

CITY OF ALAMEDA
HISTORICAL ADVISORY BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA GRANTING CERTIFICATE OF APPROVAL (PLN19-0385) TO ALLOW DEMOLITION OF NON-CONTRIBUTING BUILDING #14, AND POTENTIAL DEMOLITION AND/OR RECONSTRUCTION OF CONTRIBUTING AND NON-CONTRIBUTING BUILDINGS #5, 13, 21, 25 AND 26 AND APPROVAL OF THE REHABILITATION PLAN FOR EXISTING CONTRIBUTING AND NON-CONTRIBUTING BUILDINGS (BUILDINGS #15, 16, 17, 18, 19 AND 27) IN THE ALAMEDA MARINA HISTORIC DISTRICT AT THE ALAMEDA MARINA SITE.

WHEREAS, the Alameda Marina site is designated Mixed Use in the General Plan; and

WHEREAS, the site is located within the Mixed Use/Planned Development Zoning and Multi-family Overlay and Heavy Industrial Zoning Districts; and

WHEREAS, the site contains the Alameda Marina Historic District, which was established by the Historical Advisory Board in 2017; and

WHEREAS, on July 10, 2018, the City Council certified the Alameda Marina Master Plan Final Environmental Impact Report (State Clearinghouse #2016102064) including a Statement of Overriding Considerations regarding the significant and unavoidable effects of carrying out the Alameda Marina Master Plan project pursuant to the California Environmental Quality Act and approved a Mitigation Monitoring and Reporting Program that contains mitigation measures for the loss of historic resources at the Alameda Marina site; and

WHEREAS, on July 24, 2018, the City Council approved the Alameda Marina Master Plan to allow redevelopment of the site; and

WHEREAS, on April 4, 2019, the Historical Advisory Board adopted Resolution No. HAB-19-06 which approved the Certificate of Approval to allow the demolition of contributing buildings (Buildings 1, 4, 6, 12, 22, 28, 29, 31, 32, 33, and 34) and non-contributing buildings (Buildings 2, 3, 7, 8, 9, 10, 11, 20, 23, 24, 35, 37, and 39) in the Alameda Marina Historic District to implement the Alameda Marina Master Plan and approved an Interpretive Signage and History Walk Program as a component of the required historic resources mitigation measures for the demolition of buildings; and

WHEREAS, on August 13, 2019, Pacific Shops, Inc. ("applicant"), filed an application for a Certificate of Approval to allow demolition of contributing building #21 (for gate house re-creation), and demolition of non-contributing building #14 and potential demolition/reconstruction of non-contributing buildings #5, 13, 25, and 26 for shoreline rehabilitation, and approval of a Rehabilitation Plan for existing contributing buildings #15, 16, 17, 19 and 27 and non-contributing building #18 in the Alameda Marina Historic

District at the Alameda Marina site.

WHEREAS, the application was deemed complete on August 15, 2019; and

WHEREAS, on the matter pertaining to the demolition of historic buildings in the Alameda Marina Historic District, the Historical Advisory Board shall issue a certificate of approval based on the City Council's decision to approve the Alameda Marina Master Plan; and

WHEREAS, on the matter pertaining to the proposed Rehabilitation Plan, the Historical Advisory Board shall review and approve the plan based on the requirements of Mitigation Measure (CUL-1a) in the Alameda Marina Master Plan EIR, and

WHEREAS, the Historical Advisory Board conducted a duly noticed public hearing and examined all pertinent materials on September 5, 2019.

