

CITY OF ALAMEDA RESOLUTION NO. 13038

SUSTAINING APPROVAL BY THE PLANNING BOARD OF THE CITY OF ALAMEDA GRANTING MAJOR DESIGN REVIEW, DR 98-16, FOR CONSTRUCTION OF THREE DWELLING UNITS AND MODIFICATION OF A FOURTH UNIT; AND PROVISION OF ADDITIONAL PARKING AT 2613 AND 2619 SANTA CLARA AVENUE, ALAMEDA, EDWARD AND MADLYN MURPHY

WHEREAS, an application was made on February 20, 1998 by Edward and Madlyn Murphy for Major Design Review, DR 98-16, to construct three new dwelling units and modify an existing Amnesty dwelling unit, to install parking on an existing sports court and to install additional landscaping, in the R-4 (Neighborhood Residential) zoning district;

WHEREAS, the application was accepted as complete on April 30, 1998; and

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

WHEREAS, on July 27, 1998, the Planning Board determined that the proposal is Categorically Exempt from the requirements of the California Environmental Quality Act under Section 15303a of the CEQA Guidelines for Small Structures; and

WHEREAS, the Planning Board held public hearings on this application on May 11, 1998 and July 27, 1998 and has examined pertinent maps, drawings, and documents; and approved the Design Review with findings contained in the Resolution; and

WHEREAS, the Planning Board found that front yard paving at 2611 and 2615 Santa Clara Avenue within the subject property may not conform to the Alameda Municipal Code requirements, and the Planning Board has requested that the Planning Director further investigate this condition and take all actions warranted by the Alameda Municipal Code to ensure compliance of such paving with AMC requirements; and

WHEREAS, on July 30, 1998 W. B. Taylor and Cindy Marsh-Taylor filed an appeal of the Planning Board, setting forth reasons why they believed the Planning Board had erred in approving the Design Review application; and

WHEREAS, on September 1, 1998 the City Council reviewed the case on appeal and held a noticed public hearing, reviewing pertinent testimony, maps, drawings and documents including correspondence from neighboring property owners;

NOW THEREFORE BE IT RESOLVED that the City Council sustains the Planning Board decision to approve the Design Review with conditions, with the following findings:

By:  Deputy City Attorney

1. **The project will have no significant adverse effects on persons or property in the vicinity** because the architectural detail elements are compatible with the existing residential structures in the Murphy ownership and adjacent properties, especially Janis Circle; because the proposal would be compatible with development in the vicinity because the new construction would be similar to many other properties in the vicinity which are also two stories and because new units will have parking for vehicles which complies with the Alameda Municipal Code; because the existing and proposed parking spaces have suitable driveway access and vehicles can enter and exit the project without difficulty and meet parking requirements; because the proposed project would exceed zoning requirements for private open space per unit and would maintain sufficient common and total open space on the overall property; and because project conditions which provide landscaping as an addition to screening and relocation of the balcony at 2619 Santa Clara Avenue to protect the privacy of adjacent homes are provided, which would enhance the residential setting related to the property.
2. **As conditioned, the project will be compatible and harmonious with the design and use of surrounding areas** because the additional and modified dwellings will be of a size and configuration similar to nearby residential structures; because parking and open space as provided for added units complies with development standards of the Alameda Municipal Code; and because the applicants propose to enhance front yard landscaping for three buildings on Santa Clara Avenue.
3. **As conditioned, the project will be consistent with the City's Design Review Guidelines** because the proposed buildings repeat materials, window forms, siding materials and other design elements which are compatible with surrounding structures; and because the landscaped open space complements the proposed dwellings.
4. **As conditioned, the project will be consistent with the City's Infill Guidelines** because the new units will have the same level of architectural interest and detail as the existing adjacent residences; because the units will be similar in scale and site layout to the existing neighborhood, with the building on the front of the property at 2619 Santa Clara Avenue being the major structure and those located to the rear being smaller; because parking will be convenient and practical to use, with vehicles exiting nose first on the driveway; because open spaces will be provided where hardscape is not dominant and where open space areas would be appropriate for use as outdoor recreation areas; and because existing problems of code violations in an existing unit will be corrected.
5. **As conditioned, the project complies with all zoning development requirements as set out in the zoning ordinance** because as outlined in the staff report, parking and open space will be maintained and enhanced, added units will comply with

zoning regulations, and existing nonconforming conditions will be retained without expansion.

