

E. CULTURAL AND HISTORIC RESOURCES

This section describes the cultural and historic resources setting within the Plan Area and its vicinity; describes relevant State and local regulatory considerations; provides an assessment of potential impacts to these resources and resources that may be identified in the future that could result from implementation of the Specific Plan and its associated future development. Specific Plan policies, existing City policies, and Standard Conditions of Approval (SCAs) that would reduce potential impacts are identified.

Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or cultural value based on their historical significance. Cultural resources include, for example, archaeological sites, historic roadways, landscapes, buildings of architectural significance, and can generally be divided into the following subsets pursuant to CEQA: historical, intangible cultural, archaeological, and paleontological resources.

- **Historical Resources.** The definition of "historical resources" is contained in Section 15064.5 of the CEQA Guidelines. Under CEQA, historical resources are defined as those resources meeting one of the four criteria for listing on the California Register of Historical Resources (CRHR). These four criteria are described below in *Section V.E.3.b* of this chapter. Buildings, structures, objects, sites, and historic districts determined to be eligible for or listed on the National Register of Historic Places (NRHP), or that are included in a local register of historical resources, are also considered historical resources under CEQA. A lead agency may also determine an historical resource to be significant for purposes of CEQA.
- **Intangible Cultural Resources.** In recent years, California communities have become increasingly aware of cultural assets or resources that may not be represented in a tangible way, such as buildings, structures, objects, sites, or historic districts, but that might be significant within the history of a community or culture. Examples of this may be: an ethnic festival, parade, or gathering that has been held for a long-standing period of time but does not have a specific location tied to the activity; the location of an important event for which no tangible resource, like the building in which the event took place, is extant; traditional cultural practices, such as dances or songs that convey the traditions of a group of people but that are not necessarily site specific; or an area or neighborhood that was traditionally inhabited by a particular group or that has specific cultural affiliations, but may not have the same physical configuration that it had historically. These types of resources are more difficult to identify, define, and preserve, but they may also be considered a resource for the purpose of CEQA. The Culture Keeping Chapter of the Downtown Oakland Specific Plan touches on some of these types of intangible cultural resources, which are important within the context of Downtown Oakland. The Specific Plan begins to shape goals and policies for ensuring their longevity within the community.

- **Archaeological Resources.** Archaeological resources are places where human activity has measurably altered the earth or left deposits of physical remains. Archaeological resources may be either prehistoric (before the introduction of writing in a area) or historic (after the introduction of writing). Most of such places in this region are associated with either Native American or Euroamerican occupation of the area. The most frequently encountered prehistoric and early historic Native American archaeological sites are village settlements with residential areas and sometimes cemeteries; temporary camps where food and raw materials were collected; smaller, briefly occupied sites where tools were manufactured or repaired; and special-use areas like caves, rock shelters, and sites of rock art. Historic archaeological sites may include foundations or features such as privies, corrals, and trash dumps.
- **Paleontological Resources.** Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones), invertebrates (e.g., starfish, clams, ammonites, and marine coral), and fossils of microscopic plants and animals (microfossils). Paleontological resources are distinct from archaeological resources in that they record past plant and animal life, and not human history.

1. Setting

This section describes the pre-historic and historical context of the region and describes the cultural resources within the Plan Area and their significance under CEQA. Information in this subsection was taken from: (1) background research conducted by cultural resources staff and architectural historian Bridget Maley of architecture + history. A full report prepared by architecture + history can be found in Appendix D of this document.

The following subsections include methods of the analysis, an overview of the area's pre-historic and historic setting, and identification of historic and potentially significant historic properties.

a. Methods

Background research for this analysis included preparing a Historic Building Typology Study to supplement the Oakland Cultural Heritage Survey (OCHS); conducting a records search, and literature review; and consultation with the Native American Heritage Commission (NAHC) and historical organizations. This research was conducted to better understand the historical context of the Plan Area and identify previously conducted cultural resource studies and previously recorded cultural resources within or adjacent to the Plan Area.

(1) Historic Building Typology Study

As part of the analysis for this EIR, architecture + history worked with the OCHS to develop the Downtown Oakland Historic Building Typology Study, which is included in Appendix D of this EIR.

The study includes building types related to the recent past, as developed in the post-World War II era.

The urban fabric of Downtown Oakland is a complex mix of old and new, large- and small-scale, designed and vernacular properties representing a broad range of building types, architectural styles, and development eras. The City's longstanding commitment to understanding historic resources manifest in the Oakland Cultural Heritage Survey (OCHS), which has extensively documented Downtown Oakland's historic and cultural resources. An overview of the history and development of Oakland is contained in the City's Historic Preservation Element, and *Section V.E.2* of this EIR, above, summarizes the development of downtown. Further, the Context Section of the Downtown Oakland Specific Plan lays out the population trends and influences that are reflected in the multi-cultural nature of Oakland, as manifest in downtown.¹

OCHS has prepared extensive neighborhood histories, context statements, and individual property and historic district Areas of Primary Importance (API) and Areas of Secondary Importance (ASI) documentation for resources within the Plan Area. However, documentation of Downtown Oakland's properties of the recent past (1950-1970s) is sparse, necessitating further research into the places that define that period. Generally, resources that are 50 years old or older are eligible for listing in inventory; however, when a resource has exceptional significance, it may be designated if it has not yet achieved 50 years in age. By 2020, resources that were built in 1970 will be 50 years in age. While a complete re-inventory of the entire downtown area was not feasible, the Historic Building Typology Study defines prominent building types, provides examples, identifies geographic areas in which they are located, and puts forward an assessment of threats to each type.

(2) Intangible Cultural Resources

There are broader cultural overlays by various significant groups that have used, shaped, and influenced downtown's multi-cultural experience. Sometimes these overlays are composed of intangible cultural resources, which have not been previously documented or the impact of which are not fully known at the urban scale. These resources should be more fully understood and highlighted even if they are not associated with a specific element of the built environment, or if their association with a built resource was not linked to its original use. The Culture Keeping chapter of the Specific Plan begins to unveil these types of resources, groups, and assets that have a presence in Downtown Oakland. Similar to a re-inventory of the historic built environment of downtown for this EIR, it was not possible to identify all of the cultural groups, festivals, celebrations, musical and craft traditions, and other intangible resources that relate to

¹ City of Oakland, 2019. Downtown Oakland Specific Plan Preliminary Draft Plan, January 16, pages 17-23.

Downtown Oakland. Outreach to Native American groups (described in detail below) is one means to understand how the Specific Plan may impact one set of downtown constituents. The City of Oakland has begun to study development-based planning and zoning tools that would assist in the preservation of historic uses that are production, distribution, and repair based, as well as arts or hand-craft related.² Further, in its Equity Assessment of the Plan Options, the City has begun to understand how Plan implementation would relate to issues of equity, displacement, gentrification, and the “widening income, health, and opportunity gaps affecting Oakland’s residents today.”³ Woven throughout the Equity Assessment document is an assessment of how Oakland’s diverse population contributes to the varied cultures, cultural traditions, and intangible resources that contribute to downtown’s vibrancy as a place. Based on feedback in the early stages of the Specific Plan effort, it became apparent that “while many Oakland residents feel immense pride in, and connection to their deep cultural heritage, many do not see their communities, cultural identities, or artistic traditions represented or supported in planning documents to date, the Oakland that has been emerging in recent years, or conditions that are rapidly displacing longstanding residents.”⁴ Based on the Equity Assessment, the Specific Plan deepened its engagement efforts and developed policies and an implementation strategy to maintain long-standing Oakland traditions, cultures, celebrations, crafts, and the artistic vision of the city as downtown evolves.

(3) Records Search

An archaeological literature review and records search was conducted at the Northwest Information Center (NWIC), housed at Sonoma State University, on November 26, 2018. This inventory effort included the Plan Area and a ¼-mile radius around the Plan Area, collectively termed the Plan study area. The objective of this records search was to identify prehistoric or archaeological resources that have been previously recorded within the Plan study area during prior cultural resource investigations. No built environment resource files or information were requested as part of this search.

The records search results indicate that no less than 74 previous investigations have been conducted and documented within the project study area since 1977. At least 55 of the previous studies encompass portions or all of the Plan Area; the remaining 19 resource investigations cover the Plan study area (Appendix D, Table 4-1 and Table 4-2). While numerous studies include

² Strategic Economics, 2017. Memorandum to Ed Manasse and Joanna Winter, City of Oakland from Nadine Fogarty and Alison Nemirow, Strategic Economics, re: Development-Based Tools to Preserve and Expand Arts and PDR Workspaces, September 2017.

³ City of Oakland, Institute for Social, Economic, Environmental, and Educational Design (ISEEED)., et al., 2018. Keeping “the Town” in Downtown: An Assessment and Recommendations to Support Racial Equity in the Downtown Oakland Specific Plan., page 4, November 29.

⁴ Ibid.

portions of Downtown Oakland, only approximately 40 percent of the Plan Area has been surveyed.

The records search results indicated that 24 cultural resources have been previously recorded within the Plan Area (Tables V.E-1 and V.E-2). These resources include 15 historic-era sites (including 2 built resources), 6 prehistoric sites, and 3 prehistoric sites of an unknown age. Each resource is briefly described in the table below.

(1) Native American Coordination

PaleoWest contacted the Native American Heritage Commission (NAHC) as part of the cultural resource assessment on November 30, 2018, for a review of the Sacred Lands File. The objective of the Sacred Lands File (SLF) search was to determine if the NAHC had any knowledge of Native American cultural resources (e.g., traditional use or gathering areas, places of religious or sacred activity, etc.) within the immediate vicinity of the Plan Area. The NAHC responded with a letter dated December 4, 2018, stating “a records search of the Native American Heritage Commission (NAHC) Sacred Lands File was completed for the area of potential project effect (APE) referenced above with negative results. Please note that the absence of specific site information in the Sacred Lands File does not indicate the absence of Native American cultural resources in any APE”; the NAHC requested that seven Native American tribal groups be contacted to solicit information regarding cultural resources that could be impacted by the Specific Plan (Appendix D). Seven tribal groups were contacted by email or standard mail on December 10, 2018.

As of January 14, 2019, three responses have been received. Irene Zwierlein, of the Amah Mutsun Tribal Band of Mission San Juan Bautista, requested to be notified of any ground-disturbing activities in the Plan Area. She has no additional information regarding cultural resources in the area. Edward Ketchum of the Amah Mutsun Tribal Band stated that the Plan Area is outside of their tribal territory. PaleoWest conducted follow up phone calls on January 14, 2019 to the remaining individuals that had not yet responded to the scoping letter. One response was received as a result of this follow up outreach attempt from Valentin Lopez of the Amah Mutsun Tribal Band; he stated that the Plan Area is outside of his territory and therefore has no comments. An example of the SLF search request letter, the list of contacts, a sample scoping letter, and a contact/response matrix are included in Appendix D.

In addition to scoping and Native American outreach as a best management practice, PaleoWest assisted the City with Senate Bill (SB) 18 consultation (SB 18, see *Section V.E.3.b.7* of this chapter for further discussion). To facilitate this government-to-government consultation on behalf of the City, PaleoWest contacted the NAHC by email on December 10, 2018 with a request for the SB 18 Tribal Consultation List. The NAHC provided a list of tribes that would be interested in consulting

TABLE V.E-1 ARCHAEOLOGICAL RESOURCES WITHIN THE PLAN AREA

Primary Number/ Trinomial	Resource Name	Age	Recorder	Eligibility Recommendation
P-01-000016*	Block 1 Cypress I-880 Replacement Project (historic city block dated between 1850 and 1910)	Historic	1994 (Jack Mc Ilroy, Anthropological Studies Center, Sonoma State University)	7R (not evaluated)
P-01-000243*	Block 3, Cypress I-880 Replacement Project (historic city block dated between 1860 and 1910)	Historic	1995 (Michael Meyer, Anthropological Studies Center, Sonoma State University)	7R (not evaluated)
P-01-000244*	Block 2, Cypress I-880 Replacement Project. (historic city block dated between 1860 and 1910)	Historic	1994 (Jack Mc Ilroy, Anthropological Studies Center, Sonoma State University)	7R (not evaluated)
P-01-001783/CA-ALA-000623H	Segments of the Southern Pacific Railroad	Historic	1990 (G. Davis, Dames & Moore); 1994 (Brian Hatoff, Woodward-Clyde Consultants); 1996 (John W. Snyder, P.S. Preservation Services); 1997 (E. McKee, Caltrans District 4); 1998 (Elizabeth McKee, Caltrans District 4); 1999 (Elizabeth McKee, Caltrans District 4); 1999 (William Kostura, Caltrans District 4); 2001 (Tracy Bakic, Cindy Baker, PAR Environmental Services, Inc.); 2001 (K. Van Citters, K. Bisson, Van Citters: Historic Preservation LLC); 2002 (C. McMorris, A. Blosser, JRP); 2003 (Ward Hill, [none]); 2006 (Christopher Canzonieri, [none]); 2008 (David Buckley, William Self Associates); 2009 (J. Dougherty, J. P. Glover, PAR Environmental Services); 2009 (T. Martin, K. Frank, GANDA); 2009 (T. Martin, K. Frank, GANDA); 2010 (Lisa Holm, Lee Panich, Pacific Legacy, Inc.); 2015 (Kruger Frank, Erica Schultz, GANDA); 2015 (Daniel Shoup, A/HC); 2017 (Nicholas Radtky, InContext)	6c (not eligible)

TABLE V.E-1 ARCHAEOLOGICAL RESOURCES WITHIN THE PLAN AREA

Primary Number/Trinomial	Resource Name	Age	Recorder	Eligibility Recommendation
P-01-002190	Western Pacific Railroad (railway bridge)	Historic Built Resource	1994 ([none], Woodward-Clyde Consultants); 1994 ([none], Woodward-Clyde Consultants); 1994 ([none], Woodward-Clyde Consultants); 1994 ([none], Woodward-Clyde Consultants); 1994 ([none], Woodward-Clyde Consultants); 1997 (Celia McCarthy, Port of Oakland); 1998 (Elizabeth McKee, Caltrans District 4); 1999 (William Kostura, Caltrans District 4); 2002 (Sara Palmer, Judith Marvin, LSA Associates, Inc.); 2002 (Madeline Lanz, Jones & Stokes); 2002 (Madeline R. Lanz, Jones & Stokes); 2002 (C. McMorris, A. Blosser, JRP Historical Consulting); 2005 (B. Larson, JRP Historical Consulting); 2005 (B. Larson, JRP Historical Consulting); 2005 (B. Larson, JRP); 2006 (Christopher Canzonieri, [none]); 2009 (T. Martin, K. Frank, GANDA); 2014 (Dean M. Duryea, Jr., Statistical Research, Inc.)	3B (eligible)
P-01-010520*	Oakland Block 55 (6 features)	Historic	2002 (Thad M. Van Bueren, Caltrans District 4)	6C (not eligible)
P-01-010529*	ESA-OAK-011a (isolate railroad construction materials)	Historic	2000 (Dean Martorana, K. Ross Way, Environmental Science Associates)	7R (not evaluated)
P-01-010531*	ESA-OAK-001c (isolate railroad construction materials)	Historic	2001 (K. Ross Way, Christine O'Rourke, Environmental Science Associates)	7R (not evaluated)
P-01-010532	ESA-Oak-002 (artifact scatter)	Historic	2000 (K. Ross Way, Environmental Science Associates); 2014 (Ross Way, Robert Ramirez, Kevin Hunt, Rincon Consultants)	6C (not eligible)
P-01-010533*	ESA-Oak-003 (isolate fire hydrant)	Historic	2000 (K. Ross Way, Environmental Science Associates)	7R (not evaluated)
P-01-010534*	ESA-Oak-004 (isolate manhole)	Historic	2001 (K. Ross Way, Christine K. O'Rourke, Environmental Science Associates)	7R (not evaluated)

TABLE V.E-1 ARCHAEOLOGICAL RESOURCES WITHIN THE PLAN AREA

Primary Number/ Trinomial	Resource Name	Age	Recorder	Eligibility Recommendation
P-01-010535*	ESA-Oak-005 (isolate manhole)		Historic	2001 (K. Ross Way, Environmental Science Associates) 7R (not evaluated)
P-01-010861*	JLS-Site C (wharf planks)		Historic	2007 (Tom Young, William Self Associates) 6C (not eligible)
P-01-010919/ CA-ALA- 000631H*	Block 42 (Historic block)		Historic	2008 (Janet Pape, Caltrans District 4) 6C (not eligible)
P-01-000042/ CA-ALA- 000022*	Easton Building (isolate mortar)		Prehistoric	1928 ([none], San Francisco Chronicle); 1967 (Richard Schwartz, [none]); 2006 (Richard Schwartz, [none]) 7R (not evaluated)
P-01-000091/ CA-ALA- 000314*	Nelson's 314 (Mortar & burial)		Prehistoric	1910 (Nelson, Pilling, [none]); 1952 (Meighan, Baumhoff, [none]); 1999 (J. Nelson, Far Western Anthropological Research Group) 7R (not evaluated)
P-01-010690*	AC-149 (Isolate clam & oyster shells)		Prehistoric	2012 (Suzanne Baker, Michael Smith, Archaeological/Historical Consultants) 7R (not evaluated)
P-01-010691*	AC-150 (isolate shell)		Prehistoric	2012 (Suzanne Baker, Michael Smith, Archaeological/Historical Consultants) 7R (not evaluated)
P-01-010796*	Fallon & 7TH Street (burial & mortar)		Prehistoric	2006 (Richard Schwartz, [none]) 7R (not evaluated)
P-01-010994*	Indian Charmstone		Prehistoric	2008 (Richard Schwartz, [none]) 7R (not evaluated)
P-01-010693*	AC-152 (shell scatter)		Unknown	2004 (Suzanne Baker, Michael Smith, Archaeological/Historical Consultants) 7R (not evaluated)
P-01-010695*	AC-154 (shell fragments)		Unknown	2004 (Suzanne Baker, Michael Smith, Archaeological/Historical Consultants) 7R (not evaluated)
P-01-010696*	AC-155 (shell fragments)		Unknown	2004 (Suzanne Baker, Michael Smith, Archaeological/Historical Consultants) 7R (not evaluated)

*Indicates that the resource has been evaluated more than 10 years ago and will need to be reevaluated.

TABLE V.E-2 CULTURAL RESOURCES RECORDED WITHIN THE PROJECT STUDY AREA

Primary/Trinomial	Resource Name	Location	Age	Recording Events
P-01-000256	Block 4, Cypress I-880 Replacement Project (historic city block dated between 1870 and 1951)		Historic	1995 (Anmarie Medin, ASC SSU)
P-01-000257	Block 6, Cypress I-880 Replacement Project (historic city block dated between 1870 and 1951)		Historic	1995 (Anmarie Medin, Anthropological Studies Center, Sonoma State University)
P-01-000258	Block 7, Cypress I-880 Replacement Project (historic city block dated between 1900 and 1951)		Historic	1995 (Anmarie Medin, Anthropological Studies Center (SSU))
P-01-001783/ CA-ALA-000623H	Segments of the Southern Pacific Railroad		Historic	1990 (G. Davis, Dames & Moore); 1994 (Brian Hatoff, Woodward-Clyde Consultants); 1996 (John W. Snyder, P.S. Preservation Services); 1997 (E. McKee, Caltrans District 4); 1998 (Elizabeth McKee, Caltrans District 4); 1999 (Elizabeth McKee, Caltrans District 4); 1999 (William Kostura, Caltrans District 4); 2001 (Tracy Bakic, Cindy Baker, PAR Environmental Services, Inc.); 2001 (K. Van Citters, K. Bisson, Van Citters: Historic Preservation LLC); 2002 (C. McMorris, A. Blosser, JRP); 2003 (Ward Hill, [none]); 2006 (Christopher Canzonieri, [none]); 2008 (David Buckley, William Self Associates); 2009 (J. Dougherty, J. P. Glover, PAR Environmental Services); 2009 (T. Martin, K. Frank, GANDA); 2010 (Lisa Holm, Lee Panich, Pacific Legacy, Inc.); 2015 (Kruger Frank, Erica Schultz, GANDA); 2015 (Daniel Shoup, A/HC); 2017 (Nicholas Radtkey, InContext)
P-01-001788	Block 5, Cypress I-880 Replacement Project (historic city block dated between 1870 and 1951)		Historic	1996 (Anmarie Medin, ASC, SSU)
P-01-003142	Bethlehem Shipbuilding Plant, Craneway No 1		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003143	Bethlehem Shipbuilding Plant, Craneway No 2		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)

TABLE V.E-2 CULTURAL RESOURCES RECORDED WITHIN THE PROJECT STUDY AREA

Primary/Trinomial	Resource Name	Location	Age	Recording Events
P-01-003144	Bethlehem Shipbuilding Plant, Craneway No 3		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003145	Bethlehem Shipbuilding Plant, Craneway No 4		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003146	Bethlehem Shipbuilding Plant, Craneway No 5		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003147	Bethlehem Shipbuilding Plant, Craneway No 6		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003148	Bethlehem Shipbuilding Plant, Shipway 1		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003149	Bethlehem Shipbuilding Plant, Shipway 2		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003150	Bethlehem Shipbuilding Plant, Shipway 3		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003151	Bethlehem Shipbuilding Plant, Shipway 4		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003152	Bethlehem Shipbuilding Plant, Welding Platform		Historic	1988 (Michael Crobett, Mary Hardy, Alameda City Planning Department)
P-01-003157	Head Houses and Ways		Historic	1988 (Michael Corbett; Mary Hardy, Alameda City Planning Department); 2017 ([none], Carey and Co., Inc.)
P-01-003170	Associated Oil Co Wharf, Boat Marina		Historic	1988 (Michael Corbett, Mary Hardy, Alameda County Planning Department)
P-01-003171	Associated Oil Co Wharf, West End of Wharf; Rusty Pelican		Historic	1988 (Michael Corbett, Mary Hardy, Alameda County Planning Department)
P-01-003218	Todd Shipyard, Alameda		Historic	1988 (Michael Corbett, Mary Hardy, Alameda City Planning Department); 1998 (Michael Corbett, Mary Hardy, Basin Research Associates)
P-01-010530	ESA-OAK-001b (Railroad grade)		Historic	2000 (K. Ross Way, Environmental Science Associates)
P-01-010533	ESA-Oak-003 (saltwater fire suppression system feature)		Historic	2000 (K. Ross Way, Environmental Science Associates)
P-01-010534	ESA-Oak-004 (abandon manhole)		Historic	2001 (K. Ross Way, Christine K. O'Rourke, Environmental Science Associates)

TABLE V.E-2 CULTURAL RESOURCES RECORDED WITHIN THE PROJECT STUDY AREA

Primary/Trinomial	Resource Name	Location	Age	Recording Events
P-01-000026/CA-ALA-000005	Nelson's 314a (prehistoric site)		Prehistoric	1910 (N. Nelson, A. Pilling, University of California, Berkeley); 2005 (Suzanne Baker, Archaeological/Historical Consultants); 2008 (Christian Gerike, Neal Kaptain, LSA Associates, Inc.)
P-01-010692	AC-151 (shell scatter)		Prehistoric	2012 (Suzanne Baker, Michael Smith, Archaeological/Historical Consultants)
P-01-010694	AC-153 (shell scatter)		Prehistoric	2004 (Suzanne Baker, Michael Smith, Archeological/Historical Consultants); 2008 (Christian Gerike, Neal Kaptain, LSA Associates, Inc.)
P-01-010695	AC-154 (shell scatter)		Unknown	2004 (Suzanne Baker, Michael Smith, Archaeological/Historical Consultants)
P-01-010696	AC-155 (shell scatter)		Unknown	2004 (Suzanne Baker, Michael Smith, Archaeological/Historical Consultants)

Source: NWIC, Sonoma State University, Rohnert Park, November 26, 2018. Additional sources consulted during the cultural resource literature review and records search include the NRHP, the Office of Historic Preservation Archaeological Determinations of Eligibility, and the Office of Historic Preservation Directory of Properties in the Historic Property Data File. There are no listed historic properties, historical resources, or historic landmarks recorded within the Plan study area.

with the City during the planning stages of the Downtown Oakland Specific Plan. SB 18 letters were sent out on behalf of the City. The City is facilitating Assembly Bill (AB) 52 (see *Section V.E.3.b.8* of this chapter for further discussion) and SB 18 consultation.

b. Prehistoric Context and Setting

Categorizing the prehistoric period into cultural stages allows researchers to describe a broad range of archaeological resources with similar patterns and components during a given timeframe, thereby creating a regional timeline. In California, the development of systems to categorize prehistoric artifacts and other archaeological resources started with the first professional and academic-sponsored archaeological investigations in central California in the 1930s. As a result of these investigations, a scheme was developed to date cultural materials found throughout central California, dividing prehistoric cultures into Early, Middle, and Late horizons (horizons refer to a distinctive type of artifact, art style, or cultural trait found across a region from a limited time period). This method of organizing and dating materials found in archaeological investigations in Central California became known as the Central California Taxonomic System (CCTS).⁵

As archaeological investigations conducted further fieldwork, local exceptions to the CCTS were discovered. The accumulation of these exceptions, coupled with the development of chemical methods for dating archaeological deposits in the 1950s through 1970s, made it possible to date prehistoric artifacts more accurately. Much of the subsequent archaeological investigation in Central California throughout the 1960s and 1970s focused on the creation and refinement of local versions of the CCTS. Beginning in the 1970s, archeologists in California began to identify artifacts and remains by “patterns” that emphasized similar cultural practices between groups, rather than strictly grouping deposits by time period.

In 2007, Milliken et al.⁶ developed a “hybrid system” for cataloging artifacts in San Francisco Bay Area based on Early-Middle-Late Periods. The “hybrid system” was first described in the CCTS

⁵ Fredrickson, David A., 1973. *Early Cultures of the North Coast Ranges, California*. Doctoral dissertation, Department of Anthropology, University of California, Davis.; Fredrickson, David A., 1994. *Archaeological Taxonomy in Central California Reconsidered*. In *Toward a New Taxonomic Framework for Central California Archaeology*. Essays by James A Bennyhoff and David A. Fredrickson, Richard E. Hughes, editor, pages 93-104. Contributions of the University of California Archaeology Research Facility 52. Berkeley, CA.

⁶ Milliken, Randall, Richard T. Fitzgerald, Mark G. Hylkema, Randy Groza, Tom Origer, David G. Bieling, Alan Leventhal, Randy S. Wiberg, Andrew Gottsfield, Donna Gillette, Viviana Bellifemine, Eric Strother, Robert Cartier and David A. Fredrickson, 2007. *Punctuated Culture Change in the San Francisco Bay Area*. In *California Prehistory: Colonization, Culture, and Complexity*, Terry L. Jones and Kathryn A. Klar, editors, pages 99-123. Altamira Press, Lanham, MD.

and later refined by Groza⁷'s survey of central California, which accurately dated over 100 shell beads made with manufacturing techniques specific to their time period. The discovery of these shell bead patterns (termed shell bead horizons), with identifiable manufacturing techniques and styles particular to the time they were created, in deposits throughout the Bay Area allowed Milliken to characterize the prehistoric settlement patterns of the area into the following periods:

- Early Holocene (Lower Archaic) from 8000 to 3500 B.C.
- Early Period (Middle Archaic) from 3500 to 500 B.C.
- Lower Middle Period (Initial Upper Archaic) from 500 B.C. to A.D. 430.
- Upper Middle Period (Late Upper Archaic) from A.D. 430 to 1050.
- Initial Late Period (Lower Emergent) from A.D. 1050 to 1550.
- Terminal Late Period, post-A.D. 1550.

No archaeological evidence dating to pre-8000 B.C. has been located in the Bay Area. The lack of archaeological material in the Bay Area dating to before 8000 B.C. is likely due to subsequent environmental changes that submerged sites, buried sites beneath river and stream sediment, or destroyed sites through stream erosion.

(1) Early Holocene, Early Period and Lower Middle Period

The intensive use of shellfish throughout the San Francisco Bay Area, reflected in both coastal and bay deposits of discarded shells (called middens or shellmounds), indicated a high level of economic interconnectedness and trade in the region during prehistoric times. Due to this interconnectedness, the idea of a distinct San Francisco Bay archaeological region was used.⁸ Three sites provided the basis for the first model of settlement patterns and cultural change over time in Central California: the Emeryville Shellmound (CA-ALA-309), the Ellis Landing Site (CA-CCO-295), and the Fernandez Site (CA-CCO-259).⁹

A “generalized mobile forager” pattern, marked by the use of milling slabs and handstones (hand-held stones used with a grind seeds or grain on larger rocks known as milling slabs) and the manufacture of large, wide-stemmed and leaf-shaped projectile points, emerged at the periphery of the Bay Area during the Early Holocene Period (8000 to 3500 B.C.).

Beginning around 3500 B.C., evidence of sedentism and increased regional trade emerged. This Early Period lasted until circa 500 B.C.¹⁰

⁷ Groza, Randy G., 2002. An AMS chronology for central California *Olivella* shell beads. Master's thesis. Department of Anthropology, San Francisco State University, San Francisco, CA.

⁸ Moratto, Michael J., 1984. *California Archaeology*. Academic Press, Orlando, FL.

⁹ Ibid, page 277.

¹⁰ Milliken, Randall, Richard T. Fitzgerald, Mark G. Hylkema, Randy Groza, Tom Origer, David G. Bieling, Alan Leventhal, Randy S. Wiberg, Andrew Gottsfield, Donna Gillette, Viviana Bellifemine, Eric Strother, Robert Cartier and

A major disruption in symbolic integration systems (circa 500 B.C.) marked the beginning of the Lower Middle Period (500 B.C. to A.D. 430). Bead Horizon M₁, dating from 200 B.C. to A.D. 430, is described by Milliken et al.¹¹ as marking a 'cultural climax' within the San Francisco Bay Area.

(2) Upper Middle Period

The Upper Middle Period (A.D. 430 to 1050) is marked by the collapse of the Olivella saucer bead trade in central California, abandonment of many Bead Horizon M₁ sites, an increased occurrence of sea otter bones in those sites that were not abandoned, and the spread of the extended burial mortuary pattern, characteristic of the Meganos culture, into the interior East Bay. Bead Horizons M₂ (A.D. 430 to 600), M₃ (A.D. 600 to 800), and M₄ (A.D. 800 to 1050) were identified within this period.¹²

(3) Initial Late Period and Terminal Late Period

The Initial Late Period, dating from A.D. 1050 to 1550, is characterized by increased manufacture of status objects. In lowland central California during this period, there was evidence for increased sedentism and integration of ceremonial practices by groups throughout the region. The beginning of the Late Period (circa A.D. 1000) is marked by the Middle/Late Transition bead horizon. The Terminal Late Period began circa A.D. 1550 and continued until European settlement of the area.

c. Ethnographic Setting

This section provides a brief summary of the ethnography of the Plan Area and vicinity and is intended to provide a general background only.

