



June 25, 2021

(By electronic transmission)  
Andrew Thomas, Planning, Building and Transportation Director  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

**Subject: Draft Environmental Impact Report (DEIR) for the March, 2021 Draft Alameda General Plan - - Alameda Architectural Preservation Society (AAPS) comments**

Dear Mr. Thomas:

The California Environmental Quality Act (CEQA) in Public Resources Code Section 21084.1 mandates that "A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Section 15064.5 (b) (1) and (2) of the CEQA Guidelines (Sections 15000– 15387 of the California Code of Regulations, Title 14, Chapter 3) defines "substantial adverse change" as follows:

*(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.*

*(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.*

*(2) The significance of an historical resource is materially impaired when a project:*

*(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or*

*(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or*

*(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.*

Section 15064(b)(3) and (4) goes on to state:

*(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.*

*(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.*

The Draft EIR variously states that the General Plan will have a less than significant impact on historical resources via project-specific mitigation or because a subsequent project-specific EIR would be required. More specifically, Volume 2, Page 18-21 of the DEIR states:

*While future development activity that would cause a substantial adverse change in the significance of a historical resource would be a significant, adverse impact on historical resources, including properties listed on or eligible for listing on the NRHP or CHRP and well as City-designated historic monuments and properties, compliance with the General Plan policies listed above and with existing regulations and procedures would **ensure** (emphasis added) that such impacts would be less than significant. As discussed in the Setting section, any future discretionary development proposed within the Naval Air Station Alameda Historic District, Alameda Marina Historic District, or Park Street Historic Commercial District would be required to be submitted for review by the Alameda Historical Advisory Board and obtain a Certificate of Approval from the HAB prior to implementing the project. Project applicants would be required to comply with any conditions intended to preserve and protect historic resources that are identified by the HAB as part of the Certificate of Approval. Similarly, any discretionary project proposing removal of or modification to a resource included on the City's Historical Building Study List, a designated Historical Monument, or a protected tree, as defined in Alameda Municipal Code Section 13-21.7(c), would be required to obtain a Certificate of Approval from the HAB prior to implementing the project.<sup>1</sup>*

*Impacts to historical resources are highly localized and site-specific, so specific impacts can only be determined once a particular project has been proposed. Modifications to historic properties can be made that avoid significant impacts to historic resources, such as by designing and carrying out renovations or reconstructions in a manner that is consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. When reviewing applications for future development projects, the Alameda Planning Department will make a preliminary determination regarding the potential for the proposed project to adversely affect historical resources. If the Department identifies any potential for effects on historical resources, the Planning Director will require an evaluation of the project's potential impacts to historical resources by a qualified professional architectural historian meeting the Secretary of the Interior's Professional Qualification Standard. If the Historic Resources Evaluation identifies potentially significant impacts to historic resources, the project applicant will be required to either (a) implement all recommendations identified in the Historic Resources Evaluation report to reduce potential impacts to a less-than-significant level, if applicable, or (b) sponsor the preparation of an Environmental Impact Report (EIR) pursuant to CEQA to fully evaluate and disclose the project's potential impacts to historical resources.*

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<sup>1</sup> This sentence is incorrect. Only demolition and removal of Study List properties or protected trees require a Historical Advisory Board Certificate of Approval. Other modifications to Study List properties only require design review approval from the Planning Department.

*Given these existing rules, regulations, and procedures in place to protect historic resources, adoption of the proposed Alameda General Plan 2040 would have a **less-than-significant impact** on historic resources.*

However, since the proposed General Plan policies and the City’s existing “rules, regulations and procedures” still allow the City to approve demolition or adverse alteration of historic resources based on economic hardship or other considerations, the DEIR’s assertion that these policies, rules, regulations and procedures ‘**ensure**’ that impacts on historical resources are less than significant is an overstatement.

**The DEIR’s conclusion that adoption of the General Plan would have a less-than-significant impact on historical resources is therefore blatantly incorrect.** <sup>2</sup> The characterization of impacts as significant or less-than-significant is critical to EIR analysis. PRC Section 21084.1 makes clear that demolition or other substantial adverse change in the significance of a historic resource IS a significant environmental impact. The only way the General Plan could have a less-than-significant impact on historic resources is if the Plan is altered to mandate that demolition or substantial alteration of historic resources is **not allowed**.

Otherwise, preparation of a subsequent project-specific EIR does *not* ensure that there will be no significant impact. Preparation of a project-specific EIR is not mitigation; it is a state-mandated requirement if a project may have a significant impact. If the Plan is not revised to add the “**is not allowed**” language proposed above, the Plan and EIR should be revised to identify Impact 18-1 (“New development allowed under the Alameda General Plan 2040 could damage or destroy historical resources”) as a “significant” rather than a “less-than-significant” impact. Mitigation should be added to the effect that if a project under the Plan may result in demolition or other substantial adverse change in the significance of an historic resource, a project-specific EIR must be prepared and any feasible alternatives to demolition or other substantial adverse change in the significance of the resource must be adopted. If and only if there are no feasible alternatives, an appropriate level of compensatory mitigation for historic resource impacts should be imposed.

