	Contributor - Produce District API	CEQA Historic Resource
413-415 3rd Street (24')	Cb+1+	Contributor - Produce District API	CEQA Historic Resource
<b>Franklin Street between 2nd &amp; 3rd Streets</b>			
201-231 Franklin Street (16')	B+1+	Contributor - Produce District API Preservation Study List	CEQA Historic Resource
200-230 Franklin Street (16')	A1+	Contributor - Produce District API/Preservation Study List	CEQA Historic Resource
<b>2nd Street between Broadway &amp; Franklin Street</b>			
424 2nd Street (18')	Dc1+	Contributor - Produce District API	CEQA Historic Resource
145-157 Franklin Street (26')	B*1+	Contributor - Produce District API	CEQA Historic Resource
401-423 2nd Street (26')	B*1+	Contributor - Produce District API	CEQA Historic Resource
427 2nd Street (16')	D1	Contributor - Produce District API	CEQA Historic Resource
116-126 Broadway (18')/431-435 2nd Street	B*1+	Contributor - Produce District API/Preservation Study List	CEQA Historic Resource

Source: City of Oakland Planning Department, 2000.

## Regulatory Setting

### Significant Historical Resources

CEQA requires that public or private projects financed or approved by public agencies must assess the effects of the project on historical resources. Historical resources are defined as buildings, sites, structures, objects, or districts, each of which may have historical, architectural, archaeological, cultural, or scientific significance. CEQA Guidelines define four ways that a property can qualify as a significant historical resource for the purposes of CEQA review:

- the resource is listed in or determined eligible for listing in the California Register of Historical Resources (CRHR), as determined by the State Historical Resources Commission;
- the resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code, or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- the lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record; or
- the lead agency determines that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1 (CEQA Guidelines section 15064.5), which means, in part, that it may be eligible for the California Register.

### **California Register of Historical Resources**

The CRHR serves as an authoritative guide to resources that are to be considered when there is a discretionary action subject to CEQA. Any resource that is listed in or eligible for listing in the CRHR is to be considered under CEQA.

Therefore, the lead agency on a project must determine not only if the resource is listed, but also if it is eligible for listing. A historical resource may be eligible for inclusion in the CRHR if it:

1. is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. is associated with the lives of persons important in our past;
3. embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of an important creative individual, or possesses high artistic values; or
4. has yielded, or may be likely to yield, information important in prehistory or history.

All properties that are listed in, or officially determined eligible for listing in, the NRHP are automatically considered eligible for listing in the CRHR.

### **State Historic Preservation Office**

A resource evaluated and determined to by the State Historic Preservation Office to have a significance rating of 1-5 in a California Department of Parks and Recreation (DPR) Form 523 (historic resources survey) is presumed to be a historical resource unless the preponderance of evidence demonstrates it is not.

## Determination by Lead Agency

CEQA allows a lead agency to determine that a resource may be a historical resource at its own discretion (Section 15064.5[a]94). Although a property may not be listed or determined eligible for listing in the CRHR, included in a local register of historical resources, or identified as significant in a DPR Form 523 historical resources survey, the lead agency may still determine that the resource is a “historical resource” for purposes of CEQA.

## City of Oakland Local Register of Historical Resources

A local register of historical resources is defined by Public Resources Code Section 5020.1(k) as a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution. A resource included in a local register of historical resources is considered to be a “historical resource” under CEQA unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

The Oakland City Council adopted in March 1994, and amended in 1998, an HPE of the General Plan. The HPE sets out a graduated system of ratings and designations resulting from the OCHS and Oakland zoning regulations. The HPE contains the following policy related to identifying historic resources in the CEQA process:

Policy 3.8. Definition of “Local Register of Historical Resources” and Historic Preservation “Significant Effect” for Environmental Review Purposes: For purposes of environmental review under CEQA, the following properties will constitute the City’s Local Register of Historical Resources:

All Designated Historic Properties, and

Those Potential Designated Historic Properties that have an existing rating of “A” or “B” or are located in an API.

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.

## Summary of findings

### Archaeological Sensitivity

To comply with CEQA, it is necessary to identify and evaluate the significance of archaeological resources. If significant resources are identified, project

impacts on those resources must be reduced to a less-than-significant level. However, it is not often feasible to identify and evaluate archaeological deposits in built, urban environments, such as the project area, before subsurface construction activities occur. In such environments, substantial historical research is conducted for each parcel to determine the parcel's sensitivity for archaeological deposits (i.e., the likelihood that the parcel contains resources and the potential those deposits have to be significant under CRHR criteria). Once sensitivity has been determined, the project's potential to adversely affect potentially significant resources can be evaluated.