NOW, THEREFORE, BE IT RESOLVED that the City Council sustains the approval of the Major Design Review by the Planning Board of the City of Alameda, subject to the following:

1. Approved Plans. The project shall be constructed in substantial compliance with plans labeled "New Residential Buildings, 2613 and 2619 Santa Clara Avenue, Alameda CA" by Italo Calpestri, dated February 28, 1998 as revised April 30, 1998 and July 20, 1998 to July 22, 1998, in 6 sheets including the first sheet as a "master plan;" and landscaping plans prepared by RMT Landscaping, L. DiHerrera, dated May 28, 1998; and landscape plans prepared by Italo Calpestri, dated June 26, 1998 as updated July 20, 1998 to July 22, 1998 in one sheet; collectively marked "Exhibit A," on file in the office of the City of Alameda Planning Department, except as modified by the following conditions:
2. Building Permits. The applicants shall secure building, engineering and other needed City of Alameda permits prior to construction. Prior to issuance of building permits, the Planning Director shall review details for building colors and materials and preliminary landscaping plans per condition 6.

No proposed use or occupancy of the existing building at 2613 Santa Clara Avenue shall commence until an application for a Certificate of Occupancy is submitted to the Central Permits Office, the application is reviewed and approved, the building is inspected and determined safe for the proposed occupancy and a Certificate of Occupancy is issued by the Building Official.

3. Vesting. This Design Review approval is valid for six months. The building permit for this work must be obtained prior to January 27, 1999, unless the applicants apply for and are granted a six month extension by the Design Review Staff prior to expiration. Only one extension may be granted.
4. Hold Harmless. The City of Alameda requires as a condition of this approval that the applicants or their successors in interest, indemnify, hold harmless and defend the City, its officers, agents and employees, from any and all liabilities, actions, proceedings or claims that may be brought against the City, its agents, officers and employees to attach, set aside, void or annul City approval of this permit, which action is brought within the time period provided for in Government Code Section 66499.37, save and except that caused by the City's active negligence. The City of Alameda shall promptly notify the applicants or successor of any claim, action or proceeding and the City shall fully cooperate in the defense. If the City fails to promptly notify the applicants or successor of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicants shall not hereafter be responsible to defend, indemnify or hold harmless the City.

