

APPROVED MINUTES
REGULAR MEETING OF THE
CITY OF ALAMEDA HISTORICAL ADVISORY BOARD
THURSDAY, MARCH 4, 2021

1. CONVENE

Chair Thomas Saxby called the meeting to order at 7:01 pm.

This meeting was via Zoom.

2. ROLL CALL

Present: Chair Saxby, Board Members Jones, Lau, Sanchez, and Wit.

Absent: None

3. MINUTES

3-A 2021-707

Draft Meeting Minutes - January 7, 2021

Chair Saxby noted that his title should be Chair, not President, and added that the minutes were very clear and concise.

Board Member Jenn Wit made a motion to approve the minutes. Board Member Lynn Jones seconded the motion. The motion passed 5-0.

4. AGENDA CHANGES AND DISCUSSION

None.

5. ORAL COMMUNICATION

None.

6. WRITTEN COMMUNICATIONS

6-A 2021-711

Letter Regarding Central Avenue Safety Improvement Project.

Allen Tai, City Planner, discussed the letter and what the intent behind the letter was. The letter can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4809155&GUID=F0FC0A03-B0B0-4547-BF62-592213F259EE>.

Chair Saxby wanted to know what effect it would have on Historic Properties but Staff Member Tai had clarified that it was just roadwork.

7. REGULAR AGENDA ITEMS

7-A 2021-709

PLN20-0431 - Delisting from Historical Buildings Study List - 620 Central Avenue - Alameda Federal Center. Applicant: Alameda Point Collaborative. Public hearing to consider delisting the Alameda Federal Center site at 620 Central Avenue from the Historical Buildings Study List. The property is listed on the Historical Buildings Study List with an "s" designation. The delisting of 620 Central Avenue from the City's historic resources inventory is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. As a separate and independent basis, this action is not a project under CEQA Guidelines Section 15378(b) and Public Resources Code section 21065.

Henry Dong, Planner III, gave a presentation. The staff report and attachments can be found at

<https://alameda.legistar.com/LegislationDetail.aspx?ID=4809153&GUID=A445FD85-3D49-412A-AF2E-C06F94BC4759&FullText=1>.

Chair Saxby opened the board's clarifying questions.

Board Member Norman Sanchez wanted clarification if one or both of the sites had gone to the City Council yet.

Staff Member Dong said that the site that had gone to council was the APC site, the Northern portion.

Board Member Sanchez asked if that proposal was to rehabilitate the existing building not to demolish it.

Staff Member Dong clarified that the rehabilitation was for the South building, the W-shaped one. The Northern building was the one that had not gone to hearing yet.

Chair Saxby clarified the delisting would be the entire Northern portion of the property that was considered the APC site.

Staff Member Dong said yes, both buildings plus the accessory structures and the EBRPD (East Bay Regional Park District) site.

Staff Member Tai said it was the property as outlined and also clarified that the question before the board was about the clean-up of the listing. What the applicant plans to do on the property was a land-use question and not a question before the board.

Board Member Jones asked about certain designations on the Historical Buildings Study List and wanted clarification on those.

Staff Member Dong said the top category was N (National) then there were S (State), H (Historical), B (Background), and E (Environmental).

Board Member Jones asked about the hierarchy within those designations.

Staff Member Tai said that N, the national register, was the highest, then S, then B. Then was the E category, where individually they might be insignificant but as a group they were significant. Lastly was H, these buildings might have historical significance but would require further research.

Doug Biggs and Chris Ebert, the applicant and the architect, also gave a presentation discussing the history of this site, why they were asking to delist this site from the Historical Buildings Study List, and addressed the opposition to this delisting process.

Chair Saxby asked if they had looked into rehabilitating the buildings or doing some type of adaptive reuse for the project. He wanted to know more about the background of the project.

Mr. Biggs said from day one the plan for Building 1, the Engineering Building, was to tear it down for a new Built to Purpose Medical Program Building. He said for Building 2/E Shaped they had thought they could rehab the building until they did Exploratory Demo. They determined that the seismic upgrade cost would be too cost-prohibitive to be able to get funding for the project so they are now tearing it down.

