

E. CULTURAL RESOURCES

INTRODUCTION

This section examines the impact of the proposed project on cultural resources (historical, archaeological and paleontological) located at the project site. Resources for this section include a Confirmation of Historic Significance report completed for the project site in August 2004 by Carey & Co. Inc., an archival research at the California Historical Resources Information System's Northwest Information Center (Northwest Information Center) completed in December 2003, consultation with the Oakland Cultural Heritage Survey, and a number of resources pertaining to paleontology.

SETTING

ARCHAEOLOGICAL AND HISTORIC

Prehistoric Setting

The project area lies within downtown Oakland. The area is now mostly urbanized, although, prehistorically, it was a biologically rich alluvial plain and estuarine environment between the East Bay Hills and San Francisco Bay.

The natural marshland biotic communities along the edges of bays and channels were the principal source for subsistence and other activities during the prehistory of the San Francisco Bay region. Many of the original surveys of archaeological sites in the Bay region were conducted between 1906 and 1908 by Stanford (and, later, UC Berkeley) archaeologist N.C. Nelson. Such surveys yielded the initial documentation of nearly 425 "earth mounds and shell heaps" along the littoral zone of the Bay (Nelson, 1909). From these beginnings, the most notable sites in the Bay region were excavated scientifically, like the Emeryville shellmound (Ala-309), the Ellis Landing Site (Cco-295) in Richmond, and the Fernandez Site (Cco-259) in Rodeo Valley (Moratto, 1984). These dense midden sites, such as Ala-309, have been carbon 14 dated to be 2310 ± 220 years old, but other evidence from around the Bay suggests that human occupation in the region is of greater antiquity, or around 5000 B.C. (Davis & Treganza, 1959 as cited in Moratto, 1984). Many of the earliest sites suggested less emphasis on shellfish than the later middens, but were rather focused on hunting and food processing, some including burial interments as well as abundant molluscan and charcoal ash remains.

As of 2000 B.C., however, the bayshore and marsh-adapted peoples began appearing in the archaeological record. The so-called Berkeley Pattern (2000 B.C. to A.D. 300) reflected a change in socioeconomic complexity and settlement patterns (Fredrickson, 1973). This artifact pattern was represented by minimally-shaped cobble mortar and cobble pestle, dart and atlatl, and bone industry. Given the size of these settlements, it is probable that the populations were denser and more sedentary, yet continued to exploit a diverse resource base—from woodland to grassland and marshland, to bayshore resources throughout the San Francisco Bay Area (Bickel, 1978;

King, 1974 as cited in Moratto, 1984). Many of the Berkeley traits diffused throughout the region and spread to the interior areas of central California during this time period.

Ethnographic Setting

Prior to Euro-American contact, the area of present-day Alameda County was occupied by the Ohlone (also known by their linguistic group, Costanoan¹). Politically, the Costanoan were organized into groups called tribelets. A tribelet constituted a sovereign entity that held a defined territory and exercised control over its resources. It was also a unit of linguistic and ethnic differentiation. Oakland, and a large area of the East Bay, is located within the territory of a people that spoke Chochenyo, one of several Costanoan languages.

The Ohlone economy was based on fishing, gathering, and hunting, with the land and waters providing a diversity of resources including acorns, various seeds, salmon, deer, rabbits, insects, and quail. The acorn was the most important dietary staple of the Costanoan, and the acorns were ground to produce a meal that was leached to remove the bitter tannin. Technologically, the Costanoan crafted tule balsa, basketry, lithics (stone tools) such as mortars and metates (a mortar-like flat bowl used for grinding grain), and household utensils. The Costanoan, like many other Native American groups in the Bay Area, likely lived in conical tule thatch houses.

In 1770, the Costanoan-speaking people lived in approximately 50 separate and politically autonomous nations or tribelets. At this time, the number of Chochenyo speakers reached 2,000, substantially more than the typical size of a tribelet, which ranged from 40 to 200 members.

During the mission period, 1770-1835, the Costanoan people experienced cataclysmic changes in almost all areas of their life, particularly a massive decline in population due to introduced diseases and declining birth rate, resulting in large part from colonization by the Spanish missionaries. Following the secularization of the missions by the Mexican government in the 1830s, most Native Americans gradually left the missions to work as manual laborers on the ranchos that were established in the surrounding areas.

Native American archaeological sites that could shed light on the Costanoan ways of life in the pre-mission era tend to be situated along near the historic extent of the Bay tidal marshland.

Historic Setting

The project site is within the Rancho San Antonio land grant that was granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. The 43,000-acre rancho included the present-day cities of Oakland, Berkeley, Alameda, and parts of San Leandro and Piedmont. Peralta's land grant was confirmed after Mexico's independence from Spain in 1822, and the title was honored when California entered the Union by treaty in 1848. Despite the title,

¹ "Costanoan" is derived from the Spanish word Costanos meaning "coast people." No native name of the Costanoan people as a whole existed in prehistoric times as the Costanoan were neither a single ethnic group nor a political entity.

by the middle of the 19th century, squatters had moved in to use portions of Peralta's undeveloped land. The Gold Rush and California statehood brought miners, businessmen, lumbermen and other speculators to the area in search of opportunities. Early settlers of that period include Edson Adams, Andrew Moon, and Horace Carpentier, who squatted on 480 acres of Vicente Peralta's (one of Luis Peralta's sons) land. Adams, Moon, and Carpentier subsequently hired Jules Kellersberger, an Austrian-educated Swiss military engineer, to plot a new City – Oakland, which was incorporated in 1852.²

Originally, the City encompassed the area roughly bordered by the estuary, Market Street, 14th Street and the Lake Merritt Channel. Broadway served as the main street. The majority of the early city dwellers, numbering under one hundred, lived near the foot of Broadway in proximity to the estuary. From there, city development moved towards the Oakland hills and ultimately towards East Oakland.

During the mid 1860s to mid 1870s the Chinese occupied four different sites in the Uptown area of Oakland. As the city's Central Business District moved northward, the Chinese were displaced to make way for the new City Hall and the influx of middle- to upper-class homes and businesses. A Chinese encampment at 19th and 20th streets (actually located between William and 20th Street due to the renaming of the streets since the 1860s), described in the Final EIR for the proposed Uptown Mixed-Use Project, is usually listed as the second site and another encampment near 22nd Street and San Pablo Avenue or Martin Luther King Jr. Way is given as the third; each of these sites is between about one-fourth and one-third of a mile from the project site. The site at 20th Street was only occupied for a short period of time before the people were displaced to the 22nd Street location, by 1876 (Chow, 1977). The size and characteristics of these Uptown Chinese settlements is difficult to establish due to the legal restriction placed upon the Chinese during the 1860s and 1870s. The Chinese were unable to buy or own property during this period; as a result, property records of the area can offer a picture of the land division and patterns of ownership but no information concerning any Chinese who might be living there. The federal census data from 1860 and 1870 does not include street addresses, which also makes it almost impossible to identify exactly how many people lived in this area. Furthermore, the precise location of these settlements is not known, as many historic documents refer to locations "in the vicinity of" one place or another (Archeo-Tec, 2004).

The 1906 earthquake and fire in San Francisco prompted a population increase in Oakland, and by 1910 the City's population of 150,000 was more than double the 1900 level of 67,000. Residential and commercial development in Oakland increased during this time to accommodate displaced San Francisco residents. Older neighborhoods became more densely populated as new apartment buildings and related growth became part of Oakland's residential fabric. The population growth also increased the demand for retail goods, and shopping districts expanded throughout the next decade to meet this demand. The post-earthquake development boom

² Kellersberger became City engineer in 1854; he later spent the Civil War in Texas, building and repairing fortifications and arms for the Confederacy.

defined much of downtown Oakland as it is known today, resulting in most of the City's notable early 20th century skyscrapers.

ARCHITECTURAL RATING SURVEYS

City of Oakland

The Oakland Cultural Heritage Survey (OCHS), a project of the Planning Department, has been conducted since 1979, and is intended to provide an inventory of historic resources throughout the city. The OCHS uses a five tier rating system for individual properties, ranging from "A" (highest importance) to "E" (of no particular interest). The ratings are based on visual quality and design, including the importance of the designer; history and association with persons and events; context; and integrity and reversibility of any changes.³ The OCHS has also identified historic districts, designated as Areas of Primary Importance and Areas of Secondary Importance. Areas of Primary Importance (API) appear eligible for the National Register of Historic Places (see below), while Areas of Secondary Importance do not qualify as APIs, but appear eligible for designation as a local Preservation District. The OCHS ratings use a plus (+) or minus (-) sign attached to the API and ASI indicators to indicate whether a building contributes to a historic district.^{4,5} The full list of ratings is:

A: Highest Importance: Outstanding architectural example or extreme historical importance (about 150 properties total). These properties are considered clearly eligible for individual listing on the National Register of Historic Places.

B: Major Importance: Especially fine architectural example, major historical importance (about 600 total). Most of these properties are considered individually eligible for the National Register of Historic Places, although some may be "marginal" candidates.

³ Properties with conditions or circumstances that could change substantially in the future are assigned both an "existing" and a "contingency" rating. The existing rating, denoted by a capital letter, describes the property under its present condition, while the contingency rating, denoted by a lower-case letter, describes it under possible future circumstances. Buildings receiving contingency ratings include those whose character-defining elements have been altered but that could become more important if the alterations were reversed; certain post-1945 buildings that are too new to be historically important; and properties believed to have historical importance but for which more research is required to document the importance. Thus, a building with a rating of "Eb" is currently of "no particular interest," but could be of "major importance" if, for example, it is restored.