In addition, the following project alternative and mitigation measures for Impact 18-1 should be added to the DEIR:

**1. Additional project alternative:**

To minimize impacts on historical resources and existing built-up residential neighborhoods and minimize overall impacts on transportation facilities and other infrastructure, delete the proposed residential density increases above the current 2000 sq. ft. of lot area per residential unit and height limit, FAR and other intensity increases in the following areas: (i) the R-2 through R-6 Zones, the NP-R and NP-MU Zones (portions of the North Park Street area), and the C-1 Zone (which includes the “Stations”), all as shown on the 2020 City of Alameda Zoning Map; (ii) the historic portions of the Park and Webster Street Business Districts; and (iii) properties that are on the City of Alameda Historical Monument or Historic Building Study Lists.

Define the historic portion of the Park Street Business District as:

“The portion of the Park Street Business District located in: (i) the C-C Zone south of Lincoln Avenue; and (ii) the NP-G Zone on the west side of Park Street between Lincoln and Buena Vista Avenues all as shown on the 2020 City of Alameda Zoning Map.”

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<sup>2</sup> Further, the text beginning with: “When reviewing applications for future development projects...” in the above DEIR excerpt’s second paragraph is not part of any existing written City procedure or document.

Define the historic portion of the Webster Street Business District as:

“The portion of the Webster Street Business District located in the C-C Zone south of Lincoln Avenue as shown on the 2020 City of Alameda Zoning Map”

**2. Additional mitigation measures:**

- a. Retain all existing Alameda Municipal Code demolition protections for pre-1942 buildings, properties on the Historic Building Study List and Historical Monuments. This mitigation measure would replace the proposed Action LU--25f text on Page 44 which only states “Maintain demolition controls for historic properties” without specifying which controls would be maintained or defining “historic properties”.
- b. Prior to adoption of the General Plan, conduct a historical and architectural survey, including historic context statements, for all buildings 50 years old or older within any areas identified in the new General Plan for increased residential density, height limits, FARs or other intensities to identify which of these buildings are potential historical or cultural resources. Identify any historic districts formed by these buildings. Expand existing Alameda Municipal Code demolition protections to these buildings.
- c. Prior to adoption of the new General Plan, the City of Alameda shall submit an application to the State Historical Resources Commission for listing on the California Register of Historical Resources all properties within any areas identified in the new General Plan for increased residential density, height limit, FAR or other intensities that are on the City of Alameda Historic Building Study List, are City of Alameda Historical Monuments and/or are identified as potential historical and cultural resources (including potential historic districts) in the historical and architectural survey described in Mitigation Measure (b) above and the Commission shall take action on such application.
- d. Maintain the existing General Plan’s 40 foot height limit for the historic portions (as defined in the Item 5’s Project Alternative above) of the Park Street and Webster Street Business Districts. Amend the Alameda Municipal Code to bring the height limits for the historic portions of the Park Street Business District that are now over 40 feet into conformity with the 40 foot height limit.
- e. Maintain the existing General Plan’s and Alameda Municipal Code’s 30 foot height limit for the C-1 Zone as shown on the 2020 City of Alameda Zoning Map.
- f. Require that the housing types listed in the Draft General Plan’s Action LU-2f on Page 29 of and located in the MDRA be contained within existing building envelopes.<sup>3</sup>

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<sup>3</sup> Action LU-2f states:

***Multi-family and Shared Housing.** Permit multi-family and shared housing opportunities, including co-housing, congregate housing, senior assisted living, single room occupancy housing, transitional housing, emergency warming shelters, and shelters for the homeless in all Medium-Density residential zoning districts and in all three of the Mixed-Use Land Use Classification zoning districts to provide for the housing needs of all Alamedans.*

Within the Medium-Density residential zoning districts (MDRZDs) this wider range of uses could promote new construction of contrasting building types that architecturally disrupt existing neighborhoods and existing and potential historic districts and replace existing historic buildings with new buildings. Some of these uses are already permitted or conditionally permitted in some of the MDRZDs, but others are not. **The impacts of this wider range of uses on the numerous historic buildings in the MDRZDs should be considered a “significant effect” in the EIR for CEQA purposes, and project alternatives and mitigation measures identified to avoid or reduce this significant effect.**

- g. Delete the Draft General Plan’s Action LU-26b or limit its applicability to areas not containing Alameda Historical Monuments, Historic Building Study List properties or historic resources identified by the historical and architectural survey described in Mitigation Measure (b) above.<sup>4</sup>

Thank you for the opportunity to comment. Please contact me at (510) 523-0411 or [cbuckleyAICP@att.net](mailto:cbuckleyAICP@att.net) if you would like to discuss these comments.

Sincerely,

Christopher Buckley, Chair  
Preservation Action Committee  
Alameda Architectural Preservation Society

cc: Mayor and City Councilmembers (by electronic transmission)  
Planning Board (by electronic transmission)  
Historical Advisory Board (by electronic transmission)  
AAPS Board and Preservation Action Committee (by electronic transmission)  
Susan Brandt-Hawley, Esq. (by electronic transmission)

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<sup>4</sup> Action LU-26b states:

***b. Creativity.** Encourage and support creative and contemporary architectural design that complements, but does not mimic, existing architectural designs in the neighborhood or district.*

This action is inconsistent with the City’s existing design review policies and documents that promote designs consistent with the surrounding neighborhood. It is also too open-ended in its use of undefined and overly subjective terms, such as “creative” and “contemporary”. Adoption of this action could set the stage for architecturally intrusive new development in historic areas and potentially compromise the continued eligibility of existing and potential National Register and California Register districts for these Registers. **The EIR should consider the potential impacts of this Action as “significant effects” for CEQA purposes and identify project alternatives and mitigation measures to avoid or reduce these significant effects.**