

## **Appendix A. Final Individual Section 4(f) Evaluation**

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# Oakland Alameda Access Project

ALAMEDA COUNTY, CALIFORNIA  
DISTRICT 04 – ALA – 880, (PM 30.47/31.61)  
DISTRICT 04 – ALA – 260, (PM R0.78/R1.90)  
EA 04-0G360/PROJECT ID# 0400000326  
SCH# 2017092041

## Final Environmental Impact Report/Environmental Assessment and Final Individual Section 4(f) Evaluation with Finding of No Significant Impact



Prepared by:  
**State of California, Department of Transportation  
and the  
Alameda County Transportation Commission**



The environmental review, consultation, and any other actions required by applicable federal environmental laws for this project are being, or have been, carried out by Caltrans pursuant to 23 USC 327 and the Memorandum of Understanding dated December 23, 2016, and executed by the FHWA and Caltrans.

**August 2021**

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## Acronyms and Abbreviations

<b>AASHTO</b>	American Association of State Highway and Transportation Officials
<b>AB</b>	aggregate base
<b>ACHP</b>	Advisory Council on Historic Preservation
<b>ADA</b>	Americans with Disabilities Act
<b>ALA</b>	Alameda
<b>Alameda CTC</b>	Alameda County Transportation Commission
<b>APE</b>	Area of Potential Effect
<b>APN</b>	Assessor's Parcel Number
<b>AS</b>	aggregate subbase
<b>BETP</b>	Built Environment Treatment Plan
<b>ca.</b>	circa
<b>Caltrans</b>	California Department of Transportation
<b>CFR</b>	Code of Federal Regulations
<b>DOI</b>	Department of Interior
<b>DOT</b>	Department of Transportation
<b>EA</b>	Environmental Assessment
<b>EB</b>	eastbound
<b>EBMUD</b>	East Bay Municipal Utility District
<b>EIR</b>	Environmental Impact Report
<b>FHWA</b>	Federal Highway Administration
<b>FOE</b>	Finding of Effect
<b>HAER</b>	Historic American Building Engineering Record Survey
<b>HMA</b>	Hot Mix Asphalt
<b>HPSR</b>	Historic Property Survey Report
<b>HRER</b>	Historic Resources Evaluation Report
<b>I</b>	Interstate
<b>LPAB</b>	Landmark Preservation Advisory Board
<b>MOA</b>	Memorandum of Agreement
<b>NB</b>	northbound
<b>NEPA</b>	National Environmental Quality Act
<b>NHPA</b>	National Historic Preservation Act
<b>NRHP</b>	National Register of Historic Places
<b>OHA</b>	Oakland Heritage Alliance
<b>PA</b>	Caltrans Section 106 Programmatic Agreement

<b>PCC</b>	plain cement concrete
<b>PDS</b>	Project Development Support
<b>PG&amp;E</b>	Pacific Gas and Electric
<b>PHB</b>	Pedestrian Hybrid Beacon
<b>PID</b>	Project Initiation Document
<b>PM</b>	post mile
<b>PQS</b>	Professional Qualified Staff
<b>PR</b>	Project Report
<b>PSR</b>	Project Study Report
<b>R</b>	realignment
<b>ROW</b>	right-of-way
<b>SB</b>	southbound
<b>SHPO</b>	State Historic Preservation Officer
<b>SOIS</b>	Secretary of Interior's Standards
<b>SoNiC</b>	South of the Nimitz Improvement Council
<b>SR</b>	State Route
<b>SWG</b>	Stakeholder Working Group
<b>TBD</b>	to be determined
<b>TDM</b>	Transportation Demand Management
<b>TMP</b>	Transportation Management Plan
<b>TSM</b>	Transportation System Management
<b>U.S.</b>	United States
<b>USC</b>	United States Code
<b>VIA</b>	Visual Impact Assessment
<b>WB</b>	westbound

## **Chapter 1 - Individual Section 4(f) Evaluation**

### **1.0. Introduction**

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law 49 United States Code (USC) 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- There is no prudent and feasible alternative to using that land; and
- The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Department of Agriculture and the Department of Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer (SHPO) is also needed.

Responsibility for compliance with Section 4(f) has been assigned to the California Department of Transportation (Caltrans) pursuant to 23 USC 326 and 327, including determinations and approval of Section 4(f) evaluations, as well as coordination with those agencies that have jurisdiction over a Section 4(f) resource that may be affected by the project action.

### **1.1. Use of a Section 4(f) Property**

In general, a Section 4(f) "use" occurs when:

- Section 4(f) land is permanently incorporated into a transportation facility;
- There is a temporary occupancy of Section 4(f) land that is adverse in terms of the Section 4(f) preservationist purposes as determined by specified criteria (23 Code of Federal Regulations [CFR] 774.13[d]); or
- Section 4(f) land is not incorporated into the transportation project, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (constructive use) (23 CFR 774.15[a]).

This Final Individual Section 4(f) Evaluation has been prepared in compliance with 23 CFR 774. Caltrans is the lead agency, as assigned by the Federal Highway Administration (FHWA) under the National Environmental Policy Act (NEPA) and is the lead agency under the California Environmental Quality Act (CEQA).

## 1.2. Section 4(f) and Section 106

The consideration of historic properties under Section 4(f) differs from their consideration under Section 106 of the National Historic Preservation Act (NHPA). The results of the Section 106 process produces a list of historic properties determined to be significant (i.e., eligible for inclusion in the National Register of Historic Places [NRHP]), and the potential impacts that the proposed project would have on those properties. The historic properties identified through the Section 106 process are then considered in the Section 4(f) evaluation. One key difference between the two regulations and processes is that Section 106 requires a consultation process between the federal agency and the SHPO in order to identify historic properties, evaluate effects, and then consult on ways to avoid, minimize or mitigate those effects. The Section 4(f) process requires federal agencies to avoid the use of significant historic sites unless there is no prudent or feasible alternative, and if no prudent and feasible exists, then include in the project all possible planning to minimize harm. Thus, the Section 106 process is more consultative, while the Section 4(f) process requires consideration of specific outcomes.

Section 4(f) applies only to programs and projects undertaken by the United States (U.S.) Department of Transportation (DOT) and only to publicly owned parks, recreation areas, and wildlife refuges, and to historic sites, whether publicly or privately owned. Historic sites are generally those listed on or eligible for the NRHP. For protected historic sites, Section 4(f) is triggered when:

- Land from a historic site is permanently incorporated into a transportation facility;
- The project temporarily occupies land from the historic site in a manner that results in adverse impacts to the qualities that made the historic site eligible for the NRHP; or
- No land from a historic site is permanently incorporated into the project, but “proximity impacts” to the historic site are so severe that the qualities that made the historic site eligible for the NRHP are substantially impaired. This is referred to as a “constructive use.”

Section 106 is an element of a separate federal statute, the NHPA, that requires any federal agency undertaking a federal project (either by funding or approval) to consider the effects of their project on cultural resources on or eligible for the NRHP, thus making them “historic properties.” Section 106 addresses direct and indirect “effects” of a project on historic properties. Section 106 evaluates “effects” on a historic property, while Section 4(f) protects a historic site from “use” by a project. Therefore, even though there may be an adverse effect under Section 106 because of the effects upon the historic property, the provisions of Section 4(f) are not triggered unless the project results in an “actual use” (permanent or certain temporary occupancies of land) or a “constructive use” (substantial impairment of the features or attributes that qualified the site for the NRHP) on the historic site.

Most importantly, except in the case of *de minimis* uses,<sup>1</sup> Section 4(f) requires avoidance of a historic site unless there is no feasible and prudent alternative, and, if avoidance is not feasible and prudent, requires “all possible planning” to minimize harm to the historic site. This means

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<sup>1</sup> A *de minimis* impact is one that, after taking into account avoidance, minimization, mitigation and enhancement measures, results in no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f).

that all reasonable measures identified to minimize harm or mitigate for adverse effects must be included in the project (23 CFR 774.117). Section 106 does not include a specific requirement for avoidance or minimization of harm, but a Section 106 consultation agreement — a Memorandum of Agreement (MOA) — often involves extensive mitigation activities when adverse effects to historic properties cannot be avoided or minimized. The mitigation measures identified in the MOA are typically those used as the Section 4(f) measures to minimize harm.

Finally, Section 4(f) requires that when there are no “prudent and feasible” avoidance alternatives to the “use” of Section 4(f) properties, the lead federal agency must choose the alternative that causes the “least overall harm” based on the criteria listed in 23 CFR 774.3(c), which requires a balancing of seven factors to determine which alternative causes the “least overall harm.” The least overall harm is determined by balancing the following factors:

- Ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property).
- Relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection.
- Relative significance of each Section 4(f) property.
- Views of the official(s) with jurisdiction over each Section 4(f) property.
- Degree to which each alternative meets the Purpose and Need for the proposed project.
- After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f).
- Substantial differences in costs among the alternatives.

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## Chapter 2 - Project Description

### 2.0. Background

This section summarizes the project history that led to the development of the Build Alternative considered in the Section 4(f) evaluation.

Caltrans, in partnership with the Alameda County Transportation Commission (Alameda CTC), proposes to improve mobility and accessibility, traffic operations, and bicycle and pedestrian facilities through the Oakland Alameda Access Project (proposed project) on State Route 260 (SR-260) (post mile [PM] realignment [R] 0.78 to PM R1.90) and on Interstate 880 (I-880) (PM 30.47 to PM 31.61) in the cities of Oakland and Alameda in Alameda County, California.

The Oakland Alameda Access Project, formerly known as the Broadway/Jackson Interchange Project and then the Broadway/Jackson Street Interchange Improvements Project, has been studied for over 20 years. To date, three Project Study Reports (PSR), a Project Report (PR), and a Feasibility Study evaluated numerous alternatives to address the Purpose and Need. A Draft PSR was prepared in 1997, a subsequent PSR was completed in 2000, and a PR was completed in 2002 for the Broadway/Jackson Street Interchange Improvements Project. However, the recommended alternative did not have the support of the local community, particularly key stakeholders in Chinatown, so it did not proceed. In 2006, the City of Alameda revisited the project by completing a *Feasibility Study* for the I-880/Broadway-Jackson Interchange Improvements Project. The *Feasibility Study* recommended several new alternatives and a PSR-Project Development Support (PDS)-Project Initiation Document (PID) for the I-880/Broadway-Jackson Interchange Improvements Project. This study was approved by Caltrans in March 2011.

### 2.1. Purpose and Need

#### 2.1.1. PURPOSE

The purpose of the proposed project is to:

- Improve multimodal safety and reduce conflicts between regional and local traffic.
- Enhance bicycle and pedestrian accessibility and connectivity within the project study area.
- Improve mobility and accessibility between the I-880, SR-260 (Tubes), City of Oakland downtown neighborhoods, and City of Alameda.
- Reduce freeway-bound regional traffic and congestion on local roadways and in area neighborhoods.

#### 2.1.2. NEED

Access between the freeway and the roadway networks between I-880 and the Tubes is limited and indirect, and access to/from the cities of Oakland and Alameda is circuitous. Existing access to I-880 from Alameda and the Jack London District requires loops through several local streets and intersections, routing vehicles through the downtown Oakland Chinatown neighborhood.

This has the following operational impacts on local streets:

- Streets in and around the downtown Oakland Chinatown area have a high volume of pedestrian activity and experience substantial vehicle-pedestrian conflicts, and the I-880 viaduct limits bicycle and pedestrian connectivity between downtown Oakland and the Jack London District.
- Southbound (SB) I-880 traffic heading to Alameda must exit at the Broadway/Alameda off-ramp, then travel south along 5<sup>th</sup> Street for more than a mile — through nine signalized and unsignalized intersections — before reaching the Webster Tube at 5<sup>th</sup> Street/Broadway.
- Westbound (WB) I-980 traffic heading to Alameda must exit at the Jackson Street off-ramp and circle back through Chinatown through seven signalized and unsignalized intersections to reach the Webster Tube.
- Northbound (NB) I-880 traffic heading to Alameda must exit at the Broadway off-ramp and form a queue at Broadway/between 5<sup>th</sup> and 6<sup>th</sup> streets, which backs up onto the ramp. Alternatively, drivers can loop through Chinatown to access the Webster Tube.

## **2.2. Project Alternatives**

### **No-Build (No-Action) Alternative**

Under the No-Build Alternative, there would be no improvements to bicycle or pedestrian connectivity or safety. Freeway traffic to/from the cities of Oakland and Alameda would continue to use city streets through Oakland and Chinatown, which are areas with a high volume of pedestrian activity. Vehicle-pedestrian or -bicycle conflicts from traffic traveling through city streets would continue. The I-880 viaduct would continue to impede connectivity between downtown Oakland and the Jack London District, and access would not be improved for bicyclists and pedestrians traveling between Oakland and Alameda.

### **Build Alternative**

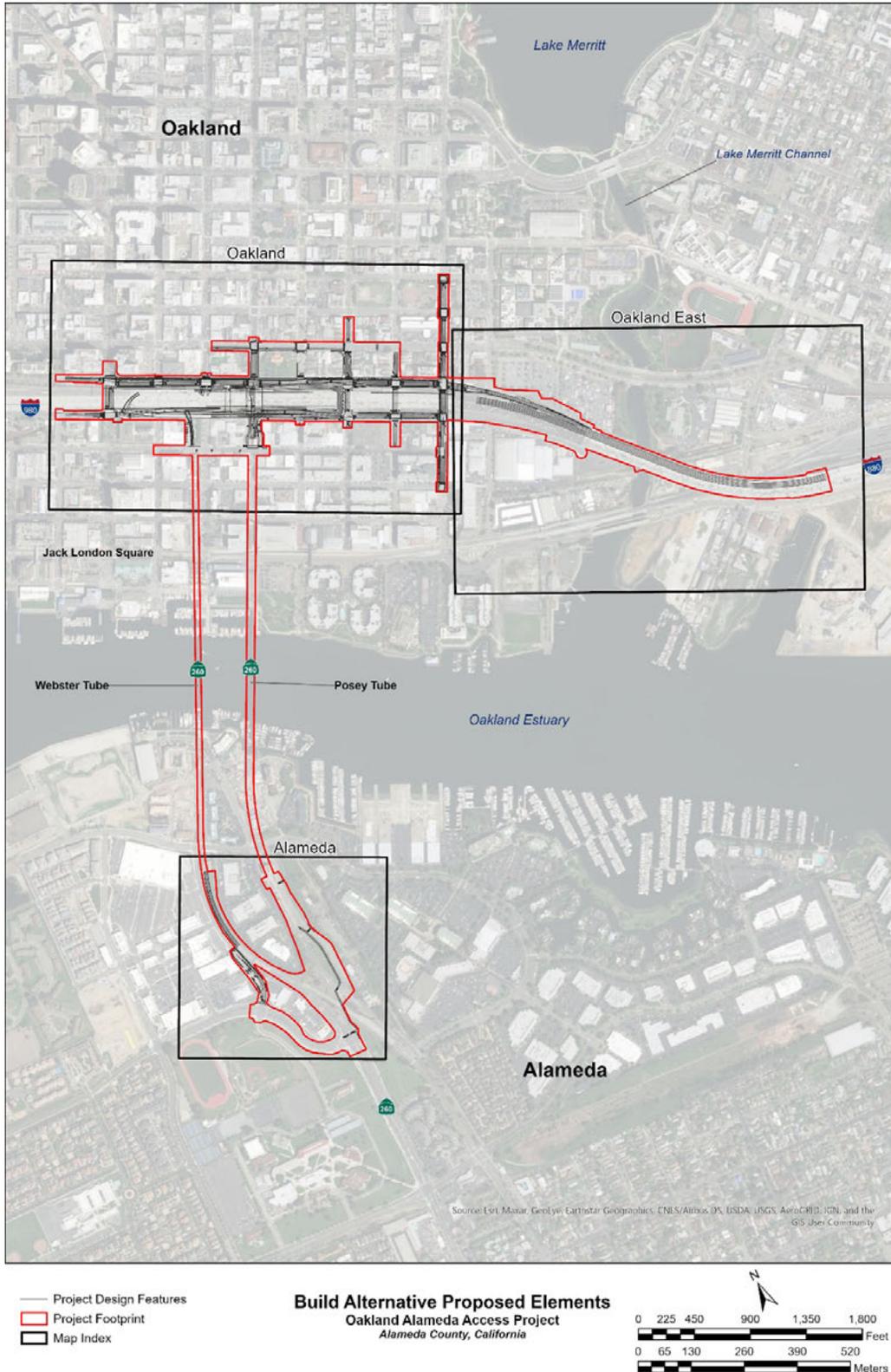
The Build Alternative proposes to remove and modify the existing freeway ramps and to modify the Posey Tube exit in Oakland. The Build Alternative would improve access to NB and SB I-880 from the Posey Tube via a right-turn-only lane from the Posey Tube to 5<sup>th</sup> Street, and a new horseshoe connector at Jackson Street below the I-880 viaduct that would connect to the existing NB I-880/Jackson Street on-ramp. The proposed project would also reconstruct and shift the existing WB I-980/Jackson Street off-ramp to the south.

The Webster Tube entrance at 5<sup>th</sup> Street and Broadway would be shifted to the east to create more space for trucks to make the turn from Broadway into the Webster Tube. A bulb-out would be constructed to extend the sidewalk, reducing the crossing distance and allowing improved visibility of pedestrians on the southeast corner.

The proposed project would remove the NB I-880/Broadway off-ramp and widen the NB I-880/Oak Street off-ramp to 6<sup>th</sup> Street, which would become the main NB I-880 off-ramp to downtown Oakland and to Alameda. 6<sup>th</sup> Street would become a one-way through street from Oak Street to Harrison Street and a two-way street from Harrison Street to Broadway.

The proposed project would add a Class IV two-way cycle track on 6<sup>th</sup> Street between Oak and Washington streets and on Oak Street between 3<sup>rd</sup> and 9<sup>th</sup> streets. It would implement bicycle and pedestrian improvements at the Tubes' approaches in Oakland and Alameda, and it would open the Webster Tube's westside walkway. This would improve connectivity to existing and

future planned bicycle paths in the City of Oakland, and it would implement various “complete streets” improvements to create additional opportunities for non-motorized vehicles and pedestrians to cross under I-880 between downtown Oakland and the Jack London District. See Figure 2-1, Figure 2-2, Figure 2-3, and Figure 2-4 for the Build Alternative’s proposed elements.



Source: HNTB (2020)

**Figure 2-1. Build Alternative Proposed Elements, Project Overview**

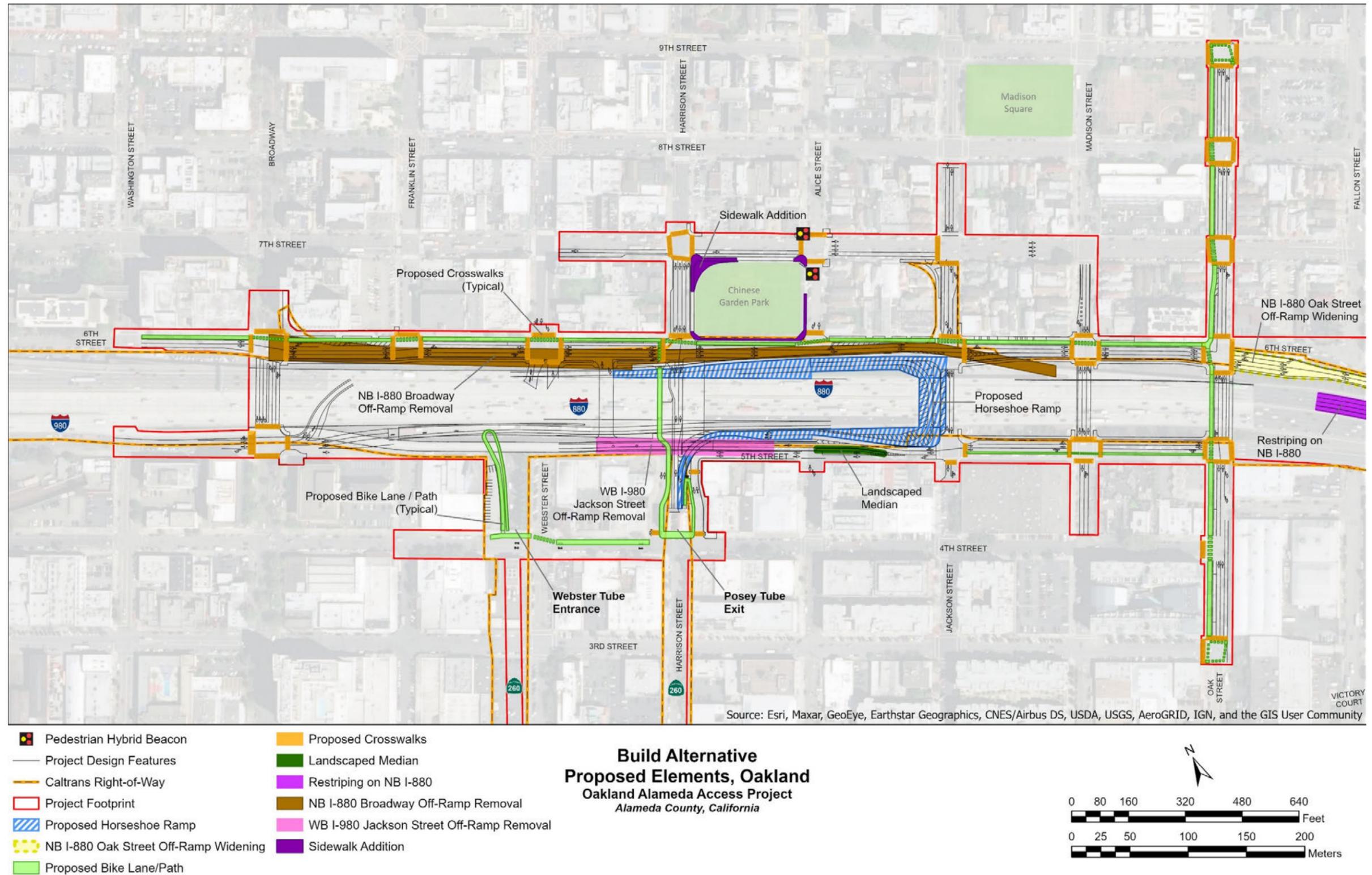
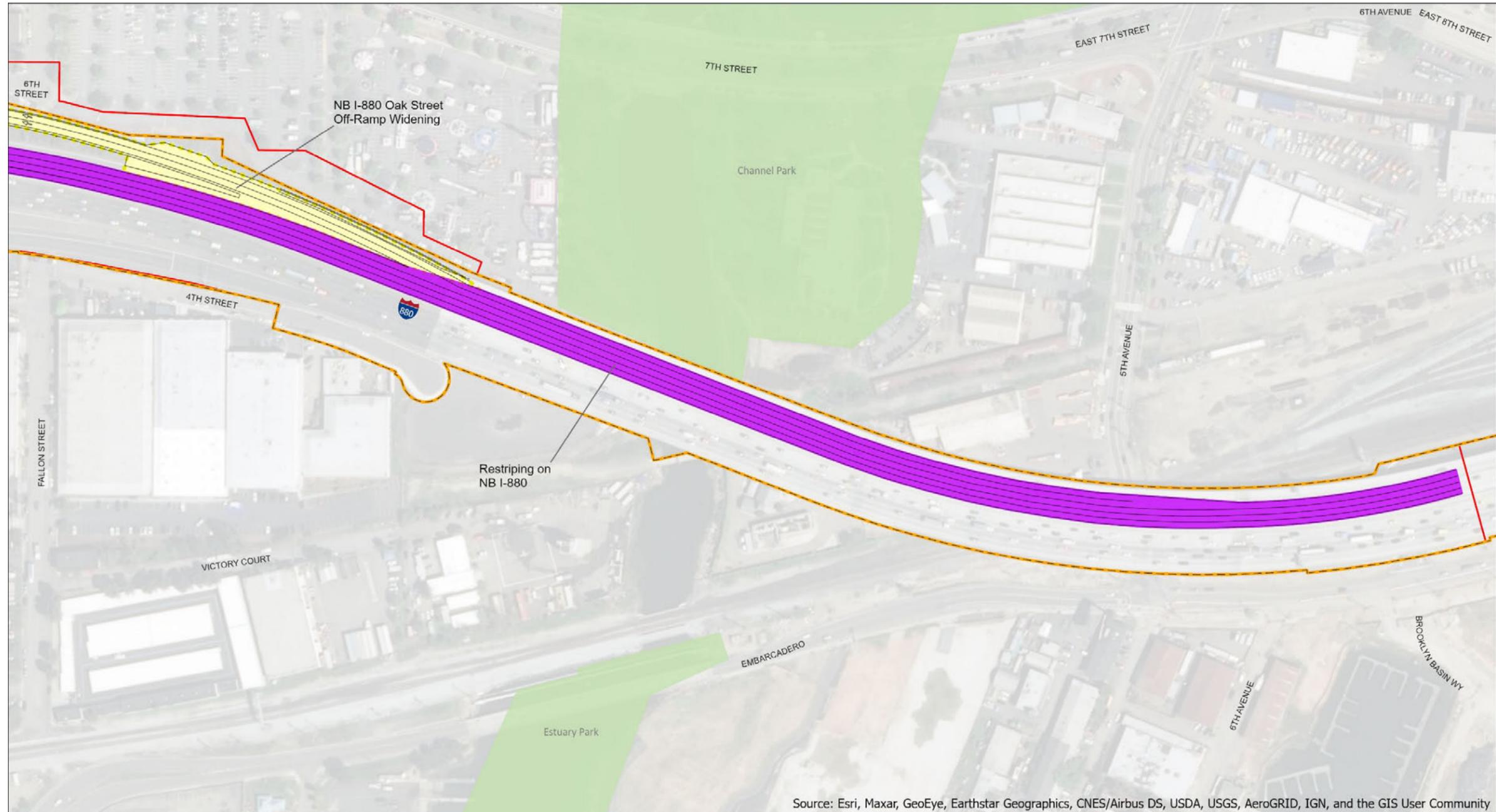
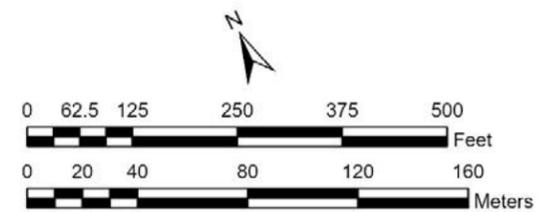


Figure 2-2. Build Alternative Proposed Elements, Oakland



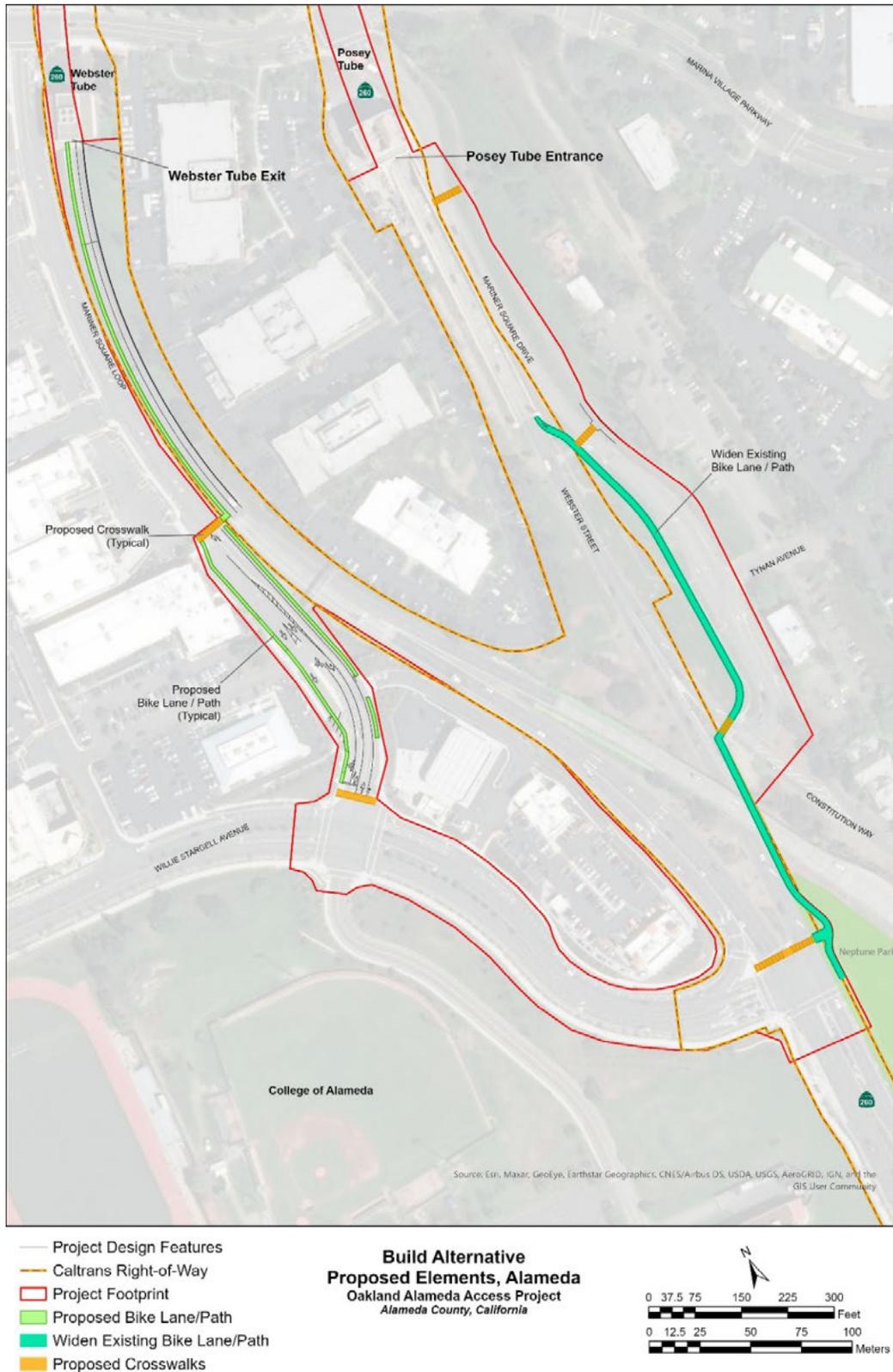
- Project Design Features
- Caltrans Right-of-Way
- Project Footprint
- NB I-880 Oak Street Off-Ramp Widening
- Restriping on NB I-880

**Build Alternative  
 Proposed Elements, Oakland East**  
 Oakland Alameda Access Project  
 Alameda County, California



Source: HNTB (2020)

**Figure 2-3. Build Alternative Proposed Elements, Oakland East**



Source: HNTB (2020)

**Figure 2-4. Build Alternative Elements, Alameda**

Additional detail on the Build Alternative improvements include the following:

**1. Construction of a new horseshoe connector under I-880 at Jackson Street.**

Vehicles exiting the Posey Tube would have direct access to NB I-880 via the proposed horseshoe connector. Vehicles heading to NB and SB I-880 would use the right-turn-only lane at the Posey Tube exit to turn onto eastbound 5<sup>th</sup> Street. Access to a new horseshoe connector would be provided from the left side of 5<sup>th</sup> Street, and it would loop below the I-880 viaduct to connect to the existing NB I-880/Jackson Street on-ramp. Traffic heading to SB I-880 would continue eastbound on 5<sup>th</sup> Street to the SB I-880/Oak Street on-ramp. Figure 2-2 shows the new horseshoe connector under I-880 at Jackson Street.

