

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM, GENERAL PLAN LAND USE DIAGRAM AND TEXT AMENDMENT FOR THE PROPERTY ON THE WEST SIDE OF MCKAY AVENUE (APN 74-1305-26-2) (PLN18-0198) TO ALLOW FOR PRIVATE USE OF THE PROPERTY FOR A WELLNESS CENTER

WHEREAS, Alameda Point Collaborative intends to acquire the property on the west side of the McKay Avenue (APN 74-1305-26-2) from the Federal Government for use as a Wellness Center; and

WHEREAS, the property is designated “Federal Facilities” in the General Plan Land Use Element and includes a “G, Special Government Combining District” (G Overlay) zoning designation in addition to its underlying Administrative Professional (A-P) Zoning Designation; and

WHEREAS, the Federal Facilities General Plan land use designation and the G Overlay zoning designation must be changed when the property is conveyed out of Federal ownership and use; and

WHEREAS, Alameda Point Collaborative is requesting the changes to the General Plan Land Use Diagram, the text of the General Plan Land Use Element, and Alameda Zoning Map to enable its use of the property for a Wellness Center; and

WHEREAS, the City prepared a draft Mitigated Negative Declaration (MND) which considers the potential environmental impacts of the project including evaluating the potential effects of the proposed future actions by the applicant to demolish existing buildings and build new buildings to accommodate the new uses; and

WHEREAS, the Planning Board held a duly noticed public hearing on October 8, 2018 to receive public testimony on the Mitigated Negative Declaration (MND) and proposed General Plan amendments, examined pertinent documents, and considered the testimony and written comments received, and recommended approval of the MND and General Plan amendments; and

WHEREAS, upon conclusion of the public hearing, the Planning Board recommended that the City Council adopt the Mitigated Negative Declaration and proposed General Plan amendments; and

WHEREAS, the City Council held a duly noticed public hearing on December 4, 2018 to receive public testimony on the Mitigated Negative Declaration and proposed General Plan amendments, examined pertinent documents, and considered the testimony and written comments received; and

WHEREAS, all interested parties were given the opportunity to participate in the hearing by submittal of oral and written comments; and the public hearing was closed by the City Council on December 4, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda makes the following findings:

**California Environmental Quality Act (CEQA).** In accordance with CEQA Guidelines section 15070 et seq., the City of Alameda, as the lead agency under CEQA, prepared a draft Mitigated Negative Declaration for the project. The Mitigated Negative Declaration has been prepared in the manner required and authorized under CEQA, and the City Council has considered the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, together with the initial study and comments received, all of which are incorporated by reference as though fully set forth herein, prior to making a decision on the project, General Plan Land Use Diagram and text amendments. The City Council finds and determines that the Mitigated Negative Declaration adequately addresses the potential environmental impacts of the project and complies with CEQA. All project-specific mitigations specified in the Mitigated Negative Declaration and included in the Project-Specific Mitigation Monitoring and Reporting Program (attached hereto as Exhibit A) shall be included as conditions of approval for the project development plans. The Mitigated Negative Declaration considers the potential environmental impacts of the project including the potential impacts of future actions by the applicant to demolish existing buildings and build new buildings to accommodate the new uses. The Mitigated Negative Declaration finds that some construction activities may result in some potentially significant impacts as the result of demolition activities, excavation activities, or other construction activities, but that all of the potential impacts can be mitigated to a level of less than significant through standard construction mitigations; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that, based on its independent judgment and analysis, the City Council adopts the McKay Wellness Center Mitigated Negative Declaration and Project-Specific Mitigation Monitoring and Reporting Program and finds, on the basis of the initial study and comments received, that the project's effects can be mitigated to the extent that there is no substantial evidence in light of the whole record that the project will have a significant effect on the environment; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the custodians and locations of the documents and other materials that constitute the record of proceedings upon which the City Council's decision is based are: (1) City Clerk's Office, 2263 Santa Clara Avenue, Room 380, Alameda, CA, and (2) City of Alameda Planning, Building & Transportation, 2263 Santa Clara Avenue, Room 190, Alameda, CA; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council makes the following findings regarding the proposed General Plan Land Use Diagram and Text Amendments:

