

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING DESIGN REVIEW NO. PLN23-0016 AND AN EXTENSION OF THE EXISTING ROOF HEIGHT OF 32'-6" TO ALLOW CONSTRUCTION OF A SECOND STORY ADDITION AT AN EXISTING SINGLE FAMILY RESIDENCE AT 1019 MORTON STREET.

WHEREAS, an application was made on January 12, 2023, by Donald Thompson, requesting Design Review and a Variance for the construction of an approximately 1,290 square foot second story addition at the residence located at 1019 Morton Street; and

WHEREAS, the proposed project exceeds the maximum building height limit of 30 feet above grade. The existing non-conforming building height is 32' – 6" and the proposed building height for the addition is 33 feet 6 inches. The maximum height limit in the R-1 district is 30 feet pursuant to AMC Section 30-4.1. The proposed variance is to allow the addition to exceed the existing non-conforming roof height of 32' - 6" by one foot to a final height of 33' - 6"; and

WHEREAS, the application was accepted as complete on April 20, 2023; and

WHEREAS, the project site is located within a R-1, Residential District; and

WHEREAS, the project site is designated as Low Density Residential in the General Plan Diagram; and

WHEREAS, on May 8, 2023, the Planning Board held a duly-noticed public hearing on the Variance and Design Review application and examined all pertinent material and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 (e) which allows additions to existing structures provided that the addition will not result in an increase of more than: (2) 10,000 square feet if: (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) The area in which the project is located is not environmentally sensitive. The project complies with these criteria. Furthermore, none of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Design Review application, with modifications to maintain the existing nonconforming roof height of 32' – 6" instead of the proposed roof height of 33' – 6":

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** The proposed addition is consistent with the General Plan Low-Density Residential areas where neighborhoods are predominantly single family detached homes. The proposed design is a second story addition to an existing Victorian Cottage over a high basement. The design incorporates building elements from the Design Review manual such as steep roof lines, gables, and bay windows; details such as wood brackets, trim and railings; and materials that include horizontal v-groove wood siding and octagonal wood accent shingles that are characteristic of the architectural style of the building and the neighboring buildings. The proposed design is not consistent with the zoning regulations for maximum building height in the R-1 district. However, the project can be modified to comply with the zoning regulations by revising the roof height to match the existing nonconforming height of 32' – 6" feet pursuant to AMC Section 30-5.7.m.
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 addition utilizes the existing attic space and extends the roof line by replacing the existing hips with gables at each end. New intersecting side gables are proposed to create additional headroom for the new habitable space. The new roof as modified to maintain the same height as existing roof height of 32'-6" retains the existing steeply pitched plane typical of the architecture of the building and of the neighboring structures. The addition of a turret at the front corner visually punctuates the massing of the front façade, and the front balcony adds a horizontal element that reduces the scale of the new gable behind it. The features and materials proposed in the design are compatible with the neighboring buildings and remain true to the original architectural style of the building.
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 design will utilize compatible materials including horizontal siding, stucco, wood trim and composite roof shingles which are materials that are found on residential buildings in the neighborhood. The proposed design incorporates architectural elements from the existing two-story Victorian houses on either side of the property which include a turret and bay windows. The wood siding, trim, brackets, bargeboard, and decorative shingles at the gables are consistent with the materials and features of the existing structure and homes in the neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board hereby makes the following findings to approve an Exception to Allow Extension of Roof Ridges and Roof Pitch with Heights Greater Than the Maximum Building Height Limitation, pursuant to AMC Section 30-5.7.m.:

If a main building exceeds the maximum building height for the district in which it is located, main building additions may be approved that extend upon the same height roof, ridge, pitch, and plane as the existing roof structure providing that the following findings can be made:

- a) **No major adverse effects such as significant shading or significant view blockage will occur on adjoining properties relative to existing conditions (i.e., existing roof configuration) and relative to an alternative design with the roof extension built in compliance with the maximum building height:** The proposed addition will have no major adverse effects such as significant shading because the subject lot and adjoining lots are large, (7,500 square feet,) and there is approximately 20 feet between the building and neighboring buildings to both the North and South sides of the building. The rear yard setback of approximately 43 feet also provides separation where there are no significant shading impacts on adjoining properties. There are no designated scenic views in the area so view blockage is not an issue for this project.
- b) **The ridge and/or pitch continuation complies with the City of Alameda Building Code.** Continuation of the existing nonconforming roof height of 32' – 6" for the proposed addition results in bedroom heights ranging from 8' – 4" to 9' – 6" and bathroom heights from 7' – 6" to 9' – 6". The design would exceed the 7-foot minimum ceiling height for habitable by 6 inches as required by the 2022 California Residential Code; and

BE IT FURTHER RESOLVED, that the Planning Board hereby interprets AMC Section 30-5.7. m., the Exception to Allow Extension of Roof Ridges and Roof Pitch with Heights Greater Than the Maximum Building Height Limitation, to apply to straight additions at the rear of existing buildings as well as intersecting roof planes; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves application no. PLN23-0016 for Design Review and approves an exception to allow a nonconforming extension of the existing nonconforming roof height of 32' - 6" to the new addition, based on the findings above and subject to compliance with the following conditions of approval. The application for a variance is denied.

1. **Building Permit Conditions:** These conditions shall be printed on the first page of all building plans and improvement plans.
2. **Building Permit Plans:** The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Saul Picardo received on April 26, 2023 and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions in this resolution.
3. **Expiration:** The Design Review approval for the project shall expire and become void unless substantial construction under valid permits has occurred within three

years after this approval. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.

4. The Final Building Permit Plans shall reflect the following to the satisfaction of the Planning Director prior to issuance of Building Permits:
 - a. Modifications to the addition to not exceed the existing nonconforming roof height of 32' – 6".
 - b. Detailed information of the railings, bargeboards, brackets, siding, trim and other relevant details shall be consistent with the neighboring homes.
 - c. Architectural details for corner trim and window and door casings shall be consistent with homes in the neighborhood.
5. Changes to Approved Plans: This approval is limited to the scope of the project defined in the project description with modifications to not exceed the existing nonconforming roof height of 32' – 6" 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 Planning, Building, and Transportation Department for review and approval prior to construction.
6. **HOLD HARMLESS**. 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, City Planning 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.

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.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

* * * * *