The Plan Area lies within the region occupied by the Ohlone or Costanoan group of Native Americans at the time of historic contact with Europeans.¹³ Although the term Costanoan is derived from the Spanish word *Costaños*, or "coast people," the population it identifies is based in linguistics. The Costanoans spoke a language now considered one of the major subdivisions of the Miwok-Costanoan, belonging to the Utian family within the Penutian language stock.¹⁴ Costanoan designates a family of eight languages.

David A. Fredrickson, 2007. Punctuated Culture Change in the San Francisco Bay Area. In *California Prehistory: Colonization, Culture, and Complexity*, Terry L. Jones and Kathryn A. Klar, editors, pages 114-115. Altamira Press, Lanham, MD.

¹¹ Ibid, page 115.

¹² Ibid, page 116.

¹³ Kroeber, Alfred L., 1970. *Handbook of the Indians of California*, pages 462-473. The Filmer Brothers Press, Taylor & Taylor, San Francisco, CA.

¹⁴ Shipley, William F., 1978. Native Languages of California. In *Handbook of North American Indians*, Vol. 8, *California*, Robert F. Heizer, editor, pages 82-94. Smithsonian Institution, Washington, D.C.

Tribal groups occupying the area from the Pacific Coast to the Diablo Range and from San Francisco to Point Sur spoke the other seven languages of the Costanoan family. Modern descendants of the Costanoan prefer to be known as Ohlone. The name Ohlone is derived from the Oljon group, which occupied the San Gregorio watershed in San Mateo County.¹⁵ The two terms (Costanoan and Ohlone) are used interchangeably in much of the ethnographic literature.

On the basis of linguistic evidence, it has been suggested that the ancestors of the Ohlone arrived in the San Francisco Bay area about A.D. 500, having moved south and west from the Sacramento-San Joaquin Delta. The ancestral Ohlone displaced speakers of a Hokan language and were probably the producers of the artifact assemblages that constitute the Augustine Pattern, which was characterized by a diet of acorn, game, and fish as well as roundhouses and the smoking of tobacco from wooden and stone pipes.

Although linguistically linked as a family, the eight Costanoan languages comprised a continuum in which neighboring groups could probably understand each other. However, beyond neighborhood boundaries, each group's language was reportedly unrecognizable to the other. Each of the eight language groups was subdivided into smaller village complexes or tribal groups. These groups were independent political entities, each occupying specific territories defined by physiographic features. Each group controlled access to the natural resources of its territory, which also included one or more permanent villages and numerous smaller campsites used as needed during a seasonal round of resource exploitation. Chochenyo, or East Bay Costanoan, was the language spoken by the estimated 2,000 people who occupied the "east shore of San Francisco Bay between Richmond and Mission San Jose, and probably also in the Livermore Valley."¹⁶

Extended families lived in domed structures thatched with tule, grass, wild alfalfa, or ferns.¹⁷ Semi-subterranean sweathouses were built into pits excavated in stream banks and covered with a structure against the bank. The tule raft, propelled by double-bladed paddles, was used to navigate across San Francisco Bay.¹⁸

Mussels were an important staple in the Ohlone diet, as were acorns of the coast live oak, valley oak, tanbark oak, and California black oak. Seeds and berries, roots and grasses, and the meat of

¹⁵ Bocek, Barbara, 1986. Hunter-Gatherer Ecology and Settlement Mobility along San Francisquito Creek. Doctoral dissertation, page 8. Department of Anthropology, Stanford University, Stanford, CA.

¹⁶ Levy, Richard, 1978. Costanoan. In *Handbook of North American Indians*, Vol. 8, *California*, Robert F. Heizer, editor, page 485. Smithsonian Institution, Washington, D.C.

¹⁷ Ibid, page 482

¹⁸ Kroeber, Alfred L., 1970. *Handbook of the Indians of California*, page 468. The Filmer Brothers Press, Taylor & Taylor, San Francisco, CA.

deer, elk, grizzly, rabbit, and squirrel formed the Ohlone diet. Careful management of the land through controlled burning ensured a plentiful, reliable source of all these foods.¹⁹

The Ohlone usually cremated a corpse immediately upon death. If there were no relatives to gather wood for the funeral pyre, interment occurred. Mortuary goods comprised most of the personal belongings of the deceased.²⁰

The arrival of the Spanish in 1775 led to a rapid and major reduction in native California populations. Diseases, declining birth rates, and the effects of the mission system served to largely eradicate the aboriginal life ways. Forcibly brought into the missions, the surviving Ohlone, along with the Esselen, Yokuts, and Miwok, were transformed from hunters and gatherers into agricultural laborers.²¹ Following secularization of the mission system in the 1830s, numerous ranchos were established in the 1840s. Generally, the few Indians who remained were then forced, by necessity, to work on the ranchos.

In the 1990s, some Ohlone groups (e.g., the Muwekma, Amah, and Esselen further south) submitted petitions for federal recognition.²² Many Ohlone are active in preserving and reviving elements of their traditional culture and are active participants in the monitoring and excavation of archaeological sites.

d. Paleontological Setting

On a regional scale, fossilized plants, animals, and microorganism are prevalent through the East Bay. Many of the hills in the East Bay are made up of sedimentary bedrock that is known to contain a wide range of fossils, including radiolaria, mollusks, diatoms, foraminifera, and non-marine vertebrates. In addition, even geologically-young fluvial deposits have been known to contain freshwater mollusks and extinct late-Pleistocene vertebrate fossils.²³

¹⁹ Levy, Richard, 1978. Costanoan. In *Handbook of North American Indians*, Vol. 8, *California*, Robert F. Heizer, editor, page 491. Smithsonian Institution, Washington, D.C.

²⁰ Ibid, page 490.

²¹ Levy, Richard, 1978. Costanoan. In *Handbook of North American Indians*, Vol. 8, *California*, Robert F. Heizer, editor, pp. 485-495. Smithsonian Institution, Washington, D.C.; Shoup, Laurence, Randall T. Milliken and Alan K. Brown, 1995. Inigo of Rancho Posolmi: The Life and Times of a Mission Indian and His Land. On file at Woodward Clyde, 500 12th Street, Oakland, CA.

²² Esselen Nation, 2007. The Ohlone/Costanoan Esselen Nation Today. Available at: <www.esselenation.com/OCENToday.html>, accessed November 2007.

²³ Graymer, R.W., 2000. Geologic map and map database of the Oakland metropolitan area, Alameda, Contra Costa, and San Francisco Counties, California: U.S Geological Survey Miscellaneous Field Studies MF-2342, scale 1:50,000. Available at: <https://pubs.usgs.gov/of/2006/1037/>, accessed March 27, 2019.

The series of stream courses that deposited sediments during the Pleistocene no longer exist, and those ancient sediments have been cut into by modern-day streams. As a result, many of the Pleistocene-age fluvial and alluvial fan deposits exist as subtle topographic highs between the bay margin and the East Bay Hills. The Pleistocene deposits are similar in composition and character to sediments deposited by present-day streams, but owing to their age, they are dense and more consolidated, and have locally preserved the remains of Pleistocene flora and fauna.

The Plan Area is primarily underlain by Pleistocene-age deposits. Some parts of the Plan Area are underlain with alluvial fan and fluvial deposits from the Holocene age, as well as artificial fill near Jack London District and the Lake Merritt Estuary. Ground-disturbing development within Pleistocene-age deposits which underlay portions of the Plan Area could affect previously-unrecorded paleontological resources.

e. Historical Setting

(1) Larger Bay Area

The historic period in the eastern San Francisco Bay region began with the Fages-Crespi expedition of 1770. The Fages party explored the eastern shore of San Francisco Bay, eventually reaching the location of modern Fremont, where they traded with the local Costanoans. Members of the expedition eventually sighted the entrance to San Francisco Bay from the Oakland Hills.

In 1776, the Anza-Font expedition traveled through the same area and also traded with residents of native villages encountered along the way. The most significant impact of the European presence on the local California natives, however, was not felt until the Spanish missions were established in the region.²⁴

In 1775, Captain Juan Manuel Ayala's expedition studied the San Francisco Bay and ventured up the Sacramento and San Joaquin rivers. The first mission in the region was established the following year with the completion of Mission San Francisco de Asis (Mission Dolores) in San Francisco. Mission Santa Clara followed in 1777, and Mission San Jose in 1797. The Mission era lasted approximately 60 years and proved to be the downfall of the native inhabitants of the region, who were brought to the missions to be assimilated into a new culture and provide labor for the missionaries. Diseases introduced by the early explorers and missionaries, and the contagions associated with the forced communal life at the missions, killed many local peoples,

²⁴ Cook, Sherburne F., 1957. The Aboriginal Population of Alameda and Contra Costa Counties, California. University of California Archaeological Survey Reports 16(4), page 132.

while changes in land use made traditional hunting and gathering practices increasingly difficult. It is estimated that by 1832, the Costanoan population had been reduced from a high of over 10,000 in 1770 to less than 2,000.

In 1820, Sergeant Luis Maria Peralta received a grant of “10 square leagues” of land in the East Bay in recognition of his long, faithful military service in California. Peralta named his grant Rancho San Antonio. Rancho San Antonio comprised the land that lay from the water’s edge to the crest of the Oakland hills between San Leandro Creek to the south and El Cerrito Creek to the north,²⁵ completely encompassing modern-day Oakland, Berkeley, Emeryville, Piedmont, Albany, Alameda, and a portion of San Leandro.²⁶

Following the U.S. takeover of Alta California from Mexico in 1848, rancho lands were divided up and generally overrun by Anglo immigration to the area, coinciding with the land boom following the 1849 Gold Rush.

(2) Downtown Oakland

An overview of Downtown Oakland’s cultural and historical setting, organized chronologically, is provided below. A Building Typology Study, provided in Appendix D, is organized thematically by building type and general uses. Together they are intended to provide an overview of the history of downtown and a contextual understanding of the types of historic resources present in the Plan Area. Additionally, a historical overview in the November 2018 Equity Assessment by the Plan’s equity consultant team, “explores and identifies the social, political and geographic changes experienced by Oakland’s most prominent racial groups since its founding.”²⁷

Downtown Oakland sits within lands that were part of the Rancho San Antonio granted to Luis Maria Peralta for his service to the Spanish government.²⁸ The over 40,000-acre rancho included the present-day cities of Oakland, Berkeley, Alameda, and parts of San Leandro and Piedmont. Peralta’s grant was confirmed after Mexico gained independence from Spain in 1822, and the

²⁵ Hendry, George W., and Jacob N. Bowman, 1940. The Spanish and Mexican adobe and other buildings in the nine San Francisco Bay Counties, 1776 to 1850. Ms. on file at the Bancroft Library, University of California, Berkeley, CA.

²⁶ Sher, Sandra, 1994. The Native Legacy of Emeryville. The Journal of the Emeryville Historical Society 5(2), page 9.

²⁷ City of Oakland, Institute for Social, Economic, Environmental, and Educational Design (ISEEED), et al., 2018. Keeping “the Town” in Downtown: An Assessment and Recommendations to Support Racial Equity in the Downtown Oakland Specific Plan, November 29, pages 33-34.

²⁸ Summary of Downtown Oakland Development summarized from Beth Bagwell, Oakland: The Story of a City, 1982; David Weber, Oakland Hub of the West, 1981; Lois Rather, Oakland's Image: A History of Oakland, California, 1972. Marilyn S. Johnson, The Second Gold Rush: Oakland and the East Bay in World War II, 1993; City of Oakland. Historic Preservation: An Element of the General Plan, 1993. Adopted March 8, 1994 and amended July 21, 1998, 1.1 – 1.9.; and City of Oakland, 2019. Downtown Oakland Preliminary Draft Plan, January 16, pages 17-23.

United States honored the land title when California gained statehood. The 1849 Gold Rush brought miners, businessmen, lumbermen, and other speculators to Northern California. Early settlers to the area that became Oakland included Edson Adams, Andrew Moon, and Horace Carpentier, transplanted east coasters, or Yankees, who set up camp on what had been Peralta lands. These Oakland trailblazers soon realized the area's potential and engaged Julius Kellersberger, a Swiss immigrant and former military engineer, to survey the area in 1852 and establish a city grid.

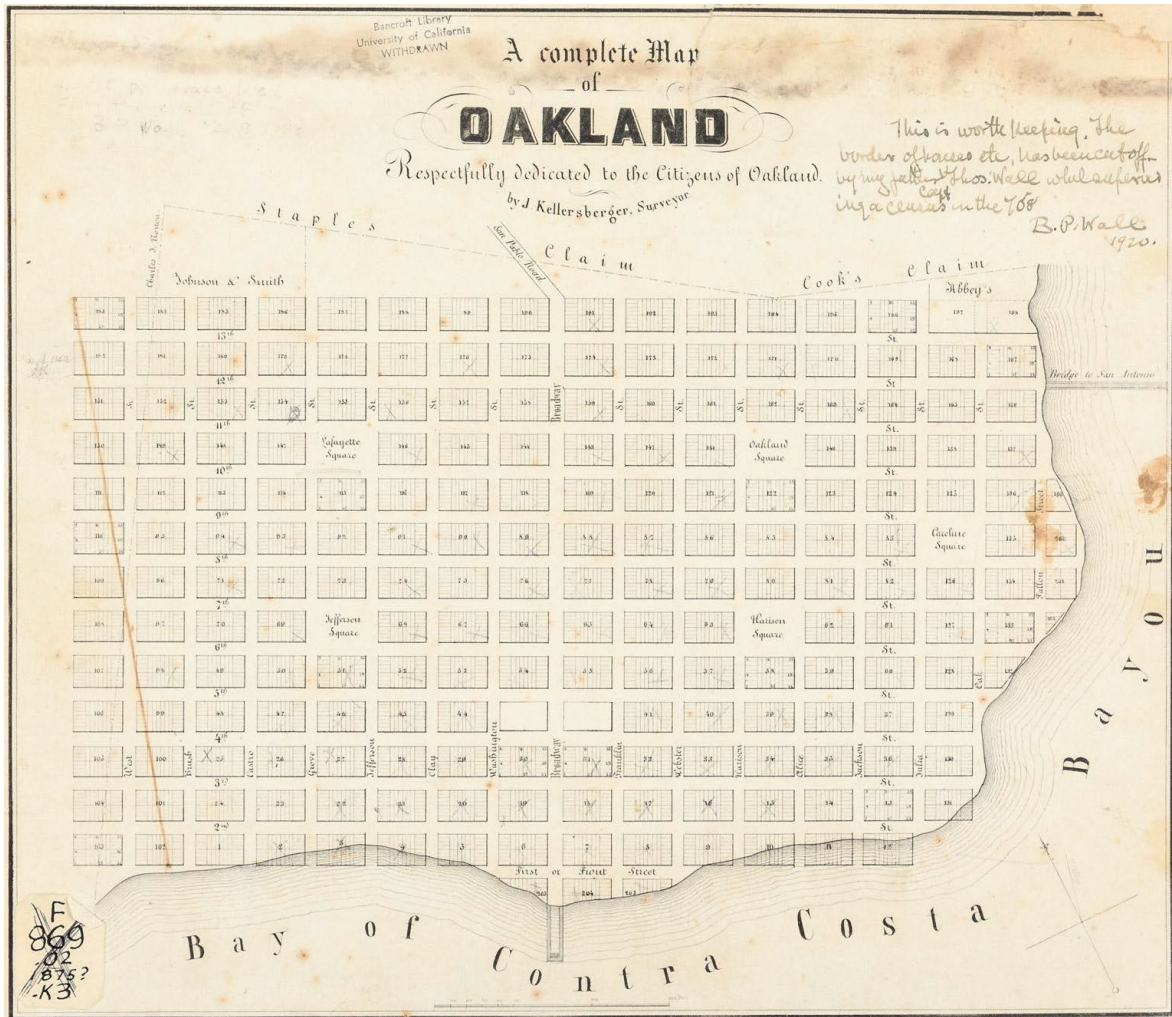
The 1856 Survey of the Coast of the United States depicts the area that would become known as downtown and West Oakland. Although streets had been laid out near Broadway, much of the land remained covered in oak groves and was relatively unpopulated.²⁹ In the 1850s, marshland extended as far north as modern-day 5th Street in several locations and Gibbons Pier, located at the end of 7th Street, was the only indication of the industry to come. Oakland's early growth was concentrated near the wharves and rail lines that eventually transformed the rural outpost into a transportation center for both passenger travel and the exchange of goods.

Broadway was the primary boulevard in the initial plan for Oakland, terminating at a wharf projecting into the estuary. Kellersberger revised his grid in 1857 to include another broad boulevard, Market Street, though Broadway remained the city's primary corridor.³⁰ Kellersberger's plan also accommodated seven public plazas or squares, set within the initial grid. Four of these squares remain in their original locations today, including: Lafayette Square, Jefferson Square, Harrison Square (now Chinese Garden Park), and Oakland Square (now Lincoln Square). Caroline Square (now Madison Park), was relocated and is now bounded by Madison, Jackson, 8th and 9th streets. The six and seventh squares flanked Broadway between 5th and 6th streets but did not remain public space. Kellersberger's map terminated at 14th Street, but he illustrated the intersection of San Pablo Avenue and 14th Street at a diagonal along map's northern edge.

As laid out by Kellersberger, Oakland originally encompassed the area roughly bordered by the estuary to the south, Market Street to the west, 14th Street to the north, and the Lake Merritt Channel to the east. Broadway served as the "Main Street" for the growing town. Early residents, whose numbers were fairly scant in the 1850s, lived near the foot of Broadway close to the estuary. Development moved incrementally towards the Oakland hills and eastward to what would become East Oakland.

²⁹ 1856. Preliminary Chart of Entrance to San Francisco Bay California, under the direction of A. D. Bache, Superintendent of the Survey of the Coast of the United States, Library of Congress.

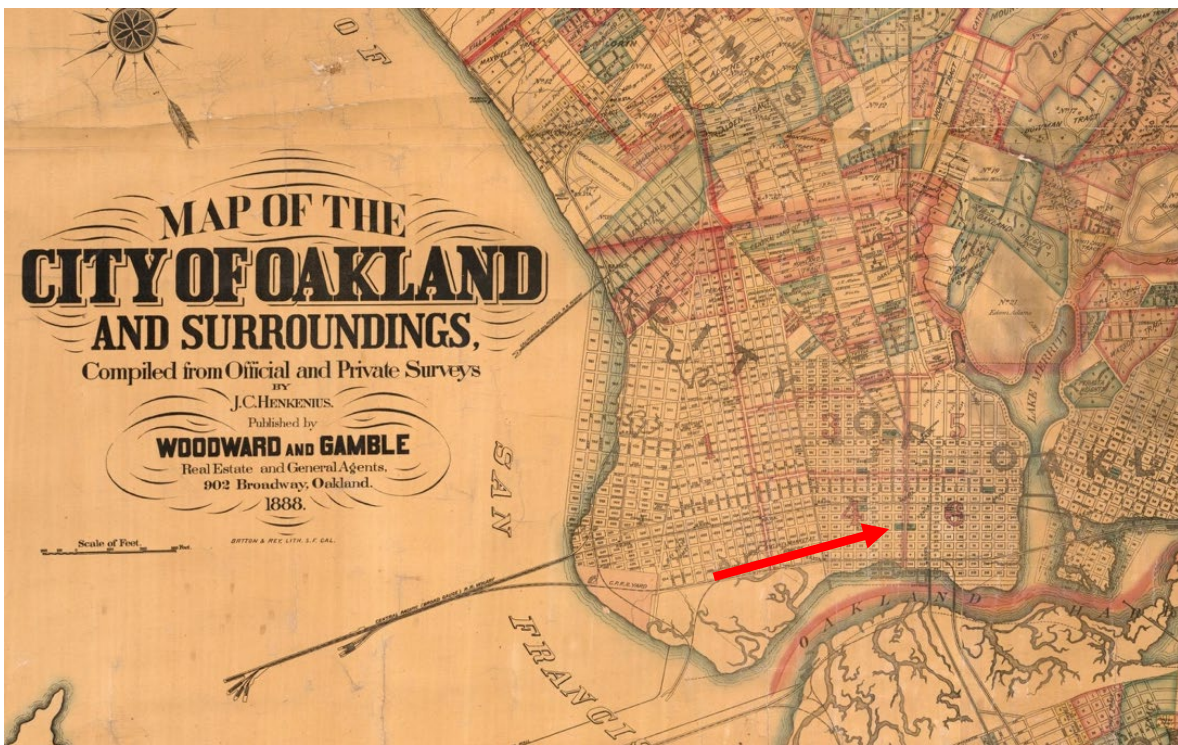
³⁰ Egon Terplan and Magda Maaoui, 2015. "Four Plans that Shaped Oakland's Downtown: Oakland's First 100 Years." *The Urbanist: The Journal of SPUR*. Issue 540, February.



Above: Kellersberger's Plan of Oakland, 1852, showing the regular rhythm of an imposed grid and the location of seven original squares, with the two southern-most unnamed at the time. Four of these remain today in their original locations (Source: Originally Bancroft Library at the University of California, Berkeley; now Warren Hackrotte Map Collection Stanford University.)

Oakland's size and population were expanding by 1869, when the city became the terminus of the completed transcontinental rail service. The railroad brought both additional population and business prospects to Oakland, including African-American men who sought work as porters, and Chinese immigrants who had helped build the railroad and secured more permanent work and housing in Oakland. Irish, German, and British immigrants, as well as transplanted easterners, comprised the majority of Oakland's non-native population during this period. Later, immigrant populations from southern and eastern Europe and areas of the Pacific Rim were attracted to Oakland's growing economy and the region's offerings.

With an accessible harbor, Oakland was strategically located and easily reachable from inland agricultural areas via expanding rail service. A period of rapid population expansion and physical growth followed in the 1870s and 1880s, including the establishment of a civic core, commercial buildings, a working waterfront, and improved infrastructure. An 1888 map of Oakland provides a Victorian-era glimpse of Oakland's expansion at the time. Kellersberger's original city grid had exploded to the west, east, and north, with build-out of the downtown outpacing other areas. The map includes Kellersberger's two previously unnamed public squares that flanked Broadway, labeled Court House and Hall of Justice, while City Hall is marked at San Pablo Avenue and 14th Street.³¹



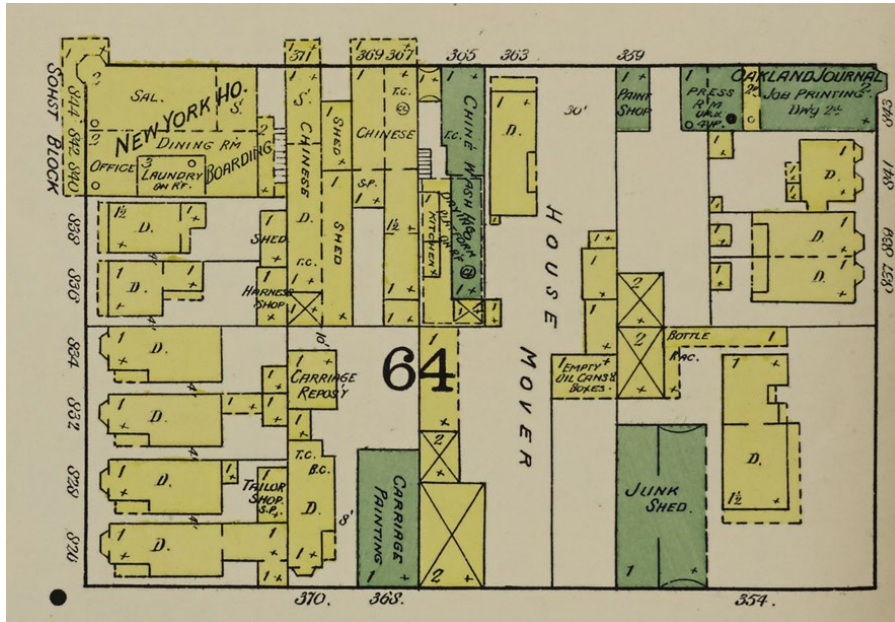
Above: A detail from the 1888 Woodward & Gamble Map of Oakland showing the development of the Oakland city grid by that time. The red arrow points to the base of Broadway. The city had expanded in all directions with significant build out throughout downtown. (Source: David Rumsey Map Collection.)

There is a surviving cluster of small-scale, Victorian-era commercial buildings along 9th Street between Broadway and Washington Street, now known as Victorian Row. A larger area, Old Oakland, comprising approximately six blocks from Broadway to Clay streets and 7th to 10th

³¹ 1888. Woodward & Gamble Map of Oakland. David Rumsey Map Collection.



Above: A portion of sheet 14 of the 1889 Oakland Sanborn Fire Insurance Map illustrating Broadway between 6th and 10th streets, a number of these buildings remain in Old Oakland today. (Source: Library of Congress.)



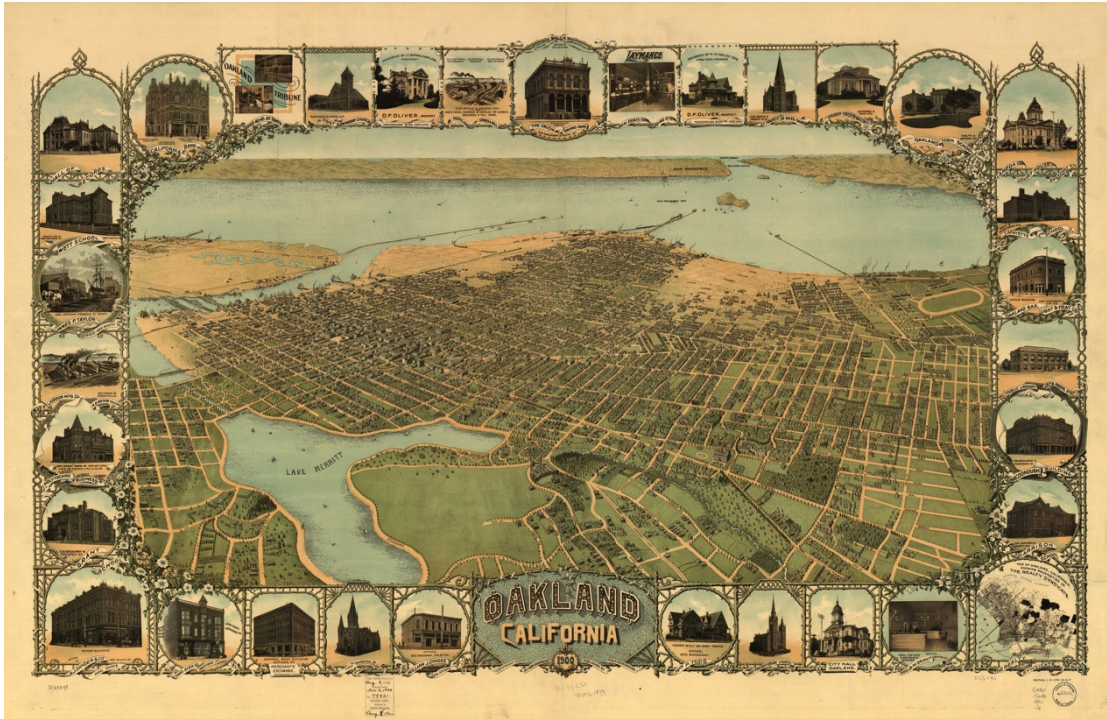
Above: A detail from sheet 5 of the 1889 Oakland Sanborn Fire Insurance Map shows the block bounded by Franklin, 7th, Webster and 6th Streets. Note the several buildings along 7th Street (upper portion of the map detail) are marked "Chinese." (Source: Library of Congress.)

streets, forms a designated S-7 Historic District, as defined in the Oakland Planning Code. Today, this area represents one of Oakland's most significant historic districts, illustrating the city's early commercial development. The 1889 Sanborn Map for the area, bounded by Broadway, 6th, Clay, and 10th streets, shows the extent of building and development that had occurred in Oakland by that year.

During the 19th century, California saw Chinatowns become part of the urban fabric. Los Angeles, Fresno, San Francisco, and Oakland each had multi-block areas with a focused enclave of Chinese residents and businesses. In Oakland, this is evidenced by notations on the 1889 Sanborn Map in the blocks east of Broadway and bounded by 7th, 9th, Webster and Franklin streets.³² After the 1906 San Francisco earthquake, the enclave encompassed a much larger area of downtown, east of Broadway to Madison and from 7th Street extending to 11th and 12th streets. Many Chinese residents, burned out of San Francisco's Chinatown by the 1906 fire, temporarily and permanently relocated to Oakland, adding to Oakland's Chinese population. By the turn of the twentieth century, Oakland was beginning to attract businesses and residents away from its more populous neighbor, San Francisco. This was fueled partially by the growing Key System of electric railways that connected the most densely populated areas of Oakland to the outlying

³² Sanborn Fire Insurance Map 1889 Sheet 5, Library of Congress Collection.

suburbs of Berkeley and Alameda, as well as a ferry service to San Francisco's Ferry Building, started in 1903. Spurred by this growth, in 1905 Mayor Frank Mott hired Charles Mulford Robinson, a major proponent of the City Beautiful Movement, to develop a beautification plan for Oakland. Robinson's plan became an essential tool after the 1906 earthquake, when refugees from San Francisco began pouring into East Bay towns. In 1907, Oakland voters approved parks bonds, and two years later, voted for significant harbor improvements and a new City Hall for the important triangular parcel at 14th Street, San Pablo Avenue, and Broadway.³³



Above: A Birds Eye View of Oakland, 1900, illustrating the relationship of downtown to Lake Merritt, the San Francisco Bay and the Oakland Estuary. Important pre-1906 earthquake buildings are illustrated. (Source: Library of Congress.)

