

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 THE SEAPLANE LAGOON FERRY TERMINAL CANOPY, LIGHTING, GLASS WALL, BENCHES, AND SECURITY GATES (PLN16-0314)

WHEREAS, an application was made by the City of Alameda for a Certificate of Approval for construction of the Seaplane Lagoon Ferry Terminal and adjacent landside improvements (Project) in the Waterfront Town Center Precise Plan (Town Center Plan) area of the Alameda Point property; and

WHEREAS, the Project consists of the construction of a new ferry terminal, including a new pier, landside transportation infrastructure and landscape improvements, and a surface parking lot in and adjacent to the eastern edge of the Seaplane Lagoon, all largely within the Naval Air Station Alameda Historic District (NAS Alameda Historical District); and

WHEREAS, the Seaplane Lagoon Ferry Terminal is located within the Alameda Point Enterprise District and the adjacent landside improvements are in the Alameda Point Waterfront Town Center which is in the Alameda Point Zoning District [Alameda Municipal Code (AMC) 30-4.24] of the Zoning Ordinance; and

WHEREAS, the Town Center Plan is a Specific Plan pursuant to Government Code Section 65450 et seq. for a transit-oriented development of the waterfront lands that surround the Seaplane Lagoon and the property at the entrance of Alameda Point between Main Street and Seaplane Lagoon; and

WHEREAS, the Seaplane Lagoon Ferry Terminal was approved by the City Council on April 5, 2016; and

WHEREAS, the Town Center Plan requires that the Historical Advisory Board review and approve a Certificate of Approval for any proposed project within the NAS Alameda Historic District; and

WHEREAS, the Historical Advisory Board and Planning Board held a special joint public hearing on April 18, 2018, for this application, and examined pertinent maps, drawings, and documents, and

WHEREAS, on April 18, 2018, the Historical Advisory Board approved the waterside improvements for the Project while requiring subsequent review of the pier canopy design and details of canopy lighting, glass wall, benches, and security gates; and

WHEREAS, the Historical Advisory Board shall determine whether to issue a Certificate of Approval, with or without conditions of approval, based on whether plans and specifications meet the standards established by the Historical Advisory Board and the Secretary of the Interior's

standards for rehabilitation and guidelines for rehabilitating historic buildings pursuant to Section 13-21.5(b) of the Alameda Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, that the Historical Advisory Board approves the Certificate of Approval for the Seaplane Lagoon Ferry Terminal Project, specifically the canopy design, lighting, glass wall, benches, and security gates based on the following findings with respect to the project's consistency with the Secretary of the Interior's Standards for Rehabilitation:

Rehabilitation Standard 1: A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships. The proposed project would construct a new pier in Seaplane Lagoon to be used by passenger ferries. This use differs slightly from the historic use of Seaplane Lagoon, which was the take-off and landing area for patrol, rescue, and transport seaplanes. However, this new use is still a maritime use and it would require no physical changes to Seaplane Lagoon or the Historic District as a whole.

Rehabilitation Standard 2: The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property will be avoided. The proposed new pier's concrete deck would connect to land immediately east of the riprap wall, at a point outside the boundary of the Historic District. Neither the footprint nor the physical structure of Seaplane Lagoon would be changed. The proposed new fixed pier, gangway, and float would all be low-profile structures, with metal handrails, ramps, and platforms that are only as high as required by health and safety codes. Collectively, they would occupy a very small percentage of the 110-acre lagoon, further minimizing their visual impact.

Rehabilitation Standard 3: Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historical properties, will not be undertaken. All elements of the proposed project would be new construction and would have a contemporary design feel. The proposed project includes no conjectural features or any other elements that would create a false sense of historical development.

Rehabilitation Standard 4: Changes to a property that have acquired significance in their own right will be retained and preserved. The proposed project would not affect Seaplane Lagoon or any other elements of the Historic District that have acquired significance in their own right. The proposed project would remove the deteriorated fishing pier at the east side of Seaplane Lagoon, which was constructed circa 1970, atop a dock that was constructed in 1944. However, because of these changes made after the period of significance, the fishing pier is not a contributor to the Historic District.

Rehabilitation Standard 5: Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved. The proposed project preserves the riprap wall that defines the eastern boundary of Seaplane Lagoon and it would not physically affect the bulkhead, ramps, or other features of the lagoon or any other Historic District contributor.

Rehabilitation Standard 6: Deteriorated historic features will be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence. The proposed project does not propose to address any deteriorated features within the Historic District, in particular, the riprap wall, which appears to be in good condition.