Chair Saxby asked if the seismic evaluation was done using Historic Building Codes or current codes.

Mr. Biggs said it was done with the current building codes.

Chair Saxby said these buildings would be eligible for Historic Building Codes.

Mr. Biggs said that the Historic Building Code would not save them money on the seismic issues.

Chair Saxby was curious why they were not able to view the Page & Turnbull reports which were referenced by the 2003 letter from SHPO (State Historic Preservation Office) Report as to why the location was not eligible for the National Historic Registry.

Mr. Biggs said they had reached out to Page & Turnbull, those reports had been archived and it would take a few months to track them down. Also since the site was not eligible back then it would not be now.

Chair Saxby reminded Mr. Biggs that their decision would not apply to the local registry.

Mr. Biggs said that was not his declaration but that of the SHPO officer.

Board Member Alvin Lau wanted to know why they didn't remove this site from the Historical List before now since they had this letter from 2003 saying the site was not eligible.

Staff Member Tai said that the Alameda Municipal Code does not have procedures established for the Historic Study List, and there is no actual requirement to delist a property. They were doing this now to be transparent and there was some precedent to do this. The staff felt that the 2003 letter was very conclusive.

Board Member Sanchez asked since there was no procedure for delisting, the procedure is just done case by case.

Staff Member Tai said there are properties on the Study List that had been demolished and staff would make a note of that on the list. They have handled this issue in different ways. This was a clean-up action after it is concluded that the property is delisted.

Board Member Sanchez asked if this property was not delisted how would that affect the applicant.

Staff Member Tai said for the applicant to move forward they would need to move forward with a Certificate of Approval for demolition, and they would come back at the next meeting for that approval. All of the evidence that they had reviewed was very conclusive.

Board Member Sanchez asked since it was not eligible for the National Registry would that also mean that it was not eligible for the State Registry.

Staff Member Tai said that the National and State criteria were very similar. He described what that criteria was, from design to association. He also discussed Alameda's criteria and what made a location historically significant. He broke down why this site did not meet the local criteria.

Board Member Sanchez wanted to know if a different site wasn't eligible for the National or State registry they could still decide to keep it on the local Study List. They don't have to be governed by the State or National Registry.

Staff Member Tai said that was correct.

Chair Saxby asked about the demolition done in 2007 and wanted to know what process happened in regards to the Historic Advisory Board.

Staff Member Tai said in 2007 it was still a Federal property so it was not within the purview of the city. There were no permits at that time since Federal and State Agencies are not subject to the city's permitting process.

Chair Saxby wanted to know why the applicant and the staff hadn't just come before the board for a Certificate of Approval to demolish.

Staff Member Tai said once they know the property is not historic it's a more straightforward process to remove it than coming before the board needing approval for each building.

Chair Saby said that whatever decision that is made would affect other buildings on the site that was on the EBRP (East Bay Regional Park) property.

Mr. Biggs said there was only one remaining building on the EBRP property, and does not include the boathouse. He wanted to add that they are doing it this way because they needed to treat the site as a whole.

Staff member Tai clarified that it would still be for individual buildings, but yes doing it this way was more transparent.

Chair Saxby clarified that if they delist the site then all future action regarding demolition of individual buildings would not have come back before the board. It would be handled at the staff level. Including the EBRPD site.

Staff member Tai said that was correct.

Board Member Sanchez wanted to know if the staff could request and file an application with HAB for delisting of a property regardless of an impending project.

Staff Member Tai said that was conceivable. He said he could think of other properties that had been demolished that were still on the list. He agreed that any changes to that list should go through a public process.

Board Member Sanchez wanted to know who could generate that request.

Staff Member Tia said for the Historical Study List anybody could, there were no rules in the Alameda Municipal Code about that.

Board Member Sanchez wanted to know if there was pending litigation regarding this site.

