

I. HISTORIC ARCHITECTURAL, ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

The following sections describe the baseline and project conditions for historic architectural, archaeological and paleontological resources within or adjacent to the Uptown Mixed-Use Project site. The purpose of this section is to: 1) describe the baseline conditions for historic architectural resources, archaeological resources, and paleontological resources within the Uptown Mixed Use Project area and its surroundings; 2) describe the legal significance of identified historic architectural, archaeological, and paleontological resources within the Project area; and 3) identify potentially-significant impacts to such resources that may result from Project implementation, and recommend mitigation to reduce impact significance.

Historic architectural resources consist of existing buildings, structures, or objects that are historically significant at the local, State, or national level. These resources may display their significance for an association with an important person or notable events in American history; or, these resources may be significant for their expression of a certain type or style of construction or architectural craftsmanship. Generally, any building, structure, or object 50 years or older may be identified as a historic architectural resource.

Archaeological resources can consist of any remains of human activity, although usually only those resources 50 years or older are formally documented. Archaeological resources usually occur as sites, which are the concentrated, geographically-defined material remains that result from a specific human activity, event, or occupation, or combination thereof. Archaeological resources can also occur as features, or minor components, of larger archaeological site (e.g., a trash pit associated with the remains of a former 19th century boarding house).

Paleontological resources consist of fossils and their immediate surroundings. Historic architectural and archaeological resources are often referred to as cultural resources.

1. Cultural Resources Setting

This section presents the results of the cultural resources, including historic architectural and archaeological resources, analysis conducted for the Project area. The following sections provide: 1) the methods of the analysis; and 2) a Project area setting, including a brief overview of the history of Oakland and the Project area, a summary and map of potential historic resources within and adjacent to the Project area, an overview of the area's archaeological sensitivity, and a review of the laws, codes, and regulations applicable to cultural resources in Oakland.

a. Methods. Background research for this cultural resources analysis included a records search, literature review, and consultation with historical and Native American organizations. This research was conducted to identify cultural resources or cultural resource studies within or adjacent to the Project area, and to prepare the archaeological, ethnographic, and historical setting of the Project area.

(1) Records Search. A records search (#02-890) was completed on May 16, 2003 at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. The NWIC is an affiliate of the California Office of Historic Preservation and is the official state repository of cultural resources reports and records for

a 16-county area, including Alameda County. The cultural resource inventories reviewed by LSA included:

- *California Inventory of Historic Resources*;¹
- *Five Views: An Ethnic Historic Site Survey for California*;²
- *California Historical Landmarks*;³
- *California Points of Historical Interest*;⁴ and
- *Directory of Properties in the Historic Property Data File for Alameda County*.^{5,6}

(2) Literature Review. LSA reviewed prehistoric, ethnographic, and historical overviews and local planning documents for information about the Project area. City planning documents included the *Historic Preservation Element of the Oakland General Plan*⁷ and the architectural resource forms and listings in the *Uptown Project Area Historic Resources*.⁸

(3) Consultation. The California Native American Heritage Commission (NAHC) was requested, in a letter on May 19, 2003, to review their sacred lands file to determine if Native American cultural resources are within the Project area, and to provide a list of Native American individuals or groups that may have knowledge about such resources or concerns about the Project area. Ms. Debbie Pilas-Treadway, Environmental Specialist III, responded in a faxed letter of May 30, 2003, that the NAHC did not identify any Native American cultural resources within or adjacent to the study areas.

Historical organizations were contacted to solicit any concerns they may have about cultural resources in the Project area. The following list identifies the organizations contacted and the responses received:

- Oakland Heritage Alliance, contacted by letter on May 19, 2003.
Ms. Naomi Schiff, member of the Board of Directors of the Oakland Heritage Alliance, called on Friday, May 23, 2003. Ms. Schiff expressed concern about the effects of the size and nature of the proposed Project on nearby historic resources. She urged the consideration of Project alternatives to incorporate some of the existing buildings proposed for demolition.

¹ California Department of Parks and Recreation, 1976. *California Inventory of Historic Resources*. Sacramento.

² California Department of Parks and Recreation, Office of Historic Preservation, 1988. *Five Views: An Ethnic Historic Site Survey for California*. Sacramento.

³ California Department of Parks and Recreation, Office of Historic Preservation, 1990. *California Historical Landmarks*. Sacramento.

⁴ California Department of Parks and Recreation, Office of Historic Preservation, 1992. *California Points of Historical Interest*. Sacramento.

⁵ California Department of Parks and Recreation, Office of Historic Preservation, April 29, 2003. *Directory of Properties in the Historic Property Data File for Alameda County*. Sacramento.

⁶ The Directory of Properties includes the listings in the National Register of Historic Places, California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest.

⁷ City of Oakland, 1994. *Historic Preservation Element of the General Plan*. Oakland, California.

⁸ City of Oakland Planning Department, Oakland Cultural Heritage Survey, 2000, 1983-85, and 1994-95. *Uptown Project Area Historic Resources*. Oakland, California.

- City of Oakland Landmarks Preservation Advisory Board, contacted by letter on May 19, 2003.
No response received as of June 28, 2003.
- City of Oakland Planning Department, Oakland Cultural Heritage Survey (OCHS), contacted by letter on May 19, 2003 and in person on June 17, 2003.
On June 17, 2003, Betty Marvin, Planner III, of the Planning Department provided background historical information and OCHS resource forms for historic resources within and adjacent to the Project area.

b. Prehistory and Ethnography. The Oakland area was probably settled by native Californians between 12,000 and 6,000 years ago.⁹ Subsequently, Penutian peoples entered central California around 4,500 years ago, and were firmly settled around San Francisco and Monterey Bays by 1,500 years ago. The descendants of these native groups prefer to be called Ohlone,¹⁰ although they are often referred to by the name of their linguistic group, Costanoan. Oakland is located within the territory of a people who spoke *Chochenyo* and occupied a large area of the East Bay. *Chochenyo* was one of eight Costanoan languages.¹¹

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 Ohlone, like many other Native American groups in the Bay Area, likely lived in conical tule thatch houses.^{12,13,14,15}

Politically, the Costanoans were organized into groups called tribelets. A tribelet constituted a sovereign entity that held a defined territory and exercised control over its resources. A tribelet was also a unit of linguistic and ethnic differentiation.¹⁶

Intensive Hispanic exploration of the Bay Area began in the late eighteenth century, and radically transformed the Ohlone culture. When European settlers moved into northern California, they established the mission system and exposed the Ohlone to diseases to which they had no immunity.

⁹ Fredrickson, David A., 1974. *Cultural Diversity in Early Central California: A View from the North Coast Ranges*. *Journal of California Anthropology* 1(1):41-53.

¹⁰ Margolin, Malcolm, 1978. *The Ohlone Way: Indian Life in the San Francisco-Monterey Bay Area*. Heyday Books, Berkeley, California.

¹¹ Richard Levy, 1978. Coastanoan. In *Handbook of North American Indians, Volume 8: California*, edited by R.F. Heizer, pp.485-497. Smithsonian Institution, Washington, D.C.

¹² Milliken, Randall, 1995. *A Time of Little Choice, The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810*, pp. 24, 244. Ballena Press Anthropological Papers No. 43, Menlo Park, California.

¹³ Stewart, Suzanne B., 1982. Volume 4: Alameda, Contra Costa, and Marin. In *Prehistoric Overview Northwest Region: California Archaeological Inventory*, edited by David A. Fredrickson. Anthropological Studies Center, Sonoma State University, Rohnert Park, California, and State of California Office of Historic Preservation, Sacramento.

¹⁴ Moratto, Michael J., 1984, op. cit.

¹⁵ Bennyhoff, James A., 1994. Variation within the Meganos Culture. In *Toward a New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson*, assembled and edited by Richard E. Hughes, pp. 81-89 (original manuscript, 1987). Contributions of the University of California Archaeological Research Facility 52. Berkeley.

¹⁶ Ibid.

Mission records indicate that the *Chochenyo* speakers moved from the Oakland area to Mission San Jose.¹⁷ Following the secularization of the missions in 1834, native people in the Bay Area moved to ranchos, where they worked as manual laborers.¹⁸

c. Historical Setting. The Project area lies entirely within the *Rancho San Antonio* land grant. This rancho was originally granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. His 43,000-acre rancho included what are now the 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 this title was honored when California entered the Union by treaty in 1848. Despite this acknowledged title, squatters moved in to use the vast amounts of Peralta's undeveloped land. Cattle were stolen and slaughtered, and trees were removed by squatters and people travelling to and from the gold fields.¹⁹

In 1850, Andrew Moon, Horace W. Carpentier, and Edson Adams built a house on Peralta's property at the foot of Broadway, near the banks of an estuary. This house site was in what is now Jack London Square. Vicente Peralta attempted to legally evict the group, but eventually relented and allowed them to lease the land. Instead of complying with the terms of their lease, Moon, Carpentier, and Adams hired Julius Kellersberger, a Swiss engineer, to survey the land and lay out the town that became Oakland. The area was encompassed by Fallon, Market, First, and Fourteenth streets. The City of Oakland was incorporated in 1852, and officially recognized by the state by 1854.²⁰

Oakland grew around its waterfront, with development limited only by the available modes of transportation. Steam ferry service to San Francisco was established in 1850, and by 1869 the first horse-car followed a route from the estuary up Telegraph Avenue to 40th Street. On November 8, 1869, the transcontinental railroad's first west bound trip rolled through Oakland along Central Pacific tracks, which terminated at the new 7th Street station. By 1891, Oakland's first electric street car ran along Broadway to the city of Berkeley.²¹

The devastation of the 1906 earthquake and fire in San Francisco prompted the development of new residential areas in Oakland 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 increase in population also increased demand for retail goods, and shopping districts expanded throughout the next decade to meet this demand. These shopping areas served a large population, as shoppers traveled to Oakland by streetcar to take advantage of the new establishments.²²

¹⁷ Milliken, Randall, 1995, op. cit.