⁴ Thus, a rating of "A1+" denotes a building of the highest importance [A] that is within a historic district that is an Area of Primary Importance [1] and is a contributor to the district [+], while a rating of "Db2-" denotes a building that is of minor importance [D], potentially of major importance [b], that is within a historic district that is an Area of Secondary Importance [2] and is not a contributing resource within the district [-].

⁵ According to National Register Bulletin 16A, "How to Complete the National Register Registration Form," a building is contributory to a historic district, and is thus a contributing resource, if it "adds to the historic associations [or] historic architectural qualities" for which the district is recognized. A building generally is identified as a contributing resource if it was built during the district's period of significance (the period for which the district's importance is recognized, generally being the period during which most of the buildings in the district were constructed), relates to the documented significance of the district, and possesses historic integrity. A building may also contribute to the significance of a district if the building individually meets National Register Criteria for listing.

C: Secondary Importance: Superior or visually important example, or very early (pre-1906). C buildings “warrant limited recognition” (about 10,000 total). These properties generally are not considered eligible for the National Register of Historic Places.

D: Minor Importance: Representative example of an important style, type, convention, or historical pattern, but “not individually distinctive.” About 10,000 D-rated buildings are Potential Designated Historic Properties (PDHPs),⁶ either because they have a higher contingency rating (“Dc”) or because they are in districts (“D2+”).

E: Of no particular interest. Some E-rated buildings are also PDHPs because they have higher contingency ratings or are in districts.

* or F: Less than 45 years old or modernized. Some *-rated and F-rated buildings are also PDHPs because they have higher contingency ratings or are in districts.

All areas of the City that are not yet intensively surveyed by the OCHS have been evaluated through “windshield” surveys in 1985-1986 and 1996-1997. This Preliminary Citywide Historical and Architectural Inventory, known as the Reconnaissance Survey, employs the same A-B-C-D-E rating system as the OCHS, but is not as thorough and is intended to be confirmed or modified over time by the OCHS.

Eleven of the 13 buildings located on the project site were evaluated by OCHS in 1994 for their potential historic significance on the national and local levels.⁷ (See “Project Site,” p. IV.E-10, for a discussion of each of the buildings.)

National and State Registers

The National Register of Historic Places (“National Register” or “NRHP”) is the official U.S. government list of properties that have architectural, historical or cultural significance at the national, state or local level. The Register is administered by the National Park Service, an agency of the Department of the Interior. The National Register includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Listing of a property in the National Register does not prohibit demolition or alteration of that property, but does denote that the property is a resource worthy of recognition and protection. The National Register includes four criteria under which a structure, site, building, district or object can be considered significant for listing on the Register. These include:

Criterion A (Event): Resources that are associated with events that have made a significant contribution to the broad patterns of our history;

⁶ PDHPs are properties that have an existing or contingency rating of “A” (highest importance), “B” (major importance), or “C” (secondary importance) in either the OCHS or the Reconnaissance Survey, or have been determined by the surveys to contribute (or potentially contribute, based on contingency rating) to an Area of Primary Importance or Area of Secondary Importance. PDHP is the broadest definition of “historic” in the Preservation Element.

⁷ At the time, the California Register of Historical Resources had not been developed.

Criterion B (Person): Resources that are associated with the lives of persons significant in our past;

Criterion C (Design/Construction): Resources that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and

Criterion D (Information Potential): Resources that have yielded, or may be likely to yield, information important in prehistory or history.

The State Office of Historic Preservation (OHP) maintains the California Register of Historical Resources (“California Register”). The California Register includes properties that are listed or are formally determined eligible for listing in the National Register of Historic Places; certain State Historical Landmarks; and eligible Points of Historical Interest. Other resources that may be eligible for the California Register, and which require nomination and approval for listing by the State Historic Resources Commission, include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resources surveys conducted in accordance with OHP procedures, historic resources or districts designated under a local ordinance consistent with the procedures of the State Historic Resources Commission, and local landmarks or historic properties designated under local ordinance. A resource may be listed in the California Register under criteria that are similar to those of the National Register, except that California Register criteria include specific references to California’s history and cultural heritage. In addition to historic significance, a National Register or California Register evaluation includes a determination of physical integrity, or the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance. Integrity consists of seven aspects: location, design, setting, materials, workmanship, feeling, and association.

Resources evaluated for listing on the National Register are assigned a status code from 1 to 7; until 2003, the codes were as follows:

1. Listed in the National Register
2. Determined eligible for the National Register in a formal process involving federal agencies
3. Appears eligible for the National Register in the judgment of those completing an evaluation of an historic resource
4. Might become eligible for listing (if restored, when older, or depending on further research)
5. Ineligible for the National Register but of local interest
6. Not eligible for the National Register
7. Undetermined.

Within each numerical code, alphabetical subdivisions indicate further detail, so that, for example, a rating of “4S7” (in the case of 2335 Broadway and 440-448 23rd Street) indicates that a building might become eligible for the National Register if the property’s architectural integrity

were restored, while “5B” (441-449 23rd Street) indicates a building is eligible for local listing only, both as a separate property and as a contributor to a district, “5S” (2343 Broadway, 2345 Broadway) designates a building eligible for local listing as a separate property, and “5D” (439 23rd Street) means a building is eligible for local listing as a contributor only.

In 2003, OHP prepared new California Historical Resource Status Codes generally based on the above National Register codes. The new codes also rate buildings 1-7, with slight modifications in subcategories.

GENERAL PLAN HISTORIC PRESERVATION ELEMENT

The Oakland General Plan Historic Preservation Element, adopted in 1994 and revised in 1998, identifies several categories of historical properties. Designated Historic Properties (DHPs) include City Landmarks, Preservation Districts, and Heritage Properties, which are designated by the Landmarks Preservation Advisory Board, Planning Commission, and City Council.⁸ The Element also defines a broad category of Potential Designated Historic Properties (PDHPs),⁹ which are all those properties that have an existing or contingency rating of “A” (highest importance), “B” (major importance), or “C” (secondary importance) in either the OCHS or the Reconnaissance Survey, or have been determined by the surveys to contribute (or potentially contribute, based on contingency rating) to an Area of Primary Importance or Area of Secondary Importance. PDHP is a status based on survey rating, not a formal designation by any City body. The highest rated PDHPs, plus all DHPs, are defined as Oakland’s Local Register of Historic Resources for such purposes as environmental review and use of the State Historical Building Code.

Goals and Policies

The following Historic Preservation Element goals and policies are applicable to the project:

- Historic Preservation Goal 2: To preserve, protect, enhance, perpetuate, use, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value. Such properties or physical features include buildings, building components, structures, objects, districts, sites, natural features related to human presence, and activities taking place on or within such properties or physical features.
- 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

⁸ Eligibility requirements for designation as a Heritage Property include an existing or contingency OCHS rating of A, B, or C; an existing or contingency Reconnaissance Survey rating of A or B; or a contributor (or potential contributor based on contingency rating) to a potentially eligible Preservation District (Area of Primary or Secondary Importance). The Heritage Property category was developed in the Historic Preservation Element to replace the City’s Preservation Study List. However, as of 2003, the City has not initiated designation of a list of Heritage Properties.

⁹ In accordance with Policy 1.2 of the General Plan Historic Preservation Element, PDHPs “warrant consideration for possible preservation”; thus, according to the OCHS, a PDHP is “of local interest” and therefore warrants a National Register status code of 5. They are also eligible to be Heritage Properties; see Footnote 8.

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.

- Policy 3.5: *Historic Preservation and Discretionary Permit Approvals*. For additions or alterations 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 necessarily 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.

- Policy 3.7: Property Relocation Rather than Demolition. As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.
- Policy 3.8: *Definition of "Local Register of Historical Resources" and Historic Preservation "Significant Effects" for Environmental Review Purposes*. For purposes of environmental review under the California Environmental Quality Act, the following properties will constitute the City of Oakland's Local Register of Historic Resources:
 - 1) All Designated Historic Properties, and
 - 2) Those Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance.
 - 3) Until complete implementation of Action 2.1.2 (Redesignation), the "Local Register" will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

The above policies, and the Historic Preservation Element generally, encourage, but do not mandate, the preservation of Oakland's historic resources, within the context of and consistent with other General Plan goals, objectives, and policies (as discussed in other sections of this EIR and in the Land Use and Planning section of the Initial Study). Thus, for example, the admonition in Historic Preservation Goal 2 against "the unnecessary destruction" of historic buildings and Policy 3.1's direction to employ "all reasonable efforts to avoid or minimize adverse effects" on historic resources are reviewed against the proposed project's provision of substantial new housing in downtown Oakland. A determination of consistency with the above

policies by the Planning Commission and City Council must be predicated upon a finding that, as specified in Policy 3.5, “(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 is discussed in the impact evaluation in this section of the EIR (see Impact E.3, p. IV.E-33, and Impact E.4, p. IV.E-35).

Policy 3.7 is incorporated into the analysis in this EIR as Mitigation Measure E.3f.

Policy 3.8 defines the City’s “Local Register of Historical Resources” for CEQA purposes and identifies the changes that constitute significant effects under CEQA. This policy forms part of the basis for the impact evaluation in this section of the EIR (see “Significance Criteria,” p. IV.E-27).

PALEONTOLOGICAL SETTING

Geologically, the Oakland metropolitan area is quite diverse, although the area as a whole is, by and large, comprised of late Quaternary alluvium – making the majority of surface deposits relatively young, yet still capable of bearing fossils. The principle fossil-bearing formations occur to the east of the project area, in the Franciscan Complex of the Oakland Hills, but many of the geological units in the metropolitan area are linked to vertebrate and invertebrate fossil deposits (Helley et al., 1972). It should be noted that paleontological remains are not uniformly distributed within a rock formation; the fact that fossil-bearing sites have been identified within a rock unit or formation serves as an indication that those units or formations are fossiliferous, not that they are necessarily fossil-rich.

