

## E. Cultural Resources

This section examines the potential impact of the Kaiser Permanente OMC Project on cultural resources (archaeological, historic, and paleontological). Resources for this section include an Historic Resources Evaluation report on the Fabiola Hospital building in December 2004 by Architectural Resources Group (ARG), an historic preservation consultant, who also prepared an Historical Resources Evaluation report on the 3741 Broadway building in January 2006; an archival research at the California Historical Resources Information System's Northwest Information Center (NWIC) completed on May 12, 2005; and consultation with the Oakland Cultural Heritage Survey and the Kaiser Hospital Facilities Department. Potential impacts are discussed and evaluated, and appropriate mitigation measures are identified, as necessary.

### Setting

#### Archaeological Resources

##### *Prehistoric Setting*

The project area lies approximately one mile north of 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  $2310 \pm 220$  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).

As of 2000 B.C., 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 Ohlone (also known by their linguistic group, Costanoan<sup>1</sup>) occupied the area that is currently Alameda County. 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 the historic extent of the Bay tidal marshland. Although primarily channelized beneath city streets (except for a 140-foot segment adjacent the project site, a branch of Glen Echo Creek continues to run roughly parallel to and west of Broadway, which it did historically).

The records search at the NWIC indicated that there were no recorded sites in or within a 0.25 mile radius of the project area (NWIC, 2005).

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<sup>1</sup> “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.

## Historic Resources

### *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, 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.

The city originally encompassed the area roughly bordered by the Oakland Estuary on the south, Market Street on the west, 14th Street on the north, and the Lake Merritt Channel on the east. 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 north along the street car lines of Broadway and Telegraph Avenue towards the Oakland Hills and ultimately towards East Oakland.

Sanborn maps of the project site vicinity from 1903 identify a large hospital owned by the Fabiola Hospital Association was sited on the northeast corner of Broadway and West Moss Avenue (now West MacArthur Boulevard). South of West MacArthur Boulevard and west of Broadway (stretching from Broadway to Telegraph Avenue, and 35th to 38th Streets) was a large, 27-acre property owned by Mr. J. Mora Moss, a San Francisco businessman. The remaining blocks in the area were largely undeveloped, with residences and commercial buildings filling less than half of the area. By the 1910s, however, the area was a bustling commercial district and residential area surrounding the expanding Fabiola Hospital. By this time, much of the Moss property was parceled into residential lots, with the remaining 11 acres of land becoming Mosswood Park. By the 1950s, a new Kaiser Hospital complex was constructed on the site of the old Fabiola Hospital, with only one of five original structures remaining by that time: the maternity ward constructed in 1923. By the 1970s, a new highrise hospital had been constructed on the site, and substantial alterations were underway on the adjacent maternity ward.

### *Brief History of Fabiola Hospital and Kaiser Permanente*

The city of Oakland's first hospital was the Oakland Homeopathic Hospital and Dispensary), constructed on the northeast corner of Broadway Street and Moss Avenue (now MacArthur Boulevard) in 1887. The new hospital was renamed the Fabiola Hospital in honor of Saint Fabiola, a wealthy Roman patrician who is believed to have founded one of Europe's first

hospitals. The Fabiola Hospital expanded quickly with the addition of new buildings in 1890 (maternity), 1898 (pediatrics), 1908 (new surgery), and 1923 (new maternity).

The 1923 maternity ward was designed in the Spanish Revival style of architecture by San Francisco-based architect George W. Kelham, who designed many important San Francisco landmarks, including the Standard Oil Building (1922), the Russ Building (1927), and the Shell Building (1929).

The Great Depression forced the Fabiola Hospital to close in 1932, and by 1933, all buildings on the site except for the 1923 Fabiola Maternity Ward were demolished. In 1942 during World War II, Fabiola Hospital sold the maternity ward to the Kaiser Company which had plans to open a compensation care hospital that would mainly handle industrial injury compensation cases originating from Henry J. Kaiser's ship yards in Richmond, California. The Kaiser Company used a pre-paid medical plan that would cover all of the ship yard worker's medical needs, industrial or not, and using prepayments to fund medical facilities and equipment. Kaiser and his wife, Bess, founded the Permanente Foundation in 1942 to fund additional medical structures and equipment. The organization became the Kaiser Permanente health care system, one of the country's first voluntary pre-paid medical plans, and a direct precursor to today's Health Maintenance Organizations (HMOs).

Soon after purchase of the old Fabiola Maternity Ward from the Fabiola Hospital, the Kaiser Company reorganized the interior and added new administration and lobby areas. In 1952, Kaiser constructed a new hospital adjacent to the old Fabiola Maternity Ward, and in the early 1970s, added new aluminum panel sheathing to aesthetically unify the building with its newer neighbors, thereby completely obscuring the original building. The old Fabiola building was unchanged from its 1970s appearance until mid 2005 when the current Kaiser Permanente organization initiated its systematic demolition.

In the 1940s, Kaiser also purchased the former King's Daughters Home at 3900 Broadway, a Mediterranean style hospital complex originally constructed in 1912 as a sanatorium, with additions in 1916 and 1936. The building was designed by renowned California architect Julia Morgan. This building complex currently serves as Kaiser's Broadway Mental Health facility.

