

FINDING OF ADVERSE EFFECT

**For the
Miraflres Residential Project
Richmond, CA**

**for
Eden Housing Inc.
409 Jackson Street
Hayward, CA 94544**

Attn.: Katie Lamont

**Community Housing Development Corporation
Of North Richmond
1535A Third Street
Richmond, CA 94801**

Attn: Joanna Griffith

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BY

**Ward Hill
Architectural Historian
3124 Octavia Street #102
San Francisco, CA 94123
415/ 441-4071**

1.0 INTRODUCTION

The purpose of this report is to analyze the potential adverse effects of the Miraflores residential project on the Oishi and Sakai Nurseries, Richmond, California under the Criteria of Adverse Effect (36 CFR Part 800.5(a) (1) for compliance with Section 106 of the National Historic Preservation Act. The buildings of the Oishi and Sakai Nurseries are in the Area of Potential Effect for the undertaking (Maps 1 - 4). The *Historic Architecture Evaluation of the Oishi, Sakai and Maida-Endo Nurseries* (October, 2004) indicated that Oishi and Sakai Nurseries appeared to be eligible for the National Register of Historic Places under Criteria A because their significant association with the history of the Japanese-American community in the San Francisco Bay Area. The eligible buildings are described in more detail in Section 3.0 below.

The City of Richmond, in applying the Criteria of Adverse Effect (36 CFR Part 800.5), initiates consultation with the State Historic Preservation Officer (SHPO) regarding the Finding of Adverse Effect (FAE) for the construction of the Miraflores Project pursuant to 36 CFR Part 800.5. The proposed project will have an adverse effect on the Sakai and Oishi Nurseries (36 CFR Part 800.5(a)(1)) since their demolition will destroy the qualities that make them eligible for the National Register. Concurrence is requested with this Adverse Effect Determination.

2.0 DESCRIPTION OF THE UNDERTAKING

The Miraflores site is bound to the east by Highway 80 and to the north by a BART rail line. An old Montgomery Ward site, which is being redeveloped as a Target, is located across the BART tracks on MacDonald Avenue. A Home Depot is located across Interstate 80. Single family homes and small multi-unit dwellings from the 1960s and 1970s in average to below-average condition surround the site on the south and west. The site is currently improved with a large number of greenhouses and several single-family residences. The family flower businesses that have operated on the site for the past 80-100 years have declined to the point that most of the greenhouses have been abandoned. The current zoning is for single-family and agricultural land use. The current general plan designation is low density residential.

Development Concept

The development concept is to build a mix of detached single-family for-sale housing and family rental apartments, roughly 100 single-family homes on 10 acres and 70 rental units on 4 acres. The rental apartments will be grouped in several two to three-story buildings with surface parking. A day care center may be incorporated into the design if there is a need for it in the area. The rental component will be a tax credit project with rents targeted to families earning less than 60% of Area Median Income.

Eden Housing is partnering with KB Home to bring single-family development expertise and equity to the table. Both partners will take the project through site planning and entitlements together. Once environmental remediation has been completed, the Community Housing Development Corporation (CHDC) and Eden Housing will acquire the property from the Sellers and sell KB its portion at its prorated cost. KB Home is planning to use the same product they are using at the Color Spot site on the Richmond Parkway in unincorporated North Richmond.

These are detached 3 to 4 bedroom homes with attached garages on 48' x 70' lots. Most will be sold at market rates with prices projected in the upper \$300,000 range. Between 10 and 15% of the for-sale homes will be set aside for moderate-income homebuyers at reduced prices. CHDC will recruit buyers for the moderate-income homes and help connect these buyers with appropriate first-time homebuyer financing through its Homebuyer Counseling program. Moderate-income homebuyers will also receive Post-Purchase Counseling from CHDC.

There is an existing cell tower at the northeast corner of the Sakai property. The Seller wants to retain ownership of the cell tower, so we need to parcel it off and maintain access to it. There is a provision in the cell tower land lease that no new structure may exceed the height of the tallest onsite Sakai structure, which is a two-story house. Given this provision and its greater distance from Highway 80, the Sakai parcel will be developed with for-sale homes.