¹⁸ Levy, Richard, 1978, op. cit.

¹⁹ Hoover, Mildred B., Hero E. Rensch, Ethel G. Rensch, and William N. Abeloe, 1990:18-19. *Historic Spots in California*. Stanford University Press, Stanford, California. Fourth edition, revised by Douglas E. Kyle.

²⁰ Ibid.

²¹ Oakland History Room of the Oakland Public Library, revised by the City of Oakland Community and Economic Development Agency. *Oakland History Timeline*. <www.oaklandnet.com/celebrate/historytimeline.htm>

²² Woodbridge, Sally, 1984. Historical and Architectural Resources. In Oakland Central District Development Program, pp. 11-12. On file at the Northwest Information Center, Sonoma State University, Rohnert Park, California.

Throughout the 20th century, commercial enterprises and industrial development, particularly the Port of Oakland and the Oakland Municipal Airport, played a vital role in Oakland's growth. During World War II, the Port provided land and facilities to the Army and Navy. Oakland became the largest shipping center on the West Coast by 1943, and within two decades was the largest container terminal on the West Coast. As suburbs grew outward during the 1950s, the inner core of the City, around which activity used to revolve, began to decline as residents and resources left for the outlying areas. The perception of Oakland, as with many large cities during the 1960s and 1970s, was that of a neglected urban core with high unemployment, racial tension, and reduced economic opportunity.²³ This trend began to reverse in the 1980s as reinvestment and redevelopment helped to invigorate the City's image and prospects. In 1995, California's "Golden Triangle," which included Oakland, San Jose and San Francisco, was named by *Fortune Magazine* as the best place to do business in the United States.²⁴

d. Project-Specific Historical Setting. The City of Oakland mostly developed south of the Project area until new modes of transportation prompted growth north of "Old Oakland." What became San Pablo and Telegraph Avenues remained dirt roads until the 1850s, with the present day Project area located far north of downtown. However, the roads served as important thoroughfares and contributed to the economic and institutional functioning of the growing city. After 1869, when a new City Hall was built at the intersection of Broadway, San Pablo, and Telegraph Avenues, Oakland's main commercial district also moved north to encompass parts of the Project area.

The Project area consisted of estates, small farms, and homesteads until the 1870s, when residential neighborhoods began to develop north of downtown Oakland. The original blocks between Telegraph and San Pablo Avenues were the Campbell Tract between 18th and 19th streets; the Hogan Tract between 19th and Thomas L. Berkley Way (20th) streets; and the Boardman Tract between Thomas L. Berkley Way (20th) and 21st streets. The parcels within the Project area to the east of Telegraph Avenue on Thomas L. Berkley Way (20th) and 22nd streets (Project Blocks #8 and #9) were in Wilcox Place.²⁵ In 1869, a horse-car line began operating from the waterfront up Broadway to Telegraph Avenue. The route then proceeded up Telegraph Avenue to 36th Street.

The growth of suburbs was accelerated following the opening of the horse-car line in 1869. By the late 1800s, downtown Oakland covered the area between Broadway and Washington, and 7th and 14th Streets, and included many new commercial buildings.²⁶

The Project area remained mostly residential with a mixture of small-scale commercial uses until the 1910s, when a growing population led to increased consumer demand. By the late 1930s, a variety of businesses occupied the Project area south from William Street, including a pants factory, furniture stores, bicycle shops, a dance studio, markets, candy shops, jewelry stores, and other establishments. The area north of William Street continued to be predominantly residential. Today, the Project area consists mostly of commercial uses, parking facilities, and empty lots.

²³ Bagwell, Beth, 1982, op. cit.

²⁴ Oakland History Room of the Oakland Public Library, op. cit.

²⁵ City of Oakland Assessor's Office. City Tax Assessment Block Books, 1876/77-1910. Oakland, California.

²⁶ Woodbridge, Sally, 1984, op. cit.

e. Historic Architectural Resources Within and Adjacent to the Project Area. The records search at the NWIC indicated that no cultural resource studies have been previously conducted within the Project area, and no recorded prehistoric or historical archaeological sites are within or adjacent to the Project area. Five studies on file at the NWIC have been conducted within 1,200 feet of the Project area (NWIC reference numbers S-11154; S-12957; S-16863; S-18536; and S-24996). One prehistoric burial and one isolated sewer valve box dating to the latter half of the 20th century were identified within 1,500 feet of the Project area.

The entire Project area has been surveyed for historic architectural resources by the OCHS,²⁷ though the report is not on file at the NWIC. The documentation for this survey was acquired from the OCHS; significance ratings for individual properties and districts are based on a graduated system²⁸ set forth in the *Historic Preservation Element of the Oakland General Plan* (HPE).

The following sections identify historic architectural archaeological resources within or adjacent to the Project area.²⁹

(1) Historic Architectural Resources Within the Project Area. Five individual historic architectural properties and a portion of one historic district are within the Project area. OCHS documentation indicates that one of the five buildings (the Great Western Power Company Building) is listed on the City of Oakland's Local Register of Historical Resources (Local Register), and the remainder are Potential Designated Historic Properties (PDHPs)³⁰ as defined by the HPE. The historic district (19th and San Pablo Commercial District) is identified by OCHS as an Area of Secondary Importance (ASI), and includes three of these five buildings as contributors. These five buildings, as well as others within the Project that are not eligible for listing in the Local Register or that do not qualify as PDHPs, are summarized in Table IV.I-1. Figure IV.I-1 is a map showing the locations of historical resources and PDHPs within the Project site. The five properties and one district within the Project area that are listed in the Local Register or identified as PDHPs are:

²⁷ City of Oakland Planning Department, Oakland Cultural Heritage Survey, 2000, 1983-85, and 1994-95, op. cit.

²⁸ **OCHS Ratings:** A = Property of Highest Importance; B = Major Importance; C = Secondary Importance; D = Minor Importance; E = Of No Particular Importance; F or * = Unrated. Altered and post-1945 properties that could receive a higher rating under some contingency (e.g., if restored, when older, or if additional information is provided) receive a dual rating, with a small letter indicating the potential rating.

District Status: 1 = Property is within an Area of Primary Importance (API); 2 = Property is within an Area of Secondary Importance (ASI); 3 = not in an API or an ASI. Contributory status within an API or ASI is indicated by a plus sign (+); noncontributory status is indicated by a minus sign (-). A property that is a potential contributor if restored is indicated by an asterisk (*). For example, Dc2+ describes a property of Minor Importance, contributory to an ASI, and that could be of Secondary Importance if restored.

Properties with at least a potential "C" rating or potentially contributing to an ASI (2*) meet the broadest definition of historic in the Preservation Element of the Oakland General Plan and are called "Potential Designated Historic Properties" or "PDHPs." Properties with ratings of A, B, 1+, or 1*, along with all "Designated Historic Properties" (e.g., Landmarks, Preservation Study List, National Register) are classified as Oakland's "Local Register of Historical Resources" for environmental review purposes.

²⁹ This information was acquired from published local, state, and national historic resource inventories and registers. Please see the source codes in the cultural resources table for property-specific source information.

³⁰ PDHPs may be eligible for Designated Historic Property status (if a property is designated, a property is considered a historical resource for the purposes of CEQA) if they: 1) have an existing or contingency rating of "A," "B," or "C" in the OCHS; or 2) have been determined to contribute or potentially contribute to an Area of Primary or Secondary Importance.