## **Paleontological Resources**

Paleontologic resources are the fossilized evidence of past life found in the geologic record. Despite the tremendous volume of sedimentary rock deposits preserved worldwide, and the enormous number of organisms that have lived through time, preservation of plant or animal remains as fossils is an extremely rare occurrence. Because of the infrequency of fossil preservation, fossils – particularly vertebrate fossils – are considered to be nonrenewable resources. Because of their rarity, and the scientific information they can provide, fossils are highly significant records of ancient life. Paleontologic resource localities are those sites where the fossilized remains of extinct animals and/or plants have been preserved.

Two localities have been identified in the project vicinity (University of California Museum of Paleontology, 2004). Rock formations that are considered of paleontological sensitivity are those rock units that have yielded significant vertebrate or invertebrate fossil remains. This includes, but is not limited to, sedimentary rock units that contain significant paleontologic resources anywhere within their geographic extent. In the case of the above-mentioned localities, no rock unit formation was identified. However, bedrock data for each locality indicates that neither locality shares the formation(s) that underlies the project area (Graymer et al, 1996).

The Kaiser Permanente OMC site is underlain by Basin Deposits (Qhb) and Alluvial fan and fluvial deposits (Qpaf) of gravely sand or clayey sand of Pleistocene age (Helley & Graymer, 1997). These types of sediments would not likely yield significant paleontologic remains because they are surface deposits that are not considered fossil-bearing rock units. However, significant fossil discoveries can be made in areas of putative low sensitivity.

## **Regulatory Framework**

### ***City of Oakland Historical Resources***

In the City of Oakland, an historical resource under CEQA is a resource that meets any of the following criteria:

- 1) A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources;
- 2) A resource included in Oakland's Local Register of historical resources (defined below), unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- 3) A resource identified as significant (e.g., rated 1-5) in a historical resource survey recorded on Department of Parks and Recreation Form 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant;
- 4) Any object, building, structure, site, area, place, record, or manuscript which the Oakland City Council determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the determination is supported by substantial evidence in light of the whole record. Generally, a resource is considered "historically significant" if it meets the criteria for listing on the California Register of Historical Resources CEQA Guidelines section 15064.5; or
- 5) A resource that is determined by the City Council to be historically or culturally significant even though it does not meet the other four criteria listed here.

A "local register of historical resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution, unless the preponderance of evidence demonstrates otherwise.

In March 1994, the Oakland City Council adopted a Historic Preservation Element of the General Plan (amended July 21, 1998). The Historic Preservation Element, sets out a graduated system of ratings and designations resulting from the Oakland Cultural Heritage Survey (OCHS) and Oakland Zoning Regulations. The Element provides the following policy related to identifying historic resources under CEQA:

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 (Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone 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.

The Local Register also includes properties within Areas of Primary Importance (API). An API is a district that appears eligible for the National Register of Historic Places.

The Oakland Cultural Heritage Survey uses a five-tier rating system for individual properties, ranging from “A” (highest importance) and “B” (major importance) to “E” (of no particular interest). This letter rating is termed the Individual Property Rating of a building and is based on the following criteria:

- 1) Visual Quality/Design: Evaluation of exterior design, interior design, materials and construction, style or type, supporting elements, feelings of association, and importance of designer.
- 2) History/Association: Association of person or organization, the importance of any event, association with patterns of history, and the age of the building.
- 3) Context: Continuity and familiarity of the building within the city, neighborhood, or district.
- 4) Integrity and Reversibility: Evaluation of the building’s condition, its exterior and interior alterations, and any structural removals.

Properties with conditions or circumstances that could change substantially in the future are assigned both an “existing” and a “contingency” rating. The existing rating (UPPER CASE letter) describes the property under its present condition, while the contingency rating (lower case letter, if any), describes it under possible future circumstances.

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.

### ***Local Plans and Policies***

City of Oakland goals and policies that pertain to cultural resources (specifically for this project) are provided primarily in the General Plan Historic Preservation Element (HPE) (1994) and the General Plan Land Use and Transportation Element (LUTE) (1998).

As discussed in detail in Section IV.A, Land Use, Plans and Policies, policies are discussed in the EIR solely for the benefit of the decision-makers who will, as a policy matter, consider and apply them for consistency prior to issuing discretionary permits for the project. In doing so, the City must “balance” potentially competing General Plan policies. These policies are also summaries in Section IV.A, Land Use, Plans and Policies, of this EIR.

The following HPE goals and policies are applicable to the Kaiser Permanente OMC project:

- HPE 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.
- HPE Policy 3.1: Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions: The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary City actions.
- HPE 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.

- HPE 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.
- HPE Policy 3.8: Local Register of Historical Resources. See discussion above.

The above policies from 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 Section IV.A. Land Use, Plans and Policies, and other sections of this EIR). So, for example, the admonition in HPE Historic Preservation Goal 2 against "the unnecessary destruction" of historic buildings and HPE 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 essential health care services to the community.

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 HPE 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." HPE Policy 3.5 is discussed under "Project Impacts" below.

### ***City of Oakland Historic Resources on the Project Site and Vicinity***

The analysis area for historic resources includes all properties currently owned by Kaiser Permanente at its Broadway campus in Oakland, including all medical buildings, parking garages, and other related facilities. The analysis area also includes all properties recently acquired by Kaiser Permanente on the west side of Broadway, between West MacArthur Boulevard and 38th Street, and all parcels along Broadway and Piedmont Avenue, directly north of Interstate 580 (I-580), south of the MacArthur-Broadway Center (commonly identified as the "M/B Center," and all parcels on the east side of Manila Avenue, between West MacArthur Boulevard and 38th Street.