Celena Chen, City Attorney's Office, explained a recent case that was dismissed and discussed another case challenging Alameda's Design Review Approval in the Superior

Court. She added that the filing of a lawsuit doesn't affect the process of the project as a whole. She further explained the risks that the applicant would be assuming.

Chair Saxby opened the public comments. He also reminded the public that the discussion was about delisting the site not for what it would be used for. Also in the interest of time, he limited the public speakers to 2 minutes each.

John Healy, the applicant for the mentioned upcoming court case, said that this delisting process by the city was an attempt to circumvent its liability and culpability in ongoing litigation with Alameda County's Superior Court. He discussed the parts of the litigation and questioned why this process was changing now. He also brought up the procedure for delisting by the state and wanted to know why that was not being used. He also took issue with his time being limited to 2 minutes.

Chris Buckley, Alameda Architectural Preservation Society, wanted the board to defer any decision about delisting this property until adequate information and documentation was made available. He found the staff's reliance on the 2003 determination from the SHPO to be really off base since it was not based on local criteria. He spoke about the connection to the Maritime School and World War II this site had.

Carmen Reid gave her objection to the delisting of this property. She stated that the Alameda Point Collaborative was not eligible for delisting as a lessee under the Alameda Municipal code along with other legal reasons. She wanted the board to consider that the property served as a visual reminder of Alameda's military history and the property was under litigation for not adhering to the CEQA (California Environmental Quality Act) mandate. She saw the delisting process as a "workaround" the pending litigation and to avoid state law.

Zac Bowling wanted to give his support for the staff's recommendation and the delisting of this property. He saw the CEQA lawsuit as a moot point and believed the other speakers were part of the same group who wanted to do the vote over again. He believed the board's duty was to look at the facts and information in front of them and not to listen to distractions being raised to try and stop this project.

Harvey Rosenthal, the adjacent property owner, referenced the GSA letter and how the parcels had changed over the years. He also spoke of the connection to World War II and the people that made this site historic.

Rosalinda Fortuna, a nearby property owner, spoke of her father who was a 90-year-old veteran who believed this property should be maintained as a Historic Property. She believed if the board allowed the delisting of this property then the Alameda Point Collaborative would then build numerous stories in this old established neighborhood.

Margaret Hall, a property owner on Central Ave, spoke of her family's history with the military and Alameda and as a General Contractor, she was at first very excited about the repurposing of the buildings. She was very disappointed to learn that the plan now was to demolish the buildings and urged the board to look into the matter more before they made any decision.

Chair Saxby closed the public comments and opened the board's discussion.

Board Member Jones said this was obviously a difficult decision since the information was not clear. She believed that the applicant had made some very good factual comments that were making her decision harder. She understood and believed that the staff had done their due diligence in regards to researching this site.

Board Member Witt agreed with what Board Member Jones said. She believed in order to get the go-ahead for this project it would be great to find the Page & Turnbull letters to make things more clear cut. She was very much on the fence for this project.

Board Member Sanchez said there was an abundance of information to go over in order to reach a decision. He spoke again that the board's only concern at the moment was to decide if the property belongs on the Historic Study List, not what the applicant intends to do with the property. He said even though he trusts the staff he would like to see the original document used to place the site on the list, the Page & Turnbull Report, and a better understanding of the site as it was now. He wanted to defer any decision until more information was brought forward.

Board Member Lau agreed with his fellow board members that it was very difficult to make a decision now. He wanted the staff to gather more information and documentation before he and the board made a decision.

Chair Saxby agreed that they lacked information about this property. He acknowledged that the difficult part was knowing that their decision to delist the property would result in the buildings being demolished. He added that the presentation did give him a better understanding of the property, even if it was historically significant it had lost a lot of integrity. He too wanted to see the original 1996 Page & Turnbull evaluation.

Board Member Jones asked the staff what other documentation (Page & Turnbull letters) was available that could be gathered.

Staff Member Tai said first he wanted clarification on what documentation the board would like. He knew that there were many references to the 1996 Page & Turnbull Report, but that document had never been available to the city. He said that even the applicant had reached out to Page & Turnbull and that document had never been made available. He wanted to know what other specific information the staff could gather that would compel the board to make a conclusive decision.