After the earthquake, Oakland experienced a housing boom; bungalows replaced the remaining hayfields in Rockridge, Claremont, and the area north to Berkeley. In 1909, Oakland annexed additional lands including Claremont, Fruitvale, Melrose, Elmhurst, and Lockwood. These accumulated annexations brought Oakland to a total of just over 60 square miles. In 1910, Oakland's population was 150,000, more than double the 67,000 individuals counted in the 1900 Federal Census. Improved transit systems, including long distance rail, suburban and interurban

³³ Egon Terplan and Magda Maaoui, 2015. "Four Plans that Shaped Oakland's Downtown: Oakland's First 100 Years." *The Urbanist: The Journal of SPUR*. Issue 540, February.

lines, ferry service and street amenities, furthered Oakland's residential expansion as travel between Oakland and San Francisco became easier.³⁴

With the improved transit, residential and commercial development in Oakland increased during the 1910s to further accommodate a growing regional population. Hotels were constructed in Downtown Oakland from 1910 to 1915 to house travelers attending the 1915 Panama-Pacific International Exposition hosted by San Francisco. These included a number of single-room occupancy (SRO) hotels that remain today in Downtown Oakland. This post-earthquake development boom defined much of Downtown Oakland, with a number of early landmark skyscrapers, municipal and commercial buildings, transportation-related buildings, and hotels constructed during this era, including: the Broadway Building (1907); Western Pacific Depot (1909-10); City Hall (1911); Kahn's Department Store (now the Rotunda Building, 1912); Auditorium Building (1913); Federal Realty Building (Cathedral Building, 1913); as well as the Hotel Oakland (1910-12), Sutter Hotel (1913), and Harrison Hotel (1914).³⁵

During this period, older Victorian-era houses were subdivided into apartments or rooming houses. In these same residential neighborhoods on the periphery of downtown, such as near Lake Merritt or to the west of Broadway along Grove Street (now Martin Luther King, Jr. Way), density was added through construction of new apartment buildings on lots that had previously been undeveloped or that had accommodated single-family houses. Shopping districts expanded with new and larger department stores, additional hotels were constructed for increasing numbers of visitors, and new commercial centers began to take shape along the busier thoroughfares, such as Telegraph Avenue, San Pablo Avenue, and Broadway.

A defining moment for Oakland was the 1915 publication of Dr. Werner Hegemann's Report on a City Plan for the Municipalities of Oakland and Berkeley. Hegemann, a world-renowned German city planner, was invited to the United States "in 1913, to co-operate with American cities in the promotion of planning projects."³⁶ Hegemann's plan greatly expanded on Robinson's pre-earthquake beautification study. Hegemann recommended changes to the street grid to remedy the long blocks that Kellersberger had laid out between 14th and 19th streets east of Franklin Street, and the lengthy unrelieved blocks between San Pablo and Telegraph Avenues, particularly north of 19th Street. These changes were illustrated by Hegemann in the "Streets" section of the

³⁴ Groff, Garth G., 2011. A Brief History of the Sacramento Northern. Sacramento Northern On-Line. Available at: <http://www.wplives.org/sn/history.html>, accessed November 2014; Western Railway Museum, 2014. History of the Sacramento Northern Railway. Available at: http://www.wrm.org/about/sacramento_northern.htm, accessed November 2014.

³⁵ David Gehbard, 1973. A Guide to Architecture in San Francisco and Northern California; Susan Dinkelspiel Cerny, 2007. An Architectural Guidebook to San Francisco and the Bay Area; and OCHS files and building records.

³⁶ Werner Hegemann, 1915. Report on a City Plan for the Municipalities of Oakland and Berkeley, from preface by Frederic C. Howe.

report.³⁷ Hegemann also provided guidance with regard to harbor improvements, upgrades to the rail system for passengers including long-distance, suburban, and inter-urban travel, and significant investment in parks and playgrounds. The other significant recommendation of the report related to building placement and spacing in downtown to maximize light and air, especially regarding taller commercial buildings. Hegemann illustrated the almost ideal spacing between Oakland's skyscrapers which existed at the time and warned: "If nothing is done to make this state of things permanent the building of new skyscrapers will produce unsatisfactory conditions in regard to light and air, as bad as San Francisco if not New York."³⁸

By World War I, there was an increased number of industrial establishments in both downtown and along Oakland's waterfront, which in turn contributed to enhanced residential construction in areas made more easily accessible by the popularity and use of the automobile. Oakland's population almost topped 300,000 in the 1920s with new residential enclaves built in both the more upper-scale North Oakland and East Oakland, providing housing for industrial workers. In 1923, a graph in the Oakland Tribune Yearbook showed a nine-hundred percent increase in the number of dwellings built over the previous five years.³⁹ The downtown commercial center was further built out during this era with additional department stores or expansions to older stores; two large movie palaces, the Fox and the Paramount; and skyscrapers, including the Tribune Tower and the Art Deco 1928 Financial Center Building. Many of these buildings and those from the post-earthquake boom are within the boundaries of the Downtown Oakland National Register Historic District.

With this additional growth in population, traffic congestion came to the forefront of planning for the growing city.⁴⁰ This included the first discussions of a highway system, with planning consultant Harland Bartholomew encouraging a "significant expansion of automobile routes throughout the East Bay, including a superhighway along the waterfront."⁴¹ Also automobile-related were the small-scale garages, auto sales centers, and dealerships that developed in the 1920s along upper Broadway, near 25th Street.

Like most of the country, Oakland fell into a period of financial instability in the 1930s, with little to no development, especially downtown. Some construction activity was spurred both by the Federal Housing Act (FHA) of 1934 and the construction of the Oakland Bay Bridge, completed in 1936. After the FHA was established, African-Americans and other minority groups were subject

³⁷ Ibid, page 92.

³⁸ Ibid, pages 98-99.

³⁹ Bagwell, Beth, 1982. Oakland: The Story of a City, page 200. Presidio Press, Novato, CA.

⁴⁰ Egon Terplan and Magda Maaoui, 2015. "Four Plans that Shaped Oakland's Downtown: Oakland's First 100 Years." The Urbanist: The Journal of SPUR. Issue 540, February.

⁴¹ Ibid.

to redlining, or exclusionary lending and service-related practices based on race. Ultimately, discriminatory redlining impacted the economic benefits the FHA intended.

It was not until full-scale preparations for and the outset of World War II that Oakland entered its next era of intense industrial, commercial, and economic development. From 1940 to 1945, Oakland's population increased by one third, with a population of nearly 385,000 in 1950. Intensified shipbuilding and harbor activities, including the construction of the Oakland Army Base and the Naval Supply Center, provided much-needed employment for migrating newcomers and established Oakland residents alike.

The Port of Oakland became a major staging area for war operations in the Pacific and a center of wartime production of goods and materials. The economic impacts of World War II on Oakland, and indeed the entire Bay Area, were felt in almost every sector. After the war, Oakland's outlying residential neighborhoods filled with new immigrants, as well as residents leaving the city center. However, this left the older residential areas at the periphery of Downtown Oakland struggling to retain occupants and vulnerable to redevelopment.

In the 1950s, the Port of Oakland sponsored a redevelopment plan to create a destination area at along the waterfront to compete with San Francisco's Fisherman's Wharf, including multiple restaurants and a Boatel, a hotel on the waterfront. The initial Jack London Square development was further enhanced and remodeled in the 1980s. The new development was a departure from the industrial uses that had been the mainstay of Oakland's waterfront. The Waterfront Warehouse Historic District and the Produce Market Historic District, both of which consist of masonry warehouses reflecting the industrial character of the pre-tourist-based waterfront, are situated adjacent to the Jack London development. In recent years, many of these older warehouses have been converted to housing, with some retail and restaurant uses as well.

The full build-out of the East Bay freeway system cut off Oakland's historic industrial waterfront and West Oakland's residential neighborhoods from downtown. Several major highways were constructed in the 1960s through the early 2000s, including the Interstate routes (I)-880, -580 and -980 which significantly disrupted the historic downtown grid and resulted in street modifications to accommodate vehicular entries onto freeways. I-980 is a short highway connecting I-580 and State Route 24, before merging into I-880. Construction on I-980 began in the 1960s but was not completed until 1985. The freeway alignment severed West Oakland from downtown, displaced residents, and resulted in the demolition of housing stock. During construction, Preservation Park, bounded by Castro Street, Martin Luther King Jr. Way, and 14th and 12th streets, was created by assembling a collection of historic, Victorian-era houses impacted by the freeway's construction.

I-880 connects San Jose and Oakland and runs parallel to the Oakland Estuary before curving north to meet I-80. Parts of I-880 opened in 1949 and connected with the San Francisco-Oakland

Bay Bridge in the late 1950s. A portion of the I-880 in West Oakland, known as the Cypress Street Viaduct, collapsed during the 1989 Loma Prieta earthquake. The freeway reopened in July 1997 along a new alignment running parallel to railroad tracks along the western edge of West Oakland. This was the result of fierce community organizing and opposition to the Federal Government's original proposal to reconstruct following the same alignment. Nonetheless, the current I-880 alignment continues to be a physical and visual barrier between downtown and the waterfront.

Physical changes brought by the freeway construction also influenced decisions for the placement of large urban renewal housing projects where downtown meets West Oakland. These projects housed the relocation of thousands of West Oakland residents, but the units that replaced older housing stock could not accommodate everyone displaced. In the early 1970s, the construction of the West Oakland Bay Area Rapid Transit (BART) Station further altered the urban fabric, impacted the population both in numbers and composition, and displaced additional businesses along the west downtown edge.

In the early 1960s, at the north side of the I-880, the County of Alameda invested in new social service buildings and the City of Oakland in a new police administration building, both near the intersections of 6th Street and Broadway. These large-scale, government projects are sandwiched between the elevated I-880 and Old Oakland along 6th Street.

The 1960s also brought the introduction of the BART system to provide alternatives to an increasingly car-dependent Bay Area. Several stations along the BART lines serve Downtown Oakland, including the Lake Merritt, the 12th Street-City Center, and the 19th Street Stations. These stations resulted in changing uses, development of new building types, and modern construction in their immediate vicinity. A new wave of office skyscrapers, and smaller office and financial institution-related buildings cropped up near these important transit hubs at 12th and 19th streets. Similarly, several major projects near Lake Merritt in the 1960s and 1970s further defined the southwest edge of the lake but did not have the same visual impacts as the freeways along the south and west edges of downtown. The Kaiser Center (Welton Beckett and Associates, 1960), the Oakland Museum (Roche Dinkeloo and Associates, Architects, with Dan Kiley Landscape Architect, 1969) and Laney College (Skidmore, Owings & Merrill, 1971) brought a wave of Modern buildings to Lake Merritt's shore.

Shifts in the economy and changes in manufacturing methods left many empty waterfront warehouses and underutilized office buildings in Downtown Oakland by the 1970s. In the late 1980s and into the 1990s, many of the waterfront's older warehouse buildings were reclaimed for office and residential uses, pushing light industrial uses to other areas of Oakland. The 1989 Loma Prieta earthquake resulted in the return of ferry service to Jack London Square, which continues to provide a steady flow of daily riders through the area and further spurred adaptive reuse of warehouses into transit-friendly housing. A new Amtrak Station, completed in 1995 near Jack

London Square, provided additional revitalization to the 1950s tourist hub. The 1990s brought new federal and State office complexes to downtown along Clay Street at 14th Street, infusing additional employees into the downtown center.

A resurgence of construction in Downtown Oakland was promoted under Mayor Jerry Brown's 10K plan to bring 10,000 residents to downtown and to encourage both day-time and night-time uses. The financial downturn resulting from the 2007 banking and mortgage crisis stymied these efforts to bring housing to downtown. However, the upturn in the economy since 2010 and the increasing influence of a technology-based economy in the Bay Area has resulted in both new buildings and the adaptive reuse of older structures in downtown in the last few years. Currently, a new wave of development in downtown has spurred the need for the Specific Plan and for a better understanding of the broader implications of extensive development in Downtown Oakland.

f. Historic and Potential Historic Properties in the Planning Area

The City of Oakland defines an historical resource under CEQA in established and adopted CEQA Thresholds of Significance as updated October 2013. An historical resource meets any of the following criteria:

1. A resource listed in, or determined to be eligible for listing in, the CRHR;
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 (i.e., 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. Meets the criteria for listing on the CRHR; or
5. A resource that is determined by the Oakland City Council to be historically or culturally significant even though it does not meet any of the other four criteria listed above.

The CEQA Thresholds continue stating the City of Oakland's Local Register (Historic Preservation Element Policy 3.8) includes the following:

- All Designated Historic Properties (Landmarks, Heritage Properties, Study List Properties, Preservation Districts, and S-7 and S-20 Preservation Combining Zone Properties); and
- Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance.

The above resources are shown in Figure V.E-1 and identified as “Historic Resources per CEQA.” The City of Oakland Areas of Primary Importance (APIs) and Areas of Secondary Importance (ASIs) are also displayed in Figure V.E-1.

Based on review of OCHS records and the City of Oakland GIS data, there are many known and previously identified historic resources within the Plan Area, primarily identified through the OCHS, including the following:

- Approximately 50 officially designated City of Oakland Landmarks;
- Approximately 23 City of Oakland APIs (shown on Figure V.E-1 and V.E-5);
- Approximately 29 City of Oakland ASIs (shown on Figure V.E-1 and V.E-4);
- Approximately 40 NRHP-listed Individual Properties;
- Three NRHP-listed Historic Districts (Downtown Oakland Historic District; Harrison and 15th Streets Historic District; and Oakland Waterfront Warehouse Historic District);
- Two National Historic Landmarks (the Paramount Theater and the Lake Merritt Wild Duck Refuge); and numerous properties that have been surveyed and ranked using the OCHS rankings and included in the Local Register.

2. Regulatory Setting

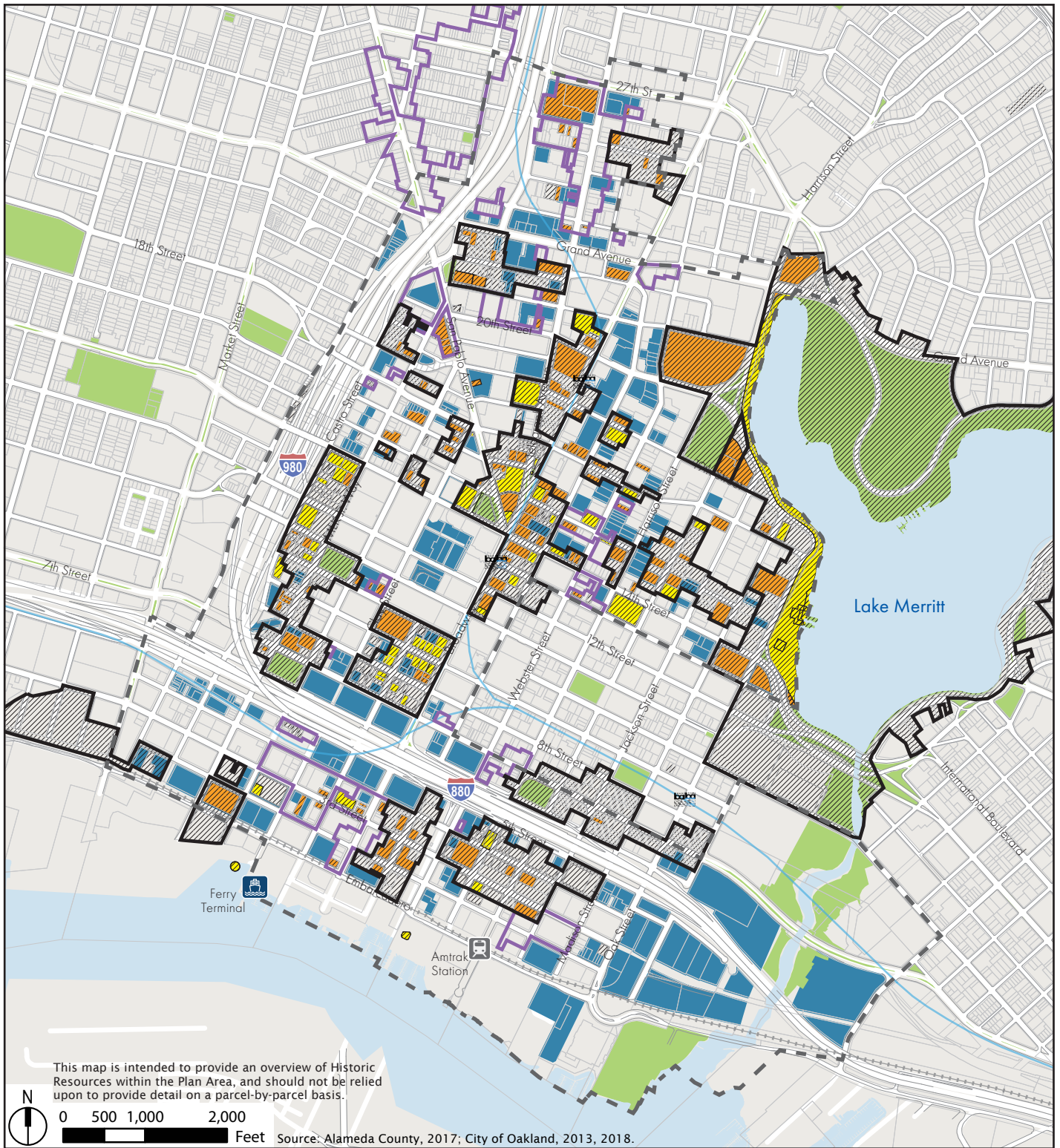
This section discusses applicable regulatory provisions, including Federal and State Regulations, policies from the City of Oakland’s General Plan, Planning Code, and Standard Conditions of Approvals. A detailed discussion of the Plan’s compatibility with the General Plan and other relevant planning policies is discussed in *Chapter IV, Planning Policy*.

a. Federal Government

(1) National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) is the most prominent federal law governing historic preservation. The NHPA establishes guidelines to “preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice.”⁴² The NHPA includes regulations specifically for federal land-holding agencies, but also includes regulations which pertain to all projects that are funded, permitted, or approved by any federal agency and which have the potential to affect cultural resources. Section 106 of the NHPA details a four-step process:

⁴² National Preservation Act of 1966.



Legend

- Downtown Plan Boundary
- BART Station
- BART Line
- Railroad
- Parks
- Opportunity Sites
- Areas of Primary Importance (API)
- Areas of Secondary Importance (ASI)
- City of Oakland Designated Landmark
- Rated 'A' or 'B' on Oakland Cultural Heritage Survey
- Historic Resources per CEQA

Downtown Oakland Specific Plan EIR

Figure V.E-1
Historic Resources in the Plan Area

- Identify and evaluate historic properties in consultation with the Office of Historic Preservation (OHP) and interested parties;
- Assess the effects of the undertaking on properties that are eligible for inclusion in the NRHP;
- Consult with the OHP, other agencies, and interested parties to develop an agreement that addresses the treatment of historic properties and notify the federal Advisory Council on Historic Preservation (ACHP); and
- Proceed with the project according to the conditions of the agreement.

(2) National Historic Preservation Act National Register Program

The NHPA authorizes the United States Secretary of the Interior to establish a NRHP, an inventory of buildings, structures, objects, sites, and districts significant at the national, State, or local level in American history, architecture, archeology, engineering, or culture. The National Register is maintained by the National Park Service within the federal Department of the Interior. There are approximately 40 individually listed National Register properties in Downtown Oakland, including the Federal Post Office at 201 13th Street, the Oakland Hotel at 260 13th Street, and the Fox Theater at 1807-29 Telegraph Street. There are also three National Register-listed Historic Districts in Downtown Oakland including the Downtown Oakland Historic District, which is a concentrated grouping of buildings in the vicinity of City Hall, including the Rotunda Building (originally Kahn's Department Store), the Cathedral Building, and the Tribune Building. The Downtown Oakland Historic District runs from 17th Street at the north to 11th Street at the south, along Broadway, Franklin Street, and San Pablo and Telegraph Avenues. The two other National Register-listed districts are the Oakland Waterfront Warehouse Historic District and the Harrison and 15th Street Historic District.

(3) National Historic Landmark Program

National Historic Landmarks (NHLs) are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. NHLs are given special protection by Section 110(f) of the NHPA. There are only two NHLs in Downtown Oakland: the Paramount Theater and the Lake Merritt Wild Duck Refuge.

(4) Certified Local Government Program

The 1980 amendments to the 1966 NHPA provide for the establishment of a Certified Local Government Program to encourage the direct participation of local governments in the identification, evaluation, registration, and preservation of historic properties within their jurisdictions and to promote the integration of local preservation interests and concerns into local planning and decision-making processes. The Certified Local Government Program is a

partnership among local governments, California's Office of Historic Preservation (OHP), and the National Park Service (NPS), that is responsible for administering the National Historic Preservation Program. Oakland has been part of the Certified Local Government Program since December 1986.

(5) National Environmental Policy Act (NEPA)

NEPA requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. The range of actions covered by NEPA is broad but generally includes, but is not limited to, projects that require federal funding, work performed by the federal government, or permits issued by a federal agency. Compliance with NEPA requirements concerning cultural and historic resources may be addressed through compliance with Section 106 of the NHPA, as discussed above. Reports, agreements, and correspondence documenting compliance with Section 106 of the NHPA are provided to the lead governmental agency for a specific proposed action that is subject to NEPA.

(6) Federal Historic Preservation Tax Credits

Since 1976, the federal government, through a joint program of the NPS and the Internal Revenue Service (IRS), has provided 20-percent tax credits for private investment in rehabilitating historic properties. To qualify, a structure must be listed in the NRHP, either individually or as a contributing building in a National Register historic district, or as a contributing building within a local historic district that has been certified by the National Park Service. The project must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as determined by the NPS. Properties officially determined eligible for the National Register have the same protections and the same standing in environmental review as those properties that have already been listed. However, only properties listed on the National Register may qualify for a 20-percent Federal Historic Preservation Tax Credit program. Significant rehabilitation projects in Downtown Oakland have benefited from this federal tax credit, including, but not limited to, the Fox Theater and the Hotel Oakland's rehabilitation as senior affordable apartments.

b. State of California

(1) California Environmental Quality Act (CEQA)

CEQA requires lead agencies in California to consider the effects of proposed discretionary actions or projects on historical resources, defined as those resources meeting the criteria for listing on the CRHR. The definition of historical resources includes buildings, structures, objects, sites, and districts determined to be eligible for or listed on the CRHR, the National Register, or a local register of historic resources. A lead agency may also determine a resource to be significant for purposes of CEQA. An historical resource may be considered historically significant if the resource is 45 years old or older, possesses integrity of location, design, setting, materials,

workmanship, feeling, and association, and meets any of the four criteria for listing on the CRHR, as defined below.

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance. CEQA states that if a project will have a significant impact on important cultural resources, deemed "historically significant," then project alternatives and mitigation measures must be considered that could reduce or eliminate the significant impact.

(2) California Register of Historic Resources (CRHR)

The CRHR was established as the authoritative guide to the state's cultural resources and provides the standards by which properties are considered significant for CEQA purposes. The California Office of Historic Preservation (OHP) also maintains the CRHR through the California Historic Resources Information System (CHRIS) Inventory. Historic properties listed, or formally determined eligible to be listed, on the National Register are automatically listed on the CRHR (PRC Section 5024.1). Additionally, State Historic Landmarks and Points of Interest are automatically listed on the CRHR. Properties designated under local preservation ordinances or identified through local historic resource surveys may be nominated to the CRHR.

For an historical resource to be eligible for listing on the CRHR, it must be significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (California Public Resources Code).

The CRHR was established as the authoritative guide to California's cultural and historical resources and provides the standards by which properties are considered significant for CEQA purposes. The CRHR program encourages public recognition and protection of resources of architectural, historical, archaeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under CEQA. The CRHR includes resources listed in or formally determined eligible for listing in the National Register; California State Historical Landmarks; and California Points of Historical Interest. The OHP maintains a list of historical resources by county and this is held in the CHRIS Inventory. The OHP has developed a list of

status codes that are used in the CHRIS Inventory to identify resource ratings. A building or structure identified by OHP with a rating of 1 or 2 (meaning on or determined eligible for the National Register) is also considered to be listed on the CRHR. This would include a number of properties in Downtown Oakland that are listed on the NR but are not necessarily designated at the local level. These resources would be considered historic for the purposes of CEQA.

Properties of local significance that have been designated under a local preservation ordinance (i.e., local landmarks), or that have been identified as significant 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.

(3) California Office of Historic Preservation

The mission of the California Office of Historic Preservation (OHP) and its affiliated commission, the SHRC is to preserve and enhance California's irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations. The California Public Resources Code Section 5024 requires consultation with the OHP when a project may impact State of California-owned historical resources.

(4) California Historical Landmarks

California Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. The specific standards now in use for designating such landmarks were first applied in the designation of Landmark #770, the Oroville Chinese Temple. These criteria are as follows:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

There are four designated California Historical Landmarks in Downtown Oakland: the site of the College of California, near the northeast corner of Franklin and 13th streets, which moved to

Berkeley in 1873 and became the University of California, Berkeley, (CHL #45); the Paramount Theater at 2025 Broadway (CHL #884); the First Unitarian Church at 685 14th Street (CHL #896); and the Pardee Home at 672 11th Street (CHL #1027).⁴³

(5) California Historical Building Code (CHBC)

The California Historical Building Code (CHBC) (Title 24, Part 8 of the California Code of Regulations, updated January 2017) provides alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a qualified historical building or structure. For the purposes of the SHBC a qualified historical building or structure is defined as:

any structure or collection of structures, and their associated sites deemed of importance to the history, architecture or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the NRHP, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts or landmarks.⁴⁴

The SHBC is intended to preserve California's architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing qualified historic buildings. While a State code, the SHBC is administered locally by city or county building officials.

(6) California Health and Safety Code

Section 7050.5(b) of the California Health and Safety code states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her

⁴³ California Office of Historic Preservation. From list of California Historical Landmarks in Alameda County.

⁴⁴ California Building Standards Commission, 2016. 2016 California Historical Building Code. California Code of Regulations, Title 24, Part 8. Effective January 1, 2017.

authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

The County Coroner, upon recognizing the remains as being of Native American origin, is required to contact the NAHC within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the Project. The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance as to the ultimate disposition of any Native American remains.

(7) California Assembly Bill 52

Signed into law in September 2014, California AB 52 created a new class of resources – tribal cultural resources – for consideration under CEQA. Tribal cultural resources may include sites, features, places, cultural landscapes, sacred places, or objects with cultural value to a California Native American tribe that are listed or determined to be eligible for listing in the CRHR, included in a local register of historical resources, or a resource determined by the lead CEQA agency, in its discretion and supported by substantial evidence, to be significant and eligible for listing on the CRHR. AB 52 requires that the lead CEQA agency consult with California Native American tribes that have requested consultation for projects that may affect tribal cultural resources. The lead CEQA agency shall begin consultation with participating Native American tribes prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. Under AB 52, a project that has potential to cause a substantial adverse change to a tribal cultural resource constitutes a significant effect on the environment unless mitigation reduces such effects to a less-than-significant level.

(8) Senate Bill 18

As this project consists of a Specific Plan, the City is required to implement Government Code Section 65352.3, which requires local governments to consult with California Native American tribes identified by the NAHC for the purpose of protecting and/or mitigating impacts to cultural places. In accordance with statutory requirements stipulated in SB 18:

Prior to the adoption or any amendment of a general or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purposes of preserving, or mitigating, impacts to cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment . . . [Supplement to General Plan Guidelines-2005].

c. City of Oakland

(1) Historic Preservation Element of the General Plan

In March 1994, the Oakland City Council adopted the Historic Preservation Element (HPE) of the General Plan (amended July 21, 1998). An HPE is not a required element of a mandated California General Plan, but its adoption demonstrates Oakland's commitment to its historic and cultural environment. The HPE is the definitive guide for historic preservation activities in Oakland and sets goals, objectives, policies, and actions for historic preservation within the City. The HPE creates a far-reaching, multifaceted "Historic Preservation Strategy" that addresses a wide variety of properties and is intended to help revitalize Oakland's districts and neighborhoods. Guiding the HPE are the two broad goals:

Primary Goals of the HPE

Goal 1: To use historic preservation to foster the economic vitality and quality of life in Oakland by:

- Stressing the positive community attributes expressed by well-maintained older properties;
- Maintaining and enhancing throughout the City the historic character, distinct charm, and special sense of place provided by older properties;
- Establishing and retaining positive continuity with the past thereby promoting pride, a sense of stability and progress, and positive feelings for the future;
- Stabilizing neighborhoods, enhancing property values, conserving housing stock, increasing public and private economic and financial benefits, and promoting tourist trade and interest through preservation and quality maintenance of significant older properties;
- Preserving and encouraging a city of varied architectural styles and environmental character reflecting the distinct phases of Oakland's cultural, social, ethnic, economic, political, and architectural history; and
- Enriching the quality of human life in its educational, spiritual, social, and cultural dimensions through continued exposure to tangible reminders of the past.

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 (see definitions of the above in the HPE).⁴⁵

Structure of HPE

The HPE addresses identification, designation, incentives and regulations that related to historic buildings and sites, outlines ongoing preservation-related activities, and puts forward educational information for city residents. The HPE sets out a graduated system of ratings and designations based on OCHS ratings, and these have been used, applied, and implemented to buildings throughout Downtown Oakland.

Incentives and regulations for historic properties are similarly graduated based on the relative importance of the property. The HPE identifies five primary objectives:

1. Objective 1: Identifying properties potentially warranting preservation;
2. Objective 2: Preservation incentives and regulations
3. Objective 3: Historic preservation and on-going city activities;
4. Objective 4: Archaeological resources; and
5. Objective 5: Information and education.

Each of these five objectives is relevant to the Specific Plan because they provide guidance toward minimizing or avoiding impacts to historic resources, and they have the potential to assist in implementation of beneficial historic preservation-related actions. The affiliated policies and actions for these objectives are outlined in the HPE Chapters 3 through 6, with Chapter 7 laying out an Action Program for implementation. Some of the policies and actions as they relate to Downtown Oakland have been previously implemented, while others continue in progress or have yet to be fully implemented.

HPE Relevance to the Specific Plan

The HPE was reviewed as the Downtown Oakland Specific Plan was developed, with a key goal of the Plan spelled out in Goal o6: Land Use - "Develop Downtown in a way that meets community needs and preserves Oakland's unique character." This is followed in the Plan by two Land Use Outcomes:

- *Outcome LU-1 – Development and design serve Oakland's diverse needs, contribute to improved conditions for all, and enhance downtown's authentic, creative, and dynamic local character.*

⁴⁵ City of Oakland, 1994. Historic Preservation: An Element of the Oakland General Plan, page 2-2, March 8. Amended July 21, 1998.

- *Outcome LU-2 – Oakland’s extensive array of historic buildings, cultural enclaves, civic institutions, and landmarks are preserved within downtown’s built environment.*

The following HPE policies are relevant to the development of the Specific Plan.

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.

Policy 3.2: Historic Preservation and City-Owned Properties. To the extent consistent with other Oakland General Plan objectives, the City will ensure that all City-owned or controlled properties warranting preservation will, in fact, be preserved. All City-owned or controlled properties which may be eligible for Landmark or heritage Property designation or as contributors or potential contributors to a Preservation District will be considered for such designation.

Properties held by the City for purposes of subsequent disposition will be exempt from this policy but shall be subject to Policy 3.3.