#### **Project Site**

The entire project site was included in the *Reconnaissance Survey* of 1985-1986. The only Kaiser facility assigned a relatively high rating by OCHS is the Broadway Mental Health facility at **3900 Broadway**, which is owned by Kaiser Permanente, but outside of the project site. This building, constructed in 1912, is the former King's Daughters Home which OCHS rated "A3" (Highest Importance, not located in a district), and is a City of Oakland Historical Landmark # 44 (see **Table IV.E-1**). This building is considered a historic resource for CEQA purposes.

Other buildings on the project site were assigned preliminary ratings of "C" (Secondary Importance), "D" (Minor Importance), "F" (Less than 45 years old or modernized), or "X" (not a

PDHP). These buildings would not be considered historic resources under CEQA Guidelines Section 15064.5, based on their local survey status.

### **Project Vicinity**

The OCHS also evaluated and rated other buildings in the Kaiser OMC vicinity during the 1985-1986 Reconnaissance Survey. A number of these buildings were assigned preliminary ratings “C” (Secondary Importance) and “D” (Minor Importance), with some exceptions, such as the Albert Brown Co. Mortuary at **3467 Piedmont Avenue** (rated B+), and the 1864 **J. Mora Moss House in Mosswood Park** (rated A+ and a City of Oakland Historical Landmark). Much of the landscaping in Mosswood Park, dates to the period of the J. Mora Moss House, especially those trees located closest to the structure, and is considered part of the historic setting of the property. Due to their relatively high ratings of “A” or “B,” the Albert Brown Co. Mortuary and the J. Mora Moss House located in the project vicinity are considered historic resources for CEQA purposes based on their local survey status (see **Table IV.E-2**).

The remaining buildings in the project vicinity were assigned preliminary ratings of “C” (Secondary Importance) and “D” (Minor Importance). These include the single family homes built in the early twentieth century on the east side of Manila Avenue (3758 – 3790 Manila Avenue), and along 38th Street between Broadway and Cerrito Avenue (256-284 38th Street). Many other buildings in the project vicinity were surveyed and rated “X” by OCHS, and are therefore presumed be of little or no local historical value. These remaining buildings in the project vicinity would not be considered historic resources under CEQA Guidelines Section 15064.5 based on their local survey status.

Finally, No Oakland Preservation Districts, APIs, or any buildings on Oakland’s Preservation Study List were identified on the project site or vicinity.

### **California Register of Historic Resources**

The California Register of Historic Resources (CRHR) is an authoritative guide to the state’s historical resources, and by which properties are considered significant for CEQA purposes. The CRHR includes resources listed in or formally determined eligible for listing in the National Register of Historic Places (NRHP – see discussion below), California State Landmarks, and Points of Historical Interest. The State Office of Historic Preservation (OHP) maintains a list of historic resources by county in their Directory of Properties in the Historic Property Data File. A building or structure identified on OHP’s Directory with a rating of 1 or 2 (on or determined eligible for the National Register) is considered to be “listed” on the CRHR.

Properties of local significance that have been designated under a local preservation ordinance (i.e., local landmarks), or that have been identified in a local historical resources inventory may also be eligible for listing in the CRHR and are presumed to be significant resources for purposes of CEQA.

In order for a resource to meet the criteria for listing in the CRHR, it must satisfy all of the following three provisions:

1. It meets one of the following four criteria of significance (PRC 5024.1(c) and CEQA Guidelines 15064.5):
  - (a) the resource “is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage”.
  - (b) the resource “is associated with the lives of persons important in our past.
  - (c) the resource “embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values”; or
  - (d) the resource “has yielded, or may be likely to yield information important in prehistory or history” (this criterion applies primarily to archaeological sites).
2. The resource retains historic integrity ; and
3. It is fifty years old or older (except where it can be demonstrated that sufficient time has passed to understand the historical importance of the resource).

### ***California Register Historic Resources on the Project Site and Vicinity***

#### **Project Site**

No buildings or structures on the project site are listed in or have been formally determined eligible for listing in the CRHR, with one possible exception. In 1994, pursuant to Oakland’s Seismic Safety Ordinance, OCHS prepared a State Department of Parks and Recreation (DPR) Form 523 A and B for one building that was on the City’s Unreinforced Masonry (URM) list and that is owned by Kaiser. This building, the previous Honda Dealership building at **3741-47 Broadway** (on Site 7), was designed by local architect Clay Burrell in 1919 as the Early Auto Co. - Superior Tile Co., and was determined to be a good example of a Classical Revival-Beaux Arts style automobile showroom (OCHS, 1994). The building was substantially remodeled with a new glass storefront in 1987 when it was part of the Val Strough Hundai auto dealership. OCHS assigned this building a local rating of “Ec3” (of no particular historical interest, potentially of secondary historical importance or superior example if restored, not in an API/ASI), and noted that it did not appear eligible for the NRHP since its architectural integrity had been seriously compromised and may not be reversible (OCHS, 1994). As such, this building would not typically be considered a historic resource for CEQA purposes (see **Table IV.E-1**).

