

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-06-46

APPROVING VARIANCE V06-0007 AND MAJOR DESIGN REVIEW DR06-0090 AT 1331 SHERMAN STREET

WHEREAS, an application was made on September 22, 2006, by Casey Deshong requesting a Major Design Review approval for approximately a 198-square foot, single-story addition to the single-family dwelling and a Variance from the 20-foot rear yard setback and 40-percent lot coverage requirements pursuant to AMC Subsection 30-4.1(d)(7) and 30-4.1(d)(3); and

WHEREAS, the application was accepted as complete on October 12, 2006; 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, Variance approval is required because the project proposes a structural addition that would encroach to within 3-feet, 10-inches from the rear property line, where a minimum 20-foot setback is required and the completed main building would cover 42-percent of the lot, where 40-percent is the maximum permitted main building lot coverage, pursuant to AMC Subsection 30-4.1(d)(7) and 30-4.1(d)(3); and

WHEREAS, additions to residential structures which are greater than eighty (80) square feet requires a Major Design Review, pursuant to AMC Subsection 30-37.2(a)(3); and

WHEREAS, the Planning Board held a public hearing on this application on November 13, 2006 and has made the following findings relevant to the Variance application:

1. **There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location or surroundings.** The lot is substandard in size and unusual in shape. The buildable portion of the lot is approximately 47 feet in depth.
2. **Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicants of a substantial property right possessed by other owners of the property in the same district.** The literal enforcement of the zoning ordinance would prohibit the applicant from enjoying a property right consistent with the surrounding developed parcels, which utilize substandard rear, side and front yard setbacks.
3. **The granting of the Variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the**

**vicinity.** The proposed addition of a single bedroom to a one bedroom cottage would utilize the same scale and development patterns of the abutting properties and would not introduce significant levels of shading or block view. Shading and view blockage would be minimized by the single-story addition and the use of a hip roof on the proposed addition.

WHEREAS, the Planning Board has made the following findings relevant to the Major Design Review application:

1. **The project will not have significant adverse effects on persons or property in the vicinity.** The proposal will not have significant adverse effects because it is consistent with the architectural character of the structure. No significant shading or view blockage would occur on adjacent properties if the addition utilizes a hip-style roof instead of the proposed gable roof for the proposed addition. The scale of the proposed single-story addition is consistent with the scale of the site and with the other residences in the neighborhood.
2. **The project will be compatible and harmonious with the design and use of surrounding properties.** The architectural characteristics of the proposed addition utilize the historic roof design, structural scale, siding, and window styles that enhance the historic design of the existing single-family residence. Therefore, the proposal is compatible and harmonious with the design and use of the surrounding properties.
3. **The project will be consistent with the City's Design Review Guidelines.** The single-story addition of the floor area would be consistent with the City's Design Review Guidelines because the architectural characteristics of scale and design would be retained by the project.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board of the City of Alameda hereby determines that the proposal is Categorically Exempt under California Environmental Quality Guidelines, Section 15301 – Existing Facilities.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Variance, V06-0007, and Major Design Review, DR06-0090, to allow the construction of a single-story addition to the single-family dwelling and a Variance from the 20-foot rear yard setback and 40-percent lot coverage requirements, subject to the following conditions:

1. The project shall be completed in substantial compliance with plans prepared by Italo Calpestri, dated August 9, 2006, consisting of six (6) sheets, marked "Exhibit A," on file in the office of the Planning and Building Department, except as modified by the following conditions:
2. The addition shall utilize a hip roof style.
3. Any changes to the exterior details from the approved plans shall be submitted for Planning Staff review and approval.
4. All new construction shall utilize the same windows, exterior trim and framing, and

materials as the existing structure.

5. Building Code Requirements. All Project improvements shall conform to the requirements of the 2001 California Building Standards Code and Alameda Building, Plumbing, Mechanical, and Electrical Codes.
6. Fire Code Requirements. All Project improvements shall conform to the applicable requirements of the Fire Code and Alameda Fire Department, which may include, but not limited to, the installation of Fire Sprinklers and Fire Alarms, to the satisfaction of the Fire Chief.
7. Construction Debris. Demolition and construction within the City of Alameda are subject to the Construction and Demolition Debris Ordinance (Section 21-24-1). The Alameda Municipal Code states that all construction and debris within the City shall be collected and transported through the streets of the City by franchise or permitted hauler (Section 21-20-3).
8. Runoff. Pursuant to Section 30-84.12, of the Alameda Municipal Code, new construction must not cause storm runoff to be diverted to any adjacent parcel. Please provide spot elevations or show directional arrows on Final Plans to verify that storm runoff will be properly channeled to Pacific Avenue (i.e. City right-of-way). Storm runoff may not be tied to the sanitary sewer system.
9. All Time and Material and applicable charges shall be paid in full prior to issuance of a Building Permit.
10. VESTING. The Variance and Major Design Review approval shall expire two (2) years after the date of approval or by **November 13, 2008**, unless all of the above conditions have been met and construction has begun under valid City permits, to the satisfaction of the Planning and Building Director prior to the date of expiration or, alternatively, an extension request is filed and approved by the Planning Board prior to the date of expiration.
11. HOLD HARMLESS. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property. The City of Alameda shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding, or the City fails to cooperate in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.
12. ACKNOWLEDGMENT OF CONDITIONS. The applicant shall acknowledge in writing all conditions of approval and accept this permit subject to conditions, with full awareness of applicable provisions of the Alameda Municipal Code for this approval to be exercised.

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.

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 and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

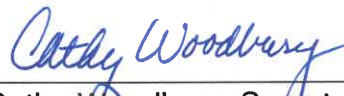
PASSED AND ADOPTED this 13<sup>th</sup> day of November 2006 by the Planning Board of the City of Alameda by the following vote:

AYES: (5) Cook, Cunningham, Ezzy Ashcraft, Kohlstrand, Lynch

NOES: (0)

ABSENT: (2) Mariani, McNamara

ATTEST:

  
Cathy Woodbury, Secretary  
City Planning Board

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**Acknowledgment of Conditions:**

I hereby acknowledge receipt of Planning Board Resolution No. PB-06-46 for the Planning Board's approval of Variance, V06-0007, and Major Design Review, DR06-0090, approved on November 13 2006. In accordance with Conditions herein, I hereby verify that I understand and agree to comply with the Conditions of Approval of said Planning Board Resolution No. PB-06-46 and the applicable provisions of Chapter 30 of the Alameda Municipal Code (Zoning Ordinance).

Executed at: \_\_\_\_\_ By: \_\_\_\_\_  
City Applicant

On: \_\_\_\_\_  
Date Title

**APPLICANT MUST FILL OUT AND RETURN TO THE PLANNING & BUILDING DEPARTMENT.**