



DESIGN REVIEW APPROVAL NOTICE

This notice is provided pursuant to Alameda Municipal Code (AMC) Section 30-36.3 to declare that on May 2, 2024, the City of Alameda approved Design Review Application No. **PLN24-0169** at **401 Santa Clara 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: Window and door and skylight replacement, fireplace removal, porch cover addition at an existing 648 square-foot single-story single-family residence.

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 May 2, 2027 unless substantial construction has commenced under valid permits pursuant to AMC Section 30-37.6. *Please note: The approval may be extended to May 2, 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 Stephanie Allen dated February 20, 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 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 retain the overall building use, form and materials while updating the location and size of several windows and doors as part of an interior renovation that will enhance the building's function and durability, and will remain compatible with the surrounding neighborhood, pursuant to the City's Guide to Residential Design. The window schedule and brochure demonstrates that the windows and doors are of sufficient quality to retain the character of the building and other exterior materials will be matched when patched.
- (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 modify the size or location of the building, which is a small corner lot that limits the scope of the project, and retains a suitable scale and character for the site.

- (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 addition is designed to match the existing building and, specifically for the window replacement, has incorporated details to match the existing. No changes are proposed to the limited landscaping, which is relatively newly installed. Existing fences are also intended to remain, providing a mix of openness and privacy for the property.

Approved: Steven Buckley, Planning Services Manager

Per: Steven Buckley
Steven Buckley, Planner

Date: 5/2/24