However, OCHS also assigned this building with an NRHP status code of “5S” (eligible for local listing only) on DPR Form 523B during the 1994 URM Survey and submitted these and other survey forms to OHP at that time. The “5S” rating was consistent with the building’s OCHS contingency rating of “c” (superior example if restored). This building’s rating of “5S” is identified on the OHP’s Directory of Properties in the Historic Property Data File for Alameda

County, which lists all properties listed on or eligible for the CRHR. As discussed above, a historical resource under CEQA is a resource that meets identified as significant (e.g., rated 1-5) in a historical resource survey recorded on DPR Form 523, unless the preponderance of evidence demonstrates that it is not historically or culturally significant (CEQA Guidelines Section 15064.5). Therefore, the Honda Dealership building at 3741-47 Broadway could be considered a historic resource for CEQA purposes.

Since the survey of the Honda Dealership was prepared in 1994 and is 12 years old as of 2006, ARG reevaluated this building in January 2006 to confirm its potential historic significance. According to the ARG report (provided as **Appendix D** to this EIR), “it has been determined that, due to extensive and irreparable modifications and alterations, the Early Sales building at 3741-47 Broadway in Oakland, CA does not retain enough integrity to be eligible for listing on either the California Register of Historical Resources or the National Register of Historic Places. While the California Register does allow for a lower level of integrity for eligibility, this building does not retain enough overall integrity to meet the California Register criteria. Further, because of the lack of integrity the building does not meet the local City of Oakland criteria for a Potentially Designated Historic Property” (ARG, 2006). Instead of a rating of “5S,” ARG would assign this building today with an NRHP rating of “6” (determined ineligible for National Register listing).

Therefore, while the building at 3741-47 Broadway was rated “5S” by OCHS in 1994 on DPR Form 523 B, and it is listed as such on the OHP Historic Property Data File, the findings of the updated survey and evaluation of the structure by ARG provides a preponderance of evidence demonstrating that the building is not a historic resource under CEQA criteria. However, because the City of Oakland’s Landmark’s Preservation Advisory Board (LPAB) has not reviewed the potential historical significance of this building in light of its recent reevaluation, in an abundance of caution, this EIR conservatively assumes that the building could be a historic resource under CEQA, pending LPAB review.

The remainder of Kaiser Permanente’s medical buildings and related facilities date to the mid-to late- twentieth century, and exhibit the characteristics of contemporary architecture from this period. These buildings would not likely meet any of the criteria required for listing in the CRHR, primarily due to their recent dates of construction (i.e. less than 50 years old) and/or lack of historical and architectural significance. All of the project site and surrounding buildings were included in the earlier Reconnaissance Survey, and were rated “F” or “X” by OCHS because they were under 50 years old, and therefore presumed to be of little or no historical value at the time of the survey.

As previously stated, a number of resources were reviewed and consulted for this analysis. Based on the review of available information obtained from OCHS, NWIC and a reconnaissance level visual survey of the buildings and their respective settings by ESA cultural resources staff, there is no indication that any additional buildings on the project site would be eligible for listing under federal, state, or local criteria. Since none have a local OCHS rating above “C” (“Secondary Importance...do not appear individually eligible for the National Register”), they would not qualify as City of Oakland Landmarks, defined as either A or B-rated buildings, and are not

located in an API. Additionally, since the CRHR evaluation criteria closely parallel those of the NRHR, and none of these buildings appear individually eligible for the NRHR, it can generally be assumed that none of these buildings would qualify for the CRHR. Therefore none of the buildings are considered an historic resource under CEQA for purposes of this document.

There has been recent interest in the evaluation and preservation of Mid-Century Modern architecture, such as the International style of architecture, “Googie” style architecture, and others. The only Kaiser facility considered to have any modern architectural interest would be the MacArthur-Broadway (M/B) Center structure between Broadway and Piedmont Avenue, south of MacArthur Boulevard. Designed by the Beverly Hills architecture firm of Irving D. Shapiro, construction began on the M/B Center and its tower (referred to as the “M/B Building”) in 1963 (Hoffman, 2005). This five-story office building over a two-story base has a concrete “egg crate” style structure that cantilevers out beyond the wall plane of every floor to form an awning over the windows. This sculptural concrete form can be found on many commercial, civic, and institutional buildings locally, as well as throughout the country, and was a typical style of the era. As such, this building would not likely be considered a significant work of architecture. Finally, as buildings must typically be 50 years old or older to be eligible for the CRHR, and the M/B Building is 43 years old as of 2006, it would not likely qualify as a historic resource under state criteria.

### **Project Vicinity**

Also in the project vicinity are two buildings that were surveyed by OCHS in 1994 as part of the city-wide survey of unreinforced masonry buildings (the URM survey) and assigned NRHP status code ratings between 1 to 5 on DPR Form 523B. These buildings are the 1921 Kivett & Rasmussen-Field & Lund garage at **3500-12 Piedmont Avenue**, and the 1924 Koenig-Broadway Wholesale Cleaners at **316-22 - 38th Street**. Both of these buildings were assigned an OCHS rating of “C3,” and have NRHP status code ratings of “5S” (eligible for local listing only) on DPR Form 523B. The buildings’ rating of “5S” are identified on the OHP’s Directory of Properties in the Historic Property Data File for Alameda County, which lists all properties listed on or eligible for the CRHR. As discussed above, a historical resource under CEQA is a resource that meets identified as significant (e.g., rated 1-5) in a historical resource survey recorded on DPR Form 523 (unless the preponderance of evidence demonstrates that it is not historically or culturally significant). Therefore, the Kivett & Rasmussen-Field & Lund garage at **3500-12 Piedmont Avenue** and the Koenig-Broadway Wholesale Cleaners at **316-22 - 38th Street** are presumed to be historic resources for CEQA purposes (see **Table IV.E-2**).