Table IV.I-1: Historic Architectural Resources Within Project Area

No.	Street Address		Description	Date	NRHP Code ^a	Local Code ^b	Historical Resource ^c	PDHP ^d	Source ^e
1	518	20th St	Great Western Power Company / PG&E Substation	1924	3S	B+2+	Y	Y	HPD, O
2	522-26	20th St	Demers Candy Company Building	1922		D3	N	N	O
3	530-32	20th St	Louise Bauer House	1905		D3	N	N	O
4	536-40	20th St	Scott-Buttner Electric Company Building	1964		*3	N	N	O
5	548	20th St	Culinary Worker's Alliance Building	1956		*3	N	N	O
6	556-62	20th St	Bresnikar Building	1953		*3	N	N	O
7	565	20th St	Robertson Building	1945	6	D3	N	N	HPD, O
8	571	20th St	Barbagelata Garage	1931	6	Ed3	N	N	HPD, O
9	585	20th St	Clifford Auto Electric Shop	1925		Ed3	N	N	O
10	593	20th St	Gear Garage	1929	6	Ed3	N	N	O
11	605-09	20th St	Millar White Store Building	1954	7R	*3	N	N	O
12	495	22nd St	Kwik Way Drive-In / Giant Burger	c.1960		*c3	N	Y	CHS
13	1918-24	San Pablo Ave	Feldstein-Oakland Pants Factory	1931	6	D2	N	N	HPD, O
14	1928-40	San Pablo Ave	Feldstein-Oakland Pants Factory Addition	1947	6	*d2-	N	N	HPD, O
15	1950-54	San Pablo Ave	Feldstein Hotel, store, office	1950		*2-	N	N	O
16	1958-60	San Pablo Ave	Snyder-Olmstead Building	1889		Dc2-	N	Y	O
17	1966-68	San Pablo Ave	Olmstead Building	1900		C2+	N	Y	O
18	1972	San Pablo Ave	Muller Tailor-Rankin plumbing shop	1883		C2+	N	Y	O
19	1998	San Pablo Ave	White Cabin Lunch Company	1930	7R	Dc2-	N	Y	HPD, O
20	1901	Telegraph Ave	Skaggs Payless Drug Company / Garage	1956		*3	N	N	O
21	2003-09	Telegraph Ave	Santa Fe-Continental Trailways Bus Depot/ Angel Beauty Supply	1948		D3	N	N	O
49	Various		19 th and San Pablo Commercial District		7R	ASI	N		HPD, O

^a 3S Appears eligible for listing as a separate property by person(s) completing or reviewing the form

6 None of the above

7R Submitted as Part of a Reconnaissance Level Survey; not evaluated

^b Local Codes/OCHS Ratings (see Footnote #43).

^c Y Resource is presently considered a historical resource for the purposes of CEQA.

N Resource is not considered a historical resource for the purposes of CEQA, and does not have the potential for such consideration.

^d CHS Personal Communication with CHS (Betty Marvin, Planner III), June 2003.

HPD *Directory of Properties in the Historic Property Data File for Alameda County, California* Office of Historic Preservation, April 29, 2003.

O Oakland Cultural Heritage Survey, July 2000.

^e Y Resource qualifies as a PDHP.

N Resource does not qualify as a PDHP.

Source: LSA Associates, Inc., 2003.

Figure IV.I-1: Historic Architectural Resources and PDHPs

8x11 B&W

- *518-520 Thomas L. Berkley Way (20th Street), the Great Western Power Plant*

This building, also formerly known as the Navlet’s Florist and Nursery, has a “B” rating from the OCHS and is on the Preservation Study List. It is considered a historical resource for the purposes of CEQA. This building is shown as reference #1 on Figure IV.I-1.

Built in 1924 for the Great Western Power Company as a power and steam heat plant, the Great Western Power Company Substation operated as PG&E Substation M into the 1950s, and was converted from industrial to commercial use in 1960. Designed by Ashley & Evers, who also designed the nearby Capwell’s (now Sears) and Oakland Floral Depot buildings, the Beaux Arts-derivative building retains its massive arched façade, overscaled classical detailing, and a 150-foot smokestack that exemplifies the beautification of utilitarian structure by the City Beautiful movement of the early 20th century.³¹



Great Western Power Company Building

- *1958-60 San Pablo Avenue³²*

This building has a “Dc” rating from OCHS and is a contributor to an ASI. It is a contributor to the 19th and San Pablo Commercial District, most of which lies north-west of the Project area. The building at 1958-60 San Pablo Avenue is not considered a historical resource for the purposes of CEQA, but it does meet the definition of a PDHP. This building is shown as reference #16 on Figure IV.I-1.



1958-60 San Pablo Avenue

³¹ City of Oakland Planning Department, Oakland Cultural Heritage Survey, 2000, 1983-85, and 1994-95, op. cit.

³² 1958-60 San Pablo Avenue, the Snyder-Olmstead Building, is an example of 19th century vernacular-Italianate commercial architecture, built between 1889 and 1893 for Andrew Jackson Snyder, an noted Oakland businessman.

- *1966-68 San Pablo Avenue*³³
This building has a “C” rating from OCHS and is a contributor to the 19th and San Pablo Commercial District. The building at 1966-68 San Pablo Avenue is not considered a historical resource for the purposes of CEQA, but it does meet the definition of a PDHP. This building is shown as reference #17 on Figure IV.I-1.
- *1972 San Pablo Avenue*³⁴
This building, formerly known as the James Rankin Plumbing Shop, has a “C” rating from OCHS and is a contributor to the 19th and San Pablo Commercial District. The building at 1972 San Pablo Avenue is not considered a historical resource for the purposes of CEQA, but it does meet the definition of a PDHP. This building is shown as reference #18 on Figure IV.I-1.



1966-68 San Pablo Avenue



1966-68 San Pablo Avenue

³³ 1966-68 San Pablo Avenue, the Olmstead Building, is an example of falsefront Italianate commercial architecture, built between 1900 and 1902 for physician Theo Olmstead.

³⁴ 1972 San Pablo Avenue, the Muller tailor-Rankin plumbing Building, is an example of falsefront Italianate commercial architecture, built between 1883 and 1884 for tailor John Muller. Later, in the 1920s, plumbing contractor James Rankin acquired the building.

- *1998 San Pablo Avenue*³⁵

This building has a “Dc” rating from OCHS, and, although located within the 19th and San Pablo Commercial District, it is not a district contributor. The building at 1998 San Pablo Avenue is not considered a historical resource for the purposes of CEQA, but it does meet the definition of a PDHP. This building is shown as reference #19 on Figure IV.I-1.



1998 San Pablo Avenue

- *19th and San Pablo Commercial District*

The Project area includes a portion of the 19th and San Pablo Commercial District, although most of the district lies northwest and outside of the Project area. Please see the description of the 19th and San Pablo Commercial District in the following section for more information. This district is shown as reference #49 on Figure IV.I-1.



A portion of the 19th and San Pablo Commercial District

(2) Historical Architectural Resources Adjacent to the Project Area.

Architectural resources adjacent to the Project area consist of individual historic architectural properties and historic districts. These properties are summarized in Table IV.I-2 and shown relative to the Project area in Figure IV.I-1. The summary is based on resource listings from the OCHS and the *Directory of Properties in the Historic Property Data File for Alameda County*.³⁶

Three potential historic districts (two Areas of Primary Importance [API] and one Area of Secondary Importance [ASI]) front streets that border the Project area. These districts are the 19th and San Pablo Commercial District (ASI), the Cathedral District (API), and the Uptown Shopping/Entertainment District (API). These districts are briefly summarized below based on OCHS documentation.

³⁵ 1998 San Pablo Avenue, the White Log Tavern/Coffee Shop Building, is an example of a 1930s theme restaurant, built between 1930 and 1931 for the White Cabin Lunch Company.

³⁶ California Department of Parks and Recreation, Office of Historic Preservation, April 29, 2003, op. cit.

Table IV.I-2: Historic Architectural Resources Adjacent to Project Area

No.	Street Address	Description	Date	NRHP Code ^a	Local Code ^b	Historical Resource ^c	PDHP ^d	Source ^e	Comments ^f
22	519 18th St	U.S. Ice Ventures	1995	7	*3	N	N	O	
23	577-79 18th St	Johnson Creamery	1914	7	Dc3	N	Y	HPD, O	
24	581-87 18th St	Gier Company	1909	7	Cb+3	N	Y	HPD, O	
25	604 20th St	Pacific Gas & Electric Substation	1924	7	D2+	N	Y	O	
26	630-42 20th St	California Peanut Company/Oakland Post Building	1920	7	Cb-2+	N	Y	O	
27	570 21st St	No additional information	1888	3D	C1+	Y	Y	HPD	
28	1701 San Pablo Ave	Dental Office/Mel's Drive-In	1954	7	*c3	N	Y	O	
29	1716-30 San Pablo Ave	California Furniture Company/California Art Supply	1946	7	C3	N	Y	O	
30	1719-39 San Pablo Ave	Johnson Building	1895	7	Ed3	N	N	O	
31	1801-39 San Pablo Ave	Kahn Store Building	1927	6	Ed3	N	N	HPD, O	
32	1901-15 San Pablo Ave	Hanifin Block	1878	3S	A2+	Y	N	HPD, O	On Preservation Study List.
33	1917-23 San Pablo Ave	Robert Dalziel Block, Friedmans Appliance Company	1878	3S	B+a2+	Y	N	HPD, O	On Preservation Study List.
34	1939-63 San Pablo Ave	Hotel Arcade	1907	4S	B-b+2	Y	Y	HPD, O	
35	2000-08 San Pablo Ave	Hotel Royal	1912	3S	B+2+	Y	N	HPD, O	On Preservation Study List.
36	2012 San Pablo Ave	Matthews Store Building	1922	7R	Ed3	N	N	HPD, O	
37	1733-41 Telegraph Ave	Smith (Money Back) Building	1947	5S	C3	N	Y	O	
38	1807-29 Telegraph Ave	West Coast Oakland Theater Building (Fox Theater)	1927	1S	A1+	Y	N	HPD, O	City Landmark; NR
39	1812 Telegraph Ave	McElroy (J.J.) Building	1914	4D	*c1	Y	Y	HPD	
40	1900 Telegraph Ave	Oakland Floral Depot Building	1931	2S	A1+	Y	N	HPD	On Preservation Study List.
41	2101 Telegraph Ave	YMCA Building	1909	2S2	A3	Y	N	HPD, O	On Preservation Study List.
42	2201 Telegraph Ave	First Baptist Church of Oakland	1905	3B	A1+	Y	N	HPD, O	On Preservation Study List.
43	1727 Telegraph Ave	Bart's Dress Shop	1947	7R	Dc3	N	Y	HPD, O	
44	1935 Broadway	H.C. Capwell Building/Emporium-Capwell	1928	3D	B-a1+	Y	N	HPD	On Preservation Study List.
45	2001 Broadway	I. Magnin and Company Building	1930	3B	A	Y	N	HPD	On Preservation Study List.
46	2025 Broadway	Paramount Theater	1930	1S	A1+	Y	N	HPD	City Landmark; NR; NHL
47	Various	Cathedral District	1872-1916	3S	ASI	Y	N	O	
48	Various	Uptown Shopping/Entertainment District	1920s-30s	3S	API	Y	N	O	
49	Various	19th and San Pablo Commercial District	1870-1940s	7S	ASI	N	Y	O	Part in, part adjacent