Construction of the new right-turn-only lane onto 5<sup>th</sup> Street would require new retaining walls along the right side of the Posey Tube exit replacing the historic Posey Tube wall. The horseshoe connector would provide a direct route between the Posey Tube and NB I-880/eastbound (EB) I-980 and SB I-880, substantially improving connectivity and minimizing the need for freeway-bound vehicles to travel through Chinatown to access the ramps. This configuration would also reduce intersection and bicycle-pedestrian conflicts.

Posey Tube traffic heading to Chinatown and downtown Oakland would remain in the left lane and continue onto Harrison Street or turn left onto 6<sup>th</sup> Street to reach downtown via Broadway. A new left-turn pocket to accommodate the turn onto 6<sup>th</sup> Street would be constructed requiring the removal of a section of the historic Posey Tube western exit wall, including removal or possible relocation of its associated pylon base. A pylon is defined as a monumental mass flanking an entranceway or bridge approach. The pylon bases at the Oakland Approach to the Posey Tube are the bottom portions of the original decorative pylons that flanked the roadway and are attached to the ends of the exit walls. The original pylons were cut during the construction of the I-880 viaduct, leaving only the truncated pylon bases under the viaduct.

**2. Reconstruction of the existing WB I-980/Jackson Street off-ramp.**

To provide space for unimpeded movement from the Posey Tube to the new horseshoe connector, the WB I-980/Jackson Street off-ramp would be realigned to the south. Figure 2-2 shows the relocated Jackson Street off-ramp. The realigned off-ramp would touch down at-grade on 5<sup>th</sup> Street at the Alice Street intersection. Off-ramp and 5<sup>th</sup> Street traffic would continue to be separated by a landscaped median past the condominium building at 428 Alice Street. 5<sup>th</sup> Street would be converted to a two-way street to accommodate condominium residents, allowing vehicles to turn left or right onto 5<sup>th</sup> Street.

**3. Removal of the existing NB I-880/Broadway off-ramp viaduct structure including the bridge deck and supporting columns.**

Removing the NB I-880/Broadway off-ramp structure would provide the space for complete streets improvements on 6<sup>th</sup> Street. It would also restore an element of the City of Oakland's street grid system by providing a continuous 6<sup>th</sup> Street between Oak Street and Broadway. Figure 2-2 shows where the existing NB I-880/Broadway off-ramp would be removed. This would provide for a more efficient street network, and it would allow traffic to be more evenly distributed on Oakland city streets. Also, it would improve traffic operations at the Broadway/6<sup>th</sup> Street and Broadway/5<sup>th</sup> Street intersections by eliminating the stream of traffic exiting the Broadway off-ramp and heading to the Webster Tube entrance. Instead, this traffic would use 6<sup>th</sup> Street and turn left at Webster Street to access the Webster Tube.

#### **4. Widening of the NB I-880/Oak Street off-ramp.**

The existing Oak Street off-ramp would be widened from a one- to a two-lane exit by restriping the NB I-880 mainline and reconfiguring the ramp terminus. Figure 2-3 shows the proposed widening at the NB I-880/Oak Street off-ramp and restriping on NB I-880. At the Oak Street intersection, the ramp would be further widened from one left-turn-only pocket lane, one through and left-turn lane, and one through and right-turn lane to provide one left-turn-only (SB) pocket lane, one through (WB) lane, one through (WB) and right-turn (NB) lane, and one right-turn-only (NB) lane. Two new retaining walls would be constructed along the widened ramp's new edge of shoulder. In advance of the Oak Street exit, NB I-880 would be restriped from four to five lanes, including a standard 1,400-foot-long auxiliary lane to accommodate the additional traffic resulting from the Broadway off-ramp removal.

#### **5. Modification of 5<sup>th</sup> Street/Broadway access to the Webster Tube.**

The 5<sup>th</sup> Street/Broadway entrance to the Webster Tube would be moved slightly east (refer to Figure 2-2). Also, the 5<sup>th</sup> Street crosswalk on the east side of Broadway would be shifted east and considerably shortened, and the signal phasing would be modified to include a pedestrian-led signal phase for eastbound pedestrian traffic. This would improve safety by giving pedestrians priority overturning traffic. Also, this would improve truck access to the Webster Tube and minimize conflicts with other vehicular traffic.

#### **6. Construction of a new through 6<sup>th</sup> Street connecting Oak Street to Broadway.**

Improvements to 6<sup>th</sup> Street would be accomplished by turning the street into a one-way street in the westbound direction from Oak Street to Harrison Street and a two-way street from Harrison Street to Broadway (refer to Figure 2-2). The lanes would be a minimum of 11 feet wide. There would be a minimum of two through lanes with additional turn pockets at intersections in the westbound direction. There would be one lane in the eastbound direction from Harrison Street to Broadway.

A new sidewalk would be constructed along the south side between Broadway and Oak Street. Segments of the existing sidewalk along the north side between Oak Street and Broadway would be reconstructed to a minimum of 10 feet wide between Harrison and Alice streets to provide continuity for pedestrians. A continuous Class IV two-way cycle track would also be provided between Oak and Washington streets. Parking spaces would be provided along portions of this roadway.

#### **7. Construction of a two-way bicycle/pedestrian path and walkway from Webster Street in Alameda to 6<sup>th</sup> Street in Oakland through the Posey Tube walkway and from 4<sup>th</sup> Street in Oakland through the Webster Tube to Mariner Square Loop in Alameda.**

The path would begin at Webster Street and Constitution Way in Alameda, would continue as a walkway through the Posey Tube on the existing east side walkway, and would exit the Tube via a new ramp with a hairpin turn at 5<sup>th</sup> Street. Figure 2-4 shows the proposed bicycle and pedestrian improvements. The path in Alameda connecting to the Posey Tube would be realigned and widened. The path in Oakland would wrap around the back of the Portal building on 4<sup>th</sup> Street and continue onto Harrison Street. It would continue onto a Class I two-way bicycle/pedestrian path under I-880 just west of Harrison Street and connect to the Class IV two-way cycle track on 6<sup>th</sup> Street between Oak and Washington streets. The new bicycle and pedestrian ramp exit from the Posey Tube would require removal of the existing historic Posey Tube staircase to provide street level Americans with Disabilities Act (ADA) compliant access from the Tube.

The proposed project would improve access between Oakland and Alameda by opening the Webster Tube maintenance walkway to bicycle and pedestrian travel. The walkway would connect to the proposed path under I-880 at 4<sup>th</sup> Street (near the Posey Tube Portal building). It would continue onto 4<sup>th</sup> Street to Webster Street, and it would turn north through the existing parking lot on the west side of the Webster Tube entrance before making a hairpin turn to connect to the westside walkway inside the Tube.

On the Alameda side, the walkway would connect to existing bicycle and pedestrian facilities at Mariner Square Loop and Willie Stargell Avenue. The existing sidewalk within Neptune Park would be widened to match the proposed sidewalk to the north. Improvements inside the Tube would include widening the existing walkway, upgrading the existing railings, and relocating call boxes and fire extinguishers.

#### **8. Modification of 5<sup>th</sup>, 7<sup>th</sup>, Madison, Jackson, Harrison, Webster, Oak, and Franklin streets.**

The street modifications (refer to Figure 2-2) would include replacing the dual right turns at the 7<sup>th</sup> Street/Harrison Street intersection with a single right-turn-only lane and removing the free right turn (where the island allows cars to turn right without stopping) at the 7<sup>th</sup> Street/Jackson Street intersection. These would no longer be needed because Alameda traffic bound for NB/SB I-880 would be better served by the right turns from the Posey Tube to 5<sup>th</sup> Street. With the removal of the free right turns, vehicles would observe the traffic signal before turning right. With the curb extension proposed at this location, the pedestrian crossing distance would be shortened, which would decrease vehicle-pedestrian conflicts. In addition, a Pedestrian Hybrid Beacon (PHB) beacon would be installed on 7<sup>th</sup> Street across the street from the Chinese Garden Park. There would also be restrictive right-turn movements to reduce bicycle and vehicle conflicts at the 5<sup>th</sup>/Broadway, 6<sup>th</sup>/Webster, 6<sup>th</sup>/Harrison, 6<sup>th</sup>/Jackson, 6<sup>th</sup>/Madison, 5<sup>th</sup>/Jackson, 8<sup>th</sup>/Oak, and 7<sup>th</sup>/Oak intersections.

A continuous sidewalk would be installed along the perimeter of Chinese Garden Park. Additional improvements, including landscaping, could occur adjacent to the southern boundary of the park and would be coordinated through the City of Oakland.

Jackson Street between 5<sup>th</sup> and 6<sup>th</sup> streets would be converted from two- to one-way travel in the northbound direction, and it would include an emergency-only access lane.

#### **2.2.1. RETAINING WALLS AND EXCAVATION**

The proposed improvements would construct thirteen new retaining walls along the NB I-880 Jackson Street on-ramp, WB I-980 Jackson Street off-ramp, NB I-880 Oak Street off-ramp, and new horseshoe connector. Retaining wall construction would minimize the need for right-of-way (ROW) acquisition.

Proposed retaining walls range from 60 to 150 feet in length, 4 to 32 feet in height, and would require 2-44 feet of excavation. Out of the thirteen retaining walls proposed in Oakland, three retaining walls would be at the Posey Tube and are listed in Table 2-1. No retaining walls are planned for Alameda.

**Table 2-1. Retaining Wall Locations and Dimensions (Oakland)**

Wall Number	Location	Approx. Length (feet)	Height (feet)	Anticipated Excavation Depth (feet)
1	Supporting Harrison Street as Posey Tube right lane runs onto 5 <sup>th</sup> Street	215	8-12	36
6	Supporting Posey Tube bicycle/pedestrian switchback on the exit's east side	105	10	32
9	Supporting additional left-turn pocket for traffic from the Posey Tube at Harrison Street and 6 <sup>th</sup> Street intersection	95	8	12

Other project features in Oakland include bicycle/pedestrian paths, roadway work, viaduct columns (bents), and abutments; they are expected to be excavated to a depth of 1 to 50 feet. Other project features in Alameda include bicycle/pedestrian paths, roadway work, and a sign foundation; they are expected to be excavated to a depth of 1 to 20 feet.

Table 2-2 lists the excavation depths of other proposed project features.

**Table 2-2. Excavation Depths**

Feature	Description	Excavation Depth (feet)
<b>OAKLAND</b>		
Bike Path	Assumed pavement depth = 0.5' plain cement concrete (PCC), 0.5' Class 2 aggregate base (AB)	1
Roadway	Assumed pavement depth = 0.75' hot mix asphalt (HMA) (Type A), 0.75' Class 2 AB, 1' Class 2 aggregate subbase (AS)	2.5
WB I-980 Jackson Street Off-ramp	New bents (columns) and an abutment	50
<b>ALAMEDA</b>		
Bike Path	Assumed pavement depth = 0.5' PCC, 0.5' Class 2 AB	1
Roadway	Assumed pavement depth = 0.75' HMA (Type A), 0.75' Class 2 AB, 1' Class 2 AS	2.5
Overhead Sign Foundation	Truss single-post Type V with assumed span length = 32'	20

### 2.2.2. PROPERTY ACQUISITIONS

The proposed project would require the transfer of ROW from the following public entities: City of Oakland and City of Alameda, and it would require a permanent maintenance easement from Laney College to maintain a retaining wall for the Oak Street off-ramp. The Build Alternative would not require any residential or business displacement.

## Utilities

Existing Pacific Gas and Electric (PG&E) overhead distribution electric lines along 5<sup>th</sup> and Harrison streets would be relocated as part of the Build Alternative. Some of these overhead lines would be placed underground. Utility relocations could require trenching to a depth of approximately six feet. Positive location (potholing) would be performed to verify the location of mapped utilities. Table 2-3 lists proposed utility and underground work for the Build Alternative.

**Table 2-3. Proposed Utilities, Operational Elements, and Drainage Systems**

Location	Type of Work	Utility/Service System	Size
<b>Harrison Street from 4th to 5th streets</b>	Relocate existing overhead utilities underground.	<i>PG&amp;E</i> : Electric <i>AT&amp;T</i> : Telecom	Overhead lines (both)
	Relocate fire hydrant.	<i>East Bay Municipal Utility District (EBMUD)</i> : Water	6" water line
<b>5th Street from Harrison to Jackson streets</b>	Protect existing underground utilities in place. Possible permanent relocation.	<i>EBMUD</i> : Water <i>City of Oakland</i> : Sewer and storm drain <i>PG&amp;E</i> : Gas <i>AT&amp;T</i> : Fiber optic	4", 6" water lines 8" sewer lines 21", 24" storm drain 2" gas lines
<b>5th Street from Webster to Harrison streets</b>	Protect existing underground utilities in place. Possible temporary relocation.	<i>EBMUD</i> : Water <i>City of Oakland</i> : Sewer and storm drain <i>PG&amp;E</i> : Gas	4", 6" water lines 8" sewer lines 24" storm drain 1-1/4" gas lines
<b>Posey Tube Walkway</b>	Protect existing underground utilities in place. Possible permanent relocation.	<i>EBMUD</i> : Water <i>City of Oakland</i> : Sewer and storm drain <i>PG&amp;E</i> : Gas <i>AT&amp;T</i> : Fiber optic	10" water lines 8" sewer lines 24" storm drain 1-1/4", 2" gas lines
	Install new lines.	<i>Caltrans</i> : Street lighting and drainage	New – TBD
<b>6th Street from Oak Street to Broadway</b>	Install new lines.	<i>EBMUD</i> : Water <i>City of Oakland</i> : Sewer and storm drain <i>PG&amp;E</i> : Gas	New – TBD Existing lines will be relocated if it is determined they are in conflict.
	Protect in place.	<i>PG&amp;E</i> : 115kV Electric	Unknown size
<b>Jackson Street Horseshoe</b>	Install new lines.	<i>Caltrans</i> : Street lighting and storm drains	New – TBD

Location	Type of Work	Utility/Service System	Size
Intersections <ul style="list-style-type: none"> <li>• 3<sup>rd</sup>/Oak</li> <li>• 5<sup>th</sup>/Broadway</li> <li>• 5<sup>th</sup>/Jackson</li> <li>• 5<sup>th</sup>/Oak</li> <li>• 6<sup>th</sup>/Harrison</li> <li>• 6<sup>th</sup>/Broadway</li> <li>• 7<sup>th</sup>/Harrison</li> <li>• 7<sup>th</sup>/Jackson</li> <li>• 7<sup>th</sup>/Oak</li> <li>• 8<sup>th</sup>/Oak</li> <li>• 9<sup>th</sup>/Oak</li> </ul>	Modify traffic and bicycle signals.	City of Oakland: Traffic signals and lighting	N/A
Intersections <ul style="list-style-type: none"> <li>• 6<sup>th</sup>/Jackson</li> <li>• 6<sup>th</sup>/Webster</li> <li>• 6<sup>th</sup>/Franklin</li> <li>• 6<sup>th</sup>/Oak</li> <li>• 7<sup>th</sup>/Alice</li> </ul>	Install new traffic signals. Install a PHB signal at 7 <sup>th</sup> /Alice.	City of Oakland: Traffic signals and lighting	N/A

### Context Sensitive Solutions

Aesthetic features are planned for the proposed project that would serve as contextual elements to help retain the community’s unique character, and they may help generate public acceptance. These elements would include textured retaining walls and paving, balustrades, highway plantings, and complete streets improvements. Examples of complete streets features proposed for this project include ADA-compliant sidewalks, safe pedestrian crosswalks, bike lanes, curb extensions, and landscaping to increase safety and enhance the environment for those who walk and bicycle.

### CONSTRUCTION SCHEDULE

Construction activities would last approximately 36 months. Construction is expected to begin in the fall of 2024. There would be two major stages with several phases in each. The first stage would construct the Jackson Street horseshoe connector and associated improvements on the southside of I-880, as well as widen the walkway in the Webster Tube. The second stage would widen the NB I-880/Oak Street off-ramp, remove the Broadway NB I-880 off-ramp, and construct 6<sup>th</sup> Street improvements with associated elements on the northside of I-880.

Construction equipment would be staged in areas underneath I-880 that are owned by Caltrans and currently leased as parking lots. Construction activities would primarily be during the day; however, nighttime work would be needed to minimize traffic impacts, especially in the Webster Tube. Caltrans would continue to coordinate with the cities of Oakland and Alameda to develop and implement a Transportation Management Plan (TMP) and other measures to minimize construction impacts on the human and natural environment. As part of the TMP, a shuttle may be needed to transport bicyclists and pedestrians between Oakland and Alameda during construction.

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## **Chapter 3 - Description of Section 4(f) Properties**

### **3.0. Introduction**

The Build Alternative was described in Chapter 2 of this Final Individual Section 4(f) Evaluation and the figures show the proposed project and the project footprint. This chapter describes the two historic properties, protected under Section 4(f), that would be affected adversely by the Build Alternative, the Oakland Waterfront Warehouse District, and the George A. Posey Tube (Posey Tube). A historic property protected under Section 4(f) is a property that is on or eligible for listing on the NRHP.

The March 2020 Area of Potential Effect (APE) was established in accordance with Attachment 3 of the Section 106 Programmatic Agreement (PA) and encompassed areas that may be directly or indirectly affected by project construction. The Architectural APE encompassed the I-880 corridor in Oakland roughly between ALA-880 PM 30.47 to PM 31.61; adjacent local streets between 3<sup>rd</sup> and 9<sup>th</sup> streets, and Washington Street southwest to approximately Fallon Street; SR-260 between ALA-260 PM R0.78 to PM R1.90, which included the Tubes and Webster Street in the cities of Oakland and Alameda; and portions of Webster Street and Willie Stargell Avenue in the City of Alameda. The Architectural APE encompassed the full boundaries of the Oakland Waterfront Warehouse District and the 7<sup>th</sup> Street/Harrison Square Residential District in Oakland.

A Historic Property Survey Report (HPSR) was prepared in May 2020 and SHPO concurred on the determinations of eligibility for built environment properties on June 8, 2020. The HPSR included a Historic Resources Evaluation Report (HRER March 2020), that identified historic built environment properties within the APE and an Archaeological Survey Report (ASR March 2020), that identified prehistoric and historic archaeological resources within the archaeological APE.

The HPSR was prepared to be consistent with the following regulations:

- Section 106 of the NHPA (36 CFR Part 800).
- January 2014 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act (Section 106 PA)*.

Section 106 and Native American consultation was initiated, and public and stakeholder meetings were held to help identify historic properties within the APE.

The Finding of Effect (FOE) was transmitted to SHPO on October 20, 2020. This document was also provided to the Section 106 Stakeholder Working Group (SWG) on December 11, 2020. No feedback on the FOE was received from the SWG. SHPO concurred with the FOE on February 8, 2021.

Alameda CTC and Caltrans held a Section 106 SWG meeting on December 18, 2020 to identify potential mitigation strategies for the proposed adverse effects to the Posey Tube and the Oakland Waterfront Warehouse District. An invitation was extended to all interested parties. Representatives of the City of Oakland, Oakland Heritage Alliance (OHA), Jack London Improvement District, and South of the Nimitz Improvement Council (SoNiC) attended. At the meeting, the proposed project impacts to cultural resources were discussed in detail. Stakeholders provided feedback on potential mitigation options.

A Section 106 SWG meeting was held on February 23, 2021. Representatives of the City of Oakland, OHA, Jack London Improvement District, and SoNiC attended. The FOE was shared with the group prior to the meeting. At the meeting, Alameda CTC and Caltrans presented specific mitigation elements to address the proposed project's adverse effects and asked for feedback.

The project team held another Section 106 SWG meeting on March 25, 2021. The meeting was attended by representatives of the City of Oakland, OHA, Jack London Improvement District, and SoNiC. A detailed presentation was provided regarding the feasibility of various pylon base restoration strategies. The project team outlined how in-place preservation of the existing truncated eastern pylon base was the only feasible mitigation strategy. The existing I-880 viaduct would remain over the eastern pylon base, preventing the restoration of its upper half. The western pylon base would be removed for the installation of the proposed left-turn lane. The project team coordinated with Oakland Chinatown to discuss the potential relocation of the western pylon base to Chinese Garden Park. However, representatives of Oakland Chinatown were not in favor of this proposal, stating that it would diminish the use of the park and that residents would be unsupportive. Preservation of the eastern pylon base was added to the proposed Section 106 mitigation package, which would include tours of the Posey Tube, a contribution to the Oakland Façade Improvement Program, interpretative panels written/photographic archival documentation, a National Register nomination form for the Posey Tube, Built Environment Treatment Plan (BETP), and public educational components.

The draft MOA and draft BETP, which reflected feedback from previous SWG meetings, were transmitted to stakeholders on April 9, 2021. Email feedback from OHA and SoNiC on MOA provisions, questions on the design and efforts taken to consider preservation of the pylon bases, minor clarifications, and questions were sent to Caltrans on April 19, 2021.

The project team hosted a final SWG meeting on April 19, 2021. Comments made via email were discussed during the meeting and representatives of the City of Oakland, OHA, Jack London Improvement District, and SoNiC provided additional feedback on the draft MOA and draft BETP. This feedback was incorporated into both documents. The meeting included a comprehensive review of impacts and simulations that illustrated the proposed impacts to the Posey Tube. A follow-up email from SoNiC providing feedback on tours was received on April 21, 2021. The MOA and BETP were subsequently modified to incorporate requested changes as feasible. The meeting concluded with general consensus on the components of MOA and BETP.

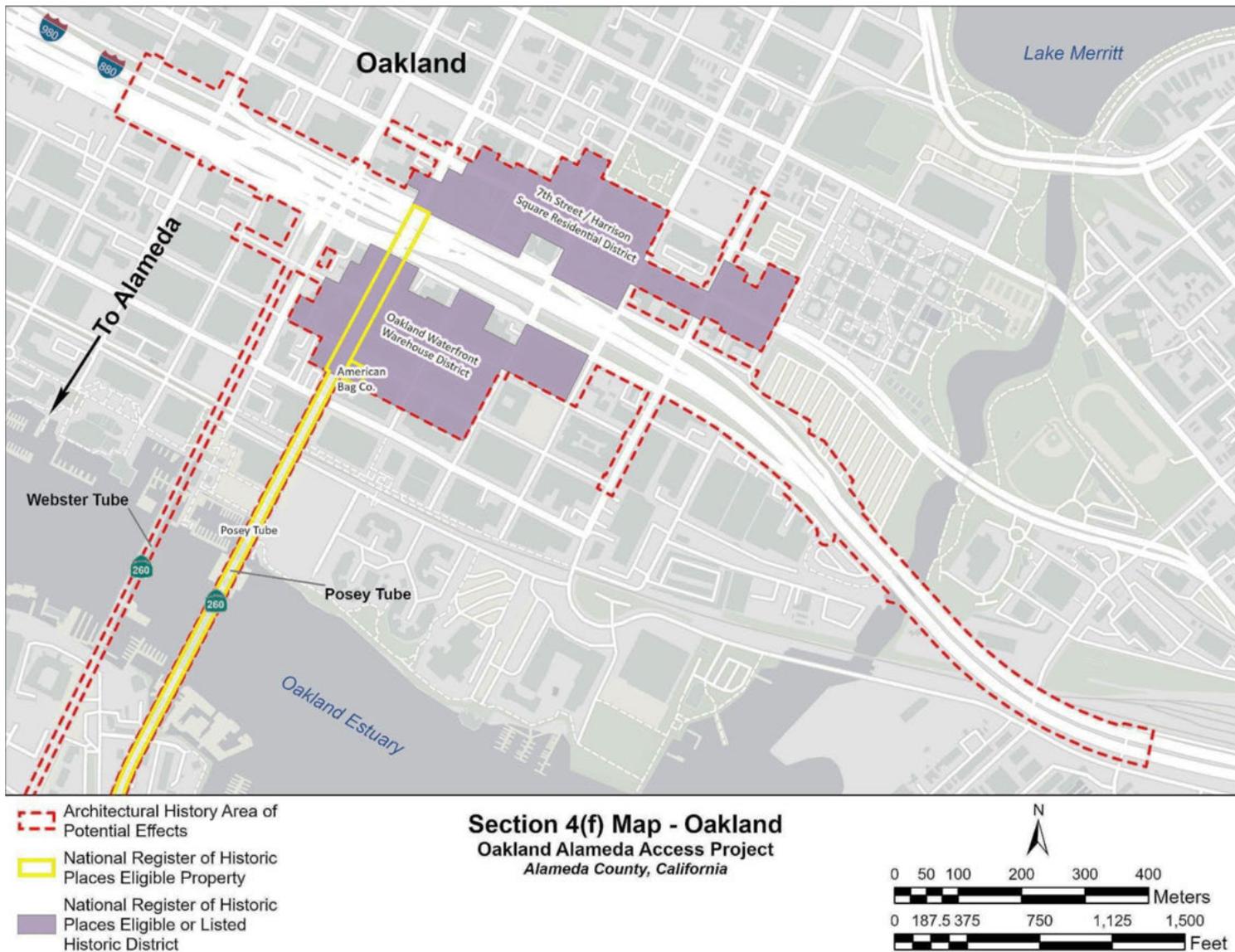
A revised MOA with attached BETP was submitted for review to the SWG on May 3, 2021. On May 10, 2021, stakeholders stated they had no comments on the MOA but had comments on the attached BETP. Stakeholder comments were incorporated as requested. No comments on the MOA were received from stakeholders. The MOA with the attached BETP was submitted to SHPO on June 8, 2021. SHPO signed the MOA on July 22, 2021.

### **3.1. Section 4(f) Properties**

The Oakland Waterfront Warehouse District and the Posey Tube are both within the March 11, 2020, APE as documented in the HRER and the HPSR. The Posey Tube was determined individually eligible for listing on the NRHP. The Oakland Portal Building, a key contributing element of the Posey Tube, is listed on the NRHP as a contributor to the Oakland Waterfront Warehouse District. The FOE report determined the properties would be adversely affected by the Build Alternative.

This *Individual Section 4(f) Evaluation* focuses on the adverse effect from the Build Alternative to the Oakland Waterfront Warehouse District and the Posey Tube. SHPO concurred with the adverse effect determination on February 8, 2021. An MOA and BETP were developed in collaboration with a Section 106 SWG and the SHPO. The MOA with the attached BETP was submitted to SHPO on June 8, 2021. SHPO signed the MOA on July 22, 2021. See Figure 3-1 and Figure 3-2 for Section 4(f) maps depicting where the historic properties are located within the APE. Appendix A-1 discusses a complete inventory of potential 4(f) resources within the 4(f) study area that were evaluated relative to the requirements of Section 4(f) and that were determined to be No Use.