Policy 3.3: Designated Historic Property Status for Certain City-Assisted Properties. To the extent consistent with other General Plan Goals, Policies and Objectives, as a condition for providing financial assistance to projects involving existing or Potential Designated Historic Properties, the City will require that complete application be made for such properties to receive the highest local designation for which they are eligible prior to issuance of a building permit for the project or transfer of title (for City-owned or - controlled properties), whichever comes first.

However, Landmark or Preservation District applications will not be required for projects which are small-scale or do not change exterior appearance.

Policy 3.5: Historic Preservation and Discretionary Permit Approvals. For additions or alteration to Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design matches or is compatible with, but not necessarily identical to, the property’s existing or historical design; or (2) the proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or (3) the existing design is undistinguished and does not warrant retention, and the proposed design is compatible with the character of the neighborhood.

For any project involving complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: (1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or (2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or (3) the existing design is

undistinguished and does not warrant retention, and the proposed design is compatible with the character of the neighborhood.

Policy 3.7: Property Relocation Rather than Demolition as Part of Discretionary Projects. 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, including advertising the availability of the property for at least ninety (90) days.

Policy 3.8: Definition of "Local Register of Historic 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 Historical Resources:⁴⁶

All Designated Historic Properties, and Those Potential Designated Historic Properties that have an existing rating of "A" or "B" or are located within an Area of Primary Importance.

Until complete implementation of Action 2.1.2 (Redesignation), the Local Register of Historical Resources will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

Complete demolition of a Historical Resource will normally be considered a significant effect that cannot be mitigated to a level less than significant and will, in most cases, require preparation of an Environmental Impact Report.

A proposed addition or alteration to a Historical Resource that has the potential to disqualify a property from Landmark or Preservation District eligibility or may have substantial adverse effects on the property's Character-Defining Elements will normally, unless adequately mitigated, be considered to have a significant effect. Possible mitigation measures are suggested in Action 3.8.1. Note: the City of Oakland's current CEQA Thresholds of Significance Guidelines for historical resources are based in part on this policy.

Action 3.8.1: Include Historic Preservation Impacts in City's Environmental Review Regulations. Include Policy 3.8's definitions of "Local Register of Historical Resources" and historic preservation "significant effect" in the City's Environmental Review Regulations.

Amend the regulations to include specific measures that may be considered to mitigate significant effects to a Historical Resource. Measures appropriate to mitigate significant effects to a Historical

⁴⁶ Any property listed on the California Register of Historical Resources or officially determined to be eligible for listing on the California Register of Historical Resources is also considered a "Historical Resource" pursuant to Section 21084.1 of CEQA.

Resource may include one or more of the following measures depending on the extent of the proposed addition or alteration.⁴⁷

Modification of the project design to avoid adversely affecting the character-defining elements of the property.

Relocation of the affected Historical Resource to a location consistent with its historical or architectural character.

If the above measures are not feasible, then other measures may be considered, including, but not limited to, the following:

1. Modification of the project design to include restoration of the remaining historic character of the property.
2. Modification of the project design to incorporate or replicate elements of the building's original architectural design.
3. Salvage and preservation of significant features and materials of the structure in a local museum or within the new project.
4. Measures to protect the Historical Resource from effects of on-site or other construction activities.
5. Documentation in a Historic American Buildings Survey report or other appropriate format: photographs, oral history, video, etc.
6. Placement of a plaque, commemorative marker, or artistic or interpretive display on the site providing information on the historical significance of the resource.
7. Contribution to a Façade Improvement Fund, the Historic Preservation Revolving Loan Fund, the Oakland Cultural Heritage Survey, or other program appropriate to the character of the resource.

Policy 3.11: Historic Preservation and Seismic Retrofit and Other Building Safety Programs. The City's building safety programs, including seismic retrofit programs, will seek to preserve existing or Potential Designated Historic Properties and their Character-Defining Elements. Where changes to such elements are unavoidable to achieve code compliance or other City-mandated modifications, the City will encourage owners to design the changes in a manner which minimizes visual impacts.

Prevailing codes for the City's building safety programs when applied to existing or Potential Designated Historic Properties will be the Oakland Building Code; the Uniform Code for Building Conservation where permitted under State law; and, for qualified historical buildings, the State Historical Building Code.

⁴⁷ Per the provisions of CEQA, determination of whether mitigations are adequate to reduce a significant effect to a Historical Resource to a level less than significant will be determined by the Lead Agency on a case by case basis.

Rating System Established in the Historic Preservation Element

The Rating System, adopted within Oakland's Historic Preservation Element, is shorthand for the relative importance of properties.⁴⁸ The system uses letters A to E to rate individual properties and numbers 1 to 3 for district status. Individual properties can have dual ("existing" and "contingency") ratings if they have been remodeled, and if they are in districts, they can be contributors, non-contributors, or potential contributors. In general, A and B ratings indicate landmark-quality buildings. The rating system is summarized, with some examples, below.

- A: Highest Importance: Outstanding architectural example or extreme historical importance (about 150 properties total).
- B: Major Importance: Especially fine architectural example, major historical importance (about 600 total).
- C: Secondary Importance: Superior or visually important example, or very early (pre-1906). Cs "warrant limited recognition (about 10,000 total).
- D: Minor Importance: Representative example. About 10,000 Ds are PDHPs, either because they have a higher contingency rating ("Dc") or because they are in districts ("D2+").
- E: Of no particular interest, *, or F: Less than 45 years old or modernized. Some Es, Fs, and *s are also PDHPs because they have higher contingency ratings or are in districts.
- Contingency Ratings (lower-case letter, as in "Dc" or "Fb"): potential rating under some condition, such as "if restored" or "when older" or "with more information."
- District Status (numbers):
 - "1": In an Area of Primary Importance (**API**) or National Register quality district.
 - "2": In an Area of Secondary Importance (**ASI**) or district of local interest.
 - "3": Not in a historic district.

Within districts, resources are identified as contributing, noncontributing, or potential contributors.

Potential Designated Historic Properties (PDHPs)

The City considers any property that has at least a contingency rating of C ("secondary importance") or contributes or potentially contributes to a primary or secondary district as

⁴⁸ City of Oakland, 2019. Historical and Architectural Rating System. Available at: <http://www2.oaklandnet.com/government/o/PBN/OurServices/Historic/DOWD009155>, accessed August 27, 2019.

warranting "consideration for possible preservation." If they are not already designated, all properties meeting these minimum significance thresholds are called Potential Designated Historic Properties (PDHPs).

PDHPs are a large group, constituting a fifth of the buildings in Oakland. They are meant to be "numerous enough to significantly influence the city's character." Properties with contingency ratings are classified as PDHPs to highlight their value as restoration opportunities. District contributors and potential contributors are classified as PDHPs to promote preservation of Oakland's distinctive districts and neighborhoods.

(2) Local Register of Historic Resources

In 1998, following changes in California law, the Historic Preservation Element was amended to create a category called the Local Register of Historic Resources. This includes Designated Historic Properties (City landmarks and districts, as well as properties designated under State and Federal programs) plus the most important PDHPs: those that have existing ratings of A or B or are in Areas of Primary Importance. Under certain circumstances, demolition or incompatible alteration of these properties cannot be carried out unless an Environmental Impact Report demonstrates that there are no feasible preservation alternatives and identifies mitigations to make up for the loss of a historic resource.

(3) Land Use and Transportation Element (LUTE) of the General Plan

There is one relevant General Plan LUTE policy as it relates to vacant and underutilized buildings in the Specific Plan boundaries:

Policy D6.2: Reusing Vacant or Underutilized Buildings. Existing vacant or underutilized buildings should be reused. Repair and rehabilitation, particularly of historic or architecturally significant structures, should be strongly encouraged. However, when reuse is not economically feasible, demolition and other measures should be considered.

(4) City of Oakland Planning Code

Central Business District (Section 17.136.055)

Special Regulations for Historic Properties in the Central Business Zones (Section 17.136.055). This section of the code establishes required findings applicable to alterations, additions, and new construction that would involve Designated Historic Properties or Potential Designated Historic Properties in Central Business District zones. Proposed development on subject sites must ensure that the character-defining elements of a historic property are not adversely affected by the proposed project, and that such projects would be visually compatible with surrounding historic properties (if located in a historic district).

Review by Landmarks Board in Certain Cases (Section 17.136.060)

Under this provision of the Planning Code, applications for regular design review in the S-7 zone, or on a designated Landmark site, are to be referred to the Landmarks Board for its recommendations. The Director of City Planning may also refer projects involving regular design review in the S-20 zone, or when a proposed addition or alteration will have a significant effect on a property's character-defining elements that are visible from a street or other public area. As noted above in the Physical Setting, the Plan Area includes many designated City Landmarks and two S-7 designated historic districts, Old Oakland and Preservation Park.

Special Regulations for Designated Landmarks (Section 17.136.070)

This section stipulates that alterations and new construction must not adversely affect the exterior features of a Landmark, or the special character, interest, or value of the Landmark or its setting. All projects involving Landmarks should conform, if possible, with the Design Guidelines for Landmarks and Preservation Districts as adopted by the City Planning Commission and/or the Secretary of the Interior's Standards for the Treatment of Historic Properties. The Director is given the authority to decide whether or not project proposals conform to these regulations. The regulations also stipulate that the owner, lessee, or other person responsible for a designated Landmark has a duty to maintain the property and keep it in good condition.

Demolition (Section 15.36 and Section 17.136.070)

Section 15.36 of the City of Oakland Municipal Code specifies the process and approval of Demolition Permits. Demolition is defined as "decimating, razing, ruining, tearing down or wrecking of any facility, structure or building covered by this chapter. As used herein, the word "demolition" shall include any partial demolition and any interior demolition affecting more than ten percent of the replacement value of the structure as determined by the Building Official."

Section 17.136.075 of the City of Oakland Planning Code defines regulations for demolition or removal of CIX-1A zoned properties, Designated Historic Properties, and Potential Designated Historic Properties.

On January 8, 2015 the City of Oakland adopted "Demolition Findings," that relate to Section 17.136.075 and three categories of historic resources:

- Category I – Any Landmark; Heritage Property; property rated "A" or "B" by the Oakland Cultural Heritage Survey; or Preservation Study List Property. This category excludes any property that falls into Category II.

- Category II – Properties in an S-7 or S-20 zone or an Area of Primary Importance. Any building, including those that do not contribute to the historic quality of the district, fall into this category.
- Category III – Properties rated “C” by the Oakland Cultural Heritage Survey or contributors to an Area of Secondary Importance. This category excludes any property that falls into Category II.

Findings related to design, economic viability, building soundness and safety, building maintenance, building appraised value, public benefits, and sustainability are required during Design Review for the City to approve demolition of historic resources defined within each of the above three categories.

S-7 and S-20 Preservation Combining Zone (Sections 17.84 and 17.100B)

S-7 and S-20 Preservation Combining Zone (Sections 17.84 and 17.100B of the Planning Code). The S-7 and S-20 Preservation Combining Zones are the City’s historic preservation zoning districts or historic districts. Areas eligible for S-7 designation are those having “special importance due to historical association, basic architectural merit, or the embodiment of a style or special type of construction, or other special character, interest, or value.” District boundaries can be established by historic tract boundaries and historic natural or man-made features that shaped the district’s development (e.g., the shoreline, railroad tracks), by later intrusion or demolition, or by practical considerations such as existence of an interested group of applicants. The S-20 zone is similar to the S-7 zone, but is designed for larger areas, typically with a large number of residential properties that may not be individually eligible for landmark designation but as a whole constitute a historic district. Demolition and design regulations for S-7 and S-20 properties are similar to those for landmarks. In the S-20 zone, most design review follows ordinary City processes, with potential referral to Landmarks Preservation Advisory Board. Old Oakland and Preservation Park are the only Preservation Combining Zones in the Specific Plan boundary; both are designated S-7 Districts.

(5) City of Oakland Standard Conditions of Approval

The City’s SCAs that are relevant to cultural resources are listed below. The SCAs are adopted as requirements for all projects approved within the City of Oakland.

SCA-CULT-1: Archaeological and Paleontological Resources – Discovery During Construction (#33)

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate

Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration 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, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction.

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA-CULT-2: Archaeologically Sensitive Areas – Pre-Construction Measures. (#34)

Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.

Provision A: Intensive Pre-Construction Study.

The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:

- a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.
- b. A report disseminating the results of this research.

- c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.

Provision B: Construction ALERT Sheet.

The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.

When Required: Prior to approval of construction-related permit; during construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

SCA-CULT-3: Human Remains – Discovery During Construction. (#35)

Requirement: Pursuant to CEQA Guidelines section 15064.5l(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work

shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision I of section 7050.5 of the California Health and Safety Code. 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 and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA-CULT-4: Property Relocation. (#36)

Requirement: Pursuant to Policy 3.7 of the Historic Preservation Element of the Oakland General Plan, the project applicant shall make a good faith effort to relocate the historic resource to a site acceptable to the City. A good faith effort includes, at a minimum, all of the following:

- a. Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3' x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;
- b. Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the City;
- c. Maintaining the signs and advertising in place for a minimum of 90 days; and
- d. Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning (including Oakland Cultural Resource Survey)

Monitoring/Inspection: N/A

4. Impacts, Standard Conditions of Approval and Mitigation Measures

This section analyzes and describes potential environmental impacts related to cultural and historic resources that could result from the implementation of the goals and policies set forward in the Specific Plan, as well as reasonably foreseeable development expected to occur under the Plan's implementation. Mitigation measures to assist in reducing impacts are presented following the analysis.

a. Thresholds of Significance

The City of Oakland has established specific CEQA thresholds as they relate to historic and cultural resources. The project would have a significant impact on the environment if it would:

1. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines section 15064.5.14. Specifically, a substantial adverse change includes 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 an 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 an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5;
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
4. Disturb any human remains, including those interred outside of formal cemeteries.

The changes to Appendix G of the State CEQA Guidelines effective in December 2018 were intended to reflect recent changes to the CEQA statutes and court decisions. Many of these recent changes and decisions are already reflected in the City’s adopted significance thresholds, which have been used to determine the significance of potential impacts. To the extent that the topics or questions in Appendix G are not reflected in the City’s thresholds, these topics and questions have been taken into consideration in the impact analysis below, even though the determination of significance relies on the City’s thresholds.

b. Analysis Approach and Plan Policies

To understand how the Specific Plan may impact resources, Plan policies related to historic and cultural resources were identified. They are categorized by likely beneficial results and potential to impact historical and cultural resources.

Potentially Beneficial Plan Policies

The Specific Plan seeks to encourage and accommodate housing and employment growth within the Plan Area through amendments to the General Plan, as well as changes to height and intensity and development on opportunity sites, and key transformational opportunity areas. The Plan also includes goals that respect and enhance neighborhood character, encourage adaptive reuse of older buildings, and promote diverse cultural assets in downtown. These policies (presented in order they appear in the Public Review Draft Plan) include:

Policy E-2.3: Develop and continually update requirements or incentive options for new development to provide affordable space for arts, community service/nonprofit organizations, and small, local, culturally-specific businesses.

Policy E-2.5: Review and revise zoning and other City requirements to allow custom manufacturing uses in ground-floor commercial spaces so that tenants can make and sell products in the same space.

Policy E-2.6: Activate vacant storefronts and empty lots with retail and arts uses by supporting “pop-up” uses that temporarily occupy these spaces. Explore establishment of a formal program to identify vacant spaces and coordinate pop-ups through a City registry and referral process; explore development of a temporary use classification in the zoning code; evaluate and revise City requirements as needed.

Policy E-2.7: Ensure City policies and actions maintain sufficient industrial space downtown to accommodate user needs—especially maintaining downtown’s unique existing strengths in providing space for small-scale industrial uses such as custom manufacturing, production, arts and distribution. As described in the land use chapter, maintain industrial uses in specific areas near port and freight infrastructure.

Policy E.2.12: If a new ballpark and related development occur at Howard Terminal, ensure that the site design minimizes impacts on existing businesses and Port of Oakland operations, particularly in the neighboring West Oakland Specific Plan’s industrial preserve area.

Policy E-2.13: Pursue establishment of additional arts and culture districts in downtown, similar to BAMBD; potential districts could include a Chinatown Cultural Heritage District, KONO 25th Street Art + Garage District, and Jack London Maker District. Districts should only be established where there is local support.

Policy E-2.14: Pursue additional funding and restructure the façade and tenant improvement program to focus on assisting businesses and nonprofit organizations that meet criteria for income and location in established cultural districts.

Policy E-3.15: Partner with local businesses and the Building Bureau to enhance the physical accessibility of public-serving retail, workplaces and other spaces through application of “universal design” principles.

Policy H-1.9: Encourage the development of more commercial hotels downtown to relieve pressure to convert permanent housing units and SRO hotels to short-term tourist rentals.

Policy H-2.1: Continue to purchase and rehabilitate downtown’s residential or single-room occupancy hotels (SROs) as income-restricted affordable housing, as funding and purchase opportunities arise.

Policy H-2.2: Continue to partner with and fund nonprofit housing organizations to acquire and rehabilitate SROs in downtown; consider adapting the city’s notice of funding availability (NOFA) scoring criteria for funding applications to prioritize downtown sites for some funds.

Policy H-2.14: Ensure habitability standards for residents of affordable and market rate housing developments.

Policy LU-2.3 Establish a Cultural Districts Program and use the zoning regulations developed in support of such a program to both require and incentivize specific uses identified by the community as priorities in those areas.

Policy C-1.2: Provide support for the Black Arts Movement and Business District (BAMBD) and promote the district with special urban design elements and marketing materials.

Policy C-1.3: Strengthen and connect downtown's cultural assets and districts by investing in marketing and branding and a network of public spaces and culturally-relevant streetscape elements, such as wayfinding, signage, historical markers and public art.

Policy C-1.4: Encourage or incentivize new developments and infrastructure projects to seek out local culturally specific artisan producers and industrial fabricators to supply district-appropriate furniture, lighting, railing, textiles, art work, etc.

Policy C-1.6: Adopt regulations that help preserve and adapt historic buildings downtown, in order to help retain and create new spaces for arts and culture uses.

Policy C-1.7: Prioritize the capital improvement needs of the Malonga Casquelourd Center for the Arts, including the theater facility, in the City's upcoming budget cycles and Capital Improvement Program (CIP) planning processes.

Policy C-1.14: Expand & enhance the Oakland Cultural Asset Map (2018), created by the City of Oakland Department of Cultural Affairs.

Policy C-2-2: Invest in the creation of new and improved public spaces that can be used to host festivals and cultural gatherings, and that feature public art.

Policy C-3-6: Incentivize the use of privately-owned, vacant, or underutilized buildings as temporary affordable art or social enterprise space.

Policy LU-2.1: Draft and adopt an Adaptive Reuse Ordinance that facilitates the reuse of older and underutilized buildings by relaxing typical building and zoning requirements and by providing flexibility in the approval and permitting process when buildings are converted to new uses. Consider also applying the CHBC to buildings in APIs.

Policy LU-2.2: Study and develop an updated Transfer of Development Rights (TDR) program that will assist in overall preservation efforts downtown.

Policy LU-2.3: Establish a Cultural Districts Program and use the zoning regulations developed in support of such a program to both require and incentivize specific uses identified by the community as priorities in those areas

Policy LU-2.4: Study updating the City's demolition findings to facilitate new compatible development near the outer edges of fragmented Areas of Primary and Secondary Importance. This would require tailored design guidelines to help ensure architectural compatibility.

Potentially Adverse Plan Policies

While the Plan includes several policies to protect historic resources and neighborhood character, the Plan's primary goals are to create opportunities for economic growth and economic security for all Oaklanders and ensure sufficient housing is built and retained to meet the varied needs of current and future residents. Development associated with achieving the Plan's economic growth and housing policies consequently could adversely impact individual historic resources and/or historic districts as discussed below. The Plan accomplishes these growth and housing goals by increasing height limits and intensity in some areas and replacing existing general plan designations. The Plan also identifies opportunity sites for future development. If these Plan goals and policies are implemented as envisioned, then they could result in significant unavoidable impacts to historic and cultural resources. Although as is often the case with plan policies, many of the Plan's policies have the potential for both positive as well as adverse outcomes. This is reflected in some policies that appear in both the list above as well as the list below, as they may result in significant impacts to historic and cultural resources.

These policies (presented in order they appear in the Public Review Draft Plan) include:

Policy E-2.1: Prioritize future office development at sites in this Plan as well as located for office use (while still encouraging office development to occur elsewhere in downtown). Primary sites are located near BART and existing office concentrations at City Center and the Lake Merritt office district.

Policy E-2.2: Promote density and a mix of transit-supportive uses at regional transportation hubs, such as BART stations Amtrak stations, ferry terminals, and major AC Transit multi-route stops.

Policy E-3.15: Partner with local businesses and the Building Bureau to enhance the physical accessibility of public-serving retail and other spaces through application of "universal design" principles.

Policy H-1.7: Ensure that a mix of market-rate and income-restricted housing is constructed in downtown. Target creation of between 4,365 and 7,275 (aspirational target) affordable housing units including units designated to accommodate larger families out of a total housing production target of 29,100 new units. The target breakdown of new affordable units by income range, based on the City's 2015-2023 RHNA, should be: 15% extremely low-income, 15% very low-income, 30% low-income and 40% moderate income

Policy H-1.2: Leverage the city's inventory of publicly-owned land in a manner that supports housing affordability for Oakland residents.

Policy H-1-11: As part of the updates to zoning and development incentive program, adjust the zoning in identified areas of opportunity to create new high-intensity, mixed-use neighborhoods.

Policy H-1-13: Investigate passage of policies requiring a high standard of accessibility retrofits during remodels of existing buildings/units, and/or adjust requirements for new residential development in order to strengthen accessibility. This change could potentially include creation of a citywide universal design ordinance or amendment of existing citywide zoning/building codes to strengthen accessibility requirements (consider using the City of Alameda’s visibility and universal design ordinance as a model)

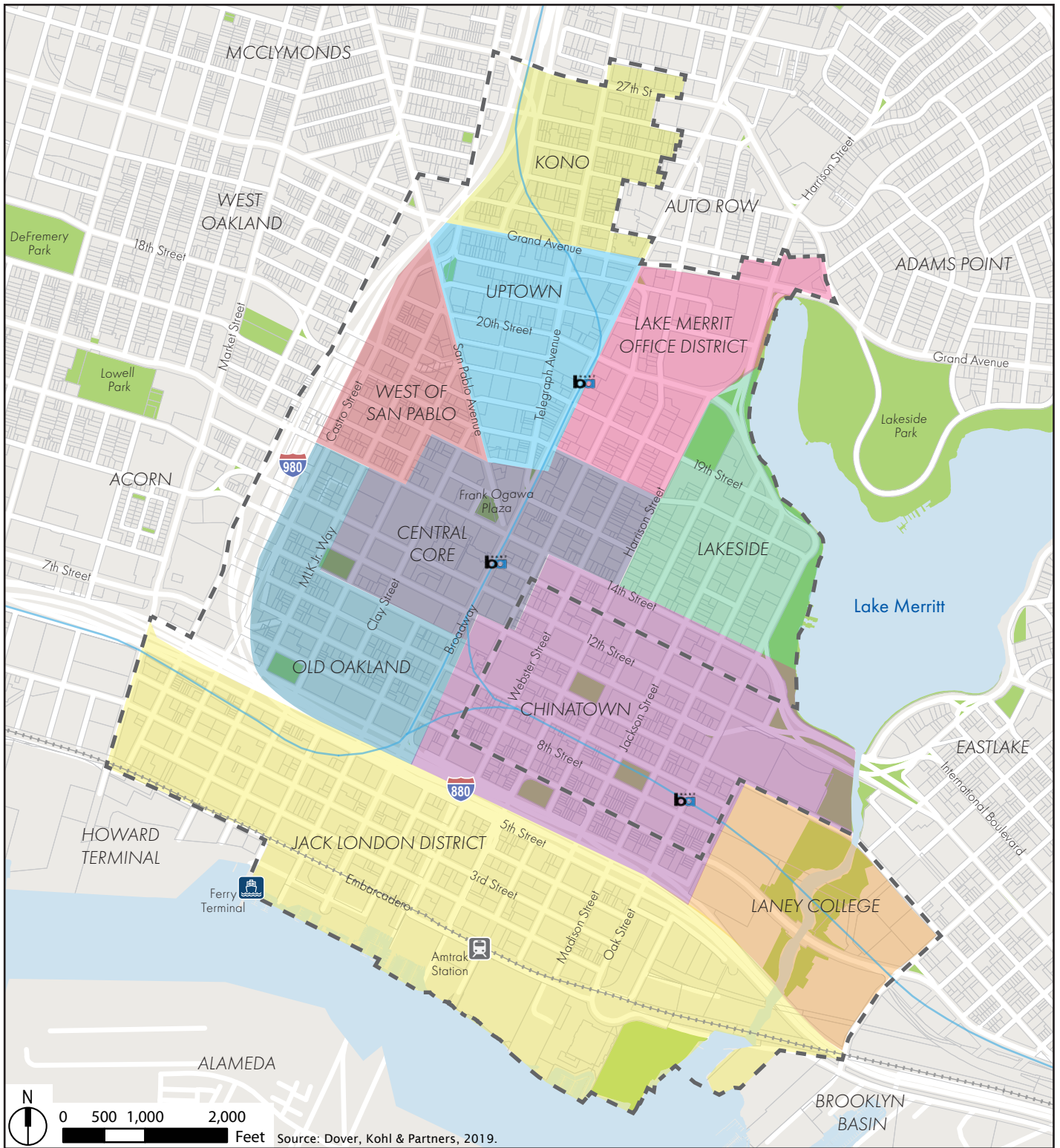
Policy LU-1.2: Encourage incremental development to fill in gaps in the existing urban fabric, while also identifying opportunities for larger and more transformative developments.

(2) Plan Vision and Development

In addition to the policies listed above, the Specific Plan provides a future vision for each of the ten sub-areas of downtown, shown in Figure V.E-2.⁴⁹ This includes a discussion regarding a future vision for the I-980 Corridor. Given the complexity of implementing such a vision, this is not fully analyzed in either the Specific Plan or the EIR; consideration of the I-980 Corridor would need additional environmental review at a future date. The Specific Plan puts forward possible height and floor area ratio (FAR) changes, as well as density changes and identifies potential opportunity sites for each of the ten sub-areas, discussed below and shown in *Chapter III, Project Description*, Figure III-3. The identified opportunity sites, height, and intensity changes (height, FAR and density) put forward in the Specific Plan also have the potential to impact cultural and historical resources. Figure V.E-3 shows vacant parcels and existing buildings on opportunity sites.

To determine where these opportunity sites may potentially conflict with known individual historic resources, APIs and ASIs, and National Register districts, a series of working maps comparing these properties with potential opportunity sites was created using available GIS data from the City of Oakland. Additionally, known historic resources were viewed with overlays of height, FAR and density increases to determine how changes in building’s heights and intensities would potentially impact historic resources. Areas of proposed differences are shown in *Chapter III, Project Description*, Figures III-9, III-10, and III-11 for FAR, density and height. Lastly, it is assumed that some future projects in Downtown Oakland would involve additions to historic buildings or buildings added to parcels that contain historic buildings. It is assumed that if these projects are executed per the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*, they would limit impacts to the existing historic resources. However, these projects

⁴⁹ City of Oakland, 2019. Downtown Oakland Specific Plan – Public Review Draft Plan, August.

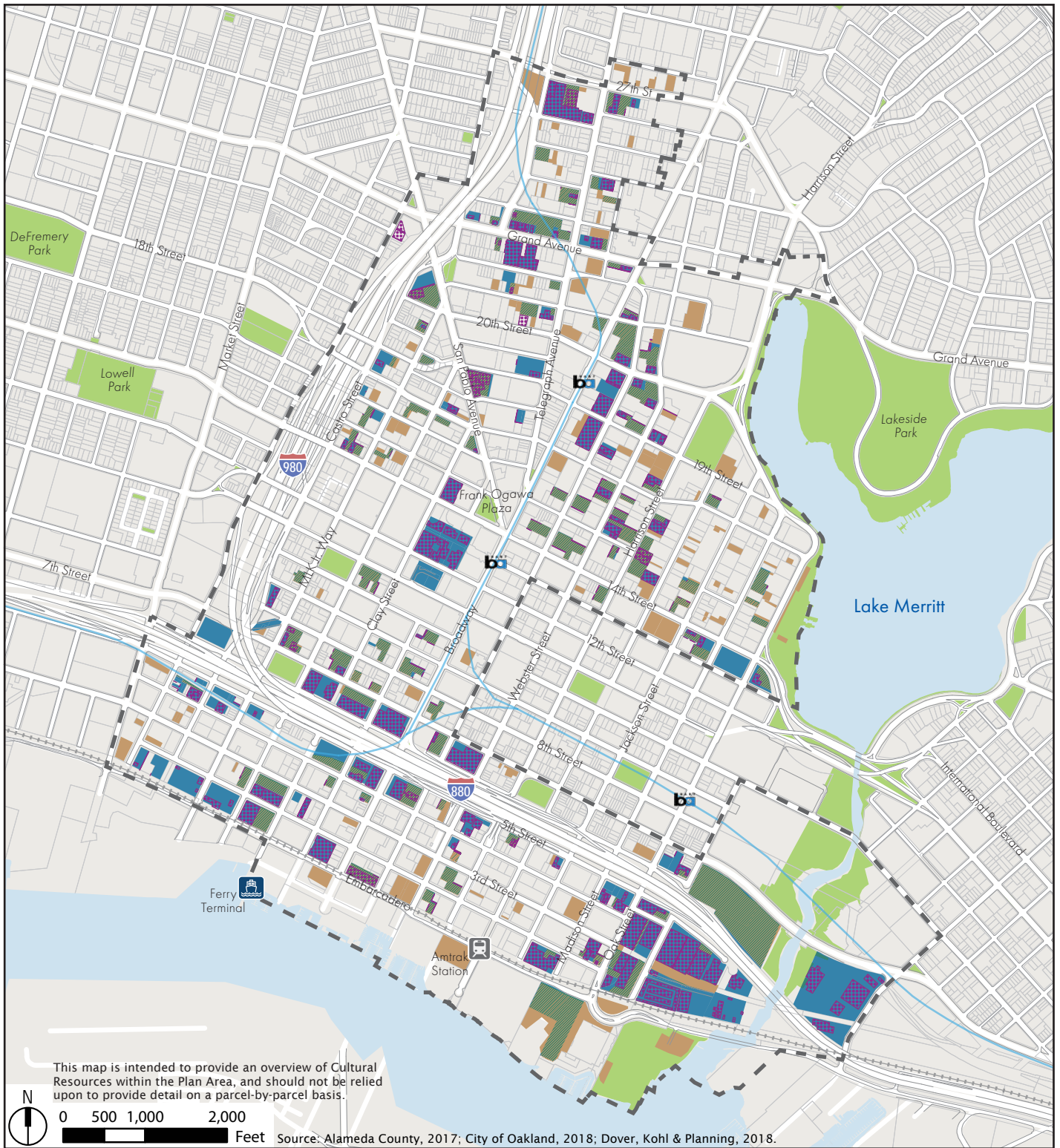


Legend

- Downtown Plan Boundary
- Parks
- BART Station
- BART Line
- Railroad

Downtown Oakland Specific Plan EIR

**Figure V.E-2
Planning Sub-Areas Map**



Legend

- Downtown Plan Boundary
- Parks
- Existing Building Footprint within an Opportunity Site
- BART Station
- Opportunity Sites
- Vacant or Underdeveloped Lot
- BART Line
- Vacant or Underdeveloped Lot on an Opportunity Site
- Railroad

Downtown Oakland Specific Plan EIR

Figure V.E-3
Vacant Parcels and Existing Buildings on Opportunity Sites

would need to be individually evaluated based on the program proposed and extent of the intervention on each site.