Chair Saxby said they had been given conclusions but not the background for those conclusions. He asked if it was possible to just do a new Historical Evaluation of the site.

Mr. Biggs spoke of his passion and dedication to seeing this development happen and said they would reach out to Page & Turnbull again to see if they can pull the original report from their archives. He said if that didn't work they would have Page & Turnbull come out again to review the documents they have and the site to do an updated determination. He did not want this project held up because of how it was put on the Study List. He also offered to bring the board out to a site visit, with COVID it was difficult but not impossible.

Board Member Sanchez believed a site visit would be very helpful. He suggested finding any documents for when the Study List was first put together that would show the logic behind listing any property. He wanted to see the progression of the Study List.

Staff Member Tai wanted to clarify that record-keeping in the city over the years had been very spotty. He had discovered some survey forms but it was really more of a checklist that the surveyors used as they walked the neighborhoods. For most of the properties on the Study List, including this one, there is just not much information. He also added with the site visit they would need to schedule a special meeting, to figure out the logistics. He also said another way was to schedule individual visits.

Staff Counsel Chen said that touring in pairs would be acceptable since pairs did not count as a quorum.

Staff Member Tai also checked with Mr. Biggs that if anyone from the public wanted a tour of the site they could try to accommodate them.

Mr. Biggs said that was acceptable and offered suggestions on how that could work.

Board Member Sanchez made a motion to continue the decision to a future meeting with the request that as much information be provided that was available, from the city records, the Page & Turnbull report if it was available and to take up Mr. Biggs his offer of a site visit. Board Member Jones seconded the motion and a roll call vote was taken. The motion passed 5-0.

7-B 2021-710

Historic Preservation Ordinance Informational Workshop: The City of Alameda is proposing to update the Historic Preservation Ordinance, Alameda Municipal Code Section 13-21, to ensure that it reflects best practices in the field of historic preservation. The Historical Advisory Board will hold a public workshop to review the existing ordinance and discuss ideas for proposed revisions. No final action will be taken at this meeting. A public workshop to review and discuss amendments to the Historic Preservation Ordinance is not subject to environmental review under CEQA.

Staff Member Tai introduced this item and gave a presentation. The staff report and attachments can be found at <https://alameda.legistar.com/LegislationDetail.aspx?ID=4809154&GUID=65037058-882D-4986-B8AA-AE540DAF17B5&FullText=1>.

Chair Saxby opened the board's clarifying questions and comments.

Chair Saxby was intrigued by Option 3 because when they do give Certificates of Approval they do touch on Design Review. He also believed that redefining demolition makes sense because the current definition of demolition was too complicated for people to understand.

Staff Member Tai clarified that once they made their decision, the importance of the word demolition might not be as significant. He gave examples of what he meant if the board chose Option 3.

Chair Saxby wanted to know more about what would trigger a project coming before the board.

Staff Member Tai said that was up to the board, for Design Review the staff was the default party. He explained how the Design Review worked now with the Planning Board but this board could change the criteria of what would come before them. He said that the staff's vision was not to change the current process, they would want the majority of mostly single-family Design Reviews to remain at the staff level.

Board Member Sanchez explained how he understood how Option 3 would work and what would lead an applicant to have a Design Review with this board. They would be changing the process if an applicant didn't trigger (due to the demolition) a Design Review and the board could still request a Design Review if there was an appeal.

Staff Member Tai said that was correct, that would only be the subset of properties that were pre-1942 and on the Historical Study List.

Board Member Sanchez clarified the difference between Option 2 and Option 3.

Staff Member Tai also gave examples of each option and how the process would work.

Board Member Sanchez said he was not opposed to Option 3 at all. He believed having the trigger be major alterations rather than value was clearer.

Staff Member Tai continued his presentation, where he discussed the Historical Studies List.

Chair Saxby continued the board's questions and comments.