5. Parking. Prior to approval of occupancy of either building, the applicants shall replace three parking spaces removed for construction of three new dwelling units and provide parking for the 3 new units, by converting an existing basketball court to parking with a minimum of 4 parking spaces including two tandem spaces, meeting the standards of the Alameda Municipal Code particularly for landscaping. All new exterior parking spaces shall be striped as either 8.5 by 18 foot standard spaces or 7.5 foot by 15 foot compact spaces, with at least 21 feet of backing area if aligned at 90 degrees. No more than 50% of the additional spaces may be compact spaces. New exterior spaces shall be bordered by at least 3 feet of landscaped open space, which shall be planted with trees and shrubs to sufficiently buffer adjacent areas and to provide shade. All new landscaped areas shall be planted and irrigated to AMC standards. At least one parking lot tree per 4 new exterior parking spaces shall be provided. The building permit plans for the relocated garage shall be approved prior to or concurrent with issuance of building permits for the first dwelling. The garage shall be relocated and approved prior to approval of occupancy of the first dwelling.
6. Open Space. Existing common and private open spaces shown on the approved plans shall be retained. Existing landscaped areas shall be maintained, including trees, shrubs and lawns. Paved areas within 20 feet of Santa Clara Avenue and of Broadway, shall be used strictly in conformance with the Alameda Municipal Code. Two existing tennis courts shall be retained as common open space, and be available to tenants either without charge or by appointment with the property owners.
7. Landscaping.
  - a. Prior to issuance of building permits for construction of new units at 2613 or 2619 E/F Santa Clara Avenue, the applicants shall submit detailed landscaping and irrigation plans, prepared by a licensed Landscape Architect, for all new proposed open space and non-parking areas which plans shall be to the Planning Director's satisfaction. Such plans shall be in substantial conformance with the site plans, Sheets P-1, dated July 21, 1998 and L-1, dated July 20, 1998 in Exhibit "A," and with respect to the conditions of approval contained herein. The specific plant species shown in Exhibit "A" are not approved at this time and the species must be approved by the Planning Director. Where plans are inconsistent regarding the extent of planting area or numbers or sizes of plants, the larger planting area or greater number or sizes of plants shall apply. All new landscaping shall meet AMC standards including a requirement for one tree to be planted for every 4 new parking spaces except garage spaces; and all new landscaping shall have an adequate irrigation system with automatic controllers.
  - b. Included in this landscaping plan shall be 4 to 6 trees (depending on tree species selected) at least 15 gallon in size, spaced 10 to 15 feet on center, located between the project site from 2619 E/F Santa Clara Avenue to 2618 Janis Circle, adjacent to the rear yards of homes which front on Pearl Street suitable for providing long lived screening between the project site and adjacent homes on Pearl Street. These trees

shall be of a type which the Landscape Architect advises will grow to a height of at least 14 feet within 2 years and grow further to provide screening of the adjacent rear yards from the second story levels of the proposed new buildings in Exhibit "A." The types of trees to be used shall be to the Planning Director's satisfaction who shall consider the longevity of the trees, their screening ability, compatibility with existing landscaping on the project site and neighboring Pearl Street properties and aesthetic impact in approving the type of tree.

- c. All new landscaping shown on plans required under paragraph (a) including for each new building and for portions of front yards at 2611, 2615 and 2619 Santa Clara Avenue shall be installed, inspected and found acceptable by the Planning Director prior to occupancy and authorization of gas and electric meters for 2613 and 2619 E-F Santa Clara Avenue. Alternatively, the time for completing the landscaping in the front yards at 2611, 2615 and 2619 Santa Clara Avenue only, may be extended for a maximum of one year upon the written request of the applicants, subject to the applicants entering into a performance agreement and posting a \$10,000 financial guarantee (which may be the same as the \$10,000 guarantee to comply with Condition #19) by the Planning Director or designee.
  - d. All new landscaping shall be maintained in a healthy, disease free and weed free condition with replacement plants immediately provided for dead or unhealthy trees, shrubs or ground cover. The applicants shall enter into a landscape maintenance agreement and provide a financial guarantee, prior to occupancy and installation and authorization of gas and electric meters for 2613 or 2619 E/F Santa Clara Avenue, to the satisfaction of the Planning Director, which guarantees the survival or replacement of new planting for a period of at least one year from initial installation. The amount of the landscape guarantee shall be established by the Landscape Architect, such amount sufficient to include 25% replacement of planting, maintenance for a year, water and inspection costs.
8. Acknowledgment of Conditions. The applicants shall acknowledge and accept in writing the conditions of approval set out in this Resolution for this Design Review.
  9. Urban Runoff. All activities associated with construction at this site shall comply with California Storm Water Best Management Practices (B.M.P.'s) as provided by the Public Works Department, including reduction of dust and silt runoff during construction.
  10. Fire Prevention. Due to distance from a street or accessway that is accessible to firetrucks, 2619 Santa Clara Avenue, Units E and F, shall be fire-sprinklered to the satisfaction of the City Fire Marshall.
  11. Bureau of Electricity. The applicants will provide new underground service from the backyard pole that currently feeds 2618 Janis Circle. This includes a riser at the pole, a secondary box at the base of the pole, separate runs of code-sized conduits from the new box

to each of the new buildings, code-sized copper conductor from the box to the new service equipment at each building and EUSERC-approved meter mains at each building. The applicants' electrical contractor shall contact the Bureau's Engineering Department to coordinate its power requirements. The Bureau may charge the applicants for duct system design and construction inspection.