NOW THEREFORE BE IT RESOLVED, that the Historical Advisory Board has made the following findings relative to the Certificate of Approval request:

1. The Alameda Marina Master Plan Project, as approved by the City Council, would include the demolition of many buildings on the Alameda Marina site. All three buildings deemed individually eligible for the National Register (16, 19, and 27) would be retained and their exteriors rehabilitated according to the Secretary of the Interior's Standards. The demolition of many of the District's contributing buildings, which have been determined to be historical resources, is considered a significant impact under CEQA. On July 10, 2018, the City Council adopted the Alameda Marina Master Plan and certified a Final Environmental Impact Report, including a Statement of Overriding Considerations regarding the loss of these historic resources. The City Council further approved specific mitigation measures including: Mitigation Measures CUL-1a (Treatment of Historic Properties), CUL-1b (Documentation), CUL-1c (Interpretive Display), and CUL-4 (Tribal Cultural Resources Interpretive Program) to reduce impacts to historical resources, to the extent feasible, by documenting the resource and preserving the history of the site and buildings. Approval of the demolition of each of the historic buildings is consistent with the City Council-approved Master Plan.
2. The request for Certificate of Approval to allow demolition of non-contributing building #14, and potential demolition and/or reconstruction of contributing and non-contributing buildings #5, 13, 25 and 26 is due to economic infeasibility to strengthen the underlying wharf and seawall and the buildings to deal with seismic events and sea level rise. Engineering analysis supports this conclusion because both the current seawall/wharf structures and the buildings do not meet minimum requirements for life safety under the California Building Code. Building 14 will be demolished while buildings 5, 13, 25 and 26 will likely be reconstructed generally in their current form while maintaining the industrial character of the Alameda Marina.
3. The proposed plans to demolish the heavily altered gate house, which has now

been converted to Building 21, and reconstruct a new gateway into the Alameda Marina site will more accurately reflect the site's period of significance. The proposed re-creation of a gate house honors the original purpose of the structure as the primary entrance to the site. Furthermore, Building 21 has a low degree of historical integrity due to previous alterations. The building was originally a covered open-air portal containing three turnstiles that form the entrance gate to the site. The proposed design for the new gate house will replicate the three turnstiles lanes.

4. The proposed Rehabilitation Plan meets the requirements of mitigation measure CUL-1a (Treatment of Historic Properties), which references consistency with the Secretary of the Interior's Standards:
 - i. *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.* No changes are proposed to the use of the existing buildings as they would be rehabilitated for commercial/industrial uses.
 - ii. *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 will be avoided.* The Rehabilitation Plan seeks to restore and rehabilitate existing buildings for adaptive reuse. Existing buildings will be strengthened and upgraded to current building code standards, prolonging the life of these buildings. The removal of original distinctive materials or changes to spaces and spatial relationships is not being proposed.
 - iii. *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.* The plans do not include conjectural features or other elements from other historic properties that would create a false sense of historical character. All proposed rehabilitation work, including reconstruction or restoration draws from original features of the buildings and seeks to restore original character.
 - iv. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.* The plans include restoration of original features, such as replacing aluminum slider windows with windows that match original multi-lite industrial windows, and re-creation of lost features, such as replacing non-original plywood siding with metal siding. The plans do not include the removal of features that have historic significance, other than the demolition of Building 21 to recreate the original gate house entrance.
 - v. *Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.* Decorative details and important examples of craftsmanship will be restored and preserved as demonstrated on the plans for Buildings 16, 19, and 27.
 - vi. *Deteriorated historic features will be repaired rather than replaced. Where 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 plans include restoration and repair of existing features on buildings, most predominantly restoration of original windows and repair of window elements. Non-original siding material will also be removed and appropriate new siding material will be installed to match the original siding.

- vii. 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.* No chemical or inappropriate physical treatments are proposed to the buildings to remain.
- viii. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.* The Alameda Marina Master Plan EIR requires appropriate measures to be implemented to protect archaeological resources. Those measure are currently being implemented per consultation with appropriate Native American representatives according to applicable laws.
- ix. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will 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.* The Rehabilitation Plan is intended to restore original features missing and rehabilitate existing features, and any new features, such as signage awnings, stairs, ADA ramps, etc., will involve materials and detailing differentiated from the historic buildings.
- x. 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.* New construction on the existing buildings will comprise of cosmetic exterior work that could be removed without affecting the essential form and integrity of the historic buildings.