^a 1S Listed in the National Register as an individual property
 2S Determined eligible for the National Register
 2S2 Determined eligible for separate listing by a consensus determination
 3B Both 3S and 3D
 3D Appears eligible as a contributor to a fully documented district by person(s) completing or reviewing the form
 3S Appears eligible for listing as a separate property by person(s) completing or reviewing the form
 4D Contributor to a fully documented district that may become eligible for listing
 4S May become eligible for listing as a separate property
 5S Ineligible for the National Register but is of local interest
 6 None of the above
 7 Undetermined
 7R Submitted as Part of a Reconnaissance Level Survey: not evaluated.
 7S Undetermined as a separate listing

^b Local Codes/OCHS Ratings (see Footnote #43)
^c Y Resource is presently considered a historical resource for the purposes of CEQA.
 N Resource is not considered a historical resource for the purposes of CEQA, and does not have the potential for such consideration.
^d Y Resource qualifies as a PDHP.
 N Resource does not qualify as a PDHP.
^e CHS Personal Communication with CHS, June 2003.
 HPD *Directory of Properties in the Historic Property Data File for Alameda County*, California Office of Historic Preservation, April 29, 2003.
 O Oakland Cultural Heritage Survey, July 2000.
^f NR National Register of Historic Places
 NHL National Historic Landmark
 Source: LSA Associates, Inc., 2003.

- *19th and San Pablo Commercial District (ASI)*

The 19th and San Pablo Commercial District is a Victorian/late 19th, early 20th century commercial district consisting of 12 buildings on all or part of twelve blocks in the Central Oakland neighborhood. Most of the district lies northwest and outside of the Project area. It includes early 20th century commercial, Italianate commercial, and Beaux Arts-derivative buildings. The dates of contributing buildings range from the 1870s to the 1940s. Currently, the surrounding areas consist of commercial, residential, and transportation uses. Three of the four buildings identified as PDHPs within the Project area (1958-60 San Pablo Avenue, 1966-68 San Pablo Avenue, and 1972 San Pablo Avenue) are contributors to this district. The 19th and San Pablo Commercial District is listed as an ASI by the OCHS.³⁷

- *Cathedral District (API)*

The bulk of the Cathedral District consists of one and two story family residences built between 1872 and 1916. This district lies to the northeast of the Project area. Architectural styles represented in this district include Italianate, Stick, Shingle, Queen Anne, Colonial Revival, and Arts and Crafts. The Cathedral District was recorded by the OCHS as part of the Central District Survey in 1983. At that time, it contained 38 contributing buildings and four noncontributing; four have since been demolished. The Project area does not contain any contributing buildings of the Cathedral District.³⁸

- *Uptown Shopping/Entertainment District (API)*

The Uptown Shopping/Entertainment District consists mainly of brownstone and terra cotta loft buildings from the 1920s, and Art Deco terra cotta buildings from the 1930s. During this time the area developed as a luxury shopping and entertainment center. There are several especially distinctive buildings within the Uptown Shopping/Entertainment District, including the Capwell and I. Magnin department stores, the Floral Depot, and the Fox and Paramount Theaters.³⁹ None of these buildings, nor any other contributors to the district, are within the Project area.

f. Archaeological Sensitivity. A preliminary sensitivity assessment was conducted for the Project area to determine the likelihood of Project activities encountering potentially-significant subsurface archaeological deposits. To determine prehistoric archaeological sensitivity, the Project area's environmental setting and the locations of nearby archaeological sites were reviewed. For historical archaeological sensitivity, previous historical research (including information from Sanborn fire insurance maps) was used to identify the general types of economic activities that occurred within the Project area. This historical information was used to predict the type and nature of archaeological remains that may be present within the Project area.

Based on background research, the Project area has a low-to-moderate likelihood of containing prehistoric archaeological deposits, and a high likelihood of containing historical archaeological deposits.

³⁷ City of Oakland Planning Department, Oakland Cultural Heritage Survey, 2000, 1983-85, and 1994-95, op. cit.

³⁸ Ibid.

³⁹ Ibid.

(1) Prehistoric Archaeological Sensitivity. Greater uptown Oakland is situated in a setting that offered early inhabitants a nearby diversity of rich ecological communities from which to gather plant and animal resources. Prehistoric archaeological sites have been recorded in the vicinity of the Project area. Prehistoric archaeological site CA-ALA-22, near the corner of 13th Street and Broadway, yielded a burial during the construction of a building foundation.

Several Ohlone villages in the vicinity of the Project area were still inhabited prior to the Peralta land grant. One village was near the current intersection of Telegraph and Claremont Avenues, while another was noted in the Trestle Glen area, originally referred to as Indian Gulch. A third was on the grounds of Holy Names College.⁴⁰ The Project area is located near the historic San Francisco Bay margins, which were known for supporting a diversity of plant and animal resources. The proximity of the Bay margins indicates that the Project area was probably used by people in prehistoric times for food procurement, and, possibly, habitation. Although historical use and development of the Project area most likely disturbed those prehistoric archaeological sites on the surface, it is possible that buried deposits exist at depths that were not impacted by past activities.

(2) Historical Archaeological Sensitivity. The Project area is in an area of high sensitivity for historical archaeological deposits. The Project area was part of the *Rancho San Antonio* land grant, and remained rural until the 1870s. Neighborhoods began to develop at that time as the City expanded outwards, and the area remained primarily residential until the 1910s. A transition in uses from predominantly residential to a mixture of industrial and commercial occurred from the 1910s to the 1930s. Today, the study area is primarily business and parking use with little housing.

Documentary research indicates that historical archaeological deposits within the Project area will most likely include evidence of residential, industrial, and commercial land use. Such deposits may be associated with businesses and homes between the 1870s and 1930s. These deposits can include backfilled privies, wells, discrete trash pits, or structural remains linked to the documented growth of Oakland and the shift in land use, economic focus, and day-to-day activities in the Project area. These deposits may contain important information about Oakland's formative periods, particularly the development of the City's residential neighborhoods and the growth of local commercial establishments as Oakland became a leading regional city. In addition, research indicates that the east side of San Pablo Avenue between 19th and 20th Streets was a Chinese neighborhood during the 1870s, and archaeological deposits that may exist from this period have the potential to provide information about an ethnic group's assimilation by a dominant American culture, and the degree to which tradition lifeways were maintained or modified.⁴¹

g. Regulatory Context. The California Environmental Quality Act (CEQA) requires that a Project's effects on historical resources be considered if the Project involves funding or approval from public agencies. A property may be considered a historical resource under CEQA in four ways:

- the property is listed in or determined eligible for listing in the California Register of Historical Resources (California Register);
- the property is listed in a Local Register;⁴²

⁴⁰ Beth Bagwell, 1982. op. cit.

⁴¹ Beth Bagwell, 1982, op. cit., p. 87.

⁴² State of California, Public Resources Code §5020.1(k).

- the property is identified as significant in a historical resource survey⁴³ unless a preponderance of the evidence demonstrates that it is not historically or culturally significant; or
- the property is determined by the lead agency to be significant in light of the whole record and substantial evidence.

(1) California Register of Historical Resources. The California Register provides a means for determining which properties are to be considered historical resources for the purposes of CEQA review. A property that is determined eligible for listing is afforded the same protection as one that is formally listed. A property may be eligible for listing in the California Register if it:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; or
- Is associated with the lives of persons important in our past; or
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possess high artistic values; or
- Has yielded, or has the potential to yield, information important in prehistory or history.

(2) City of Oakland Local Register Listings. The Public Resources Code Section 5020.1(k) defines a local register as a list of resources designated or recognized as historically significant pursuant to a local resolution or ordinance. In 1998, the Oakland City Council amended the HPE first drafted in 1994. The HPE established a ratings system for use in designating locally-significant resources, which built on the system developed by the OCHS. The HPE also established the following policy with respect to historical resources under CEQA:

- Policy 3.8 For the purposes of environmental review under CEQA, the following properties will constitute the City of Oakland's Local Register:
 - 1) All "Designated Historic Properties;"
 - 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 HPE includes other policies that seek to encourage the preservation of Oakland's significant historic resources within the context of balanced development and growth. These policies are presented below.

- 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 actions.

⁴³ The survey must meet the requirements listed in §5024.1(g) of the Public Resources Code.