1. **The General Plan Land Use Diagram and Land Use Element Text Amendments relate favorably to the General Plan.** The proposed Wellness Center supports General Plan Housing Element Goals and policies, specifically Goal #2: Provide housing that meets the City's diverse housing needs, specifically including affordable housing, special needs housing, and senior housing; Policy HE-2: Expand the City's supply of affordable rental and ownership housing for extremely low-, very low-, low-, and moderate-income households; Policy HE-3: Create rental, homeownership, and other housing opportunities for special needs populations such as the elderly, homeless and people at risk of becoming homeless, people with physical and/or developmental disabilities, single-parent households, and young adults; and Policy HE-4: Encourage and support new residential opportunities for senior citizens, including senior housing projects, multifamily housing projects with accessible and small housing units, assisted living projects, and in-law unit projects. Furthermore, the General Plan Land Use Diagram designation as "Federal Facilities" must be changed and the General Plan Land Use Element text must be revised to reflect the conveyance of the land out of federal ownership.
2. **The General Plan Land Use Diagram and Land Use Element Text Amendments support the general welfare of the community.** The proposed amendments facilitate the use of the site by Alameda Point Collaborative for 90 units of assisted senior living for formerly homeless individuals, a 50-bed respite center for homeless individuals recently released from the hospital, a resource center that assists Alameda residents in a housing crisis or recently homeless to locate appropriate housing and services, and a 7,000 square foot Primary Care Clinic which provides outpatient services primarily for facility clients. A 2017 City of Alameda Community Needs Assessment completed by City of Alameda Social Service Human Relations Board (SSHRB) found that health care facilities were the third most needed facilities in Alameda as rated by Alameda residents, next to Recreation and Parks' fields/courts and community pools. The 2018 City of Alameda Homelessness Report found that homeless shelters/homeless services are the second most pressing social services need in the City of Alameda, behind transportation. Finally, the proposed Wellness Center facilities and uses are consistent with and permitted by the A-P Administrative Professional Zoning District, which is the underlying zoning for the property.
3. **The General Plan Land Use Diagram and Land Use Element Text Amendments are equitable.** The proposed amendments facilitate the use of the site by Alameda Point Collaborative for a Wellness Center to support the health needs of the homeless population. The homeless population is the least served segment of the Alameda community. This proposal will provide much needed services for a historically underserved community; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council finds that it is necessary, desirable, and in the public interest to adopt the following General Plan Land Use Diagram and Text amendments for the reasons set forth herein and in the December 4, 2018 City Council Staff Report:

- 1) Amend the General Plan Federal Facilities Land Use Designation to read as follows:

“FEDERAL FACILITIES: Sites occupied by Federal facilities including Naval Reserve Center, ~~the Federal Center on McKay Avenue,~~ and Coast Guard Island are in this category.”

- 2) Amend the following sentence in the Land Use Element to read as follows:

~~“Three~~ Two sites are in use: the U.S. Coast Guard (Coast Guard Island) and the Naval Reserve Training Center on Clement Avenue, ~~and the Federal Center on McKay Avenue.~~ The City and the Federal agencies consult on development issues, but the City has no power to regulate development on Federal sites.”

- 3) Amend the General Plan Land Use Diagram for APN 74-1305-26-2 to change the Land Use Designation from Federal Facilities to Office.

## McKay Wellness Center

### Mitigation Monitoring and Reporting Program

Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<b>AIR QUALITY</b>				
<b>Mitigation Measure AQ-1:</b> The project construction contractor shall reduce the severity of project construction period dust and equipment exhaust impacts by complying with the following control measures: <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air</li> </ul>	Submit Dust Abatement Plan that meets the requirements of the mitigation measure to the City Building Division for review and approval.	Project Applicant or Designee	Prior to Issuance of Demolition and/or Building Permits	City of Alameda