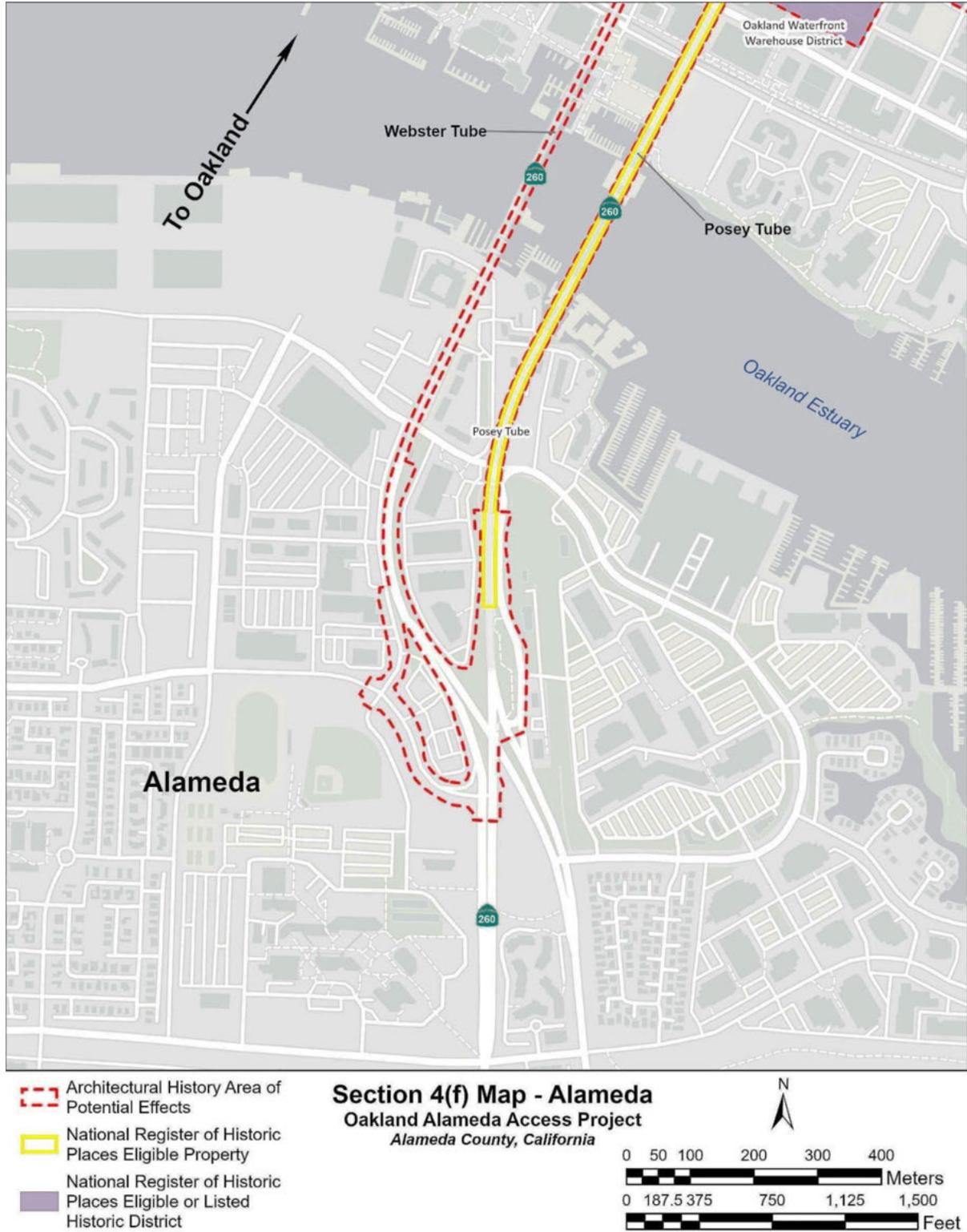
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Source: HNTB (2020)

Figure 3-1. Section 4(f) Map - Oakland

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Source: HNTB (2020)

Figure 3-2. Section 4(f) Map - Alameda

### 3.1.1. OAKLAND WATERFRONT WAREHOUSE DISTRICT

The Oakland Waterfront Warehouse District (see Figure 3-1 and Figure 3-3) was listed in the NRHP on April 24, 2000 (NRHP Reference No. 00000361) and includes 24 contributors (Table 3-1). The District is significant at the local level under NRHP Criterion A for its important association with Oakland's industry between World War I and just after World War II. The District also is significant architecturally under NRHP Criterion C at the local level. The District is a distinct example of a cohesive early 20<sup>th</sup> century utilitarian industrial architecture. The period of significance extends from 1914, when the first warehouse was constructed, to 1954 when the District's industrial importance began to wane as a result of the relocation of its primary occupants and the construction of the adjacent I-880 freeway, which opened other industrial areas in the city.



Source: JRP (2020)

**Figure 3-3. Oakland Waterfront Warehouse District Facing Northeast**

**Table 3-1. Oakland Waterfront Warehouse District Contributing Elements**

<b>APN</b>	<b>Historic Name</b>	<b>City</b>	<b>Year Built</b>
<b>N/A</b>	Posey Tube and Oakland Portal Building and Approach	Oakland	1925-1928; 1964
<b>1-147-4</b>	Western California Fish Company Building	Oakland	1947
<b>1-147-5</b>	Industrial Bearing Company Building	Oakland	1946
<b>1-147-6</b>	Impurgia Warehouse/Hirsch Wright	Oakland	1944-1945
<b>1-147-7</b>	Oakland Poultry Company	Oakland	1940
<b>1-147-12</b>	Tyre Bros. Glass Company	Oakland	1923
<b>1-147-46</b>	Oakland Plumbing Supply Company	Oakland	1929
<b>1-149-6</b>	Poultry Producers of Central California	Oakland	1929-1930
<b>1-151-2</b>	American Bag Company Annex	Oakland	1954
<b>1-151-45</b>	N/A	Oakland	1926
<b>1-153-1</b>	Stephanos Building	Oakland	1950-1951
<b>1-153-10</b>	Wright's West Warehouse Paper Works, International Inc.	Oakland	1945-1946
<b>1-153-14</b>	N/A	Oakland	1920
<b>1-153-15</b>	N/A	Oakland	1923
<b>1-153-2</b>	Quong Tai Shrimp Company	Oakland	1946-1947
<b>1-153-7</b>	Autocar Sales and Service	Oakland	1920
<b>1-153-8</b>	Nelson Lee Paper Food Cash	Oakland	1923
<b>1-153-9</b>	Makins Produce Company Warehouse	Oakland	1928
<b>1-153-115</b>	Oakland Wholesale Grocery Company	Oakland	1928
<b>1-155-5</b>	New California Poultry	Oakland	1946
<b>1-155-50</b>	Western States Grocery Company Headquarters; Montgomery Ward & Company	Oakland	1926
<b>1-155-104</b>	Safeway Stores Corporate Headquarters	Oakland	1929-1930
<b>1-157-29</b>	W.P. Fuller and Company Warehouse Annex	Oakland	1914
<b>1-151-49</b>	American Bag and Union Hide Company Building	Oakland	1917

Source: HRER (March 2020)

Note: APN is the Assessor's Parcel Number.

### **3.1.2. POSEY TUBE**

Caltrans determined the Posey Tube (see Figure 3-4 to Figure 3-8) was individually eligible for the NRHP in 1993, and SHPO concurred with that determination in January 1998. The Oakland Portal building, a key contributing element to the Posey Tube, is also listed on the NRHP as a contributor to the Oakland Waterfront Warehouse District. As the first subaqueous automobile tunnel on the west coast, the Posey Tube is significant at the state level under NRHP Criterion A for its important association with the development of the automobile as the primary method of transportation in California. This historic property is also significant at the national level under NRHP Criterion C for its innovative engineering, in particular its construction method for the tunnel which used precast concrete, reinforced concrete tubes that were wholly completed off-site, and installed in an excavated trench on the estuary floor. Also, the Posey Tube's modified transverse ventilation system, which used only two portals for fresh and exhaust air, was groundbreaking at the time. Both engineering innovations significantly reduced design and construction costs. Furthermore, under NRHP Criterion C, the property is significant at the state level for the Art Deco design of both the Oakland and Alameda Portal buildings. The period of significance for the Posey Tube extends between 1928, the year the structure was completed and opened to automobile traffic, to 1947 when the California Division of Highways (predecessor to Caltrans) acquired the facility.

The Posey Tube is a transportation structure (primarily an underwater tunnel) built of reinforced concrete and composed of several contributing features (Tube and Oakland and Alameda approaches and Portal buildings; see Table 3-2) that are integrated into an efficient system to connect motorists to the Cities of Oakland and Alameda. Two-directional- pedestrian and bicycle access within the Posey Tube is provided along a walkway on the east side (right side direction of travel). The overall length is 4,436.5 feet and the section of the Posey Tube that is underground and underwater is over 3,540 feet long. The approach at the Oakland Portal begins at Harrison Street between 5<sup>th</sup> and 6<sup>th</sup> streets. Cars exit the Posey Tube approximately 100 feet north of 4<sup>th</sup> Street. At the Alameda end, the approach entrance is at the northern terminus of Webster Street.

The Posey Tube's contributing features generally include the Oakland and Alameda Portal buildings (both interior and exterior features), and approaches and the subaqueous tubes. Character-defining features include, but are not limited to, the integrity of and relation between the contributing elements (listed above); the size and massing of the Portal buildings and approaches; the exterior and interior features of the Portal buildings; and the Art Deco characteristics of the Portal buildings and approaches. The historic property boundary encompasses all contributing elements and extends along 6<sup>th</sup> and 4<sup>th</sup> streets and the ancillary unnamed streets to the east and west of the Oakland Portal building in Oakland, the east and west sides of the Tube, and Marina Village Parkway, Marina Square Drive, Constitution Way, and the adjacent paved access road along the west side of the Alameda Portal building and Approach.

**Table 3-2. Posey Tube Contributing Elements/Character-defining Features**

<b>Contributing Element</b>	<b>Character-defining Features</b>
<b>Tube</b>	Original precast concrete tube, fresh air ducts, raised concrete sidewalks, and pipe railings. Location of doorways and niches in the Tube's walls.
<b>Approaches</b>	At both Portals, almost all the key historic features remain intact: Art Deco concrete balustrades, retaining walls, raised concrete sidewalks, and original pipe railings; concrete stairways at the Portals with fan-shaped wrought-iron embellishments and stepped concrete balustrades; arched panels, keystones, and pilasters framing the portals; and concrete Art Deco pylons at the Alameda Approach entrance are intact except for the emergency traffic gates.
<b>Portal Buildings: Exterior Features</b>	Not much has been altered on the exteriors of the Oakland and Alameda Portal buildings. Except for Art Deco panels that once adorned the tops of some of the piers, the design motif on the buildings that was molded in the concrete exterior remains intact. Other decorative features such as the sconces at the entrances and the diamond-pattern screens in the roof parapet over the office/control room and at the top of the fresh air intake wings, the decorative iron grills in the air intake openings, and the exhaust air towers on both Portal buildings have not been changed. The overall appearance of the Portal buildings retains the original Art Deco character.
<b>Portal Buildings: Interior Features</b>	Almost all the woodwork, doors, and windows in both Portal buildings are original. The wide doors leading to the vestibules and the doors to the exhaust fan rooms appear to be from 1928. The vestibules maintain their 1928 features, such as the paneled wood partition or screen, two-paneled entrance door, and steel spiral staircase that leads down to the fresh air fan level. The wood frame offices, shop/tool room, and storage room and door hardware remain unaltered and appear to be from 1928 construction; they remain in good condition.



Source: Visual Impact Assessment (VIA) (April 2020)

**Figure 3-4. Posey Tube Facing South at Harrison Street (Existing Conditions)**



Source: VIA (April 2020)

**Figure 3-5. Posey Tube at Harrison Street (Existing Conditions)**



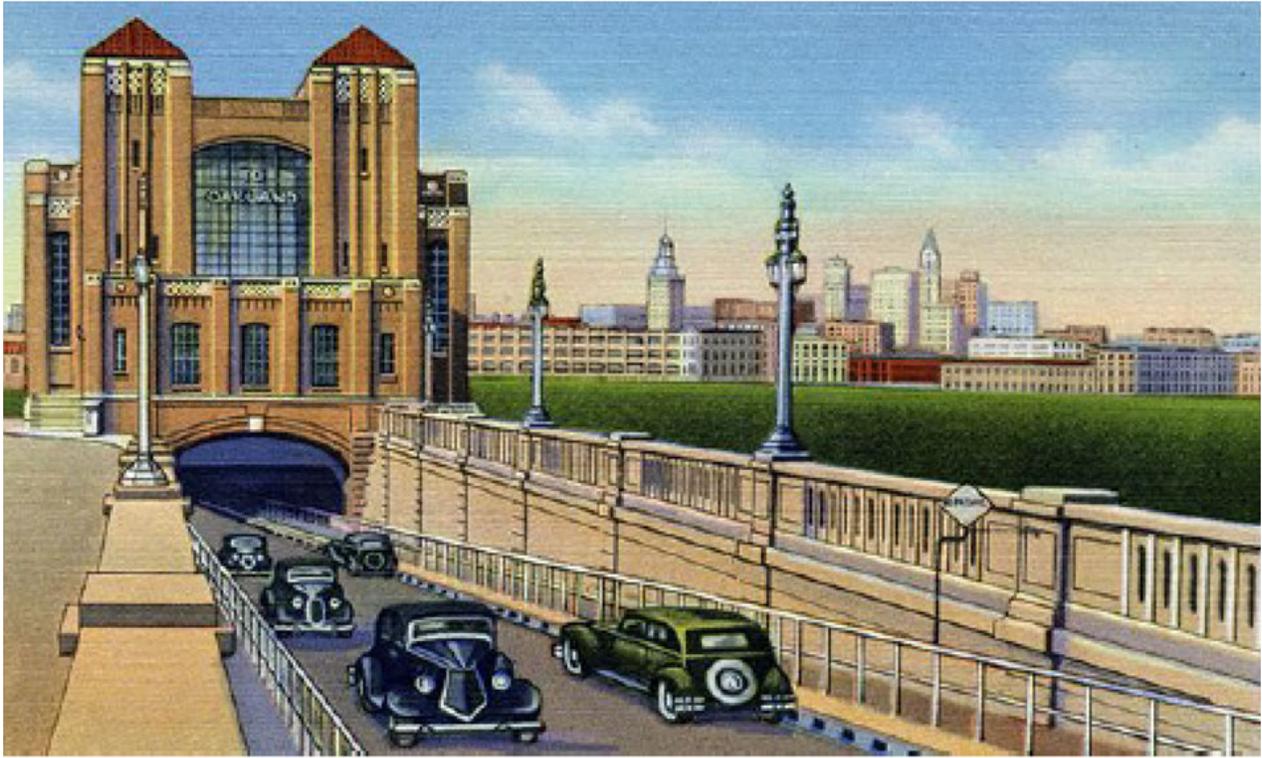
Source: HRER (March 2020)

**Figure 3-6. Oakland Portal Building (Existing Conditions)**



Source: HRER (March 2020)

**Figure 3-7. Alameda Portal Building (Existing Conditions)**



Source: HRER (March 2020)

**Figure 3-8. Postcard Renderings of the Posey Tube Showing the Alameda (top) and Oakland (bottom) Portals and Approaches (circa 1928)**

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## Chapter 4 - Use of Section 4(f) Property

### 4.0. Introduction

This chapter discusses the potential direct use, temporary occupancy, and constructive use of the Build Alternatives and the Oakland Waterfront Warehouse District and Posey Tube as described in Chapter 3 of this document. As defined in 23 CFR 774.17, “use” of Section 4(f) property occurs:

1. When land is permanently incorporated into a transportation facility.
2. When there is a temporary occupancy of land that is adverse in terms of the statute’s preservation purpose as determined by the criteria in 23 CFR 774.13(d). CFR 774.13(d) indicates that temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) are exceptions to the requirement for Section 4(f) approval. Specifically, for the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute use if each of the following five conditions is met 23 CFR 774.13(d):
  - a. Duration must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land;
  - b. Scope of work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal);
  - c. There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
  - d. The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project); and
  - e. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.
3. When there is a constructive use of a Section 4(f) property as determined by the criteria in 23 CFR 774.15. 23 CFR 774.15(a) indicates a constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project’s proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

Historic and archeological districts are considered Section 4(f) properties if they are listed or determined eligible for listing in the NRHP. An individual property within a historic or archeological district is subject to consideration under Section 4(f) if it is on or eligible for the NRHP individually or if it is an element that is considered "contributing" to the characteristics that qualify the district as an eligible property. Impacts to non-contributing elements of a historic district would not constitute a Section 4(f) use.

The *Section 4(f) Policy Paper* issued by the U.S. DOT/FHWA Office of Planning, Environment, and Realty Project Development and Environmental Review on July 20, 2012, addresses the issue of historic transportation facilities in Question and Answer 8A:

*The Section 4(f) statute imposes conditions on the use of land from historic sites for highway projects but makes no mention of bridges, highways, or other types of facilities such as railroad stations or terminal buildings, which may be historic and are already serving as transportation facilities. The FHWA's interpretation is that the Congress clearly did not intend to restrict the rehabilitation or repair, of historic transportation facilities. The FHWA therefore established a regulatory provision that Section 4(f) approval is required only when a historic bridge, highway, railroad, or other transportation facility is adversely affected by the proposed project; e.g., the historic integrity (for which the facility was determined eligible for the National Register) is adversely affected by the proposed project. [23 CFR 774.13(a)].*

23 CFR 774.13(a)(3) provides that the use of historic transportation facilities is, in certain circumstances, an exception to the requirement for Section 4(f) approval. One such exception is:

Maintenance, preservation, rehabilitation, operation, modernization, reconstruction, or replacement of historic transportation facilities, if the Administration concludes, as a result of the consultation under 36 CFR 800.5, that:

- (i) Such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or this work achieves compliance with Section 106 through a program alternative under 36 CFR 800.14; and
- (ii) The official(s) with jurisdiction over the Section 4(f) resource have not objected to the Administration conclusion that the proposed work does not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, or [the Department] concludes this work achieves compliance with 54 U.S.C. 306108 (Section 106) through a program alternative under 36 CFR 800.14.

#### **4.1. Definition of Effect and Criteria of Adverse Effect**

The definition of **effect** is contained within 36 CFR Part 800, "*Effect* means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register." An **adverse effect** 36 CFR Part 800.16(i) occurs "when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association per 36 CFR 800.5(a)(1)." Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

#### **4.2. Use of the Section 4(f) Property Under the No-Build Alternative**

The No-Build Alternative would not include any of the elements of the Build Alternative; therefore, it would not result in the use of any land from a Section 4(f) property and there would be no impacts to the Oakland Waterfront Warehouse District or to the Posey Tube. Therefore, the No-Build Alternative is not discussed in this section. It is discussed in Chapter 5. Section 4(f) Avoidance Alternatives of this Section 4(f) Evaluation.

#### **4.3. Use of Section 4(f) Property Under the Build Alternative**

This section describes the effects of the Build Alternative on the Oakland Waterfront Warehouse District and the Posey Tube. As discussed in Chapter 2, the Build Alternative would include

construction of a horseshoe connector that would directly impact the Oakland Waterfront Warehouse District and the Posey Tube under Section 4(f).

The Build Alternative would result in a direct use under Section 4(f) and an adverse effect under Section 106 of a historic transportation facility and a contributing element of a historic district protected under Section 4(f), the Posey Tube and the Oakland Waterfront Warehouse District. The construction of a new right-turn-only lane, a two-way bicycle/pedestrian path and retaining walls on the Oakland side of the Posey Tube would require demolition of the eastern Posey Tube Approach and staircase. In addition, construction of a new left-turn pocket to accommodate the left turn onto 6<sup>th</sup> Street would require the removal of a section of the western Posey Tube Approach, as well as the existing concrete sidewalk and curb on the 4<sup>th</sup> Street side of the Oakland Portal building.

A FOE was prepared for the proposed project consistent with the requirements of Section 106 of the NHPA. The FOE provided the main basis for this Individual Section 4(f) Evaluation for the Oakland Waterfront Warehouse District and the Posey Tube.

The FOE concluded that the Build Alternative would cause the partial removal of, physical destruction of, or damage to the Posey Tube and the Oakland Waterfront Warehouse District, which would result in an adverse effect to the two historic properties and an Adverse Effect for the overall proposed project.

On February 8, 2021, Caltrans received SHPO concurrence with this finding pursuant to the Section 106 PA Stipulation X.C and 36 CFR 800.5. Mitigation measures were developed in consultation with the identified Section 106 SWG, including the SHPO and were included in the executed MOA with the attached BETP dated July 22, 2021.

### 4.3.1. BUILD ALTERNATIVE ANALYSIS OF EFFECTS

#### Oakland Waterfront Warehouse District

##### ADVERSE EFFECT

The Build Alternative would not cause an effect on the historic district from the introduction of new visual elements. The introduction of similar modern freeway structures of a similar scale would blend in with the existing setting, and they would not diminish the integrity of the historic district's (or any contributor's) significant historic features. Thus, these proposed project components would not result in any direct or indirect adverse visual effects (36 CFR 800.5[a][2][iv] and [v]).

Surface street improvements to 4<sup>th</sup>, 5<sup>th</sup>, and Harrison streets within the historic district boundary would consist of lane and crosswalk striping, lane and parking reconfiguration, and continuation of the two-way bicycle/pedestrian path along 4<sup>th</sup> Street (west of Harrison Street). These minor street improvements would not adversely alter the historic transportation grid, a character-defining feature of this historic district. Therefore, the proposed surface street improvements would not cause any direct or indirect adverse effects on any part of the historic district (36 CFR 800.5[a][2][i], [ii], [iv], and [v]).

Construction of the right-turn-only lane and a two-way bicycle/pedestrian path would cause an adverse effect on this historic property. These proposed project components would require new retaining walls along the east side of the Posey Tube replacing the historic Posey Tube Approach and would result in demolition of the Posey Tube eastern Approach and staircase. A new left-turn pocket would be constructed to accommodate the turn onto 6<sup>th</sup> Street, requiring removal of a section of the historic Posey Tube's western Approach wall, including the western pylon base, as well as the existing concrete sidewalk and curb on the 4<sup>th</sup> Street side of the Oakland Portal building. The western pylon base is in the direct path of the new left-turn lane. There likely will not be sufficient room under the I-880 viaduct to relocate the existing western pylon base at the end of the proposed western wall. Relocation will be evaluated following additional data collected during the project's design phase. The eastern pylon base will be preserved in place and stabilized as part of this project. These construction activities would be located within the Oakland Waterfront Warehouse District boundaries and would cause the partial removal of the Posey Tube (36 CFR 800.5[a][2][i], [ii]), a key contributing feature of the historic district resulting in an adverse effect on the Oakland Waterfront Warehouse District and a use under Section 4(f). The overall finding for the proposed project is an adverse effect for historic properties.

A Section 4(f) use of contributing elements of the Oakland Waterfront Warehouse District is summarized in Table 4-1.

**Table 4-1. Oakland Waterfront Warehouse District Contributing Elements That Were Evaluated Relative to the Requirements of Section 4(f)**

Name or Identifier of Contributing Features	Section 4(f) Use
Posey Tube	Use/adverse effect under Section 106
Western California Fish Company Building	No use/no proximity impacts
Industrial Bearing Company Building	No use/no proximity impacts

Name or Identifier of Contributing Features	Section 4(f) Use
Impurgia Warehouse/Hirsch Wright	No use/no proximity impacts
Oakland Poultry Company	No use/no proximity impacts
Tyre Brothers. Glass Company	No use/no proximity impacts
Oakland Plumbing Supply	No use/no proximity impacts
Poultry Producers of Central California	No use/no proximity impacts
American Bag Company Annex	No use/no proximity impacts
Stephanos Building	No use/no proximity impacts
Wrights West Warehouse Paper	No use/no proximity impacts
APN: 1-153-14	No use/no proximity impacts
APN: 1-153-15	No use/no proximity impacts
Quong Tai Shrimp Company	No use/no proximity impacts
Autocar Sales and Service	No use/no proximity impacts
Nelson Lee Paper/Food Cash	No use/no proximity impacts
Making Produce Company/French	No use/no proximity impacts
Oakland Wholesale Grocery Company	No use/no proximity impacts
New California Poultry	No use/no proximity impacts
Western States Grocery Company Headquarters; Montgomery Ward & Company	No use/no proximity impacts
Safeway Stores Corporate Headquarters	No use/no proximity impacts
WP Fuller Company & Annex	No use/no proximity impacts
American Bag Company/Union Hide Company	No use/no proximity impacts

## Posey Tube

### ADVERSE EFFECT

The construction of a right-turn-only lane from the Posey Tube exit to 5<sup>th</sup> Street in Oakland would modify the Posey Tube in Oakland by the demolition of 175 feet of the Oakland eastern Approach and staircase for a new turn lane onto 5<sup>th</sup> Street. The Approach's existing straight wall would be replaced by a new curved wall that would extend onto 5<sup>th</sup> Street. The construction of the left-turn-only lane from the Posey Tube exit to 6<sup>th</sup> Street would modify the Tube by demolishing 93 feet of the Oakland western approach wall including the existing western pylon base. The Approach's existing straight walls would be replaced by new walls that would extend onto 5<sup>th</sup> Street and 6<sup>th</sup> Street respectively. The design of the proposed wall would use similar materials and incorporate some of the original wall's Art Deco-style architectural details, such as concrete balustrades; paneled, oval openings; and light pedestals surrounded by solid panels. There likely will not be sufficient room under the I-880 viaduct to relocate the existing western pylon base at the end of the proposed western wall. Relocation will be evaluated following additional data collected during the project's design phase. The eastern pylon base will be preserved in place and stabilized as part of this project. The demolition of the Approach's eastern wall and stairs, the demolition of the western wall, including the removal or potential

relocation of the western pylon base, the construction of the new wall with a different configuration, and the construction of the bicycle/pedestrian ramp around the Portal building would result in the partial removal of, physical destruction of, or damage to this historic property under 36 CFR 800.5(a)(2)(i) and (ii).

The proposed project would maintain the two-way bicycle/pedestrian walkway through the Posey Tube beginning at the Alameda Approach and ending just west of Harrison Street under I-880. The walkway through the Tube would utilize the existing east side walkway, which would be unaltered. The walkway would consist of a ramp at the Tube's Oakland exit, which would have a hairpin turn at 5<sup>th</sup> Street. The ramp would replace the existing staircase attached to the Oakland eastern Approach and transition to an at-grade path that wraps around the Oakland Portal building. The path would replace the existing concrete sidewalk and curb on the 4<sup>th</sup> Street side of the building. The construction of the bicycle/pedestrian path at or near the Oakland Portal building would result in the partial removal of, physical destruction of, or damage to this historic property under 36 CFR 800.5(a)(2)(i) and (ii).

The demolition of the Posey Tube eastern Approach and stairs and the western Approach; the construction of the new wall with a different configuration, and the construction of the bicycle/pedestrian ramp around the Oakland Portal building would result in the partial removal of the historic property under 36 CFR 800.5(a)(2)(i) and (ii) resulting in an Adverse Effect to the Posey Tube and a use under Section 4(f). The overall finding for the proposed project is an adverse effect for historic properties (see Figure 4-1, Figure 4-2, and Figure 4-3).



Source: VIA (April 2020)

**Figure 4-1. Existing Condition (top) and Proposed Condition (bottom) from Harrison Street Looking South at the Posey Tube**



Source: VIA (April 2020)

**Figure 4-2. Existing Condition (top) and Proposed Condition (bottom) of the Posey Tube Retaining Wall Looking East**



Source: VIA (April 2020)

**Figure 4-3. Existing Condition (top) and Proposed Condition (bottom)  
Looking Northeast at the Posey Tube Showing the Southeast Side of the  
Oakland Portal Building (left) and Harrison Street (right)**

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## **Chapter 5 - Section 4(f) Avoidance Alternatives**

### **5.0. Introduction**

Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of Section 4(f) property only if there is no prudent and feasible alternative to using that land. 23 CFR 774.17 defines a feasible and prudent avoidance alternative as follows:

1. A feasible and prudent avoidance alternative avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. In assessing the importance of protecting the Section 4(f) property, it is appropriate to consider the relative value of the resource to the preservation purpose of the statute.
2. An avoidance alternative is not feasible if it cannot be built as a matter of sound engineering judgment.
3. An avoidance alternative is not prudent if it:
  - a. Compromises the project so that it is unreasonable given the Purpose and Need;
  - b. Results in unacceptable safety or operational problems;
  - c. After reasonable mitigation, still causes:
    - i. Severe social, economic, or environmental impacts;
    - ii. Severe disruption to established communities;
    - iii. Severe environmental justice impacts; or
    - iv. Severe impacts to other federally protected resources.
  - d. Results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
  - e. Causes other unique problems or unusual factors; or
  - f. Involves multiple factors listed above that, while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

### **5.1. Avoidance Alternative**

The No-Build Alternative is the only alternative that would avoid the use of a Section 4(f) property. The No-Build Alternative would not cause severe social, economic, or environmental impacts; severe disruption to established communities; severe environmental justice impacts; severe impacts to federally protected resources or result in additional construction, maintenance, or operational costs of an extraordinary magnitude.

### **5.2. No-Build Alternative**

Under the No-Build Alternative, there would be no action and the improvements associated with the Build Alternative would not be constructed; however, the No-Build Alternative would

result in unacceptable safety and operational problems and would compromise the proposed project to the degree that it is unreasonable to proceed with the project in light of its stated Purpose and Need. Under the No-Build Alternative, there would be no improvements to bicycle or pedestrian connectivity or safety. Freeway traffic to/from the cities of Oakland and Alameda would continue to use city streets through Oakland and Chinatown, which are areas with a high volume of pedestrian activity. Vehicle-pedestrian or -bicycle conflicts from traffic traveling through city streets would continue.

Under existing conditions, a high number of collisions occur at many intersections on the streets that serve as freeway access routes. Crash rates are dependent on many factors, among them the volume of vehicular traffic, the number of pedestrians, and the physical and operational configuration of the intersections. Under the No-Build Alternative issues related to safety, accessibility and mobility would not be addressed and conditions would worsen.

Traffic demands on arterials parallel to I-880 and on arterial roads to the south heading into and out of downtown Oakland would continue to grow. These large increases in traffic volumes on local streets would severely exacerbate safety issues in the neighborhoods adjacent to the freeway. Multimodal safety would worsen. The I-880 viaduct would continue to impede connectivity between downtown Oakland and the Jack London District, and access would not be improved for bicyclists and pedestrians traveling between Oakland and Alameda and the limited bicycle and pedestrian connectivity in Downtown Oakland and Alameda would remain.

### **5.3. Determination**

The No-Build Alternative is the only alternative that would avoid the use of a Section 4(f) property; however, based upon the continuation of unacceptable safety conditions and operational problems the No-Build Alternative would not meet the proposed project's Purpose and Need and would not be a prudent avoidance alternative because it compromises the project to the degree that it is unreasonable to proceed with the project in light of its stated Purpose and Need.

### **5.4. Consideration of Section 4(f) Avoidance Alternatives**

After evaluation of potential avoidance alternatives, the No-Build Alternative is the only alternative that would avoid the use of a Section 4(f) property. The No-Build Alternative would not cause severe social, economic, or environmental impacts; severe disruption to established communities; severe environmental justice impacts; severe impacts to federally protected resources; or result in additional construction, maintenance, or operational costs of an extraordinary magnitude. However, it would result in unacceptable safety or operational problems, and it would compromise the proposed project to the degree that it is unreasonable to proceed with the project in light of its stated Purpose and Need. The No-Build Alternative was evaluated using the criteria outlined in 23 CFR 774.17. Based on this evaluation, there is no feasible and prudent avoidance alternative to avoid the use of land from any and all Section 4(f) properties. Other Alternatives that met the Purpose and Need and were considered and eliminated from further consideration are discussed in Chapter 6. Other alternatives could not be considered as Avoidance Alternatives because they would have impacted other Section 4(f) resources.