In January 2004, the City of Richmond awarded CHDC and Eden \$250,000 to pay for securing site control and conducting due diligence activities. We are going back to City Council in September 2004 to secure another \$2,250,000 to pay for the environmental remediation and additional predevelopment costs.

3.0 EFFORTS TO IDENTIFY HISTORIC PROPERTIES AND STATUS OF NATIONAL REGISTER PROPERTIES

The October, 2004 *Historic Architecture Evaluation for the Oishi, Sakai and Maida-Endo Nurseries Richmond, California* indicated that certain contributing buildings in the Oishi and Sakai Nurseries appear to be eligible for the National Register under Criteria A.

A high percentage of the Sakai Nursery buildings date from the 1921-1950 period and retain integrity of design, location, materials, setting, association and feeling. The buildings contributing to the significance of the Sakai Nursery include three houses, Greenhouses 1-20 (except 14), the old Flower Warehouse, the Boiler Room, tank house/supply well/water tanks and the worker housing/related buildings. The non-contributing buildings are the garage/vehicle shed, the various small sheds near the greenhouses, the modern flower warehouse, Greenhouse 14 and the two residences at 2606 Florida Avenue.

The complex of Oishi Nursery buildings dating from the 1921-1954 period retain integrity of design, location, materials, setting, association and feeling. The buildings contributing to the significance of the Oishi Nursery include original 1925 house, Greenhouses 4-9 and 17-18, the Flower Warehouse, the original Boiler Room, the machine shop (part of the original tank house and water tanks. The non-contributing buildings are the greenhouses 1-3, 10-16 and the three residences on Wall Avenue the Oishis purchased in the 1960s.

4.0 COORDINATION AND PUBLIC PARTICIPATION

Public hearings will be held regarding the project with the Richmond Planning Commission and the Richmond City Council. The Project hearings will include a request for a zoning change. The Project will be reviewed by the Richmond Design Review Board. CHDC and Eden will be

meeting with the local Park Plaza Neighborhood Council to introduce the proposed project and solicit community support. Because the site is within the City's redevelopment area, the City has proposed forming a Miraflores Project Advisory Committee (PAC). Should the City follow through on this proposal, CHDC and Eden will also meet with the PAC.

5.0 DESCRIPTION OF ELIGIBLE PROPERTY

The Sakai Nursery

The Sakai Nursery fronts on Florida Avenue and South 45th Street, with the main entrance on the former. The property includes nine parcels covering 6.44 acres. The nursery proper (Parcels 1-3) occupies a nearly rectangular, 5.59-acre site north of Florida Avenue between South 45th and South 47th Streets. It adjoins the Oishi Nursery on the east along a vacated portion of South 47th Street. The remaining land (Parcels 4-9) consists of two rectangular sites on the south side of Florida Avenue. The larger, 0.75-acre site (Parcels 4-6, 8-9), containing houses, is at the southwest corner of Florida Avenue and South 47th Street, across from the nursery entrance. The smaller, 0.11-acre site (Parcel 7) is a vacant lot fronting on South 45th Street. These two isolated sites form part of the extended residential neighborhood south of Florida Avenue.

The Sakai Nursery property includes approximately 40 structures. Three residences and a garage occupy a parcel south of Florida Avenue, across from the nursery, with landscaped yards of lawns, small trees and shrubs. On the nursery site itself, there are about 35 structures, including 20 greenhouses, two warehouses, two single-family residences, workers' housing, garage, boiler house, several sheds, a tank house with water tank, and two ground-level water tanks. A telecommunications relay station (owned by others) is at the northeast corner of the property.

The nursery has an orderly site plan with two driveways on cross axis through the center of the property. Support structures (residences, warehouses, boiler house, water tanks, etc.) are clustered around the juncture of the two driveways, with the oldest and largest residence at the center. Other support structures are arranged along the two driveways, including a smaller residence fronting on South 45th Street. Radiating out from the support structures are parallel rows of greenhouses on the east and west sides of the property, with the buildings oriented east-west. This pattern is broken by one large greenhouse at the northeast corner of the property, which is oriented north-south.