- **Policy 3.4:** (City Acquisition for Historic Preservation Where Necessary) Where all other means of preservation have been exhausted, the City will consider acquiring, by eminent domain if necessary, existing or Potential Designated Historic Properties, or portions thereof, in order to preserve them. Such acquisition may be in fee, as conservation easements, or a combination thereof.
- **Policy 3.5:** (Historic Preservation and Discretionary Permit Approvals) For any project involving the 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.

(3) Historical Resources Survey. A property is presumed to be a historical resource for the purposes of CEQA if it is identified as significant in a historical resources survey,⁴⁴ unless a preponderance of evidence demonstrates that the property is not a historical resource.

(4) Lead Agency Determination. Under CEQA, a lead agency may determine that a property is a historical resource even if the property is not listed on or determined eligible for listing on the California Register, not included in a local register, or not identified as significant in a historical resources survey.⁴⁵

2. Paleontological Resources Setting

This section presents the results of a paleontological resources analysis conducted for the Project. The following sections provide: 1) the methods of the analysis; 2) a brief description of the Project area's geological and paleontological setting; and 3) a paleontological resource sensitivity assessment for the Project area.

a. Methods. The paleontological resources analysis consisted of: 1) a fossil locality search conducted by staff at the Museum of Paleontology at the University of California, Berkeley (UCMP) on June 17, 2003, to identify paleontological resources within or adjacent to the Project area; and 2) a review of literature on file at LSA to determine the geological and paleontological history of the Project area.

b. Geological and Paleontological Setting. Geologically, the Project area consists of Quaternary alluvium. This alluvium, although geologically young, contains a number of fossil bearing units.⁴⁶ Between the Project area and San Francisco Bay to the west, the alluvium gets progressively younger

⁴⁴ The survey must meet the requirements of PRC §5024.1(g).

⁴⁵ CEQA Guidelines §15064.5(a).

⁴⁶ Wagner, D., E. Bortugno, and R. McJunkin, 1990. *Geologic Map of the San Francisco–San Jose Quadrangle*. California Division of Mines and Geology, Map 5a. Sacramento.

and much of the earth above sea level is made up of artificial fill. The Hayward Fault, approximately 2.5 miles east of the Project area, runs northwest to southeast along an area where Mesozoic rocks of the Franciscan Complex rise up to form the Oakland Hills. Deposits within the Project area comprise the following geological units:

- **Artificial Fill.** Artificial fill is unconsolidated earth brought to the Bay margins to expand the amount of developable land above sea level. It is unlikely that this earth will contain significant fossils.
- **Younger Quaternary Alluvium.**⁴⁷ These deposits overlie the Pleistocene alluvium and Merritt sands in the Bay Area. Older portions of this stratum are bedded medium-to-fine-grained sand, and are found within and adjacent to the Project site. These alluvial deposits may contain modern vertebrate and invertebrate fossils.⁴⁸
- **Merritt Sands.**⁴⁹ These Pleistocene sands underlie the Project area as well as most of downtown Oakland and Alameda. As described in flatland deposit maps, these Eolian deposits are generally loose and measure roughly 50 feet thick in Oakland.^{50,51} The Merritt sands may contain paleontological resources.
- **Older Quaternary Alluvium.** The majority of earth in and around Oakland consists of alluvial sedimentary deposits ranging in age from Late Pleistocene to earliest Holocene. The oldest alluvium^{52,53} contains vertebrate⁵⁴ and invertebrate⁵⁵ fossils. Fossils that may be found in this alluvium include bison, mammoth, ground sloths, saber-toothed cats, dire wolves, and rodents.^{56,57} These alluvial deposits are found northeast, east, and southeast of the Project site, and underlie the Merritt Sands within the Project area.

⁴⁷ Helley, E., K. LaJoie, W. Spangle, and M. Blair, 1979. *Flatland deposits of the San Francisco Bay Region, California—their geology and engineering properties, and their importance to comprehensive planning*. Geological Survey Professional Paper 943, United States Department of the Interior. Washington, D.C.

⁴⁸ Helley, E., K. LaJoie, W. Spangle, and M. Blair, 1979, op. cit.

⁴⁹ Lawson, A., 1914. *Description of the San Francisco District, California*. United States Geological Survey Atlas, Folio 193. Washington, D.C.

⁵⁰ Helley, E., K. LaJoie, W. Spangle, and M. Blair, 1979. op. cit.

⁵¹ Helley, E., K. LaJoie, and D. Burke, 1972. *Geologic Map of the Late Cenozoic deposits of Alameda County, California*. United States Geological Survey Miscellaneous Field Studies Map MF-429. Washington, D.C.

⁵² Helley, E., K. LaJoie, W. Spangle, and M. Blair, 1979, op. cit.

⁵³ Helley, E., K. LaJoie, and D. Burke, 1972. op. cit.

⁵⁴ Stirton, R. A., 1951. Prehistoric Land Animals of the San Francisco Bay Region. In *Geology Guidebook of the San Francisco Bay Counties: History, Landscape, Geology, Fossils, Minerals, Industry, and Routes to Travel*, prepared by Olaf P. Jenkins, pp. 177-186. State of California Department of Natural Resources, Division of Mines Bulletin 154. San Francisco.

⁵⁵ Hertleinf, Leo George, 1951. Invertebrate Fossils and Fossil Localities in the San Francisco Bay Area. In *Geology Guidebook of the San Francisco Bay Counties: History, Landscape, Geology, Fossils, Minerals, Industry, and Routes to Travel*, prepared by Olaf P. Jenkins, pp. 187-192. State of California Department of Natural Resources, Division of Mines Bulletin 154. San Francisco.

⁵⁶ Helley, E., K. LaJoie, W. Spangle, and M. Blair, 1979, op. cit.

⁵⁷ Savage, D., 1951. *Late Cenozoic Vertebrates of the San Francisco Bay Region*. University of California Publications, Bulletin of the Department of Geological Sciences 28(10):215-314.

- **Franciscan Formation.**⁵⁸ This formation underlies the Project area at great depth and will not be encountered by Project activities.

c. Paleontological Sensitivity Assessment. The Project site lies on Eolian Merritt sands underlain by Quaternary alluvium.⁵⁹ The older alluvium deposits, made up of Plio-Pleistocene sediments, are known to bear vertebrate fossils.⁶⁰ The fossil locality search conducted at the UCMF indicated that no known fossil localities occur within or adjacent to the Project area. There are, however, 12 vertebrate fossil localities within 5 miles of the Project site. All of these localities are Quaternary in age. Vertebrate fossils recovered from these sites include mammoths, mastodons, ground sloths, bison, camels, and cave bears. Deposits of this age can also contain fossils of bear, saber-toothed cats, rhinoceroses, rodents, mustelids, birds, reptiles, and amphibians. Such localities are considered significant, nonrenewable paleontological resources. Since the geological deposits within the Project area are similar to those that contain these significant resources, the Project area is sensitive for paleontological resources.

3. Impacts and Mitigation Measures

Implementation of the proposed Project has the potential to significantly impact cultural resources. Impact avoidance is the first and most desirable option, but this is not always feasible in a densely-built and populated urban area such as downtown Oakland. If avoidance is not feasible, mitigation measures may be implemented that will, in several cases, offset these impacts or reduce them to a less-than-significant level (e.g., impacts HIST-2 and HIST-3). Other impacts would remain significant and unavoidable, even with the implementation of the recommended mitigation measures (e.g., impacts HIST-6 and HIST-7).

a. Criteria of Significance. The following criteria of significance are based on the CEQA guidelines and the HPE. The proposed Project would have a significant effect on the environment if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. Specifically, substantial adverse changes include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.” The significance of a historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on, a historical resource list (including the California Register of Historical Resources, a local register, and historical resources survey forms⁶¹ (DPR Form 523));
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5;

⁵⁸ Helley, E., K. LaJoie, W. Spangle, and M. Blair, 1979. op. cit.

⁵⁹ Wagner, D., E. Bortugno, and R. McJunkin, 1990, op. cit.

⁶⁰ Savage, D., 1951, op. cit.

⁶¹ Anything, particularly over 45 years old, can be recorded on a DPR 523.

- Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

b. Paleontological and Historic Architectural and Archaeological Resource Impacts. Project activities that have the potential to significantly impact paleontological and cultural resources include: 1) soil excavation and grading for semi-subterranean parking facilities and building utilities; 2) demolition of existing buildings; 3) construction of new buildings; and 4) enhancement of lighting and streetscape features on street frontages around the Project area. These Project activities will occur in or along numbered Block areas #1-8 as shown on the Project location map.

Potentially-significant impacts to paleontological and cultural resources that may occur as a result of Project implementation are discussed below. Mitigation measures are then recommended to reduce impact significance, where possible, to less-than-significant levels.

(1) Grading and Excavation Related Impacts. Construction of the proposed Project would require soil excavation and grading for building foundations, utilities, and semi-subterranean parking facilities. These activities could potentially impact both paleontological and cultural resources as described below.