NOW THEREFORE BE IT RESOLVED, the Historical Advisory Board finds that no additional environmental review is required for this Certificate of Approval. In 2018, the City of Alameda certified an EIR for the Alameda Marina Master Plan. The project is required to implement all of the mitigation measures in the Alameda Marina Master Plan EIR. The rehabilitation of buildings 15, 16, 17, 18, 19, and 27 implements Mitigation Measure CUL-1a in the EIR. The proposed demolition of buildings 5, 13, 14, and 25 and 26 to facilitate shoreline construction, and the proposed demolition of building 21 to reconstruct a new gateway into the Alameda Marina site, is consistent with the City Council-approved Master Plan. There have been no substantial changes in the Alameda Marina Master Plan project or the circumstances under which it would be implemented since certification of the Alameda Marina Master Plan EIR, and the Board's adoption of this resolution will not result in any new or more severe environmental impacts than were previously identified in the EIR; and

BE IT FURTHER RESOLVED, that the Historical Advisory Board hereby approves the subject Certificate of Approval application no. PLN19-0385 and the Rehabilitation Plan for existing buildings, subject to the following conditions:

- (1) This Certificate of Approval shall expire three (3) years after the date of approval or by September 5, 2022, unless actual demolition has begun under valid City permits or the applicant applies for and is granted an extension by the Planning Director prior to the date of expiration.
- (2) This Certificate of Approval is not a Demolition Permit. The applicant shall separately apply for demolition permits issued by the Building Official in the City of Alameda Permit Center.
- (3) Archaeological Resources. Prior to issuance of any permit for demolition, grading, or excavation or any activity involving disturbance of the ground, the applicant shall initiate the procedures specified in Mitigation Measure CUL-2a (Archaeological Resources Management Plan), to determine if documented archaeological resources in the area of proposed demolition, grading, excavation or other ground disturbing activities can be preserved in place and otherwise complete the necessary requirements as specified. Coordinate with a qualified archaeologist, the City, and tribal representative for completion of CUL-2b, CUL-3, and CUL-4.
- (4) Mitigation Measures Required Prior to Demolition. Prior to issuance of any demolition and/or building permits, the applicant shall demonstrate compliance with all applicable Mitigation Measures from the Alameda Marina EIR listed below. This list is not intended to replace the actual language of the mitigation measures specified in the Mitigation Monitoring and Reporting Plan:
 - a. AQ/CC-1 (Dust Abatement Plan)
 - b. BIO-1a (National Marine Fisheries Service-approved Sound Attenuation Monitoring Plan), BIO-1b, BIO-1c, BIO-1d – in affected water areas
 - c. BIO-1e, BIO-2a (Pre-construction surveys)
 - d. BIO-2c (Marine Invasive Species Control Plan) – in affected water areas
 - e. CUL-1b (Documentation) – prior to demolition permits for each individual building
 - f. HAZ-1a (Environmental Health), HAZ-1c (Asbestos abatement), HAZ-1d (Lead Based Paint), HAZ-1e (PCBs), HAZ-2a (Site-Specific Environmental Health and Safety Plan), HAZ-2b (Site Management Plan), HAZ-3 (Remedial Risk Management Plan)
 - g. NOISE-1a (Construction Noise and Vibration Management Plan)
- (5) Prior to issuance of any demolition permit, the applicant shall ensure that the requirements of regional and local agencies, as applicable, are satisfied, including, but not limited to the following:
 - a. Bay Conservation and Development Commission approvals
 - b. Regional Water Quality Control Board approvals

- c. Bay Area Air Quality Management District approvals
 - d. Alameda Fire Department approvals
 - e. Public Works Department Encroachment Permit, Clean Water Program, and Traffic Control Plan approvals
 - f. Alameda Municipal Power approvals
 - g. Alameda Planning, Building and Transportation Department approvals, including but not limited to, any applicable Design Review requirement per AMC Section 30-37.
- (6) The applicant shall file with the State Water Resources Control Board (SWRCB) a Notice of Intent (NOI) to Comply with the Statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activity. This condition of approval is required by the State of California. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are all required for this filing. A certification of filing shall be submitted to the City prior to demolition and/or building permit issuance, and by state law the NOI and the associated documents must be filed with the SWRCB prior to commencing construction or demolition.
- (7) Hold Harmless and Indemnification. 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

* * * * *