The research conducted indicates that archaeological deposits are likely present in the project area. Research using historic documents demonstrates the presence of diverse historic activities including single-family dwellings, commercial residences (i.e., the Oakland Hotel), and commercial stores such as the produce and meat companies, as well as industrial enterprises such the Hickcock and Sons Flour Mill and the Empire Foundry Company. Archaeological deposits related to these uses likely are present and may contain significant information; they also have a high potential to have survived intact. Specifically, these archaeological deposits might include those listed below.

- **Domestic Sites:** Examples of refuse from domestic sites would include items of everyday use such as medicine bottles, ceramic plates and kitchenware, utensils, toys, bones from food items, discarded personal items, outhouse pits, garbage pits, and subterranean basements.
- **Commercial Sites:** Artifact assemblages from a commercial site usually represent the type of business that existed on the site, such as medicine bottles at an apothecary, numerous kitchen and cooking items at a restaurant, and various materials found at retail store locations or hotel/lodging houses. Toys and children's items might be found where a kindergarten existed for many years.
- **Architectural Remains of Brick or Earthen Buildings:** Remains of such residences and businesses would include footings. Most wooden buildings leave behind few remains.

## Nearby Historic Districts

The produce district is considered a historical resource for purposes of CEQA. The district meets CRHR Criterion 1 for its contribution to history as a wholesale produce center for the East Bay for 85 years and its continued operation in an urban area using traditional methods of trading and transport. The district also meets CRHR Criterion 3 for its distinction in architecture in the larger warehouse, industrial, and railroading strip along the Oakland Estuary. Contributing buildings to the district include the 1916–1917 complex of market buildings designed by Charles McCall for the F&PR and other buildings that are a mix of earlier and later utilitarian warehouse, garage, and storefront styles, adapted for produce market use. These buildings have the wide bays and metal sidewalk canopies that define the district. In addition, the produce district is identified as an API by the City, which indicates that it appears eligible for listing

in the NRHP, the CRHR, and included in the Local Register, all of which qualify it as an historical resource under CEQA.

The following qualities and elements define the historic character of the produce district:

- the district is a distinctive area within the larger warehouse, industrial, and railroading strip;
- the district is a thriving urban wholesale produce district continuing traditional methods of trading and transport;
- the district's historical centerpiece is a 1916–1917 complex of one-story, canopied, screen-fronted market buildings;
- the district includes two-, three-, and four-story buildings;
- the district's three- and four-story buildings complement larger two-story buildings, making a strong secondary architectural theme in district;
- three and four-story buildings grouped in uniform block frontages act as endpieces to the district and reinforce the uniqueness of market buildings;
- several later buildings in the district (including small corner buildings at 301–331 Franklin Street) are similar to the original produce market buildings; and
- other buildings in the district are a mix of utilitarian warehouses, garage, and storefront styles adapted for produce market use with the wide bays and metal sidewalk canopies that define the district.

The Lower Broadway District (ASI) is not considered a historical resource for purposes of CEQA. The district covers approximately three blocks of Broadway immediately west of the produce market between the Embarcadero and 4th Street, including the buildings on the project site. The area was historically used for commercial, railroad, and light industry. Buildings that remain date from Victorian to the early 20th-century and include some of the oldest buildings in Oakland. The buildings vary in size, age, and design. The typical Victorian-era buildings lining the west side of Broadway are one and two stories with tall vertical windows and flat parapets. Early 20th-century commercial buildings typically have brick exteriors with large multiple-sash industrial windows. Several blocks have experienced a loss of integrity due to demolitions or construction of modern buildings.

The Lower Broadway District has been rated locally as ASI and is not considered, as a district, to be an historical resource for CEQA. Because the OCHS documentation on the district is more than 5 years old and the Oakland survey has not been nominated to the California Register, the district does not meet the requirements of 5024.1(g). Moreover, both a site visit and review of existing materials led to the conclusion that the district is not notably distinctive for its architectural merits and is not an outstanding representation of any architects or associations with important persons or events in our history, and thus does not appear to meet the CRHR criteria. This finding is supported by the OCHS conclusion that the district is of secondary importance among the City's

potentially designated historic property, and with the HPE policy 3.8, which states that only those PDHPs rated A, B, or contributor to an API qualify as significant for environmental review. For the same reasons, even if the Lower Broadway District were technically determined to be of historic significance, a preponderance of the evidence shows that is not a historic resource under CEQA standards.