Impact HIST-1: Ground disturbing activities for the construction of subterranean parking structures, building foundations, and underground sewer and utility facilities could adversely impact paleontological resources. (S)

The sediments that underlie the Project area have a high sensitivity for the occurrence of significant, nonrenewable paleontological resources.⁶² Excavation could inadvertently damage such resources and result in a significant adverse impact.⁶³

Mitigation Measure HIST-1a: A paleontological resources monitoring plan should be developed in consultation with a qualified paleontologist prior to Project-related ground-disturbing activities. This monitoring plan should incorporate the findings of Project-specific geotechnical investigations to identify the location and depth of deposits that have a high likelihood of containing paleontological resources and that may be encountered by Project activities. This information will indicate the depth of overlying non-sensitive soils (i.e., artificial fill and prior disturbance) within the Project area to allow a more effective determination of where paleontological monitoring is appropriate.

Mitigation Measure HIST-1b: A qualified paleontologist should monitor all ground-disturbing activity that occurs at depths within the Project area determined to be sensitive in the paleonto-

⁶² The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant, nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered as significant. For further information, please refer to: Conformable Impact Mitigation Guidelines Committee, 1995. Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontological Resources: Standard Guidelines. *Society of Vertebrate Paleontology News Bulletin* 163:22-27.

⁶³ CEQA Guidelines, Appendix G(V).

logical monitoring plan. Monitoring should continue until, in the paleontologist's opinion, significant, nonrenewable paleontological resources are unlikely to occur.

In the event that paleontological resources are encountered during excavation, all work within 50 feet of the find shall be redirected until the monitor has evaluated the situation and provided recommendations for the protection of, or mitigation of adverse effects to, significant paleontological resources. Mitigation for impacts to significant paleontological resources shall include thorough documentation of the find and its immediate context to recover scientifically-valuable information. Upon completion of paleontological monitoring, a monitoring report shall be prepared. This scope of this report shall be approved by the City, but at a minimum the report will document the methods, results, and recommendations of the monitoring paleontologist. (LTS)

Impact HIST-2: Ground disturbing activities for the construction of subterranean parking structures, building foundations, and underground sewer and utility facilities could adversely impact cultural resources. (S)

Native Americans are known to have occupied and used the Project area vicinity, and in the historical American period residential and commercial use of all portions of the Project area was intensive and varied. These activities may have resulted in unidentified archaeological deposits that may qualify as historical or unique archaeological resources under CEQA. Project-related ground-disturbing activities may potentially disturb these deposits, which may result in a significant adverse effect to historical or archaeological resources under CEQA. Mitigation measures can reduce these effects to less-than-significant levels.

Mitigation Measure HIST-2: A qualified archaeologist⁶⁴ shall monitor all ground-disturbing activities in the Project area until, in the archaeologist's opinion, a depth has been reached at which potentially-significant archaeological deposits are unlikely to occur.

Should an archaeological deposit be encountered by Project activities, the monitor shall be empowered to halt construction in the vicinity of the find. Construction activities shall be redirected and a qualified archaeologist shall: 1) evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or archaeological resource; and 2) make recommendations about the treatment of the deposit, as warranted. If the deposit does not meet the CEQA definition of a historical or archaeological resource, then no further study or protection of the deposit is necessary. If the deposit does meet the CEQA definition of a historical or archaeological resource, then it shall be avoided by Project activities. If avoidance is not feasible, then effects to the deposit shall be mitigated through a data recovery strategy developed by the evaluating archaeologist. Mitigation of impacts to significant archaeological deposits through data recovery will recover scientifically-valuable information. This mitigation may include, but is not limited to, a thorough recording of the resource on DPR Form 523 records, or archaeological excavation. If archaeological excavation is the only feasible method of data recovery, then such excavation shall conform to the provisions of CEQA Guidelines §15126.4(b)(3)(C).

⁶⁴ "Qualified" is defined as meeting the professional standards established by the Secretary of the Interior. These standards can be found at: <http://www2.cr.nps.gov/laws/ProfQual83.htm>.

Upon completion of such archaeological monitoring, evaluation, or data recovery mitigation, the archaeologist should prepare a report documenting the methods, results, and recommendations of the investigation, and submit this report to the NWIC. (LTS)

Impact HIST-3: Ground-disturbing activities for the construction of subterranean parking structures, building foundations, and underground sewer and utility facilities could disturb human remains, including those interred outside of formal cemeteries. (S)

Mitigation Measure HIST-3: Should human remains be encountered by Project activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist should be contacted to evaluate the situation. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of such analysis, as appropriate, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the NWIC. (LTS)

(2) Building Demolition and New Building Construction. As shown in Table IV.I-1 and Figure IV.I-1, there are a total of 22 historic architectural resources (including portions of the 19th and San Pablo Commercial District) located within the Project site. All of the buildings located within Blocks 1 through 7 are proposed for demolition, with the possible exception of the Great Western Power Company Building. The Project applicant is considering three Project variants involving the Great Western Power Plant Building:

- **Demolition** of the Great Western Power Company Building (Variant 1);
- **Partial demolition** of the Great Western Power Company Building (Variant 2); or
- **Preservation** of the Great Western Power Company Building (Variant 3).

The impacts associated with these three different scenarios are discussed below. Resource #12 (see Figure 1), Kwik Way Drive-In/Giant Burger on Block 9 may also be demolished if Block 9 is selected to accommodate the relocation of the Sears Auto Center. This resource is not considered significant because it does not meet the criteria in subsection 1(g), Regulatory Context.

Of the 22 historic architectural resources within the Project site, the six resources listed below have the potential to be considered historical resources pursuant to CEQA.

- *518-520 Thomas L. Berkley Way (20th Street), the Great Western Power Plant (Local Register)*
- *1958-60 San Pablo Avenue, Snyder-Olmstead Building (PDHP)*
- *1966-68 San Pablo Avenue, Olmstead Building (PDHP)*
- *1972 San Pablo Avenue, Muller Tailor-Rankin plumbing shop (PDHP)*

- *1998 San Pablo Avenue, White Cabin Lunch Company (PDHP)*
- *19th and San Pablo Commercial District (ASI)*

OCHS documentation indicates that one of the five buildings (the Great Western Power Company Building) is listed on the City of Oakland's Local Register, and the remainder are Potential Designated Historic Properties (PDHPs). The historic district (19th and San Pablo Commercial District) is identified by Oakland Cultural Heritage Survey (OCHS) as an Area of Secondary Importance (ASI), and includes four of these five buildings as contributors.

Chapter III, Project Description, provides a detailed description of the new buildings proposed to be constructed within the Project area.

Impacts to Historic Buildings. The Project's potential impacts on the five buildings identified as potential historic resources are described below.

As noted above, the Great Western Power Company Building could be subject to one of the following three treatments as part of the proposed Project: 1) demolition; 2) partial demolition (i.e., preservation of portions of the building); and 3) full preservation (and possible reuse). Each of these actions would result in a different environmental impact. Therefore, implementation of the proposed Project would result in one of the following impacts.

Impact statements followed by a variant number (in italics) would occur only as a result of implementation of that variant. Impact statements followed by no variant number would result from implementation of the proposed Project, irrespective of which variant is ultimately implemented.

Impact HIST-4a (*Variant 1: Demolition; Variant 2: Partial Demolition*): The proposed Project may result in full or partial demolition of the Great Western Power Company Building, which is a local historical resource. (S)

The Great Western Power Company Substation and Steam Heat Plant is considered a historical resource. The demolition of this building, or portions of this building, located at 518-520 Thomas L. Berkley Way (20th Street), would eliminate this resource and thus constitute a significant adverse impact.

The Great Western Power Plant Building has been recorded on DPR 523 forms. In 1983 it was evaluated by the OCHS as eligible for listing on the National Register; the OCHS updated this evaluation record in 2000. It is rated "B+2+" by the OCHS, is listed in the Local Register, and is on the City's Preservation Study List. The building appears to be eligible for listing on the National Register under Criterion A and the California Register under Criterion A, for its associations with the Great Western Power Company, originally based in Oakland and, prior to its absorption by Pacific Gas & Electric Company, one of Northern California's three major early 20th century power companies. It also appears eligible for the National Register under Criterion C and the California Register under Criterion C, for its architectural significance as one of Oakland's best examples of an early 20th century power station.⁶⁵

⁶⁵ City of Oakland Planning Department, Oakland Cultural Resources Survey, 2000, op. cit.

Implementation of the following mitigation measure would minimize this impact as much as feasible. However, because the demolition of all or portions of a historical resource represents an irreversible change to the historical resource, this impact would remain significant and unavoidable, even after mitigation. Implementation of Variant 2 (partial demolition), would preserve portions of the Great Western Power Company Building and would fulfill many of the objectives of the following mitigation measure. Nevertheless, the implementation of Variant 2, which accomplishes more than Variant 1 in regard to the preservation of significant architectural features of the Great Western Power Company Building, would still result in a significant unavoidable impact to the building, because it may still result in material impairment. Without more specific plans about how the demolition would affect the resource, this impact remains significant and unavoidable.

Mitigation Measure HIST-4a (*Variant 1 and 2*): The following measures shall be implemented to preserve information about the resource for further study:

- Record the Great Western Power Company Building in accordance with the procedures of the Historical American Buildings Survey (HABS) through measured drawings, written histories, and large-format photographs;
- Prepare a history of the Great Western Power Company Building that incorporates oral history, documentary research, and architectural information;
- Prepare a brochure, regarding the building's historical association with one of three major early 20th century northern California power companies, to be made available at local libraries and museums;
- If full demolition of the building occurs, salvage architectural elements from the building, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction; and
- Curate all materials, notes, and reports at the OHR, and submit copies to the NWIC.