Only avoidance of direct impacts (i.e., demolition or substantial alteration) to historic resources would reduce any potential impacts to historic resources to a less than significant level. If demolition or substantial alteration of historically-significant resources is identified by the City as the only feasible option for development that implements a component of the Specific Plan, then these impacts would be considered significant and unavoidable.

Given the scope and scale of the Specific Plan, it seems highly likely that some previously identified historic resources would be impacted through the implementation of the Plan and its associated development. In addition to broader environmental review for the Plan, it would most likely be necessary to complete some level of environmental review on a project-specific basis, as individual projects on the identified opportunity sites and other sites are developed. One of the purposes of this EIR is to provide environmental analysis for future projects, which may use this EIR as a baseline informational document as well as be relied upon as a framework to determine the level of impacts.

Appendix D of this EIR includes the Downtown Oakland Historic Building Typology Study. While a complete re-inventory of the entire downtown area was not feasible, the Typology Study defines prominent building types, provides examples, identifies geographic areas, describes the frequency or rarity of each type, and puts forward an assessment of threats to each type. The Typology Study is organized by building type and also by significance or use theme; for instance, small-scale masonry commercial or industrial buildings, or government or institutional buildings, or wood-frame, Victorian-era residential buildings. The study also includes building types related to the more recent past, as developed in the post-World War II era. The Typology Study is intended to be another informational tool for understanding the extent and location of historic resources in Oakland's downtown. It is not intended to be a replacement for additional inventory or a full assessment of previously unevaluated historic resources.

To determine where areas of impact to cultural and historical resources may potentially occur, if the Specific Plan is implemented as envisioned, a review of proposed opportunity site locations, proposed height and intensity changes, and the vision section for each of the ten Plan Area neighborhoods is discussed below. As the Plan noted, there is a "distinct vision for each of downtown's unique neighborhoods and districts, where different scenarios applying land use and zoning concepts, opportunity sites, transportation alternatives and public realm improvements

will realize these respective visions.”⁵⁰ It is understood that opportunity sites represent only a portion of sites that may be redeveloped in the future. Through the Plan process, opportunity sites are identified as the following:

- Infill sites, which are vacant land (including surface parking lots);
- Underutilized sites, or sites with buildings that could better contribute to the public realm;
- Major redevelopment opportunities are identified that are at the periphery of the planning boundary and beyond the scope of the Plan, including Howard Terminal and reimagining the I-980 Freeway, both of these projects would require separate or additional environmental review.⁵¹

To provide further analysis, the Building Typology Study in Appendix D of this EIR identifies buildings that are rare or threatened. These buildings were taken into consideration in the neighborhood vision analysis below. The following analysis is organized by the planning sub-areas identified in the Specific Plan and the discussion appears in the same order as the visioning for each sub-area. District photos are included in the area-by-area discussion in Section F, Aesthetics.

Central Core

Existing Conditions

The Central Core is the commercial core of Oakland, with major downtown thoroughfares of Broadway, Telegraph and San Pablo Avenues, radiating from the city center and has development standards that fit its intensity. Much of the central core does not have limits to height, with existing FAR of 20.0 and densities of 90 square feet per dwelling unit. This area of downtown includes a concentration of older buildings which house government, corporate and private offices, retail, and other services. The Central Core contains some of Oakland’s most identifiable historic landmarks and includes a collection of early 20th century skyscrapers, including: Oakland’s first steel-frame skyscraper, the Union Savings Bank Building of 1903; Kahn’s Department Store, 1912, now called the Rotunda Building; the Federal Realty Building of 1913, often called the Cathedral Building; and the Oakland Tribune Tower, completed in 1922. Along the southern edge of the sub-area is the Oakland Convention Center. A large number of Oakland’s older hotels, many now used as SROs, are found in the Central Core. Several significant modern-era office towers are found in this area of downtown, including the 1958 tower by architects Stone, Mulloy, Marraccini & Patterson at 1330 Broadway, the first International-Style

⁵⁰ Ibid, page 7.

⁵¹ Ibid, page 186.

high rise in the East Bay, and the later Corporate Modern Clorox Building at 1221 Broadway (Cesar Pelli with Gruen Associates). The Central Core also conveys the legacy of the 1966 Central District Plan, which demolished twelve blocks to accommodate the City Center, Convention Center, and Federal Building, and in doing so altered the historic street grid.

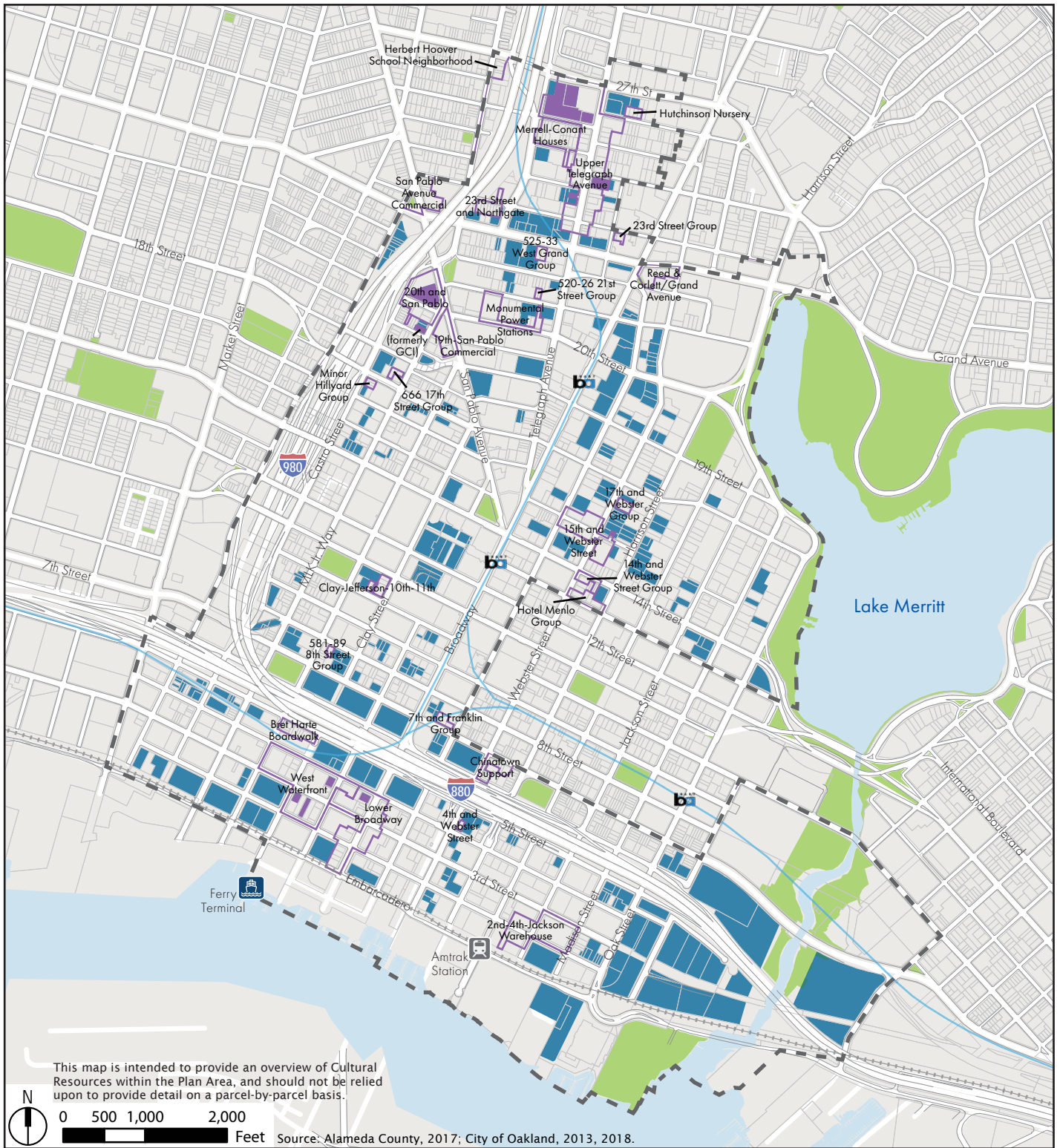
The Central Core includes the Downtown Oakland and the Harrison and 15th Streets National Register Historic Districts and several APIs (Downtown Historic, Coit Building Group (which is also included in the Harrison and 15th Street National Register Historic District), Leamington Hotel Group, and 17th Street Commercial Group), as well as several ASIs (17th and Webster Street Group, 15th and Webster Street Group, 14th and Webster Street Group, and Hotel Menlo Group). This area is also home to a variety of well-established Black-owned businesses centered around the recently-adopted 14th Street BAMBD, the boundaries of which extend along 14th Street from Oak Street, near Lake Merritt, through Lakeside and the Central Core, across West Oakland to Frontage Road along I-880.

Specific Plan Development Objectives for Central Core Area and Potential Historic Resources Conflicts

Opportunity sites in the Central Core are focused on “under-utilized sites.” These represent vacant lots or parcels used for surface parking, as well as smaller-scale commercial buildings that are situated at the periphery of the Central Core, or parcels that sit within ASIs (see Figure V.E-4).

Currently, there are only two opportunity sites identified within the boundaries of the Downtown Oakland Historic District API (see Figure V.E-5); these occur to the east of Broadway and south of 15th Street. These sites do not currently have a height limit, they have a FAR of 20.0, and a density of 90 square feet per unit. Under the Specific Plan the intensity would increase FAR to 30.0 and density to 65 square feet per unit, and the height would remain unchanged. There are several opportunity sites adjacent to the Downtown Oakland Historic District API boundary, including a group of parcels between Broadway and Clay and 11th and 14th streets. These opportunity sites are in areas where there would be no change to height as there is currently no limit and no limit is proposed. The FAR would increase from 20.0 to 30.0, and density would increase from 90 square feet per unit to 65 square feet per unit. There are also several opportunity sites situated north of 14th Street near Webster Street. While a 450-foot limit in this vicinity is an improvement from no limit, there remains potential for this height and scale change to have impacts on resources within the Downtown Oakland Historic District. Density and FAR for this parcel remain unchanged.

The primary building types in the Central Core are larger-scale commercial buildings of a range of heights that include governmental, private office, and residential properties, as well as some smaller-scale commercial resources at the periphery and distributed throughout the entire sub-area. The smaller-scale buildings create breaks in the taller urban wall, provide for light and air to

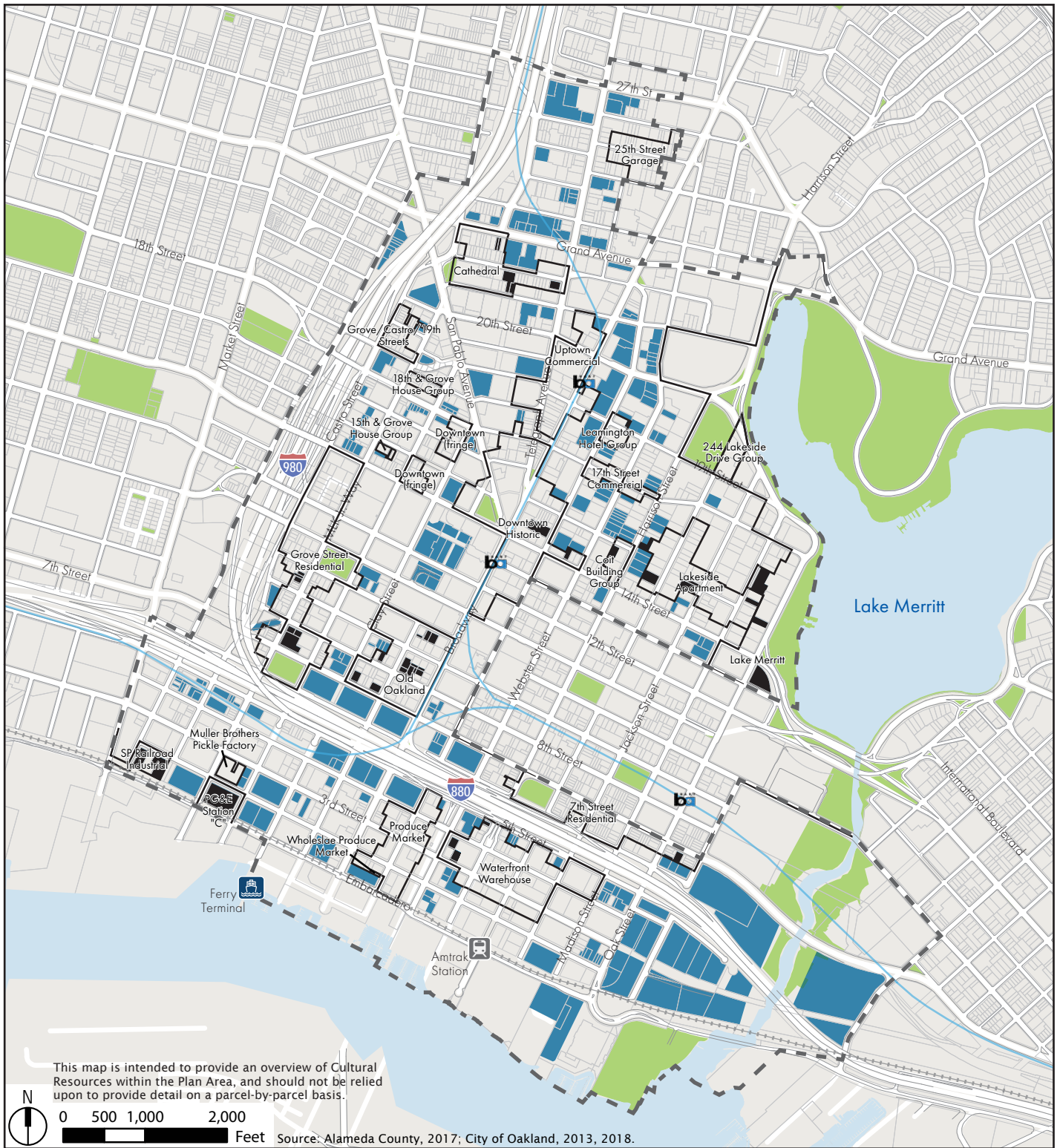


Legend

- Downtown Plan Boundary
- Parks
- BART Station
- Areas of Secondary Importance (ASI)
- BART Line
- Opportunity Sites
- Railroad
- Opportunity Sites within an ASI

Downtown Oakland Specific Plan EIR

Figure V.E-4
ASIs and Opportunity Sites within the Plan Area



Legend

- Downtown Plan Boundary
- Parks
- Areas of Primary Importance (API)
- Opportunity Sites
- Opportunity Sites within an API
- ba BART Station
- BART Line
- Railroad

Downtown Oakland Specific Plan EIR

Figure V.E-5
APIs and Opportunity Sites within the Plan Area

taller buildings, and contribute to an undulating streetscape that helps define the character of downtown. Buildings with smaller footprints and lower heights face increased threat from demolition and redevelopment to accommodate larger-scale buildings with higher-yielding economic values. Such changes are likely to occur over the life of the Specific Plan and could impact historic resources within the Central Core.

Lake Merritt Office District

Existing Conditions

Situated adjacent to Lake Merritt, this employment hub has a significant concentration of large-scale office buildings. The landmark of this sub-area is the mid-century Kaiser Center completed in 1960 by architects Welton Becket & Associates. Fronting Lake Merritt, the building's design was influenced by contemporary buildings along Chicago's Lakeside Drive and the International Style. There is a concentration of mid-century office towers and smaller-scale, mid-century banks in this vicinity that have not been fully evaluated as potential historic resources. These include two towers by Skidmore, Owings & Merrill: the Ordway Building adjacent to the Kaiser Center, completed in 1970, and a building the firm designed for Blue Cross, now also owned by Kaiser, at 1950 Franklin Street between 19th and Thomas L. Berkley Way. The smaller bank buildings are centered around Webster and Franklin streets on or near Thomas L. Berkley Way. The Lake Merritt API extends to include one building parcel at the northwestern point of the lake and includes the Kaiser Center; otherwise, the Lake Merritt Office District does not have any API's or ASI's. Existing height, FAR and density in this region are amongst the highest in the downtown.

Specific Plan Development Objectives for Lake Merritt Office Areas and Potential Historic Resources Conflicts

Opportunity sites in this sub-area are focused around Webster and 20th Street (Thomas L. Berkley Way), as shown on Figure V.E-2. These opportunity sites are wedged between two APIs, as shown on Figure V.E-3. There is also a small collection of mid-century modern branch banks that have not been fully evaluated, and therefore should be treated as potential historic resources for the purposes of determining impacts. The opportunity sites appear to include several parcels that house the small-scale, mid-century bank buildings. It is possible that future development in this sub-area could impact these potential small bank historic resources. These sites are possibly identified for redevelopment because they include portions of an undeveloped parcel used to accommodate surface parking. The height, FAR and density in this region remains unchanged under the Specific Plan, however, given the potential for new development under the Specific Plan in this area more development could impact these resources.

Uptown

Existing Conditions

Uptown radiates out from Telegraph Avenue to the east and the west above 18th Street. It has historically been a shopping, entertainment, and light industrial district and houses two of Oakland's landmark historic theaters, the Fox and the Paramount. There are also many older, small-scale, masonry, commercial buildings within this neighborhood, some of which have been converted to new uses such as art galleries, restaurants, cafes, and housing. Uptown has two APIs, Uptown Commercial and Cathedral (shown on Figure V.E-3), as well as three ASIs: Monumental Power Stations (shown on Figure V.E-5), 520-26 21st Street Group, and 525-33 West Grand Group. The resources typical to this area are small- to medium-scale commercial buildings from the 1920s and 1930s.

Specific Plan Development Objectives for Uptown and Potential Historic Resources Conflicts

In Uptown, the Plan proposes to either decrease, or keep the existing height. FAR would increase along the border of Grand Avenue as well as near 20th Street. Density would increase south of Grand Avenue near 22nd Street as well as between Telegraph Avenue and Broadway from 19th Avenue and Grand Avenue. The Plan illustrates a significant number of opportunity sites in this sub-area that could significantly impact the historic scale of Uptown and may impact resources that are in APIs or are Potential Designated Historic Properties. The Plan proposes to reduce the height limits between San Pablo and Telegraph from 14th street to 19th Street, as well as on the border of Telegraph going north up to Grand Avenue. There are two opportunity sites (which currently have an existing building footprint) located along Grand Avenue immediately adjacent to the Cathedral API and several opportunity sites within this API. Redevelopment and new construction in this API have the potential to impact the overall integrity of the API, thereby resulting in significant and unavoidable impacts. Other development sites in Uptown do not appear to be within either APIs or ASIs.

Koreatown/Northgate (KONO)

Existing Conditions

In the mid-1990s, a de facto Koreatown consisting of businesses along Telegraph Avenue, from about 20th Street to 25th Street, began to take shape. This is a primarily commercial enclave, although there are some residential units on upper stories. Today, Koreatown and Northgate are also home to the 25th Street Art + Garage Cultural District. This cultural district includes older, smaller-scale, primarily one- and two-story, masonry buildings, many of which formerly housed auto-related uses, but have recently been transformed into arts, arts-influenced, maker, and

entertainment spaces. Some auto-related uses remain in this vicinity. This area also includes the 25th Street Garage API, which does not have the exact same boundaries at the cultural district. This area of downtown also has four ASIs (23rd and Northgate, Hutchinson Nursery, Merrell Conant Houses, and Upper Telegraph Avenue).

Specific Plan Development Objectives for KONO and Potential Historic Resources Conflicts as a Result of Plan Implementation

In KONO, the Specific Plan proposes increased heights, FARs and density along 24th, 25th, and 27th streets and along Telegraph Avenue, as shown in *Chapter III, Project Description*, Figure III-9 (depicting proposed FAR changes) and Figure III-10 (depicting proposed density changes) and Figure III-11 (depicting proposed height changes). There are only a few opportunity sites that would be situated within the API or ASI boundaries. However, there is a large opportunity site identified on 27th Street within the Upper Telegraph ASI boundary, as shown on Figure V.E-4. A prominent property type in KONO is the small-scale, masonry, automobile-related building (1900-1960). This property type faces significant development threats because most of these buildings are only one and two stories in height. Redevelopment of these types of resources would add density to this sub-area in addition to the proposed increase to height, FAR and density in KONO. In recent years, there have been significant new development projects in this sub-area.

West of San Pablo

Existing Conditions

This sub-area consists of the wedge of land between San Pablo Avenue, the I-980 freeway corridor, and 14th Street. It consists of pockets of historically significant Victorian-era, wood-frame housing, and several ecclesiastical buildings. The construction of I-980, in the 1970s and 80s separated this area from the rest of the West Oakland's residential areas. There are four separate APIs in this sub-area (Downtown Fringe – two separate areas, 15th and Grove House Group, and Grove/Castro/19th Streets). There are also four ASIs (Minor Hillyard Group, 666 17th Street Group, 19th and San Pablo Commercial, and 20th and San Pablo Commercial). Additionally, there are many individual Local Register properties west of San Pablo. This area of downtown also includes several single room occupancy (SRO) hotels, including the San Pablo Hotel.

Specific Plan Development Objectives for West of San Pablo and Potential Historic Resources Conflicts

This sub-area includes small-scale, wood-frame residential remnants of the Victorian era. This includes both single-family and smaller-scale apartment or flat buildings. The lot sizes in this area

also reflect the historic grid and parcel configuration. Lot assembly in this location could increase the bulk and scale of the area, thereby changing the historic character. There are several clusters of opportunity sites between Castro Street, Martin Luther King, Jr. Way (historically Grove Street), and 14th and 16th streets. Proposed new development here could result in larger-scale projects on assembled parcels, as increased height, FAR and density are proposed for some areas. It is possible that this type of development could alter the scale and rhythm of historic development and result in the loss of individual Local Register buildings through increased development pressure.

Lakeside

Existing Conditions

This sub-area, situated to the south and west of Lake Merritt, has always had a residential focus. At the turn of the twentieth century, large lots with single-family houses dominated the built environment in this area. By the 1910s and 20s, these large lots were merged to accommodate higher-density uses and larger apartment buildings. Later in the 1950s and 60s several courtyard-style, mid-century apartment buildings further altered neighborhood. Today, apartment buildings, including Period Revival 1920s and 30s and mid-century modern examples, are the prevailing building type in Lakeside. However, several historic single-family residences remain in the area. There are two APIs in Lakeside that reflect the apartment theme in this area: 244 Lakeside Drive Group and Lakeside Apartment. Lakeside also has a strong institutional presence with the Scottish Rite Temple, Camron Stanford House, and the Islamic Center. This area is also home to a variety of well-established Black-owned businesses centered around the recently adopted 14th Street BAMBBD, the boundaries of which extend along 14th Street from Oak Street, near Lake Merritt, through Lakeside and the Central Core, to Frontage Road along I-880.

Specific Plan Development Objectives for Lakeside and Potential Historic Resources Conflicts

Pre- and Post-War, medium-sized apartment buildings of two to four stories abound in this sub-area of the Plan. Height limits in a portion of this area are proposed to increase from the current 45 and 55 feet to between 65 and 85 feet, shown on Figure III-11. There are a range of FARs in the Lakeside region from 20 to 2.5. Closest to the lake FARs, would increase from the existing 2.5 and 4.5 to between 12 and 7.5 as shown on Figure III-9. Densities closest to the lake are between 300 and 450 square feet per unit, and would increase to between 250 to 110 square feet per unit as shown in Figure III-10. These changes would not substantially impact the historic scale in this sub-area of downtown. However, it would potentially encourage redevelopment of lots for larger, taller buildings to accommodate more housing. This could result in the loss of some historic buildings to demolition as new development occurs in this area of downtown.

Old Oakland

Existing Conditions

Old Oakland includes the Victorian-era commercial center of 1870s Oakland, which runs along Broadway and Clay Street from 7th to 10th streets. Consisting of two- to three-story masonry buildings along a historic grid of streets, these buildings form a cohesive, Victorian-era streetscape. The Grove Street Residential API and Preservation Park are within this planning sub-area, as shown on Figure V.E-5. The blocks at the southern edge of this sub-area along the I-880 corridor, though not within the API, contain a collection of large-scale civic buildings including the Oakland Police Department and Jail, the Wiley M. Manuel Courthouse, the Glenn Dyer Detention Facility, and a large parking lot. These two large-scale clusters of more modern buildings hem in the Old Oakland Historic District; I-880 further separates Old Oakland from the historic Oakland waterfront. There are three ASIs in this sub-area: Clay-Jefferson 10th 11th; 581-89 8th Street; and 7th and Franklin Group, as shown on Figure V.E-4.

Specific Plan Development Objectives for Old Oakland and Potential Historic Resources Conflicts

An opportunity site is identified on 9th Street between Washington and Clay and across from Swan's Market; this is the heart of Old Oakland S-7, a designated historic district. There is surface parking on this block between two, low-scale, masonry commercial buildings, both of which are contributors to the district; this appears to be the opportunity site, as shown on Figure V.E-1. As noted above, this sub-area also includes a series of opportunity sites including the collection of civic buildings between 6th and 7th streets, which have not been fully evaluated within the context of mid-century design in Oakland. These large-scale parcels are identified as opportunity sites in the Plan. The close proximity of these large opportunity sites to the southern edge of Old Oakland (across from the freeway) requires careful consideration as these sites are further explored for future development. Heights and densities in Old Oakland would remain unchanged, except for a portion near the I-980 along 14th Street and south of 12th Street between Castro Street and Martin Luther King Jr. Way, and a portion south of 8th Street between Clay and Broadway. There are minor FAR increases proposed along the border of I-980 from 14th Street to the I-880. While larger-scale buildings at this edge of Old Oakland may not in and of themselves result in impacts to historic resources, Old Oakland is one of downtown's most significant collections of historic buildings and future development in and around the designated historic district and requires careful consideration.

Chinatown

Existing Conditions

As noted in the Historical Setting section (2.d) above, the Chinese community has a long history in Downtown Oakland. A small Chinese neighborhood developed at the corner of 7th and Webster streets in the early 1870s, expanding to a multi-block area radiating from around this location and over to Madison Square by the time of the 1906 earthquake. Chinatown remains an active residential and commercial neighborhood. This area of downtown includes a large number of small-scale, early 20th-century commercial buildings, some with residential uses at the upper story.

Specific Plan Development Objectives for Old Oakland and Potential Historic Resources Conflicts

This sub-area of downtown was covered in the Lake Merritt Station Area Plan (LMSAP) EIR. As described in the LMSAP EIR, existing SCAs and regulations protecting historical resources, and proposed Plan policies outlined in the LMSAP EIR would mitigate any potential impact of overall redevelopment in the LMASP Planning Area, but would not be able to reduce the potential impact of demolition of Oakland Unified School District or County property to a level that is less than significant. If demolition or substantial alteration of historically-significant resources is identified by the City as the only feasible option for development in the LMASP Planning Area, the impact of development under the LMSAP would be considered significant and unavoidable. This finding should be viewed as conservative, as it is not certain that historic resources on opportunity sites would be demolished or otherwise impacted.

Jack London District

Existing Conditions

The Jack London District is located on Oakland's waterfront, south of the I-880 Freeway, fronting the Oakland Estuary. The sub-area was separated from the rest of Downtown Oakland with the construction of the I-880 Freeway beginning in the late 1940s and further expanding in the 1960s, and by railways prior to the I-880 Freeway. The Jack London District is a mix of older low-scale, masonry commercial buildings and warehouses, Port-related buildings, a public plaza and estuary walkway, Jack London Square (a 1950s tourist-focused development continuously expanded and remodeled into the 2000's), and new multi-story housing that has replaced vacant lots and low-scale older commercial and industrial buildings in recent years. Although much of the Jack London District has an industrial past, many of its older or historic buildings that once housed industrial uses have become outdated for today's manufacturing and distribution operations, and

are instead often targeted for office conversion, arts uses, or leased to small-scale industrial users with unique needs.

The National Register-listed Waterfront Warehouse Historic District and the Wholesale Produce Market API are both located within this sub-area of downtown. Additional APIs include the PG&E Substation C, Muller Brothers Pickle Factory, and SP Railroad Industrial. Further, there are five ASIs in the Jack London district: Brett Harte Boardwalk; West Waterfront; Lower Broadway; 4th and Webster (one parcel); and 2nd, 4th, Jackson Warehouse.

Specific Plan Development Objectives for the Jack London District and Potential Historic Resources Conflicts as a Result of Plan Implementation

There are four APIs and five ASIs within the Jack London District. Extensive new development and numerous opportunity sites are proposed for this area. In addition, there is an opportunity site identified at 2nd and Jefferson streets – this is the Union Iron Works at 580 2nd Street. This is both a Designated Oakland Landmark and on the NRHP, but only takes up a portion of this block. In addition, a vision idea is put forward to develop a Webster Street Green above the Posey Tube between Embarcadero West and extending under the I-880 to 7th Street. This is a follow-on recommendation from the Lake Merritt Station Area Plan and the Estuary Policy Plan. The Webster Street Green would be situated between two APIs with historic distinction and an industrial character. Large-scale residential opportunity sites and increased density is proposed along I-880 west of Webster Street and along Embarcadero West, west of Broadway. This would change the scale and character of this part of the waterfront. Combined with extensive development that has already occurred in and around both the Waterfront Warehouse District and the Produce Market District, these districts are at risk of changing their overall historic integrity, thereby losing status as an historic district. The Plan plans to protect the Produce Market District by keeping the character of the area as Flex Industry. However, as part of the Howard Terminal Option, the area between Brush, Clay, 2nd, and 4th streets could become Mixed Use Flex, meaning the form and character of the proposed Jack London Maker District (along 3rd Street) would not be preserved in this option. Large-scale residential opportunity sites are identified east of Madison Street and south of I-880 to the Plan Area boundary. This is just east of the Waterfront Warehouse Historic District. Of the sub-areas in the Plan Area, the Jack London District appears to be subject to the most potential conflict and impairment or loss of designated historic resources due to the amount of proposed intensity increases (including FAR, and densities), as well as the number opportunities sites identified for this area.