## EXHIBIT A

Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
District's phone number shall also be visible to ensure compliance with applicable regulations.				
<b>BIOLOGICAL RESOURCES</b>				
<b>Mitigation Measure BR-1:</b> Removal of trees shall be limited to trees that must be removed in order to accommodate the proposed construction. If any tree removal, site grading, or project construction will occur during the general bird nesting season (February 1st through August 31st), a bird nesting survey shall be conducted by a qualified raptor biologist prior to any grading or construction activity. If conducted during the early part of the breeding season (January to April), the survey shall be conducted no more than 14 days prior to initiation of grading/construction activities; if conducted during the late part of the breeding season (May to August), the survey shall be performed no more than 30 days prior to initiation of these activities. If active nests occupied by birds protected under the Migratory Bird Treaty Act are identified, a 250-foot fenced buffer (or an appropriate buffer zone determined in consultation with the California Department of Fish and Wildlife) shall be established around the nest tree and the site shall be protected until September 1st or until the young have fledged. A biological monitor shall be present during earth-moving activity near the buffer zone to make sure that grading does not enter the buffer area.	Conduct pre-construction surveys for nesting birds if construction is proposed during specified times; provide results of surveys to City Building Division and/or City Planning Division; conduct construction activities according to the protocol described in the mitigation measure.	Project Applicant or Designee	Prior to Issuance of Demolition and/or Building Permits	City of Alameda
<b>CULTURAL RESOURCES</b>				
<b>Mitigation Measure CR-1:</b> City Staff shall advise the Project Construction Superintendent, Project Inspector, and Building Inspector at a pre-construction conference of the potential for encountering cultural resources during construction and the applicant's responsibilities per CEQA should resources be encountered. This advisory shall also be printed on the Plans and Specification Drawings for this project.	Submit plan for approval that meets the requirements of the mitigation measure.	Project Applicant or Designee	Prior to Issuance of Demolition and/or Building Permits	City of Alameda
<b>Mitigation Measure CR-2:</b> If any cultural artifacts are encountered during site grading or other construction activities, all ground disturbance within 100 feet of the find shall be halted until the City of Alameda is notified, and a qualified archaeologist can identify and evaluate the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required through the implementation of Mitigation Measures CR-2 or	Submit plan for discovery of cultural artifacts; incorporate requirements into the design and construction specifications; demonstrate retention of qualified archaeologist to be available in the event of an	Project Applicant or Designee	Prior to Issuance of Demolition and/or Building Permits	City of Alameda

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Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
CR-3 shall be presented in a professional-quality report, to be submitted to the project sponsor, the City of Alameda Community Development Department, and the Northwest Information Center at Sonoma State University in Rohnert Park. The project sponsor shall fund and implement the mitigation in accordance with CEQA Guidelines Section 15064.5(c)-(f) and Public Resources Code Section 21083.2.	encounter; comply with terms of Mitigation Measure CR-2 in the event of an encounter.			
<b>Mitigation Measure CR-3:</b> In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and a qualified archaeologist shall notify the Office of the Alameda County Coroner and advise that office as to whether the remains are likely to be prehistoric or historic period in date. If determined to be prehistoric, the Coroner's Office will notify the Native American Heritage Commission of the find, which, in turn, will then appoint a "Most Likely Descendant" (MLD). The MLD in consultation with the archaeological consultant and the project sponsor, will advise and help formulate an appropriate plan for treatment of the remains, which might include recordation, removal, and scientific study of the remains and any associated artifacts. After completion of analysis and preparation of the report of findings, the remains and associated grave goods shall be returned to the MLD for reburial.	Submit plan for discovery of human remains; incorporate requirements into the design and construction specifications; demonstrate retainment of qualified archaeologist to be available in the event of an encounter; comply with terms of Mitigation Measure CR-3 in the event of an encounter.	Project Applicant or Designee	Prior to Issuance of Demolition and/or Building Permits	City of Alameda
<b>Mitigation Measure CR-4:</b> If any paleontological resources are encountered during site grading or other construction activities, all ground disturbance shall be halted until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources shall be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology (UCMP).	Submit plan for discovery of paleontological resources; incorporate requirements into the design and construction specifications; demonstrate retainment of qualified paleontologist to be available in the event of an encounter; comply with terms of Mitigation Measure CR-4 in the event of an encounter.	Project Applicant or Designee	Prior to Issuance of Demolition and/or Building Permits	City of Alameda
<b>GEOLOGY, SOILS, AND SEISMICITY</b>				
<b>Mitigation Measure GS-1:</b> Prior to the issuance of building permits, the project applicant shall submit a soil report/geotechnical investigation to the City of Alameda for review and approval. The investigation shall be prepared by a qualified geotechnical engineer and shall stipulate site preparation and building design features necessary to achieve compliance with the latest	Submit listed studies/investigations that meet the requirements of the mitigation measure to the City Building Division for review	Project Applicant or Designee	Prior to Issuance of Building Permits	City of Alameda