Even with extensive documentation, however, the demolition of the building or portions of the building would result in the loss of a historic resource that is associated with significant historical events and is an example of outstanding design and function. Therefore, the demolition or partial demolition of the building would remain a significant and unavoidable impact. (SU)

Impact HIST-4b (*Variant 3: Preservation*): Modification and reuse of the Great Western Power Company Building could adversely affect a historical resource. (S)

As described above, the Great Western Power Company Substation and Steam Heat Plant is rated "B+2+" by the OCHS, is listed in the Local Register, is on the City's Preservation Study List, and is considered a historical resource. Modifications of the Great Western Power Company Building, as part of adaptive reuse of the building, could adversely affect the architectural qualities that distinguish it as historically significant. Although the following mitigation measure may reduce this impact to a less-than-significant level, it cannot be determined with certainty at this time because there are no specific building plans for Block 7. Therefore, the impact remains significant and unavoidable because it is not known to what degree, if any, material impairment would occur.

Mitigation Measure HIST-4b (Variant 3): Any modifications to the exterior of the building that may be proposed as part of its preservation and reuse shall be developed in consultation with staff at the Planning Department and a qualified historic preservation architect to determine an appropriate treatment strategy. In the event that this measure is determined feasible and is implemented, Mitigation Measure HIST-5 shall also be implemented to ensure that development on the adjacent properties does not adversely impact the building's integrity. (SU)

Impact HIST-5 (Variant 3): Site clearance within the Project area adjacent to the Great Western Power Company Building could adversely impact a historical resource. (S)

If the Great Western Power Company Building is preserved as part of Variant 3, the building may be indirectly affected by the Project due to alteration of the setting of the building and its immediate surroundings. The Great Western Power Company Building is significant from an architectural perspective partly because it reflects the City Beautiful Movement in the United States, which promoted the beautification of common utilitarian structures.⁶⁶ One objective of the City Beautiful Movement was to focus on buildings in heavily urbanized settings so that beautification would result in the most striking aesthetic effect for the greatest number of people. The removal of the building's surroundings on the portion of Block 7 fronting Thomas L. Berkeley Way (20th Street) as part of implementation of the proposed Project would materially impair the Great Western Power Company Building's ability to convey its historical significance and association with the City Beautiful Movement. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure HIST-5 (Variant 3): The following two-part mitigation measure shall be implemented:

- The building's urban setting on the portion of Block 7 fronting Thomas L. Berkeley Way (20th Street) shall be documented prior to Project implementation. At a minimum, this documentation shall include panoramic streetscape photographs and an interpretive display that shall provide an overview of the former urban context and describe how this context contributed to the building's significance. This information shall be presented in an on-site display at the preserved Great Western Power Company Building to enable a viewer to easily associate the former setting with the existing building (i.e., panoramic streetscape photographs to show the building within the former street frontage). Upon completion of this documentation, a copy of all notes, photographs, and analysis shall be archived at the OHR and submitted to the NWIC.
- The City shall ensure that the designs for new adjacent buildings are evaluated⁶⁷ with respect to minimizing setting impacts on the historic resource. Project buildings adjacent to the Great Western Power Company Building shall be designed in a manner that minimizes inappropriate differences in mass and scale, if feasible. For example, designs could call for adjacent buildings to step-up to the height of the tallest Project element north of 20th Street,

⁶⁶ City of Oakland Planning Department, Oakland Cultural Heritage Survey, 2000, 1983-85, and 1994-95, op. cit.

⁶⁷ National Park Service, 1983. "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings." Website: http://www2.cr.nps.gov/tps/standguide/preserve/preserve_setting.htm

thereby reducing a potentially abrupt contrast between new buildings and the two-story Great Western Power Company Building. If the designs for the adjacent buildings follow the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings, then the Project will have a less-than-significant impact, pursuant to CEQA §15064.5(b)(3). (LTS)

However, if it is not feasible to minimize material impairment of the resource, then the impact would remain significant and unavoidable. (SU)

Impact HIST-6: Site clearance within the Project area could adversely impact four Potential Designated Historic Properties (PDHPs) in the Project area. (LTS)

Four buildings identified as PDHPs are proposed for demolition within the Project area:

- *1958-60 San Pablo Avenue, Snyder-Olmstead Building*
- *1966-68 San Pablo Avenue, Olmstead Building*
- *1972 San Pablo Avenue, Muller Tailor-Rankin plumbing shop*
- *1998 San Pablo Avenue, White Cabin Lunch Company*

These four buildings currently do not meet the definition of historical resources for the purposes of CEQA. As established in the HPE, effects to a PDHP may be considered significant under CEQA if the PDHP is included in Oakland's Local Register prior to demolition (e.g., by becoming a Designated Historic Property).⁶⁸ Policy 3.7 of the HPE (Property Relocation Rather Than Demolition) recommends that reasonable efforts be made to relocate threatened PDHPs to an acceptable site, if feasible. The Project applicant is willing to publish advertisements in local newspapers to notify the public of the buildings' availability for relocation. Action 3.7.1 of the HPE cites public notification as one means by which the "reasonable efforts" standard may be met.

If relocation is not feasible, the demolition of these buildings would constitute an adverse impact, but such an impact would not be considered a significant impact under CEQA. As currently specified by the HPE, PDHPs do not warrant the regulatory protections that are applied to Designated Historic Properties. Implementation of the following mitigation measure would minimize this less-than-significant impact through the preservation of information for future study.

Mitigation Measure HIST-6: If the relocation of the PDHPs proposed for demolition on the Project site is not feasible, the buildings shall be documented at a level of detail commensurate with their local importance. At a minimum, this effort shall include photo-documentation, as well as local oral history about the past uses and occupants of the buildings. This documentation shall be planned in consultation with OCHS in order to: 1) identify those qualities that support and justify the property's local significance; and 2) efficiently record and disseminate

⁶⁸ As defined in the HPE, PDHPs may be eligible for designation as Designated Historic Properties, which includes Landmarks, Preservation Districts, or Heritage Properties, a less exclusive designation. Heritage Property listings replace the Preservation Study List, which is defined by the Oakland Zoning Regulation Section 17.102.060 as "a study list of facilities under serious study . . . for possible landmark designation . . . or for other appropriate actions." For the purposes of CEQA, Policy 3.8 of the HPE states that all Designated Historic Properties are considered listings on Oakland's local register. These local register properties are considered historical resources as defined by PRC 5020.1(k).

such information in a way that most effectively offsets the loss of such buildings. At the completion of this documentation, all notes, photographs, and analysis shall be archived at the OHR, and a complete copy shall be submitted to the NWIC. (LTS)

Impacts to Historic Districts. The 19th and San Pablo Commercial District is not considered a historical resource under CEQA. For the purposes of CEQA, the proposed Project will not cause a significant adverse impact to the 19th and San Pablo Commercial District.

However, for the purposes of CEQA, the 19th and San Pablo Commercial District could be impacted by the proposed Project if: 1) the district is elevated to Preservation District status (a type of Designated Historic Property); and 2) the four PDHPs identified in Impact HIST-5 are demolished. However, this impact would be less than significant because the remaining majority of contributing properties would still retain enough of the district's character-defining elements to convey its historical significance. Buildings remaining after Project implementation will include the Hotel Arcade, the Hanifin Block, and the Dalziel Block. These remaining buildings include all of the district's primary contributors (the Hotel Royal, Hotel Arcade, and the Hanifin Block), which will continue to retain the district's major character defining elements that reflect turn-of-the-century commercial development in Oakland. These buildings represent styles that include Italianate, Beaux Arts-derived, and Classical Revival. They maintain the grandness of scale and ornamentation that characterize what the OCHS described as the "visually distinctive/turn-of-the-century commercial district." The retention of these distinctive buildings allows the district to continue to convey the historical significance of late 19th, early 20th century commerce in Oakland.

Impact HIST-7: Project demolition and construction could adversely impact the setting of the 19th and San Pablo Commercial District. (S)

If the 19th and San Pablo Commercial District receives a Preservation District designation, the Project may result in a significant impact to the district's setting. However, OCHS documentation indicates that the district's integrity of setting has been diminished by surrounding uses that "differ in use and visual coherence" from the district's contributing buildings.⁶⁹ Therefore, the Project's effects on the setting of the 19th and San Pablo Commercial District would not significantly impair the district's integrity.

Mitigation Measure HIST-7: No mitigation measure is necessary to address the less-than-significant impact. (LTS)

Impact HIST-8: Project demolition and construction could result in a significant cumulative impact on the 19th and San Pablo Commercial District. (S)

The demolition of the four PDHPs identified in Impact HIST-5 may result in a significant cumulative impact when considered with other projects that causing related impacts. The Thomas L. Berkley Square Project, located across Thomas L. Berkley Way (20th Street) from Project Block #1, proposes the demolition of two contributing properties of the 19th and San Pablo Commercial District (the Hotel Royal Building and the California Peanut Company Building). The impact of the Uptown Mixed-Use Project, while incremental when considered alone, will contribute to a cumulatively

⁶⁹ Oakland Cultural Heritage Survey, 2000, 1983-85, and 1994-95, op. cit.

significant impact when considered with the impacts of the Thomas L. Berkley Square Project. If both projects are implemented as proposed, six of nine contributing buildings of the 19th and San Pablo Commercial District will be demolished. This would result in a significant, unavoidable cumulative impact to the 19th and San Pablo Commercial District.