Baseline Paleontological Methods

To develop a baseline understanding of the paleontology of the proposed project site and surrounding area, the published geological and paleontological literature was reviewed (Graymer, 2000; USGS, 2004). The following is a list of the deposits found within the project area:

Qmt – Marine terrace deposits (Pleistocene) – Three small outcrops of marine terraces are located about 5 m above present mean sea level. Similar terraces are located north of the map area on the south shore of San Pablo Bay in the extreme northwest Contra Costa County at Lone Tree Point, Wilson Point, and an unnamed outcrop in between (Helley and Graymer, 1997b). The oyster beds at the base of those outcrops unconformably overlie the Cierbo Sandstone of Miocene Age and are in turn overlain by about 5 m of greenish-gray silty mudstone. The oysters have been dated by the Uranium-Thorium method (Helley and others, 1993) and are of last interglacial age, approximately 125 ka. This deposit represents the surface layer at the project site.

af – Artificial fill (Historic) – Man-made deposit of various materials and ages. Some are compacted and quite firm, but fills made before 1965 are nearly everywhere not compacted and consist simply of dumped materials. This deposit lies just east of the project site.

Qms – Merritt sand (Holocene and Pleistocene) – Fine-grained, very well sorted, well-drained eolian deposits of western Alameda County. The Merritt sand outcrops are located in three large areas in Oakland and Alameda. This deposit lies to the west and southwest of the project site.

Qhaf – Alluvial fan and fluvial deposits (Holocene) – Alluvial fan deposits are brown or tan, medium dense to dense, gravely sand or sandy gravel that generally grades upward to sandy or silty clay. Near the distal fan edges, the fluvial deposits are typically brown, never reddish, medium dense sand that fines upward to sandy or silty clay. The best developed Holocene alluvial fans are on the San Francisco Bay plain. All other alluvial fans and fluvial deposits are confined to narrow valley floors. This deposit lies northwest of the project site.

Given the relatively young geomorphic characteristics of the upper layers in the vicinity of the project area, the probability of encountering paleontological resources is substantially reduced. This is especially true in the cases of Holocene alluvial fan and Merritt Sands. However, the Pleistocene deposits of Marine Terrace may contain fossil remains. Indeed, the project area is of undetermined sensitivity until observations of exposed subsurface units can take place. In lieu of exposing subsurface units, the basis of determining the level of sensitivity, given the limited excavation required for the project, has relied on the existing geologic documentation for the area.

NATIVE AMERICAN CONSULTATION

The Native American Heritage Commission (NAHC) was contacted on April 6, 2004, in order to request a database search for sacred lands or other cultural properties of significance to local Native Americans. The sacred lands survey failed to indicate the presence of cultural resources in the project area. The NAHC provided a list of Native American contacts who may have further knowledge of the project area with respect to cultural resources and potential impacts to those resources that could occur as a result of the proposed project. Each person or organization listed on the NAHC list was contacted by letter requesting information about locations of importance to Native Americans. No response has been received as of the writing of this document.

HISTORIC RESOURCES ON THE PROJECT SITE

The project site is located in a developed urban area in the City of Oakland, bounded by 24th Street to the north, West Grand Avenue to the south, Valley Street to the west and Broadway to the east. The site occupies virtually all of two city blocks (approximately five acres), which are referred to as Parcels A and B. Existing uses on the project site include automobile-related sales

and services, smaller-scale retail and commercial services, and 16 residential units (in the Casa Blanca Apartments on Parcel B). Most of Parcel A and about half of Parcel B is devoted to surface vehicular storage areas associated with the Negherbon automobile business and a public parking lot. The balance of the project site is occupied by 13 buildings, including the clearly identified Negherbon automobile showrooms along Broadway and automobile repair shops on 23rd and 24th Streets.

For purposes of this analysis, the project site includes all lots and the 13 existing buildings on both blocks, with the exception of one lot at the southwest corner of Broadway and 24th Street (2355 Broadway, the location of a Saturn automobile dealership) that is not included as part of the project site. There is also one parcel located on Parcel B (Lucky Goldfish Pet Shop at 2301 Broadway) that is not currently under the control of the project sponsor, but may be acquired. Should the project sponsor ultimately not gain control of this site, the parcel could be excluded from the final project site (see Figure IV.E-1).

Eleven of the 13 buildings located on the project site were evaluated by OCHS in 1994 for their potential historic significance on national and local levels. In 2004 Carey & Co. Inc. evaluated all of the buildings on the project site, and other buildings adjacent to the project site. The findings are summarized in Table IV.E-1, p. IV.E-13, and described in detail below.

As part of its review of the buildings on the project site, Carey & Co. reviewed the applicable historic property inventory forms prepared by OCHS, visited the project site to determine whether alterations to the structures have occurred since the properties were previously surveyed that could affect their significance ratings, completed additional historic research in an attempt to uncover additional historic information not available during the initial survey in 1994, and assessed the restoration potential of those buildings given a local contingency rating. As to changes since the 1994 Unreinforced Masonry survey, Carey & Co. found no substantive physical alterations to the affected buildings on the project site that could change their significance ratings. At 2335, 2343, and 2345 Broadway (Buildings 9, 10, and 11), the non-historic perforated and corrugated metal exterior wall cladding observed during the previous survey has since been covered by another layer of metal paneling and texturized paint to form an even more unified and “updated” appearance. These three buildings have also received some alterations to the non-historic signage. The remaining buildings essentially appear as they did in 1994 when the survey was completed.

Research at the History Room of the Oakland Public Library and in other written and on-line sources identified no historical information that had become available since the 1994 survey that would alter the existing ratings. Restoration potential of buildings with OCHS contingency ratings is discussed in connection with each such building, below.



Buildings To Be Demolished

- | | | | |
|---|-------------------------------------|--------------------|-----------------|
| ① 449 23rd St.* | ⑤ 2366-98 Valley St. / 467 24th St. | ⑨ 2335-37 Broadway | } Shared Facade |
| ② 439 23rd St. | ⑥ 461 24th St. | ⑩ 2343 Broadway | |
| ③ 2251 Broadway | ⑦ 2315 Broadway | ⑪ 2345 Broadway | } Shared Facade |
| ④ 440-48 23rd St. / 2300-14 Valley St.* | ⑧ 2323 Broadway | ⑫ 421 24th St. | |
| | | Ⓐ 2301 Broadway** | |

* Facade to be retained

** To be demolished if acquired by sponsor

H CEQA Historic Resource

— Project Site

..... Maximum Potential Site

- - - - 25th Street Garage District (API)

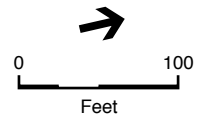


Figure IV.E-1
Existing Buildings on the Project Site

**TABLE IV.E-1
HISTORIC SIGNIFICANCE RATINGS FOR BUILDINGS ON THE PROJECT SITE**

	Property	OCHS Rating	NRHP Status Code on DPR Form 523B	CEQA Historic Resource (yes/no)^a
1	441-449 23rd Street	Dc2+	5B	Yes
2	439 23rd Street	D2+	5D	Yes
3	2251 Broadway ^b	–	6Z	No
4	440-448 23rd Street	Cb+2+	4S7	Yes
5	2366-2398 Valley Street ^c	C3	6/5D	Yes
6	461 24th Street ^b	–	6Z	No
7	2315 Broadway	Ec3	6Z	No
8	2323 Broadway	Ed3	6Z1	No
9	2335 Broadway	Eb+3	4S7	Yes
10	2343 Broadway	Ec3	5S	Yes
11	2345 Broadway	Eb-3	5S	Yes
12	421 24th Street	D3	6Z1	No
A	2301 Broadway	Ed3	6Z1	No

^a Based on Carey & Co. (2004) evaluation for this EIR.

^b The buildings at 2251 Broadway and at 461 24th Street were not evaluated by the OCHS in 1994, but were previously determined “not historic” in the Reconnaissance Survey. A review and evaluation by Carey & Co. Inc. in August 2004 concluded that both buildings are ineligible for listing on national, state or local registers. The NRHP status code of 6Z is as assigned by Carey.

^c The building at 2366-2398 Valley Street was formerly a contributor to an Area of Secondary Importance (ASI) that no longer exists; when part of the ASI, the building had “2+” as part its OCHS rating. With the ASI no longer extant, the “2+” is changed to “3.”

SOURCE: Carey & Co. Inc.

Buildings Considered Historical Resources for Purposes of CEQA

The Oakland General Plan Historic Preservation Element (Policy 3.8) defines the City’s “local register of historical resources” (the term used in CEQA Section 21084.1 as part of the definition of “historical resource”) as including all Designated Historic Properties and Potential Designated Historic Properties that have an existing OCHS rating of “A” or “B” or are located within an Area of Primary Importance. In addition, until complete implementation of Action 2.1.2 (re-designation of existing landmarks and Preservation Districts into the Historic Preservation Element’s classification system, and Preservation Study List properties, where warranted, as

Heritage Properties¹⁰), the Local Register of Historical Resources also includes Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties. Therefore, none of the buildings on the project site meet the Preservation Element definition of historical resources, because none has an existing OCHS rating of “A” or “B” or is located within an Area of Primary Importance, nor is any of the buildings a landmark, within an S-7 combining zone, or on the Preservation Study List.