## Chapter 6 - Other Project Alternatives

### 6.0. Project Background

The Oakland Alameda Access Project, formerly known as the Broadway/Jackson Interchange Project and then the Broadway/Jackson Street Interchange Improvements Project, has been studied for over 20 years. To date, in addition to a series of local and community-based efforts, three PSRs, a Project Report, and a Feasibility Study evaluated numerous alternatives to address the Purpose and Need. A Draft PSR was prepared in 1997, a subsequent PSR was completed in 2000, and a PR was completed in 2002 for the Broadway/Jackson Street Interchange Improvements Project. However, the recommended alternative did not have the support of the local community, particularly key stakeholders in Chinatown, so it did not proceed. In 2006, the City of Alameda revisited the project by completing a *Feasibility Study* for the I-880/Broadway-Jackson Interchange Improvements Project. The *Feasibility Study* recommended several new alternatives including the Build Alternative and a PSR-PDS-PID turn lane from the Posey Tube to the horseshoe connector, a left-turn pocket from the Posey Tube to 6<sup>th</sup> Street and provide ADA access to and from the Posey Tube. These improvements would result in an adverse effect under Section 106 and direct use of the Posey Tube, a historic transportation facility and a contributing element of the Oakland Waterfront Warehouse District. Even with design alterations and mitigation, those effects cannot be fully avoided. Therefore, the Build Alternative would not be an avoidance alternative that would fully avoid using Section 4(f) properties.

### 6.1. Alternatives Eliminated from Further Consideration

#### Value Analysis Study Report

A *Value Analysis Study* was completed in 2020 to study all viable alternatives and to take a comprehensive look at alternatives that were previously considered but eliminated from further consideration prior to circulation of the Draft Environmental Impact Report/Environmental Assessment (EIR/EA) and Draft Individual Section 4(f) Evaluation. The alternatives summarized and detailed in this section were proposed over the last 20 years and are covered in more detail in Chapter 1 of the Final EIR/EA. The Value Analysis included updated costs, potential impacts, safety, operations, and other key factors. A summary of the alternatives associated with the Section 4(f) analysis as a result of the Value Analysis that were eliminated are described as follows.

#### Reverse the Tubes and Connect to New NB/I-880 On-ramp at Market/6<sup>th</sup> Street

This alternative would reverse the direction of traffic in the Tubes. Oakland-bound traffic would use the Webster Tube that feeds into 6<sup>th</sup> Street and Alameda-bound traffic would use the Posey Tube via Harrison Street. This alternative would require traffic signal modifications for Oakland and Alameda street systems, and it would construct a new NB I-880 on-ramp at Market Street/6<sup>th</sup> Street in Oakland. Additionally, two roundabouts would be constructed at Willie Stargell Avenue/Webster Street and Constitution Way/Marina Village Parkway in Alameda. This alternative would not impact the historic Posey Tube wall or require the relocation of the Jackson Street off-ramp.

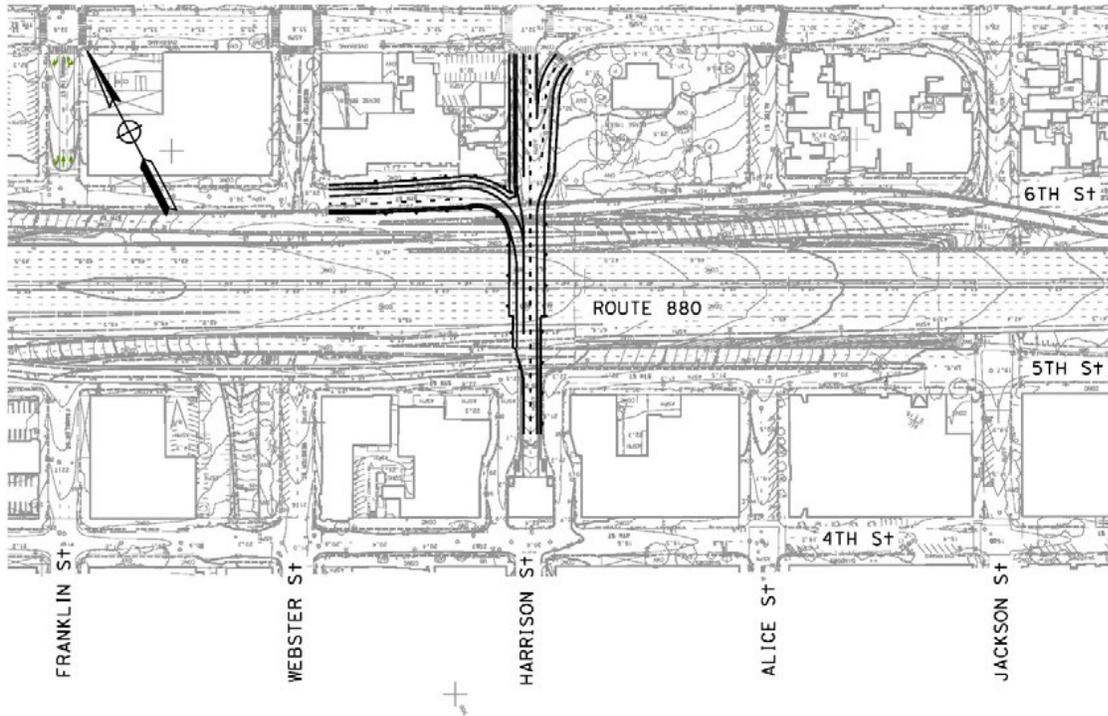
## **DISCUSSION**

While this alternative would have avoided impacts to the Posey Tube Approach, it would have created potentially severe safety and operational impacts in Oakland and Alameda. The reversal of the Tube directions would create opposing movements at the Webster and 6<sup>th</sup> and Broadway and 6<sup>th</sup> intersections and irregular intersections at Broadway and 5<sup>th</sup> and Broadway and 6<sup>th</sup> Street, requiring signal modifications. Construction of the proposed single or double lane roundabout tapers and approaches would cause unavoidable impacts to a portion of the open space and sidewalk along Neptune Park. The impacted sidewalk would need to be replaced requiring the relocation of sidewalks and the removal of open space further reducing the existing open space activity area in the park, a Section 4(f) resource. The construction of the new NB I-880 on-ramp at Market Street/6<sup>th</sup> Street in Oakland would impact businesses and may result in relocations, potential environmental justice impacts, and disruption to established communities. This alternative was introduced in the 2006 City of Alameda Feasibility Study and eliminated from further study during the 2020 VA Study because of the overall increase in construction costs, impacts to businesses due to the new NB I-880 on-ramp, restrictions to truck turning movements, and safety impacts from keeping the existing access from Alameda to I-880 that must travel through Harrison Street/7<sup>th</sup> Street/Jackson Street in Chinatown.

## **2011 Project Study Report-Project Development Support**

### **Depressed Harrison Street to NB 6<sup>th</sup> Street Connection**

In tandem with the modified NB I-880 Webster Street off-ramp discussed previously, the 2011 PSR-PDS proposed to depress Harrison Street between 6<sup>th</sup> and 7<sup>th</sup> streets, passing under the lowered Webster Street off-ramp (Figure 6-1). A new connector in a trench would diverge to the left just after passing under the freeway and the Webster off-ramp, and it would return to grade at the Webster and 6<sup>th</sup> streets intersection.



**2011 PSR: DEPRESSED HARRISON ST TO  
NB 6TH ST CONNECTION (REJECTED)**

LEGEND	
—	EXISTING CONDITIONS
—	PROPOSED CONDITIONS

Note: Map not to scale

**Figure 6-1. Depressed Harrison Street to NB 6<sup>th</sup> Street Connection**

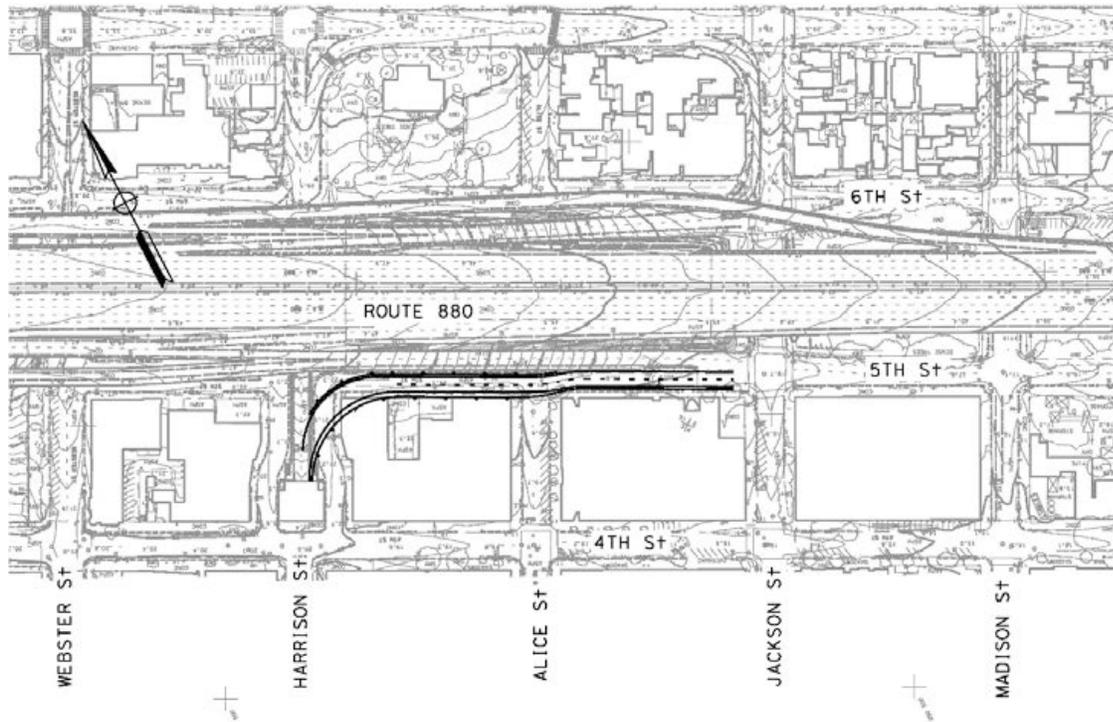
## **DISCUSSION**

This alternative would adversely impact the adjacent properties by removing access from 6<sup>th</sup> Street resulting in the displacement of occupants, potential environmental justice impacts, and disruptions to communities. In addition, the 7<sup>th</sup> Street/Harrison Square Residential District is assumed to be NRHP eligible and a Section 4(f) property. A high-level review suggest this alternative is likely to have an adverse effect on the historic district because of potential impacts to the transportation grid (character-defining feature), which would diminish the integrity of the District caused by depressing a portion of Harrison Street, and also is likely to adversely affect two district contributors: Marston House (APN 1-189-10) and Fielding House (APN 1-189-11) and may adversely affect the Posey Tube's retaining walls. This alternative would also take a portion of ROW, requiring the relocation of sidewalks and the removal of existing mature trees resulting in a reduction of the open grass space from the Chinese Garden Park, another 4(f) resource. Further, concentrating traffic from this connector and the proposed Webster Street off-ramp at the Webster and 6<sup>th</sup> streets intersection would create a bottleneck and an unacceptable operational problem. Finally, the alternative would not reduce conflicts between regional and local traffic (traffic intending to access the freeway would still have to travel a significant distance along 6<sup>th</sup> or 7<sup>th</sup> streets to reach the freeway). This alternative was introduced in the 2006 City of Alameda *Feasibility Study* and was eliminated from further study in the 2011 PSR-PDS.

### **1997 Draft Project Study Report**

#### **Posey Tube to I-880/I-980 Ramp without Braid**

This was a proposed connector from the Posey Tube that branched to the right and terminated at Jackson and 5<sup>th</sup> streets, similar to the first leg of the Jackson Street horseshoe connector (Figure 6-2).



**1997 PSR: POSEY TUBE TO JACKSON ST  
(WITHOUT BRAID) (REJECTED)**

LEGEND	
	EXISTING CONDITIONS
	PROPOSED CONDITIONS

Note: Map not to scale

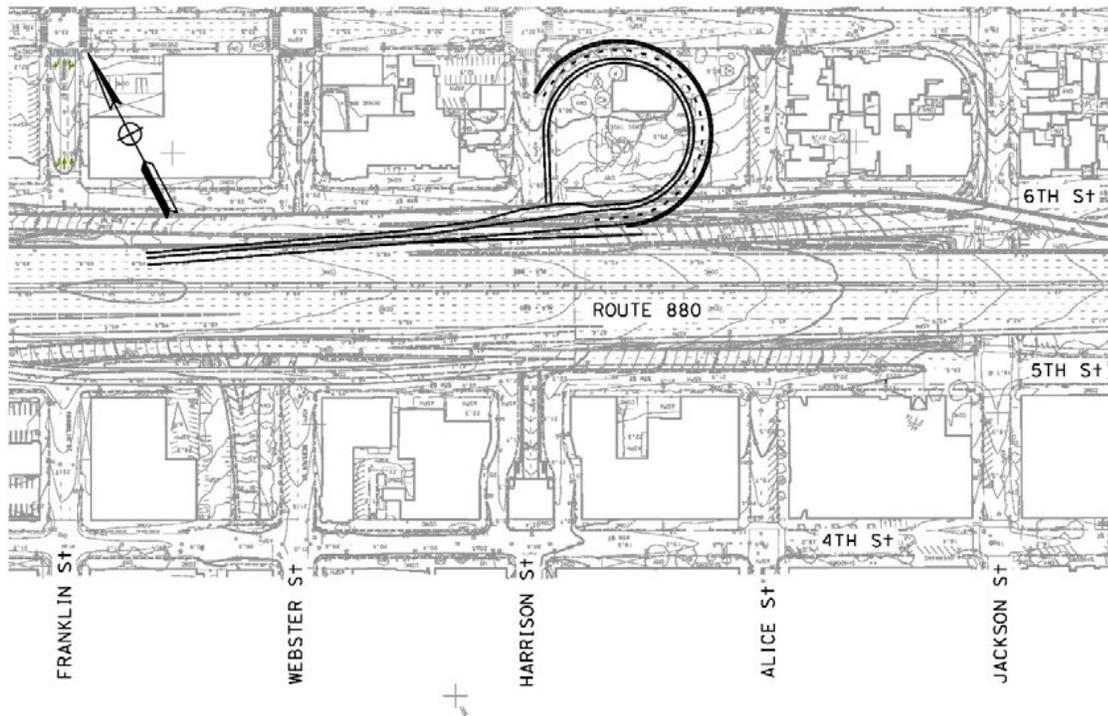
**Figure 6-2. Posey Tube to I-880/I-980 Ramp without Braid**

## DISCUSSION

The ROW needed to implement this alternative would have a potential adverse effect on the Oakland Waterfront Warehouse District, and three of its contributors: Stephanos Building (APN 1-153-1) that currently houses the Independent Brewing Company and Quong Tai Shrimp Company Building (APN 1-153-2) and the Posey Tube Portal — all properties are protected under Section 4(f). Various businesses and residences along 5<sup>th</sup> Street would be impacted with the removal of their access along 5<sup>th</sup> Street. Additionally, due to the new ramp terminating to the south of the existing Jackson Street off-ramp, there would be a conflicting turn movement at 5<sup>th</sup> Street and Jackson Street and potential sight distance concerns as traffic approaches from the Posey Tube, resulting in unacceptable safety and operational problems. This alternative was not approved for further study by Caltrans in the 1997 Draft PSR.

### NB I-880/I-980 Loop On-ramp from Harrison and 6<sup>th</sup> Streets

This was a proposed loop on-ramp from the Posey Tube that branched to the left and merged onto NB I-880 (Figure 6-3).



**1997 PSR: NB I-880/980 LOOP ON-RAMP FROM HARRISON & 6TH ST (REJECTED)**

LEGEND	
—	EXISTING CONDITIONS
—	PROPOSED CONDITIONS

Note: Map not to scale

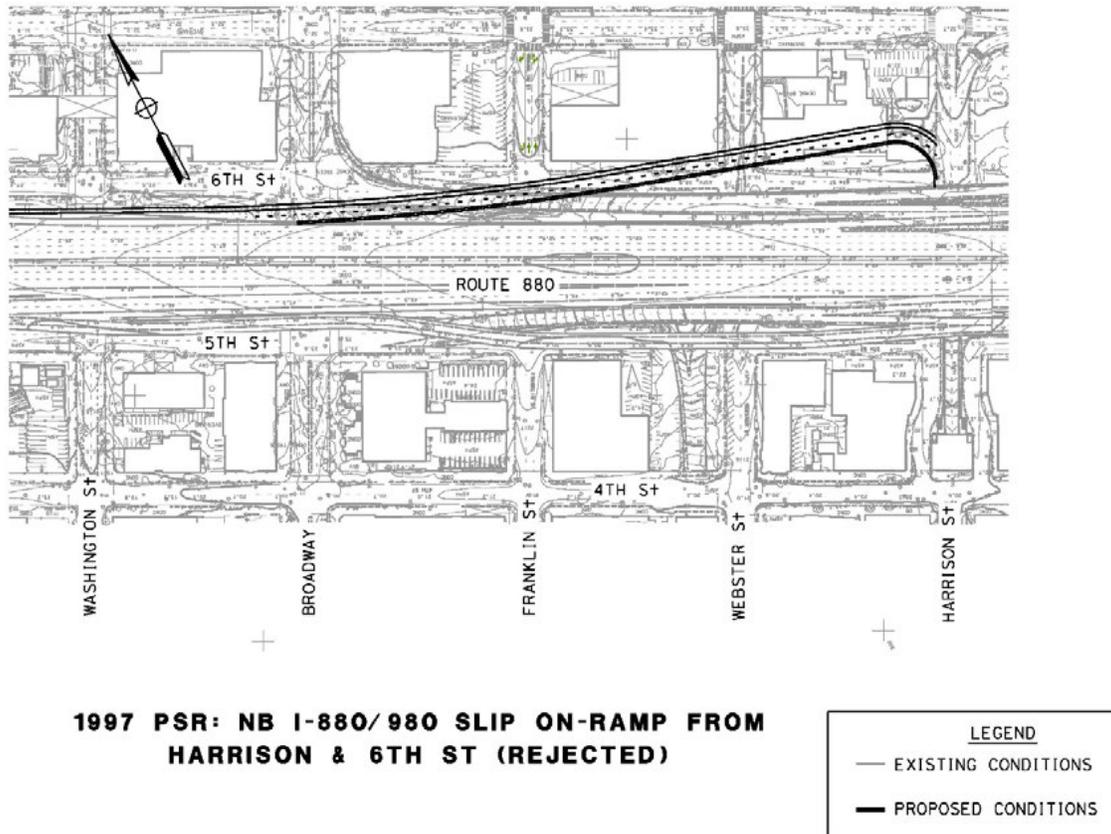
**Figure 6-3. NB I-880/I-980 Loop On-ramp from Harrison and 6<sup>th</sup> Streets**

## DISCUSSION

This alternative would potentially have an adverse effect on the historic 7<sup>th</sup> Street/Harrison Square Residential District and 15 contributors adjacent to the proposed loop on-ramp. This alternative would have an adverse effect on the features, activities, and attributes of the Chinese Garden Park, a 4(f) resource which is also part of the historic 7<sup>th</sup> Street/Harrison Square Residential District. Most of the property would have to be acquired to make way for the loop ramp, and the existing building, which currently functions as a childcare and senior center, would need to be demolished. This could potentially result in a severe social and economic impact and severely disrupt established communities. The Broadway off-ramp would have remained under this alternative, but it was likely it would have to be reconstructed at a higher elevation. This would have worsened the visual obstruction compared to the No-Build Alternative. This alternative could have met the Purpose and Need, but its impact to the community was more severe than the Build Alternative. This alternative was not approved for further study by Caltrans in the 1997 Draft PSR due to substantial environmental impacts to the surrounding neighborhoods, Chinese Garden Park, which is a 4(f) resource, and due to the cost to reconstruct the Broadway off-ramp.

### NB I-880/I-980 Slip On-Ramp from Harrison and 6<sup>th</sup> Streets

This was a proposed diagonal on-ramp from the Posey Tube that branched to the left and merged onto NB I-880 (Figure 6-4).



Note: Map not to scale

**Figure 6-4. NB I-880/I-980 Slip On-ramp from Harrison and 6<sup>th</sup> Streets**

## **DISCUSSION**

This alternative would cause a potential adverse effect to the overall 7<sup>th</sup> Street/Harrison Square Residential District and to the two contributors adjacent to the proposed on-ramp: Marston House (APN 1-189-10) and Fielding House (APN 1-189-11). It would also cause significant impacts to the properties along 6<sup>th</sup> Street, to small businesses between Harrison and Webster streets, and to a thrift store and job center between Webster and Franklin streets because all would have to be acquired and removed for the structure. This could result in severe social and economic impacts and severely disrupt established communities. Also, the elevated on-ramp between Franklin Street and Broadway could result in a visual and noise impact to the nearby 8 Orchids residential complex.

The additional ROW and structure costs would result in a significant increase in cost to the overall proposed project. Further, the alternative would have worsened the weaving segment between the proposed Harrison Street on-ramp and the EB I-980 off-ramp. This had the potential to create an operational and safety issue on the mainline and it was rejected due to substantial ROW impacts and nonstandard design speeds.

### **6.1.1. ALTERNATIVE ACTIONS**

#### **Transportation System Management/Transportation Demand Management**

Transportation System Management (TSM) strategies increase the efficiency of existing facilities. They are actions that increase the number of vehicle trips a facility can carry without increasing the number of through lanes. Examples of TSM strategies include ramp metering, auxiliary lanes, turning lanes, reversible lanes, and traffic signal coordination.

Transportation Demand Management (TDM) focuses on regional means of reducing the number of vehicle trips and vehicle miles traveled, as well as increasing vehicle occupancy. It facilitates higher vehicle occupancy or reduces traffic congestion by expanding transportation options in terms of travel method, time, route, costs, and quality and convenience of the experience.

TSM and TDM measures alone, while they have the potential to improve safety and operations, could only satisfy the proposed project's Purpose and Need to a partial degree. They would not reduce conflicts between regional and local traffic since the current access patterns (through local roads) would continue. They also would not remove any of the current physical barriers to bicycle and pedestrian connectivity in the project study area.

## Chapter 7 - Measures to Minimize Harm

### 7.0. Introduction

After determining there are no feasible and prudent alternatives to avoid the use of a Section 4(f) property, the project approval process for the *Individual Section 4(f) Evaluation* requires that the action includes all possible planning, as defined in 23 CFR 774.17, to minimize harm to a Section 4(f) property resulting from such use, as stated in project approval as defined in 23 CFR 774.3 (a)(2).

All possible planning, as defined in 23 CFR 774.17, means that all reasonable measures (identified in the *Individual Section 4(f) Evaluation*) to minimize harm or mitigate adverse impacts and effects must be included in the proposed project:

1. With regard to public parks, recreation areas, and wildlife and waterfowl refuges, the measures may include, but not be limited to, design modifications or design goals; replacement of land or facilities of comparable value and function; or monetary compensation to enhance the remaining property or to mitigate the adverse impacts of the project in other ways.
2. With regard to historic sites, the measures normally serve to preserve the historic activities, features, or attributes of the site as agreed to by Caltrans as the NEPA-federal lead agency and the official(s) with jurisdiction over the Section 4(f) resource in accordance with the Section 106 consultation process under 36 CFR part 800 Protection of Historic Properties.
3. In evaluating the reasonableness of measures to minimize harm under 23 CFR 774.3(a)(2), Caltrans will consider the preservation purpose of the statute and:
  - a. The views of the official(s) with jurisdiction over the Section 4(f) property;
  - b. Whether the cost of the measures is a reasonable public expenditure in light of the adverse impacts of the project on the Section 4(f) property and the benefits of the measure to the property, in accordance with 23 CFR 771.105(d); and
  - c. Any impacts or benefits of the measures to communities or environmental resources outside of the Section 4(f) property.
4. All possible planning does not require analysis of feasible and prudent avoidance alternatives, since such analysis will have already occurred in the context of searching for feasible and prudent alternatives that avoid Section 4(f) properties altogether under 23 CFR 774.3(a)(1) or is not necessary in the case of a *de minimis* impact determination under 23 CFR 774.3(b).

## 7.1. Protection of Historic Properties 36 CFR Part 800 (Section 106)

Under Section 106 of the NHPA, anticipated adverse effects should be avoided, minimized, or mitigated wherever possible to satisfy federal regulations for the treatment of historic properties.

Efforts were made by the design team to reduce impacts, to the extent possible, to the Posey Tube. Removal of the Posey Tube's eastern Approach wall and staircase could not be avoided. Accident rates for the Posey Tube are higher than the statewide average and improving safety is a priority. Speed limit reductions and features such as lighting, warning signs, flashing beacons, traffic detection, variable message signs, and rumble strips have been proposed as part of this project and would have little to no impact on the resources. However, due to safety and operational concerns, other features that would have lessened the impacts to the resources, including nonstandard features such as reduced lane widths, nonstandard shoulders and horizontal clearance, would not improve safety and could not be implemented. However, the design team was able to reduce impacts to the Posey Tube's western Approach wall by shortening the length of the proposed retaining wall to the minimum length needed to facilitate traffic operations. Shortening the retaining wall would result in a reduction of the original Posey Tube western Approach wall proposed for demolition. This would lessen the direct impact to the Posey Tube western Approach; however, demolishing a portion of the western Approach wall would still result in a finding of adverse effect under Section 106 because the impact would result in demolition of a part of a historic property.

When neither avoidance nor reduction is possible in establishing final design, construction, and operation details of the undertaking, mitigation measures must be agreed on by the appropriate parties through preparation of a project-specific agreement document. The following avoidance, minimization and mitigation measures are recommended for agreement among the funding, construction, operation, consulting, and review parties.

SHPO concurrence on the Adverse Effect finding was received on February 8, 2021, after the identification of a preferred alternative. Avoidance and Mitigation measures were included in the MOA (July 22, 2021), which was executed in consultation with the SHPO and interested stakeholders. The executed MOA with the attached BETP is included in Attachment A.

### **AMM-CUL-2 Pylon Preservation**

During construction, Caltrans will protect the eastern pylon base at the Oakland Approach of the Posey Tube with environmentally sensitive area (ESA) fencing to mark the protected area. Caltrans shall clean, stabilize, and preserve in place the eastern pylon base, including its metal plaque. In the event that the western pylon base can be relocated, it will be protected by ESA fencing and measures outlined in the BETP will be applied regarding treatment.

### **MM-CUL-1 Historic American Building Engineering Record Survey (HAER) Documentation**

HAER-level 2 Documentation (or other level as designated by the National Park Service [NPS]) will be prepared by a Professionally Qualified Staff (PQS), or equivalent, per the guidelines outlined in the *Secretary of Interior's Standards (SOIS) and Guidelines for Architectural and Engineering Documentation (NPS 1993)*. The report will document the Posey Tube as it exists prior to construction. It will include a written history and description of the tube as well as selected drawings and photographs that showcase the historic structure and its unique elements. Alameda CTC will make archival, digital, and bound library-quality copies of the

documentation. Copies will be sent to the Caltrans Transportation Library in Sacramento, the California Office of Historic Preservation, and the Caltrans Cultural Studies Office. Additional copies will be offered to the project's Section 106 stakeholders, the California Preservation Foundation, the City of Oakland Cultural Heritage Survey, and other local Oakland and Alameda historical societies as stipulated in the MOA.

<b>MM-CUL-2 National Register Nomination</b>	A National Register Nomination form for the Posey Tube will be prepared by a PQS or equivalent.
<b>MM-CUL-3 Façade Contribution</b>	A one-time monetary contribution will be made prior to the initiation of construction to the City of Oakland Façade Improvement Program under the project's MOA. The MOA will stipulate the dollar amount of the contribution and will limit usage to the current mapped boundaries of the Oakland Waterfront Warehouse District.
<b>MM-CUL-4 Professional Webinar</b>	Caltrans will develop and present a webinar on the Posey Tube and Oakland Waterfront Warehouse District to the California Preservation Foundation prior to the end of project construction.
<b>MM-CUL-5 Interpretive Panels</b>	Caltrans, in coordination with Jack London Improvement District, will develop and install up to two interpretive panels within the Oakland Waterfront Warehouse District. Content will be designed to be complementary to existing interpretive historic signage.
<b>MM-CUL-6 Educational Packet</b>	Caltrans will develop a grade appropriate teachers kit for use in local school as an educational aid.
<b>MM-CUL-7 Digital Content</b>	Caltrans will contribute documentation on the historic context of the Posey Tube and the Oakland Waterfront Warehouse District for online platform use. This information will be distributed to Section 106 stakeholders and posted on Caltrans' and Alameda CTC's websites.
<b>MM-CUL-8 Posey Tube Tour</b>	Caltrans will provide access to the Posey Tube Portal Building and Tube for up to three small group tours per year during the term of the MOA. Tours will be free of charge. Tours will not be ADA accessible due to the lack of ADA accessibility in the Portal building.

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## Chapter 8 - Least Overall Harm Analysis and Concluding Statement

As stated in Chapter 1, Section 4(f) requires that when there are no “prudent and feasible” avoidance alternatives to the “use” of Section 4(f) properties, and multiple build alternatives are being evaluated, the lead federal agency must choose from the remaining build alternatives that use the Section 4(f) property and select the alternative that causes the “least overall harm” in light of the statute’s preservation purpose. The least overall harm is determined by balancing the following seven factors:

1. Ability to mitigate adverse impacts on each Section 4(f) property, including any measures that result in benefits to the property.
2. Relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection.
3. Relative significance of each Section 4(f) property.
4. Views of the official(s) with jurisdiction over each Section 4(f) property.
5. Degree to which each alternative meets the Purpose and Need for the project.
6. After reasonable mitigation, the magnitude of any adverse impacts on resources not protected by Section 4(f).
7. Substantial differences in cost among the project alternatives.

