

**CITY OF ALAMEDA
HISTORICAL ADVISORY BOARD
DRAFT RESOLUTION**

A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA GRANTING A CERTIFICATE OF APPROVAL FOR A PROPOSED FENCE DESIGN SO TENANTS MAY INSTALL FENCING AT THE FRONT OF THEIR BUILDINGS FACING MONARCH STREET IN WITHIN THE NAS ALAMEDA HISTORIC DISTRICT.

WHEREAS, Hangars Row (Spirits Alley) tenants notified City of Alameda Staff about their need to install fencing in order to secure their premises; and

WHEREAS, Spirits Alley tenants were informed that, since Spirits Alley is within the NAS Alameda Historic District, Historic Advisory Board approval would be needed before fencing could be installed; and

WHEREAS, an application was made by the City of Alameda for a Certificate of Approval for the approval of the proposed fence design; and

WHEREAS, the General Plan designation for 2300 Monarch Street is Alameda Point Civic Core; and

WHEREAS, the Zoning Ordinance classification for 2300 Monarch street is Alameda Point, Adaptive Reuse; and

WHEREAS, the Historical Advisory Board held a public hearing on December 1, 2016 for this application, and examined pertinent maps, drawings, and documents; and

NOW, THEREFORE, BE IT RESOLVED, that the Historical Advisory Board the construction of the fences was adequately considered by the Alameda Point Final EIR (State Clearinghouse No. 201312043) that was certified by the City of Alameda on February 4, 2014 in compliance with the California Environmental Quality Act (CEQA). The Final EIR evaluated the environmental impacts of redevelopment and reuse of the lands at Alameda Point. No further review is required for this review of the project designs.

NOW, THEREFORE, BE IT RESOLVED, that the Historical Advisory Board approves the Certificate of Approval request to construct new fences consistent with Exhibit 1: Proposed Fence Designs, subject to the following conditions:

- (1) All new fences shall be:
 - i Consistent with the fence design shown in Exhibit 1.
 - ii Painted in a color to match the wall colors of the buildings.
 - iii Placed at the rear of the front columns facing Monarch Street.
- (2) HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Historical Advisory Board and their respective agents, officers, and employees from any claim,

action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Historical Advisory Board and their respective agents, officers or employees to attack, set aside, void, or annul an approval by the City of Alameda, the Historical Advisory Board, Alameda City Planning Board, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. The decision of the Historical Advisory Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

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