In 1994, pursuant to Oakland’s Seismic Safety Ordinance, OCHS prepared a State Department of Parks and Recreation (DPR) Form 523B for seven buildings on the project site that were on the City’s Unreinforced Masonry list; OCHS also completed a Form 523A (Primary Record) for two buildings not constructed of unreinforced masonry and in 1996 completed a Primary Record for a tenth building. These DPR forms, which are the official state assessment documents for evaluation of historical resources, include a National Register status code for each resource. Only two of the 10 buildings were rated as high as C (Secondary Importance) on the OCHS rankings. However, five other buildings received contingency ratings of “b” (Potentially of Major Importance if Restored) or “c” (Potentially of Secondary Importance if Restored), and a total of seven buildings were rated 5 (“of local interest”) or better on DPR Form 523B, consistent with their existing or contingency OCHS ratings as PDHPs. Changes to the CEQA Guidelines in 1998 resulted in the addition of Section 15064.5, which states, in part, that resources “identified as significant in an historical resource survey meeting the requirements of Section 5024.l(g) of the Public Resources Code” shall be presumed significant. Among the criteria in Section 5024.l(g) is that “the resource is evaluated and determined by the [O]ffice [of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523.” Therefore, this analysis began with the assumption that those six buildings rated 5 or better on Form 523 by OCHS in 1994 (plus one subsequently rated “6/5D”) were presumed to be historic resources, despite the City’s General Plan Historic Preservation Element guidance.

The Historic Resources Evaluation (Carey & Co., 2004) prepared for this EIR confirmed that the seven buildings on the project site initially presumed to be historic resources are, indeed, considered historic resources for purposes of CEQA. A brief description of each of the seven building follows (numbers are keyed to Figure IV.E-1 and Table IV.E-1). The OCHS ratings and National Register (NRHP) status codes for each building, indicated in parentheses, are those assigned by OCHS in its 1994 Unreinforced Masonry Building survey and confirmed by Carey & Co. in 2004, with the exception of 2251 Broadway and 461 24th Street, which were not evaluated by the OCHS in 1994.

Building #1 – 441-449 23rd Street (OCHS – Dc2+; NRHP – 5B): The building at 441-449 23rd Street was constructed in 1924 as a decorative brick service garage for McMann (R.E.) – General Tire, designed by local architect Clay Burrell. The single-story building is rectangular in plan, with a decorative stepped parapet, tiled pent roofs, and storefront, and includes a mezzanine. The building has full-height vehicle doors, large plate glass and industrial sash ground floor windows,

¹⁰ As of 2003, the City has not undertaken the zoning revisions that will be necessary to reclassify landmarks and Preservation Districts, nor has it initiated re-designation of study list properties as Heritage Properties.

and multi-paned transoms. Visible alterations include new vehicle doors, some ground floor windows, and some doorways in-filled with brick. The building is in present use as an auto repair establishment (On-Track BMW) and an art and performance gallery (21 Grand). Along with Buildings 2 and 4, 441-449 23rd Street is identified as a contributor to a three-building Area of Secondary Importance (ASI), the “23rd Street Group.” (See Figure IV.E-2, Photo A)

Carey found that while the historic windows and doors are lost, the remainder of the building is essentially unaltered. The terra cotta ornamental elements at the parapet are sound and complete and the brick masonry is in good condition. With all other architectural elements in place, the fabrication of replacement windows based on the design of the existing transom windows would return the property to its 1920’s appearance. Thus, the building “presents a clear opportunity for successful rehabilitation.”

Carey concurred with the OCHS rating of Dc2+ because the building is “is of minor historical importance in its current state, primarily due to its fairly extensive exterior alterations. Visual evidence suggests that a restoration of the windows is possible. As such, the contingency rating of “c” is appropriate, because the building could become of secondary importance after restoration, especially considering its associations with well-known local architect Clay Burrell and could become a good example of the decorative brick Beaux Arts derivative style.” The “2+” indicates that the building is a contributor an ASI, which Carey confirmed. Carey recommended a NRHP rating of 5D (locally significant as a contributor to a local district) because the building appears eligible for the National Register only as a contributor to a local district, the 23rd Street ASI, rather than 5B (locally significant both individually and as a contributor to a local district). This change would not affect the building’s designation as a historical resource under CEQA. At any rate, Carey concurred that the status code of 5, regardless of suffix, renders the building a historical resource under CEQA. In addition, the building has clear associations with well-known local architect Clay Burrell and would be a good example of the decorative brick Beaux Arts derivative style if restored. According to the Carey report,

the property at 441-449 23rd Street is a PDHP due to its contingency rating of “c.”¹¹ The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of 5B is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g). Furthermore, because PDHPs warrant consideration for possible preservation (City policy 1.2), this property meets the NRHP definition of “local interest,” as denoted by the existing 5B rating [or the 5D rating recommended by Carey].

¹¹ The “2+” rating also makes the building a PDHP.



A. 439 and 449 23rd Street



B. 440-48 23rd Street / 2300-14 Valley Street

SOURCE: Environmental Science Associates

Broadway & West Grand / 203468 ■

Figure IV.E-2
Existing Buildings on the Project Site

Building #2 – 439 23rd Street (OCHS – D2+; NRHP – 5D): This building was constructed in 1922 as Goldwater (Mandel) garage, and is an example of an early 20th century utilitarian garage. It is one story tall with a mezzanine, rectangular in plan, and constructed of brick. It has a corbeled¹² cornice, enframed window wall, and vehicle door. The building has wood sash ribbon windows and horizontal board siding at transom level. Visible alterations include a changed storefront and windows and an in-filled garage door. This building is currently in commercial use. Along with Buildings 1 and 4, 439 23rd Street is identified as a contributor to the “23rd Street Group” ASI. Because the building does not have an OCHS contingency rating higher than its existing “D” rating, Carey did not assess the rehabilitation potential. (See Figure IV.E-2, Photo A)

Carey concurred with the OCHS rating of D2+ because the building is “is of no particular historical importance, especially in its current state due the substantial exterior alterations.” The “2+” indicates that the building is a contributor an ASI, which Carey confirmed. Carey opined that the NRHP rating of 5D “is accurate ... to the extent that it is a contributor to a local district, the 23rd Street Group District.” According to the Carey report,

the property at 439 23rd Street is a PDHP, despite its existing rating of “D,” because it is located in an ASI. The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of 5D is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g).

Building #4 – 440-448 23rd Street (Cb+2+; 4S7): Constructed in 1919 as the Elliot (C.T.) Shop-Valley Auto Garage, this building was also designed by Clay Burrell in a decorative brick-Beaux-Arts derivative style. The building is single story, rectangular in plan, and constructed of brick bearing walls and wood posts. It has a truss roof with monitors,¹³ low stepped parapet, pilaster¹⁴ and bay composition with tall arched windows with fanlights, and vehicle doors. Exterior walls are brick with terra cotta keystones, pilaster capitals and columns. Original plans identify multi-pane fanlight windows. Visible alterations include new windows and doors, with window openings partially in-filled. Thus building is vacant, having most recently been used for automobile repair. Along with Buildings 1 and 2, 440-448 23rd Street is identified as a contributor to “23rd Street Group” ASI. (See Figure IV.E-2, Photo B)

Carey found that, while the historic windows are lost, the remainder of the building is essentially unaltered. The terra cotta ornamental elements including the entry columns are sound and complete. The brick masonry is in good condition, and the wood spanning structure on the inside appears basically unaltered. With all other architectural elements in place, the fabrication of

¹² **Corbel** – A projecting bracket of stone, brick, etc., that supports a cornice or other overhanging feature.

¹³ **Monitor** – A raised section above the rooftop that is glazed on the sides to admit natural light.

¹⁴ **Pilaster** – A rectangular column that projects slightly from, but is not separated from, the facade of a building.

replacement windows based on the design shown in the historic drawings would return the property to its 1920's appearance. Therefore, the building at 440-448 23rd Street "presents a clear opportunity for successful rehabilitation."

Carey concurred with the OCHS rating of Cb+2+ because the building is "is of secondary historical importance in its current state, primarily due to its exterior alterations. Visual and archival evidence suggests that a restoration of the windows is possible. As such, the contingency rating of "b+" is appropriate, because the building could become of major importance after restoration, especially considering its associations with well-known local architect Clay Burrell and could be a fine example of the decorative brick Beaux Arts derivative style." The "2+" indicates that the building is a contributor an ASI, which Carey confirmed. Carey concluded that the NRHP rating of 4S7 is appropriate because the building "would appear eligible for the NRHP at the local level for its associations with well-known local architect Clay Burrell and possibly as a fine example of the decorative brick Beaux Arts derivative style if restored." According to the Carey report,

the property at 440-48 23rd Street is a PDHP due to its rating of "C." The property does not have an existing rating of "A" or "B" nor is it located in an API, and as such, would not appear to be a CEQA "historic resource" under City policy 3.8. However, the property's NRHP rating of 4S7 is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g).

Building #5 – 2366-2398 Valley Street (C3 (formerly Cb-2+); 6/5D): The building at 2366-2398 Valley Street, constructed in 1936, is a two-story warehouse with Art Deco detailing. It has a straight parapet, large metal sash windows on the top floor, and a band of narrower transom windows. The structure and interior walls are concrete. Visible alterations include ground floor windows covered and in-filled with plywood and a changed entry. The building, currently vacant, was originally evaluated as a contributor to an Area of Secondary Importance, the "Valley Street Group." The other two buildings in the group, brick garages/shops at 2356 and 2360 Valley Street, were demolished in 2000, and the Valley Street Group, therefore, is no longer extant. Thus, the building's current OCHS rating is C3 ("3" indicates the building is not in an ASI or API). (See Figure IV.E-3)

Carey found that the building above the ground floor has high historic integrity. The second and third floor windows, finishes and ornament are unaltered. Damage to historic materials from wear, such as concrete spalling, can be easily repaired. Steel sash similar to that found in the upper stories is still in production, and if appropriate, could replace the infill panels at the ground level. Thus, the property at 2366-2398 Valley Street "presents a clear opportunity for successful rehabilitation."



