



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 **August 7, 2025**, the City of Alameda approved Design Review Application No. **PLN25-0355** at **1713 Ninth 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 an approximately 348 square foot second story addition above an existing approximately 1,554 square foot single family home.

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 in the final Building Permit plans.
- (2) This approval is valid for three years from the date of this approval unless substantial construction has commenced under valid permits. The approval may be extended by the Planning Director for an additional two years if an extension request and the associated fee are filed before the expiration date.
- (3) The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Drafting Café Architects, received on July 16, 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.

- (5) The final plans submitted for Building Permit plans shall incorporate the approved window schedule.
- (6) Prior to submittal of building permits, the applicant shall work with staff to reduce the size of the proposed balcony on the front elevation to a Juliet balcony or remove the balcony and replace the door with a window.
- (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:

The project qualifies as a Class 1 categorical exemption pursuant to CEQA Guidelines Section 15301 – Existing Facilities - operation, repair, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities involving negligible or no expansion of existing or former use. The project qualifies for the Class 1 categorical exemption in that the addition is to an existing structure that will not result in an increase of more than 10,000 square feet, and the project is within an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive.

On 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 R-2 Residential District, and within the district, the proposed second story addition to a single-family home is 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 second story addition is consistent with all development standards of the R-2 Residential District including building height, setbacks, useable open space, and building coverage. The 19 ft 9 in height of the second story addition is less than the 30 ft maximum height of the R-2 District. The proposal does not increase the footprint of the building and therefore is consistent with the existing setbacks of the building and maintains the minimum 60 square feet of open space per unit as required in the R-2 District. The proposed second story addition maintains the existing legal nonconforming 3 ft 10.5 in side yard setback on the north side of the building which is consistent with AMC 30-5.7.k. In addition, all alterations are 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.** This project consists of an approximately 348 square foot second story addition above an existing single family home. The proposed addition is setback approximately 19 feet from the front elevation and provides a hipped roof design with 8 foot plate height which is compatible with neighboring structures and minimizes visibility of the second story from the street. The project provides a similar building height and roof pitch to other homes in the neighborhood and includes windows with muntins that are consistent with the windows on the existing and neighboring homes. The new addition complies with the development standards of the R-2 District and provides a suitable scale with the overall neighborhood and the neighboring homes which include two story homes with similar height to the proposed addition. Overall, the proposed second story is compatible in scale and character with the surrounding neighborhood and provides 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 second story design will utilize similar materials found on the existing building, including windows with muntins, window trim, matching roof pitch and roof eave depth, and matching stucco siding with horizontal and vertical wood trim. The window types provided include casement, awning, and fixed windows which are consistent with windows found on the bungalow style homes in the City. These design elements are also compatible with the existing features found on other residential buildings in the surrounding neighborhood. Overall, the second story addition design matches the design of the existing building and therefore is compatible with the character and uses of the neighboring development.

Approved:

Signed by:

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Steven Buckley, Planning Services Manager

Per: 
Henry Dong, Project Planner

Date: August 7, 2025