The first four factors relate to the net harm that each project alternative would cause to the Section 4(f) property, and the remaining three factors take into account concerns with the project alternatives that are not specific to Section 4(f).

As discussed in Chapter 5, there is no feasible and prudent avoidance alternative that meets the Purpose and Need and avoids the use of the Section 4(f) property. The No-Build Alternative is the only avoidance alternative under consideration, but it is not prudent because it compromises the proposed project to a degree that it is unreasonable to proceed with the project in light of its stated Purpose and Need. Multiple Build Alternatives are not being evaluated and there is only one Build Alternative under consideration; it is the only alternative that meets the Purpose and Need. Section 3.3.3.2 of the FHWA *Section 4(f) Policy Paper* states that the least harm alternative analysis is required when multiple alternatives that use a Section 4(f) property remain under consideration. For the proposed project, only the Build Alternative was considered; therefore, a least harm alternative analysis is not required.

Following circulation of the Draft EIR/EA, careful evaluation of all comments submitted by the public, and in consideration of the whole record, the Project Development Team (PDT) selected the Build Alternative as the Preferred Alternative on December 9, 2020. The Build Alternative meets the purpose, needs, and goals of the proposed project while the No-Build Alternative does not. For more information on alternatives that were previously considered but eliminated from consideration, see Chapter 6 of this evaluation.

Based on the above considerations, there is no feasible and prudent alternative to the use of land from the Oakland Waterfront Warehouse District and the Posey Tube. The proposed action includes all possible planning to minimize harm to the Oakland Waterfront Warehouse District and the Posey Tube resulting from such use and causes the least overall harm in light of the statute’s preservation purpose.

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## Chapter 9 - Consultation and Coordination

### 9.0. Introduction

This section focuses on coordination with agencies, stakeholders, or the public regarding potential Section 4(f) properties and consultation with agencies having jurisdiction over potentially affected Section 4(f) properties.

### 9.1. Consultation and Coordination Requirements Under Section 4(f)

Under 23 CFR 774.5, prior to making Section 4(f) approvals under 23 CFR 774.3(a), the Section 4(f) Evaluation will be provided for coordination and comment to the official with jurisdiction over the Section 4(f) resource and to the Department of the Interior, and as appropriate to the Department of Agriculture and to the Department of Housing and Urban Development. A minimum of 45 days will be provided for receipt of comments. If comments are not received within 15 days after the comment deadline, a lack of objection is assumed, and the action may proceed.

In the case of historic properties, the official with jurisdiction is the SHPO for the state wherein the property is located or, if the property is located on tribal land, the official with jurisdiction is the Tribal Historic Preservation Officer. When the Advisory Council on Historic Preservation (ACHP) is involved with consultation concerning a property under Section 106 of the NHPA, the ACHP is also an official with jurisdiction over the resource for purposes of this part. When the property is a National Historic Landmark, the NPS is also an official with jurisdiction over the resource.

The *Section 4(f) Policy Paper* issued by the U.S. DOT FHWA's Office of Planning, Environment, and Realty Project Development and Environmental Review on July 20, 2012 outlined the following coordination requirements with the official with jurisdiction:

- Prior to making approvals (23 CFR 774.3 [a]);
- Determining the least overall harm (23 CFR 774.3 [c]);
- Applying certain programmatic Section 4(f) evaluations (23 CFR 774.5[c]);
- Applying Section 4(f) to properties that are subject to federal encumbrances (23 CFR 774.5[d]);
- Applying Section 4(f) to archeological sites discovered during construction (23 CFR 774.9[e]);
- Applying Section 4(f) to multiple-use properties (23 CFR 774.11[d]);
- Determining if the property is significant (23 CFR. 774.11[c]);
- Determining applicability of Section 4(f) to historic sites (23 CFR 774.11[e]);
- Determining constructive use (23 CFR 774.15[d]);
- Determining if proximity impacts will be mitigated to equivalent or better condition (23 CFR 774.3[a][2] and 23 CFR 774.17); and
- Evaluating the reasonableness of measures to minimize harm, (23 CFR 774.3 [a][2] and 23 CFR 774.17).

### **9.1.1. CONCURRENCE**

The regulations require written concurrence of the official(s) with jurisdiction in the following situations:

- Finding that there are no adverse effects prior to making a *de minimis* impact finding (23 CFR 774.5 [b]);
- Applying the exception for temporary occupancies (23 CFR 774.13 [d]); and
- Applying the exception for transportation enhancement activities and mitigation activities (23 CFR 774.13 [g]).

## **9.2. Applicability of Section 4(f) to Historic Sites**

### **9.2.1. SECTION 4(f) SIGNIFICANCE**

A historic site is defined in 23 CFR 774.17. For the purposes of Section 4(f), a historic site is significant only if it is on or eligible for the National Register.

### **9.2.2. OFFICIAL WITH JURISDICTION**

For the Oakland Waterfront Warehouse District and the Posey Tube the official with jurisdiction is the SHPO.

## **9.3. Section 4(f) Consultation**

Per 23 CFR 774.5, prior to making a Section 4(f) approval under 23 CFR 774.3(a), the Draft Individual Section 4(f) Evaluation was provided for consultation and comment to SHPO, the official with jurisdiction over the Section 4(f) resource, and to the Department of the Interior (DOI). The Draft Individual Section 4(f) Evaluation was provided to the SHPO and DOI on September 29, 2020, which was the start of the public circulation period for the Draft EIR/EA. The document and Draft Individual Section 4(f) were available for comment for 63 days. No comments were received from these agencies; therefore, a lack of objection may be assumed, and the action can proceed.

## **9.4. Section 106 Consultation**

### **9.4.1. STATE HISTORIC PRESERVATION OFFICER**

On May 6, 2020, Caltrans initiated consultation with the SHPO regarding the proposed improvements on I-880 and SR-260 in Alameda and Oakland. An HPSR was prepared in May 2020 and SHPO concurred on the determinations of eligibility for built-environment properties on June 8, 2020. Caltrans submitted the FOE to SHPO on October 20, 2020. SHPO sent a letter requesting additional information on January 25, 2021. Caltrans responded with a letter on January 29, 2021. Caltrans received SHPO's concurrence on the Adverse Effect finding pursuant to the Section 106 PA Stipulation X.C and 36 CFR 800.5, Stipulation XI, and 36 CFR 800.6 on February 8, 2021. Mitigation measures were developed in consultation with identified Section 106 SWG, including the SHPO and were included in the executed MOA with the attached BETP dated July 22, 2021. Copies of correspondence referenced in this section are available in Attachment A.

## Interested Parties

In response to scoping, correspondence was received from the OHA on October 30, 2017 citing concerns regarding the proposed project's impacts on the Posey Tube and the Oakland Waterfront Warehouse District. The OHA requested that alternatives be studied that would not impact portions of the Posey Tube. This group also requested a meeting with the City of Oakland's Landmark Preservation Advisory Board (LPAB) to solicit their feedback on the proposed project's impacts. The OHA wanted to review drawings of the proposed changes to the Posey Tube and the *Finding of Effect* report (when available). The group followed up on this request on February 5, 2018, and it extended an invitation for Caltrans to attend a future board meeting.

In coordination with Alameda CTC and Caltrans, the project team identified potentially interested local parties for this proposed project. Notification letters were mailed on February 21, 2018 to the following interested parties:

- Oakland Cultural Heritage Survey
- City of Oakland Landmarks Preservation Advisory Board
- City of Oakland Planning and Building Department
- Oakland Heritage Alliance
- Jack London Improvement District
- City of Alameda Community Development Department
- City of Alameda Historical Advisory Board
- Alameda Architectural Preservation Society
- Art Deco Society of California
- Alameda County Historical Society
- California Preservation Foundation

Only one party responded, dated March 20, 2018, was received from Savlan Hauser, executive director of the Jack London Improvement District. Ms. Hauser stated that her organization had assisted in public outreach and held a community meeting about the proposed project, and that she and Gary Knecht, board member emeritus, were participants in the Alameda CTC SWG for the proposed project. She stated the organization's interest with regard to impacts from the proposed project on historic resources, and she provided a link to published information on the Posey Tube and the Oakland Waterfront Warehouse District.

Follow-up communications with the other organizations were sent out in April 2018; no responses were received.

In response to a scoping meeting held by Alameda CTC/Caltrans on September 28, 2017, the OHA sent a letter dated October 30, 2017 to Caltrans citing concerns regarding potential project impacts on the Posey Tube and the Oakland Waterfront Warehouse District. OHA requested that alternatives be studied that would not impact portions of the Posey Tube and requested that Caltrans hold a meeting with the City of Oakland's LPAB to obtain comments on potential project impacts. OHA also stated that it wished to review drawings of proposed changes to the Posey Tube and the *Finding of Effect* report for the proposed project. OHA followed up this

letter with correspondence to the LPAB on February 5, 2018, copied to Caltrans, requesting that the Board review and comment on this proposed project, and that they provide an invitation to Caltrans for a future board meeting.

As part of its outreach efforts, Alameda CTC and Caltrans met with City of Oakland historic preservation staff on July 18, 2018 to discuss the proposed project, and they attended an Oakland LPAB meeting on January 14, 2019 to present the proposed project to the Board. The meeting in July 2018 included a discussion of efforts made to avoid impacts to historic properties/historical resources and ways Oakland's LPAB can be involved in the proposed project. Alameda CTC and the City agreed that the proposed project should be brought before the LPAB at a public meeting later in the year. At the LPAB meeting in January 2019, Alameda CTC and Caltrans introduced the proposed project to the Board with a presentation about it, including illustrations of possible designs for the new wall at the north end of the Posey Tube. A board member inquired about the process to assess project impacts on the Posey Tube and expressed interest in seeing a contemporary style version of the new wall, as well as documentation for the Posey Tube and other historic properties that may be affected by the proposed project. The requested documentation for the Posey Tube and other properties was provided in an email on January 15, 2019; however, a contemporary style version of the new wall was not provided. A representative of the OHA spoke during the public comment period expressing the organization's desire for alternatives that do not remove the Posey Tube wall.

Alameda CTC and Caltrans held a Section 106 SWG meeting on December 18, 2020 to identify potential mitigation strategies for the proposed adverse effects to the Posey Tube and the Oakland Waterfront Warehouse District. An invitation was extended to all interested parties. The FOE was shared with the group prior to the meeting. Representatives of the City of Oakland, OHA, Jack London Improvement District, and SoNiC attended. At the meeting, the proposed project impacts to cultural resources were discussed in detail. Stakeholders provided feedback on potential mitigation options.

A follow-up Section 106 SWG meeting was held on February 23, 2021. Representatives of the City of Oakland, OHA, Jack London Improvement District, and SoNiC attended. At the meeting, Alameda CTC and Caltrans presented specific mitigation elements to address the proposed project's adverse effects and asked for feedback. Stakeholders requested and were provided examples of recent Caltrans MOAs and a set of exhibits showing the challenges of restoring the existing truncated pylon bases under I-880.

One stakeholder group, OHA, submitted a formal letter on March 5, 2021, supporting several potential mitigation elements, and expressing concerns over treatment of the pylon bases. These concerns were discussed at the March SWG meeting.

The project team held another Section 106 SWG meeting on March 25, 2021. The meeting was attended by representatives of the City of Oakland, OHA, Jack London Improvement District, and SoNiC. A detailed presentation was provided regarding the feasibility of various pylon base restoration strategies. The project team presented an opportunity to hear more feedback on the importance of the preservation of historic fabric. The team also outlined how in-place preservation of the existing truncated eastern pylon base was the only feasible mitigation strategy due to the project's design constraints. Preservation of this pylon base was added to the proposed Section 106 mitigation package, which would include tours of the Posey Tube, a contribution to the Oakland Façade Improvement Program, interpretative panels written/photographic archival documentation, a National Register nomination form for the Posey Tube, BETP, and public educational components. On April 4, 2021, Jack London Improvement

District emailed the project team design guidelines for interpretive panels for incorporation in the MOA with the attached BETP.

Native American contacts were invited to participate in the MOA via letter, email and follow up phone calls in March and May 2021. The Costanoan Rumsen Carmel tribe requested to participate in the MOA on May 26, 2021. They were added to MOA as a concurring party, and the draft MOA and BETP was shared with the tribal contact. No other tribes requested to participate in the MOA process.

The project team's engineer conducted a video call with a representative of OHA and SoNiC to go over questions on impacts to the approach walls on April 15, 2021. The project team hosted a final SWG meeting on April 19, 2021. The meeting was attended by representatives of the City of Oakland, OHA, Jack London Improvement District, and SoNiC. The meeting included a comprehensive review of impacts and simulations that illustrated the proposed impacts to the Posey Tube. During the meeting and in emails prior to the meeting, representatives of the City of Oakland, OHA, Jack London Improvement District, and SoNiC asked questions about the design near the pylon bases, requested clarifications on MOA terms and the tour component, and suggested feedback on the draft MOA and draft BETP. A follow-up email from SoNiC providing feedback on tours of the Posey Tube was received on April 21, 2021. Feedback was incorporated, as feasible, into both documents. The meeting concluded with general consensus on the components of MOA and BETP.

The MOA with the attached BETP was submitted for concurrent review to the SWG on May 3, 2021. On May 10, 2021, stakeholders stated they had no comments on the MOA but had comments on the attached BETP. Stakeholder comments were incorporated as requested.

Alameda CTC and Caltrans made an informational presentation to the City of Oakland Landmarks Preservation Advisory Board on June 7, 2021.

The MOA with the attached BETP was submitted to SHPO on June 8, 2021. SHPO signed the MOA on July 22, 2021.

## **9.5. NEPA Outreach Efforts**

Separate from the Section 106 process, Caltrans conducted extensive public outreach as part of the NEPA process. The various outreach efforts and responses relevant to Section 4(f) and Section 106 are summarized below.

### **9.5.1. PUBLIC PARTICIPATION**

#### **Public Scoping Meeting**

The scoping process for the Draft EIR/EA was initiated on September 15, 2017 and ended on October 31, 2017. During that period, a public scoping meeting was held on September 28, 2017 at the Oakland Asian Cultural Center. The purpose of the meeting was to describe and solicit comments on the proposed project and the environmental process.

During scoping, the OHA sent a letter dated October 30, 2017 to Caltrans citing concerns regarding the proposed project's impacts on the Posey Tube and the Oakland Waterfront Warehouse District. See discussion under Section 9.4. Section 106 Consultation for more details.

## **Public Hearing**

The circulation for the Draft EIR/EA ran between September 29, 2020, and November 30, 2020. Following the release of the Draft EIR/EA, a public hearing was held to receive informal public comments, and to answer questions about the proposed project alternatives and the environmental impacts. Caltrans and Alameda CTC hosted a pre-scheduled, live, online public hearing hosted through the open house website (<https://oaklandalamedaaccessproject.com/>) on October 20, 2020, from 5:30 to 7:30 pm. With COVID-19 mandates for social distancing, an in-person public hearing was not held.

The hearing included a video illustrating the proposed project improvements and a live question and answer session. Questions and informal comments were submitted through an on-screen chat function or a dial-in option for phone users. A total of 170 questions were received during this session. Interpreters were on hand to translate questions into Cantonese, Spanish, or Vietnamese. Questions were read by the facilitator and then answered by the hearing panelists. Several informal questions were received regarding the Section 106 process.

The public hearing had a total of 241 viewers, and the average viewer was present for 25% (30 minutes) of the public hearing. Following the live broadcast of the hearing, a recording of the entire event was accessible on the project website in English (with close captioning in English). A court reporter recorded the meeting.

During the hearing, attendees were reminded of the methods for formal comment submission. A link to the electronic comment card was provided on the project website. There were also options to call and leave a voice message, send an email ([oakland.alameda.access@dot.ca.gov](mailto:oakland.alameda.access@dot.ca.gov)), or mail a comment to Caltrans. Several formal comments were received on the Section 106 process. Copies of the comments received during the public comment period are included in Appendix I of the Final EIR/EA.

## **Jack London Improvement District**

A total of 14 meetings were held with the Jack London Improvement District between 2017 and 2021. Meetings were generally held at the District's office in Oakland, except during the COVID-19 pandemic when meetings were held virtually. Overviews of the proposed project improvements were provided, along with any design updates since the previous meeting. The District requested design information regarding the existing and proposed traffic patterns, proposed bicycle infrastructure, proposed utilities, and potential project alternatives. They expressed concerns regarding the proposed project's potential effect on access to the District, as well as multimodal connectivity along 5<sup>th</sup> Street. Bicycle facilities including bicycle flow directionality and associated safety elements were discussed. The District's preference was to relocate bicycle facilities from Jackson Street to another local roadway due to potential safety and traffic congestion concerns. To remedy this, the proposed project improvements on Jackson Street do not extend south of 5<sup>th</sup> Street.

Coordination was conducted with the District regarding historic resource impacts. An email was received from the District's executive director on March 20, 2018, that stated their interest in preventing historic resource impacts. It provided links to published information on the Posey Tube and the Oakland Waterfront Warehouse District for the project team to reference. The District participated in all Section 106 SWG meetings held on December 18, 2020, February 23, 2021, March 25, 2021, and April 19, 2021.

In April 2021, the project team met with Jack London Improvement District to discuss the installation of an interpretive panel as part of the Section 106 mitigation package. Jack London Improvement District previously implemented an extensive interpretative signage and panel program within their district. Alameda CTC would provide funding to Jack London Improvement District's existing program for the design, fabrication, and installation of an additional interpretative panel related to the Posey Tube. Interpretive panel design guidelines were provided to Caltrans following this meeting by the Jack London Improvement District.

### **Oakland Chinatown**

A total of 18 meetings were held with representatives of Oakland Chinatown between 2017 and 2021. The majority of these meetings were held at Asian Health Services (835 Webster Street, Oakland), except during the COVID-19 pandemic when meetings were held virtually. Attendees were encouraged to sign-in at each meeting. Proposed project improvements and alternatives were discussed, including design updates since previous stakeholder meetings, and results of the traffic analysis and pedestrian counts were provided. Feedback was received from these representatives regarding which streets should be prioritized for pedestrian infrastructure improvements. Interactions with future proposed projects within the project study area were discussed. Representatives of Oakland Chinatown provided feedback regarding potential changes to bus routes and stops, the potential impact of proposed project improvements on delivery truck loading, and the proposed elimination of parking. An opportunity for stakeholders to provide feedback was provided at all meetings, including project elements supported or not supported by the representatives. Ultimately, the project team was able to develop a consensus supporting the Build Alternative.

In August and October 2020, representatives of Oakland Chinatown provided feedback on outreach for the public hearing. This included identifying relevant newspapers for hearing advertisements, translation services for the hearing and open house website content, and locations that could potentially host hard copies of the draft environmental document.

In March 2021, a meeting was held to explore a potential Section 106 mitigation measure to relocate the western Posey Tube pylon base from its current location into (or near) Chinese Garden Park. Representatives of Oakland Chinatown were not in favor of this proposed mitigation measure, stating that it would diminish the use of the park. Representatives also stated that the Chinatown residents would likely not support the measure given the negative connotation the Posey Tube has among the residents. The measure was dropped from further consideration based on this feedback.

### **Oakland Athletics**

Meetings were held with the Oakland Athletics on November 13, 2017 and January 24, 2019 to discuss the potential ballpark design near the project study area. Public comments during scoping were received regarding the possible impacts associated with a proposed ballpark at this location. An overview of the proposed project was provided in 2017 and in 2019 to the Oakland Athletics. Traffic counts and modeling numbers were shared with the ballpark's traffic team per their request. No comments were received related to potential impacts to Section 4(f) resources/historic properties.

### **Bike East Bay**

Alameda CTC met with Bike East Bay on November 6, 2018; April 17, 2019; and July 15, 2019. Feedback was solicited regarding bicycle infrastructure, particularly the two-way cycle track along Oak Street. Elimination of parking and the overall location of the cycle track were

evaluated based on feedback from Bike East Bay. No comments were received related to potential impacts to Section 4(f) resources/historic properties.

A representative from Bike East Bay attended the September 16, October 16, and November 13, 2020 joint meetings with Jack London Improvement District and Oakland Chinatown and provided feedback on the proposed project elements. Bike East Bay requested the project team evaluate moving the proposed cycle track from 6<sup>th</sup> Street to 7<sup>th</sup> Street.

### **Bike Walk Alameda**

Alameda CTC held a meeting at their office with Bike Walk Alameda on July 15, 2019. This group preferred a new bridge crossing over the proposed tube improvements. No comments were received related to potential impacts to Section 4(f) resources/historic properties.

## **Chapter 10 - List of Preparers**

### **HNTB**

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Carie Montero, Environmental Lead

Elisabeth Suh, Environmental Manager

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Thomas J. Warrner, Senior Environmental Planner

Brandon Wong, Design Lead

Christa Pijacki, Technical Editor

Elliott Wong, GIS mapping

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## Chapter 11 - References

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## Attachment A. Correspondence

**From:** [Massengale, Tammy@DOT](mailto:Massengale_Tammy@DOT)  
**To:** [Mu, Lily@DOT](mailto:Mu_Lily@DOT)  
**Cc:** [Rashid, Wahida@DOT](mailto:Rashid_Wahida@DOT); [Vivian, Lindsay@DOT](mailto:Vivian_Lindsay@DOT); [Brent, Melanie@DOT](mailto:Brent_Melanie@DOT); [Vanhoften, Derek S@DOT](mailto:Vanhoften_Derek_S@DOT)  
**Subject:** OAAP - Ready for Signature  
**Date:** Wednesday, August 4, 2021 8:41:22 AM

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Good Morning, Lily,

The Final Individual Section 4(f) for the Oakland Alameda Access Project has been reviewed. The 0G360\_OAAP\_Admin-FED4\_HQ-Final-Check\_Section4(f)\_07-29-2021.pdf submitted on August 3, 2021 at 11:20 am, contains all revisions previously requested in the both the HQ DEA and Legal Comment matrices.

I have been informed that Legal is satisfied with the Final Individual Section 4(f) and have received a copy of the finding of Legal Sufficiency. Given that both Legal and HQ comments are satisfactorily addressed, I therefore recommend that the document is READY for Approval by the Director, per Step 4 of the MOU-mandated QA procedures.

Please place a copy of this "READY" email in your Project Files to document completion of Step 4 of the mandated QA procedures.

Thank you,

Tammy

**Tammy Massengale**  
Bay Area Headquarters Coordinator  
Division of Environmental Analysis  
1120 N Street, MS 27  
Sacramento, CA 95814  
(916) 531-0058

**DEA Mission: Guiding people and projects to balance environmental and transportation needs.**

**DEA Vision: An integrated transportation system that enriches California's environment.**

**Caltrans Mission: Provide a safe and reliable transportation network that serves all people and respects the environment.**

**Caltrans Vision: A brighter future for all through a world-class transportation network.**

**DEPARTMENT OF TRANSPORTATION**

LEGAL DIVISION  
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PHONE (510) 433-9100  
FAX (510) 433-9167  
TTY 711  
www.dot.ca.gov



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August 4, 2021

File No.: 6B52751

Lily Mu  
Wahida Rashid  
California Department of Transportation  
Office of Environmental Analysis – District 4  
111 Grand Ave.  
Oakland, CA 94612

Re: *Oakland Alameda Access Project Individual Section 4(f) Evaluation – Legal Sufficiency Determination*

Dear Lily and Wahida,

I have reviewed the proposed Final Individual Section 4(f) Evaluation for the above-referenced project (Oakland Alameda Access Project), which proposes to improve mobility and accessibility, traffic operations, and bicycle and pedestrian facilities through the proposed project on State Route 260 and on Interstate 880 in the cities of Oakland and Alameda in Alameda County.

Pursuant to the provisions of 23 C.F.R. § 774.7(d), I find the proposed Final Individual Section 4(f) Evaluation for this project to be legally sufficient.

Very truly yours,

*Derek S. van Hoften*

DEREK S. VAN HOFTEN  
Deputy Attorney

cc: Tammy Massengale  
Bay Area Headquarters Coordinator  
Division of Environmental Analysis

*“Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California’s economy and livability”*

**MEMORANDUM OF AGREEMENT  
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT  
IN OAKLAND AND ALAMEDA, CALIFORNIA**

**WHEREAS**, pursuant to §23 U.S.C. the Federal Highway Administration (FHWA), has assigned and California Department of Transportation (Caltrans) (including all subordinate divisions defined below) has assumed FHWA responsibility for environmental review, consultation, and coordination under the provisions of the *Memorandum of Understanding (MOU) between the Federal Highway Administration and the California Department of Transportation Concerning the State of California's Participation in the Project Delivery Program Pursuant to 23 U.S.C. 327*, which became effective on December 23, 2016, and applies to this undertaking; and

**WHEREAS**, pursuant to the January 2014 *First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA), Caltrans is deemed to be a federal agency for all highway-aid projects it has assumed, and in that capacity Caltrans has assigned the role of “agency official” to the Caltrans Division of Environmental Analysis (DEA) Chief for the purpose of compliance with 36 CFR § 800. The responsibility for oversight, day-to-day responsibilities, and coordination of the Section 106 process are further delegated to the DEA Cultural Studies Office (CSO) Chief; and

**WHEREAS**, Caltrans and Alameda County Transportation Commission (Alameda CTC) proposes to implement the federally funded Oakland Alameda Access Project (Undertaking) in the Cities of Oakland and Alameda, in Alameda County, California. The project will alter traffic flow and improve safety for pedestrians, cyclists, and roadway users, as described in Attachment A; and

**WHEREAS**, the Undertaking's Area of Potential Effects (APE) in Attachment B includes all areas where work is proposed and the known or reasonably anticipated boundaries of any built environment or archaeological resources which may experience direct or indirect effects as a result of the Undertaking; and

**WHEREAS**, Caltrans has determined that the Undertaking will have an adverse effect on two historic properties: the George A. Posey Tube, a property determined to be eligible for inclusion in the National Register of Historic Places (National Register) under Criterion A for its association as the first subaqueous automobile tunnel in the West and for its important association with the development of the automobile as the primary method of transportation in California, and Criterion C of the National Register for its innovative engineering and Art Deco style of its Oakland and Alameda Portal buildings and Approaches; and the Oakland Waterfront Warehouse District, which is listed on the National Register under Criterion A for its association with Oakland's industrial history, and Criterion C because of its cohesive early twentieth-century utilitarian industrial architecture, and therefore both are historic properties as defined at 36 CFR § 800.16(1)(1); and

**WHEREAS**, Caltrans has thoroughly considered alternatives to the Undertaking and has determined, in consultation with the California State Historic Preservation Officer (SHPO), that the statutory and regulatory requirements on the design of the Undertaking preclude the possibility of avoiding adverse effects to the George A. Posey Tube and the Oakland Waterfront Warehouse District during the Undertaking's implementation, and has further determined that the execution and implementation of this Memorandum of Agreement (MOA) will take into account the adverse effects of the Undertaking; and

**WHEREAS**, Caltrans has consulted with the SHPO pursuant to Stipulations X.C, and XI of the Section 106 PA, and where the Section 106 PA so directs, in accordance with 36 CFR § 800, the regulation that implements Section 106 of the National Historic Preservation Act (NHPA) of the 1966 (16 U.S.C. 470f), as amended, regarding the Undertaking's effects on historic properties and will file a copy of this MOA with the Advisory Council on Historic Preservation (ACHP) in accordance with Stipulation X.C.3.b of the Section 106 PA; and

**WHEREAS**, Caltrans has consulted with the Oakland Cultural Heritage Survey; City of Oakland Landmarks Preservation Advisory Board; City of Oakland Planning and Building Department; Oakland Heritage Alliance; Jack London Improvement District; City of Alameda Community Development Department; City of Alameda Historical Advisory Board; Alameda Architectural Preservation Society; Art Deco Society of California; Alameda County Historical Society; the California Preservation Foundation, and the South of the Nimitz Improvement Council (SoNic), regarding the Undertaking and its effects on historic properties and have invited them to participate in the development and implementation of Stipulation II of this MOA; and

**WHEREAS**, Caltrans has consulted with representatives from the Trina Marine Ruano Family; Ohlone Indian Tribe; Ohlone/Costanoan-Northern Valley Yokuts-Bay Miwok; Muwekma Ohlone Indian Tribe of the SF Bay Area; Indian Canyon Mutsun Band of Costanoan; Ohlone/Costanoan; and Amah Mutsun Tribal Band of Mission San Juan Bautista; The Confederated Villages of Lisjan; and the Rumsen Am: a Tur:ataj Ohlone Tribe regarding the effects of the Undertaking and none of the groups or individuals requested to be a consulting party; Caltrans will continue to consult with them and will afford them, should they so desire, further opportunity to more directly and actively participate in the implementation of the Undertaking itself and this MOA; and

**WHEREAS**, the Costanoan Rumsen-Carmel Tribe has participated in the consultation and are participating as concurring parties; and

**WHEREAS**, Caltrans District 4, Alameda CTC, City of Oakland (including the City of Oakland Landmarks Preservation Advisory Board), and Jack London Improvement District have participated in the consultation, have a responsibility to fulfill the terms of this MOA, and are participating as invited signatories; and

**WHEREAS**, Oakland Heritage Alliance, and SoNic have participated in the consultation and are participating as concurring parties; and

**NOW, THEREFORE**, Caltrans and the SHPO agree that if the Undertaking proceeds, the Undertaking shall be implemented in accordance with the following stipulations in order to take

into account the effect of the Undertaking on historic properties, and further agrees that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

## **STIPULATIONS**

Caltrans shall ensure that the following stipulations are carried out:

### **I. AREA OF POTENTIAL EFFECTS**

- A. The Undertaking's APE was established in accordance with Stipulation VIII.A of the Section 106 PA and is depicted in Attachment B of this MOA. The APE was delineated to include all areas where work is proposed, including the known or reasonably anticipated boundaries of archaeological and cultural properties and any locations where construction activities will take place.
- B. If Caltrans determines that additional APE revisions are necessary, Caltrans shall inform the parties of the MOA of the revisions and consult no more than fifteen (15) days to reach agreement on the proposed revisions. If Caltrans, the SHPO, and other appropriate signatories cannot reach such an agreement, then the parties to this MOA shall resolve the dispute in accordance with VI.C below. If all parties reach mutual agreement on the proposed revisions, Caltrans will submit a new APE map reflecting the revisions, consistent with Stipulation VIII.A and Attachment 3 of the Section 106 PA, no later than thirty (30) days following such agreement. Any further investigation or document necessitated by the revised APE will follow the procedures for the identification and evaluation of potential historic properties as specified in Stipulation VIII of the Section 106 PA and in accordance with 36 §CFR 800.4(a)(2-4) and 88.4(b). The amendment of the APE will not require amendment to the MOA. The revised APE and supporting documentation shall be incorporated into Attachment B to this MOA.