The nursery buildings and grounds are generally well maintained. Landscaping is limited to flowering shrubs and small trees around the two single-family houses. A fence encloses the property, with the main gate to the nursery on Florida Avenue and a second gate on South 45th Street, adjoining the second residence.

The Oishi Nursery

The Oishi Nursery has its main frontage on South 47th Street. It adjoins the Sakai Nursery on the west along a vacated portion of South 47th Street, and the Maida-Endo Nursery on the southeast. The property is roughly triangular in shape, pointing north, with an irregular south boundary adjoined by the Maida-Endo Nursery and by residences fronting on South 47th Street and Wall

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Avenue. The property includes nine parcels with a total area of 6.08 acres.

The Oishi Nursery property includes approximately 30 structures, including 18 greenhouses, four residences, a warehouse, machine shop, boiler house, former boiler house, garage, former incinerator, and two water tanks (Maps 3 & 5). The site plan is most orderly on the westerly side of the property, where two-thirds of the greenhouses (1-12) are grouped in a row oriented east-west, toward South 47th Street. The remaining greenhouses (13-18) are grouped to the south and east in various orientations: east-west, north-south, and (in one case) angled northeast-southwest. Most of the greenhouses are linked by a network of elevated water pipes and electrical wires.

Fronting on South 47th Street, near the center of the main group of greenhouses (No. 1-12), is a cluster of support structures, including a residence, warehouse, boiler house, former boiler house, machine shop, sheds, and water tanks. Three other residences and a garage occupy the south end of the property, fronting on Wall Avenue. Unpaved driveways and paths weave through the site. Buildings and grounds are generally well maintained. Landscaping is limited to flowering shrubs and small trees around the four residences and the warehouse. A fence encloses the property, with driveways and gates on South 47th Street and Wall Avenue, by the residences.

6.0 APPLICATION OF THE CRITERIA OF ADVERSE EFFECT

The purpose of this report is to analyze the potential adverse effect of Miraflores Project on the Oishi and Sakai Nurseries, Richmond, California under the Criteria of Adverse Effect (36 CFR Part 800.5(a) (1-3) for compliance with Section 106 of the National Historic Preservation Act. The conclusion of this analysis is that the Miraflores Project will have an adverse effect on (36 CFR Part 800.5(a)(1)), two nurseries that appear eligible for the National Register of Historic Places. The proposed undertaking will demolish virtually all the buildings at the Oishi and Sakai Nurseries and replace it with new housing.

Criteria of Adverse Effect

The *Criteria of Adverse Effect* under Section 106 [36 CFR Part 800.5(a)(1) May 18, 1999 revised regulations] states that an undertaking has an adverse effect on a historic property:

... when the undertaking may alter, directly or indirectly, any of the characteristics of the property that may 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. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register.

If under the above *Criteria of Adverse Effect* it is determined that an undertaking will not alter the characteristics that qualify the property for the National Register, it is appropriate to find that

the undertaking will have not have an adverse effect. Examples of adverse effects on historic properties are presented in 36 CFR Part 800.5(2):

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to insure long-term preservation of the property's historic significance.

Project Effects

The demolition of contributing buildings at the Sakai and Oishi Nurseries is considered to be an Adverse Effect under 36 CFR Part 800.5(2)(i).

7.0 MITIGATION MEASURES

Mitigation Measure 1: The preservation of historically or architecturally significant features of Sakai and Oishi Nurseries and the incorporation of these features into the design of the new development would reduce project impacts. The feasibility of retaining one or more buildings will be determined in the course of project development. It is recommended that greenhouses 7, 8 or 9 associated with the Oishi Nursery's period of significance be given priority for preservation. Greenhouses 17 and 18 on the Oishi Nursery were also identified as possibly some of the oldest greenhouses in the East Bay. The ensemble of the original Sakai House, the tank house and one or more greenhouses (such as greenhouse 20) should be considered for preservation on the Sakai site.