Laney College*Existing Conditions*

Laney College is one of the four colleges of the Peralta Community College District and is located near the Lake Merritt BART Station. The Lake Merritt Channel separates the Laney College Main Campus, located on Fallon Street, from the Athletics Campus. The campus was developed from a 1966 Master Plan by Skidmore Owings & Merrill and completed in 1971. A full historic resources analysis has not been undertaken for the campus.

Specific Plan Development Objectives for Laney College and Potential Historic Resources Conflicts as a Result of Plan Implementation

The Laney College sub-area has two large opportunity sites to the south of 7th Street. This sub-area warrants further study within the historic context of educational institutions in Oakland and within the body of campus work to fully understand how the future vision of Laney College may impact historic resources.

Lake Merritt and Estuary*Existing Conditions*

As part of the Lake Merritt Station Area Plan, changes in the area around the Lake Merritt BART Station were anticipated, along with transit-oriented development. The Oakland Auditorium is located to the east of the Plan Area and adjacent to Lake Merritt. It is a 1915 Beaux-Arts building to the south edge of Lake Merritt and is a visually prominent building along the lake. Plans are underway to renovate and upgrade this building. The Lake Merritt Channel connects the Oakland Estuary to Lake Merritt, with significant park and green spaces on either side of the Channel.

Specific Plan Development Objectives for Lake Merritt and Estuary and Potential Historic Resources Conflicts as a Result of Plan Implementation

Development objectives and potential historic resources conflicts and impacts in this sub-area of downtown are covered in the Lake Merritt Station Area Plan EIR.

c. Analysis and Findings**(1) Historic Resources Impacts (Criterion 1)**

Impact CULT-1: Implementation of the Specific Plan and its associated development is anticipated to result in the demolition, destruction, or relocation of some historical resources either as individual resources and/or as contributors to historic districts. (SU)

While the Specific Plan puts forward many policies that would be beneficial to historic and cultural resources in the area, other policies that may be beneficial in other Plan realms, such as economic opportunities or housing and affordability, would potentially impact historic and cultural resources, as they encourage new construction in areas that likely include historical resources within the downtown built environment.

The Plan encourages development opportunities and increases in intensity that would put pressure on lower-scaled historic resources throughout downtown and may significantly impact previously and not yet identified individual historic resources including historic districts, APIs and ASIs. The Plan also supports the preservation of cultural and historical resources, limiting or potentially avoiding impacts through preservation-specific policies in the Plan. Historic preservation is also encouraged via other city policies including the General Plan Historic Preservation Element, existing development standards and SCAs. However, some individual projects that occur under the Specific Plan could involve the demolition or alteration of historically significant resources. Some of these resources are known resources and others may become significant resources over the plan buildout.

If demolition, destruction, or relocation of historically-significant resources is determined by the City as necessary to achieve competing outcomes of the Plan, than such an impact would constitute a significant and unavoidable impact to historic resources. Together with the goals, objectives, policies, actions, and outcomes contained in the Plan, the HPE, and the City's SCAs, implementation of the following mitigation measures would lessen, but not to a less-than-significant level, potential project and cumulative impacts of the Specific Plan and associated development projects on cultural and historical resources.

Mitigation Measure CULT-1: The following mitigation measures shall be implemented to the extent feasible to minimize impacts to historic resources in the Plan Area and its vicinity. The mitigation measures are identified in order of priority. As many of the measures as feasible shall be implemented:

Mitigation Measure CULT-1A: The Plan shall be revised to include the following implementation measures focused on minimizing impacts to historic resources:

- i. **Reinstate and promote the City Downtown Façade Improvement Program⁵²** consistent with Action 3.8.1(g) of the Historic Preservation Element of the City of Oakland General Plan for both commercial and residential properties including SROs. The program shall require financial contribution to this fund when historical resources are

⁵² The fund stagnated as funding available through tax increment financing was eliminated with the Redevelopment Agencies in 2012.

impacted by future development projects in the Plan Area, and potentially the other Specific Plan areas, based on a formula established by the City as part of reinstating the program. If reestablished, the fund shall be used to implement the additional mitigation measures identified below, as appropriate.

- ii. **Revise the City Transfer of Development Rights (TDRs) Ordinance**, within three years of Plan adoption, to encourage the retention of the smaller-scale buildings that are prevalent in downtown and are at high risk for redevelopment and demolition. The revised ordinance should be accompanied by a specific TDR program for building owners and project sponsors within the Plan area, and potentially the other Specific Plan areas. This program should include identifying potential properties to participate and outreach to these owners so they understand the benefits as well as how this program could fit into a menu of preservation incentives. The transfer enables the owner of the receiving site to develop additional gross floor area, above and beyond what would otherwise be allowed. The use of this program shall be considered into the current height changes proposed downtown. A good model for this program has been on-going in San Francisco.
- iii. **Adopt an Adaptive Reuse Ordinance**, within three years of Plan adoption, that would encourage preservation of historic buildings within the Plan Area and potentially the other Specific Plan areas. The City of Los Angeles has a highly successful, similar program adopted in 1999 for downtown that was extended into other areas in 2003 that can serve as a model. Other elements of the ordinance should include a means to expedite project approvals for historic building rehabilitations that would convert vacant or underutilized properties to provide housing, SRO units, live-work units, or cultural activities. It should also delineate which historic buildings in downtown are eligible, with a focus on designated Landmarks, buildings within National Register-listed historic districts, and buildings within APIs and ASIs. Provisions could include but not be limited to reduced permitting costs, ways to accommodate existing floor area ratios, and reduced parking and open space requirements, when necessary to achieve project goals. Other provisions could include expedited review of the use of the California Historical Building Code (CHBC) and ways to encourage projects to meet the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- iv. **Formulate an oral history program for the cultural groups that have played an important role in downtown.** Numerous cultural groups and cultural traditions have influenced the development of downtown and its communities. Engage in a public outreach program to formulate a list of groups and stakeholders, key community individuals who can take leadership roles, and develop a program that will inform the oral history project. Partnerships with the Oakland Public Library, Laney College and

StoryCorps could bolster this program. The City should strive to be an instigator in this program.

Mitigation Measure CULT-1B: Expand public outreach and implementation of the California Historical Building Code (CHBC) for projects that qualify under State law. Dovetail use of the CHBC with the Adaptive Reuse Ordinance as it is implemented. Provide professional development training to the City's building officials and inspectors on the use of the CHBC so that they can implement project review for qualified buildings within reasonable timeframes. Appoint a Senior Building Official as the CHBC-liaison between the Planning Department, the Chief Fire Official and the Building Department so that projects are reviewed with consistency and clarity. Encourage City staff to schedule a seminar with the Office of Historic Preservation's member of the State Historical Safety Board to provide a thorough background of how the code is implemented.

Mitigation Measure CULT-1C: Further the Planning Code protections for SROs hotels with additional façade protections for these buildings, perhaps by deeming this specific historic building type eligible for participation in the Mills Act program or by documenting these resources as a thematic, rather than geographically-based API. While Planning Code Chapter 17.153 Demolition, Conversion and Rehabilitation Regulations for Residential Hotels, was adopted in 2018, and provides some protections, additional incentives or protections would further ensure the viability of these resources and mitigate further losses of both their historic use and character.

Mitigation Measure CULT-1D: As part of the implementation of Plan Policy LU-2-4 that revises the City's Demolition Findings Requirements to facilitate new compatible development near the outer edges of fragmented APIs and ASIs, require tailored design guidelines to help ensure architectural compatibility. The guidelines should illustrate treatments for rehabilitation of the historic commercial buildings typical in these historic districts, as well as provide strategies for new construction both within and on the immediate periphery or edge of these significant areas. New construction in these areas should take into consideration the historic parcel pattern; assembling lots and creating bulkier building footprints changes the character of the street rhythm. These guidelines will help mitigate the impacts of future development on these sensitive areas of downtown. A strong example for this mitigation is the Historic Downtown Los Angeles Design Guidelines completed in July 2002 by the Los Angeles Conservancy and three downtown Business Improvement Districts (BIDs).⁵³

⁵³ Historic Downtown Los Angeles Design Guidelines, Architectural Resources Group, <http://www.urbandesignla.com/resources/docs/historicdtla/lo/historicdtla.pdf>, accessed August 14, 2019.

Mitigation Measure CULT-1E: The City shall also consider incorporating the following additional mitigation measures as implementation policies or guidelines in the Plan prior to its adoption, although these have a lower priority than Mitigation Measures CULT-1A – CULT-1D.

- i. **Study the feasibility of raising the Mills Act tax loss limits** for properties within the Specific Plan, Lake Merritt Station Area Plan and Broadway Valdez Specific Plan boundaries, which would encourage more participation in the program. Currently, Oakland has six Mills Act properties within the Plan Area.
- ii. **Provide City support of efforts at the State level to create a State Historic Tax Credit.** This could take the form of pro-active encouragement of state legislation that would enact the tax credit.
- iii. **Update the Oakland Cultural Heritage Survey** and as part of that effort include elements that focus on: (1) Downtown’s built environment associated with the Modern Movement or the Recent Past to determine methods to more completely understand the types of resources present and their historic significance. This could take the form of a funded Historic Context Statement for Modern Buildings and Landscapes in downtown or a site-specific survey of resources built between 1940 and 1975; and/or a focused review of the banking cluster near the Lake Merritt office district, venues related to food and entertainment, mid-century courtyard apartments, as well as older commercial buildings in downtown that may have been remodeled to reflect the Modern aesthetic. In recent years, Sacramento, San Francisco, Fresno and Pasadena have invested in this type of preservation planning tool with great success and community interest. Downtown’s streetscape includes historic parks that are used to determine methods to more completely understand the types of resources present along the streetscape and in downtown’s parks. This could take the form of a funded Cultural Landscape Inventory to document and categorize resources. Good models for this are the City of San Francisco Civic Center Cultural Landscape Inventory and the Market Street Cultural Landscape Inventory.
- iv. **As part of any redevelopment or expansion of the Laney College Campus,** require that a full historic resources evaluation be conducted as well as any properties slated for redevelopment around the College to fully understand the potential historic resources associated with this educational institution and to understand the significance of the campus within the body of work of Skidmore, Owings & Merrill.
- v. **Prepare and implement an interpretive program of signage within the Webster Green in Jack London Square** to inform users of this new greenway of the historic industrial

character of the surrounding urban fabric. This could be an extension of the signage already present in the Waterfront Warehouse District.

Mitigation Measure CULT-1F: Independent of the Specific Plan, the City shall consider the following measures:

- i. **Promote graffiti abatement** by including additional abatement trips. Currently, only one “courtesy” abatement trip can be scheduled for private property, due to City staffing issues. Extend this to additional abatement trips, per year, within the Specific Plan area boundary. Further, prioritize graffiti abatement in the Specific Plan Area within the Public Realm, especially on prominent historic buildings. Additionally, understand that sometimes graffiti can acquire a cultural significance as well and encourage a graffiti arts program with partner building owners to engage local artists and deter graffiti. Also, raise awareness of non-destructive graffiti abatement methods so historic materials like brick and terra cotta aren’t destroyed.
- ii. **Improve vacant building security** through partnerships with the Planning, Building and Police Departments to collaborate on maintaining a list of vacant buildings so that Police Officers know which buildings might be at risk of vandalism or other illegal activity. This would mean an investment in a vacant building inventory in the Specific Plan area.
- iii. **Maintain a list of vacant parcels to assist with building relocation assistance.** Additionally, a relocation fund could be established and paid into by projects that demolish historic resources. This could result in the salvage of stand-alone historic resources, especially smaller resources that sit on large lots, which face fierce development pressure. This is more appropriate in areas that are not considered historic districts or groupings of buildings. This can be facilitated via CEQA review by making known Historic Preservation Element Action 3.8.1.2, allowing buildings to be moved to a location consistent with its historic or architectural character.
- iv. **Study the feasibility of amending the Downtown Oakland National Register Historic District** to provide a means for more property owners to use the Federal Rehabilitation Tax Credits. The amendment should evaluate an extended boundary and additional contributors, to include more of downtown’s significant historic buildings. This would provide a means for more property owners to use the Federal Rehabilitation Tax Credit as owners of resources within a National Register-listed historic district.

Implementation of Mitigation Measures CULT- 1A – CULT-1F would lessen this impact but it would remain significant and unavoidable. **(SU)**

Impact CULT-2: Alterations to Historic Buildings that could occur under the Specific Plan could change the significance and character of historic resources as a result of the Specific Plan. (SU)

As development occurs under the Specific Plan it is likely that alterations to existing historic resources would be proposed. Such modifications would potentially result in alterations that could change the significance and character of historic resources. However, existing city policies that relate to known historic resources may result in lessening these potential impacts, including adherence to the Secretary of the Interior's Standards for the Treatment of Historic Properties or established design review practices of the Zoning Division, Landmarks Preservation Advisory Board, and Planning Commission for compatibility of alterations to historic resources. It is possible that alterations to historic resources would result in a less-than-significant impact to historic resources but conservatively this is identified as a significant and unavoidable impact recognizing that not all modifications will be feasible to mitigate to a less-than-significant level.

Mitigation Measure CULT-2: Implement Mitigation Measures CULT-1A – CULT-1F. (SU)

Implementation of Oakland Municipal Code 17.136.075, Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties, as well as the proposed beneficial Plan policies outlined above, would provide some level of protection for historical resources that may be affected by implementation of the Specific Plan. However, additional mitigation would be necessary to further reduce potential impacts on historical resources located on the opportunity sites shown on Figure V.E-1.

Although the proposed measures would not mitigate impacts to historical and cultural resources to a less-than-significant level, the City has a responsibility to mitigate to the greatest degree feasible (CG Section 15091) and these mitigation measures could be used to offset the findings of overriding consideration (CG 15093) to compensate for the unavoidable impacts with a more defined strategy and set of implementation actions. In this way, the Specific Plan implementation actions may also assist in balancing competing goals and objectives as new projects are considered.

(2) Archaeological Resources (Criterion 2)

The project would have a significant impact on the environment if it would cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines 15064.5. A total of 24 historic and prehistoric archaeological sites and isolates were found to be present within the Plan Area and surrounding ¼-mile radius. Therefore, there may be potential for construction activities from new development under the Plan to impact archaeological resources in the Planning area.

Any of these resources identified within the Specific Plan area that could potentially be impacted by development under the Plan should be revisited and evaluated/reevaluated. All resources that were evaluated more than 10 years ago shall be revisited and reevaluated, any resources that were not previously evaluated should be revisited and evaluated.

The appropriate DPR 523 forms (including the primary form, building, structure, object (BSO) form, sketch map, project location map, and continuation form as needed) should be completed for any resource that may be impacted by project level activities. Recommendations on the eligibility of the resource should also be provided and noted on the DPR forms. As required, these forms shall then be submitted to the Northwest Information Center (NWIC).

Resources determined to be ineligible for listing in the CRHR shall not require any additional resource management. For resources that are determined to be eligible for listing in the CRHR, impacts/adverse effects must be avoided, or such impacts must be mitigated. Mitigation of impacts to significant archaeological resources can include, but are not limited to, data recovery excavations, archaeological monitoring, detailed analytical studies, and archival research. All treatment and evaluation of resources should be conducted in consultation with the Lead Agency.

Potential impacts to archaeological resources have been addressed in the Oakland General Plan, the Land Use and Transportation Element (LUTE) EIR, as well as the City's SCAs. Compliance with 1) General Plan objectives and policies addressing archaeological resources; 2) the LUTE EIR mitigation measure that specifically direct the City to establish procedures for determining when discretionary city approval of ground-disturbing activities warrant special conditions to safeguard archaeological resources; which has, in part, been incorporated into (3) the City's SCA's addressing archaeological resources, would reduce impacts on archaeological impacts to less-than-significant in most cases.

In addition, various state regulations provide guidance on the steps that must be taken if significant archaeological resources are uncovered during ground-disturbing activities associated with construction. In accordance with CEQA Guideline Section 15064.5 (f), should any previously unknown historic-period resources, including but not limited to glass, metal, ceramics, wood, privies, trash deposits or similar debris, be discovered in any of the Plan Area s during grading, trenching, or other on-site excavation(s), earthwork within 25 feet of these materials shall be stopped until a qualified professional archaeologist has an opportunity to evaluate the potential significance of the find and suggest appropriate mitigation(s), as determined necessary to protect the resource. Pursuant to CEQA Guidelines 15064.5 (f), if potentially significant cultural resources are discovered, work shall halt in the area until a qualified archaeologist can assess the significance and find, and if necessary, develop appropriate treatment measures in consultation with the City of Oakland and other appropriate agencies and interested parties. If the

archaeologist determines that the find does not meet the CEQA standards of significance, construction may proceed. On the other hand, if the archaeologist determines that further information is needed to evaluate significance, City staff shall be notified and a data recovery plan shall be prepared.

Implementation of the City of Oakland's SCA-CULT-1: Archaeological and Paleontological Resources- Discovery During Construction (#33), and SCA-CULT-2: Archaeologically Sensitive Areas-Pre-Construction Measures (#34), is considered adequate to ensure that subsurface archaeological materials are dealt with according to regulatory guidance and would minimize the potential risk of impact to archaeological resources to a less-than-significant level. Through the City's project-level review of individual development project proposals, and prior to issuance of a demolition, grading, or building permit, the project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT sheet) of the City of Oakland's SCA CULT-2. Implementation of SCA-CULT-1 and SCA-CULT-2 ensures impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to archaeological resources.

(3) Paleontological Resources (Criterion 3)

The project would have a significant effect on the environment if it directly or indirectly destroys a unique paleontological resource or site or unique geological features. Deep excavations for building foundations associated with adoption of and development under the Specific Plan may disturb these geologic units of low to moderate paleontological sensitivity.

It is possible that fossils would be discovered during excavation within the Plan Area. Because the significance of such fossils would be unknown, such an event represents a potentially significant impact to paleontological resources. If paleontological resources are encountered during construction, potential impacts would be reduced through documentation, evaluation, and assessment of the significance of the findings under CEQA Guidelines Section 15064.5 by a qualified paleontologist. If the finding is determined to be significant and avoidance is not feasible, the qualified paleontologist would prepare and implement an excavation plan for the resource. Resources that would otherwise be destroyed or lost would be recorded and their scientific value assessed by a qualified paleontologist. The implementation of SCA-CULT-1: Archaeological and Paleontological Resources-Discovery During Construction (#33) would be incorporated with adoption of and development under the Specific Plan. Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to paleontological resources.

(4) Human Remains (Criterion 4)

The project would have a significant impact on the environment if it results in the disturbance of human remains, including those interred outside of formal cemeteries. Ground disturbing activities associated with construction activities in the Specific Plan Area could disturb previously unknown human remains, including those interred outside of formal cemeteries. The potential to uncover Native American human remains exists in locations throughout California. Although not anticipated, human remains may be identified during site-preparation and grading activities.

Potential impacts would be reduced through training of on-site construction personnel in the appropriate procedures to be enacted if human remains are encountered (SCA-CULT-2: Archaeologically Sensitive Areas-Pre-Construction Measures (#34)), including work stoppage and agency notification. Implementation of SCA-CULT-3: Human Remains-Discovery During Construction (#35), would further reduce any potential impacts to a less-than-significant level through the notification of the Alameda County coroner if remains are encountered. If the coroner determines remains to be Native American, the NACH would be informed within 24 hours of discovery. In addition, Section 7050.5(b) of the California Health and Safety code would be implemented in the event that human remains, or possible human remains, are located during project-related construction excavation.

Implementation of SCA-CULT-2: Archaeologically Sensitive Areas Pre-Construction Measures (#34), and SCA-CULT-3: Human Remains-Discovery During Construction (#35) would reduce any impacts to a less-than-significant level. Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to human remains.

d. Cumulative Cultural and Historical Resources Impacts

Cumulative Impact CULT-1: Implementation of the Specific Plan and its associated development, combined with cumulative development in the Plan Area and citywide, including past, present, existing, approved, pending, and reasonably foreseeable future development would contribute to a significant and unavoidable adverse cumulative impact to cultural and historical resources. (SU)

Adoption of and development under the Specific Plan, when combined with the cumulative development citywide, could result in cumulative impacts to cultural resources. Past projects in this area are included in the existing setting. Present projects would include any projects currently under construction within the geographic area, Plan Area and its surroundings. Reasonably foreseeable future projects are described in *Section V.A, Land Use and Planning*.

Adoption of and development under the Specific Plan could result in significant impacts to cultural resources. Excavation activities, particularly deep excavation activities, associated with buildout of the Plan Area and surrounding cumulative projects could damage or destroy unique paleontological resources, and thereby result in a potentially significant cumulative impact. Such impacts could combine with significant impacts of the project referenced above to form a significant cumulative impact to cultural resources. However, given the applicability of SCA-CULT-1: Archaeological and Paleontological Resources-Discovery During Construction (#33), SCA-CULT-2: Archaeologically Sensitive Areas-Pre-Construction Measures (#34), SCA-CULT-3: Human Remains-Discovery During Construction (#35), and SCA-CULT-4: Property Relocation (#36) identified above to reduce potential impacts, and the mitigation measures identified in the environmental documents for all cumulative projects in the geographic context in Oakland, potentially significant cumulative impacts to cultural resources would, under most circumstances, be reduced to a less-than-significant level. In addition, reasonably foreseeable future projects would be subject to development guidance contained within the Historic Preservation Element of the General Plan and other applicable historic preservation zoning controls and landmark ordinances to ensure protection of cultural resources.

There is a possibility that if demolition or major alternation of a historic resource occurs with adoption of and development under the Specific Plan, and avoidance adaptive reuse, and appropriate relocation as identified in SCA-CULT-4: Property Relocation (#36) are not feasible, and the same circumstance occurs with other projects in the Plan Area vicinity that may likely affect potential historic resources, a significant and unavoidable cumulative impact could result, even with the application of recordation, public interpretation, and financial contributions as identified in all SCAs incorporated to all development projects.

Mitigation Measure Cumulative CULT-1: Implement Mitigation Measures CULT-1A – CULT-1F. (SU)

Based on the information in this section and for the reasons summarized above, adoption of and development under the Specific Plan could contribute to the cumulative cultural resources impact even with Mitigation Measure CULT-1A-CULT-1F. This impact could be considered significant and unavoidable related to cultural and historical resources.

F. AESTHETICS

This section describes the current aesthetic resources in the Plan Area and its vicinity and analyzes how implementation of the Downtown Oakland Specific Plan and its associated development may affect these conditions. Specific Plan, existing City policies, and Standard Conditions of Approval (SCAs) that would reduce potential impacts are identified.

Under CEQA Section 21099(d), "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment."¹ Accordingly, aesthetics is no longer considered in determining if a project has the potential to result in significant environmental effects for projects that meet all three of the following criteria:

1. The project is in a transit priority area.²
2. The project is on an infill site.³
3. The project is residential, mixed-use residential, or an employment center.⁴

The Specific Plan Area meets all three of the above criteria because it is (1) the Plan Area has two BART stations within its boundaries, the 19th Street BART Station and the 12th Street BART Station and the Lake Merritt BART station is adjacent to the Plan Area; (2) The entire Plan Area is within an urban area of Oakland that includes commercial, office, and residential uses; and (3) the development program for the Specific Plan includes both residential, commercial, light industrial, and institutional square footage. Thus, this section does not consider aesthetics in determining the significance of potential impacts under CEQA. Nevertheless, the City of Oakland (City) recognizes that the public and decision makers may be interested in information about the aesthetic effects of a proposed project; therefore, the information contained in this section related to aesthetics is provided solely for informational purposes and is not used to determine the significance of environmental impacts pursuant to CEQA.

¹ CEQA Section 21099(d)(1).

² CEQA Section 21099(a)(7) defines a "transit priority area" as an area within ½ mile of an existing or planned major transit stop. A "major transit stop" is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the AM and PM peak commute periods.

³ CEQA Section 21099(a)(4) defines an "infill site" as either (1) a lot within an urban area that was previously developed; or (2) a vacant site where at least 75 percent of the site perimeter adjoins (or is separated by only an improved public right-of-way from) parcels that are developed with qualified urban uses.

⁴ CEQA Section 21099(a)(1) defines an "employment center" as a project situated on property zoned for commercial uses with a FAR of no less than 0.75 and located within a transit priority area.

1. Setting

This section describes the existing conditions with the Plan Area and its vicinity related to visual character, views, scenic highways and routes, and scenic vistas. Shade, shadow, and wind are also described.

a. Existing Visual Character

The visual character of the Plan Area comprises the visual characteristics of its natural and built elements, including the street grid; buildings (individually and collectively); trees, parks and public open spaces; bodies of water; and major transportation infrastructure. The roughly 930-acre Plan Area occupies the northwest central portion of the City and adjoins the Broadway Valdez District and to the north, the Lake Merritt Specific Area Plan to the east, the West Oakland Specific Plan to the west and Alameda and the estuary to the south. The following describes the visual character of the 930-acre Plan Area and the adjacent areas including Chinatown,⁵ and Lake Merritt and the Estuary, as well as Howard Terminal.

(1) Plan Area

The Plan Area is a densely built urban environment with a variety of building types. The street grid is primarily orthogonal, with the exception of the area within the City Center where diagonal Telegraph Avenue and San Pablo Avenue interrupt the grid pattern. Many of the footprints throughout downtown have smaller building footprints are a result of the lot scale, which is consistent with the original platting (land divisions) established in downtown. Portions of the Plan Area are characterized by low-rise buildings on small lots and few green spaces, primarily along the Interstate (I-) 980 and I-880 freeways. Some blocks consist of newer mid-rise buildings and high-rise buildings on larger lots.

The sunken I-980 freeway creates a visual void and physical barrier in the built environment directly to the west of the Plan Area, separating the general downtown area from West Oakland. Similarly, the elevated I-880 freeway is a visual barrier between the downtown area and the waterfront area surrounding Jack London Square. The visual character of each of the Plan Area's sub-areas is further discussed below.

⁵ The majority of Chinatown is outside of the Downtown Specific Plan Area as it falls within the Lake Merritt Specific Plan which was adopted in December 2014 (See Figure III-2 in *Chapter III, Project Description*). This is no way means that the impacts of the Downtown Specific and its associated development on Chinatown (as well as other adjacent areas) are not considered and fully analyzed for each of the topic areas.

Central Core

Near the center of the Plan Area, the Central Core area consists of an eclectic mix of low-, mid-, and high-rise buildings, as shown in photo 1. Being located near the 12th Street Oakland and 19th Street Oakland BART Stations, the Central Core area is a hub for much of the office, commercial, and civic-related activity in Oakland, and contains a dense transit corridor. The intensity and size of structures generally decreases with distance from the BART stations. Notable structures and landmarks include Frank H. Ogawa Plaza (see photo 3) and the Tribune Tower (see photo 4). Defining features include government offices; historic buildings; small, well-loved and unique retail businesses on Broadway; and a variety of well-established, Black-owned businesses, such as Suya (see photo 2) on 22nd and Broadway, centered around the recently-adopted 14th Street “Black Arts Movement and Business District.” The Central Core area is also home to many of Oakland’s single-room occupancy residential hotels. A diverse range of historic, older, and modern structures provides a pleasant dissimilarity in building massing and design, displaying Oakland’s past and showcasing its future. However, the Central Core area also lacks open space besides Frank H. Ogawa Plaza, and contains scattered surface parking lots and unoccupied buildings in disrepair.



Photo 1- Central Core area



Photo 2- Suya: African-Caribbean Grill

Lake Merritt Office District

The Lake Merritt Office District includes much of downtown’s premier office space. The 19th Street BART Station and the Alameda-Contra Costa Transit District (AC Transit) Uptown Transit Center serve the Lake Merritt Office District. Ground floors do not always meet the sidewalk in inviting ways, and the Kaiser Office Center building’s public rooftop open space is not easy to access. More recently, an increase in high-rise residential development has taken place in this area. The Lake Merritt Office District consists of an eclectic mix of low-, mid-, and high-rise buildings; surface parking lots; and areas for outdoor seating (see photo 5). Open spaces facing institutional, commercial, and residential building forms hug the

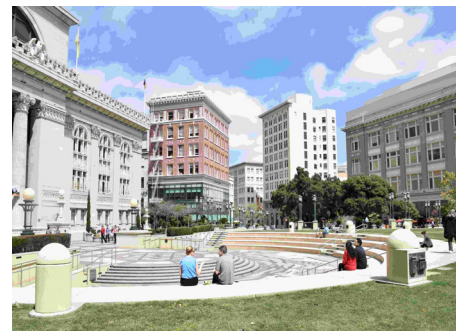


Photo 3- Frank H. Ogawa Plaza

Lake Merritt shoreline, with a primarily multi-family residential character south of 17th Street and east of Harrison Street, in what is referred to as the city's Gold Coast area. These residential buildings range from two-story buildings to high-rises. Below 17th Street and west of Harrison Street to Broadway is a primarily commercial area of low- and mid-rise masonry buildings with decorative elements.

Uptown

The area just north of the Central Core is known as the Uptown area and contains a mix of building types. To each side of Telegraph Avenue, the taller buildings of the Central Core give way to low- and mid-rise apartment buildings, two-story detached residential buildings, one-story light industrial buildings, and surface parking lots. North of the Uptown area, the dominant built form comprises single-lot, light industrial buildings. This lower built form contrasts with the high-rise office and institutional buildings in a campus-like setting located east of Broadway between Grand Avenue, Lake Merritt, and 17th Street. Several of Oakland's historic large-scale entertainment venues are in the area, including the Fox and Paramount Theatres, see photos 7 and 8. More recently, smaller scale theaters and art galleries have located to the area. Newly developed housing in residential and mixed-use buildings fill the center of the neighborhood, see photo 9.