### **II. TREATMENT OF HISTORIC PROPERTIES**

Caltrans shall ensure that inadvertent effects are avoided and adverse effects of the Undertaking on the George A. Posey Tube and the Oakland Waterfront Warehouse District are resolved through the following measures.

#### **A. Built Environment Treatment Plan**

Caltrans District 4 will ensure that the protocols outlined in the Built Environment Treatment Plan (BETP) (Attachment C), will be adhered to until this MOA is terminated.

1. The BETP discusses the implementation of an Environmentally Sensitive Area (ESA) for the protection of the Eastern Pylon Base and where possible the Western Pylon Base at the Oakland Approach. Following the completion of construction in the area of the pylon bases, the pylon bases will be cleaned and stabilized.
2. The BETP addresses the process by which the Undertaking's activities at the George A. Posey Tube Oakland Approach can conform with the Secretary of the Interior's Standards for the Rehabilitation of Historic Properties; identifies the approval process

for the Undertaking's Plans, Specifications, and Estimates (PS&E) Package, prior to and during project construction; and establishes the review process for the aesthetic design of the features of the George A. Posey Tube Oakland Approach.

3. The BETP includes a process of review of the project PS&E packet at 65% and 95% completion by consulting parties, which include signatories to this MOA.
  - a. Caltrans will first submit each PS&E packet to the consulting parties for a 30-day review and comment period.
  - b. Following the 30-day comment period, Caltrans will submit the PS&E packet with any comments to SHPO for a subsequent 30-day review and comment period.
  - c. Caltrans will follow the process outlined in the BETP in response to comments or a lack of comments.

## **B. Historic American Engineering Record Documentation**

Caltrans District 4 shall ensure that Alameda CTC shall record and document the George A. Posey Tube to the standards of the Historic American Engineering Record (HAER). This recordation and documentation will be conducted as follows:

1. Prior to the commencement of construction activities for the Undertaking, Alameda CTC will contact the regional Historic American Building Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) coordinator at the National Park Service (NPS) Interior Regions 8, 9, 10, and 12 Regional Office to request that NPS stipulate the level of and procedures for completing the documentation. Within ten (10) calendar days of receiving the NPS stipulation letter, the Alameda CTC will send a copy of the letter to all parties to this MOA for their information. If no response is received within ninety (90) calendar days of submittal to NPS, Caltrans shall confer with SHPO on how to move forward with HAER documentation.
2. Alameda CTC will ensure that all recordation documentation activities are performed or directly supervised by professionals who meet the standards in VI.A.3.
3. Upon receipt of the NPS written acceptance letter, Alameda CTC will make archival, digital, and bound library-quality copies of the documentation and provide them to the Caltrans Transportation Library, Sacramento; the California Office of Historic Preservation; and the Caltrans Cultural Studies Office. Additional copies will be offered to the City of Oakland Cultural Heritage Survey, Oakland Heritage Alliance, Jack London Improvement District, City of Alameda Historical Advisory Board, Alameda Architectural Preservation Society, Art Deco Society of California, Alameda County Historical Society, California Preservation Foundation, and SoNic.
4. Caltrans will notify SHPO that the documentation is completed, and all copies are distributed as outlined in II.B.3. Completion of the documentation will be included in the annual report outlined in VI.F. All surveys shall be completed prior to the commencement of the project's construction activities.

## **C. National Register Nomination for the George A. Posey Tube**

Caltrans District 4 shall ensure that Alameda CTC shall nominate the George A. Posey Tube to the National Register of Historic Places. Recordation of the historic property and

completion of the nomination will occur following conclusion of project activities at the George A. Posey Tube.

1. Alameda CTC will submit the nomination to Caltrans District 4 for review and approval pursuant to Stipulation II.I of this MOA.
2. Upon approval Caltrans will submit the National Register Nomination form to the California Office of Historic Preservation per Office of Historic Preservation (OHP) guidelines for review and approval. Those portions of the nomination which are inadequate or are not prepared in accordance with the guidelines published in Bulletin 16A will be returned to the applicant for further work accompanied by a Request for Information or Return letter explaining what must be addressed in order to move the nomination forward.
3. Alameda CTC will complete any revisions that the OHP requires. Caltrans will review and approve the revisions pursuant to II.I prior to resubmitting the nomination to OHP.
4. Once OHP determines the nomination is ready for hearing, OHP will notify all applicants, property owners, and appropriate governmental jurisdictions of the time and place of the State Historical Resources Commission (SHRC) meeting. If approved by the SHRC, the nomination will be sent to the SHPO for certification and forwarded to the Keeper of the National Register (Keeper) in Washington, D.C.. The final determination is made approximately forty-five (45) days after receipt by the Keeper.
5. If, as a result of a decision by the OHP, the SHRC, or the Keeper, the nomination process cannot be completed, Caltrans will have fulfilled its obligation under Stipulation II.C of this MOA.
6. Upon listing in the National Register of Historic Places, Caltrans District 4 shall offer copies of the nomination to the organizations in II.B.3.

#### **D. Façade Improvement Plan**

1. Alameda CTC will make a donation of \$100,000 to the City of Oakland's Façade Improvement Program.
2. Caltrans District 4 will ensure that Alameda CTC execute a Memorandum of Understanding (MOU) agreement between Alameda CTC and the City of Oakland. The MOU will document the donation to the Oakland Façade Improvement Program, and will be conditioned as follows:
  - a. The City of Oakland will be responsible for ensuring distribution of funds to eligible entities and for any follow up actions regarding completion of improvements consistent with the City's Façade Improvement Program.
  - b. The funds will be limited for use within the Oakland Waterfront Warehouse Historic District.
  - c. Where funds are used on contributing features of the Oakland Waterfront Warehouse District, the City of Oakland will ensure that the project activities meet Secretary of the Interior's Standards as interpreted by the City of Oakland and City of Oakland Landmarks Preservation Advisory Board.
3. The Alameda CTC shall provide the donation and execute the MOU prior to the termination of this MOA.

#### **E. Interpretive Panels**

Alameda CTC will fund the installation of up to two (2) interpretative panels within project limits in Oakland, documenting the history of the George A. Posey Tube and the importance of its engineering achievements.

1. The panels will be developed in accordance with the existing Jack London Improvement District's signage program, to ensure conformity of signage with the specifications of the program.
2. Alameda CTC will provide contextual information and funding to Jack London Improvement District, which will design, fabricate, install, and maintain signage. The contextual information will be based on data presented in the HAER outlined in II.B.
3. The panel design and content will be reviewed and approved by Caltrans PQS staff pursuant to II.I. Prior to final approval by Caltrans PQS Staff, the Office of Historic Preservation will be afforded a thirty (30) day review and comment period on the draft panel.
4. The Alameda CTC shall ensure the installation of the interpretive panels prior to the termination of this MOA.

#### **F. Science, Technology, Engineering, Arts, and Mathematics (STEAM) Program**

Caltrans District 4 will ensure that Alameda CTC creates two (2) STEAM aligned teacher's packets.

1. One teacher's packet will discuss the history of the Oakland Waterfront Warehouse Historic District and will be completed to align with Grade 11 curriculum for social science or history; and one teacher's packet will discuss the engineering significance of the George A. Posey Tube and will be completed in alignment with Grades 7 and 8 curricula for physical science.
2. The teacher's packets will be reviewed and approved by Caltrans PQS staff pursuant to II.I.
3. The teacher's packets will be made available electronically by Alameda CTC on the Alameda CTC project website and the Caltrans Cultural Studies Office Mitigation website, and they will be offered for placement on other websites, such as those for the Oakland Unified School District, the Alameda Unified School District, and libraries in the Cities of Oakland and Alameda.
4. The Alameda CTC shall ensure the creation of two STEAM aligned teacher's packets prior to the termination of this MOA

#### **G. Public Presentation**

Caltrans District 4 and Alameda CTC will work with the California Preservation Foundation (CPF) to develop a one-hour webinar and virtual tour of the George A. Posey Tube, which the CPF will host.

1. Caltrans District 4 will provide access to the George A. Posey Tube for CPF to video record a virtual tour. The virtual tour video will be produced to include captions.

2. Caltrans and Alameda CTC's consultant will work with CPF staff to develop the content and present the video recording virtual tour and webinar.
3. The webinar will be delivered prior to the termination of this MOA.

#### **H. Tour of the George A. Posey Tube**

1. Caltrans District 4 shall provide access to the George A. Posey Tube and Portal Buildings for up to three (3) walking tours per calendar year for attendance by the public prior to completion of project construction.
  - a. Tours will be limited to ten (10) people.
  - b. The tours will be free of charge.
  - c. The Oakland Portal building is not Americans with Disabilities (ADA) accessible and in-person tours will not be available to individuals needing special accommodation. A virtual tour of the building will be available, as per II.H.
2. Notification of the tours will be via the websites, list serves and/or other methods of communication available to the consulting parties of this MOA, prior to the commencement of construction. Notification material will clearly state the tour is not ADA accessible.
3. Alameda CTC will coordinate with consulting parties to determine appropriate tour dates for up to three (3) walking tours within a calendar year.
4. Alameda CTC will be responsible for the registration of tour attendees, all communication between the consulting parties and tour attendees. Alameda CTC will provide documentation of tour attendance to Caltrans District 4 and ensure that attendees are aware of the time, location, access, and safety needs of the tours.
5. Alameda CTC will provide any safety equipment deemed necessary by Caltrans to attendees at the commencement of the tour.
6. Alameda CTC will not be responsible for any safety liability of attendees and attendees will sign waivers for any liability.
7. Caltrans District 4 will be responsible for providing access to the George A. Posey Tube and Alameda and/or Oakland Portal Building.

#### **I. Review Requirements**

1. For all measures as applicable in Stipulation II, Alameda CTC will submit draft documentations to Caltrans District 4, for review and comment. Caltrans District 4 will have thirty (30) calendar days to provide comment on the documents. If Caltrans District 4 does not respond within thirty (30) calendar days Alameda CTC will consider the submitted document as final. Caltrans may request an additional fifteen (15) calendar day extension if needed.
2. Alameda CTC will take all comments into account in revising the documents and submit a final version to Caltrans District 4 for approval. Caltrans District 4 has thirty (30) calendar days to approve or schedule a meeting to discuss comments on the documents. If a comment resolution meeting is required, Caltrans will have fifteen (15) calendar days from the date of the meeting to provide any further comments.

### **III. NATIVE AMERICAN CONSULTATION**

Caltrans has consulted with the representatives from the Costanoan Rumsen-Carmel Tribe; Trina Marine Ruano Family; Ohlone Indian Tribe; Ohlone/Costanoan-Northern Valley Yokuts-Bay Miwok; Muwekma Ohlone Indian Tribe of the SF Bay Area; Indian Canyon Mutsun Band of Costanoan; Ohlone/Costanoan; Confederated Villages of Lisjan; Rumsen Am: a Tur:ataj Ohlone; and Amah Mutsun Tribal Band of Mission San Juan Bautista regarding the proposed Undertaking and its effects on historic properties, will continue to consult with them, and will afford them, should they so desire, the opportunity to participate in the implementation of this MOA and the Undertaking. If other tribes or Native American groups who attach religious or cultural significance to historic properties that may be affected by this Undertaking are identified, Caltrans will invite them to participate as consulting parties as the Section 106 process moves forward.

#### **IV. TREATMENT OF HUMAN REMAINS**

As legally mandated, human remains and related items discovered during implementation of the terms of this Agreement and the Undertaking will be treated in accordance with the requirements of Health and Safety Code Section 7050.5(b). If pursuant to Health and Safety Code § 7050.5(c), the coroner determines that the human remains are or may be those of a Native American, then the discovery shall be treated in accordance with the provisions of Public Resources Code § 5097.98 (a)(d).

Caltrans, as the landowner of a portion of the APE, shall ensure, to the extent possible, that the views of the Most Likely Descendent(s), as determined by the Native American Heritage Commission (NAHC), is taken into consideration when decisions are made about the disposition of Native American human remains and associated objects.

#### **V. DISCOVERIES AND UNANTICIPATED EFFECTS**

If Caltrans determines, during implementation of the terms of this MOA or after construction of the Undertaking has commenced, that the Undertaking will affect a previously unidentified property that may be eligible for listing in the National Register or affect a known historic property in an unanticipated manner, Caltrans will address the discovery or unanticipated effect in accordance with 36 CFR Section 800.13(c) and will assume any discovered property to be eligible for inclusion in the National Register.

#### **VI. ADMINSTRATIVE PROVISIONS**

##### **A. Standards**

1. **Definitions.** The definitions provided at 36 CFR § 800.16 are applicable throughout this MOA.
2. Parties to this agreement are defined as follows:
  - a. Signatory parties have the sole authority to execute, amend, or terminate the MOA.
  - b. Invited Signatories have the authority to amend or terminate the MOA.
  - c. Concurring parties, signing the MOA do so to acknowledge their agreement or concurrence with the MOA, but have no legal authority under the MOA to terminate or amend this MOA. Concurring with the terms of this MOA does not constitute their agreement with the Undertaking.

3. **Professional Qualifications.** Caltrans will ensure that only individuals meeting the *Secretary of the Interior's Professional Qualification Standards* (48 FR 44738-39) as defined in Attachment 1 of the Section 106 PA, in the relevant field of study carry out or review appropriateness and quality of the actions and products required by Stipulations I, II, III, IV, and V in this MOA. However, nothing in this stipulation may be interpreted to preclude Caltrans or any agent or contractor thereof from using persons who do not meet the PQS as long as they are directly supervised by professionals who meet the standards.
4. **Documentation Standards.** Written documentation of activities prescribed by Stipulations I, II, III, IV, and V of this MOA shall conform to *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-44740) as well as to applicable standards and guidelines established by the SHPO.
5. **Curation and Curation Standards.** If legal owner(s) of materials resulting from the activities presented by this MOA choose to curate those materials, Caltrans shall ensure that, to the extent permitted under § 5097.98 and § 5097.991 of the California Public Resources Code and the Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001-3013] and its implementing regulations (43 CFR Part 10), the materials and records resulting from the activities prescribed by this MOA are curated in accordance with 36 CFR Part 79. Caltrans shall ensure that the views of the consulting parties are taken into consideration prior to decisions being made about the final disposition of archaeological materials resulting from activities prescribed by this MOA.

## B. Confidentiality

The MOA parties acknowledge that the historic properties covered by this MOA are subject to the provisions of § 304 of the NHPA and § 6254.10 of the California Government Code (Public Records Act), relating to the disclosure of archaeological site information and, having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with said sections.

## C. Resolving Objections

1. Should any party to this MOA object at any time in writing to the manner in which the terms of this MOA are implemented, to any action carried out or proposed with respect to implementation of the MOA (other than the Undertaking itself), or to any documentation prepared in accordance with and subject to the terms of this MOA, Caltrans shall immediately notify the other MOA parties of the objection, request their comments on the objection within fifteen (15) days following receipt of Caltrans' notification, and proceed to consult with the objecting party for no more than thirty (30) days to resolve the objection. Caltrans will honor the request of the other parties to participate in the consultation and will take any comments provided by those parties into account.
2. If the objection is resolved during the 30-day consultation period, Caltrans may proceed with the disputed action in accordance with the terms of such resolution.
3. If at the end of the 30-day consultation period, Caltrans determines that the objection cannot be resolved through such consultation, then Caltrans shall forward all

documentation relevant to the objection to the ACHP, including Caltrans' proposed response to the objection, with the expectation that the ACHP will, within thirty (30) days after receipt of such documentation:

- a. Advise Caltrans that the ACHP concurs in Caltrans' proposed response to the objection, whereupon Caltrans will respond to the objection accordingly. The objection shall thereby be resolved; or
  - b. Provide Caltrans with recommendations, which Caltrans will take into account in reaching a final decision regarding its response to the objection. The objection shall thereby be resolved; or
  - c. Notify Caltrans that the objection will be referred for comment pursuant to 36 CFR § 800.7(c) and proceed to refer the objection and comment. Caltrans shall take the resulting comments into account in accordance with 36 CFR § 800.7(c)(4) and Section 110(1) of the NHPA. The objection shall thereby be resolved.
4. Should the ACHP not exercise one of the above options within 30 days after receipt of all pertinent documentation, Caltrans may proceed to implement its proposed response. The objection shall thereby be resolved.
  5. Caltrans shall take into account any of the ACHP's recommendations or comments provided in accordance with this stipulation with reference only to the subject of the objection. Caltrans' responsibility to carry out all actions under this MOA that are not the subjects of the objection shall remain unchanged.
  6. At any time during implementation of the measures stipulated in this MOA, should a member of the public raise an objection in writing pertaining to such implementation to any signatory party to this MOA, that signatory party shall immediately notify Caltrans. Caltrans shall immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment in writing on the objection to Caltrans. Caltrans shall establish a reasonable time frame for this comment period. Caltrans shall consider the objection, and in reaching its decision, Caltrans will take all comments from the other signatory parties into account. Within fifteen (15) days following closure of the comment period, Caltrans will render a decision regarding the objection and respond to the objecting party. Caltrans will promptly notify the other signatory parties of its decision in writing, including a copy of the response to the objecting party. Caltrans' decision regarding resolution of the objection will be final. Following issuance of its final decision, Caltrans may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.
  7. Caltrans shall provide all parties to this MOA, and the ACHP, if the ACHP has commented, and any parties that have objected pursuant to this stipulation, with a copy of its final written decision regarding any objection addressed pursuant to this stipulation.
  8. Caltrans may authorize any action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

#### **D. Amendments**

1. Any signatory party to this MOA may propose that this MOA be amended, whereupon all signatory parties shall consult for no more than thirty (30) days to consider such amendment. The amendment will be effective on the date a copy signed by all of the original signatories is filed with the ACHP. If the signatories cannot agree to

appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with V.I.E.

2. Attachments to this MOA may be amended through consultation as prescribed in I.B, as appropriate, without amending the MOA proper.

#### **E. Termination**

1. If this MOA is not amended as provided for in Section D of this stipulation, or if either signatory proposes termination of this MOA for other reasons, the signatory party proposing termination shall, in writing, notify the other MOA parties, explain the reasons for proposing termination, and consult with the other parties for at least thirty (30) days to seek alternatives to termination. Such consultation shall not be required if Caltrans proposes termination because the Undertaking no longer meets the definition set forth in 36 CFR § 800.16(y).
2. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with the terms of that agreement.
3. Should such consultation fail, the signatory party proposing termination may terminate this MOA by promptly notifying the other MOA parties in writing. Termination hereunder shall render this MOA without further force or effect.
4. If this MOA is terminated hereunder, and if Caltrans determines that the Undertaking will nonetheless proceed, then Caltrans shall comply with the requirements of 36 CFR 800.3-800.6, or request the comments of the ACHP pursuant to 36 CFR Part 800.

#### **F. Annual Reporting**

1. Alameda CTC shall prepare an Annual Report documenting actions carried out pursuant to this MOA. The reporting period shall commence one year from the date of execution. The Annual Report shall be distributed to all consulting parties to this MOA.
2. The Annual Report shall address the following: any scheduling changes proposed, historic property surveys and results, status of treatment and mitigation activities, ongoing and completed public programming, any uses that are affecting or may affect the ability of the federal lead agency to continue to meet the terms of this MOA, any disputes and objections received, and how they were resolved, and any additional parties who have become signatories or concurring parties to this MOA in the past year.
3. Alameda CTC in coordination with Caltrans District 4, shall coordinate a meeting of the signatories and consulting parties to this MOA, to be scheduled within ninety (90) calendar days of distribution of the Annual Report, or another mutually agreed upon date, to discuss activities carried out pursuant to this MOA during the preceding year and activities scheduled for the upcoming year. This meeting, should it be deemed unnecessary, may be cancelled by mutual consent of the signatory parties.

#### **G. Duration**

1. Unless terminated pursuant to Section E of this Stipulation, or unless it is superseded by an amended MOA, this MOA will be in effect following execution by the signatory parties until Caltrans, in consultation with the other signatory parties, determines that

all of its stipulations have been satisfactorily fulfilled. This MOA will terminate and have no further force or effect on the day that Caltrans notifies the other MOA signatories in writing of its determination that all stipulations of this MOA have been satisfactorily fulfilled.

2. The terms of this MOA shall be satisfactorily fulfilled within five (5) years following the date of execution by the signatory parties. If Caltrans determines that this requirement cannot be met, the MOA parties will consult to reconsider its terms. Reconsideration may include continuation of the MOA as originally executed, amendment of the MOA, or termination. In the event of termination, Caltrans will comply with Section E of this Stipulation if it determines that the Undertaking will proceed notwithstanding termination of this MOA.
3. If the Undertaking has not been implemented within five (5) years following execution of this MOA, this MOA shall automatically terminate and have no further force or effect. In such event, Caltrans shall notify the other signatory parties in writing and, if it chooses to continue with the Undertaking, shall reinstate review of the Undertaking in accordance with 36 CFR Part 800.

#### **H. Effective Date**

This MOA will take effect on the date that it has been executed by Caltrans and the SHPO.

**EXECUTION of this MOA by Caltrans and the SHPO, its filing with the ACHP in accordance with 36 CFR §800.6(b)(1)(iv), and subsequent implementation of its terms, shall evidence, pursuant to 36CFR§800.6(c), that this MOA is an agreement with the ACHP for purposes of Section 110(l) of the NHPA, and shall further evidence that Caltrans has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties, and that Caltrans has taken into account the effects of the Undertaking on historic properties.**

**MEMORANDUM OF AGREEMENT  
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT  
IN OAKLAND AND ALAMEDA, CALIFORNIA**

**SIGNATORY:**

CALIFORNIA DEPARTMENT OF TRANSPORTATION

By Philip J. Stolarski 7/22/21 Date  
Philip J. Stolarski, Division Chief  
California Division of Environmental Analysis

**MEMORANDUM OF AGREEMENT  
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT  
IN OAKLAND AND ALAMEDA, CALIFORNIA**

**SIGNATORY:**

CALIFORNIA OFFICE OF HISTORIC PRESERVATION

By  \_\_\_\_\_ Date 7/22/21  
Julianne Polanco  
State Historic Preservation Officer

**MEMORANDUM OF AGREEMENT  
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT  
IN OAKLAND AND ALAMEDA, CALIFORNIA**

**INVITED SIGNATORIES:**

CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 4

  
\_\_\_\_\_ Date 7/27/2021  
Dina El-Tawansy, District Director  
District 4

ALAMEDA COUNTY TRANSPORTATION COMMISSION

  
\_\_\_\_\_ Date 7/29/2021  
Tess Lengyel, Executive Director  
Alameda County Transportation Commission

CITY OF OAKLAND

\_\_\_\_\_ Date

JACK LONDON IMPROVEMENT DISTRICT

  
\_\_\_\_\_ Date 8/9/2021

**MEMORANDUM OF AGREEMENT  
BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE OAKLAND ALAMEDA ACCESS PROJECT  
IN OAKLAND AND ALAMEDA, CALIFORNIA**

**CONCURRING PARTIES:**

OAKLAND HERITAGE ALLIANCE

Mary Harper Date 8/6/21  
Mary Harper, President

SOUTH OF THE NEIMITZ IMPROVEMENT COUNCIL

Gary Knecht Date 6 AUG 2021  
GARY KNECHT, PRES.

COSTANOAN RUMSEN-CARMEL TRIBE

Tony Cerda Date 8/3/21  
Tony Cerda, Chairperson

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

## California Department of Transportation

DIVISION OF ENVIRONMENTAL ANALYSIS  
1120 N STREET  
P.O. BOX 942874  
SACRAMENTO, CA 94274-0001  
PHONE (916) 879-6758  
FAX (916) 653-7757  
TTY (916) 653-4086



July 22, 2021

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

**Subject: Final Memorandum of Agreement for the Oakland Alameda Access Project, Cities of Oakland and Alameda in the County of Alameda, EA 0G360, (FHWA\_2020\_0507\_002)**

Dear Ms. Polanco:

Caltrans is pleased to submit for your signature the Memorandum of Agreement for the Oakland Alameda Access Project (MOA). This continuing consultation is conducted pursuant to Stipulation XI of the 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, And The California Department of Transportation Regarding Compliance With Section 106 Of The National Historic Preservation Act, As It Pertains To The Administration Of The Federal-Aid Highway Program In California (PA)*.

We look forward to receiving your signature so that the MOA can proceed with the proposed strategy to resolve adverse effects for the project. Copies of the MOA and attachments will be provided to all signatories. If you have any questions, please contact me at (916) 879-6758 or david.price@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Price'.

David Price  
Section 106 Coordinator  
Cultural Studies Office

Enc: *Final Memorandum of Agreement for the Oakland Alameda Access Project, Cities of Oakland and Alameda in the County of Alameda, California*

Copy: Helen Blackmore, Branch Chief, Caltrans District 4

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CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

## California Department of Transportation

DIVISION OF ENVIRONMENTAL ANALYSIS  
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June 8, 2021

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

**Subject: Oakland Alameda Access Project, Cities of Oakland and Alameda in the County of Alameda, EA 0G360, (FHWA\_2020\_0507\_002)**

Dear Ms. Polanco:

The California Department of Transportation (Caltrans) is continuing consultation with the State Historic Preservation Officer (SHPO) regarding the proposed Oakland Alameda Access Project in the Cities of Oakland and Alameda in the County of Alameda (Undertaking). See pages 1 and 2 of the attached Built Environment Treatment Plan (BETP) for a full project description.

This consultation is in accordance with the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (Section 106 PA) and the January 2015 *Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92, addended 2019* (5024 MOU).

Caltrans previously consulted with the SHPO in May of 2020 regarding National Register determinations of eligibility and received SHPO concurrence on June 8, 2020. On October 20, 2020 Caltrans submitted a Finding of Adverse Effect and received SHPO concurrence on February 8, 2021.

There are four built environment historic properties in the Area of Potential Effects: Oakland Waterfront Warehouse Historic District, George A. Posey Tube (Posey

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Julianne Polanco, State Historic Preservation Officer  
June 8, 2021  
Page 2

Tube), American Bag Company/Union Hide Company Building and the Seventh Street/Harrison Square Residential District. The project will have an adverse effect on the Posey Tube, which is a contributing feature of the Oakland Waterfront Warehouse Historic District. The George A. Posey Tube is owned by Caltrans and is a PRC 5024 State-owned Historical Resource that is on the Master List. The project will remove two sections of the Posey Tube's balustrade wall and staircase at the Oakland Approach to construct a horse-shoe onramp to Interstate 880 (I-880). The sections are approximately 175 feet and 95 feet. Further, it was determined that the project would have No Adverse Effects to the Seventh Street/Harrison Square Residential District (including 97 contributing buildings) and the American Bag Company/Union Hide Company Building.

To ensure local Section 106 stakeholders were in agreement with the proposed approach to mitigate adverse effects of the Undertaking, Caltrans developed the enclosed draft Memorandum of Agreement (MOA) and Built Environment Treatment Plan (BETP) in consultation with consulting parties including the Oakland Heritage Alliance (OHA), Jack London Improvement District, Oakland Landmarks Advisory Preservation Board, and the South of Nimitz Improvement Council (SoNIC). Caltrans hosted three stakeholder working group meetings and distributed the MOA and BETP to the stakeholders on April 9, 2021. Caltrans held a stakeholder working group meeting on April 19, 2021 to address and resolve any comments that the stakeholders provided. In advance of the meeting SoNIC provided Caltrans with track change comments that were minor in nature. During the meeting OHA had no major comments and asked that the demolition of the western truncated pylon at the Oakland Approach be studied further during the design phase, this was incorporated into the BETP. The draft MOA and BETP were distributed to the stakeholders on May 3, 2021 and minor comments were received from the OHA, and the edits incorporated into the BETP. Caltrans presented the mitigation measures to the Oakland Landmarks Preservation Advisory Board (LPAB) on June 7, 2021 and received no comments. Staff from the LPAB and the City of Oakland have attended all mitigation workshop meetings.

The BETP includes the design review process for the removal and replacement of the balustrade walls and stairs, and an Environmentally Sensitive Area (ESA) will be designated for the previously truncated pylon(s) of the Oakland Approach. The eastern pylon will be protected through the establishment of an ESA, and the western pylon, if determined feasible, will also be protected in place by an ESA.

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Julianne Polanco, State Historic Preservation Officer  
June 8, 2021  
Page 3

Per Stipulation XI of the PA and 36 CRF§800.6(a) Caltrans is continuing consultation with the SHPO on the resolution of adverse effects to Posey Tube and Oakland Warehouse Waterfront Historic District that will result from the Undertaking. In accordance with Stipulation XI.A of the PA and 36 CRF§800.6(c), Caltrans, on behalf of the Federal Highway Administration, proposes to resolve the adverse effects by entering into a MOA to facilitate the implementation of a Built Environment Treatment Plan. We currently seek comment or approval of the enclosed MOA and BETP.

If you have any questions regarding this consultation, please contact me or Architectural Historian, Helen Blackmore at [Helen.Blackmore@dot.ca.gov](mailto:Helen.Blackmore@dot.ca.gov). Thank you for your assistance with this undertaking.