### **Broadway between 2nd and 3rd Streets**

200–208 Broadway is not considered a historical resource for purposes of CEQA. It is a 1907 wood-frame commercial structure that was rated as Dc2+ in the OCHS, indicating that it is a contributor to the Lower Broadway District ASI. As summarized above, and detailed in Appendix B, the Lower Broadway District ASI is not a significant resource for the purpose of CEQA. Thus, a contributor to the district is not considered a historical resource for purposes of CEQA.

224–228 Broadway/449 3rd Street is not considered a historical resource for purposes of CEQA. It is a 1935 ornamental brick commercial building that was rated as C2+, in the OCHS, indicating that it is of secondary importance individually and is a contributor to the Lower Broadway District ASI. As summarized above, and detailed in Appendix B, contributors to the Lower Broadway District ASI are not significant resources for the purpose of CEQA. First, because the OCHS documentation on the district is more than 5 years old, the district does not meet the requirements of 5024.1(g). Moreover, an updated evaluation of its individual significance was also conducted (see Appendix B). Both the site visit and the review of materials led to the conclusion that this property is not notably distinctive for its architectural merits and is not a good representation of associations with important persons or events in our history, and thus does not appear to meet CRHR criteria. This finding is supported by the OCHS conclusion that the property is of secondary importance among the City's potentially designated historic properties, and with the Oakland Preservation Element Policy 3.8, which states that only those PDHPs rated A, B, or contributor to an API qualify as significant for environmental review. The updated evaluation found that the property does not appear to meet the criteria for listing in the CRHR, and is not a historical resource for CEQA. Additionally, the City has specifically defined what unreinforced masonry buildings are considered historic resources (OMC section 15.28.060) and this building does not meet that specific criteria. This evaluation also demonstrates that even if the property were technically determined to be of historic significance, a preponderance of the evidence shows it is not a historic resource under CEQA standards.

201–205 Broadway/452–468 2nd Street is not considered a historical resource for purposes of CEQA. It is a brick warehouse that was constructed in 1935. It has been rated by the City as D2+ (individually of minor importance), a contributor to the Lower Broadway District ASI. As summarized above, and detailed in Appendix B, the Lower Broadway District ASI is not a significant resource for the purpose of CEQA. Thus, a contributor to the district is not considered a historical resource for CEQA.

### 3rd Street between Broadway and Franklin Street

416–426 3rd Street is considered a historical resource for purposes of CEQA. It has been rated as Dc1+ and is a contributor to the produce district API. As a contributor to an API, this building is considered a historical resource for purposes of CEQA.

Key character-defining elements of 416–426 3rd Street are:

- it is a two-story brick warehouse building adjoining the rear of F&PR building D;
- the fact that the address signage is good example of 1920s pressed-brick storefront style applied to a warehouse building;
- the building façade, which contains eight bays on each floor, separated by slender pressed-brick pilasters and Flemish bond spandrels;
- the building's narrow parapet of Flemish bond panels separated by continuations of the pilasters;
- the parapet, which steps up over center two bays with an additional ornamental panel of obliquely set soldier bricks; and
- the eastern ground floor, which remains a produce warehouse with loading doors.

413–415 3rd Street is also considered a historical resource for purposes of CEQA. It has been rated Cb+1+. It is considered a contributor to the produce district API and is therefore a historical resource for purposes of CEQA.

Key character-defining elements of 413–415 3rd Street are:

- the two-story, false-front Italianate building, originally constructed in 1889;
- the small pent roof, supported by four curved brackets; and
- the fact that most of the front is open and screened like those of the other produce market buildings.

435 3rd Street/300–304 Broadway is not considered a historical resource for purposes of CEQA. It was built in 1923 and has been rated D2+, a contributor to the Lower Broadway District ASI. As summarized above, and detailed in Appendix B, the Lower Broadway District ASI is not a significant resource for the purpose of CEQA. Thus, a contributor to the district is not a historical resource for CEQA purposes.

### Franklin Street between 2nd and 3rd Streets

201–231 Franklin Street is considered a historical resource for purposes of CEQA. It has been rated B+1+ by the City, is a contributor to the produce district API, and is designated as a local landmark. Therefore, the building is considered a historic resource for purposes of CEQA.