**TABLE IV.E-1  
HISTORIC RESOURCES ON THE PROJECT SITE**

Address	Description	OCHS Rating <sup>a</sup>	NRHP/CRHR Rating <sup>b</sup>	CEQA Historic Resource (yes/no)
1 3504-06 Broadway	Barber College – 1960s commercial store	X	NL	No
2 3516-18 Broadway	1910s 2-unit apartment building (rear of lot)	D3	NL	No
3 3522-24 Broadway	Red Arrow Cleaners - 1936 commercial addition to 1910s 2-unit apartment	D3	NL	No
4 3700 Broadway	Kaiser Hospital – former 1923 Fabiola Hospital	Ec3	NL	No <sup>c</sup>
5 3701 Broadway	Honda Dealership - former 1972 service station (altered)	D3	NL	No
6 3737 Broadway	Honda Dealership – former 1924 brick and tile garage (altered)	D3	NL	No
7 3741-47 Broadway	Honda Dealership – former 1919 tile garage (altered)	Ec3	5S <sup>d</sup>	Yes <sup>e</sup>
8 3751-57 Broadway	Honda Dealership – former 1923 brick and tile garage (altered)	Dc3	7R <sup>f</sup>	No
9 3781 Broadway	Honda Dealership – former 1916 concrete garage (altered)	D3	NL	No
10 3783-5 Broadway	1976 retail store	F3	NL	No
11 3793 Broadway	1949 veterinary building (altered)	D3	NL	No
12 3797-99 Broadway	Midas Muffler - 1967 muffler shop	X	NL	No
13 3900 Broadway	Broadway Mental Health - former 1912 King's Daughters Home	A3	7R	Yes
14 3459 Piedmont Avenue	Corum Apartments - 1925 3-story, 30-unit apartment building (originally 66 room apartments)	C3	NL	No
15 Broadway and West MacArthur	All other Kaiser medical buildings and related facilities	X	NL	No

<sup>a</sup> Preliminary ratings based on OCHS reconnaissance survey of 1985-86, with the exception of 3900 Broadway, which was intensively surveyed in 1994. "X" = surveyed and rated by OCHS, but presumed not to be of local historical interest at the time of the survey, as evidenced by check marks (✓) on the OCHS survey map.

<sup>b</sup> NL – Not shown on federal or state listings of historical resources. 5S = individually eligible for local listing, 7R = not evaluated for the National Register.

<sup>c</sup> Based on OCHS rating and ARG Historic Resources Evaluation report (2004). Building was demolished in January 2006.

<sup>d</sup> Based on OCHS rating. ARG prepared a Historic Resources Evaluation (2006) and assigned the building an NRHP rating of "6" (determined ineligible for National Register listing).

<sup>e</sup> Conservative determination pending LPAB's review of building and its 2006 reevaluation by ARG.

<sup>f</sup> Building does not appear eligible for NRHP, CRHR, or Local Register, per OCHS correspondence dated October 18, 2005, to ESA.

SOURCE: OCHS, OHP

**TABLE IV.E-2  
HISTORIC RESOURCES IN THE PROJECT VICINITY**

Address	Description	OCHS Rating <sup>a</sup>	NRHP/CRHR Rating <sup>b</sup>	CEQA Historic Resource (yes/no)
1 3612 Webster Street	1864 J. Mora Moss House (Mosswood Park)	A1+LM	3S	Yes
2 3467 Piedmont Avenue	1926-27 Albert Brown Co. Mortuary	B+3	3S	Yes
3 3500-12 Piedmont Avenue	1921 Kivett & Rasmussen-Field & Lund garage	C3	5S	Yes
4 316-22 38th Street	1924 Koenig-Broadway Wholesale Cleaners	C3	5S	Yes

a Existing ratings based on OCHS intensive surveys of 1994-1997. LM = Oakland Landmark

b 3S = individually eligible for listing on the National Register, 5S = individually eligible for local listing, 7R = not evaluated for the National Register.

SOURCE: OCHS, OHP

### ***National Register of Historic Places***

The National Register of Historic Places (NRHP) is the nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The NRHP is administered by the National Park Service, which is part of the U.S. Department of the Interior.

To be listed on the NRHP, a property must be shown to be “significant” at the local, state, or national level under one or more of the following criteria.

1. Criterion A (Event): That are associated with events that have made a significant contribution to the broad patterns of our history.
2. Criterion B (Person): That are associated with the lives of persons significant in our past.
3. Criterion C (Design/Construction): 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..
4. Criterion D (Information Potential): That have yielded, or may be likely to yield, information important in prehistory or history.

Integrity: The property must also possess historic “integrity.” Integrity is defined as “the ability of a property to convey its significance.” The National Register criteria recognize seven qualities that define integrity: location, design, setting, materials, workmanship, feeling, and association.

- “Location” refers to the place where the historic property was constructed.
- “Design” is the combination of architectural elements that create the form, structure and style of the property.
- “Setting” is the physical environment surrounding a historic property.
- “Materials” are the original physical components that were combined during a particular period in time and in a particular pattern to form the historic property.
- “Workmanship” is the physical evidence of the building crafts and skills of a particular culture during a given period.
- “Feeling” is a property’s expression of the aesthetic or historic sense of a particular period of time.
- “Association” is the direct link between an important historic event or person and a historic property.

Special considerations apply to moved or reconstructed properties, cemeteries, religious or commemorative properties, and properties achieving significance within the past 50 years. Properties listed in the NRHP are automatically listed in the CRHR.