Koreatown/Northgate

The Koreatown/Northgate (KONO) neighborhood has small storefronts along Telegraph Avenue that include a variety of multi-ethnic businesses (as shown in photo 10) mixed with local independent maker spaces, art galleries,



Photo 4- Tribune Tower



Photo 5- Outdoor Seating

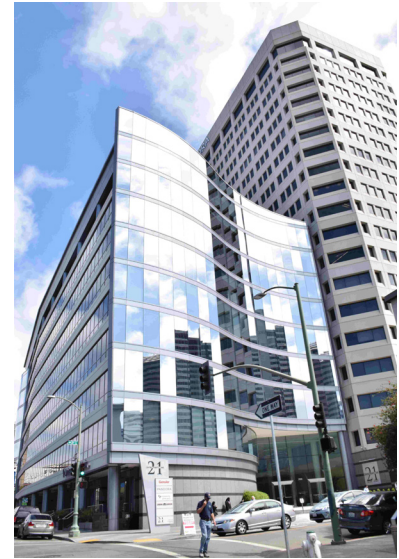


Photo 6- High-Rise Building



Photo 7- Paramount Theatre



Photo 8- Fox Theatre



Photo 9- Newly Developed Residential Building

bars, (as shown in photo 11), and restaurants. East of Telegraph Avenue, existing smaller-scale production buildings establish a unique character in the historic 25th Street Garage District, which has a robust arts and entertainment scene. Originally an industrial and auto repair area, many of the buildings in the 25th Street Garage District area today have been converted into art galleries and maker spaces (as shown in photo 12 and photo 13). The area also is scattered with some mid-rise residential, as shown in photo 14 and low-rise commercial buildings, as well as some single-family/duplex homes. The western boundary of the KONO area, Northgate Avenue, is a wide boulevard that primarily serves as a freeway access road, with few pedestrian amenities that act as a barrier in the neighborhood.



Photo 10- Small Commercial Storefront



Photo 11- Bar/Restaurant



Photo 12- Art Gallery



Photo 13- Art Gallery/Maker Space



Photo 14- Mid-Rise Residential

West of San Pablo

This area has a dispersal of modern-looking apartment buildings, Victorian homes (as shown in photo 15), historic structures, and SROs, as well as sporadic surface parking lots and unoccupied buildings. It consists of mostly older low- and mid-rise residential and commercial structures (as shown in photo 16). The area is also scattered with surface parking lots and a few newer mid-rise multi-family residential buildings. This neighborhood is cut off from West Oakland by the I-980 and has many wide, auto-centric boulevards. When construction of I-980 was completed in 1985, its 560-foot-wide excavated trench separated West Oakland from downtown. The neighborhood includes 17th Street and 20th Street, which are gateways to downtown and to West Oakland.



Photo 15- Victorian Home

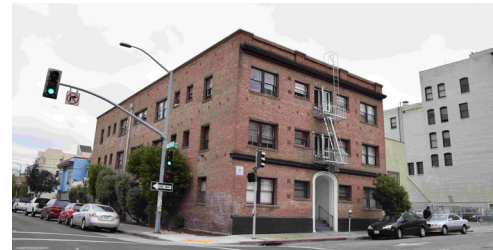


Photo 16- Low to Mid-Rise Residential Building

Lakeside

Lakeside is an established neighborhood providing urban housing in a densely developed setting. It consists of mostly low- and mid-rise residential structures, as shown in photo 17, with some taller office buildings that block most views out of this area. Some prominent historic landmarks and cultural centers are contained in the neighborhood, including the Malonga Casquelourd Center for the Arts, as shown in photo 18, and the Scottish Rite Temple. Several mid- to high-rise residential towers are scattered near the eastern part of the Lakeside area, along the western shore of Lake Merritt.



Photo 17- Mid-Rise Residential Structures



Photo 18- Malonga Casquelourd Center for the Arts

Old Oakland

The Old Oakland area is wedged to the northeast quadrant of the I-980 and I-880 split, in the southwest of the Plan Area. It is comprised of historic buildings, residential communities, small shops, and business.



Photo 19- Shops in Old Oakland



Photo 20- Streetscape in Old Oakland

The Old Oakland neighborhood is best known for its historic, walkable, mixed-use center where two-to three-story brick commercial buildings on tree-lined streets create a strong sense of place for pedestrians, as shown in photos 19 and 20. In addition, there are also newer, four- to five-story residential and commercial developments interspersed with many of the older low-rise commercial buildings and single-family/duplex homes. Many of the façades in Oakland are decorated with bay windows, and ornamental trim and cornices. Preservation and enhancement are the primary goals in the core of this area. Despite the concentration of buildings and shops along 9th Street, there are several underutilized surface parking lots nearby along 7th and 8th Street. Currently, the blocks at the southern edge of the neighborhood facing into the I-880 freeway contain large-scale buildings with civic uses, including the Oakland Police Department (see photo 21), County Courthouse, and Detention Center (see photo 22). To the north, the neighborhood is defined by the Oakland Convention Center, which spans the former Washington Street right-of-way between 10th and 11th Street. Together, these “super-block” developments alter the Old Oakland street grid, lengthen walking distance, disrupt the historic and contextual pattern with the surrounding blocks, create barriers between Old Oakland and the rest of downtown, and obstruct views out of the area to Chinatown.



Photo 21- Oakland Police Department



Photo 22- Detention Center

Laney College

Laney College is one of the four colleges of the Peralta Community College District and is located east of the Lake Merritt BART Station. The Lake Merritt Channel separates the Laney College

Main Campus, located on Fallon Street, from the Athletics Campus. The Main Campus also includes a large parking lot along 7th Street adjacent to I-880, as well as academic and administrative buildings that are clustered together in a complex in the northern corner of the campus. On one corner is the triangular “Laney Tower,” the nine-story, main administration building that is the tallest structure on the campus.

Jack London

The Jack London District is in the southernmost portion of the Plan Area. This area primarily contains one- to four-story current and former industrial buildings (see photo 23) and surface parking lots. This built environment is interspersed with newer, four- to six-story residential and commercial developments (see photo 24). Jack London has changed over the past 30 years from



Photo 23- Former Industrial Building

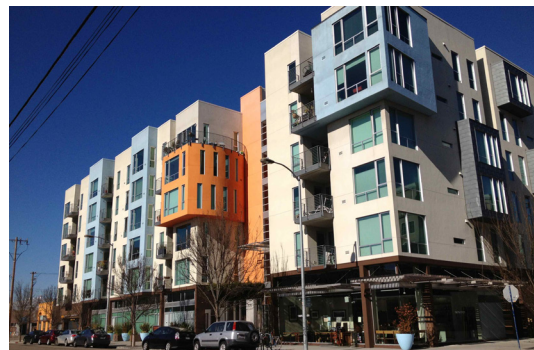


Photo 24- Newer Residential Building

primarily industrial and distribution uses to housing, retail, dining, entertainment, office, and maker uses. The area contains important cultural and historic resources including festivals and events in Jack London Square; the historic Waterfront Warehouse District and the historic Produce Market (see photo 25), both rated as Areas of Primary Importance; individual landmarks; and some of Oakland’s earliest buildings. For further discussion of Historic Resources, see *Chapter V.E, Cultural and Historic Resources*. Jack London is separated from the rest of Downtown Oakland by the I-880 underpasses, where poor lighting, loud vehicle noise, many lanes of freeway-bound traffic, and a sense of disrepair discourage pedestrian activity.



Photo 25- Produce Market

(1) Plan Area Vicinity

Chinatown

Chinatown is integral to the greater downtown, and is bordered by the Plan Area on three sides. Chinatown is defined by 7th Street to the south, 13th Street to the north, Broadway to the west, and Fallon Street to the east—an area that was included in the Lake Merritt Station Area Plan. The Lake Merritt Station Area Plan was adopted in 2014 and addresses improvements and changes to development intensity and character. Although Chinatown is not included in the Plan Area, the impacts of the Downtown Plan on Chinatown are fully evaluated in this EIR.

Chinatown contains several historic areas as well as a cluster of Asian-influenced businesses and restaurants that attract both locals and visitors (see photo 26). Chinatown has two super-blocks of modern, mid-rise buildings as well as an older mix of one- to four-story residential, commercial, and mixed-use buildings on small lots extending eastward to Madison Park, located between Jackson Street and Madison Street and between 8th and 9th Street. Clusters of commercial uses in the Chinatown area are characterized by bright awnings and sidewalk merchandise displays.



Photo 26- Chinatown shops on 9th Street between Broadway and Franklin

Lake Merritt and the Estuary

Lake Merritt and the Oakland Estuary provide a linear open space accessible to the eastern portion of the Plan Area. Narrow bands of wetlands occur in some locations along the margins of this open space. The circumference of the lake measures 3.4 miles and covers 155 acres. Lake Merritt serves as one of the many stopovers along the Pacific Flyway for migratory birds. Further discussion is provided in *Section V.G, Biological Resources*. The Oakland Estuary is a strait between the island of Alameda and the Plan Area's southern border, stretching from the Port of Oakland on the west to Fruitvale Bridge on the east. The Oakland waterfront adjacent to the estuary is now developed with industrial and commercial uses.

Howard Terminal

Howard Terminal is approximately 55 acres and is located adjacent to the Plan Area at the Port of Oakland along the Inner Harbor of the Oakland-Alameda Estuary. Existing uses and activities include truck parking, loaded and empty container storage and staging, and longshore training facilities. The site was used as a maritime container terminal until 2014. The site also includes a small wharf structure. A below grade rock dike sits adjacent to the Oakland Inner Harbor as the site's shoreline. Four cranes are located on Howard Terminal that were used to load/unload ships when the area was an active shipping facility.

(2) Surrounding Area

Visual Character to the North

Distinct features that help to define the visual character north of the Plan area are the several distinctively designed 'flatiron' buildings, such as the historic Arnstein-Field & Lee Star Showroom at the intersection of Broadway and Webster Street, and a number of extra wide sidewalks, such as 27th Street and Broadway, and 25th Street and Broadway, which are used for a combination of public space and automobile showcases. The overall lower lot coverage reflects the concentration of automotive uses. The overall visual character to the north of the Plan Area reveals that it was once cohesive in its emphasis of automobile-related uses and can now be described as irregular and inconsistent in terms of the physical forms it contains. While the auto business has shown a more recent improvement, the long-term outlook for the automobile market in the Broadway Valdez District Specific Plan Area is in transition, as numerous tall new buildings have been or are under construction.

Visual Character to the East

To the southeast of the Plan Area is the Chinatown neighborhood, which comprises a few super-blocks of modern, mid-rise buildings as well as an older mix of one-to four-story residential,

commercial, and mixed-use buildings on small lots that extend eastward to Madison Park. Clusters of commercial uses in the Chinatown area are characterized by bright awnings, vendors spilling onto sidewalks, and active streets which are supported by pedestrian scrambles.

As part of the Lake Merritt Station Area Plan there are going to be anticipated changes around the Lake Merritt BART Station as transit-oriented development is implemented. The Oakland Auditorium is also located to the east of the Plan Area. The Oakland Auditorium is a 1915 Beaux-Arts style building at the south end of Lake Merritt and is a visually prominent building. Lake Merritt and the Oakland Estuary provide an open visual character which is both pristine and natural.

Light industry east of the Jack London District, near Victory Court and south of Fallon Street, is transitioning into an urban residential area with significant parks and open space with the implementation of Brooklyn Basin.

Visual Character to the South

The Oakland Estuary and San Francisco Bay provide a natural border for the Plan Area's southern border. The City of Alameda is further south of the Plan Area with the Oakland Estuary separating the two cities.

Visual Character to the West

I-980 separates downtown from West Oakland and surrounding neighborhoods. The West Oakland Specific Plan boundary and I-980 abut the western boundaries of the Plan Area. Mirroring some of the same visual character to the north and east of the Plan Area, West Oakland contains a mix of small-scale commercial buildings, new residential buildings of moderate height, and four-to-five story buildings as well as more historic residential structures. In addition, Schnitzer Steel, a heavy industrial business, is located west of Howard Terminal and processes and recycles raw scrap metal. Howard Terminal currently has activities such as truck parking, loaded and empty container storage and staging, and longshore training facilities.

b. Views to and through the Plan Area

Due to the densely built urban environment and relatively flat topography of the Plan Area, short-range views of and through the Plan Area (those less than 0.25-mile from the area) are mostly limited to surrounding streets and nearby public open spaces, such as Lakeside Park on Lake Merritt; Snow Park at Harrison Street and 19th Street; Jefferson Square Park on 7th Street; Madison Park on 9th Street; and Lafayette Square on 11th Street. Existing views are interrupted by varying building heights. Dynamic short-range views are available to riders traveling along highways within and adjacent to the Plan Area, such as along I-880 and I-980. Mid- and long-

range views of the Plan Area (approximately 0.5 mile from the area) are available from other public open spaces and streets within the City of Oakland, as well as from neighboring jurisdictions—such as from Shoreline Park in the City of Alameda, located approximately in the middle of Alameda on the northern shore or the Bay Bridge eastbound lanes—although the visually prominent features in the views are the upper stories of the high-rise buildings. Views eastward through the Plan Area include some of the Oakland and Berkeley Hills, but view corridors through the Plan Area provide limited views of protected scenic resources, as identified in the City's General Plan.

c. Views From the Plan Area/Scenic Vistas

Scenic vistas are corridors that capture the total field of vision from a specific viewpoint; they generally encompass a larger geographic area for which the field of view can be quite wide. Scenic vistas are formed by built and natural elements that guide lines of sight and control view directions available to pedestrians and motorists. Scenic vistas generally include elements of high scenic value or visual prominence. Scenic views identified in the Oakland General Plan include:

- Views of the Oakland hills from the flatlands;
- Views of downtown and Lake Merritt;
- Views of the shoreline; and
- Panoramic views from Skyline Boulevard, Grizzly Peak Blvd, and other hillside locations.

Views from the Plan Area include some views of the Oakland hills from the flatlands, views of downtown and Lake Merritt, and views of the shoreline, as described in the paragraphs below. Given that the Plan Area is not located in the hills, panoramic views from Skyline Boulevard, Grizzly Peak Road, and other hillside locations are not possible.

Views from the core of the Lake Merritt Office District area (around 14th Street and Broadway) are generally limited to the surrounding existing structures. However, near Thomas L. Berkeley Way and Grand Avenue, and along Harrison Street/Lakeside Drive, views of Lake Merritt become visible and provide high-quality views. Views looking east include Lake Merritt, several of the attractions along the northern shore of the lake (near 20th through 17th street), and many of the low-, mid-, and high-rise buildings that line the lake's southern and western shore near Lake Merritt Boulevard. While partially obstructed by some surrounding structures, views of the Oakland/Berkeley Hills can be seen when looking north and northwest from this area as well.

Views near the eastern part of the Lakeside area along Lakeside Drive include Lake Merritt and many of the low-, mid-, and high-rise buildings that line the Lake's southern and western shore (such as partial views of the Alameda County Superior Courthouse). Looking north along the perimeter of the Lakeside area provides views of the northern shore of the Lake, and many of high-rise buildings to the north of Lake (such as the Kaiser Permanente Corporate Offices, and

1999 Harrison , and, while partially obstructed by these structures, some views of the Oakland/Berkeley Hills can be seen.

Most views from the West of San Pablo area (near 17th and 20th Street) are blocked by structures inside and outside of the area, particularly to the west, where I-980 and its associated landscaping create a visual barrier (at Castro Street). In Uptown, due to the width of Telegraph Avenue, some views to the south allow for sights of the Central Core area's high-rise structures (such as the Chase Building on 14th and Broadway) and views to north allow for some very limited sights of the Oakland/Berkeley Hills.

Views from Jack London District are typically limited due to the surrounding low-rise development and I-980 and I-880 freeways as well as several mid-rise structures such as the Glenn Dyer Detention Facility. However, the Jack London District does provide some high-quality views, primarily along the southern Oakland shoreline. Views along the shore include the Oakland Inner Harbor, which spans from east to west. Views south towards the city of Alameda's harbor are also accessible along the coast, and block views of the San Francisco Bay. Views to the east include the Oakland shipping yards, including Howard Terminal, with the iconic shipping container cranes as shown in photo 27. Beyond the Oakland Inner Harbor, the San Francisco skyline can be seen far off in the distance as well.



Photo 27- View of San Francisco from Jack London Square

d. Scenic Highways/Routes

The City of Oakland General Plan's Scenic Highway Element defines scenic routes as "distinctively attractive roadways that traverse the City, and the visual corridors which surround them." Scenic routes include officially designated State scenic highways, municipally designated City roadways, or informally recognized local scenic byways.⁶ Further discussion of scenic highways/routes can be found below in Regulatory Setting.

e. Light and Glare

The Plan Area is in a built-out urban environment that has existing sources of light and glare associated with land uses typical for an urban setting. Light and glare associated with uses in the City Center, in particular, are emitted upward and outward by high-rise buildings, and may be emitted in a broader, lower level in large parking lots and from institutional uses, such as Laney College, as well as from commercial uses and vehicular use. Light and glare are also associated with streetlights and luminaries on major arterials and interstate highways that traverse or border the Plan Area, such as I-980 and I-880.

f. Shadow

Shadow conditions within the Plan Area are typical of shadow conditions in built-out urban environments. Shadow is most prevalent in the City Center, where the high-rise buildings shade nearby public and private properties, especially during the morning and afternoon hours during late fall and early winter, when the sun is lowest on the horizon. Taller buildings in the area around Jack London Square, along Grand Avenue, and along 12th, 14th, and Oak Street in the eastern portion of the Plan Area, also cast longer shadows during this time.

g. Wind

The Plan Area lies within a climatological sub region of the San Francisco Bay Area Air Basin where the marine air that travels through the Golden Gate, as well as across San Francisco and the San Bruno Gap, is a dominant weather factor. The Oakland-Berkeley Hills cause the westerly flow of marine air to split off to the north and south of Oakland; this phenomenon tends to diminish wind speeds in Oakland.

Wind flow is generally from the west, and average wind speeds vary from season to season with the strongest average winds occurring during summer and the lightest average winds during

⁶ City of Oakland, 1974. Scenic Highways: An Element of the Oakland Comprehensive Plan, page 1, September.

winter. Together, the west, north-northwest and south-southeast winds are the most frequent winds that exceed 25 miles per hour (mph).

Wind conditions within the city result from the interaction of the approaching wind with the physical features of the environment—buildings, topography and landscape. In cities, groups of structures tend to slow the winds near ground level, due to the friction and drag of the structures themselves, but this leaves the air mass that flows well overhead to continue with little slowing. However, a building that is much taller than surrounding buildings will intercept and redirect winds that might otherwise flow overhead, and bring those winds down the vertical face of the building to ground level, where they create ground-level wind and turbulence. These redirected winds can be relatively strong and also relatively turbulent, and can be incompatible with the intended uses of nearby ground level spaces such as plazas and sidewalks. Moreover, structures that present very large surfaces square to strong winds can create ground-level winds that can be bothersome to pedestrians and also impact load on mature trees, resulting in unexpected limb or tree failures.

2. Regulatory Setting

This subsection discusses applicable regulatory provisions, including State Regulations, policies from the City of Oakland’s General Plan, Planning Code, and SCAs. A detailed discussion of the Plan’s compatibility with the General Plan and other relevant planning policies is discussed in *Chapter IV, Planning Policy*.

a. California Scenic Highway Program

The California Scenic Highway Program protects scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to identified scenic highways. “Officially Designated State Scenic Highways” must have a scenic corridor protection program or its equivalent adopted by the local jurisdiction to preserve the scenic quality of the corridor and address land use, development density, earthmoving, landscaping, building design, and outdoor advertising, including billboards, within the corridor. Within Oakland, I-580 from the San Leandro city limit to State Route (SR) 24 (post miles 34.5 to 45.1) is an officially designated State scenic highway. The entire length of I-580 within Oakland is identified as a designated scenic route in the City of Oakland General Plan.

The City’s other designated Scenic Route is the Skyline Boulevard/Grizzly Peak Boulevard/Tunnel route through the Oakland Hills. The City’s Scenic Highways Element does not designate SR-24 as a scenic highway; however, the California Department of Transportation does designate SR-24

as a scenic highway. This designation only pertains to the portion of SR-24 between the east portal of the Caldecott Tunnel to SR-680⁷, which is not within the City of Oakland.

There are no officially designated or eligible State scenic highways within or immediately adjacent to the Plan Area.

b. City of Oakland

(1) City of Oakland General Plan

Land Use and Transportation Element (LUTE)

The Land Use and Transportation Element of the General Plan affects visual resources primarily by shaping broad-based land use patterns in the City. Applicable policies and objectives are:

Policy T6.2: Improving Streetscapes. The city should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented and include lighting, directional signs, trees, benches, and other support facilities.

Policy D2.1: Enhancing the Downtown. Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect the character, history, and pedestrian-orientation of the downtown, and contribute to an attractive skyline.

Policy W2.10: Making Public Improvements as Part of Projects. Physical improvements to improve the aesthetic qualities of the waterfront, and increase visitor comfort, safety, and enjoyment should be incorporated in the development of projects in the waterfront areas. These amenities may include landscaping, lighting, public art, comfort stations, street furniture, picnic facilities, bicycle racks, signage, etc. These facilities should be accessible to all persons and designed to accommodate elderly and physically disabled persons.

Policy W3.2: Enhancing the Quality of the Natural and Built Environment. The function, design and appearance, and supplementary characteristics of all uses, activities, and facilities should enhance, and should not detract from or damage the quality of, the overall natural and built environment along the waterfront.

Policy W3.4: Preserving Views and Vistas. Buildings and facilities should respect scenic viewsheds and enhance opportunities for visual access of the waterfront and its activities.

⁷ California Department of Transportation (Caltrans), 2017. California Scenic Highway Mapping System. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm, accessed March 1, 2019.

Policy W10.7: Jack London Square Area Design Criteria. Developments in this area should be designed to enhance direct access to and along the water's edge, maximize waterfront views and vistas, and make inviting public pedestrian access and spaces. Development and amenities must be sensitive to the surrounding character of pedestrian-oriented activities with focus on cultural and retail entertainment. Traditional and historic buildings and structures are character defining and should be preserved, adapted for new uses, or integrated into new development, where feasible.

Open Space, Conservation, and Recreation (OSCAR) Element

The OSCAR Element promotes the preservation and good design of open space, and the protection of natural resources to improve aesthetic quality in Oakland. The following policies are relevant to visual resources concerns associated with the Specific Plan.

Policy OS-2.1: Protection of Park Open Space. Manage Oakland's urban parks to protect and enhance their open space character while accommodating a wide range of outdoor activities.

Policy OS-2.5: Urban Park Acquisition Criteria. Increase the amount of urban parkland in the seven planning areas, placing a priority on land with the following characteristics (not in priority order):.....(c) land with visual or historical significance...(g) land that is highly visible from major streets, or that is adjacent to existing public buildings, particularly police and fire stations.

Policy OS-4.4: Elimination of Blighted Vacant Lots. Discourage property owners from allowing vacant land to become a source of neighborhood blight, particularly in residential areas with large vacant lots.

Policy OS-6.4: Lake Management. Manage Oakland's lakes to take advantage of their recreational and aesthetic potential while conserving their ecological functions and resource value. Discourage new recreational uses which impair the ability of lakes to support fish and wildlife. Support improvements which enhance water circulation, water quality, and habitat value, provided they are cost effective and are compatible with established recreational activities.

Policy OS-7.3: Waterfront Preservation. Promote a greater appreciation of the Oakland waterfront by preserving and enhancing waterfront views, promoting its educational value, and exploring new and creative ways to provide public access to the shoreline without interfering with transportation and shipping operations of endangering public safety.

Policy OS-9.2: Use of Natural Features to Define Communities. Use open space and natural features to define city and neighborhood edges and give communities within Oakland a stronger sense of identity. Maintain and enhance city edges, including the greenbelt on the eastern edge of the city, the shoreline, and San Leandro Creek. Use creeks, parks, and topographical features to help define neighborhood edges and create neighborhood focal points.

Policy OS-9.3: Gateway Improvements. Enhance neighborhood and city identity by maintaining or creating gateways. Maintain view corridors and enhance a sense of arrival at the major entrances to

the city, including freeways, BART lines, and the airport entry. Use public art, landscaping, and signage to create stronger City and neighborhood gateways.

Policy OS-10.1: View Protection. Protect the character of existing scenic views in Oakland, paying particular attention to (a) views of the Oakland Hills from the flatlands; (b) views of downtown and Lake Merritt; (c) views of the shoreline; and (d) panoramic views from Skyline Boulevard, Grizzly Peak Road, and other hillside locations.

Policy OS-10.2: Minimize Adverse Visual Impacts. Encourage site planning for new development which minimizes adverse visual impacts and take advantage of opportunities for new vistas and scenic enhancement.

Policy OS-10.3: Underutilized Visual Resources. Enhance Oakland's underutilized visual resources, including the waterfront, creeks, San Leandro Bay, architecturally significant buildings or landmarks, and major thoroughfares.

Policy OS-11.1: Access to Downtown Open Space. Provide better access to attractive, sunlit open spaces for persons working or living in downtown Oakland. The development of rooftop gardens is encouraged, especially on parking garages.

(2) City of Oakland Municipal Code

Chapter 8.24: Property Blight

This chapter requires a level of maintenance of residential, commercial, and industrial property that will protect and preserve the livability, appearance, and social and economic stability of the city.

Chapter 9.16.060: Lighting

No person shall make any electric service connection to, or supply any electrical energy to any ornamental street lighting installation until the Electrical Department has inspected and approved such installation, and determined its conformance to the applicable rules and regulations of the city.

Chapter 15.52: Views

This chapter establishes standards for the resolution of view obstruction claims to provide a reasonable balance between trees and view-related values for both private views and protected public view corridors.

(3) City of Oakland Planning Code

The design of new projects in Oakland are subject to performance criteria that are utilized as part of the City's design review process. These criteria address the projects related to the surrounding visual character, as well as public and private investments in the area. Projects are evaluated based on site, landscaping, height, bulk, arrangement, texture, materials, appurtenances, and other characteristics. Conformance with the Oakland General Plan and any other design guidelines or criteria is also considered.

(4) City of Oakland SCAs and Uniformly Applied Development Standards Imposed as SCAs

The City's SCAs that are relevant to aesthetics are listed below. The SCAs are adopted as requirements for all projects approved with the City of Oakland.

SCA-AES-1: Landscape Plan (#18)

Landscape Plan Required: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of Chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oako42662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oako25595.pdf>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

Landscape Installation: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Landscape Maintenance: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

SCA-AES-2: Lighting (#19)

Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to approval of construction-related permit

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

SCA-AES-3: Underground Utilities (#85)

The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

3. Impacts, Standard Conditions of Approval, and Mitigation Measures

This section describes environmental impacts related to the City's aesthetic resources significance criteria that do not relate to scenic vistas, scenic resources, and visual character that could result from the implementation of the Specific Plan and reasonably foreseeable development expected to occur under the Plan. A discussion of how implementation of the Specific Plan relative to scenic vistas, scenic resources, and visual character is provided for informational purposes (Criteria 1-3) to assist in evaluating the merits of the project, but this discussion is not considered significant in areas such as the Plan Area (see discussion above). The latter part of this section presents the impacts associated with the Plan and identifies SCAs and/or mitigation measures to address these impacts as needed.

a. Thresholds of Significance

The City of Oakland has established thresholds of significance for CEQA impacts which incorporate those in Appendix G of the CEQA Guidelines (City of Oakland, 2019). Implementation of the Specific Plan would result in a significant aesthetic impact if it would:

4. Have a substantial adverse effect on a public scenic vista.
5. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, located within a state or locally designated scenic highway.
6. Substantially degrade the existing visual character or quality of the site and its surroundings

7. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas. (not a CEQA consideration).
8. Introduce landscape that would now or in the future cast substantial shadows on existing solar collectors (in conflict with California Public Resource Code Sections 25980-25986).
9. Cast shadow that substantially impairs the function of a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors.
10. Cast a shadow that substantially impairs the beneficial use of any public or quasi-public park, lawn, garden, or open space.
11. Cast shadow on an historic resource, as defined by CEQA Guidelines Section 15064.5(a), such that the shadow would materially impair the resource's historic significance by materially altering those physical characteristics of the resource that convey its historical significance and that justify its inclusion on or eligibility for listing in the National Register of Historic Places, California Register of Historical Resources, Local Register of historical resources, or a historical resource survey form (DPR Form 523) with a rating of 1-5.
12. Require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses.
13. Create winds exceeding 36 mph for more than one hour during daylight hours during the year.

The changes to Appendix G of the State CEQA Guidelines effective in December 2018 were intended to reflect recent changes to the CEQA statutes and court decisions. Many of these recent changes and decisions are already reflected in the City's adopted significance thresholds, which have been used to determine the significance of potential impacts. To the extent that the topics or questions in Appendix G are not reflected in the City's thresholds, these topics and questions have been taken into consideration in the impact analysis below, even though the determination of significance relies on the City's thresholds.

b. Specific Plan's Potential Effects Related to Scenic Vistas and Resources and Visual Character

The Specific Plan's relationship to the aesthetics criteria (Criteria 1-3) is described below for informational purposes and to provide context for review of the Plan's merits. As discussed above, any effects of implementation of the Plan related to these topics are not considered significant.

(1) Public Scenic Vistas

This analysis recognizes that the value of a scenic vista is subjective and dependent on the individual preferences; therefore, the analysis focuses on scenic vistas of public importance identified in City planning documents. The OSCAR element of the City of Oakland General Plan identifies views of the following as scenic resources that need to be protected:

- Views of the Oakland hills from the flatlands;
- Views of downtown and Lake Merritt;
- Views of the shoreline; and
- Panoramic views from Skyline Boulevard and Grizzly Peak Road--*views are not afforded given that the Plan Area is not located in the hills.*

Views of the Oakland Hills from the Flatlands

Given the height of the existing buildings in much of downtown, and the relatively flat topography in the Plan Area, views of the hills are generally afforded in areas of open space, such as Lake Merritt, or on elevated highways such as the I-880 and I-980. Views of the Oakland and Berkeley hills from the flatlands can be seen along the shores of Lake Merritt. The greatest views of the hills are afforded from the western portion of the Lake near the Lake Merritt Amphitheater, and along Lakeshore Avenue. Limited views of the hills are also afforded on Telegraph Avenue and Broadway heading north from 15th street to the northern end of the Plan Area. Although taller new buildings would be noticeable to residents, workers, and visitors in the immediate vicinity of individual development projects, these developments would not result in substantial changes to the overall urban scale considering the existing variable nature of the buildings heights and volumes throughout the Plan Area and surrounding neighborhoods. The new buildings would not substantially change views from the flatlands to the hills.

Views of Downtown and Lake Merritt

As described in the setting section above, views of Lake Merritt are available from areas around the Lake Merritt Office District. The Lake Merritt Office District is described as a transformational opportunity area in the Specific Plan, and this area will be downtown's premier office hub, featuring the tallest and most dense development downtown. Views from the core of the Lake Merritt Office District area are generally limited to the surrounding existing structures. However near the intersection of Thomas L. Berkeley Way and Grand Avenue and along Harrison Street/Lakeside Drive, views of Lake Merritt, several of the attractions along the northern shore of the Lake, and many of the low-, mid-, and high-rise buildings that line the Lake's southern and western shore become visible. In addition, views along Lakeside Drive including Lake Merritt and

many of the low-, mid-, and high-rise buildings that line the Lake's southern and western shore are also visible.