SOURCE: Environmental Science Associates, 2004

Broadway & West Grand / 203468 ■

Figure IV.E-3
Existing Building at
2366-98 Valley Street/467 24th Street

Carey concurred with the OCHS rating of C3 because the building is “of secondary architectural importance, primarily due to ground floor exterior alterations.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey recommended that the NRHP rating of 6/5D be changed to 5S because the building is “of local historical interest.” (The “split” 6/5 rating is somewhat unorthodox.) This change would not affect the building’s designation as a historical resource under CEQA. According to the Carey report,

the property at 2366-98 Valley Street is a PDHP due to its rating of “C.” The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of 5S is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g). Furthermore, because PDHPs warrant consideration for possible preservation (City policy 1.2), this property meets the NRHP definition of “local interest,” as denoted by the proposed “5S” rating.

Building #9 – 2335 Broadway (Eb+3; 4S7): This building was constructed in 1924 in the Beaux Arts style to a design by renowned California architect Julia Morgan for Dinsmore Bros. Auto Accessories. The building is a one-story-plus mezzanine commercial brick building rectangular in plan. This building, along with adjacent buildings at 2343 and 2345 Broadway, was substantially remodeled in 1964 with the installation of two plate glass storefront bays with tile cladding and a new parapet constructed of perforated and corrugated metal above. The straight metal parapet visually united the building with the two structures to its north so that the three appear as one continuous structure (2335, 2343, and 2345 Broadway). In the late 1990s the parapet of all three buildings was covered with another layer of metal cladding and new signage was added. Original plans show an elaborate polychrome terra cotta frieze and cornice, and small-paned transom windows which may remain behind the metal cladding.

Substantial alterations also have been made to the interior of the building, including opening of the northern wall to the adjacent building, introduction of new interior partitions and “drop” ceilings with acoustical tiles, repainting and replastering of walls, and installation of new flooring materials, essentially resulting in the loss of all important original interior features. Visual evidence suggests that the original brick parapet and associated transom windows designed by Morgan exist beneath both layers of later metal cladding, as the back of parapet is visible from the roof, and the metal cladding protrudes from the original parapet by more than two feet. While the original Broadway elevation is not directly visible, it is likely that the original masonry may survive beneath the cladding as there is a large space between the original masonry wall and the front of the later cladding. The building is currently part of the Negherbon Auto Center automobile dealership. (See Figure IV.E-4)



A. 2335 Broadway



B. 2343 and 2345 Broadway (shared facade)

SOURCE: Environmental Science Associates, 2004

Broadway & West Grand / 203468 ■

Figure IV.E-4
Existing Buildings on the Project Site

Carey & Co. concurred with the OCHS rating of Eb in that the building is “of no particular historical importance in its current state, primarily due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick and polychrome terra cotta façade may exist beneath the metal clad parapet. If the original historic material survives in sufficient quantity, a restoration of the façade is possible. As such, the contingency rating of “b+” is appropriate, because the building could become of major importance after restoration, especially considering it was designed by architect Julia Morgan and may have a highly detailed façade behind the metal parapet.” However, Carey noted that, even if restored, the building:

would not likely qualify for individual listing on the NRHP or the [California Register] under Criterion B/3 [association with important persons] for a number of reasons. The building would not be considered a “master” work, i.e., one that elevated Ms. Morgan to master status. By 1920, the date of construction for 2335 Broadway, Julia Morgan was already an established, large-scale architect, having designed many more architecturally significant buildings throughout California, and was already working on Hearst Castle in San Simeon, her most famous commission. In addition, there are more architecturally significant Julia Morgan designs in Oakland than the property at 2335 Broadway, such as the Fred C. Turner Stores (1916) on the corner of Piedmont Avenue and 40th Street (a commercial example) as well as dozens of earlier and more elaborate residential projects.

The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 4S7 is appropriate, as the building “would appear eligible for the NRHP at the local level for its associations with renowned architect Julia Morgan and possibly for its architectural style if restored.” According to the Carey report,

the property at 2335 Broadway is a PDHP due to its contingency rating of “b.” The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s confirmed NRHP rating of 4S7 is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g).

Building #10 – 2343 Broadway (Ec3; 5S): This building was constructed in 1924-1925 as the Arthur Kiel Auto Showroom, and designed by architects Schirmer-Bugbee Company. This single-story building is of brick construction, with a rectangular plan and a wide showroom bay. Exterior walls are brick, terra cotta, and plate glass. Similar to the adjacent buildings at 2335 and 2345 Broadway, this building was substantially remodeled in 1964 with the addition of plate glass storefront bays and perforated and corrugated metal cladding above. Another layer of metal paneling and textured paint was added in the late 1990s. As with 2335 Broadway next door, substantial interior alterations have removed virtually all important historic interior features. Original plans show vertically-oriented transom windows with “factory ribbon glazing” and a

stepped brick parapet. Also as with 2335 Broadway, visual evidence suggests that the original brick parapet exists beneath both layers of later metal cladding. This building is currently part of the Negherbon Auto Center. (See Figure IV.E-4)

Carey & Co. concurred with the OCHS rating of Ec3 in that the building “is of no particular historical importance in its current state due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick parapet may exist beneath the metal clad parapet. If the original historic material survives in sufficient quantity, a restoration of the façade is possible. As such, the contingency rating of “c” is appropriate, as the building could become of secondary importance after restoration.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 5S is appropriate, as the building is “of local historical interest.” According to the Carey report,

the property at 2343 Broadway is a PDHP due to its contingency rating of “c.” The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of “5S” is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g). Furthermore, because PDHPs warrant consideration for possible preservation (City policy 1.2), this property meets the NRHP definition of “local interest,” as denoted by the “5S” rating.

Building #11 – 2345 Broadway (Eb-3; 5S): The building at 2345 Broadway was constructed in 1920 as the J.E. French Dodge Showroom, and designed by architects Reed & Corlett, with an early remodel in 1929 by architect Guy L. Brown. (Reed & Corlett were responsible for a number of Oakland buildings, including such notable downtown structures as the 18-story tower addition to the Oakland Bank of Savings Building at 12th and Broadway (1922) and the 15-story Financial Center Building at 14th and Franklin (1928).) This single-story building is built of brick in an irregular plan, and, like 2343 Broadway, has a wide showroom bay. Exterior walls are brick, terra cotta, and plate glass. Similar to the adjacent buildings at 2335 and 2343 Broadway, this building was substantially remodeled in the late 1960s with plate glass storefront bays and perforated and corrugated metal cladding above, with another layer of metal paneling and textured paint added in the late 1990s. Like its neighbors, substantial interior alterations have removed virtually all important historic interior features; also like the two buildings to the south, the original brick parapet likely exists beneath both layers of later metallic cladding. This building is currently part of the Negherbon Auto Center. (See Figure IV.E-4)

Carey & Co. concurred with the OCHS rating of Eb-3 in that the building “is of no particular historical importance in its current state due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick and small-paned transom windows may exist beneath the metal parapet. If the original historic material survives in sufficient quantity, a restoration of the façade is possible. As such, the contingency rating of “b-” is appropriate, as the building could become of major or secondary importance after restoration.”

The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 5S is appropriate, as the building is “of local historical interest.” According to the Carey report,

the property at 2345 Broadway is a PDHP due to its contingency rating of “b.” The property does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. However, the property’s NRHP rating of 5S is between 1-5, and would therefore qualify as an historic resource under CEQA Guidelines Section 15064.5 and Public Resources Code Section 5024.1(g). Furthermore, because PDHPs warrant consideration for possible preservation (City policy 1.2), this property meets the NRHP definition of “local interest,” as denoted by the “5S” rating.

Buildings Not Considered Historic Resources for Purposes of CEQA

Six of the existing 13 buildings on the project site are not considered historic resources for purposes of CEQA. None of the six buildings is listed in, or determined eligible for listing in, the California Register, nor is any included in the City of Oakland’s Local Register of Historical Resources (pursuant to Policy 3.8 of the Historic Preservation Element), nor does any have a NRHP rating of 5 or higher on DPR Form 523B. Finally, none has been determined historically or culturally significant by the Oakland City Council. A brief description of each building follows.

Building #3 – 2251 Broadway and Building #6 – 461 24th Street (both NRHP – 7) The two buildings at 2251 Broadway and 461 24th Street were not evaluated by the OCHS in the 1994 Unreinforced Masonry Building survey. A review and evaluation by Carey & Co. Inc. in August 2004 concluded that both buildings are ineligible for listing on the NRHP because they would not meet the criteria for exceptional significance, required for buildings less than 50 years of age. (Both buildings were constructed around 1970.) Additionally, the two buildings would be ineligible for listing on the state or local registers because research did not reveal associations with historic events or important individuals, nor is either building a good example of the Modern style of architecture. Therefore the structures at 2251 Broadway and 461 24th Street would not be considered historic resources for CEQA purposes.

Building #7 – 2315 Broadway (Ec3; 6Z): The building at 2315 Broadway was designed and constructed in 1922 by prominent Oakland architect and developer Maury Diggs as a commercial building (McCaslin store), with a high single story, rectangular plan, and is of steel and wood frame construction. The building was substantially remodeled around 1960 and joined with the brick and wood frame commercial building to the north (2323 Broadway) of similar vintage. During this remodeling, plate glass storefront bays with tile cladding and a new parapet constructed of perforated and corrugated metal was installed which united the two buildings visually, and the partition wall separating the buildings was removed, creating one large space, currently an automobile showroom for the Negherbon Lincoln Mercury automobile dealership.

