

CITY OF ALAMEDA RESOLUTION NO. _____

APPROVING CERTIFICATE OF APPROVAL APPLICATION NO.
PLN20-0431 TO ALLOW THE DEMOLITION OF TWO MAIN
BUILDINGS AND FOUR ACCESSORY BUILDINGS AT 620 CENTRAL
AVENUE (THE "MCKAY WELLNESS CENTER" PROJECT)

WHEREAS, the applicant, Alameda Point Collaborative submitted an application on December 22, 2020, requesting Certificate of Approval to allow the demolition of Buildings 1 and Building 2 (including Buildings 2A, 2B, 2C, and 2D) and four accessory structures (Buildings 8, 9, 10, and 13) on a 3.65-acre portion of the Alameda Federal Center property located at 620 Central Avenue/1245 McKay Avenue (APN: 074-1305-026-02); and

WHEREAS, the application was deemed complete on February 15, 2021; and

WHEREAS, the Alameda Federal Center property is listed on the Alameda Historical Building Study List with an "s" category designation; and

WHEREAS, pursuant to Alameda Municipal Code (AMC) Section 13-21.7, the demolition of the structures on a property listed on the Historical Building Study List requires a Certificate of Approval by the Historical Advisory Board; and

WHEREAS, the Historical Advisory Board conducted duly noticed public hearings on March 4 and May 6, 2021 and examined the entirety of the record, including all submitted materials and public comments regarding the application; and

WHEREAS, on May 17, 2021, Councilmembers Herrera Spencer and Daysog filed a Call for Review of the Historical Advisory Board's decision to approve the Certificate of Approval; and

WHEREAS, after giving due notice to the applicant, all interested parties, and the public, the Call for Review was considered by the City Council at a public hearing on June 15, 2021; and

WHEREAS, the applicant, supporters of the application, those opposed to the application and interested neutral parties were given the opportunity to participate in the public hearing; and

WHEREAS, the City Council held a de novo public hearing on June 15, 2021, on the Certificate of Approval application at which time the City Council considered the entirety of the record, including all submitted materials and public comments regarding the application; and

WHEREAS, the City Council considered the Call for Review, the public testimony, and all pertinent maps and reports and evidence in the record as a whole, and made

findings to approve Certificate of Approval Application No. PLN20-0431 as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council finds that on December 4, 2018, the City Council by Resolution No. 15461 adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) in compliance with CEQA for the McKay Wellness Center (Alameda Federal Center Reuse Project). In accordance with Section 15164 of the CEQA Guidelines, an Addendum to the Mitigated Negative Declaration has been prepared in the manner required and as authorized under CEQA, and the City Council has considered the MND, MMRP and Addendum, all of which are incorporated by reference as though fully set forth herein, prior to making a decision on the call for review. The Council finds that approval of the Certificate of Approval application will not produce new significant environmental effects or any substantial increase in the severity of previously identified significant effects and no further environmental review is required prior to making a decision to approve a Certificate of Approval to allow the demolition of Building 1 and Building 2 and four accessory buildings on the subject property; and

BE IT FURTHER RESOLVED, although the subject property is listed on the Historical Building Study List, the MND correctly determined that the property does not include a historic resource under CEQA (as defined by Public Resources Code section 21084.1). The Historical Building Study List is not a “local register of historical resources” as defined in Public Resources Code section 5020.1(k) (“Local register of historical resources’ means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”). The Historic Building Study List was a preliminary survey, containing over 4,000 buildings, and “should not be considered a final product, but rather a valuable tool in ongoing process of identification, evaluation and preservation of Alameda’s architectural and historic resources.” (Historic Preservation Element p. 51.) The subject property was not incorporated into the Study List by ordinance or resolution. Moreover the Historical Building Study List does not meet any of the four statutory requirements to qualify as a historic survey under Public Resources Code section 5024.1(g), consequently buildings on the list cannot be considered presumptive historic resources; and

BE IT FURTHER RESOLVED, the City of Alameda (City) does have a local register titled the “Historic Monuments List,” and express City Council action is required for buildings to be placed on that list. None of the project buildings appear on the Historic Monument List; and

BE IT FURTHER RESOLVED, that the City Council, having conducted a de novo hearing and independently heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Certificate of Approval Application No. PLN20-0431, the Historical Advisory Board’s decision, and the Call for Review, hereby approves Certificate of Approval No. PLN20-0431, subject to the findings for approval and conditions of approval in this Resolution; and

BE IT FURTHER RESOLVED, that in support of the City Council's decision to approve the Certificate of Approval application, the City Council makes the following Findings:

1. Site: The April 28, 2021 memorandum from Page & Turnbull confirmed the conclusions of a 1996 historic evaluation that the subject buildings (Building 1 and Building 2 and accessory buildings 8, 9, 10, and 13) were either built after the site's historic period of significance (1942-1957) or have lost considerable integrity of design, materials, setting, feeling, and association with the period of significance through demolitions and redevelopment of the original training facility on adjacent parcels, and significant alterations to the existing buildings. The demolition of southern wings of Building 2 within the subject parcel, and Buildings 3, 4, 5 and 6 in the neighboring parcel, have led to an additional loss of integrity of the complex since Page & Turnbull's 1996 evaluation. The subject buildings on the subject 3.65-acre parcel are unable to convey their significant associations with either their historic use as the Maritime Service Officers School, or as an architectural example of a modern campus. They do not convey the special nature of this property's historic maritime training mission during and after World War II, or yield scientific or historic information to future researchers. Page & Turnbull concludes that the heavily modified buildings and accessory structures do not retain sufficient integrity of setting, location, design, materials, workmanship, feeling, or association to be considered a historic resource.
2. Buildings 1 and 2: Building 1 and Building 2 (including Buildings 2A, 2B, 2C, and 2D), located at 620 Central Avenue / 1245 McKay Avenue were originally constructed in 1942-1943 as part of the Maritime Service Officers School, Alameda. They were later part of a group of buildings referred to as the Alameda Federal Center, leased by various federal agencies beginning in the late 1960s. Both have been significantly altered in the nearly seven decades since the closure of the school in 1953. Page & Turnbull reviewed existing documentation regarding buildings within the subject property to provide its opinion of their eligibility for historic resource designation at the national, state, and local levels. Based on the lack of integrity of the original Maritime Service Officers School campus as a whole, and the lack of individual integrity of each of these buildings, they are not eligible for listing on the National Register, California Register, on the Alameda Historic Monuments List, or on the Historical Building Study List at any level.
3. Accessory Buildings 8, 9, 10, 13: Four additional accessory buildings within the 3.65-acre parcel, Buildings 8, 9, 10 and 13, are not directly associated with the operation of the Maritime Service Officer's School, and do not possess significance in their own right.
4. Approval of the Certificate of Approval to demolish the subject buildings would not result in the demolition of a historically significant building or

structure. Although the property is listed on the Historical Building Study List, the property does not include a historic resource under CEQA (as defined by Public Resources Code section 21084.1). The Historical Building Study List is not a “local register of historical resources” as defined in Public Resources Code section 5020.1(k) (“Local register of historical resources’ means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”) The Historic Building Study List was a preliminary survey, containing over 4,000 buildings, and “should not be considered a final product, but rather a valuable tool in ongoing process of identification, evaluation and preservation of Alameda’s architectural and historic resources.” (Historic Preservation Element p. 51.) The subject property was not incorporated into the Study List by ordinance or resolution. Moreover the Historical Building Study List does not meet any of the four statutory requirements to qualify as a historic survey under Public Resources Code section 5024.1(g), consequently buildings on the list cannot be considered presumptive historic resources. The preponderance of the evidence demonstrates that the resource is not historically or culturally significant.

5. The City of Alameda’s local register of historical resources, as defined by Public Resources Code section 21084.1, is titled the “Historic Monuments List,” and express City Council action is required for buildings to be placed on that list. None of the subject buildings appear on the Historic Monument List.

BE IT FURTHER RESOLVED that the City Council hereby approves the Certificate of Approval to allow the demolition of the two main buildings (Buildings 1 and 2 (including Buildings 2A, 2B, 2C and 2D)) and four accessory buildings (Buildings 8, 9, 10, and 13) subject to the following conditions:

- (1) This Certificate of Approval shall become effective immediately and shall expire three (3) years after the date of approval or by June 15, 2024, unless demolition has begun and is diligently pursued towards completion under valid City permits prior to the date of expiration. Upon written request and payment of appropriate fees submitted no later than the expiration date of the Certificate of Approval, this Certificate of Approval may be extended by the Planning Director for up to (2) additional years from the date of expiration, with additional extensions subject to approval by the approving body. If litigation is filed challenging this Certificate of Approval, or its implementation, then the time period stated above is automatically extended for the duration of the litigation.
- (2) This Certificate of Approval is not a Demolition Permit. The applicant shall separately apply for a demolition permit issued by the Building Official.
- (3) Mitigation Measures Required Prior to Demolition. Prior to issuance of any demolition/ building permits or certificate of occupancy, the applicant shall demonstrate compliance with the McKay Wellness Center Project Mitigation Measures Air Quality AQ-1, Biological Resources BR-1, Cultural Resources CR-1, CR-2, CR-3, CR-4, Geology and Soils GS-1, Hazardous Materials HM-1, HM-2,

Water Quality WQ-1, WQ-2, WQ-3, as applicable.

- (4) INDEMNIFICATION. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, Historical Advisory Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

BE IT FURTHER RESOLVED that the record before the City Council relating to the Certificate of Approval includes, without limitation, the following:

1. The application, including all accompanying maps and papers;
2. All plans submitted by the applicant and its representatives;
3. The Call for Review and all accompanying statements and materials;
4. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials, and all final notices relating to the application, Call for Review and attendant hearings;
5. All oral and written evidence received by the City Council during the public hearing on the Call for Review; and all written evidence received by relevant City staff before and during the public hearing on the Call for Review; and
6. All matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) the Alameda Municipal Code; (c) all applicable State and federal laws, rules and regulations; and

BE IT FURTHER RESOLVED, that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are located at the Office of the City Clerk located at 2263 Santa Clara Avenue, Room 380, Alameda, CA 94501; and

BE IT FURTHER RESOLVED, that the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

* * * * *

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 of the City Council assembled on the 15th day of June 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 16th day of June 2021.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Yibin Shen, City Attorney
City of Alameda

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.