### ***National Register Historic Resources on the Project Site and Vicinity***

#### **Project Site**

No properties on the project site are listed on the NRHP. The only property owned by Kaiser Permanente that is eligible for listing in the NRHP is the Broadway Mental Health facility at **3900 Broadway**, the former King’s Daughters Home, which has been assigned a NRHP code of “3S” (individually eligible for listing in the National Register). As discussed above, this building is also is a City of Oakland Landmark, and has been assigned an OCHS rating of “A3.” Although this building is not on the project site, it is a historic resource under CEQA Guidelines Section 15064.5.

#### **Project Vicinity**

The 1926 Albert Brown Co. Mortuary at **3467 Piedmont Avenue** and the 1864 **J. Mora Moss House** in Mosswood Park in the project vicinity have NRHP ratings of “3” (individually eligible for listing in the National Register). As discussed above, the J. Mora Moss House is also is a City of Oakland Landmark, and has been assigned an OCHS rating of “A+.” Both of these properties located in the project vicinity are considered historic resources for CEQA purposes (see **Table IV.E-2**).

### **Archaeological Resources at the Project Site**

A records search of all pertinent survey and site data was conducted at the Northwest Information Center at Sonoma State University on May 12, 2005 (File No. 04-962). The records were accessed by utilizing the Oakland West and East USGS 7.5-minute quadrangle maps, unsectioned, Township 2S, Range 3W. The review included the project site along and the area within a 0.25 mile radius (the “study area”). Previous surveys and studies and archaeological site records were accessed as they pertained to the study area. Records were also accessed and reviewed in the *Directory of Properties in the Historic Property Data File for Alameda County* for information on sites of recognized historical significance. Properties listed in the *National Register of Historic Places*, the *California Register of Historic Resources*, the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1996), and the *California Points of Historical Interest* (1992).

No previously recorded archaeological sites were identified within the study area; two previous reports have been conducted within the study area (Psota, 1999; Billat, 2001), but neither identified significant cultural resources. Both reports were limited to a single point (or address) within the urban setting and therefore do not constitute a viable archaeological survey.

In light of the extensive built environment indicative of the study area, the utility of surface examination for archaeological potential is substantially reduced. Therefore, no archaeological survey was conducted for the purposes of this EIR. However, much of the urbanization occurred without any substantive archaeological investigation. In addition, because the west branch of Cemetery Creek/Glen Echo Creek once flowed through the area, Native American sites may be associated with this historic watercourse. Consequently, unknown significant archaeological resources may exist within the study area.

### **Native American Consultation**

The Native American Heritage Commission (NAHC) was contacted on April 21, 2005, 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 that 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 on May 18, 2005 requesting information about locations of importance to Native Americans. No response has been received as of the writing of this document.

## Impacts and Mitigation Measures

### Significance Criteria

A cultural resource impact would be considered significant if the project would result in any of the following:

- 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 “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)).

When a project would adversely affect an archaeological site, a lead agency shall first determine whether the site is a historical resource, as defined above. If it is determined that the

archaeological site is a historical resource, the provisions of Public Resources Code Section 21084.1 (Historical Resources) apply. If an archaeological site does not meet the criteria, but does meet the definition of a “unique archaeological resource” in Public Resources Code Section 21083.2 (Archaeological Resources), the site must be treated in accordance with the provisions of Section 21083.2. 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.

## **Project Impacts and Mitigation Measures**

### ***Archaeological and Paleontological Resources***

**Impact E.1: Construction of the 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 conducted at the Northwest Information Center (NWIC) on May 12, 2005 (File No. 04-962) determined that there are no recorded Native American or historic-period archaeological resources listed with the NWIC within the study area (the project footprint and a quarter-mile radius of the project site). No extant cultural resources at the site have been documented, and no subsurface testing was conducted. Therefore, the nonexistence of subsurface cultural resources cannot be demonstrated. Unidentified, buried archaeological remains could be present at the project site. Buried archaeological remains such as prehistoric midden deposits, flaked and ground stone artifacts, bone, shell, building foundations and walls, and other buried cultural materials could be damaged during grading, trenching, and other construction related activities. Implementation of the following uniformly-applied Standard Condition of Approval E.1a would reduce potential impacts to a less-than-significant level.

There is no indication at the project site that the site has been used for burial purposes in the recent or distant past. Therefore, 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 Mitigation Measure E.1b implemented. Damage to significant buried remains would be a

significant impact. Implementation of the following uniformly-applied Standard Condition of Approval E.1b would reduce potential impacts to a less-than-significant level.

**Standard Condition E.1a: Pursuant to CEQA Guidelines 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project sponsor and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.**

**In considering any suggested mitigation proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project sponsor shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.**

**Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find 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.**

**Standard Condition 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 following 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 of the find 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 Implementation of Standard Conditions :** Less than Significant.

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

The project site contains Pleistocene and Holocene alluvium of stream channel, stream overflow, and alluvial fan deposits. These types of sediments would not likely yield significant paleontologic remains because they are surface deposits that are not considered fossil-bearing rock units. However, 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. Implementation of the following uniformly-applied Standard Condition of Approval E.2 would reduce this impact to a less-than-significant level.