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Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
adopted edition of the California Building Standards Code's geologic, soils, and seismic requirements. The recommendation from the approved soils report/geotechnical investigation shall be incorporated into the project plans to ensure compliance with City and State building code standards. Additionally, the project shall implement the structural upgrades proposed in the June 1990 Seismic Hazard Report prepared by Walk, Haydel & Associates for Buildings 2A, 2B, 2C, and 2D. As recommended in that report, a more thorough structural seismic analysis for all of the two-story buildings on the site shall be conducted by a qualified structural engineer, and the recommendations of the resulting report shall be incorporated into the project.	and approval; provide evidence of satisfactory implementation of the requirements contained therein, to the satisfaction of the City Building Division; submit project plans that meet the requirements of the mitigation measure to the City Building Division for review and approval.			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<b>Mitigation Measure HM-1:</b> Prior to issuance of a demolition permit for the existing buildings on the site, a comprehensive survey for asbestos-containing building materials (ACBM) shall be conducted by a qualified asbestos abatement contractor. Sampling for ACBM shall be performed in accordance with the sampling protocol of the Asbestos Hazard Emergency Response Act (AHERA). If ACBM is identified, all friable asbestos shall be removed prior to building demolition by a State-certified Asbestos Abatement Contractor, in accordance with all applicable State and local regulations, including Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2 pertaining to demolition, removal, and disposal of ACBM. BAAQMD shall be notified at least ten business days in advance of building demolition, in compliance with Regulation 11, Rule 2. To document compliance with the applicable regulations, the project sponsor shall provide the City of Alameda Building Division with a copy of the notice required by BAAQMD for asbestos abatement work, prior to and as a condition of issuance of the demolition permit.	Submit survey that meets the requirements of the mitigation measure to the City Building Division; submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.	Project Applicant or Designee	Prior to Issuance of Demolition Permit	City of Alameda
<b>Mitigation Measure HM-2:</b> Prior to issuance of a demolition permit for the existing buildings on the site, a survey for lead-based paint (LBP) shall be conducted by a qualified lead assessor. If LBP is identified, lead abatement shall be performed in compliance with all federal, State, and local regulations applicable to work with LBP and disposal of lead-containing waste. A State-certified Lead-Related Construction Inspector/Assessor shall provide a lead clearance report after the lead abatement work in the buildings is completed. The project sponsor shall provide a copy of the lead clearance report to the City of Alameda Building Division prior to issuance of a demolition permit.	Submit survey that meets the requirements of the mitigation measure to the City Building Division; submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.	Project Applicant or Designee	Prior to Issuance of Demolition Permit	City of Alameda