200–230 Franklin Street is considered a historical resource for purposes of CEQA. It has been rated A1+ by the City, is a contributor to the produce district API, and is designated as a local landmark. Therefore, the building is considered a historic resource for purposes of CEQA.

Key character-defining elements of the original produce buildings, including 201–231 and 200–230 Franklin Street, are:

- representation by the central produce building complex of a distinctive, highly conventionalized, early 20th-century utilitarian building type;
- pairs of buildings designed together with the appearance of a single building, which results from similar height, massing, materials, parapet treatment, façade design, and metal sidewalk canopies that tie each group—and much of the district—together in a single visual composition;
- the elevations of buildings: about 22 feet high with slight variation in the number and width of bays;
- the continuous, slant-roofed, corrugated-metal sidewalk canopy with wooden rafters on each group of buildings, supported by steel columns about 18 feet from the building front at the far side of the wide sidewalks;
- the canopies that attach to the buildings above the transom level of the bays, wrap around street frontages, and turn the corners by means of a triangular gore or gusset;
- the parapets that rise above canopies and are edged with a single, slightly projecting, row of bricks;
- the raised parapets with clerestory windows over the fourth bay from Franklin on each of the five side-street frontages;
- the earliest eight buildings with brick back and side walls, steel columns around the perimeter, wooden columns inside, and wood trusses and beams;
- the stucco exterior surfaces on street facades;
- façade openings between columns, which are generally 15 feet wide by 20 feet high and filled with screen doors and transoms in tall wooden sashes, as well as vertically mullioned panels; and
- the interiors, with large, high, open-beamed ground-level sales and storage spaces;

## **2nd Street between Broadway and Franklin Street**

401–423 2nd Street/145–157 Franklin Street is considered a historical resource for purposes of CEQA. The building is part of the original produce market group constructed in 1916–1917 and is rated B\*1+ by the City. It is a contributor to the produce district API and listed on the Local Register of Historical Resources, thus making it a historical resource for purposes of CEQA.

Key character-defining elements of the original produce buildings, including 401–423 2nd Street/145–157 Franklin Street, are:

- representation by the central produce building complex of a distinctive, highly conventionalized, early 20th-century utilitarian building type;
- pairs of buildings designed together with the appearance of a single building, which results from similar height, massing, materials, parapet treatment, façade design, and metal sidewalk canopies that tie each group—and much of the district—together in a single visual composition;
- the elevations of buildings: about 22 feet high with slight variation in the number and width of bays;
- the continuous, slant-roofed, corrugated-metal sidewalk canopy with wooden rafters on each group of buildings, supported by steel columns about 18 feet from the building front at the far side of the wide sidewalks;
- canopies that attach to the buildings above the transom level of the bays, wrap around street frontages, and turn the corners by means of a triangular gore or gusset;
- parapets that rise above canopies and are edged with a single, slightly projecting, row of bricks;
- raised parapets with clerestory windows over the fourth bay from Franklin on each of the five side-street frontages;
- the earliest eight buildings with brick back and side walls, steel columns around the perimeter, wooden columns inside, and wood trusses and beams;
- the stucco exterior surfaces on street facades;
- façade openings between columns, which are generally 15 feet wide by 20 feet high and filled with screen doors and transoms in tall wooden sashes, as well as vertically mullioned panels; and
- the interiors, with large, high, open-beamed ground-level sales and storage spaces;

427 2nd Street is considered a historical resource for purposes of CEQA. It has been rated D1+ and is a contributor to the produce district API. As a contributor to the API, the building is considered a historical resource for purposes of CEQA.

Key character-defining elements of 427 2nd Street are:

- the concrete and concrete-block, L-shaped warehouse;
- the structure's canopied sides;
- the original west door, with six rows of 10 small panels;
- the canopied alley on the side of building H;
- the metal gate at the sidewalk; and
- the canopy that bridges the gap between adjoining buildings.

116–126 Broadway/431–435 2nd Street is considered a historical resource for purposes of CEQA. The building has been rated B\*1+, is a contributor to the produce district API, and has been listed on the Local Register of Historical Resources. Therefore, it is a historical resource for purposes of CEQA.