Chair Saxby asked how this could be set up so that single-family homes were not subjected to CEQA if they were on this Resource Inventory List.

Staff Member Tai clarified if the homes were valued to be historic they would be subjected to CEQA with all those protections. He mainly was discussing the category of buildings that were pre-1942, the staff believed those buildings should not be automatically be subjected to the strict regulations of CEQA.

Chair Saxby asked if that would be “devaluing” some of the properties on the list.

Staff member Tai said that process-wise they would still be subjected to the same procedures. He used the McKay property as an example.

Chair Saxby said it was clear to him, and to others, that the need for better investment in resource evaluation was needed in Alameda. He hoped they would move toward that with further discussions.

Board Member Sanchez asked who would submit the forms that were referred to. He wanted to know more about that process.

Staff Member Tai explained how the process used to work and what the surveyors did. He then explained the current process and what forms were needed from the applicant. It’s a very structured process.

Board Member Sanchez asked, having these two lists, he wanted to know if a DPR (Department of Parks and Recreation) form was needed in order for a project to move forward or could the property be moved to the list where the DPR form was not required.

Staff Member Tai said yes and added that this is where the details become very important. He gave some examples of how the board could change criteria.

Chair Saxby opened the public comments and kept the time at 2 minutes.

John Healy thanked the commission and the staff for all their time and dealing with issues like this that no one else wants to bother with. He agreed with Staff Member Tai that they have to go back and reevaluate the Historic Study List. He recommended going back and finding some of the people who established the original Historic Advisory Board and even having a Historian on the board.

Chris Buckley, from the AAPS, wanted to discuss a letter the society had sent. He gave the society’s thoughts on the term demolition and gave changes the society thought worked better. He added that the society agreed with Option 3. He was very concerned about information and cards for each property on the list that was missing.

Staff Member Tai informed him about what documentation was available.

Chair Saxby closed the public comments and opened the board's discussion.

Board Member Jones checked with Chris Buckey to make sure the AAPS had her correct email since she did not receive the letter or the attachments from AAPS.

Board Member Lau suggested having a group email address.

Staff Member Tai said they could look into getting everyone on the board city email addresses. He discussed what they would need to do and how they would need to maintain the emails.

Board Member Sanchez asked about a recommendation that was not covered in the presentation about holding a public workshop to review comments on the proposed amendments. He wanted more elaboration on that.

Staff Member Tai said once they had more direction from the board the staff would draft the ordinance. Then the board would use the regular meeting times to discuss it.

Staff Member Tai then asked the board to give the staff some direction on this issue. He said that the staff would benefit from some more clarity from the board.

Chair Saxby brought up the demolition definition, the evaluation was very unclear and needed to be cleaned up. He added that he believed that Option 3 was the most interesting.

Board Member Sanchez agreed, saying Option 3 made the most sense after what they had discussed.

Board Member Lau was also in agreement.

Staff Member Tai said that was helpful and wanted to take Option 3 further. He broke down the process conceptually and what amendments they would be making.

Chair Saxby said they needed to establish a trigger that would take projects from staff review to board review. In the past demolition had been that trigger and it still could be but with a better definition.

8. BOARD COMMUNICATIONS

None

9. STAFF COMMUNICATIONS

Staff Member Tai said they would be discussing the COG (Council of Governments) Annual Report. Being a certified local government, the local preservation programs

needed to make sure they meet certain standards. Also annually the staff has to provide a report as well as meeting other standards. The report this year was written by Staff Member Dong.

Staff Member Tai asked the board if they were interested in official city emails.

Chair Sanchez said he did not want another email to deal with but said it was very important for AAPS to have everyone's correct email.

Staff Member Tai said he would take care of that.

Chair Saxby wanted to know how the board would know about Design Reviews approved at the staff level.

Staff Member Tai said that those actions were posted and they would notify the board when those actions took place and they would happen on a set schedule.

10. ORAL COMMUNICATIONS

None

11. ADJOURNMENT

Chair Saxby adjourned the meeting at 10:02 pm.