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Salvaging or moving buildings to a location not on the project site (such as in a museum display or in another historic building) would reduce project impacts. However, it would be preferable to have the features preserved in the historic location. If the buildings are to be demolished, representatives of the Richmond Planning Department, the Richmond Historical Museum or representatives of local preservation or historical societies, and other interested parties shall be contacted and given the opportunity to examine the building and provide suggestions for salvaging particular elements.

Mitigation Measure 2: Prior to demolishing or salvaging materials at the Sakai and Oishi Nurseries, the buildings and landscape features shall be documented according to the Outline Format described in the *Photographic Specifications* and *The Guidelines for Preparing Written and Descriptive Data: Historic American Building Survey* (HABS) published by the Pacific West Region Office (in San Francisco) of the National Park Service. This documentation shall include archival quality, large format (minimum 4 by 5 inch) photographs of the exterior and interior views of the buildings. Similar greenhouses can be photographed as a group with more detailed photographs of a representative example of the group. Archival negatives of the original construction drawings and historic views will be included in the documentation. Copies of the documentation, with original photo negatives and prints, shall be donated to the Bancroft Library at U.C. Berkeley, the Richmond Historical Museum and others archives (as appropriate) accessible to the public.

Mitigation Measure 3: This mitigation measure would involve permanent, interpretive exhibit on the project site communicating the history of Richmond's Japanese American flower growing community in the vicinity of the project area in addition to information about the Sakai and Oishi nurseries. The exhibit should incorporate information from the historic report, historic photographs, and HABS documentation or other recordation materials and should be located and designed so that it is accessible to the public and of a durable design. The interpretive exhibit should be developed and designed by a qualified team including an historian and a graphic designer or exhibit designer. If the exhibit can not be accommodated in the new development, another appropriate public venue can also be considered.

8.0 CONCLUSIONS

This *Finding of Adverse Effect* has been prepared for Miraflores Project in City of Richmond in compliance with 36 CFR Part 800.5. The resources affected by the project, the Oishi and Sakai Nurseries, appear eligible for the National Register. The proposed undertaking will demolish most or all of the buildings on the nursery properties and replace the buildings with new housing. Consequently, the undertaking appears to constitute an Adverse Effect as per 36 CFR Part 800.

9.0 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The purpose of this section is to consider the impacts of the Miraflores Project on the Oishi and Sakai Nurseries under the criteria of the California Environmental Quality Act (CEQA). The impact criteria and mitigation analysis under CEQA are different than the Criteria of Effect used under Section 106 of the National Historic Preservation Act.

