



## DESIGN REVIEW APPROVAL NOTICE

This notice is provided pursuant to Alameda Municipal Code (AMC) Section 30-36.3 to declare that on April 15<sup>th</sup>, 2024, the City of Alameda approved Design Review Application No. **PLN24-0117** at 1209 Court Street. This determination has been made following a review for consistency with the City of Alameda's Zoning Ordinance and Design Review Manual.

**This is not a Building Permit:** This approval is for Design Review only, which allows the applicant to apply for a building permit. Separate application forms, plans, and fees are required for the building permit application process. Construction on the project shall not commence until issuance of a building permit.

**This Decision May Be Appealed or Called for Review:** An appeal of this decision may be made to the Planning Board within ten (10) calendar days from the date the notice of decision. AMC Section 30-25 also allows the Planning Board or City Council to call a project for review, in which case the project will be scheduled for hearing at the next available Planning Board meeting. Therefore, this approval does not become final until the ten days after its issuance without an appeal or a call for review.

**Project Description:** The project consists of the demolition of the existing brick front stairs with wrought iron railings and replacing them with new stone and tile stairs with cable wire railings and horizontal wood siding to match the existing siding on the rest of the house.

**General Plan:** Low Density Residential.

**Zoning District:** R-1, Residential District.

### Conditions of Approval:

- (1) A copy of this Design Review Approval Notice shall be printed on the cover of the final Building Permit plans.
- (2) This approval is valid for three years and will expire on April 15<sup>th</sup>, 2027 unless substantial construction has commenced under valid permits pursuant to AMC Section 30-37.6. *Please note: The approval may be extended to April 15<sup>th</sup>, 2029 upon submittal of an extension request and the associated fee. Design Review approval may be extended upon application for up to (2) additional years from the date of expiration.*
- (3) The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Joanna Biachi, received on March 6, 2024, and on file in the office of the City of Alameda Planning Building and Transportation Department, except as modified by the conditions listed in this letter.
- (4) 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 Planning Building and Transportation Department for review and approval prior to construction.

- (5) The final plans submitted for 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) The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
- (8) 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 Planning Building and Transportation Department at least four days prior to the requested Planning Inspection dates.
- (9) Indemnification. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

#### **Environmental Determination:**

No further environmental review is necessary pursuant to *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80, which found that design review for by right projects is a ministerial decision under Public Resources Code section 21080.

#### **Findings:**

- (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.** The proposed project is consistent with the General Plan and will lessen the legal non-conforming front yard encroachment by a total of one foot and eight inches (1'8"), consistent with Alameda Municipal Code (AMC) Section 30-20.4. The proposed replacement siding matches the existing siding on the rest of the structure.
- (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 project will not enlarge the existing structure, which was originally built in 1912. As an existing

two-story residence it is compatible in size and massing with the surrounding residential 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 project will replace existing brick stairs, which were inconsistent with the structure's architectural style, with new stone stairs that will feature horizontal wood siding to match the rest of the structure.

Approved: Steven Buckley, Planning Services Manager

Per:   
David Sablan, Project Planner

Date: 4/15/24