Carey & Co. concurred with the OCHS rating of Ec3 in that the building is “of no particular historical importance in [their] current state, primarily due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick façades may exist beneath the metal clad parapet. If the original historic material survives in sufficient quantity, a restoration is possible. As such, the contingency rating of “c” is appropriate, as the building could become of secondary importance after restoration.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 6Z (ineligible for listing in the NRHP) is appropriate due to the building’s lack of architectural distinction, lack of historical associations, and highly altered facade. According to the Carey report,

the property at 2315 Broadway is a PDHP due to its contingency rating of “c.” However, it is not a “historic resource” for CEQA purposes under City policy 3.8, as it is not a PDHP with an existing rating of “A” or “B.” In addition, this property [is rated] 6Z, which is beyond the CEQA threshold of between 1-5. As such, the property at 2315 Broadway is not an historic resource.

Building #8 – 2323 Broadway (Ed3; 6Z1): This brick building was constructed in 1924-26 as the Johnson Motors building, and is a representative example of an early 20th century automobile showroom. The architect was George T. Williams. This building was joined with the adjacent 2315 Broadway in a circa 1960 remodeling that also resulted in the addition of new display windows and corrugated metal panels above to match 2315 Broadway, and the partition wall separating the two buildings was removed to functionally create a single building for use as an automobile showroom.

Carey & Co. concurred with the OCHS rating of Ed3 in that the building is “of no particular historical importance in its current state, primarily due to the substantial exterior alterations.” According to the Carey report, visual evidence “suggests that the original brick façades may exist beneath the metal clad parapet. If the original historic material survives in sufficient quantity, a restoration is possible. Even with a restoration the contingency rating of “d” is appropriate, as the building could remain of minor historical importance.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey concluded that the NRHP rating of 6Z (ineligible for listing in the NRHP) is appropriate due to the building’s lack of architectural distinction, lack of historical associations, and highly altered facade. According to the Carey report,

the property at 2323 Broadway is not a PDHP due to its contingency rating of “d.” It is also not a “historic resource” for CEQA purposes under City policy 3.8, as it is not a PDHP with an existing rating of “A” or “B.” In addition, this property has a NRHP rating of 6Z1, which is beyond the CEQA threshold of between 1-5. As such, the property at 2323 Broadway is not an historic resource.

Building #12 – 421 24th Street (D3; 6Z1): This building was constructed in 1929 for the Weaver-Wells Company service garage by architect Guy L. Brown. The high single-story

utilitarian service garage has a trapezoidal plan and brick construction with wood frame trusses and posts. Exterior windows are partly covered with plywood, and there are replacement metal roll-up garage doors. The building is currently a commercial repair garage for the Negherbon Auto Center. Because the building does not have an OCHS contingency rating higher than its existing “D” rating, Carey did not assess the rehabilitation potential.

Carey concurred with the OCHS rating of D3 because the building is “is of no particular historical importance and has had some exterior alterations.” The “3” indicates the building is not within an API or ASI, which Carey confirmed. Carey confirmed the NRHP rating of 6Z (ineligible for listing in the NRHP). According to the Carey report,

the property at 421 24th Street is not a PDHP due to its existing rating of “D.” The property also does not have an existing rating of “A” or “B” nor is it located in an API, and as such, would not appear to be a CEQA “historic resource” under City policy 3.8. In addition, the property’s NRHP rating of “6Z” indicates that the property appears ineligible for listing in the NRHP, and would not qualify as a historic resource under CEQA Guidelines Section 15064.5 or Public Resources Code Section 5024.1(g).

Building A – 2301 Broadway (Ed3; 6Z1): The building at 2301 Broadway was the former Goldwater (Mandel) commercial store, constructed in 1917-1918, and designed by architect Fred D. Voorhees. It is a one-story building with mezzanine, trapezoidal in plan with stucco over brick exterior walls. Windows are replacement metal sash units. Originally an example of early 20th century commercial architecture, this building was substantially remodeled in the 1980s with stucco cladding, awnings, and new doors and windows. The building is currently occupied by the Lucky Goldfish pet shop and Friedmans’ Microwave store.

HISTORIC RESOURCES ADJACENT TO THE PROJECT SITE

Historic architectural resources adjacent to the project site identified and documented by the OCHS include the building at 2355 Broadway, and the historic 25th Street Garage District. Oakland’s 25th Street Garage District occupies most of both sides of 25th Street between Broadway and Telegraph Avenue, and partially extends to 24th and 26th Streets. There are three contributory buildings to the District in the immediate project vicinity, including the building at 2355 Broadway, and two garage buildings across 24th Street from the project site (442 and 450 24th Street). 2355 Broadway is located at the southwest corner of Broadway and 24th Street immediately adjacent to Parcel B, and is occupied by the Saturn of Oakland auto dealership.

25th Street Garage District: The 25th Street Garage District is historically significant as a concentrated, intact, and homogeneous group of buildings of a distinctive type, dating from a specific period of Oakland’s economic development. The district contains 29 properties, 24 of which are contributory. The district appears eligible for listing in the National Register and is a City of Oakland Area of Primary Importance (API). Contributory buildings include 2355 Broadway (discussed below), 442 and 450 24th Street. The building at 442 24th Street, also

known as the RPM/Merit Transmission Parts Building, is a single-story truss-roofed brick garage building with a sculptural, fortress-like facade and elaborate brickwork. The building was constructed in 1929 and designed by architect Claude B. Barton. The building at 450 24th Street, currently Eurasia Autobody, is a single-story plus mezzanine brick garage with a red tile ornamental pent roof and wood sash windows constructed in 1928 and designed by builder W. K. Owen. For purposes of CEQA, this API is considered a historic resource.

2355 Broadway: The building at 2355 Broadway is the former Cuyler Lee Packard and Maxwell Salesroom and Garage Building, constructed in 1913-1914. The four-story commercial building was designed by noted architect Willis Polk in the Beaux Arts style. Presently, the building is occupied by the Saturn of Oakland auto dealership. The building was rated 3/3D (eligible for listing in the National Register individually and as a district contributor) by OCHS in 1983. The building is rated B+a1+,¹⁵ is listed on Oakland's Preservation Study List, and is a contributor to Oakland's 25th Street Garage District. For purposes of CEQA, this building is considered a historic resource.

IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

A cultural resource impact would be considered significant if the project would result in any of the following, according to Appendix G of the CEQA *Guidelines*:

- Cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- Disturb any human remains, including those interred outside of formal cemeteries; or
- Cause a substantial adverse change in the significance of a historic resource, as defined in Section 15064.5

CEQA Section 21084.1 states that “a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” A “historical resource” is defined as one that is listed in, or determined eligible for listing in, the California Register of Historical Resources. A resource that is officially designated or recognized as significant in a local register of historical resources or one that is identified as significant in a historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g), is presumed to be significant under CEQA “unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant.” In addition, a resource included in a local register of historical resources, as defined by section 5020.1(k) of

¹⁵ Original listing was B/A3 under a different system.

the Public Resources Code, shall be presumed to be historically or culturally significant. A “substantial adverse change” is defined in Section 15064.5(b)(1) of the CEQA *Guidelines* as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” The significance of a historical resource is “materially impaired,” according to *Guidelines* Section 15064(b)(2), when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that:

- convey its historic significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources (including a determination by the lead agency that the resource is eligible for inclusion in the California Register);
- account for its inclusion in a local register of historical resources adopted by local agency ordinance or resolution (in accordance with Public Resources Code Sec. 5020.1(k)); or
- account for its identification in a historical resources survey that meets the requirement of Public Resources Code Sec. 5024.1(g), including, among other things, that “the resource is evaluated and determined by the [State Office of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523,” unless the lead agency “establishes by a preponderance of evidence that the resource is not historically or culturally significant.”

The state CEQA Guidelines indicate that projects that are consistent with the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings generally “shall be considered as mitigated to a level of less than a significant impact on the historic resource” (Section 15064.5(b)(3)).

CEQA also requires lead agencies to consider whether projects will adversely affect “unique archaeological resources.” Public Resources Code section 21083.2, subdivision (g), states that “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

The Oakland General Plan Historic Preservation Element (Policy 3.8) defines the City’s “local register of historical resources” (the term used in CEQA Section 21084.1 as part of the definition of “historical resource”) as including all Designated Historic Properties and Potential Designated

Historic Properties that have an existing rating of “A” or “B” or are located within an Area of Primary Importance. In addition, until complete implementation of Action 2.1.2 (re-designation of existing landmarks and Preservation Districts into the Historic Preservation Element’s classification system, and Preservation Study List properties, where warranted, as Heritage Properties; not yet complete), the Local Register of Historical Resources also includes Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

Under Policy 3.8, “complete demolition” of a historical resource generally is considered to constitute a significant effect that cannot be mitigated to a less-than-significant level.

The Historic Preservation Element identifies favored mitigation, for CEQA purposes, as (1) including project modifications that avoid adversely affecting the character defining elements of the property, or (2) relocation of the affected resource to a location consistent with its historical or architectural character. If these measures are not feasible, the Element identifies a menu of other potential measures, including:

- restoration of the remaining historic character of the property;
- incorporating or replicating elements of the building’s original architectural design;
- salvage and display of significant features in a local museum or as part of the project;
- measures to protect the resource from effects of construction activities;
- preparing historic documentation of the resource;
- placement on-site of a display providing information on the historical resource; or
- contribution to a historic preservation program appropriate to the resource.