Mitigation Measure HIST-8: The City shall inform the applicant for the Thomas L. Berkley Square Project of the potential cumulative impact prior to the implementation of the Uptown Mixed-Use Project. The City shall consult with both project applicants to establish a fair division of responsibility to fund mitigation measures to preserve information about the 19th and San Pablo Commercial District for future study. These mitigation measures shall include the following:

- Record the 19th and San Pablo Commercial District in accordance with the procedures of HABS through measured drawings, written histories, and large-format photographs;
- Prepare a history of the 19th and San Pablo Commercial District that incorporates oral history, documentary research, and architectural information;
- Prepare a brochure, regarding the district's historical association with turn-of-the-century Oakland commerce, to be made available at local libraries and museums;
- Salvage architectural elements from the buildings proposed for demolition, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction; and
- Curate all materials, notes, and reports at the OHR, and submit copies to the NWIC.

Even with extensive documentation, however, a cumulative impact will result from the demolition of 66 percent of the 19th and San Pablo Commercial District's contributing buildings. This loss of contributing buildings will materially affect the district's ability to convey its historical significance, which will result in a significant, unavoidable cumulative impact. (SU)

Impact HIST-9: Site clearance within the Project area could adversely impact historic architectural buildings inventoried by the OCHS. (LTS)

Sixteen buildings inventoried by the OCHS⁷⁰ are proposed for demolition within the Project area (see Figure 1, buildings #2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 20, and 21). These 16 buildings are not listed in the Local Register, do not have the potential to be listed, and do not meet any other criteria for consideration as historical resources, as defined by CEQA §21084.1.

Because these 16 buildings are not considered historical resources for the purposes of CEQA, their demolition will not result in a significant adverse effect.

Mitigation Measure HIST-9: No mitigation measure is necessary to address the less-than-significant impact. (LTS)

Impact HIST-10: The construction of Project buildings could adversely impact historic architectural resources adjacent to the Project area. (LTS)

⁷⁰ Oakland Cultural Heritage Survey, 2000, 1983-85, and 1994-95, op. cit.

Several Local Register buildings are located across the streets and in areas adjacent to the Project area. These buildings include the Italianate Hanifin and Dalziel Blocks and the Classical Revival Hotel Arcade/San Pablo across San Pablo Avenue from the proposed five-story buildings in Project area Blocks 1 and 2. Local Register buildings across Telegraph Avenue from Blocks 3 and 4 of the Project area include the Oakland Floral Depot and Capwell's, both designed by architects Ashley & Evers. Located across 20th Street from Block 1 of the proposed Project are the Arts and Crafts Hotel Royal and the Beaux Arts-derivative California Peanut Company-Oakland Post Building, both listed on the Local Register. The Paramount Theater and the I. Magnin Company Building, both Local Register properties, are adjacent to Block 8.

These architectural resources listed on the Local Register generally retain their integrity of location, design, materials, workmanship, and association from their period of significance. The integrity of setting and feeling to their period of significance, however, has been compromised by subsequent contrasting development that has resulted in a varied mix of urban uses. The proposed Project, partly consisting of five-story buildings, would not result in an adverse effect to those elements that would render them eligible for the California Register. No adverse effect would occur because the integrity of setting and association of the Local Register resources has already been compromised.

Of greater effect, however, would be the construction of the 19-22 story tower on Block 7. This building would alter the viewshed of the YMCA Building and those buildings in the Cathedral Historic District across 21st Street. However, construction of the tower at this location would not alter the characteristics that define their California Register significance.⁷¹

Mitigation Measure HIST-10: No mitigation measure is necessary to address the less-than-significant impact. (LTS)

Impact HIST-11: The proposed Project could impact the setting of the Fox Oakland Theater. (LTS)

The Fox Oakland Theater is rated by the OCHS as A1+, listed on the National Register, and designated as a City Landmark.⁷² The Fox Oakland Theater is a primary contributor to a potential Uptown Shopping/Entertainment historic district,⁷³ and the focus of numerous historic preservation activities since the mid-1970s. The proposed Project has the potential to affect this historic property.

⁷¹ The Cathedral District is noted for a range of architectural styles from 1868-1915, some of which include examples of buildings modified following the 1906 earthquake and fire in San Francisco. The district also included a distinctive church, St. Francis de Sales Cathedral, which was demolished in 1993. The YMCA Building is significant for its architectural expressiveness and composition, as well as for its association with an important community institution and a notable local architect, William Charles Hays.

⁷² The Fox Oakland Theatre was designed by Weeks & Day and Maury Diggs and completed in 1927-28. It is a turreted and crenellated Hindu-Deco movie palace with wraparound store and office wings, clad in brown brick and exuberant polychrome tile. It is a primary contributor to a potential Uptown historic district whose themes are luxury shopping and entertainment and Art Deco architecture of the 1920s and 1930s (with the remainder of the district located on the east side of Telegraph Avenue and along Broadway from 17th to 21st Streets) (OCHS, 2000).

⁷³ City of Oakland Planning Department, Oakland Cultural Resources Survey, 2000, 1983-85, and 1994-95, op. cit.

The area around the Fox Oakland Theater has been significantly altered since it was constructed in the late 1920s. The area experienced its heyday in the following decade, when its surroundings grew to include the Paramount Theater, Capwell's, the Oakland Floral Depot Building, and a variety of commercial enterprises, none of which are over four stories in height. The tower and façade of the Fox Oakland Theater, with the Floral Depot across Telegraph Avenue and the Capwell's store up the street, dominated the uptown landscape.

Since that time, several buildings have been demolished and others have been remodeled so that they no longer reflect their period of significance. A number of parking structures and lots have also been constructed. There have, however, been no multi-story buildings constructed within the Project area, but many have been developed nearby, and those have significantly altered the skyline. The theater retains its integrity of location, design, materials, workmanship, and feeling to a remarkable degree, although its integrity of setting and association has been compromised.⁷⁴

Although the proposed Project would alter the immediate surroundings of the Fox Oakland Theater, the new construction would represent a less-than-significant effect because of the previous compromises in setting and association.

Mitigation Measure HIST-11: No mitigation measure is necessary to address this less-than-significant impact. (LTS)

Impact HIST-12: The proposed Project could impact the operations of the Fox Oakland Theater and, therefore, indirectly impact its architectural qualities. (LTS)

The future viability of the Fox Oakland Theater as a performing arts facility that retains the architectural integrity of its interior depends upon many elements; providing sufficient space behind the theater to accommodate a loading area and other possible uses is one. The Friends of the Fox Theater have expressed concern that if insufficient space is provided between the theater and Project elements, the ability of the Fox Oakland to operate as a viable performance arts venue may be affected. Were this limitation to lead to a different use of the Fox Oakland Theater that requires architectural modification or interior alterations, or to disinvestment and gradual physical decline, such change could impact the building's character-defining elements and could result in a "substantial adverse change" in the theater's ability to convey its historical significance.

The City's existing regulations require a separate and thorough analysis of any physical modifications to designated landmarks. Such modifications are not being proposed as part of this project. Therefore, sufficient space (50 feet) has been reserved behind the Fox Oakland Theater so that it can continue to function as a performing arts venue. Volume III of the Fox Theater Master Plan presents five alternatives that provide for rehabilitation of the theater. Each alternative provides a reserve space of approximately 40 feet behind the building.⁷⁵ Thus, the 50 feet of reserve space proposed as part of the Project would be sufficient to allow the building to re-establish operation as a theater.

⁷⁴ Although no criteria were noted in the nomination, the Fox Oakland was determined eligible for the National Register, evidently under Criterion A, for its association with the film industry and as the largest movie theatre in Oakland at the time, and Criterion C, for its Art Deco-Hindu architectural significance, and as one of the last remaining Art Deco buildings in downtown Oakland.

⁷⁵ Hardy Holzman Pfeiffer Associates, LLP, 2001. *Fox Theater Master Plan*. May 30.

Mitigation Measure HIST-12: No mitigation measures is necessary for this less-than-significant impact. (LTS)

(3) Streetscape Improvements. Significant improvements and modifications to the area's streetscape are proposed as part of the Project. These improvements could adversely impact historical resources as described below.

Impact HIST-13: The enhancement of streetscape features and lighting on streets fronting the Project area may impact historical resources, including elements of the Uptown Shopping/Entertainment Historic District and the Fox Oakland Theater. (S)

Mitigation Measure HIST-13: Prior to Project initiation, the plan for the enhancement of street features and lighting on Telegraph Avenue shall be reviewed by planning staff to ensure that it conforms to the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings*.⁷⁶ Conformance with these guidelines will ensure that these improvements are compatible with nearby historical resources, and will mitigate potential Project effects to less-than-significant levels.⁷⁷ (LTS)

⁷⁶ National Park Service, 1983. "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings," with an emphasis on site and setting. Website: http://www2.cr.nps.gov/tps/standguide/preserve/preserve_site.htm and http://www2.cr.nps.gov/tps/standguide/preserve/preserve_setting.htm.

⁷⁷ CEQA §15064.5(b)(3).