

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

A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA APPROVING CERTIFICATE OF APPROVAL, PLN18-0341, TO ALLOW THE DISASSEMBLY OF THE FUEL CANOPY AND KIOSK AT 2301 SANTA CLARA AVENUE TO FACILITATE ON-SITE SOIL CLEANUP AND THE FUTURE REASSEMBLY OF THE FUEL CANOPY AND KIOSK ON-SITE

WHEREAS, Carolyn Fong on behalf of the Lily Chun Living Trust submitted an application on July 24, 2018 to disassemble the fuel canopy and kiosk at 2301 Santa Clara Avenue; and

WHEREAS, the application was deemed complete by staff on September 20, 2018; and

WHEREAS, the General Plan designation for the property is Community Commercial; and

WHEREAS, the Zoning Ordinance classification for the property is Community Commercial with a Theatre Combining District Overlay; and

WHEREAS, the proposed project consists of disassembly of a combined fuel canopy and kiosk at 2301 Santa Clara Ave, which is a contributing structure within the Park Street Commercial Historic District, to facilitate on-site soil cleanup, followed by the reassembly of the fuel canopy and kiosk on-site; and

WHEREAS, in 1982, the Park Street Commercial Historic District was listed on the National Register of Historic Places, with 2301 Santa Clara Ave being classified as a Contributing Structure to the district; and

WHEREAS, in 1991, the gas station permanently closed for business; and

WHEREAS, in 1992, three underground fuel tanks were removed from the site and it was determined that the tanks had leaked and contaminated the underground soil; and

WHEREAS, in 2006, the property owner consulted the City about demolishing the canopy and kiosk in order to excavate the contaminated soil, but due to the property's historic status the City encouraged the property to pursue alternative methods to clean the site; and

WHEREAS, in 2014, the applicant worked with the Alameda County Department of Environmental Health (ACDEH) to begin a Corrective Action Plan (CAP) that would forgo soil removal in favor of an alternative strategy called a bio-remediation recirculation

system; and

WHEREAS, in 2017, ACDEH determined that the bio-remediation method was not only ineffective at remediating the contamination, but that the underground contamination had begun to seep into the adjacent properties, escalating the need for immediate and effective cleanup action to avoid a public health risk; and

WHEREAS, in 2018, ACDEH and the applicant determined that soil excavation would be the final and most effective method to clean the contamination; and

WHEREAS, the Historical Advisory Board held a public hearing on October 4, 2018 for this application, and examined pertinent maps, drawings and documents; 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 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 by the Historical Advisory Board that the project is Categorically Exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Sections 15301 – Existing Facilities, 15304 – Minor Alterations to Land, 15330 – Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances, and 15331 – Historic Resource Restoration/Rehabilitation.

BE IT FURTHER RESOLVED, that the Historical Advisory Board approves the Certificate of Approval, PLN18-0341, for 2301 Santa Clara Ave based on the following findings with respect to the project's consistency with the Secretary of the Interior's Standards for Rehabilitation:

- 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 project site was used as a gas station from 1938 until 1991, and has been vacant since 1991. The project will allow for the remediation of soil contamination caused by the gas station's underground fuel storage tanks. Upon completion of soil remediation the fuel canopy and kiosk will be reassembled on site with no change to the distinctive materials, features, spaces, and spatial relationships. The cleanup of the site will provide opportunity for future adaptive reuse of the site and its structures that will require further analysis at such a time as an application is made.

- 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 a property shall be voided.**

The fuel canopy and kiosk will be disassembled in a manner that will allow for the preservation of the structure's distinctive materials and features while the site is cleaned of its soil contamination. The fuel canopy and kiosk will be reassembled, with repairs or alterations only being made as needed and in compliance with NPS Preservation Brief 46.

- 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 historic properties, will not be undertaken.**

No new features or elements are proposed as part of this project. The project is conditioned to require any needed repairs or alterations be in compliance with NPS Preservation Brief 46.

- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.**

The site has been vacant since the closure of the gas station in 1991. Alterations since then have been the removal of business signs and fuel pumps. The project is not proposing to rebuild these features, and will only rebuild the site to its current state.

- 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.**

The individual pieces of the pre-fabricated structure will be stored indoors while cleanup of the site occurs. All distinctive features and finishes of the historic will be preserved and restored upon reassembly.

- 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of 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 project is conditioned so that a photographic survey of the existing conditions of the structure be conducted prior to the disassembly of the structure to provide documentary evidence to guide the reassembly. The photographic documentation will be in addition to construction plans that have been reviewed by the Building Official.

- 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 project will be conditioned to utilize the gentlest chemical or physical treatments as a first response to maintenance issues.

- 8. Significant archeological resources affected by a project shall be protected and preserved. If such resource must be disturbed, mitigation measures shall be undertaken.**

There are no known archaeological resources on this site.

- 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 and its environment.**

No new additions, exterior alterations, or related new construction are proposed as part of this proposal.

- 10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in future, the essential form and integrity of the historic property and its environment would be unimpaired.**

There are no new additions or adjacent structures proposed as part of this proposal.

BE IT FURTHER RESOLVED, that the Historical Advisory Board hereby grants Certificate of Approval, PLN18-0341 with the following conditions of approval, which shall be placed on the first page of the building/demo permit plan set under a heading titled "City of Alameda Historical Advisory Board Conditions of Approval":

1. This Certificate of Approval shall terminate three (3) years from October 4, 2018, unless actual construction under a valid permit has begun. This approval may be extended administratively by the Secretary to the Historical Advisory Board upon submittal of an application and required fees.
2. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used. Repairs to the structures, when needed, shall be consistent with NPS Preservation Brief 46: The Preservation and Reuse of Historic Gas Stations, and conducted only after consultation with the Secretary of the Historical Advisory Board.

3. Prior to the issuance of any demolition permit, the applicant/property owner shall submit the following for review and approval by the Secretary of the Historical Advisory Board:
  - a. All required approvals from County, State, and National regulatory agencies for the excavation and soil remediation on the project site.
  - b. Provision of clear evidence of financial resources to complete the disassembly of the fuel canopy and kiosk, on-site soil cleanup, and the reassembly of the fuel canopy and kiosk on-site, including but not limited to financial statements, evidence of access to financing, State Underground Storage Tank Cleanup Fund, letter of credit, and/or surety bond.
  - c. A photograph survey of the existing fuel canopy and kiosk structure.
4. The applicant/property owner shall submit a status report after six (6) months of the approval of this Certificate of Approval to the Secretary of the Historical Advisory Board, and shall submit additional status reports every six (6) months thereafter until the final inspection for the reassembly of the fuel canopy and kiosk.
5. The applicant/property owner shall obtain the required building permits for the reassembly of the fuel canopy and kiosk within thirty (30) days of the issuance of No Further Action from the State Water Resources Control Board.
6. The applicant shall notify the Secretary of the Historical Advisory Board at least two (2) business days prior to actual removal of the kiosk and canopy.
7. Final inspection of the reassembled structure shall be required by the Planning Division.
8. Indemnification: The applicant/property owner, or its successors in interest, shall, to the maximum extent authorized by law, defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda and its respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda and its respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the project. The City shall promptly notify the applicant/property owner 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. 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 decision of the Historical Advisory Board shall be final unless appealed to the City Council within ten (10) days of this decision, by filing a Notice of Appeal with the City of Alameda Community Development Department stating the appellant claims that the decision is not supported by the findings or the findings are not supported by the evidence in the record, and paying the required fee.

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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