Key character-defining elements of 116–126 Broadway/431–435 2nd Street are:

- the one-story, flat-roofed, rectangular brick building;
- the fact that the structure was built in 1925 as a market for up to 12 separate stores;
- the exceptionally fine 1920s storefront building;
- the effective transition made from the utilitarian produce market to the commercial frontage along Broadway;
- the division into regular bays between piers, with large quasi-Corinthian capitals of terra cotta at transom level;
- the brick parapet of rectangular panels with terra cotta coping and brick dentils, which steps up over each corner bay and bears an ornamental terra cotta keystone;
- wall surfaces that are faced with orange-tan, Roman-type brick;
- the office and storefront bays that have elaborate wood-framed transoms, with a pair of nine-light sashes flanking a central sash of one large, round-topped pane with small rounds in the corners;
- the façade treatment with transoms and terra cotta, which continues around the south (alley) side;
- the nine bays on 2nd Street, which have mainly market uses and lack the capitals and transoms beyond the corner office; and
- the metal market canopy on the eastern five bays, which originally extended all along 2nd Street and around the north side of the building along an alley (now filled by 427 2nd Street).

## **Non-CEQA General Plan Policies Regarding Historic Resources**

The General Plan policies outlined in the HPE are provided here for reference in considering the consistency of the proposed project with these policies. These policies are not considered thresholds of significance for CEQA purposes and do not necessarily signify CEQA issues.

### **Policy 1.2: Potential Designated Historic Properties**

The City considers the following properties to warrant consideration for possible preservation:

- any property receiving an existing or contingency rating from the Reconnaissance or Intensive Surveys of A (highest importance), B (major importance), or C (secondary importance) and
- all properties determined by the surveys to contribute or potentially contribute to an API or ASI.

Unless already designated as Landmarks, Preservation Districts, or Heritage properties pursuant to Policies 1.3 and 2.2, such properties will be called “Potential Designated Historic Properties.”

The produce district API adjacent to the proposed project will not be physically altered, and thus preservation is not an applicable consideration. Preservation of 228 Broadway, which is rated C and contributes to the Lower Broadway ASI, was considered but rejected because the building is not an historic resource and does not warrant preservation. In addition, the pedestrian level portions of the proposed project, which would replace 228 Broadway, will be designed in a manner that is complimentary with the Lower Broadway ASI.

## **Policy 2.2: Landmark and Preservation District Eligibility Criteria**

According to the Preservation Element, Landmarks and Preservation Districts will be classified according to importance, with three classes of Landmarks and two classes of Preservation Districts. Properties eligible for each of these classifications will be as follows:

- **Class 1 Landmarks:** Properties rated A under the Landmarks Preservation Advisory Board’s Guidelines for Determination of Landmark Eligibility (the Guidelines) and which are on or appear eligible for listing in the NRHP.
- **Class 2 Landmarks:** Properties rated B under the Guidelines and which are on or appear eligible for listing in the NRHP; and properties rated A under the Guidelines and which are not on and do not appear eligible for listing in the NRHP.
- **Class 3 Landmarks:** Properties rated B under the Guidelines and which are not on and do not appear eligible for listing in the NRHP.
- **Class 1 Preservation Districts:** All APIs identified by the Intensive Survey plus other areas that meet the Guidelines.
- **Class 2 Preservation Districts:** All ASIs identified by the Intensive Survey plus other areas which meet the Guidelines.

(Policy 2.2’s hierarchical Landmark and Preservation District classifications enable preservation regulations to be structured in a corresponding hierarchy based on each property’s importance—the more important the property, the greater the weight given to preservation in balancing against other concerns.)

None of the properties in and adjacent to the project area have been locally designated as landmarks or preservation districts. However, all of the properties

have been evaluated according to the Historical and Architectural Inventory Rating System. The ratings of these properties were provided in the setting section.

### **Policy 2.4: Landmark and Preservation District Regulations**

Demolitions and removals involving Landmarks or Preservation Districts will generally not be permitted without the required findings, while demolition or removal of less important Landmarks will be subject only to postponement.

Alterations or new construction involving Landmarks or Preservation Districts will generally not be permitted or be subject to postponement unless certain findings are made.

Findings for approval of demolitions, removals, alterations, or new construction involving Landmarks or Preservation Districts will seek to balance preservation of these properties with other concerns.

Specific regulatory provisions are set forth in the tables entitled “Demolition and Removal Regulations for Landmarks and Preservation Districts” and “Alteration and New Construction Regulations for Landmarks and Preservation Districts.”