12. Final Design Inspection. Occupancy of the proposed new units or final building inspection shall be subject to a final site inspection by Planning Department staff to ensure compliance with approved drawings. The applicants shall pay the required fee for inspection prior to issuance of the building permits. Reinspection for incomplete items will require a new final inspection fee. The applicants shall allow four working days notice prior to inspection.
13. Additional Units. The applicants acknowledge that the dwelling units shown on the approved plans, including the number of dwellings and kitchens per building, are the maximum approved under this Design Review. No additional or replacement dwellings may be built without an additional subsequent Design Review and zoning compliance approval.
14. Exterior Finish. Prior to issuance of a building permit, the applicants shall submit a color and materials board for review and approval by the Planning Director, including the type of roofing material. Colors shall be compatible with and shall complement the existing structure at 2618 Janis Circle. Windows shall be submitted for Planning Director approval. Windows shall be either wood or vinyl-covered in trim and shall be trimmed by wood at least 1 by 6 inches as a frame to each window.
15. Lighting. The applicants shall install security lighting to provide mid-lot exterior lighting on driveways and parking areas, to the approval of the Alameda Police Department. All light fixtures shall be shielded, where necessary, to minimize light from spilling onto adjacent properties.
16. Signs. The applicants shall install signs conforming to the Alameda Municipal Code regarding size of signs, indicating the entry, exit and one-way direction of the loop driveway between 2619 Santa Clara Avenue and 2611 Santa Clara Avenue.
17. Balcony Relocation. The balcony for a new unit at 2619 Santa Clara Avenue shall be relocated from the east side of the unit to the southwest side, as shown on Exhibit "A" as amended July 22, 1998, to minimize visual privacy impacts on adjacent homes which front on Pearl Street. The windows of this unit which face east shall be clerestory or otherwise maintain visual privacy for adjacent properties.
18. Construction Noise. The applicants shall observe City of Alameda noise regulations, AMC Article II, Section 4-10, regarding construction noise, including limitations on hours of work.
19. Building at 2619 A-D Santa Clara Avenue. As offered by the applicants, the 4 unit building, 2619 A-D Santa Clara Avenue, shall be repainted and code related repairs and maintenance

shall be completed. Prior to issuance of building permits for the 3 new units a list of all needed repairs that will be done shall be submitted by the applicants to the satisfaction of the Planning Director. This work shall be completed prior to authorizing installation of gas and electric utility meters on 2613 and 2619 E/F Santa Clara Avenue. Alternatively, the time for completing the repainting, repair and maintenance at 2619 A-D Santa Clara Avenue may be extended for a maximum of one year upon the written request of the applicants, subject to the applicants entering into a performance agreement and posting a \$10,000 financial guarantee (which may be the same as the \$10,000 guarantee to comply with Condition #7).

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 or final action on any appeals 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 other exactions. You are hereby further notified that the 90 day appeal period in which you may protest these fees and other exactions, pursuant to Government Code Section 66020(a) has begun. If you fail to file a protest within this 90 day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such fees or exactions.

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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 regular meeting assembled on the 1st day of September, 1998, by the following vote to wit:

AYES: Councilmembers Daysog, DeWitt, Kerr, Lucas  
and President Appezzato - 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 2nd day of September, 1998.



Diane Feisch, City Clerk  
City of Alameda

SEP 11 1998