



DESIGN REVIEW APPROVAL NOTICE

This notice is provided pursuant to Alameda Municipal Code (AMC) Section 30-36.3 to declare that on July 3rd, 2024, the City of Alameda approved Design Review Application No. **PLN24-0177** at 728 Haight Avenue. 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 a 200 square foot first floor addition and conversion to a new ADU; second floor bathroom addition, remodel of existing bathroom and kitchen, new tankless water heater and furnace, replace panel, wiring, and outlets at the existing 1,070 square foot single-family dwelling.

General Plan: Medium Density Residential.

Zoning District: R-5, 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 July 3rd, 2027, unless substantial construction has commenced under valid permits pursuant to AMC Section 30-37.6. *Please note: The approval may be extended to July 3rd, 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 Jim Foster, Architect, received on April 9, 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) The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
- (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 Planning Building and Transportation Department at least four days prior to the requested Planning Inspection dates.
- (8) 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:

This project qualifies for a Class 1 Categorical Exemption and no additional environmental review is necessary pursuant to CEQA Guidelines Section 15301 - Existing Facilities – operation, permitting or leasing of existing private structures involving negligible or no expansion of use beyond that which exists.

As a separate and independent basis, 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 will result in a 1300-square foot rear addition to the first and second floors, as well as interior remodel and creation of an ADU. The project will reduce the distance between the primary dwelling and the rear property line to 53'-6" in conformance with the 20' minimum, as well as increasing the lot coverage to about 25%, conforming to the maximum of 53%, and complies with all other development standards

of the R-5 Residential District. The only change proposed to the frontage is a like-for-like window replacement, all other proposed changes are located to the rear of the existing building, and the features and materials of the proposed addition are intended to match the existing conditions. The proposed new windows are consistent with the existing windows and original architectural character, and the new addition replaces the existing deck in the rear yard. All alterations will be architecturally consistent with the existing building materials and style, and will be compatible with the surrounding neighborhood, pursuant to the City's Guide to Residential Design.

- (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 only modify the frontage of the existing building to replace a single window in-kind and has been designed to minimize impacts to adjacent properties. All proposed changes are compatible with the adjacent buildings and will be compatible in scale and character with the rest of the neighborhood, as most of the surrounding properties are also have two story residential structures, and the immediate neighbor has a similar rear addition. The proposed design represents a minor addition of nominal scale with the overall neighborhood and will not change the relationship between adjacent or neighboring buildings. The proposed design is appropriate in the context of its surroundings and will facilitate a harmonious transition between neighboring buildings.
- (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 alterations are designed to match the original building and have incorporated exterior details to match the existing including the horizontal and shingle siding, roofing materials and pitch, and windows. All but one of the new and replacement windows are situated to the rear of the structure and are double hung, awning, casement, or fixed style and are consistent with the existing building and surrounding development, no changes are proposed to the existing landscaping or surfacing, and the addition has been designed to ensure compatibility between the subject building and the character and uses of neighboring development.

Approved: Steven Buckley, Planning Services Manager

Per: Tristan Suire
Tristan Suire, Project Planner

Date: July 3rd, 2024