

CITY OF ALAMEDA RESOLUTION NO. _____

UPHOLDING PLANNING BOARD DECISION TO APPROVE DESIGN REVIEW PERMIT FILE NO. PLN16-0232 FOR THE CONSTRUCTION OF A 880 SQUARE FOOT ACCESSORY STRUCTURE AT 1208 SAINT CHARLES STREET.

WHEREAS, an application was made on May 2, 2016 by Paula Mathis and Tom Ellebie for Design Review to construct a 920 square foot accessory structure within the required rear yard; and

WHEREAS, the subject property is designated as Low Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in a R-1, One-Family Residence Zoning District; and

WHEREAS, the subject property is listed on Alameda's Historical Building Study List; and

WHEREAS, after considering input from the adjacent property owners the applicants resubmitted revised plans on August 10, 2016 that adjusted the design and reduced the overall size to 880 square feet; and

WHEREAS, the proposal was accepted as complete on October 10, 2016; and

WHEREAS, the Community Development Department approved this application on November 14, 2016, to allow the construction of a 880 square accessory structure subject to conditions of approval; and

WHEREAS, on November 14, 2016 a member of the Planning Board called the Design Review approval for review per the guidelines in Alameda Municipal Code (AMC) Section 30-25.3(c); and

WHEREAS, on November 28, 2016, the applicant presented a revised arborist report and project plans to address concerns over the preservation of nearby Coast Live Oak trees; and

WHEREAS, the Planning Board held a de novo public hearing on January 23, 2017, on the Design Review application, at which time all materials submitted and all comments made by all parties, including staff, regarding this application were considered, and unanimously approved the application on January 23, 2017; and

WHEREAS, the City Council held a public hearing on February 21, 2017, in response to a Call for Review from Mayor Trish Spencer.

NOW, THEREFORE, BE IT RESOLVED, that the City Council finds that:

1. The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual, because the proposed new construction is compatible in design and use of materials with the existing building and surrounding neighborhood. The footprint of the structure is less than the maximum allowed 40% lot coverage for accessory structures within the required rear yard. Accessory structures more than seventy-five feet (75') from the public right of way do not have a minimum required setback from rear and side property lines, the proposed structure will maintain the setback of the existing garage from the rear property line.
2. The proposed design is appropriate for the site, is compatible with adjacent or neighboring buildings or surroundings, and promotes harmonious transitions in scale and character in areas between different designated land uses. The proposed structure has been designed and is conditioned to mitigate impacts on the existing nearby oak trees. A certified arborist and licensed civil engineer have inspected the site and recommended protective measures and construction techniques that the project, as conditioned, will implement to protect the health of these nearby oak trees.
3. The proposed design of the structure(s) and exterior materials and landscaping are visually compatible with the surrounding development, and design elements have been incorporated to ensure the compatibility of the structure with the character and uses of adjacent development. The proposed structure will incorporate horizontal wood siding compatible with the architectural style of the existing main residence on the property. Proposed windows are a combination of fixed and single hung windows to match the types of windows on the main structure.
4. The existing garage being demolished, built prior to 1942, was deemed to not have historical or architectural significance by the Secretary of the Historical Advisory Board, Reso. No. HAB-16-19. The project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties in that the new construction is consistent and compatible with the historic building's architectural style; and

BE IT FURTHER RESOLVED that the City Council finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(e), which allows new construction of small accessory structures, including garages; and

BE IT FURTHER RESOLVED that the City Council of the City of Alameda hereby approves Design Review application PLN16-0232, subject to the following conditions:

- (1) This approval is valid for two years and will expire on February 21, 2019 unless construction has commenced under valid permits.
- (2) The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Italo Calpestri, received on November 29, 2016, except as modified by the conditions listed in this resolution.

- (3) This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
- (4) Prior to the issuance of a Building Permit, the applicant/developer shall record with the Alameda County Clerk-Recorder a Lot Line Adjustment that merges the parcels identified as Assessor's Parcel Number (APN) 074-1275-095-00 (Parcel A of Parcel Map No. 691 in Book 80 at Page 44) and APN 074-1275-094-00 (Parcel D of Parcel Map No. 691 in Book 80 at Page 44) into a single legal lot.
- (5) The final plans submitted for Building Permit plans shall incorporate the approved window schedule.
- (6) The applicant shall provide diligent maintenance and care for the California Coast Live Oak tree(s) on the property during construction on the site:
 - a. Construction, cutting and filling around the base of trees shall be done only after consultation with a certified arborist.
 - b. Barricades shall be erected around the trunks of trees as recommended by the certified arborist to prevent injury to the oak trees.
 - c. No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline.
 - d. Plans submitted for Building Permits shall be reviewed by a certified arborist.
 - e. Plans submitted for Building Permit approval shall be in compliance with the notes and recommendations of the arborist report prepared by Judith L. Thomas, ISA Certified Master Arborist #WE-0113B, received on October 10, 2016 and on file in the office of the City of Alameda Community Development Department, this includes but is not limited to:
 - i. The foundation shall be pier and grade beams in conjunction with slab on grade foundation, and shall not disturb roots larger than three inches in diameter.
 - ii. Hand digging or use of an Air Spade shall be used to expose the location of roots, and roots greater than three inches (3") shall not be disturbed.
 - iii. Drainage systems shall be designed to drain away from property lines and the trunk of each tree.
 - f. There shall not be removal of large lateral limbs, diameter six inches or greater, in association with the project.
- (7) New exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare.
- (8) The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.

- (9) A site inspection to determine compliance with this Design Review Approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify the Community Development Department at least four business days prior to the requested Planning Inspection dates.

HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning 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 Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda 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. 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 protect 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.

* * * * *

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 21st day of February, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of February, 2017.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Janet C. Kern, City Attorney
City of Alameda