



City of Alameda • California

DESIGN REVIEW APPROVAL NOTICE

This notice is provided pursuant to Alameda Municipal Code (AMC) Section 30-36.3 to declare that on September 18th, 2025, the City of Alameda approved Design Review Application No. **PLN25-0067** at 802 Buena Vista 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 demolition of the existing fire-damaged single-family residence to facilitate addition and rehabilitation of the building into a 3,580 square foot, two-story duplex.

General Plan: Medium Density Residential.

Zoning District: R-2, 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 September 18th, 2028, unless substantial construction has commenced under valid permits pursuant to AMC Section 30-37.6. *Please note: The approval may be extended to September 18th, 2030, 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 Adolfo Martinez, received on September 10th, 2025, 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. 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 include the following changes:
 - a. Please incorporate the approved window schedule. Simulated divided lite windows are acceptable, but grids must be external, with an approximately 3/8" thickness on the exterior side of the window. Grids removable from the inside and grids between glass are not acceptable.
 - b. Please modify the main entrances to be recessed, and not be flush with the exterior wall, to be consistent with the appearance of the main entrance to other two-story buildings in the surrounding neighborhood.
- (6) The Building Permit submission shall include a tree protection plan from a certified arborist regarding the existing protected Oak tree near the proposed improvements. The tree protection plan shall identify the critical root zone and construction practices to avoid excavation, staging, and washouts in this area. Compliance with the approved arborist protection plan is required during all stages of construction, failure to comply may result in additional penalties.
- (7) Prior to issuance of a Building Permit for demolition or new construction, a boundary survey must be conducted and recorded to establish the location of property lines.
- (8) The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
- (9) 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.
- (10) 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, because the Project only requires Design Review approval, it is not subject to further CEQA review pursuant to *McCorkle Eastside Neighborhood Group v. City of St. Helena* (2018) 31 Cal.App.5th 80. Under *McCorkle*, local design review does not require environmental review when it is the only discretionary aspect of a project, and the agency lacks authority to disprove the project or otherwise mitigate non design related environmental impacts. *McCorkle* applies when an agency's discretion over a project is limited to aesthetic and design issues such as orientation, bulk, materials, and colors. Here, the Project is located in the City's R-4 Residential District, and within the district, the proposed alterations are permitted by right and is not subject to discretionary review, except for Design Review, pursuant to AMC Sec. 30-4.23(c)(1). Accordingly, no CEQA review is required because the City's review of the Project is limited to design issues.

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 complete demolition of the existing craftsman style home and construction of a new two-story duplex in the same footprint area as the original dwelling. The proposed two-story duplex will increase the overall height of the structure from 18'-11" to 27'-3", which conforms to the 30' maximum. The project will not modify existing setbacks, which include legal nonconformities along the west front yard property line and east rear yard property line, and otherwise complies with all other development standards of the R-2 Residential District. Nonconforming buildings with conforming residential uses in residential districts may be reconstructed with equal or lesser nonconformity, subject to Design Review, per Alameda Municipal Code Sec. 30-20.3. The proposed addition of a second story has been designed to be architecturally compatible with the existing by reusing features that could be salvaged and emulating aspects of the original including elements of the front porch and windows. The modifications from the original are intended to increase the number of residential units from one to two, consistent with the maximum residential density of the district, in such a way that limits the visual impact to the building. The proposed replacement windows are located and designed to replicate the original wood windows and are situated to match the alignment of original openings. 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 has been designed to minimize impacts to neighboring buildings and surroundings. All proposed changes are compatible with the adjacent buildings and will be compatible in scale and character with the surrounding neighborhood. The neighborhood is characterized by an abundance of craftsman style homes, but one can also find examples of Tudor revival and colonial revival style buildings among other unique examples in the immediate area.

The design of the front façade including the front porch design is intended to emulate features present in other front facades of similar, neighboring craftsman style buildings, as well as the original front porch present on the subject building prior to the extensive fire damage. The proposed design represents a significant alteration, however maintains a suitable 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 before the fire damage and have incorporated exterior details to match the original, including porch rafter tails, river rock porch column bases, wood composite clapboard horizontal siding under eaves and on first story, and porch guardrail. The project as proposed will use replacement windows that incorporate many of the original features including sills, trim, dimensions, narrow profiles, and clad wood materials to replicate the original wood windows. The project has incorporated these and other design elements to reflect features in the surrounding development to ensure compatibility between the subject building and the character and uses of neighboring development.

Approved:

Signed by:

 Steven Buckley, Planning Services Manager

Per: Tristan Suire
 Tristan Suire, Project Planner

Date: September 18th, 2025