**Standard Condition E.2: 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 qualified paleontologist 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. 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 Implementation of Standard Conditions of Approval:** Less than Significant

## ***Historical Resources***

**Impact E.3: The proposed project would result in the demolition of the building at 3741-47 Broadway which is conservatively assumed to be an historic resource under Section 15065.4 of the CEQA Guidelines, pending Landmarks Preservation Advisory Board review. (Significant)**

Phase 1 of the project would construct the new West Broadway Medical Services Building (MSB) and parking garage on the west side of Broadway, between West MacArthur Boulevard and 38th Street (Site 7). To accommodate this new facility, all buildings on the project site between 3701 and 3799 Broadway would be demolished, including a portion of the Honda dealership at **3741 Broadway**, the former 1919 Early Auto Co./Superior Tile Co. building designed by local architect Clay Burrell. As previously discussed, while this building was rated “Ec3” by OCHS which considered it to be of only minor historical importance if restored, OHP rated it “5S” (eligible for local listing). Subsequently, the findings of the updated survey and evaluation of the structure by ARG support that the building is not a historic resource under CEQA criteria, and since the LPAB has not reviewed the potential historical significance of this building in light of this recent reevaluation, in an abundance of caution, this building is assumed to be a historic resource for CEQA purposes, pending LPAB review. Demolition of a historic resource is considered a significant impact under Section 15064.5.

As indicated in **Table IV.E-1**, none of the other existing facilities that would be demolished as a result of the project have been identified as historic resources for CEQA purposes. These include the remaining buildings that would be demolished to construct the Replacement Hospital, parking garage and new central utility plant between Broadway and Piedmont Avenue, south of MacArthur Boulevard in Phase 2 (Site 4), and the existing hospital between Broadway and Howe Street, north of MacArthur Boulevard in Phase 3 (Site 2). As shown on **Tables IV.E-1** and **IV.E-2**, none of the buildings on the project site (except 3741-47 Broadway), individually or collectively, have been identified as a historic resource for CEQA purposes. Because these buildings are not considered historic resources, their loss would be a less-than-significant impact to historic resources.

CEQA Guidelines Section 15126.4(b)(2) states that, “In some circumstances, documentation of a historical resource, by way of historic narrative, photographs, or architectural drawings as mitigation for the effects of demolition of the resources will not mitigate the effects to a point where clearly no significant effect on the environment would occur.” In such cases, the demolition or substantial alteration of a historical resource would remain a significant and unavoidable impact on the environment even after the historical documentation has been completed. Implementation of the following measures would reduce the potential impacts to historic resources (3741-47 Broadway), but not to a less-than-significant level.

**Mitigation Measure E.3a: Archival Documentation. Kaiser Permanente shall document the building at 3741-47 Broadway prior to its demolition through the use of large-format black and white photography and a brief historical report, meeting the specifications of the Historic American Building Survey (HABS). The historic report**

**should briefly describe the building and its historic significance to the City of Oakland. The documentary photographs and report would be archived locally at the Oakland History Room (OHR) of the Oakland Public Library along with a copy on archival paper. Digital copies of the photographs would be forwarded to the Oakland Cultural Heritage Survey.**

**Mitigation Measure E.3b. Interpretive Materials: Kaiser Permanente shall prepare interpretive materials as directed by the City, including, but not limited to on-site interpretive signage, brochures, or any combination thereof.**

Even with implementation of the above mitigation measures, the demolition of the building would result in the permanent loss of the historic resource. Therefore the impact of demolition would remain significant and unavoidable.

City decision-makers would consider all aspects of the proposed project and overall General Plan policies to determine whether or not 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).

The Historic Preservation Element recommends that a project design should be modified “to avoid adversely affecting the character defining elements” Modifying the project as recommended in the Historic Preservation Element would substantially alter the project as proposed. However, as required by CEQA, a preservation alternative to the project is included in Chapter V of this EIR that would maintain the Honda Dealership building in place while constructing portions of the proposed West Broadway MSB around and behind the existing building.

**Significance after Mitigation:** Significant and Unavoidable.

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**Impact E.4: The project would construct new and substantially larger medical facilities in the vicinity of historic resources, but would not affect their historic setting. (Less than Significant)**

Historic resources located in proximity to new construction of the project include the Broadway Mental Health facility (former King’s Daughters Home) at 3900 Broadway (City of Oakland Landmark), the J. Mora Moss House within Mosswood Park (City of Oakland Landmark), the Albert Brown Co. Mortuary at 3467 Piedmont Avenue, the Kivett & Rasmussen-Field & Lund garage at 3500-12 Piedmont Avenue, and the Koenig-Broadway Wholesale Cleaners at 316-22 38th Street. These resources are identified on **Tables IV.E-1 and IV.E-2**. In a developed urban context such as that surrounding the project site, the “historic setting” (or physical environment of a historic property) is typically limited to generally one to two lots surrounding the structure.

New construction that would occur closest to the Broadway Mental Health facility (former King's Daughters Home) at 3900 Broadway and the Koenig-Broadway Wholesale Cleaners at 316-22 38th Street would be the proposed approximately four-story West Broadway parking garage on the west side of Broadway (Site 7). This structure would be located across Broadway and approximately 200 feet southeast from the Broadway Mental Health building. The garage would also be across 38th Street and approximately 75 feet south of the Koenig-Broadway Wholesale Cleaners at 316-22 38th Street. Although the proposed garage would be substantially taller than the existing buildings in this area, the historic setting of these resources has been reduced to their immediate surroundings due recent urban development in the area. As such, the 75 to 200 feet of distance between the new construction and the existing historic structures would provide a sufficient visual and physical space as to not affect any historic setting that exists around either historic resource. Therefore, no substantial changes to the respective historic settings of these structures are anticipated as a result of the project.