The Element states that “determination of whether mitigations are adequate to reduce a significant effect to a Historical Resource to a level less than significant will be determined by the lead agency on a case by case basis.” (Historic Preservation Element, Action 3.8.1)

PROJECT IMPACTS

Section 15065 of the CEQA Guidelines mandates a finding of significance if a project would eliminate important examples of the major periods of California history or pre-history. Impacts to resources not determined to be significant according to the significance criteria are not considered under CEQA. Generally, under CEQA a project that follows *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or *The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* is considered to have mitigated impacts to a historical resource to a less-than-significant level (CEQA Guidelines 15064.5).

Archaeological and Paleontological Resources

Impact E.1: Construction of the proposed project could cause substantial adverse changes to the significance of currently unknown cultural resources at the site, potentially including

an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries. (Significant)

Archival research at the Northwest Information Center was undertaken in December 2003 to determine whether any archaeological resources have been discovered at the project site. There are no recorded Native American or historic-period archaeological resources listed with the Historical Resources Information System within the footprint of the project site. However, CA-Ala-17 is an example of a prehistoric site in the area that has now been either destroyed or capped by paving activities. Ala-17 was located on 7th Street between Adeline and Magnolia Street and had yielded burial remains. In addition, a prehistoric archaeological site CA-ALA-22, near the corner of 13th Street and Broadway, yielded a burial during the construction of a building foundation. Further, the proposed project site is near the historic extent of the Bay tidal marshlands where Native American archaeological sites in this portion of Alameda County tend to be situated. Thus, there may be subsurface archaeological resources that have been obscured by urbanization at the project site. According to the Northwest Information Center, there is “moderate potential for Native American sites in the project area.” Further, there is “moderate possibility of identifying historic-period archaeological deposits in the project area.”

The project would likely not affect a historical Chinese community in the Uptown area of Oakland, as described in the Final EIR for the proposed Uptown Mixed-Use Project. According to that document, this community has been documented along San Pablo Avenue near 20th Street, northeast of the intersection of 20th Street and San Pablo Avenue, and east of San Pablo Avenue between 19th and 20th Streets, some one-fourth to one-third of a mile from the Broadway-West Grand Avenue project site. Similarly, a subsequently settled Chinese community is believed to have been located near 22nd Street and Martin Luther King Jr. Way, a similar distance from the project site.

Because the project would involve only minor excavation for building footings and foundations, and no other subsurface construction, the possibility of encountering subsurface cultural resources is limited. However, because the precise locations of prehistoric and historic subsurface resources is not known with certainty, Mitigation Measure E.1 would require further archival research to definitively identify any potential resources in advance of ground-disturbing activities, and to properly handle and/or recover any resources that may be discovered. Implementation of Mitigation Measure E.1a would reduce any potential impacts to a less-than-significant level.

At the project site, there is not any indication that the site has been used for burial purposes in the recent or distant past. Thus, it is unlikely that human remains would be encountered at the project site. However, in the event of the discovery of any human remains, including those interred outside of formal cemeteries, during project construction activities, work would be halted and the following mitigation measure implemented. Implementation of Mitigation Measure E.1b would reduce potential impacts to a less-than-significant level.

Mitigation Measure E.1a: An archival cultural resource evaluation shall be implemented prior to the start of construction or other ground-disturbing activities to identify whether historic or unique archaeological resources exist within the project site. The archival cultural resource evaluation, or “sensitivity study,” shall be conducted by a cultural resource professional approved by the City who meets the Secretary of the Interior’s Professional Qualifications Standards for Prehistoric and Historical Archaeology.

The purpose of the archival cultural resource evaluation is to: (1) identify documentation and studies to determine the presence and location of potentially significant archaeological deposits; (2) determine if such deposits meet the definition of a historical resource under CEQA Guidelines Section 15064.5 or a unique archaeological resource under CEQA Section 21083.2(g); (3) guide additional archaeological work, potentially including pre-construction subsurface archaeological investigation if warranted, to recover the information potential of such deposits; and (4) define an archaeological monitoring plan, if warranted. If excavation is the only feasible means of data recovery, such excavation shall be in accord with the provisions of CEQA Guidelines Section 15126.4(b)(3)(C). Any additional archaeological work and or monitoring shall be pursuant to a plan approved by the City. If a pre-constructing testing program is deemed necessary by the qualified professional as a result of the archival study, it shall be guided by the archival study and shall use a combination of subsurface investigation methods (including backhoe trenching, augering, and archaeological excavation units, as appropriate).

Representatives of established local Chinese-American organizations (including the Chinese Historical Society of America and the Oakland Asian Cultural Center) shall be invited to participate in a focused community review of the archival cultural resource evaluation prior to any subsequent recovery of potential resources or prior to the start of construction, whichever is earlier. The City shall consider the community comments in its review and approval of any plan for additional archaeological work or monitoring.

Should an archaeological artifact be discovered on-site during project construction, all activities within a 50-foot radius would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project sponsor and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation, subject to approval by the City of Oakland, which shall assure implementation of appropriate mitigation measures recommended by the archaeologist. Should archaeologically significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.

If historic or unique archaeological resources associated with the Chinese community are identified within the project site and are further determined to be unique, the City shall consult with representatives of an established local Chinese-American organization(s) regarding the potential use of the archaeological findings for interpretive purposes.

Mitigation Measure E.1b: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA

Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius until appropriate arrangements are made.

If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

Significance after Mitigation: Less than significant.

Impact E.2: The proposed project may adversely affect unidentified paleontological resources at the site. (Significant)

The project site contains Pleistocene marine terrace deposits as well as recent alluvium of stream channel, stream overflow, and alluvial fan deposits. The sediments are Pliocene and Quaternary marine and non-marine sedimentary rock sources. The Marine Terrace deposits have been demonstrably fossil-bearing. However, the surrounding areas represent relatively young geomorphic characteristics, thereby reducing the probability of encountering paleontological resources. In addition, due to the limited exposure required for building foundations and utilities, and no other subsurface construction, the possibility of encountering fossil-bearing deposits is diminished.

This notwithstanding, significant fossil discoveries can be made even in areas designated as having low potential, and may result from the excavation activities related to the proposed project. Excavation activities can have a deleterious effect on such resources. This impact would be reduced to a less-than-significant level with the incorporation of the following Mitigation Measure.

Mitigation Measure E.2: The project sponsor shall notify a qualified paleontologist of unanticipated discoveries, who shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. In the event of an unanticipated discovery of a brea, true, and/or trace fossil during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Significance after Mitigation: Less than Significant

Historical Resources

Carey & Co. Inc. (2004), a historic preservation consultant, evaluated the project's potential effects on historic resources, and the findings are summarized here.

Impact E.3: The project would result in demolition or substantial alteration of seven buildings that qualify as historical resources, as defined in CEQA Guidelines Section 15064.5. These buildings include: 1) 2335 Broadway, 2) 2343 Broadway; 3) 2345 Broadway, 4) 2366-2398 Valley Street, 5) 439 23rd Street, 6) 440-448 23rd Street, and 7) 441-449 23rd Street. (Significant and Unavoidable)

The proposed project would demolish the existing buildings on the project site, including the one building on the out-parcel not currently owned by the sponsor (Lucky Goldfish), assuming that the sponsor acquires the site. The exterior facades of the two existing structures at the corner of 23rd and Valley Street, one on Parcel A (441-449 23rd Street) and one on Parcel B (440-448 23rd Street / 2300 Valley Street), would remain and be incorporated into the project development. As noted, the Saturn dealership at 24th Street and Broadway is not part of the project site and would not be altered. Figure IV.E-1, shows the buildings on the project site that are proposed for demolition.

All seven of the buildings on the project site that are identified as historical resources for CEQA purposes were evaluated by OCHS in 1994, recorded on DPR forms, and given NRPS status codes of 4 or 5. Additionally, if restored, five of the seven buildings could have revised OCHS ratings of B (major importance) or C (secondary importance). Demolition or substantial alteration of the buildings would constitute a significant adverse impact. While retaining the facades at 440-448 and 441-449 23rd Street would somewhat attenuate the loss of these historic resources, the buildings would be substantially altered. The construction of several stories of residential units above the retained facades would so alter the original proportions of the buildings – originally built as single-story utilitarian garage structures – as to result in a substantial adverse effect on each building's character-defining elements and thereby render the two structures no longer eligible for listing in the California Register. Incorporating the facades of these buildings into the new development would preserve the memory and street presence of the buildings, but would not mitigate the impact of demolition to a less-than-significant level.

Implementation of Mitigation Measures E.3a through E.3f would minimize the impact as much as feasible. However, because the demolition of all or portions of a historic resource represents an irreversible change to the resource, the impact would remain significant and unavoidable.

As described in Section IV.A. Aesthetics, the proposed project would incorporate different materials (stucco, brick veneer, concrete, stone, standing seam metal roof, and fiberglass windows) and design styles to increase articulation and visual interest and minimize apparent

bulk. It would employ a combination of modern and traditional design elements, which would be compatible with existing development within the project vicinity. Furthermore, the project would provide up to 475 new housing units in downtown Oakland. Therefore, notwithstanding the above, affirmative findings for the current project could be made under Policy 3.5 of the General Plan Historic Preservation Element, that “the design quality of the proposed project is at least equal to that of the original structure[s] and is compatible with the character of the neighborhood” (Finding 1) and that “the public benefits of the proposed project outweigh the benefit of retaining the original structure[s]” (Finding 2).