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Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<b>HYDROLOGY AND WATER QUALITY</b>				
<b>Mitigation Measure WQ–1:</b> Prior to issuance of a grading permit the project sponsor shall obtain National Pollutant Discharge Elimination System (NPDES) construction coverage as required by Construction General Permit (CGP) No. CAS000002, as modified by State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ. Pursuant to the Order, the project applicant shall electronically file the Permit Registration Documents (PRDs), which include a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), and other site-specific PRDs that may be required. At a minimum the SWPPP shall incorporate the standards provided in the Association of Bay Area Governments' Manual of Standards for Erosion and Sedimentation Control Measures (2005), the California Stormwater Quality Association's California Stormwater Best Management Practices Handbook (2009), the prescriptive standards included in the CGP, or as required by the Clean Water Program Alameda County, whichever are applicable and more stringent. Implementation of the plan will help stabilize graded areas and reduce erosion and sedimentation. The SWPPP shall identify Best Management Practices (BMPs) that shall be adhered to during construction activities. Erosion-minimizing efforts such as hay bales, water bars, covers, sediment fences, sensitive area access restrictions (for example, flagging), vehicle mats in wet areas, and retention/settlement ponds shall be installed before extensive clearing and grading begins. Mulching, seeding, or other suitable stabilization measures shall be used to protect exposed areas during construction activities. The SWPPP shall also be reviewed and approved by the City of Alameda Public Works Department.	Submit Stormwater Pollution Prevention Plan (SWPPP) that meets the requirements of the mitigation measure and is compliant with applicable laws and regulations. The SWPPP shall be subject to review and approval by the City Building Division, City Public Works Department, and/or regulatory agencies, as applicable.	Project Applicant or Designee	Prior to Issuance of Grading Permit	City of Alameda
<b>Mitigation Measure WQ–2:</b> All cut-and-fill slopes shall be stabilized as soon as possible after completion of grading. No site grading shall occur between October 15th and April 15th unless approved erosion control measures are in place.	Submit plan for approval that meets the requirements of the mitigation measure.	Project Applicant or Designee	Prior to Issuance of Grading Permit	City of Alameda
<b>Mitigation Measure WQ–3:</b> Prior to issuance of a grading permit, the project applicant shall prepare a C.3 Stormwater Control Plan in accordance with current construction and postconstruction requirements specified by State Water Resource Control Board (SWRCB) Order No. 2009-0009-DWQ and the post-construction requirements specified by National Pollutant Discharge Elimination System (NPDES) Order No. R2-2015-0049 and the Alameda	Submit C.3 Stormwater Control Plan that meets the requirements of the mitigation measure and is compliant with applicable laws and regulations. The Stormwater Control Plan	Project Applicant or Designee	<b>Stormwater Control Plan:</b> Prior to Issuance of Grading and	City of Alameda

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Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<p>Countywide Clean Water Program (ACCWP). The C.3 Stormwater Control Plan shall be developed in accordance with the provisions of ACCWP's C.3 Stormwater Technical Guidance manual (Version 5.1, May 2, 2016). Additionally, as required by the C.3 Provisions, building permit applications must be accompanied by a Stormwater Control Plan, for review and approval by the City Engineer, which specifies the treatment measures and appropriate source control and site design features that will be incorporated into project design and construction to reduce the pollutant load in stormwater discharges and manage runoff flows. The C.3 Stormwater Control Plan shall be submitted for review and approval by the City of Alameda Public Works Department. The plan and a Stormwater Requirements Checklist shall be prepared by a qualified civil engineer or landscape architect. The applicant shall demonstrate to the City via drawings and engineering calculations that the proposed project includes site design features sufficient to capture and treat on site all stormwater runoff from the project site, in compliance with Provision C.3 of the ACCWP. Landscape features shall be used in lieu of structural features to the degree feasible. As part of compliance with the ACCWP, the applicant shall execute and implement a maintenance agreement with the City of Alameda to provide for the maintenance of all onsite stormwater treatment features and devices in perpetuity, including specification of how the maintenance will be financed. Prior to issuance of the building permit, the applicant shall provide proof of recording this agreement from the Alameda County Clerk Recorder's Office. The applicant shall submit to the Alameda Public Works Department annual certificates of compliance with the operations and maintenance requirements stipulated in the maintenance agreement.</p>	<p>shall be subject to review and approval by the City Building Division and/or City Public Works Department; submit project plans meeting the requirements of the mitigation measure for review and approval by the City Building Division and/or City Public Works Department; submit maintenance agreement showing compliance with applicable requirements as specified in the mitigation measure for review and approval by the City Public Works Department; submit proof of recording of maintenance agreement and annual certificates of compliance to the City Public Works Department.</p>		<p>Building Permits</p> <p><b>Recordation of Maintenance Agreement:</b> Prior to issuance of Building Permit</p> <p><b>Certificates of Compliance:</b> Annually as stipulated in the maintenance agreement</p>	

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 4th day of December, 2018, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 5th day of December, 2018.

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Lara Weisiger, City Clerk  
City of Alameda

Approved as to Form:

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