Views of City Hall and Frank Ogawa Plaza are afforded from immediately surrounding streets such as 14th and Franklin. Views of the Tribune Tower (which is approximately 300 feet tall) can be seen from 13th Street all the way west to Franklin. Even though there are many other taller buildings adjacent to the Tribune Tower, views of Tribune Tower are afforded from the lake on 12th, 13th, and 14th Streets or in parts of Oakland southeast of downtown.

Existing heights in the majority of the Lake Merritt District are currently unlimited with floor area ratios (FAR)s of 20.0, as shown in *Chapter III, Project Description* Figure III-9 and Table III-2. The proposed draft heights for the Lake Merritt District area would not change those unlimited heights, as shown in *Chapter III, Project Description* Figure III-11. FARs in the Lake Merritt District would increase from 20.0 to 30.0 in the core of the district, as shown on *Chapter III, Project Description*, Figure III-9. Densities in the Lake Merritt District would increase as well as shown on *Chapter III, Project Description*, Figure III-10. The Lake Merritt District area includes priority office sites, and while these buildings have the capacity to be more intense (given the proposed increase in FAR and density, development in this area is already quite dense, and would not substantially change from existing conditions. In Lakeside, there are some places where heights, FAR, and density would increase from existing conditions. Height limits near 17th and Alice/Jackson/Madison streets would change from 55 feet to 65 feet (near Alice and Jackson) and 85 feet near Madison. FAR and density would increase throughout the Lake Merritt District from 14th Street to 17th Street west to Harrison Street. New structures would be added in a way that is intended to fill in the gaps in the street wall and result in a more cohesive look for each district in the Plan Area.

As discussed in *Chapter III, Project Description*, this EIR is based on the Downtown Oakland Public Review Draft Specific Plan dated August 2019, which sets forth a reasonably foreseeable development expected in the Plan Area over the next 20 years. Proposed height, FAR limits, and density, in combination with the City's projected Downtown Oakland Development Program, encourage development. The tallest structures would be located along the central-most parcels of the Plan Area, Central Core, and Lake Merritt Office District. This is an area where mid- and high-rise buildings already exist and where new towers are not expected to adversely affect views of Lake Merritt and the Oakland hills within or through the Plan Area. Although taller and more dense new buildings would be noticeable to residents, workers, and visitors in the immediate vicinity of individual development projects, these developments would not result in substantial changes to the overall urban scale considering the existing variable nature of the buildings heights and volumes throughout the Plan Area and surrounding neighborhoods. The new buildings would not substantially change views of downtown and Lake Merritt.

Views of the Shoreline

Views of the shoreline from Jack London Square are at the southern edge of the Plan Area. Proposed intensity in this area including height, FAR and density would be increased from existing conditions.

The Specific Plan proposes revisions to the intensity (height, FAR, and density) that would encourage or discourage specific land uses within the Plan Area and would channel specific uses according to areas where they have been determined to be most appropriate (the proposed general plan amendments, zoning, and draft intensity changes are discussed in detail in *Chapter III, Project Description*). In certain areas, the proposed land use changes would also allow for an increase in density and could result in the construction of different building types, scales, and architecture over time as compared to existing conditions. Although taller new buildings would be noticeable to residents, workers, and visitors in the immediate vicinity of individual development projects, these developments would not result in substantial changes to the overall urban scale considering the existing variable nature of the buildings heights and volumes throughout the Plan Area and surrounding neighborhoods.

(2) Scenic Resources

The State Scenic Highways in Alameda County area are as follows:

- I-580, from the San Joaquin County line to SR-205, and from San Leandro city limits to SR-24 in Oakland.
- I-680, from Mission Boulevard in Fremont to the Contra Costa County line.⁸

As described above in Regulatory Setting, there are no officially designated or eligible State scenic highways within or immediately adjacent to the Plan Area. The Plan Area is located approximately 0.5 miles south of the State Scenic Highways segment of Interstate 580 that terminates at SR-24. Development under the Specific Plan is not expected to significantly alter views of scenic resources by motorists from I-580 given its distance from the 580. In addition, height increases, FAR increases, and density increases in this area are not substantial. The KONO district, which is the northernmost portion of the Plan Area, has proposed height limits of 85 feet with pockets of 65 feet between 25th and Sycamore Street as well as between 25th and 26th Street. Proposed FARs range from 12.0 at their most intense (in the northern most portion of KONO) to 2.0. Density in KONO would increase from existing ranges of 450 to 225 square feet per unit to 300 to 110 square feet per unit. The draft proposed heights, FAR, and density for most of KONO would be increased from existing conditions; however, overall, the height, FAR and

⁸ Ibid.

density changes in this area would not be substantial and would minimally affect scenic resources within a State Scenic Highway.

(3) Visual Character

The Plan is a regulatory program and would result in new planning policies and controls for land use to accommodate additional jobs and housing. Although the Plan would establish a policy and regulatory framework that if, carried out, could alter the urban form of the Plan Area, the Plan itself would not result in direct physical change to its existing visual character that would conflict with applicable General Plan, Zoning, or other regulations governing scenic quality. Any changes in urban form and visual quality would be the result of subsequent individual development projects allowed under the Plan. Street network changes and public realm improvements could also have physical effects. This analysis focuses on the Plan's potential to affect the existing visual character of the Plan Area and surrounding areas, based on the Plan's proposed changes to maximum building heights, allowed land uses, and proposed design elements. Adoption of and development under the Plan is intended, among other objectives, to improve the visual character of the Plan Area by activating the street frontage and improving the physical appearance of existing structures and the public realm. Physical changes are likely to occur as a secondary effect from the revisions to the General Plan and proposed draft intensities throughout the Plan Area. Visual effects of new uses that may be foreseeable under the Plan would be most prevalent and encouraged in areas where the Plan would allow for construction of taller buildings compared to existing conditions, as laid out in the following two policies.

Policy E-2.2: Promote density and a mix of transit-supportive uses at regional transportation hubs, such as BART stations Amtrak stations, ferry terminals and major AC Transit multi-route stops.

Policy LU-1.2: Encourage incremental development to fill in gaps in the existing urban fabric, while also identifying opportunities for larger and more transformative developments.

Policy H-1.1: As part of the updates to zoning and development incentive program, adjust the zoning in identified areas of opportunity to create new high-intensity, mixed-use neighborhoods.

The implementation of the Specific Plan would affect the visual character of the Plan Area through the application of its land use regulation changes, public realm improvements, and street network changes. A discussion of how these changes would affect each district, as well as an overall summary of how the Specific Plan and its associated development would impact the existing visual character and quality of the Plan Area and its surroundings, is provided below.

Central Core

The Central Core area under the Specific Plan would continue to be a hub for office, commercial, and civic-related activity in Oakland. Proposed intensity in this area as a result of the Specific Plan would continue to mirror the existing pattern of office and commercial development (as shown in

Photo 28), which imposes on a current aerial photo potential illustrative massing on opportunity sites identified in the Specific Plan, as well as anticipated development that is happening independent of the Specific Plan (approved and under construction). At the street level, the retention of local businesses would be prioritized, and the Black Arts Movement and Business District would influence the design of public art, signage, shopfronts, and streetscapes (particularly along 14th Street), providing a distinct identity. New development would fill in underutilized sites, creating a consistent street wall that enhances the pedestrian experience.



 DOSP Potential Future Development  Anticipated Development (Approved/Under-Construction)

Photo 28- Aerial View of Central Core Looking South Down San Pablo Avenue

Lake Merritt Office District

Much like the Central Core area, the Lake Merritt Office District under the Specific Plan would continue to grow with buildings of greater intensity and would continue to contain the most intense development found in downtown, but with a greater focus on office development. "Office priority" sites, as described in *Chapter III, Project Description*, would ensure that new office and employment space is maximized on key opportunity sites. Photo 29 shows an aerial view of Lake Merritt Office District looking northwest, which imposes on a current aerial photo illustrative massing on opportunity sites identified in the Specific Plan, as well as anticipated development that is happening independent of the Specific Plan (approved and under construction). Figure V.F-1 includes a visual simulation of Franklin and 20th Street. New buildings would reinforce the pedestrian realm with active facades and awnings, while bike lanes and wide sidewalks would increase mobility options. These changes would gradually transition the Lake



Photo 29- Aerial View of Lake Merritt Office District Looking Northwest

Merritt Office District to a visual environment more commonly associated with the central business districts of medium and large metropolitan centers.

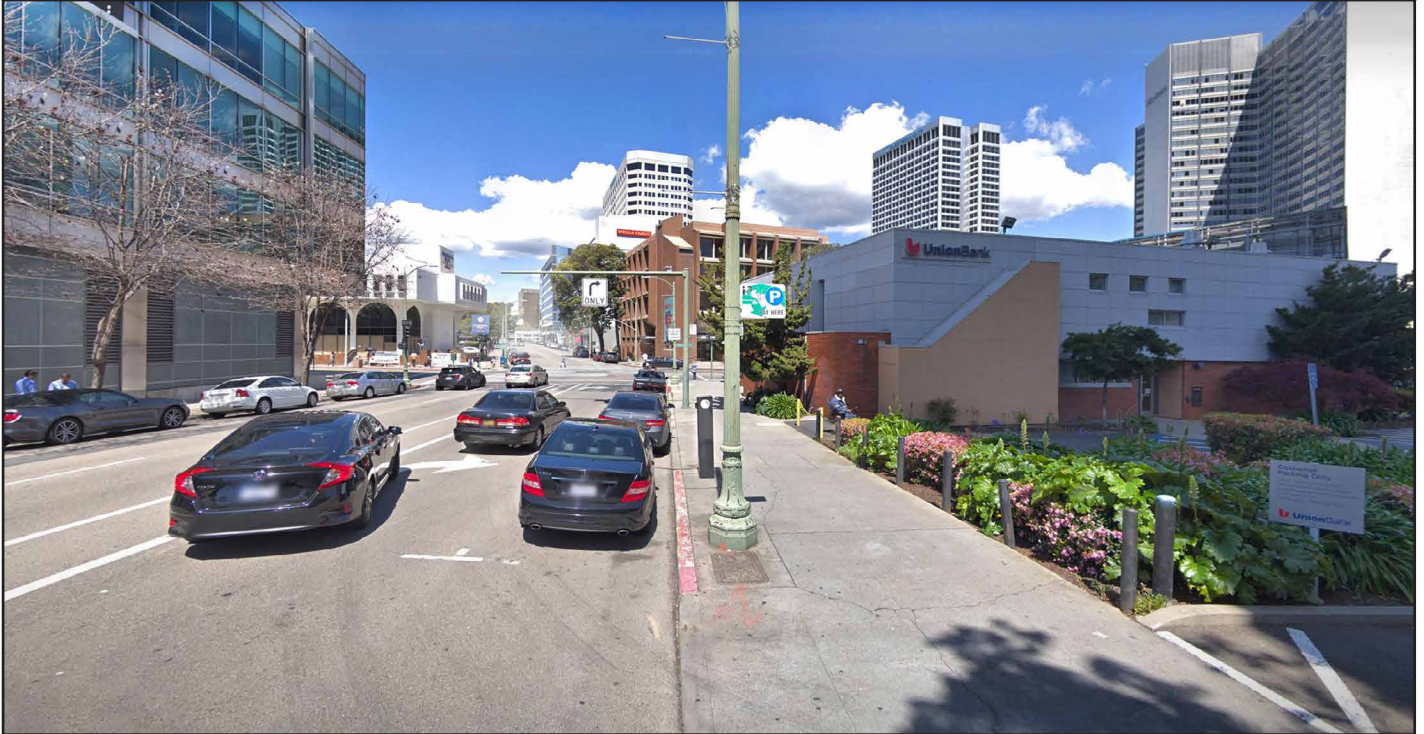
Uptown

Uptown would continue to serve as one of downtown’s most vibrant entertainment areas as envisioned in the Specific Plan. Several opportunity sites that would become a vibrant entertainment area have been identified in Uptown on vacant lots and surface parking lots. The development of the surface parking lots and vacant lots in Uptown, consistent with the Specific Plan, is intended to create buildings with transparent windows along ground floors and well-designed storefronts, enhancing the visual quality of these sites as compared to existing conditions.

Koreatown/Northgate

As part of the Specific Plan, KONO would continue to grow as an art, maker, and entertainment destination. New development would include strategic infill, the re-purposing of historic buildings, and the retrofitting of parking garages with active frontages. 25th Street, the heart of the Garage District, could have thriving industrial, makerspace, and arts uses. There would be increased height, FAR and/or density along 24th, 26th, and 27th Streets, Telegraph Avenue, and

Existing Conditions



Proposed Conditions



Source: Dover, Kohl & Partners, 2019

West Grand Avenue. An arts and cultural overlay zone would provide additional incentives and restrictions within the Garage District to retain its existing character.

West of San Pablo

Under the Specific Plan, the area west of San Pablo would maintain quaint pockets of smaller scale and historic buildings, some of which have been adapted for new uses, with new strategic infill development that closely matches the scale of existing, surrounding structures. Greater intensity permitted near the Central Core and along San Pablo Avenue would allow the neighborhood to accommodate more residents and workers, though any developments adjacent to historic properties would need to comply with existing zoning to step down in height and bulk to allow for a better physical transition. Figure V.F-2 illustrates improvements that could occur along 17th Street to create a more inviting entry into downtown. While Figure V.F-2 illustrates a change in visual character, added street improvements such as bike lanes, wider sidewalks, and decorative murals contribute to the existing urban fabric of the neighborhood. New development would be focused on underutilized parcels with low visual quality, such as the surface parking lot in the left of the existing conditions photo.

Lakeside

The Specific Plan envisions new development in the Lakeside that would blend with existing historic and high-quality buildings. This incremental infill development would fill in longstanding gaps in the existing block network and help to further activate the neighborhood. The lower heights maintained in the Lakeside District would help retain the diversity of housing types available downtown and preserve the existing character of the neighborhood.

Old Oakland

Old Oakland would remain a neighborhood retail and dining destination. The Specific Plan would propose additional residential units in the neighborhood, retail and neighborhood commercial, some office space, and a few flex commercial spaces. Heights and densities in Old Oakland will remain unchanged, except for a portion near the I-980 along 14th Street and south of 12th Street between Castro and Martin Luther King Jr. Way, and a portion south of 8th street between Clay and Broadway. There are minor FAR increases along the border of I-980 from 14th Street to the I-880.

Chinatown

The Specific Plan boundary does not include Chinatown. Therefore, this Draft EIR does not evaluate changes to character and intensity for the areas of Chinatown defined by 7th Street to the south, 13th Street to the north, Franklin Street to the west, and Fallon Street to the east.

Existing Conditions



Proposed Conditions



Source: Dover, Kohl & Partners, 2019

Areas of Chinatown were addressed by the Lake Merritt Station Area Plan EIR, which was adopted in 2014.

Jack London

The Jack London District under the Specific Plan would include a mix of flex industry, mixed-use urban residential, mixed-use urban residential, and mixed-use pedestrian corridor I and II (low to medium intensity). The land use character at the heart of Jack London District's industrial core, centered on 3rd Street, would remain flex industry. Under the Howard Terminal Option, the land use character would be flex mixed-use, meaning that the form and character of the proposed Jack London Maker District (along 3rd Street) would not be preserved in this option. There would be increased height, FAR and density on key sites near I-880 and near the waterfront and more interactive design and uses at the street level. Several areas in the Jack London Although this area contains the bulk of the General Plan amendments proposed under the Specific Plan, many of these amendments are intended to protect the boundaries of the Estuary Policy Plan's Produce Market land use designation, which is intended to retain the historic architectural character and integrity of the Produce Market District.⁹ Improvements to Estuary Park, including new trails, walkways, and a pedestrian/bike bridge, would help strengthen connections between Laney College, Jack London and the rest of downtown.

Laney College

In addition to the improvements completed as part of the Laney College Facilities & Technology Master Plan, new mixed-use development on the Laney College surface parking lot adjacent to I-880 and the Peralta Community College site between 5th Avenue and the Lake Merritt Channel would provide new student and teacher housing, flexible ground-floor spaces, and new institutional and educational facilities. New mid- to high-intensity developments on the Laney College Main Campus would change the existing visual character of the neighborhood, where currently there is a Main Campus and athletic fields.

The Specific Plan envisions adding jobs, training, and services close to BART and Amtrak. Laney College's campus improvements would add new streets and open spaces for pedestrian, bike, and vehicle circulation, and provide access to the Lake Merritt Channel.

Street Network Changes

As stated in *Chapter III, Project Description*, implementation of the Specific Plan would include upgrades to the pedestrian network, bicycle network, transit network, and vehicle network. The

⁹ City of Oakland and Port of Oakland, 1999. Estuary Policy Plan, June.

Plan proposes conversions of one-way streets to two-way streets on 7th, 8th, 9th, and 10th Streets. These modifications to the street network would result in minor and generally beneficial changes to the visual character of the Plan Area. Specifically, they would reduce the amount of public space allocated to private automobiles, add street trees to shade sidewalks and soften the transition between buildings and the street, and result in smaller-scale, more pedestrian-focused streets that have greater visual interest at the street level. These changes would not be considered adverse.

Public Realm Improvements

The Specific Plan would undertake a number of public realm improvements, such as implementing the high and lower priority Green Loop and West Oakland Walk, which would create shared streets that accommodate cars, bicycles, and pedestrians; implement new paseos for locations that have been identified as priorities in downtown; fill gaps in the urban street canopy to link plazas and green areas; and include new public open space as part of the redevelopment of the Victory Court area. The new improvements would provide connections to existing parks. Active street frontages would result in smaller-scale, more pedestrian-focused streets and would create visual interest at the street level. This is expected to have a beneficial effect on visual character within the Plan Area.

Summary

Development, public realm improvements, and street network changes envisioned under the Specific Plan would be compatible with the existing built form and architectural character of the Plan Area as a whole, and compatible with the distinctive visual character of individual areas. Although the future specific designs of individual development projects are not yet known, these future projects under the Specific Plan would be analyzed to determine their individual effect on the visual character of the surrounding environment during the design review process. Future development would be required to align with and incorporate existing General Plan policies and SCAs relevant to visual quality and described in the Regulatory Setting above: SCA-AES-1: Landscape Plan (#18); SCA-AES-2: Lighting (#19); and SCA-AES-3: Underground Utilities (#85). These policies and conditions, as well as the design review process, would ensure that development within the Plan Area is consistent with applicable plans and design guidelines, is of high visual quality, and compatible with surrounding development, thus avoiding adverse impact to visual character within the Plan Area. For these reasons, adoption and development under the Specific Plan are not expected to degrade the visual character of the Plan Area. Physical changes would be incremental and would occur gradually over time as individual project sponsors find opportunities to implement their projects.

c. Analysis and Findings

(1) Light and Glare (Criterion 4)

Adoption of and development under the Specific Plan would create new sources of light or glare, but these new sources would be consistent with the existing light and glare conditions in the area. The Plan Area is already an urbanized environment with associated light and glare. Some surface parking lots and associated flood lighting would be replaced with buildings. These structures would introduce light from upper-story office and residential uses as well as ground level lighting associated with commercial use and office or residential entryways. Individual developments would not be expected to change or affect day or nighttime views as a result of increased light or glare to a significant extent. Such projects would be subject to standard project review and approval processes as required by the City of Oakland, and may require additional design review. Individual projects would be required to implement SCA-AES-2: Lighting Plan (#19), which would further minimize potential impacts resulting from lighting and ensure that lighting and glare effects remain less than significant. Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be less than significant related to light and glare.

(2) Shadow (Criteria 5 through 9)

Impact AES-1: Shadow. Implementation of the Downtown Specific Plan and development that may occur under the Plan may result in substantial new shadow that would shade solar collectors, passive solar heaters, public open space, or historic resources, or otherwise result in inadequate provision of adequate light. (Conservatively SU)

Shade and shadow impacts occur when a structure's height or width (or a combination of these two characteristics) reduces the access to sunlight by a public open space area, solar collectors, solar heaters, or historic resources. In a built urban environment like the Plan Area, nearly all land uses create shade and shadow for neighboring structures, and in turn, are subject to shade and shadows from those same structures. Development facilitated by the Specific Plan program could include mid- and high-rise buildings that may cast shadow on public open space, solar collectors, and historic resources. While the exact details associated with future development proposals is unknown as this time, a generalized shadow analysis was prepared based on the 3D height Model. This generalized shadow study should be used as a guiding framework, but is no means intended to replace the City's review of individual development project proposals and the design review process, where potential project-level effects related to shadow would be determined according to the City's significance criteria, which considers potential adverse effects of shadow to solar collectors and similar heating facilities, public or quasi-public parks and open spaces, and historic resources. Regarding solar features in particular, the City maintains a list of locations where solar collectors are located throughout the city and issues permits for such facilities,

particularly those sited on rooftops. Individual projects will also be assessed for their proximity to historic resources and open space. If a project has potential project-level shadow effects, the City would require mitigation through the standard design review and environmental review process.

Given the sheer size of the Plan Area and amount of new development anticipated under the Plan, preparing a detailed shadow analysis was not feasible. Below is a summary of the shadow trends in the Plan Area as a result of new development.

Shadows were analyzed at 9:00 a.m., noon, and 3:00 p.m. on December 21, March 19, June 21, and September 23 which match the Summer solstice, Winter solstice, spring equinox, and fall equinox. Shadow from the new buildings would extend west in the mornings, north around the noon hour, and northeast to east in the afternoon.

Winter shadow is the longest, and thus, during the winter months, some new shadow would extend the length of a full block or more, with the highest buildings casting the greatest amount of new shadow especially during winter mornings around 9:00 a.m. and winter afternoons around 3:00 p.m. This would occur primarily near Uptown, Lake Merritt Office District, and Central Core, where existing and proposed height limits are the highest. In addition, in Jack London Square there would be more shadow on the northern most end adjacent to the I-980 and I-880 and 5th Street between Castro Street and Franklin Street as well as south of Oak Street between Fallon Street and 4th Street.

New shadow during the summer, fall, and spring months would fall within the range of winter shadow, with the majority of the new shading occurring during morning hours with shadows decreasing into the early afternoon, and afternoon hours.

Given that there are not enough sufficient details available to analyze specific shadow impacts (beyond larger trends as described above), it cannot be known with certainty that development under the Specific Plan would not cause significant shadow impacts that impairs the function of a building using passive solar collection; impairs the beneficial use of a public or quasi-public park, lawn, garden, or open space; shadows on an historic resource, or otherwise results in inadequate provision of light. Mitigation Measure AES-2 identified below is recommended; however, it is noted that even with this mitigation measure it cannot be known with certainty that impacts would be mitigated, as such the impact is conservatively SU.

Mitigation Measure AES-1: Shadow. To help ensure shadows associated with new development under the Plan are lessened, the City shall adopt a new SCA or incorporate a policy into the Specific Plan that requires project sponsors, on a project-by-project basis to complete a site-specific shadow evaluation at the time that individual projects are proposed if any of the following conditions exist:

- At or adjacent to buildings and structures that meet the definition of “historical resources” contained in Section 15064.5 of the CEQA Guidelines
- At or adjacent to a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors
- At or adjacent to a public or quasi-public park, lawn, garden or other open space

If a shadow study is required it shall address the following:

- If at or adjacent to historic building; an evaluation of how shadow would affect the building or structure which confirm to the *Secretary of Interior’s Standards of Historic Properties and Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings (1995)*. The *Standards* require the preservation of character defining features which convey a building’s historical significance, and offers guidance about appropriate and compatible alterations to such structures. This evaluation should be carried out by a professional who meets the Secretary of the Interior’s Standards for Architectural History. The results of the evaluation shall be submitted as a Historic Architectural Assessment Report to the City of Oakland. Once the report is reviewed and approved by the City, a copy of the report should shall be submitted to the Northwest Information Center (NWIC).
- If at or adjacent to a building using passive solar heat collection, solar collectors for hot water heating, or photovoltaic solar collectors an evaluation of how shadow would affect the productivity of the solar units (in terms of how much of the year solar collectors are shaded and what portion of the solar units are shaded).
- If at or adjacent to a public or quasi-public park, lawn, garden, or open space, an evaluation of how shadow would impact the beneficial use (in terms of how much of the year the public or quasi-public park, lawn, garden, open space would be shaded and what portion of the year it is shaded).

The shadow evaluation or Report (if historic building) shall be provided as part of the development approval submittal and the project sponsor shall modify the building design and placement to reduce impacts to the extent feasible. If none of the above conditions are applicable to the project, the project sponsor shall provide documentation to demonstrate such conditions do not exist.

Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years are conservatively deemed significant and unavoidable related to shadows. **(SU)**

(3) Wind (Criterion 10)

Impact AES-2: Wind Analysis. Implementation of the Downtown Specific Plan and development that may occur under the Plan may result in adverse wind conditions. (Conservatively SU)

Development under the Specific Plan could be tall enough to result in adverse wind conditions. Buildings taller than their surroundings tend to intercept the stronger winds at higher elevations and direct them to the ground level. This flow is called downwashing (Photo 30), and is often the main cause for wind acceleration around tall buildings at the pedestrian level. These winds can be relatively strong and turbulent, especially around the downwind building corner (Photo 31). The impact of downwashing flow at grade level is reduced by wide podium setbacks and stepped building forms (Photo 32), but in general, if podiums are taller than the surroundings, the downwashing may still impact grade level areas. Winds can also accelerate between two closely-spaced buildings and through a passage underneath a building or a bridge. Winds can also accelerate between two closely-spaced buildings (Photo 33) and through a passage underneath a building or a bridge (Photo 34). If these building/wind combinations occur for prevailing winds, there is a greater potential for increased wind activity and uncomfortable conditions.¹⁰



Photo 30- Downwashing

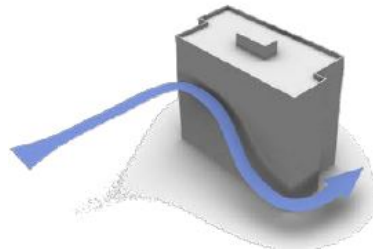


Photo 31- Corner Acceleration

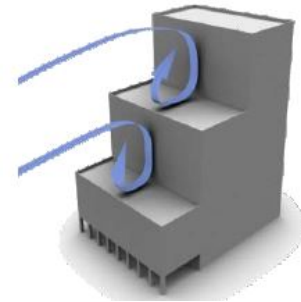


Photo 32- Stepped façade

¹⁰ RWDI, 2017. Pedestrian Level Wind Assessment – Virtualwind, RWDI Project #1702468, April 27.



Photo 33- Channeling Flow

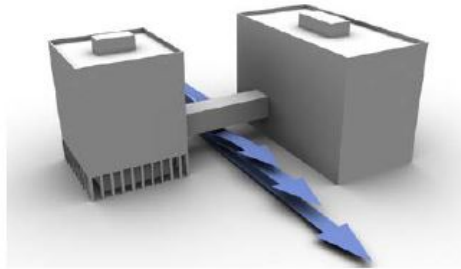


Photo 34- Underpass Acceleration

Although new high-rise structures amidst existing or other new high-rise structures can sometimes result in general reductions in wind speed and the number and durations of occurrence of wind hazard, other building characteristics (e.g., location relative to other nearby buildings and/or open spaces, façade articulation, etc.) are also considered and, together, can result in increases in adverse wind conditions as discussed directly above. Therefore, Mitigation Measure AES-1, Wind Analysis, is identified:

Mitigation Measure AES-2: Wind Analysis. Project sponsors proposing buildings 100 feet tall or taller within the entire Plan Area boundary shall conduct a detailed wind study to evaluate the effects of the project. The current definition of downtown within the CEQA Thresholds of Significance defines it as bounded by West Grand Avenue to the North, Lake Merritt and Channel Park to the east, and Oakland Estuary to the south and I-980/Brush street to the west. If the wind study determined that the project would create winds exceeding 36 miles mph for more than one hour during daylight hours during the year, the project sponsor would incorporate, if feasible, measures to reduce such effects, as necessary, until a revised wind analysis demonstrates that the proposed project would not create winds in excess of this threshold. Examples of measures that such projects may incorporate, depending on the site-specific conditions, include structural and landscape design features and modified tower designs: wind protective structures or other apparatus to redirect downwash winds from tall buildings, tree plantings or dense bamboo plantings, arbors, canopies, lattice fencing, etc. It is also noted that the City's threshold is very stringent. The City may modify this threshold in the future and if it does, it would be applicable to the Specific Plan Area; however, it is possible that a significant and unavoidable impact may still occur. At this time, however, there are not sufficient details available to analyze specific impacts and it cannot be known with certainty that a project redesign would eliminate the potential for new adverse wind impacts. Therefore, impacts associated with implementation of the Specific Plan and reasonably foreseeable development expected to occur in the Plan Area over the next 20 years would be conservatively deemed significant and unavoidable related to wind. (SU)

d. Cumulative Aesthetics Impacts

The cumulative geographic context includes the Plan Area, viewsheds visible within and across the Plan Area, and surrounding areas potentially shaded by adoption and development under the Specific Plan and other development within the Plan Area vicinity including development under the Specific Plans for the adjacent areas.

Scenic Vistas and Resources, Visual Character and Light and Glare (Criteria 1 through 4) Geographic Context

As discussed above, under CEQA Section 21099(d), aesthetic impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment. This also applies to cumulative impacts. Accordingly, adoption of the Specific Plan and its associated development when combined with other cumulative development in and around the Plan Area would not result in or contribute to any cumulatively significant aesthetic impacts.

Further, any cumulative effects would be minimized due to past, present, and future developments' adherence to the General Plan and Specific Plan policies and SCAs described earlier in this Setting section, as well as compliance with conditions identified through the City's design review processes, when applicable.

(2) Shadow and Wind (Criteria 5 through 10)

As noted above, due to the uncertainty of available mitigation, adoption of and development under the Specific Plan could result in significant and unavoidable impacts related to shadows and wind. Therefore, when combined with other cumulative development in and around the Plan Area, adoption of the Plan and its associated development could contribute to cumulatively significant shade, and shadow, and result in or contribute to cumulative significant shadow and wind impacts.

Cumulative Impact AES-1: Implementation of the Downtown Specific Plan and development that may occur under the Plan may, in combination with other past, present, and reasonably foreseeable future projects within and around the Plan Area would result in significant cumulative wind and shadow impacts. (Conservatively SU)

Mitigation Measure Cumulative AES-1: Implement Mitigation Measures AES-1 and AES-2. (SU)