

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

APPROVING DESIGN REVIEW APPLICATION NO. PL16-0592 AT 1310 COURT STREET TO MAKE EXTERIOR MODIFICATIONS IN CONJUNCTION WITH NEW FLOOR AREA; AND APPROVING A VARIANCE FROM ALAMEDA MUNICIPAL CODE SECTION 30-7 TO ALLOW THE CONTINUED OBSTRUCTION OF OFF-STREET PARKING AND CREATE 1,000 SQUARE FEET OF NEW FLOOR AREA WITHOUT PROVIDING A NEW OFF-STREET PARKING SPACE.

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 variance 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 and Variance application, at which time all materials submitted and all comments made by all parties, including staff, regarding this application were considered; and

WHEREAS, on February 13, 2017, the Planning Board unanimously voted to direct staff to draft a resolution approving a Design Review and granting a variance from Alameda Municipal Code (AMC) Section 30-7; and

WHEREAS, the Planning Board held a public hearing on February 27, 2017, on the resolution to approve a Design Review and Variance.

NOW, THEREFORE BE IT RESOLVED, on February 27, 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.

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 are exceptional or extraordinary circumstances applying to the property. The 1300 block of Court Street was originally built under the assumption that side property lines were located ten feet (10') from where they actually exist. As a result the original garage and driveway for 1310 Court Street was built across the property line shared with 1308 Court Street. An easement was recorded on 1308 Court Street that allowed the property owner at 1310 Court Street continued use of the single car garage and the driveway to access that garage. In order to be used for off-street parking the single car garage would need to be replaced or removed, and the easement would need to be used to access new parking in the rear of the property. However, the easement does not permit the improvements required to create functional parking on-site. Furthermore, if the easement were eliminated, the parking cannot be located on the property without accessing the neighbor's property without demolition or major modification to the existing Victorian structure.
- (2) Because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this section would 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. Due to the exceptional circumstances, literal enforcement of AMC Section 30-7 would either: prohibit the property owners from expanding their home to accommodate their growing family, or require that the property owners demolish or substantially reconstruct and modify their Victorian bungalow to accommodate the additional off-street parking. Other property owners in a similar zoning classification are regularly permitted to expand their bungalow homes without requirements to demolish or substantially reconstruct the existing home to accommodate the necessary parking because typical properties in this zoning district do not have the unusual property line and easement circumstances that are evident on this property.

- (3) The granting of the variance will not, under the circumstances of this particular case, be detrimental to the public welfare or injurious to persons or property in the vicinity. The existing obstruction to the off-site parking space has existed for over 30 years without incident or complaints made to the City. The condition to require removal of the existing driveway curb-cut will result in the addition of one (1) new on-street parking space to the neighborhood, which has not experienced on-street parking issues in the time where the subject property did not have accessible off-street parking.

BE IT FURTHER RESOLVED, that the Planning Board approves a request for a variance from AMC Section 30-7 to allow the obstruction of a legal off-street parking space and allow the construction of approximately 1,000 square feet of new floor area without the creation of a new off-street parking space; 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 incorporate the approved window schedule and construction details to remove the existing driveway curb-cut and repair sidewalk, curb and gutter per City standards.
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 business days prior to the requested Planning Inspection dates.
7. This approval is valid for two years and will expire on February 27, 2019 unless construction has commenced under valid permits.
8. 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.