Rehabilitation Standard 7: Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used. The proposed project does not propose the application of any chemical or physical treatments to any contributors to the Historic District.

Rehabilitation Standard 8: Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken. Analysis of the presence of potential archaeological resources on the project site, if any, is beyond the scope of this project. However, if archaeological resources are discovered, standard mitigation measures required by the City of Alameda would assure compliance with Rehabilitation Standard 8.

Rehabilitation Standard 9: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property. The proposed project would not destroy any historic materials, features, or spatial relationships that characterize the Seaplane Lagoon, Buildings 15 and 64, or any other contributors to the Historic District. The proposed new pier, dock, and float would not physically affect Seaplane Lagoon. In regard to potential visual impacts, they would be small, low-profile, portable structures that are appropriately designed in a contemporary aesthetic in keeping with the utilitarian character of the Operations Area of the NAS Alameda Historic District. The proposed pier canopy shape and form invokes the impression of waves in the Seaplane Lagoon as well as the shape of “wings” consistent with the historical aviation theme at NAS Alameda. The design of the canopy is clearly differentiated from the historical architecture, but subtle in size, scale and proportion such that it does not compete with the Historic District.

Rehabilitation Standard 10: New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. As portable features, all elements of the proposed ferry terminal project could be removed and the essential form and integrity of the NAS Alameda Historic District remain unimpaired.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Historical Advisory Board approves the Certificate of Approval for the Seaplane Lagoon Ferry Terminal Project, specifically the canopy design, lighting, glass wall, benches, and security gates, based on the following findings with respect to the project's consistency with *The Guide to Preserving the Character of the Naval Air Station Alameda Historic District* (1997) and *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (1996):

1. **The proposed ferry terminal preserves the existing spatial organization of the NAS Alameda Cultural Landscape**
 - a. The proposed project retains the overall orthogonal circulation pattern in the Historic District. The proposed new pier would intersect the east side of Seaplane Lagoon at a right angle. The landside improvements along Ferry Point Road, which are not inside the Historic District, would not introduce any overtly “naturalistic” landscape features.
 - b. The proposed new pier on the east side of Seaplane Lagoon would not be long enough to interrupt the north-south axis of NAS Alameda. Its east-west alignment would recall the existing fishing pier, which would be removed as part of the project, as well as the jetties on the south side of Seaplane Lagoon.
 - c. The proposed project would not physically or visually affect the existing lawn panels in front of Building 77, which lay well outside the project site.
 - d. All of the aspects of the proposed project, including the pier, the landside improvements, and the parking lot, are low-profile, horizontally-oriented features that would be compatible with the open qualities of the Operations Area. Important view corridors, particularly the view across Seaplane Lagoon north toward the seaplane hangars and west toward San Francisco, would be retained and enhanced by removing existing fencing and increasing pedestrian and bicyclist access to the east side of the lagoon.
2. **The proposed ferry terminal preserves the existing views and vistas along Monarch Street and the west side of the Landplane Hangars, along Tower Avenue and along the south side of the Seaplane Hangars, southward to the Seaplane Lagoon and piers and westerly across Airfield that are character defining features of the NAS Alameda Cultural Landscape.** The proposed project would not affect any of these view corridors because it would be located at the east edge of Seaplane Lagoon and mostly outside the eastern boundary of the NAS Alameda Historic District. The small-scale, low-profile pier, which will be the only part of the project introduced into Seaplane Lagoon, would not obstruct any of the view corridors described above.
3. **The proposed ferry terminal preserves the flat topography that is a character-defining feature of the historic designed landscape within the NAS Alameda historic district.** Most portions of the landside improvements and the parking lot included in the proposed project would match the existing grade. Some areas would have a slight grade change (+/- 3”) to improve drainage. In addition, the eastern perimeter of the parking lot would have an earthen swale. Overall, these minimal changes would not affect the low-lying topography, which is a character-defining feature of the Historic District.
4. **The proposed ferry terminal preserves the low ground cover on the south side and southeast corner of Building 77 and surrounding the Control Tower, avoids adding foundation planting beds or trees at Building 77 within the open space area created by the setback, and avoids the low ground cover east of landplane hangars Buildings 20, 21, and 22.** The proposed project would not directly affect any of these areas, which lay well outside the boundaries of the project site.
5. **The proposed ferry terminal preserves the circulation character defining features of the Operations Areas.** As noted previously, all components of the proposed project, including the pier and canopy design are low-profile, horizontally-oriented features that would be compatible with the open qualities of the Operations Area.