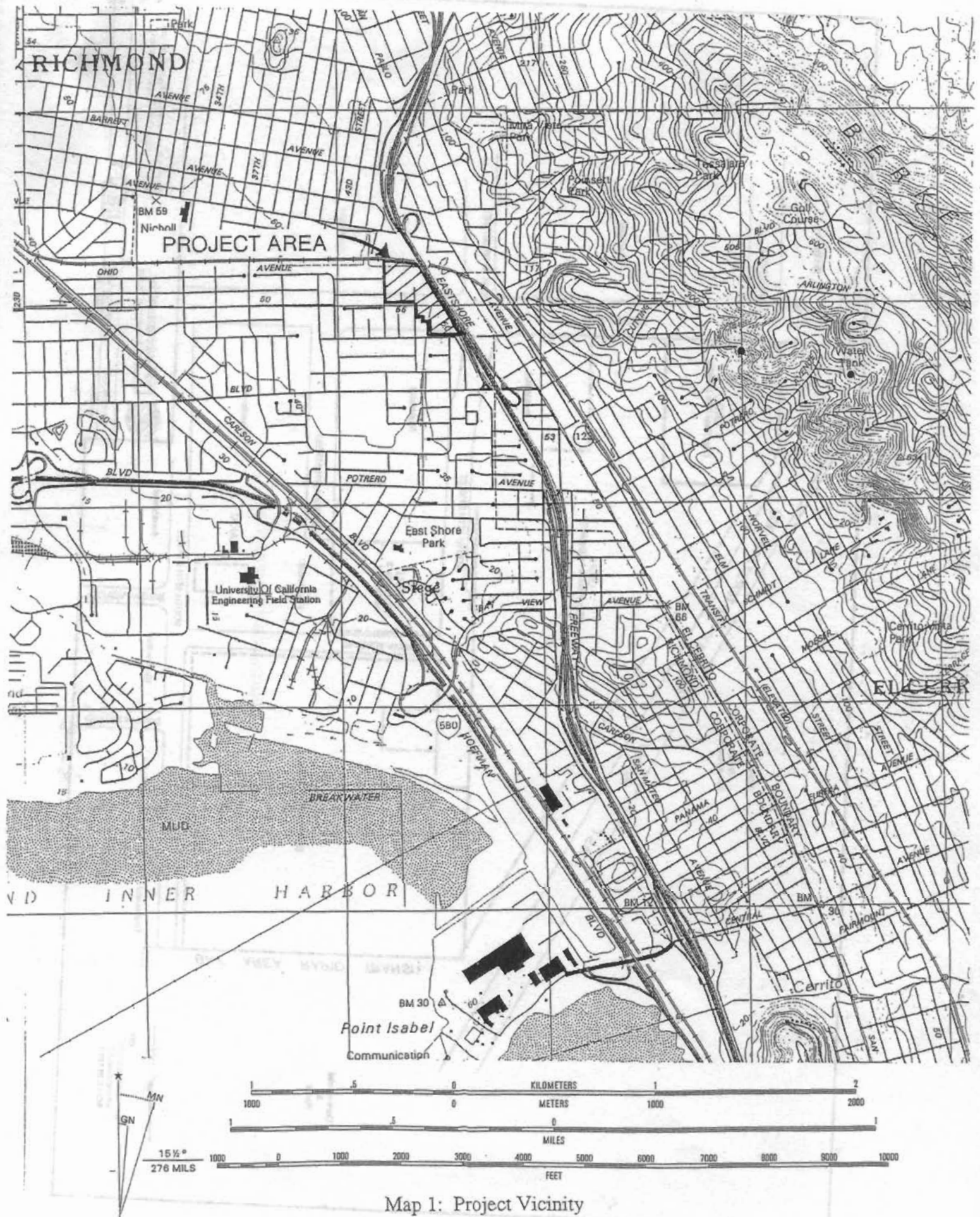
The CEQA Guidelines define a "significant effect" as a project that leads to a "substantial adverse change" such as "...demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historic resource would be materially impaired" and thus the equivalent of a significant environmental effect (Section 15064.5 (5) b (1)). The significance of an historical resource is materially impaired when a project "demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources" (Section 15064.5 (5) b (2) (A)).

For purposes of this project, a significant effect would occur if the project would have an effect on one or more properties that is listed or potentially eligible for inclusion on the California Register of Historical Resources. Such an effect could occur through demolition of or other substantial adverse change to an individually listed or eligible property, so that the resource's integrity could be compromised or its eligibility diminished. Under CEQA, mitigation measures are evaluated to determine if they reduce impacts to a less-than-significant level. If the mitigation does not reduce impacts to a level of insignificance, the impacts must be recognized as significant unavoidable impacts.

The Sakai and Oishi Nurseries appear to be eligible for the California Register of Historical Resources. Any historic resource eligible for the National Register is by definition also eligible for the California Register. The Miraflores Project proposes to replace the buildings at the Sakai and Oishi Nurseries with a new housing development. The project constitutes a substantial adverse change to the significant physical characteristic of these historic resources which contribute to their historic integrity, and thus the impacts would be a significant effect under CEQA.

Since CEQA requires the identification of feasible mitigation measures, the *in situ* preservation of the Oishi and Sakai Nursery buildings in their historic setting was not considered as a mitigation measure because it would render the project infeasible given the number and location of contributing buildings on the project site.

The mitigation measures referenced in **Item 7.0** above will reduce project impacts, but not to a less-than-significant level under CEQA. CEQA requires the identification of mitigation measures to reduce impacts even if they will not eliminate or reduce the impacts to a less-than-significant level.



Map 1: Project Vicinity
USGS Richmond Quadrangle (1995)



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