

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

APPROVING DESIGN REVIEW APPLICATION NO. PL16-0592 AT 1310 COURT STREET TO MAKE MODIFICATIONS TO WINDOWS IN CONJUNCTION WITH NEW FLOOR AREA, REMOVE A CHIMNEY, AND ENCLOSE AN EXTERIOR STAIRCASE; AND DENYING REQUESTS FOR A VARIANCE FROM THE PARKING PROVISIONS OF THE ALAMEDA MUNICIPAL CODE.

WHEREAS, an application was made on November 11, 2016, by Michael and Jennifer McAnaney for Design Review to make modifications to windows in conjunction with new floor area, remove a chimney, and enclose an exterior staircase, and for a variance to legalize the obstruction of one off-street parking space, and for a parking reduction to waive one off-street parking space required by the proposed expansion greater than 750 square feet; and

WHEREAS, the proposal was accepted as complete on December 29, 2016; 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, the Planning Board held a public hearing on February 13, 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.

NOW, THEREFORE BE IT RESOLVED, on February 13, 2017, the Planning Board made the following findings concerning the project:

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. As conditioned, the project will bring the property into compliance with the Zoning Ordinance.
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 staircase enclosure is consistent with the previous addition's design, size and massing, which is compatible with the surrounding neighborhood.

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 windows, window trim, and siding match the existing architectural style of the building
4. The project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties in that all rehabilitation and exterior modifications are consistent and compatible with the historic building's architectural style.

BE IT FURTHER RESOLVED, the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e), which allows minor alterations of existing private structures involving negligible or no expansion provided that the addition will not result in an increase of more than 10,000 square feet. 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 the area in which the project is located is not environmentally sensitive.

BE IT FURTHER RESOLVED, the Planning Board finds that:

- (1) There does not exist exceptional or extraordinary circumstances applying to the property involved or to the proposed use of the property. The obstruction of the existing parking space was installed by choice, and without City approval, by a previous property owner and continues to be maintained by choice. There are no exceptional or extraordinary circumstances that preclude the re-establishment of the required off-street parking space.
- (2) The literal enforcement of specified provisions of AMC Section 30-7 Off-street Parking would not result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of property in the same class of district. Properties on the same block also experience the same situation of having required off-street parking originally built over property lines and have maintained those off-street parking spaces.
- (3) The granting of the variance will, under the circumstances of the particular case, be detrimental to the public welfare or injurious to persons or property in the vicinity. The stated intent of AMC Section 30-7 includes relieving congestion on streets, and promoting the general welfare and convenience and prosperity of residential developments which depend upon the availability of off-street parking facilities. Granting a variance will set a precedent that would allow property owners with the same circumstances on the block to remove off-street parking spaces that they have been able to maintain, which would be injurious to the stated intent of AMC Section 30-7.

BE IT FURTHER RESOLVED, that the Planning Board denies a request for a variance from AMC Section 30-7.3 to allow the obstruction of a legal off-street parking space, and a request for a reduction in parking requirements; and

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review No. PLN16-0592 subject to the following conditions:

1. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Renata Lohmann Design, received on December 22, 2016, except as modified by the conditions listed in this resolution.
2. Final plans submitted for Building Permit plans shall:
  - a. Incorporate the approved window schedule.
  - b. Reduce the total square footage of new floor area, enclosed space with a ceiling height of seven feet (7') or taller, to less than 750 square feet.
  - c. Include plans for the removal of the existing front yard fencing and landscaping that currently obstruct the driveway and re-establish the parking garage permitted by easement and encroachment agreement (Alameda County Clerk-Recorder Instrument No. 81-193356).
3. New exterior lighting fixtures shall be low intensity, directed downward and shielded to minimize offsite glare.
4. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
5. 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.
6. 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 days prior to the requested Planning Inspection dates.
7. Prior to final inspection the applicant/developer shall remove the existing front yard fencing and landscaping that currently obstructs the driveway and re-establish the parking garage permitted by easement and encroachment agreement (Alameda County Clerk-Recorder Instrument No. 81-193356).
8. This approval is valid for two years and will expire on February 13, 2019 unless construction has commenced under valid permits.
9. Indemnification: The applicant, or its successors in interest, 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 against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the 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 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.

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