New construction that would occur closest to the J. Mora Moss House in Mosswood Park would be the proposed new hospital and tower and related parking garage on the east side of Broadway (Site 4). These new facilities would be located about 300 feet east from the J. Mora Moss House in Mosswood Park and would replace the existing M/B Center which is approximately two stories tall along Broadway. The new hospital to be located directly east of the park would have up to a four-story podium along Broadway (with a 210-foot tower set back approximately 150 feet from Broadway). The new hospital parking structure would be approximately eight stories tall along Broadway. The distance between the new hospital and parking garage and the J. Mora Moss House and associated historic landscaping would be approximately 450 to 500 feet, which would provide a sufficient visual and physical buffer between the new buildings and the historic resource. Broadway, a four-traffic-lane<sup>2</sup> thoroughfare along (and between) Mosswood Park and the project site also establishes a distinct physical and perceived separation between the two structures. Therefore, no substantial change to the historic setting of the J. Mora Moss House is anticipated as a result of the project.

New construction that would occur closest to the Albert Brown Co. Mortuary at 3467 Piedmont Avenue and the Kivett & Rasmussen-Field & Lund garage at 3500-12 Piedmont Avenue would be the hospital and tower and its central utility plant on the west side of Piedmont Avenue (Site 4). These new facilities would be constructed across Piedmont Avenue and about 75 feet west from these historic buildings. Although the replacement structures would be substantially taller than the buildings that currently exist in this location, the historic setting of these resources has been reduced to their immediate surroundings due to recent urban development in the area. As such, this distance would provide a sufficient visual and physical separation between them. Therefore, no substantial changes to these structures' historic setting are anticipated.

Overall, proposed new construction that would occur adjacent to existing historic resources would result in a less-than-significant impact to historic resources.

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<sup>2</sup> The length of Broadway between Mosswood Park and Site 4 (M/B Center; new hospital) has four lanes of through traffic and a center turn lane.

**Mitigation:** None required.

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## Cumulative Impacts

### *Historical Resources*

**Impact E.5: The proposed project, in combination with cumulative development that would involve demolition of other automobile-related historic resources in Oakland, would result in cumulative impacts to automobile-related historic resources. (Significant)**

There are two past, present, or reasonably foreseeable projects in Oakland that have or will have resulted in the demolition of automobile-related historic resources that could combine with the loss of the potentially historic Honda Dealership at 3741-47 Broadway. These projects include 1) the approved Broadway/West Grand Avenue Mixed Use project, which would demolish or substantially alter up to seven historic resources, mostly along lower Broadway's Auto Row; and 2) the approved Bay Place project at Harrison Street and Bay Place, which demolished the rear shed portion of the former Cox Cadillac Automobile Showroom in 2004, a City of Oakland Landmark.

Given the relative rarity of this building type (automobile showrooms), the loss of the historic Honda Dealership at 3741-47 Broadway in combination with the loss of these current or former Oakland automobile dealership showrooms would permanently eliminate a large portion of Oakland's 1920's-era brick automobile showrooms to form a significant cumulative impact to historic resources.

The implementation of Mitigation Measures E.3a and E.3b (discussed above under Impact E.3) would also mitigate the significant, cumulative impact associated with Impact E.5, but not to a less-than-significant level. Even with the documentation, the cumulative impact would remain significant and unavoidable.

Implementation of the following measure would reduce potential impacts to historic resources, but not to a less-than-significant level.

**Mitigation Measure E.5: Kaiser Permanente shall prepare or cause to be prepared a historic context report of Oakland's 1920s-era automobile dealerships in order to document this relatively rare and threatened building type. The context should be prepared by a qualified architectural historian. The context report would be archived locally at the Oakland History Room (OHR) of the Oakland Public Library along with a copy on archival paper. Copies would be forwarded to the Oakland Cultural Heritage Survey.**

Even with implementation of the above mitigation measures (including Mitigation Measures E.3a and E.3b), the demolition of the building would result in the permanent loss of the historic

resource that is associated with Oakland's history. Therefore the impact of demolition would remain significant and unavoidable. As discussed for the project impact (Impact E.3), City decision-makers would consider all aspects of the proposed project and overall General Plan policies to determine whether or not 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). Also, the Preservation Alternative discussed in Chapter V of this EIR and that would maintain the Honda Dealership building is presented as an option that modifies the project, pursuant to Historic Preservation Element policies.

**Significance after Mitigation:** Significant and Unavoidable.

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### ***Archaeological and Paleontological Resources***

**Impact E.6: Construction of the proposed project in combination with construction from other known projects in the vicinity could cause a significant cumulative impact to 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. (Less than Significant)**

Although neither the proposed project nor any of these other projects discussed above have the potential to impact known archaeological or paleontological resources, because such resources may exist anywhere in Oakland, accidental damage to previously unknown resources may occur due to ground disturbing activities from any or all of the construction projects. In the unlikely event that such impacts were to occur with all of these projects, they could combine to form a significant cumulative impact to archaeological and paleontological resources. However, standard conditions of approval Standard Conditions E.1a, E.1b, and E.2, described above, or similar, would be (or are currently being) implemented by these cumulative setting projects to reduce such impacts to a less-than-significant level. Therefore, cumulative impacts to archaeological or paleontological resources are anticipated to be less than significant.

**Mitigation:** None Required.

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