Mitigation Measure E.3a: Record each of the seven affected historic resources in accordance with procedures of the Historic American Building Survey (HABS) through methods that may include measured drawings, large-format photographs and written histories in a combined document, to be archived locally at the Oakland History Room (OHR) of the Oakland Public Library with copies to OCHS and the Northwest Information Center (NWIC). Portions of the metal facades on 2335-2345 Broadway shall be selectively demolished to determine if any original fabric from the 1920s exists behind them, as visual evidence suggests. If the selective demolition reveals sufficient evidence of historic fabric, all metal facades shall be carefully removed and all original facades photographed for the HABS documentation effort. If no original fabric exists, these buildings shall be photographed as they currently appear.

Mitigation Measure E.3b: Prepare a history of the development of automobile sales and repair in Oakland, and the role played by the buildings on the project site in that history, that incorporates oral history, documentary research, and architectural information; this history could utilize non-written media and production techniques, including video photography. The resulting report, in brochure or other form, shall be made available at local libraries and museums.

Mitigation Measure E.3c: Incorporate interpretive elements, such as signs and placards that describe the history of the area and the historic buildings to be demolished, into public areas and street frontages proposed as part of the project.

Mitigation Measure E.3d: Salvage architectural elements from the historic buildings to be demolished, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction where feasible.

Mitigation Measure E.3e: Curate all materials, notes, and reports at the Oakland History Room, and submit copies to the NWIC.

Mitigation Measure E.3f: Make any or all of the historic buildings proposed for demolition available at no cost to a qualified individual or organization that may wish to relocate one or more of the buildings to a nearby site consistent with the early automotive history of Oakland.

As stated above, implementation of the above mitigation measures would reduce, but not eliminate, the significant effect on identified historic resources. It is noted that Mitigation Measure E.3f, derived from Policy 3.7 of the Historic Preservation Element, is unlikely to result in preservation and relocation of any of the historic buildings on the project site, because it is anticipated that the cost to relocate one or more buildings would be prohibitive.

Although recommended in the Historic Preservation Element, mitigation is not included to modify the project design “to avoid adversely affecting the character defining elements” of the identified historic resources, because such a mitigation measure would substantially alter the project as proposed. However, this concept is explored in the form of alternatives to the proposed project in Chapter V of this EIR.

Significance after Mitigation: Significant and Unavoidable.

Impact E.4: The proposed project would construct a new mixed-use, multi-story development adjacent to historic resources including the building at 2355 Broadway and the 25th Street Garage District. (Less than Significant)

The proposed project would appear as a new and visibly different edifice immediately adjacent to the historic building at 2355 Broadway. The building at 2355 Broadway is individually eligible for listing in the National Register of Historic Places, is rated B+A1+,¹⁶ is on Oakland’s Preservation Study List, and is a contributor to Oakland’s 25th Street Garage District. The proposed project would be relatively compatible in terms of scale, massing, materials, and spatial relationships by constructing with little setback from the street, and by incorporating articulated facades and varied architectural details, which would provide some visual interest and break up the scale of the proposed development. (See Chapter IV.A, Aesthetics for further detail.) In addition, ground floor retail uses with residential uses above would be similar to the arrangement of the building space at 2355 Broadway, with a high-bay showroom space on the ground floor and multiple windows on the floors above. Masonry cladding and architectural parapets would also echo details on the building at 2355 Broadway. The height of the new buildings (approximately six to seven stories) would be closer to the four-story height of the building at 2355 Broadway than the adjacent existing single-story building. The proposed project would also be more compatible architecturally than the buildings at 2335-2345 that it would replace, given the substantial facade alterations that have occurred to these building over the past 40 years. As a result, the proposed project would have a less-than-significant impact on the historic setting of the adjacent historic resource at 2355 Broadway.

The proposed project would appear as a new and visibly different edifice across 24th Street from or immediately adjacent to, three contributory buildings in the 25th Street Garage District: 442 and 450 24th Street and 2355 Broadway. While the proposed project would change the

¹⁶ Original listing was B/A3 under a different system.

immediate setting of the 25th Street Garage District by replacing lower-scale auto-oriented sales and repair uses with larger-scale mixed use retail and residential uses, these changes would not substantially alter the historic setting of the district such that it would no longer be eligible for listing as a local historic district. The overall integrity of the 25th Street Garage District would be maintained and would continue to convey its historic significance to the general public as a “concentrated, intact, and homogenous group of buildings of a distinct type, dating from a specific period of Oakland’s economic development” as described by OCHS. As a result, the proposed project would have a less than significant impact on the historic setting of the 25th Street Garage District.

Given the above, and the fact that the proposed project would provide up to 475 units of new housing in downtown Oakland, an affirmative finding could be made, under Policy 3.5 of the General Plan Historic Preservation Element, that “the design quality of the proposed project is at least equal to that of the original structure[s] and is compatible with the character of the neighborhood” (Finding 1) and that “the public benefits of the proposed project outweigh the benefit of retaining the original structure[s]” (Finding 2).

Mitigation: None required.

CUMULATIVE IMPACTS

Impact E.5: The proposed project, in combination with cumulative development including new construction and other alterations to historic resources in the project vicinity, would result in cumulative impacts to historic resources. (Significant and Unavoidable)

The demolition or substantial alteration of seven historic resources identified in Impact E.3, while incremental when considered alone, may result in a significant cumulative impact when considered with other nearby projects in the vicinity that would also demolish or substantially alter other historic resources. These projects include the Uptown Mixed-Use project, located less than one-half mile southwest of the proposed project, which would demolish three contributors to the 19th Street and San Pablo Avenue Commercial District; 1) 1958-60 San Pablo Avenue, 2) 1966-68 San Pablo Avenue, and 3) 1972 San Pablo Avenue. The Thomas L. Berkley Square Project, also less than one-half mile southwest of the project site, has demolished two contributors to the 19th Street and San Pablo Avenue Commercial District; 1) the Hotel Royal at 2000-08 San Pablo Avenue which is rated B and on the Preservation Study List, and 2) the California Peanut Company Building/Oakland Post Building at 630-42 Thomas L. Berkley Way (20th Street). In addition, the Great Western Power Plant at 518-520 Thomas L. Berkley Way (20th Street), which has a B rating and is on the Preservation Study List, was to be altered or demolished by the Uptown project as originally proposed; while this building is not part of the current Uptown project, it could be adversely affected by subsequent development in that area, and its demolition was analyzed in the EIR for the Uptown project. Finally, the proposed Bay Place project about

1,500 feet northeast of the project site has already demolished the Harrison Street shed at 2500-2542 Harrison Street, attached to the rear of the former Cox Cadillac Automobile Showroom (216-30 Bay Place), which is rated B+ and on the Preservation Study List. The proposed project, in combination with these other cumulative projects would eliminate a total of 15 historic resources in north downtown Oakland alone, resulting in a significant and unavoidable cumulative impact.

Mitigation: Implementation of Mitigation Measures E.3a through E.3f would also mitigate the significant, cumulative impact to the greatest extent feasible, but would not reduce the impact to a less-than-significant level.

Significance after Mitigation: Significant and Unavoidable.

REFERENCES – Cultural Resources

- Archeo-Tec, 2004. Letter to Environmental Science Associates concerning possible cultural resources on the Broadway–West Grand Project site, July 29.
- Carey & Co. Inc., *Confirmation of Historic Significance—Negherbon Property*, August 2004.
- Chow, Willard T. 1977, cited in Archeo-Tec, 2004. *The Reemergence of an Inner City: The Pivot of Chinese Settlement in the East Bay Region of the San Francisco Bay Area*. R & E Research Associates, San Francisco (revision of 1974 Ph.D. Thesis, Geography Department, University of California, Berkeley.)
- Fredrickson, D.A. 1973. *Early cultures of the North Coast Ranges, California*. Unpublished Ph.D. dissertation, University of California, Davis.
- Greymer, R.W. 2000. Geologic map and map database of the Oakland metropolitan area, Alameda, Contra Costa, and San Francisco Counties, California. U. S. Geological Survey Miscellaneous Field Studies Map, MF-2342. (1:50,000 scale).
- Helley, E. J., Lajoie, K. R., and Burke, D. B. 1972. Geologic map of Late Cenozoic deposits, Alameda County, California: U. S. Geological Survey Miscellaneous Field Studies Map MF- 429, (1:62,500 scale).
- Helley, E.J., Fitzpatrick, J.A. and Bischoff, J.F., 1993, Uranium series dates on oyster shells from elevated marine terraces of San Pablo Bay, California: U.S. Geological Survey, Open-File Report 93-286.
- Helley, E.J., and Graymer, R.W., 1997b, Quaternary geology of Contra Costa County and surrounding parts of Alameda, Marin, Sonoma, Sacramento, and San Joaquin Counties, California: A digital database: U.S. Geological Survey Open-File Report 97-98, includes plotfiles for 2 sheets, scale 1:100,000, database description pamphlet, 13 pp, geologic description and interpretation pamphlet, 9 pp.

Moratto, M.J. 1984. *California Archaeology*. Smithsonian Press: San Diego, CA.

Nelson, N.C. 1909. *Shellmounds of the San Francisco Bay Region*. University of California Publications, American Archaeology and Ethnology, Vol. 7, No. 4.

Northwest Information Center, Records Search for the Broadway and West Grand Avenue DEIR, December, 2003.

Society of Vertebrate Paleontology, *Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources – Standard Guidelines*, Society of Vertebrate Paleontology News Bulletin, Vol. 163, p. 22-27, 1995.

Society of Vertebrate Paleontology, *Conditions of Receivership for Paleontologic Salvage Collections*, Society of Vertebrate Paleontology News Bulletin, vol. 166, p. 31-32, 1996.

United States Geologic Survey, 2004. San Francisco Bay Region Geology. Available online [<http://wrgis.wr.usgs.gov/wgmt/sfbay/index.html>].