Findings regarding the balance between the proposed new construction and the produce district API are provided in the discussion of impacts.

### **Policy 3.1: Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions**

The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties, which could result from private or public projects requiring discretionary City actions.

This policy will be considered during the Planning Commission review of the merits of the project.

### **Policy 3.5: Historic Preservation and Discretionary Permit Approvals**

For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessary identical to, the property’s existing or historical design; or (2) the proposed design

comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood, or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

This policy will be considered during the Planning Commission review of the merits of the project.

## Impacts and Mitigation Measures

### Methodology

The proposed project was analyzed for impacts to cultural resources by applying the CEQA standards of significance. The character-defining elements listed earlier for each significant historical resource were analyzed as the “physical characteristics of a historical resource that convey its historical significance” (CCR, Title 14, Division 6, Chapter 3, Section 15064.5).

### Thresholds of Significance

The evaluation of impacts or potential impacts was conducted using the significance criteria stated below. The impacts evaluated apply to known historic resources and known or undiscovered cultural resources, including historic, prehistoric, or architectural sites; objects; and features.

### CEQA Standards of Significance

Under CEQA, a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (CEQA rev. 1998 Section 15064.5[b]). CEQA further states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Actions that would materially impair the significance of a historic resource are any actions that would demolish or adversely alter the physical characteristics of a historical resource that convey its historical significance and qualify it for inclusion in the CRHR or a local

register or survey that meets the requirements of Sections 5020.1(k) and 5024.1(g) of the Public Resources Code.

## Impacts of the Proposed Project

### **Impact 3B-1: Demolition of existing buildings on project site (Less than Significant)**

The two buildings on the project site, located at 200 Broadway and 224–228 Broadway, fall within the Lower Broadway District ASI, and have been given ratings of D and C, respectively by the City. These buildings are not listed on the local register and are not considered significant historical resources for purposes of CEQA. Therefore, their demolition would not cause a significant impact on a historical resource. No mitigation is required.

### **Impact 3B-2: Effects related to new construction adjacent to the Produce Market District API (Less than Significant)**

In order to retain its eligibility, a resource must retain its overall integrity, which is the ability of the property to convey its historic significance (NPS 1991). There are seven aspects or qualities of integrity: location, design, setting, materials, workmanship, feeling, and association. The importance and applicability of these qualities depend on the significance of the property and the nature of the character defining features that convey that significance. The following analysis will show that the proposed project does not substantially alter the produce district's character-defining features, nor does it materially impair the district's overall integrity, and thus there is a less than significant impact on the produce district API.

The construction of the proposed project would have an effect on the physical context of the produce district API, but would not involve construction within or modifications to any contributors within the historic district. Thus, the integrity of the district's location, design, materials, and workmanship would not be impaired.

The integrity of the district's setting, feeling, and association would be affected by the project, but not to a level where these aspects of integrity are significantly impacted. The scale and massing of the single 14-story building would dominate the primarily one-, two-, and three-story buildings of the existing district. The visual simulations show that the proposed project would be visible for several blocks and from all vantage points in and around the district. Such a dominant building would affect the setting of the historic district, particularly along the western boundary.

The massiveness of the proposed project is further emphasized by the solidness of its base. Buildings in the area generally follow lot lines, and most blocks are

broken into several buildings. The market area has traditionally been a distinctive use area within the larger warehouse, industrial, and railroading strip, surrounded by buildings typically two-, three-, and four-stories high that compliment and reinforce the uniqueness of the market buildings. A single building at this height and scale changes the configuration of the older business district. The introduction of a different massing and rhythm at the edge of the district presents a disruption to the historically low massed and diverse rhythm of buildings surrounding the district, and thus detracts from the feeling of and association with the early 20<sup>th</sup> century warehouse and industrial neighborhood. However, the design of the proposed project includes breaking up the massiveness by altering the materials or setbacks along the Broadway elevation to simulate the appearance of multiple storefronts, which reduces the effect on the aspects of feeling and association.

