

CITY OF ALAMEDA PLANNING BOARD  
**DRAFT RESOLUTION**

UPHOLDING APPROVAL OF DESIGN REVIEW PLN17-0060 FOR AN APPROXIMATELY 948-SQUARE-FOOT, TWO-STORY REAR ADDITION AT 40 GARDEN ROAD.

WHEREAS, an application was made on February 17, 2017 by Chung Ly for Design Review to allow the construction of an approximately 978-square-foot two-story rear addition located at 40 Garden Road; and

WHEREAS, the proposal was accepted as complete on March 8, 2017; 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 City Planner approved this application on March 27, 2017; and

WHEREAS, an appeal to the approval of Design Review Application PLN17-0060 was received on April 5, 2017; and

WHEREAS, the Planning Board held a public hearing on May 22, 2017, to consider the appeal; and

WHEREAS, the Planning Board held a de novo public hearing on May 22, 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 RESOVLED, the Planning Board considered the appeal, the public testimony, and all pertinent maps and reports and made the following findings concerning the project:

Appeal Finding:

The Appellant has failed to demonstrate that the City Planner's actions, findings and conclusions were not supported by substantial evidence, not consistent with General Plan policy, or inconsistent with the purposes and standards of the Zoning Ordinance.

Design Review Findings:

1. As conditioned, 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 the surrounding neighborhood.

2. As conditioned, 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 second story addition is subordinate to the existing building and setback from the front property line, so the design does not compete with the primary front elevation or loom over the street. The proposal minimizes the verticality of the addition by utilizing a hipped roof, wood siding, and a wood belly band to reduce visual bulk and maximize the solar access of adjacent buildings, and therefore maintains the existing character of the building. Furthermore, the form, mass, height and style of the second story addition is compatible with the existing building and the surrounding neighborhood. Therefore, the proposed project is compatible with the adjacent neighboring buildings. Access to the proposed garage is provided through an existing access easement located on the adjacent property at 44 Garden Road. The location and size of the easement is described in the property's legal description, and the easement has been verified to accommodate adequate access to the proposed project meeting the City's parking and vehicular back up requirements.
3. As conditioned, the proposed design of the structure, 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 the adjacent development. The proposed addition is designed to match the existing building and it will utilize the same double-hung windows and materials of the building which are also compatible with the design elements found on residential buildings in the neighborhood.

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 of use beyond that which exists.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby upholds Design Review Approval PLN17-0060 subject to the following conditions:

1. This approval is valid for two years and will expire on May 22, 2019, unless construction has commenced under valid permits. The approval may be extended by the Community Development Director to May 22, 2021, upon submittal of an extension request and the associated fee.
2. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by SN Building Design Group, received on April 26, 2017, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this letter.

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.
4. A copy of the project conditions shall be printed on the cover of the final Building Permit plans.
5. Building Permit plans shall incorporate the approved window schedule.
6. New exterior lighting fixtures shall be low intensity, directed downward, and shielded to minimize offsite glare.
7. 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.
8. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
9. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
10. 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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