

  
City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO SIGN A MEMORANDUM OF AGREEMENT BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER REGARDING OAKLAND ALAMEDA ACCESS PROJECT COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT AND ASSOCIATED STIPULATIONS**

**WHEREAS**, the Oakland Alameda Access Project (OAAP) is a project proposed by the California Department of Transportation (Caltrans) and the Alameda County Transportation Commission (ACTC); and

**WHEREAS**, the OAAP will simplify I-880 freeway access; better connect the cities of Oakland and Alameda; and improve safety and reduce vehicle traffic on local streets in Chinatown, Jack London Square, and Downtown Oakland; and

**WHEREAS**, the OAAP improvements are recommended in the Oakland Downtown Transportation & Parking Plan (2003), Let's Bike Oakland Plan (2019), and draft Downtown Oakland Specific Plan (2023); and

**WHEREAS**, Caltrans and ACTC have determined that the OAAP, if constructed, will have an adverse effect on the George A. Posey Tube (Posey Tube); and

**WHEREAS**, the OAAP, if constructed, would remove portions of the eastern and western balustrades and western staircase to install operationally necessary vehicle and pedestrian improvements; and

**WHEREAS**, the OAAP, if constructed, would not modify or alter any portion of the Portal Building; and

**WHEREAS**, the Posey Tube is individually eligible for a listing on the National Register of Historic Places and is listed on the California Register of Historic Resources; and

**WHEREAS**, the Posey Tube is also a contributing property to the Oakland Waterfront Warehouse District, itself a National Register Historic District and listed on the California Register of Historic Resources; and

**WHEREAS**, the OAAP, if constructed, would not degrade the integrity of the Posey Tube or undermine its eligibility for the National Register of Historic Places; and

**WHEREAS**, to resolve the adverse impacts to the Posey Tube, Caltrans and ACTC have held stakeholder working group meetings to develop mitigation measures that are designed for public benefit and are directly tied to the historical significance of the Posey Tube and the Oakland Waterfront Warehouse District, including:

1. Implement the Building Environment Treatment Plan, which includes environmental protection measures, stakeholder participation in design review processes, and standards for the rehabilitation of historic resources, including the George A. Posey Tube
1. Record and document the Posey Tube to the standards of the Historic American Engineering Record
2. Nominate the Posey Tube to the National Register of Historic Places
3. Provide \$100,000 in funding for City's Façade Improvement Program, for use within the Oakland Waterfront Warehouse District
4. Preserve the Pylon Base at Oakland Approach of the Posey Tube
5. Install up to two interpretative panels within project limits in Oakland, documenting the history of the Posey Tube and the importance of its engineering achievements
6. Develop and distribute to stakeholders and entities mentioned in the MOA educational teacher's packets that will discuss the history of the Oakland Waterfront Warehouse Historic District
7. Develop a one-hour webinar and virtual tour of the Posey Tube working with the California Preservation Foundation
8. Arrange and conduct in person tours of the Posey Tube; and

**WHEREAS**, the mitigation measures are documented in a Memorandum of Agreement (MOA) between Caltrans and the California State Historic Preservation Officer, in compliance with Section 106 of the National Historic Preservation Act; and

**WHEREAS**, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15308 (Actions By Regulatory Agencies for the Protection of the Environment) and 15061(b)(3) (Common Sense Exemption) because the City's participation is to ensure preservation of the environment and it can be seen with certainty that there is no possibility that the activity of entering into the MOA may have a significant effect on the environment; and

**WHEREAS**, approval of this resolution allows the City of Oakland to participate in ensuring the potential OAAP addresses the impacts to the Posey Tube, should the OAAP be constructed; now, therefore, be it

**RESOLVED:** That the City Administrator sign a MOA between Caltrans and the California State Historic Preservation Officer regarding OAAP compliance with Section 106 of the National Historic Preservation Act and associated stipulations.

**FURTHER RESOLVED:** That the ACTC and Caltrans are the lead agencies for California Environmental Quality Act (CEQA) and National Environmental Policy Act

(NEPA), and they have engaged in environmental review while developing mitigation measures to address any significant impacts. The City's action of entering into the Oakland Alameda Access Project Historic Resources Memorandum of Agreement (MOA) is for the purpose of allowing the City to continue participating in the project review process to ensure the lead agencies appropriately address any construction impacts in a manner already established under the previous environmental review for the project.

As such, this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15308 (Actions By Regulatory Agencies for the Protection of the Environment) and 15061(b)(3) (Common Sense Exemption) because the City's participation is to ensure preservation of the environment and it can be seen with certainty that there is no possibility that the activity of entering into the MOA may have a significant effect on the environment.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California