6. **The proposed ferry terminal retains and preserve the Seaplane Lagoon, including its bulkhead and ramps on the north edge, the rip-rap sides, and jetties on the south side.** The proposed project includes the construction of a new pier at Seaplane Lagoon. The pier's concrete deck would connect to the land immediately east of the riprap wall, and would not physically affect any Historic District features. The footprint of open water at Seaplane Lagoon, which is one of its character-defining features, would likewise not be affected, because the pier, canopy, gangway, and float would all be low-profile structures, with handrails, ramps and platforms that are only as high as required by health and safety codes. Additionally, the pier, canopy, gangway and float would occupy an extremely small percentage of the 110-acre area of the lagoon, the rest of which would remain open, with water continuing to flow beneath the new pier and its attendant, portable features, including the gangway and the float.
7. **The proposed project, including the new pier, gangway, and float, are compatible with the character-defining features of Seaplane Lagoon.** The new pier would be concrete with a simple, utilitarian design in keeping with the lagoon's concrete bulkhead, riprap walls, jetties, and four concrete ramps.
8. **The proposed ferry terminal retains character defining structures, furnishings and objects.** The fixed portion of the new pier and canopy are the only permanent structure included in the proposed project. Although there is no precedent for features like this in the Operations Area of the Historic District, a certain amount of infrastructure is required to make the new ferry terminal functional and enjoyable for its users. The temporary and flexible character of these new elements, as well as their low scale and location outside the Historic District, ensure that Seaplane Lagoon and the rest of NAS Alameda Historic District continues to retain its character.

BE IT FURTHER RESOLVED that the Historical Advisory Board finds that the Seaplane Lagoon Ferry Terminal Project was adequately considered by the CEQA Addendum to the Alameda Point FEIR, and that:

1. The City of Alameda as lead agency under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), prepared the Final Environmental Impact Report for the Alameda Point Project (FEIR) (State Clearinghouse No. 201312043) ("Final EIR").
2. On February 4, 2014, the City Council certified the Final EIR for the Alameda Point Project, including the Town Center Plan area which contains the project site.
3. After certification of the Final EIR for the Alameda Point Project, the City developed project-specific plans for the new Seaplane Lagoon Ferry Terminal and adjacent landside improvements ("Project").
4. The City caused to be prepared an Addendum to the Final EIR ("Addendum") pursuant to CEQA Guidelines Section 15164.
5. The City Council adopted the Addendum and approved the Project on April 5, 2016.

6. The Seaplane Lagoon Ferry Terminal project is consistent with the General Plan, Zoning Ordinance, and Town Center Plan.
7. The Certificate of Approval will implement the approved project analyzed in the Final EIR and Addendum.
8. Approval of the Certificate of Approval would not involve substantial changes in the Project or circumstances under which the Project is to be undertaken that would result in new or substantially more severe significant environmental effects requiring major revisions to the Final EIR, and there is no new information of substantial importance that involves new or substantially more severe significant environmental effects that would require major revisions to the Final EIR; therefore, no further environmental review is required pursuant to Public Resources Code Section 21166 and CEQA Guideline Sections 15162 and 15163.

BE IT FURTHER RESOLVED that the Historical Advisory Board approves the Certificate of Approval for the Seaplane Lagoon Ferry Terminal Project, specifically the canopy design, lighting, glass wall, benches, and security gates subject to the following conditions:

- (1) This Certificate of Approval is specifically for the canopy design, lighting, glass wall, benches, and security gates. The landside improvements shall require subsequent Historical Advisory Board approval.
- (2) This Certificate of Approval shall expire three (3) years after the date of approval, unless actual construction has begun under valid City permits or the applicant applies for and is granted an extension by the Secretary to the Historical Advisory Board prior to the date of expiration.
- (3) The plans submitted for the Building Permit shall be in substantial compliance with plans prepared by Marcy Wong Donn Logan Architects, dated April 26, 2018 on file in the office of the City of Alameda Planning Division, subject to the conditions specified in this resolution.
- (4) This Certificate of Approval shall not become effective until such time as the Planning Board and/or City Council approve the Design Review Application for the Seaplane Lagoon Ferry Terminal Project waterside improvements, and upon such time, the construction of the plans shall be subject to all conditions of approval imposed by the Planning Board and/or City Council.
- (5) 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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