However, the majority of the character-defining elements would not be impaired at all by the project. The following qualities and elements that define the historic character of the produce district will be unaffected by the proposed project:

- the district is a thriving urban wholesale produce district continuing traditional methods of trading and transport;
- the district's historical centerpiece is a 1916–1917 complex of one-story, canopied, screen-fronted market buildings;
- the district includes two-, three-, and four-story buildings;
- the district's three- and four-story buildings complement larger two-story buildings, making a strong secondary architectural theme in district;
- three and four-story buildings grouped in uniform block frontages act as endpieces to the district and reinforce the uniqueness of market buildings;
- the original produce market buildings are similar to several later buildings in the district (including small corner buildings at 301–331 Franklin Street); and
- other buildings in the district are a mix of utilitarian warehouses, garage, and storefront styles adapted for produce market use with the wide bays and metal sidewalk canopies that define the district.

Except for the partial change in setting, feeling, and association described above, the remaining character-defining elements of the district would remain wholly intact. From within the produce district, one would still perceive that it is a distinctive area comprised of three and four story buildings that complement the core two-story produce buildings within a larger warehouse and industrial area. In addition, none of the contributors of the district will be demolished or otherwise altered, so the integrity of location, design, materials, and workmanship of the district remains in tact. The introduction of the proposed project does not prevent the produce market from continuing to function in its current capacity, so the integrity of association remains largely intact. Thus, although the integrity of setting and feeling will be moderately impaired by the proposed project, the produce district API will retain its overall integrity and ability to convey its historic significance, and will continue to qualify for listing and/or eligibility in the local register, the CRHR, and the NRHP, as it is currently

listed and/or eligible. Therefore, the effect of the proposed construction adjacent to the API is considered a less-than-significant impact. No mitigation is required.

### **Impact 3B-3: Disturbance of archaeological deposits during subsurface excavation (Potentially Significant)**

The proposed project includes plans for subsurface excavation to approximately 20 feet below the ground surface. Based on knowledge of the sites past uses, analysis indicates that there is a high potential for the presence of significant archaeological resources within the project site. As a result, the proposed construction has the potential to have adverse affects on significant archaeological resources. This impact is considered potentially significant. Implementation of Mitigation Measure 3B-1 would reduce this impact to a less-than-significant level.

#### **Mitigation Measure 3B-1: Implement archaeological resources treatment plan**

To reduce the effects of the proposed project on archaeological resources to a less-than-significant level, an Archaeological Resources Treatment Plan will be developed and implemented by the applicant. The Archaeological Resources Treatment Plan will address how archaeological resources would be identified and treated in this urban environment between the time that existing structures are demolished and when the proposed project is constructed.

The Archaeological Resources Treatment Plan will include a site-specific history based on archival research, a prediction of the types of resources that might be identified, and a research design that will identify important questions that the archaeological resources may address. In addition, the plan will include an archaeological excavation program to identify the presence or absence of archaeological deposits and evaluate the significance of those deposits based on their ability to address important questions defined in the research design. The excavation program defined in the plan will also allow for the retrieval of important archaeological data from the site in the time window discussed above. With implementation of Mitigation Measure 3B-1, this potential impact is reduced to less than significant.

<b>Cultural Resources</b> .....	<b>1</b>
Introduction.....	1
Setting .....	1
Cultural and Historical Resources .....	1
Regulatory Setting.....	12
Impacts and Mitigation Measures .....	24
Methodology.....	24
Thresholds of Significance.....	24
Impacts of the Proposed Project .....	25
Moratto 1984.....	2
Moratto 1984.....	2
Moratto 1984: 201 .....	2
Fredrickson 1973: 125a-126 .....	2
Alfred Kroeber (1925) .....	2
Levy 1978.....	3
Levy 1978.....	3
Levy 1978.....	3
City of Oakland 1998.....	3
City of Oakland 1985.....	3
CEQA .....	1
Historic Preservation Element (HPE).....	1
Fruit and Produce Realty Company (F&PR).....	5
Area of Primary Importance (API).....	8
Area of Secondary Importance (ASI).....	8
California Register of Historical Resources (CRHR).....	13
National Register of Historic Places (NRHP).....	<b>Error! Bookmark not defined.</b>
Oakland Cultural Heritage Survey (CHS).....	<b>Error! Bookmark not defined.</b>
California Department of Parks and Recreation (DPR).....	<b>Error! Bookmark not defined.</b>
Table 3B-1 .....	6
Table 3B-2, at the end of this section.....	9
<b>Table 3B-2. Historic Listing Status of Buildings Surrounding the Project Site .....</b>	<b>12</b>
Figure 3B-1.....	8
Miscellaneous	
Appendix B.....	17
Appendix B.....	17
Appendix B.....	17

Appendix B..... 18  
Appendix B..... 18