Sincerely,



**David Price**  
Section 106 Coordinator  
Cultural Studies Office  
Division of Environmental Analysis

Enc: Draft Memorandum of Agreement and Built Environment Treatment Plan for the Oakland Alameda Access Project in Alameda County

Cc: Helen Blackmore, Project Historian, Caltrans District 4

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Gavin Newsom, Governor

**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100  
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calshpo.ohp@parks.ca.gov [www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)

February 8, 2021

VIA EMAIL

In reply refer to: FHWA\_2020\_0507\_002  
CATRA\_2020\_0507\_002

Mr. David Price  
Cultural Studies Office  
Division of Environmental Analysis  
1120 N Street, PO Box 942873, MS-27  
Sacramento, CA 94273-0001

Subject: Finding of Effect for the Oakland Alameda Access Project in the Cities of Oakland and Alameda, Alameda County, California

Dear Mr. Price:

Caltrans is initiating consultation regarding the above project in accordance with the January 1, 2014 First Amended Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the California State Historic Preservation Officer (SHPO), and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA) and the January 2015 Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92 (MOU). As part of your documentation, Caltrans submitted a Historic Property Survey Report (HPSR), a Finding of Adverse Effect report as well as a Section 106 outreach log for the proposed project. On December 4 and 11, 2020, Caltrans also provided additional information via email regarding Caltrans' consultation with interested parties. In addition Caltrans submitted a letter on January 29, 2021 addressing questions from the SHPO's letter of January 5, 2021.

In accordance with Stipulation X.C.1 of the PA and Stipulation X.C.2.b.ii of the MOU, Caltrans is seeking SHPO's concurrence with Caltrans's finding that the Undertaking will have an adverse effect. Caltrans, District 4, has determined that there will be an adverse effect to both the George A. Posey Tube (a state-owned historical resource on the Master List of Historical Resources) and the Oakland Waterfront Warehouse District, of which the George A. Posey Tube is a contributor. The American Bag Company/Union Hide Company Building and the Seventh Street/Harrison Square Residential District will not be adversely affected by the project.

Mr. Price  
February 8, 2021  
Page 2 of 2

FHWA\_2020\_0507\_002  
CATRA\_2020\_0507\_002

Based on review of the submitted documentation, I have no objections to the above finding.

If you have any questions, please contact Natalie Lindquist at (916) 445-7014 with e-mail at [natalie.lindquist@parks.ca.gov](mailto:natalie.lindquist@parks.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal stroke extending to the right.

Julianne Polanco  
State Historic Preservation Officer

**DEPARTMENT OF TRANSPORTATION**  
DIVISION OF ENVIRONMENTAL ANALYSIS,  
1120 N STREET, MS 27  
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January 29, 2021

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

**Re: Oakland Alameda Access Project, Cities of Oakland and Alameda in the County of Alameda, EA 0G360 (FHWA\_2020\_0507\_002)**

Dear Ms. Polanco:

The California Department of Transportation (Caltrans) is continuing consultation with the State Historic Preservation Officer (SHPO) regarding the proposed Oakland Alameda Access Project in the Cities of Oakland and Alameda in the County of Alameda (Undertaking). A full project description can be found on Page 2 of the Finding of Adverse Effect Report (FAE), submitted to your office on October 20, 2020. This letter is in response to your letter dated January 5, 2021 and follows our meeting with OHP Staff, Natalie Lindquist and Lucinda Woodward on January 19, 2021.

In your January 5<sup>th</sup> letter, you stated that it was unclear whether Caltrans had consulted with interested parties regarding the finding of effect for the project. Caltrans submitted copies of the Section 106 FAE document to the consulting parties with a request for comments or concerns on December 11, 2020. Caltrans has not received any response to date. Prior to our October submittal of the FAE to your office, Caltrans consulted with interested parties regarding the finding of effect for the undertaking via several means and methods including written correspondence, public scoping meetings and a series of Stakeholder Working Group (SWG) meetings that sought to respond to comments by directly involving stakeholders in the design development process. A detailed summary of public participation efforts for the project may be found in Section 3 of the FAE and in Chapter 2.10 of the draft Environmental Impact Report/Environmental Assessment (EIR/EA).

We would also like to provide some project history to address your concern that Caltrans is proceeding with discussing mitigation measures before the SHPO has commented on the FAE for this project. The Oakland Alameda Access Project, formerly known as the Broadway/Jackson Interchange Project and then the Broadway/Jackson Street

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*Final Environmental Impact Report/Environmental Assessment and Final Individual Section 4(f) Evaluation with Finding of No Significant Impact*  
*Appendix A. Final Individual Section 4(f) Evaluation*

Ms. Julianne Polanco  
January 29, 2021  
Page 2 of 2

Interchange Improvements Project, has been studied for over 20 years. Each iteration of the project included a robust stakeholder engagement process, which resulted in discarding numerous proposed alternatives due to a lack of support from the local community and the potential to design a less-impactful alternatives. The community's concern for effects to historic properties led Caltrans to the current design, which minimized effects to the Posey Tube wall and resulted in the development of a single Build Alternative and a No-Build Alternative.

Caltrans has conducted thorough stakeholder engagement acknowledging their belief that the Build-Alternative would result in adverse effects to the Posey Tube and the Oakland Warehouse Waterfront District. Unfortunately, Caltrans cannot further minimize or avoid adverse effects to the historic properties while still meeting the purpose and need of the project. Though this agreement among the stakeholders and Caltrans may not have been explicit in the reporting, the understanding was prevalent throughout the consultation process. This understanding led to early discussion of potential mitigation measures to address the agreed-upon adverse effects, including ways to finalize the process of design review for the new wall in the Historic Properties Treatment Plan (HPTP). The discussions were in response to inquiries and concerns raised by stakeholders and was conducted in good faith. No decisions have been made with respect to mitigation, and we look forward to further consultation with stakeholders and your office to appropriately resolve the adverse effects of the project.

Thank you for meeting with us on January 19, 2020. We appreciate your feedback, and it is our hope that our conversation and the explanations provided in this letter give adequate clarity in response to your concerns and will allow you to concur with the Undertaking's Finding of Adverse Effect in accordance with Stipulation X.C.1 of the PA and Stipulation X.C.2.b.ii of the MOU.

If you have any questions regarding this consultation, please contact Helen Blackmore at [Helen.Blackmore@dot.ca.gov](mailto:Helen.Blackmore@dot.ca.gov).

Thank you for your assistance with this undertaking.

Sincerely,



David Price  
Section 106 Coordinator  
Cultural Studies Office

Cc: Helen Blackmore, Caltrans District 4 Branch Chief

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**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

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calshpo.ohp@parks.ca.gov [www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)

January 5, 2021

VIA EMAIL

In reply refer to: FHWA\_2020\_0507\_002  
CATRA\_2020\_0507\_002

David Price  
Cultural Studies Office  
Division of Environmental Analysis  
1120 N Street, PO Box 942873, MS-27  
Sacramento, CA 94273-0001

Subject: Finding of Effect for Proposed Oakland Alameda Freeway Access Project,  
Alameda County, CA

Dear Mr. Price:

Caltrans is continuing consultation regarding the above project in accordance with the January 1, 2014 First Amended Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California (PA) and the January 2015 Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26-92 (MOU). A full project description can be found on Page 2 of the enclosed Finding of Adverse Effect Report (FAE). As part of your documentation, Caltrans submitted a FAE report for the proposed project. In addition, on December 4 and 11, 2020, Caltrans also provided additional information via email regarding Caltrans' consultation with interested parties.

In accordance with Stipulation X.C.1 of the PA and Stipulation X.C.2.b.ii of the MOU, Caltrans is seeking SHPO's concurrence with Caltrans's finding that the Undertaking will have an adverse effect. Caltrans, District 4, has determined that there will be an adverse effect to both the George A. Posey Tube (a state-owned historical resource on the Master List of Historical Resources) and the Oakland Waterfront Warehouse District, of which the George A. Posey Tube is a contributor. The American Bag Company/Union Hide Company Building and the Seventh Street/Harrison Square Residential District will not be adversely affected by the project.

Mr. Price  
January 5, 2021  
Page 2 of 3

FHWA\_2020\_0507\_002  
CATRA\_2020\_0507\_002

Based on my review of the submitted documentation I have the following comments:

- It is unclear whether Caltrans ever consulted with interested parties with regards to the finding of effect for this undertaking. In an email of December 10, 2020, Caltrans stated:

*"Historically, Caltrans D4 has not consulted with stakeholders on the development of design alternatives specifically under Section 106, since design details/questions/alternatives are addressed through the DED public circulation process, which was circulated for this project in November, with the comment period ending Dec 2, 2020. Caltrans ensured that all Section 106 stakeholders were sent the DED and invitation to the public meeting for the project. To continue the dialogue with the Section 106 stakeholders, prior to DED circulation, Caltrans worked with the Section 106 stakeholders to determine design alternatives to minimize potential affects to cultural resources."*

It appears that Caltrans is combining the CEQA/NEPA process with Section 106. Please explain if Caltrans clearly stated in the Draft Environmental Document (DED) that Caltrans was also providing this as part of the consultation process under Section 106.

- The State Historic Preservation Officer (SHPO) also has concerns that Caltrans is proceeding with discussing mitigation measures before the SHPO has commented on the FAE for this project. According to Caltrans' email of December 10, 2021, Caltrans sent letters and emails on November 6, 2020, to the Oakland Heritage Alliance (OHA) and sixteen other groups inviting them to participate in mitigation development and completion of the MOA. At that point in time the draft circulation on the DED was not complete. In addition, the SHPO has not commented on the FAE. On November 13, 2020, the SHPO received an email from Naomi Schiff of OAH asking the SHPO to clarify how the MOU and consulting phases relate to environmental approvals and final design. Based off of this email it appears the public is also uncertain of how Caltrans is conducting the consultation process.
- The SHPO would like to set a meeting between staff and Caltrans to discuss our concerns regarding how the consultation process is working. After the meeting Caltrans can then respond in writing with a clear explanation of how Caltrans consulted with interested parties and took their comments into account.

Mr. Price  
January 5, 2021  
Page 3 of 3

FHWA\_2020\_0507\_002  
CATRA\_2020\_0507\_002

If you have any questions, please contact Natalie Lindquist at (916) 445-7014 with e-mail at [natalie.lindquist@parks.ca.gov](mailto:natalie.lindquist@parks.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'JP', with a long horizontal line extending to the right.

Julianne Polanco  
State Historic Preservation Officer

DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENVIRONMENTAL ANALYSIS,  
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*Making Conservation  
A California Way of Life*

October 20, 2020

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

**Subject: Finding of Adverse Effect for the Oakland Alameda Access Project in the Cities of Oakland and Alameda, Alameda County (FHWA\_2020\_0507\_002)**

Dear Ms. Polanco:

The California Department of Transportation (Caltrans) is continuing consultation with the State Historic Preservation Officer (SHPO) regarding the proposed Oakland Alameda Access Project in the Cities of Oakland and Alameda in the County of Alameda (Undertaking). A full project description can be found on Page 2 of the enclosed Finding of Adverse Effect Report (FAE).

Section 106 responsibilities for this Undertaking are in accordance with the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (hereafter, the PA). Public Resource Code (PRC) 5024 responsibilities for this Undertaking are in accordance with the January 2015 Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and Governor's Executive Order W-26- 92, addended 2019 (hereafter, the MOU).

Enclosed you will find a FAE for the proposed Undertaking. In accordance with Stipulation X.C.1 of the PA and Stipulation X.C.2.b.ii of the MOU, Caltrans is seeking SHPO's concurrence with Caltrans's finding that the Undertaking will have an adverse effect.

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*Final Environmental Impact Report/Environmental Assessment and Final Individual Section 4(f) Evaluation with Finding of No Significant Impact*  
*Appendix A. Final Individual Section 4(f) Evaluation*

Ms. Julianne Polanco  
October 20, 2020  
Page 2 of 2

Caltrans, District 4, has determined that there will be an adverse effect to both the George A. Posey Tube (a state-owned historical resource on the Master List of Historical Resources) and the Oakland Waterfront Warehouse District, of which the George A. Posey Tube is a contributor. The American Bag Company/Union Hide Company Building and the Seventh Street/Harrison Square Residential District will not be adversely affected by the project. The analysis for these determinations can be found in the attached Finding of Adverse Effect Report.

In addition, the SHPO's response to the George A. Posey Tube and the Oakland Waterfront Warehouse District will be incorporated within the individual 4(f) Evaluation for that property. The Draft Environmental Document (DED) with attached Individual Section 4(f) analysis was circulated on September 29, 2020, and can be found online at <https://dot.ca.gov/caltrans-near-me/district-4/d4-projects/d4-ooap>. The SHPO was also sent a hard and electronic copy of the DED and 4(f) analysis.

If you have any questions regarding this consultation, please contact me at [David.price@dot.ca.gov](mailto:David.price@dot.ca.gov) or Helen Blackmore, District 4 architectural historian, at [Helen.Blackmore@dot.ca.gov](mailto:Helen.Blackmore@dot.ca.gov).

Thank you for your assistance with this undertaking.

Sincerely,



**David Price**  
Section 106 Coordination Branch Chief  
Cultural Studies Office  
Caltrans Division of Environmental Analysis

Enclosures: Finding of Adverse Effect for the Oakland Alameda Access Project in the cities of Oakland and Alameda, Alameda County

Cc: David Price, Caltrans DEA, Section 106 Coordinator;  
Jill Hupp, Caltrans DEA, PRC 5024 Coordinator;  
Helen Blackmore, Caltrans District 4, Environmental Branch Chief

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to enhance California's economy and livability*



DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100  
Telephone: (916) 445-7000 FAX: (916) 445-7053  
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

June 8, 2020

VIA EMAIL

In reply refer to: FHWA\_2020\_0507\_002

Mr. Christopher Caputo  
Chief, Office of Cultural Resource Studies  
Caltrans District 4  
PO Box 23660, MS 8-A  
Oakland, CA 94623-0660

Subject: Determinations of Eligibility for the Proposed Oakland Alameda Freeway Access Project, Alameda County, CA

Dear Mr. Caputo:

Caltrans is initiating consultation regarding the above project in accordance with the January 1, 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA). As part of your documentation, Caltrans submitted a Historic Property Survey Report (HPSR), Historical Resources Evaluation Report (HRER), Archaeological Survey Report, and Extended Phase One report for the proposed project.

Caltrans proposes improvements on Interstate 880 and State Route 260 in Alameda and Oakland. A complete description of the project and area of potential effect are located on page 1 and 2 of the HPSR.

Pursuant to Stipulation VIII.C.6 of the PA, Caltrans determined that the following properties are not eligible for the National Register of Historic Places (NRHP):

- 224 6th Street, Oakland (APN 1-181-14)
- 601-609 Jackson Street, Oakland (APN 1-181-12)
- 333 5th Street, Oakland (APN 1-147-1)
- 325 5th Street, Oakland (APN 1-14-2)
- 425 Alice Street, Oakland (APN 1-153-6)
- 211-213 5th Street, Oakland (APN 1-155-3)
- 425 Jackson Street, Oakland (APN 1-155-4)

Mr. Caputo  
June 8, 2020  
Page 2 of 2

FHWA\_2020\_0505\_002

Based on review of the submitted documentation, I concur. Please note that archaeological review is still ongoing and any archaeological comments will follow in a subsequent letter.

If you have any questions, please contact Natalie Lindquist at (916) 445-7014 with e-mail at [natalie.lindquist@parks.ca.gov](mailto:natalie.lindquist@parks.ca.gov).

Sincerely,



Julianne Polanco  
State Historic Preservation Officer

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
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Making Conservation  
a California Way of Life.

May 6, 2020

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Suite 100  
Sacramento, CA 95816

Subject: Determination of Eligibility for the Oakland Alameda Freeway Access Project, Alameda County (Project EFIS 0400000326, EA 0G360).

Dear Ms. Polanco:

The California Department of Transportation (Caltrans) is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the proposed improvements on Interstate 880 and State Route 260 in Alameda and Oakland, in Alameda County (Undertaking). A full project description and APE map can be found on page 1 and 2, respectively, of the enclosed Historic Property Survey Report (HPSR).

Section 106 responsibilities for this Undertaking are being conducted in accordance with the January 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (hereafter, the PA).

Enclosed you will find an HPSR, Historic Resources Evaluation Report (HRER), Archaeological Survey Report (ASR) and Extended Phase One Report (XPI) for the proposed Undertaking. In accordance with Stipulation VIII.C.6 of the PA, Caltrans is requesting SHPO's concurrence on the National Register of Historic Places (NRHP) eligibility determinations for the following built resources, which were recorded and evaluated in the attached HRER.

The following properties have been determined **not eligible** for inclusion in the NRHP:

- 224 6<sup>th</sup> Street, Oakland (APN 1-181-14)
- 601-609 Jackson Street, Oakland (APN 1-181-12)
- 333 5<sup>th</sup> Street, Oakland (APN 1-147-1)
- 325 5<sup>th</sup> Street, Oakland (APN 1-14-2)
- 425 Alice Street, Oakland (APN 1-153-6)
- 211-213 5<sup>th</sup> Street, Oakland (APN 1-155-3)
- 425 Jackson Street, Oakland (APN 1-155-4)

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Julianne Polanco  
5/6/2020  
Page 2

We would appreciate receiving the SHPO's concurrence on the determination of eligibility within 30 days of your receipt of this submittal. If you have any questions, please contact Architectural Historian Douglas Bright at (510) 286-5350, Douglas.Bright@dot.ca.gov or Archaeologist Kristina Montgomery at (510) 286-5615, Kristina.Montgomery@dot.ca.gov.

Thank you for your assistance with this undertaking.

Sincerely,



CHRISTOPHER CAPUTO  
Chief, Office of Cultural Resource Studies  
California Department of Transportation, District 4

Enclosures:

- Historic Property Survey Report for the Oakland Alameda Freeway Access Project
- Historic Resources Evaluation Report for the Oakland Alameda Freeway Access Project
- Archaeological Survey Report for the Oakland Alameda Freeway Access Project
- Extended Phase One Report for the Oakland Alameda Freeway Access Project

c: David Price, Section 106 Coordinator; OCRS files.

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## **Appendix A-1. Resources Evaluated Relative to the Requirements of Section 4(f): No Use Determinations**

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law in 49 USC 303, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

This section of the document discusses parks, recreational facilities, wildlife refuges, and historic properties found within or next to the proposed project area that do not trigger Section 4(f) protection because: 1) they are not publicly owned, 2) they are not open to the public, 3) they are not eligible historic properties, or 4) the proposed project does not permanently use the property and does not hinder the preservation of the property.

For more detailed information on historic sites, please see Chapter 2, Section 2.10. Cultural Resources and Section 2.3. Parks and Recreational Facilities in the Final EIR/EA.

### **Section 4(f) Study Areas**

- The proposed project APE was used to analyze all potential Section 4(f) historic sites (shown in Figure 1 and 2).
- The Section 4(f) study area identified all potential parks, recreational facilities, and wildlife and waterfowl refuges. The Section 4(f) study area included properties within and immediately adjacent to the project footprint, as well as nearby properties to ensure proximity impacts were considered.

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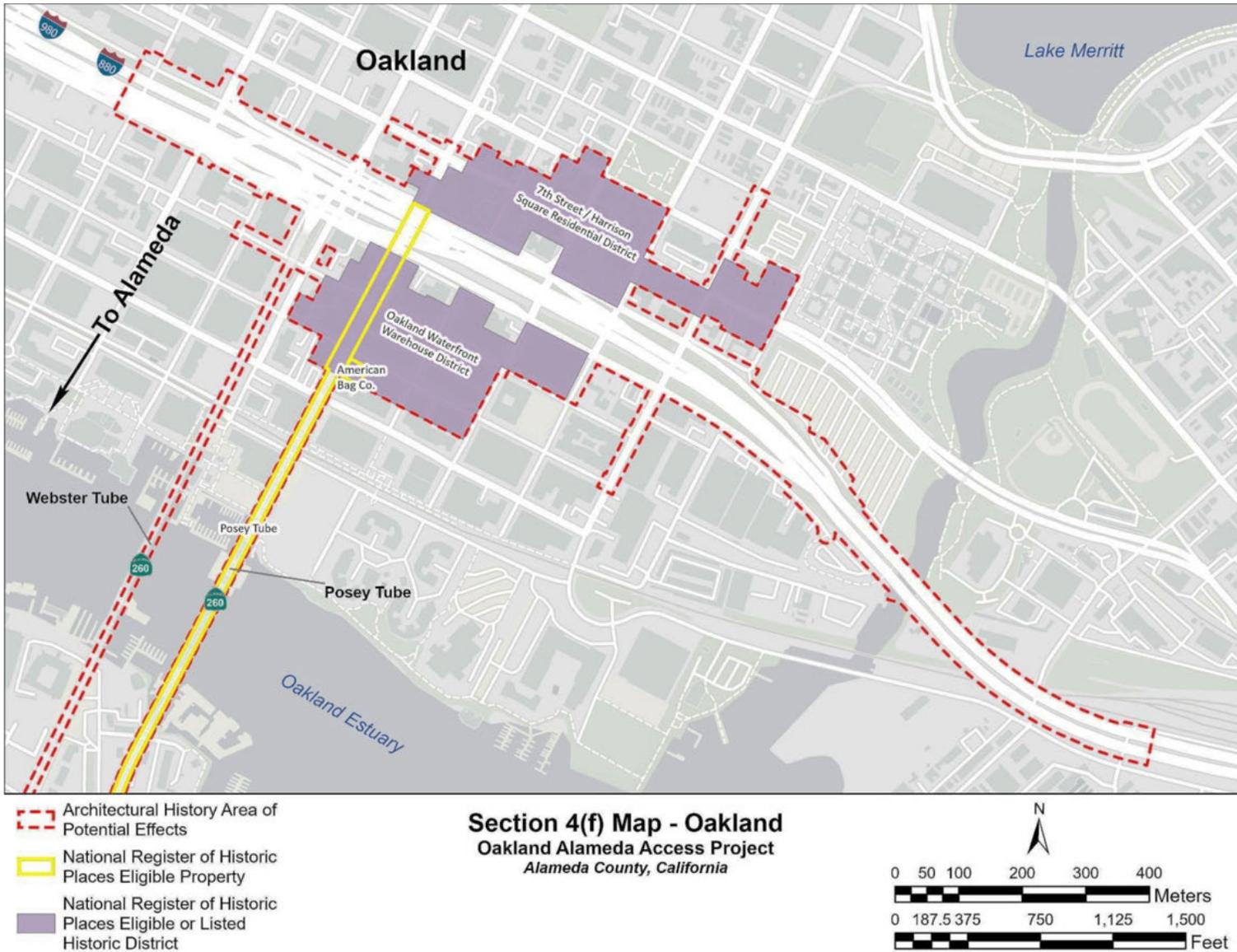
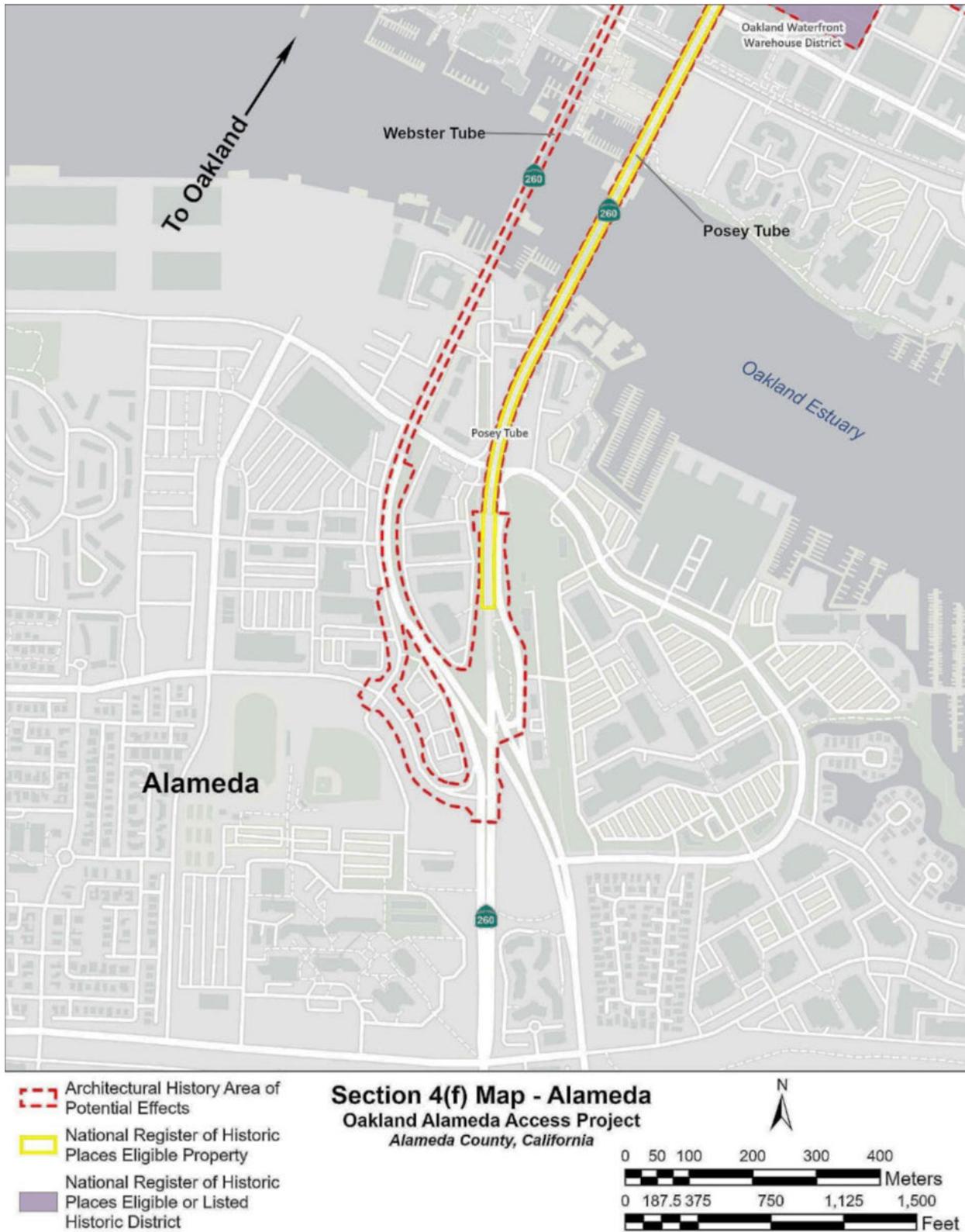


Figure 1. Section 4(f) Map - Oakland

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Source: HNTB (2020)

Figure 2. Section 4(f) Map - Alameda

### Section 4(f) properties include:

- Publicly owned parks, recreation areas, wildlife or waterfowl refuges.
- Historic sites on or eligible for the NRHP.
- Archaeological sites on or eligible for listing on the NRHP and that warrant preservation in place as determined by Caltrans and the official(s) with jurisdiction.

### Section 4(f) Properties Not Eligible for Protection

#### HISTORIC SITES

The following table lists historic properties in the APE that were previously evaluated for the NRHP but were determined not eligible; therefore, Section 4(f) does not apply.

APN/Resource Name	Historic Name	Community	Year Built
1-183-1	Harrison Square	Oakland	1853
1-177-20	Jackson Street Garage; Sunny Way Sewing	Oakland	1921; 1924
1-153-12-1	Saroni Wholesale Sugar & Rice Warehouse	Oakland	1922
1-155-6	Eagle Sales Inc.	Oakland	1947-48
1-157-1	Prime Smoked Meats	Oakland	1953; 1967
1-157-5	Prime Smoked Meats, Inc.	Oakland	1953; 1967
1-157-29	WP Fuller Co. Annex	Oakland	1914
18-455-11; 18-465-9	Southern Pacific Railroad Yards & Tracks/Hanlon Lead Bridge	Oakland	ca. 1940s-50s
Bridge 33-0106L	Webster Street Tube (Oakland and Alameda Portal buildings)	Oakland	1963
Bridge 33-0198	N/A	Oakland	1958; 1985
Bridge 33-0200	N/A	Oakland	1953; 1984
Bridge 33-0483F	N/A	Oakland	1985; 1990
Bridge 33-0485K	N/A	Oakland	1985
Bridge 33-0513K	N/A	Alameda	1985
Bridge 33-0754*	N/A	Oakland	2013

Source: HRER (March 2020)

\*Bridge 33 0754 replaced Bridge 33 0027

ca. = circa

The following table lists historic properties in Oakland determined not eligible for the NRHP as a result of the 2020 HRER; therefore, Section 4(f) does not apply. No properties were identified under this category for Alameda.

APN/ Resource Name	Historic Name	Year Built
1-181-14	N/A	1959
1-181-12	Schnebly, Hostrawser & Pedgrift	1913
1-147-1	Alameda County Weights & Measures	1949-57
1-147-2	N/A	1964
1-153-6	N/A	1954
1-155-3	N/A	ca. 1966-88
1-155-4	N/A	1966

Source: HRER (March 2020)

All other properties present within the APE, including state-owned resources, were evaluated and met the criteria for the *Section 106 PA/5024 MOU Attachment 4 (Properties Exempt from Evaluation)*. Properties within the APE that were exempt from evaluation consisted of minor, ubiquitous or fragmentary infrastructural elements (Property Type 1), built resources less than 30 years old (Property Type 2), built resources 30 to 50 years old (Property Type 4); and substantially altered buildings that appear to be more than 30 years old (Property Type 6).

The following table lists properties exempt from evaluation; therefore Section 4(f) does not apply.

APN/Resource Name	Year Built	Exempted Property Type
1-153-4	post-1980	4
1-153-5	post-1980	4
1-153-109	2006	2
1-155-2	1917	6
1-155-9	ca. 2001	2
1-155-203	2006	2
1-161-1	2018	2
1-161-2	2018	2
1-167-1	1980	4
1-167-12	1980	4
1-175-7	1978	4
1-175-15	2018	2
1-175-20	2015	2
1-175-47	1985	4
1-179-15	post-1984	4

APN/Resource Name	Year Built	Exempted Property Type
1-181-3	1976	4
1-181-5	1976	4
1-181-9	1981-1984	4
1-181-13	1888-1889	6
1-181-16	1982-1983	4
1-189-12	1978	4
Cobblestone Gutter	pre-1910	1
Cobblestone Gutter	pre-1910	1
Road Segment	pre-1900	1

Source: HRER (March 2020)

## HISTORIC DISTRICTS: NON-CONTRIBUTING ELEMENTS

Section 4(f) applies to properties that contribute to the NRHP eligibility of a historic district, as well as any individually NRHP eligible properties within a historic district.

### Oakland Waterfront Warehouse District

The Oakland Waterfront Warehouse District, located entirely within Oakland, has been altered since its listing in the NRHP (April 24, 2000).

The following table lists elements that were evaluated but do not contribute to the NRHP eligibility of the historic district; therefore, Section 4(f) does not apply.

APN/Resource Name	Historic Name	Year Built
1-157-15	N/A	1914
1-155-6	N/A	1947-48
1-147-14	N/A	1998
1-157-1	N/A	1953
1-153-12	N/A	1922

Source: HRER (March 2020)

### 7<sup>th</sup> Street/Harrison Square Residential District

In 1985, Oakland Cultural Heritage Survey concluded that the 7<sup>th</sup> Street/Harrison Square Residential District was eligible for listing in the NRHP (shown in Figure 1). For the purposes of this proposed project, the District is considered eligible for listing in the NRHP pursuant to Stipulation VIII.C.4 of the Section 106 PA and is assumed eligible for the NRHP for the purposes of the proposed project.

The following table lists elements that were evaluated but do not contribute to the NRHP eligibility of the historic district; therefore, Section 4(f) does not apply.

APN/Resource Name	Historic Name	Year Built
1-177-2	N/A	1966
1-177-13	N/A	1950
1-177-14-1	N/A	1964-1965
1-179-17	Doh On Yuen Satellite Home	1968-1969
1-179-19	N/A	1946
1-181-7	N/A	1948-1949
1-183-1	Harrison Square	1853

Source: HRER (March 2020)

## ARCHAEOLOGICAL RESOURCES

Section 4(f) only applies to archaeological sites on or eligible for the NR and warrant preservation in place. An Extended Phase I (XPI) investigation was conducted to determine the presence or absence of buried prehistoric and historic period archaeological cultural resources, including previously identified sites P-01-000091/CA-ALA-314 and P-01-010520/Oakland Block 55 within the APE. No historic period archaeological features or deposits on or eligible for the NR were identified; therefore, Section 4(f) does not apply.

## Section 4(f) Applies: No Use Determination

### AMERICAN BAG COMPANY/UNION HIDE COMPANY BUILDING

The American Bag Company/Union Hide Company Building was listed in the NRHP on August 13, 1999 (NRHP Reference No. 99000896) and is also a contributing element to the Waterfront Warehouse District. The construction of the proposed project would not result in permanent incorporation of land from the property and there would be no temporary or proximity impacts. therefore, there would be no use under Section 4(f).

### 7<sup>TH</sup> STREET/HARRISON SQUARE RESIDENTIAL DISTRICT

The 7<sup>th</sup> Street/Harrison Square Residential District (shown in Figure 1) includes 97 contributing buildings listed in the following table. It is anticipated the construction of the proposed project would not result in permanent incorporation of land from the District or to any of the individual contributors, and there would be no temporary or proximity impacts; therefore, there would be no use under Section 4(f).

APN/Resource Name	Historic Name	Year Built
1-167-2	Rosling House	1889-90
1-167-4	Ferguson House	1889-90
1-167-5	Colburn Complex	1897
1-167-6	McGivney House	1889-90

APN/Resource Name	Historic Name	Year Built
1-167-7	Hogin House	1892
1-167-8	Hogan House	1890-92
1-167-11	Leitsh House	1890-92
1-169-5	Josephs House	1892-93
1-169-6	Sullivan House	1896
1-169-7	N/A	1897-98
1-169-8	Lougee/Baugartner House	1890-91
1-169-9	Gansberg House	1913
1-169-10	Miller House	1892
1-169-11	Bachman House	1909
1-169-12	N/A	1898-99
1-169-13	N/A	1895-96
1-169-14	Grasso House	1904
1-169-15	N/A	1889-90
1-169-16	Beckert House	1889-90
1-169-17	Open Door Mission	1929
1-169-18	N/A	1892-93
1-169-19	N/A	1892-93
1-169-20	Hugo Hohman Residence & Flat	1892
1-169-21	Wickliffe Matthews Residence	1889-90
1-173-1	Casey House	1889
1-173-2	Sturm House	1889-90
1-173-3	N/A	1889-90
1-173-4	N/A	1905-06
1-173-5	N/A	1905-06
1-173-6	Barbeau House	1904-05
1-173-7	Smart House & Smook House	1906-08
1-173-8	N/A	1908
1-173-13	Fieberling House #1	1888-89
1-173-14	Fieberling House #2	1893
1-173-15	Brangs House	1890
1-175-1	N/A	1888-89
1-175-2	N/A	1894-96
1-175-3	Kellaheer House	1890
1-175-4	Kuhne House	1872-73

APN/Resource Name	Historic Name	Year Built
1-175-5	Gilligan House	1867-68
1-175-6	N/A	1875-76
1-175-11	N/A	1904-05
1-175-12	N/A	1904-05
1-175-13	Hamelin House	1904
1-175-14	Lesser House	1904-05
1-175-16	Cary House & Cottage	1888-89
1-175-17	N/A	1900-01
1-175-18	Casjen House	1889-90
1-175-19	Sanderson House	1889-90
1-175-21	Kravenhagen Foy House	1868
1-177-3	N/A	ca. 1875
1-177-4	Jacobvich House	1911
1-177-5	Kelly House #2	1900-01
1-177-6	Kelly House #1	1900-01
1-177-7	N/A	1894-95
1-177-8	Cheney House	1893-94
1-177-9	N/A	1896-97
1-177-10	N/A	1914
1-177-11	N/A	1893-94
1-177-12	N/A	1894-95
1-177-14-2	N/A	1950
1-177-15	Williamson House	1882-83
1-177-16	N/A	1876-77
1-177-17	Stulz House	1866-70
1-177-18	Dolan House	1865-66
1-177-19	Kellaheer House	1872-73
1-177-21	Purcell Grocery & Residence	1889-90
1-179-6	N/A	1890-92
1-179-7	McMullen House	1890-92
1-179-14	N/A	1897
1-179-16	Butler House	1889
1-179-18	N/A	1872; 1891
1-179-20	N/A	1885-86
1-179-21	N/A	1886-87

APN/Resource Name	Historic Name	Year Built
1-179-22	N/A	1888-90
1-179-23	N/A	1886-87
1-179-24	N/A	1886-87
1-179-25	Kessler House	1896
1-179-26	N/A	1877-78
1-181-1	Chloupek (Vincent & James) House	1890-92
1-181-2	Martin (Christian S.) House	1898-99
1-181-4	Lundin (August) House	1898-99
1-181-8	Unfug (John F.W. & Fedo H.) House	1898-99
1-181-10	Potter (John & Mary) House	1860s
1-181-11	Ayers (Alonzo T.) House	1896-97
1-181-15	Murphy House	1871-72
1-181-18	Hennings (Frederick) Residence & Flats	1902-03
1-181-19	Le Fevre House	1890-92
1-181-21	Gray Residence & Flat	1889-90
1-181-22	Stulz (William R. & Anna M.) House	1902-03
1-185-20	N/A	1901-02
1-185-21	N/A	1901-02
1-185-22	N/A	1901-02
1-185-23	Maynard Residence & Flat	1901-02
1-185-24	Chauche House	1867-68
1-189-10	Marston (Samuel I.) House	1876-77
1-189-11	Fielding (John C. & Lydia W.) House	1876

Source: HRER (March 2020)

## PARKS

The Oakland parks shown in Figure 3 were evaluated in the Community Impact Assessment (CIA) (September 2020) study area which extended 0.25 miles outside the project footprint. The parks in the following list are outside the Section 4(f) study area; therefore, there would be no use under Section 4(f). See Chapter 2, Section 2.3. Parks and Recreational Facilities in the Final EIR/EA for more detailed information.

- Jefferson Square Dog Park
- Lincoln Square Park and Recreation Center
- Madison Square Park
- Peralta Park
- Estuary Channel Park
- San Francisco Bay Trail

The following parks are within the Section 4(f) study area (Oakland and Alameda); however, there is no use to these parks under Section 4(f). See Chapter 2, Section 2.3. Parks and Recreational Facilities in the Final EIR/EA for more detailed information.

### **Channel Park**

Channel Park is located in Oakland just north of I-880 and spans either side of the Lake Merritt Channel. Its amenities include a paved path, benches, and public area. The paved path on the western side of the Lake Merritt Channel within Channel Park continues under I-880 and connects with 4<sup>th</sup> Street. Construction activities would be within the elevated I-880 roadway located above the park. Proposed work would include restriping the I-880 roadway that passes over Channel Park. No construction activities would occur in the park; therefore, there is no use under Section 4(f).

### **Chinese Garden Park**

Chinese Garden Park is located in Oakland adjacent to 6<sup>th</sup> Street. Its amenities include open space with landscaping and paths, a gazebo/pagoda, and a community center building that is currently used as a child care center and senior center when it is open. Use of the building is dependent on the current tenant.

The proposed improvements listed below are close to or adjacent to the park, but all improvements are outside the legal park boundary; therefore, there is no use under Section 4(f).

- Removal of the NB I-880/Broadway off-ramp, widening of the roadway, and construction of a cycle track.
- Elimination of existing dual right-turn lane on Harrison Street to construct a pedestrian bulb-out and sidewalk.
- Plant grass adjacent to the northwest side of the park.
- Construction of a bulb-out on the corner of 7<sup>th</sup> and Alice streets.
- New extension of the sidewalk on Alice Street to 6<sup>th</sup> Street.
- Construction a new 5-foot-wide sidewalk outside of the existing park fence near the south side of the park.

There would be the potential for temporary increases in noise, dust, and visual disturbances from construction equipment. These would mostly occur near the Chinese Garden Park from the viaduct removal and sidewalk installation, but access to the park would be maintained throughout construction.

Avoidance, minimization, and/or mitigation measures and best management practices that were identified in other reports — *Noise Study Report, Air Quality Study Report, and Visual Impact Assessment* — and the development of a TMP will avoid and/or minimize impacts on parks and recreation facilities during construction.

Avoidance and minimization measures are identified in Chapter 2, Section 2.3.4. of the Final EIR/EA. They would be implemented to address temporary impacts outside of Chinese Garden Park.

Additionally, temporary construction impacts to visual, air, and noise would be minimized with the avoidance and minimization measures described in Chapter 2, Section 2.9. Visual/Aesthetics, Section 3.6. Air Quality, and Section 3.7. Noise and Vibration. The TMP described in Section 2.8. Traffic and Transportation/Pedestrian and Bicycle Facilities would also avoid and/or minimize impacts to parks and recreation facilities during construction.

## **Neptune Park**

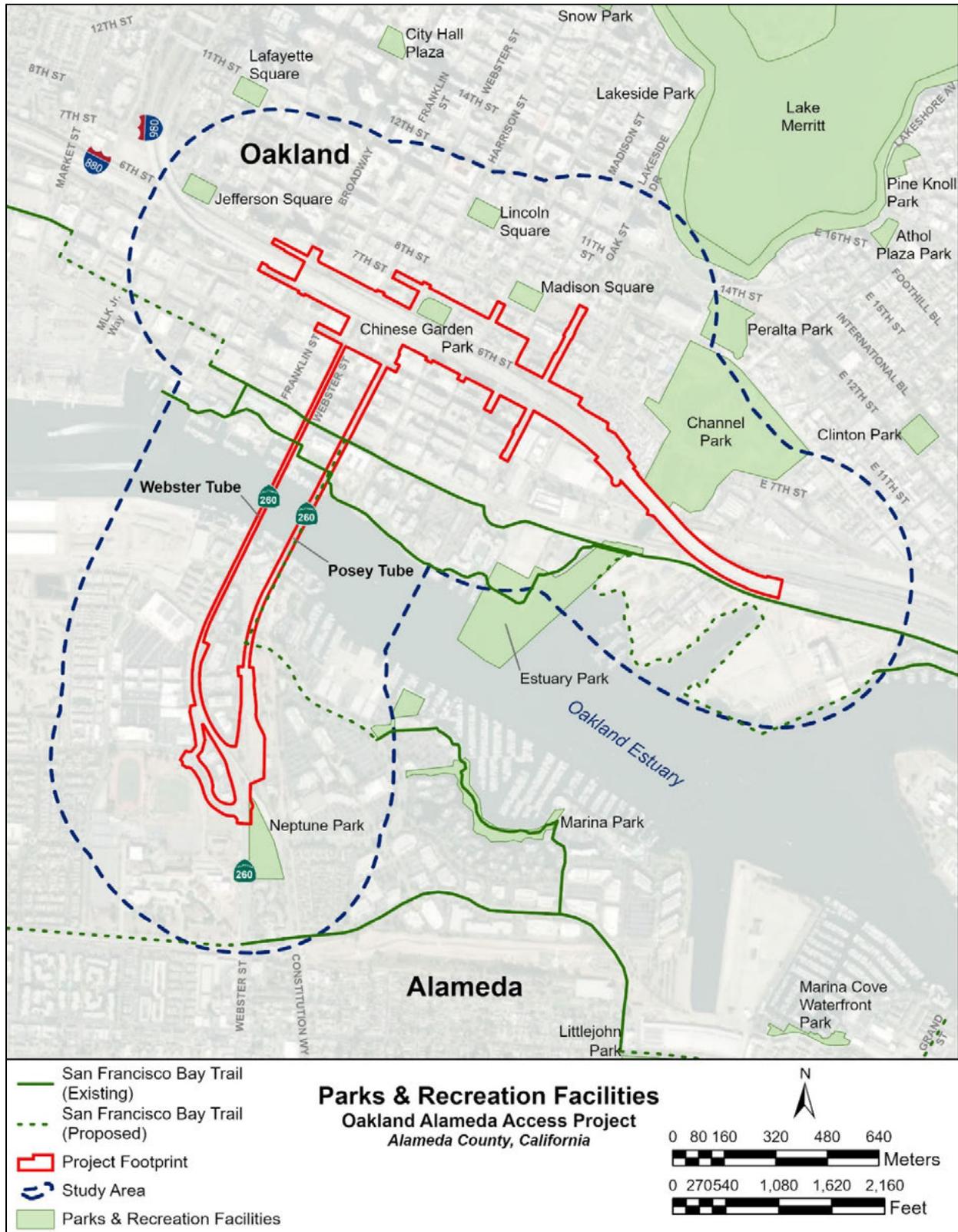
Neptune Park is located in Alameda. Park includes a paved walking trail and open space. Proposed improvements within the boundaries of Neptune Park include widening the existing 8-foot-wide sidewalk to 10 feet, which would provide more space for users and enhance the park's activities and attributes. Scope of work would be minor and limited to widening and reconstructing the sidewalk, modifying signal control vault boxes, relocating signal poles, modifying underground utilities within the sidewalk bulb-out, and removing, restoring or replacing landscaping where needed to construct the features listed here. The City of Alameda concurred with the No Use determination on March 18, 2021 (Attachment A-1). The wider sidewalk would provide more space for all users, enhancing the park's activities and attributes. The proposed improvements constitute a transportation enhancement activity and is a Section 4(f) exception to use under 23 CFR 774.13 (g).

To widen the sidewalk, it is anticipated that a 5-foot-wide temporary construction easement would be needed that could extend into the park. The proposed work in the park would be minor, construction would be temporary (two months), and there would be no changes in ownership. Access to Neptune Park would be maintained at all times during construction. The construction easement would not adversely impact the protected activities, features or attributes of the park. The proposed sidewalk widening would meet the criteria for a temporary occupancy exception to Section 4(f) use under 23 CFR 774.13 (d) and 23 CFR 774.13 (g)(1), which the official with jurisdiction (City of Alameda) concurred with on March 18, 2021. Also, there would not be permanent adverse physical impacts or interference with access or protected activities, and the area would be restored after construction. Therefore; there would be no use under Section 4(f).

The following minimization measure is included in Chapter 2, Section 2.3.4 of the Final EIR/EA, and it would be implemented to address temporary impacts to Neptune Park.

**AMM-PRF-1:** Restore the property after construction and coordinate with the City of Alameda on the restoration of the disturbed areas. Access at all times will be maintained to Neptune Park during construction.

Additionally, temporary construction impacts to visual, air, and noise would be minimized with the avoidance and minimization measures described in Chapter 2, Section 2.9. Visual/Aesthetics, Section 3.6. Air Quality, and Section 3.7. Noise and Vibration. The TMP described in Chapter 2, Section 2.8. Traffic and Transportation/Pedestrian and Bicycle Facilities would also avoid and/or minimize impacts on parks and recreational facilities during construction.



Source: CIA (September 2020)

**Figure 3. Parks and Recreation Facilities**

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## Attachment A-1. Correspondence

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, Governor

### DEPARTMENT OF TRANSPORTATION

DISTRICT 4

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a California Way of Life.

March 18, 2021

Amy Wooldridge  
Recreation and Parks Director, City of Alameda  
2263 Santa Clara Avenue  
Alameda, CA 94501

Dear Ms. Wooldridge,

The California Department of Transportation (Caltrans), in cooperation with the Alameda County Transportation Commission (Alameda CTC), is finalizing the Environmental Impact Report/Environmental Assessment (EIR/EA) with a Finding of No Significant Impact (FONSI) for the Oakland Alameda Access Project (OAAP). Caltrans is the lead agency under both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans is requesting City of Alameda's concurrence that OAAP has a No Use determination for Neptune Park in City of Alameda, under Section 4(f) of the U.S. Department of Transportation Act of 1966. Concurrence from City of Alameda is necessary for Caltrans to approve the project, as Caltrans has been assigned responsibility for Section 4(f) compliance by the Federal Highway Administration in accordance with the 23 USC 327 NEPA Assignment Memorandum of Understanding.

OAAP would improve multimodal safety and reduce conflicts between regional and local traffic; enhance bicycle and pedestrian accessibility and connectivity within the project study area; and improve vehicular mobility and accessibility between Interstate-880, State Route-260, the City of Oakland's downtown neighborhoods, and the City of Alameda. OAAP is located in Alameda County on Interstate 880 between postmiles 30.47 to 31.61 and on State Route 260 between postmiles 0.78 to R1.90 (Figure 1).

The proposed improvements within the boundaries of Neptune Park include widening the existing 8-foot-wide sidewalk to 10 feet and other associated minor improvements, which would provide more space for users and enhance the park's activities and attributes. To widen the sidewalk, OAAP would require a 5-foot-wide temporary construction easement (TCE) for the portion of Neptune

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Park at the intersection of Constitution Way and Webster Street (Figure 2). This TCE will be secured for the entire duration of project construction. Construction work will occur over approximately two months. During the detailed design phase of this project, Alameda CTC's right of way acquisition team will coordinate with City staff regarding processing necessary documents to secure this TCE. Caltrans will follow up with the City of Alameda two weeks prior to OAAP construction to confirm the schedule for work in Neptune Park. The proposed construction work in the park would be minor in scope, the duration would be temporary, approximately two months, and there would be no changes in ownership. Public access to Neptune Park would be maintained at all times during construction and would not be reduced. The TCE and construction would not result in permanent adverse physical impacts or interfere with the protected activities, features, or attributes of the park. After construction, the land would be fully restored to a condition which is at least as good as that which existed prior to the project.

As a public park owned by the City of Alameda, Neptune Park is afforded special protections under Section 4(f). It is Caltrans' conclusion that the TCE would not create a "use" of the Section 4(f) resource as it meets the "temporary occupancy exception" as set forth in 23 CFR Section 774.13(d). Temporary occupancy is an exception to the requirements of Section 4(f). As detailed in the regulation, five conditions need to be satisfied to meet the temporary occupancy exception: temporary duration, minor work, no permanent physical adverse impacts, full land restoration, and official with jurisdiction documented agreement. These five conditions, and the basis for Caltrans' determination as to how each is satisfied, are as follows:

1. Duration of occupancy would be temporary, approximately two months. Ownership of Neptune Park would not change.
2. Scope of work would be minor and limited to widening and reconstructing the sidewalk to improve access, modifying signal control vault boxes, relocating signal poles, modifying underground utilities within the sidewalk bulb-out, and removing and replacing landscaping where needed to construct the features listed here.
3. OAAP is not anticipated to create any permanent adverse physical impacts to Neptune Park or have any interference with the activities or purpose of Neptune Park. Public access would be maintained at all times and would not be reduced.

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4. After construction, the area used would be fully restored to a condition which is at least as good as that which existed prior to the project. Affected landscaping and associated irrigation components will be replaced.
5. Neptune Park is owned by City of Alameda. For Caltrans to proceed with OAAP, the City of Alameda's written and documented agreement with the findings for "temporary occupancy" is needed prior to completion of the final environmental document (expected September 2021).

Avoidance and minimization measures (AMMs) and relevant project features (PFs) are included in the Draft EIR/EA ([www.oaklandalamedaaccessproject.com](http://www.oaklandalamedaaccessproject.com)) and would be implemented to address temporary impacts to Neptune Park:

- AMM-PRF-1 will restore the property after construction and requires coordination with the City of Alameda on restoration of the disturbed areas.
- Additionally, temporary construction impacts to visual, air, and noise would be minimized with the avoidance and minimization measures described in Chapter 2, Section 2.9 Visual/ Aesthetics, Section 3.6 Air Quality, and Section 3.7 Noise and Vibration
- Per PF-TRF-1, the project's Transportation Management Plan would avoid and/or minimize impacts on parks and recreational facilities during construction.

With the incorporation of these AMMs and the noted project feature, there would not be permanent adverse physical impacts or interference with Neptune Park's access or protected activities, features, or attributes, and the area would be restored after construction. This results in the "temporary occupancy" finding.

In addition, it is Caltrans' conclusion that the project would also qualify for an exception to "Use" under 23 CFR 774.13(g) because the use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection. The sidewalk widening would provide more space for users and enhance the park's activities and attributes, qualifying it as a transportation enhancement activity.

Members of the public had the opportunity to comment on the project, the proposed Section 4(f) No Use determination finding for Neptune Park, and the proposed measures to minimize harm during public circulation of the Draft

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EIR/EA ([www.oaklandalamedaaccessproject.com](http://www.oaklandalamedaaccessproject.com)) between September 29, 2020 and November 30, 2020. No comments were received during public circulation regarding the No Use determination or the proposed measures to minimize harm.

With this letter, Caltrans is respectfully requesting your written concurrence with the above findings that the proposed OAAP improvements constitute a No Use determination under Section 4(f) based on the criteria specified in 23 CFR 774.13 (d) (1,2,3,4,5) and (g)(1). A signature block is provided at the end of this letter to provide your agreement. We request your concurrence on or before April 30, 2021 to allow sufficient time to incorporate this into our final environmental document.

If you have any questions, please contact me at (510) 504-3139 or [wahida.rashid@dot.ca.gov](mailto:wahida.rashid@dot.ca.gov).

Sincerely,



Wahida Rashid  
Branch Chief  
Office of Environmental Analysis  
Caltrans District 4

Concurred by:



AMY WOOLDRIDGE  
Recreation and Parks Director  
City of Alameda

Date: 3/22/2021

Enclosures: Project Figures

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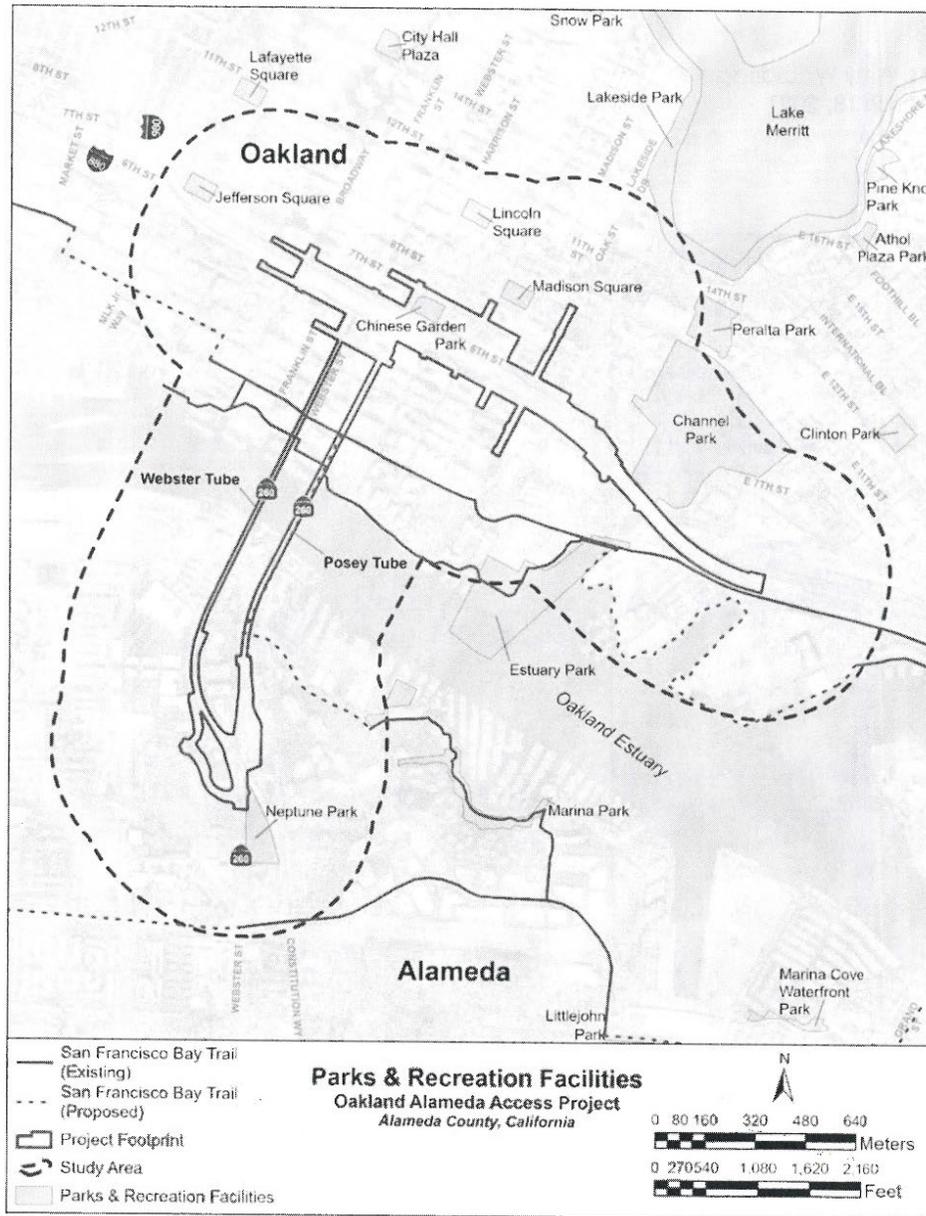
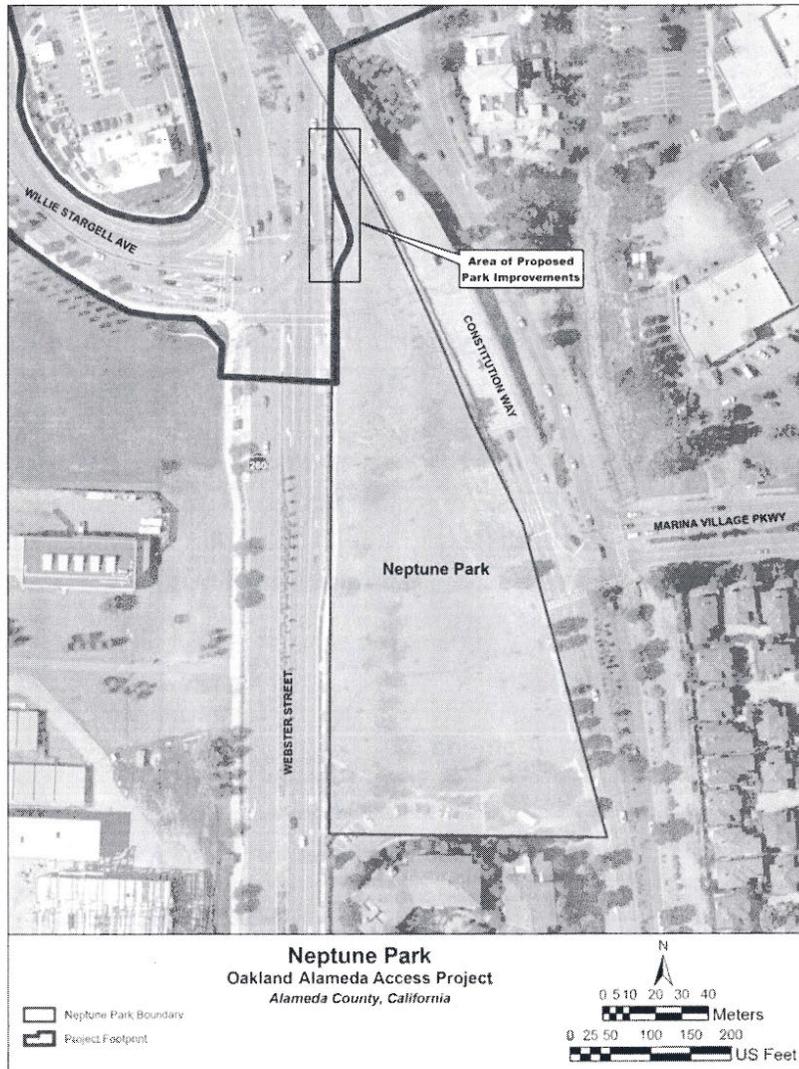


Figure 1. Parks and Recreation Facilities

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Source: CIA (September 2020)

**Figure 2. Neptune Park Area of Proposed Improvements**

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