

CITY OF ALAMEDA PLANNING BOARD  
**RESOLUTION NO. PB-15-25**

APPROVING DESIGN REVIEW PLN15-0030 FOR A TWO-STORY ADDITION AT THE REAR OF A SINGLE FAMILY HOME AT 615 HAIGHT AVENUE

WHEREAS, an application was made on January 22, 2015, by Stefan Menzi for Design Review to permit the raising of the existing single family residence three feet in height and converting 1,135 square feet of the basement into habitable space; and

WHEREAS, the proposal was accepted as complete on February 19, 2015; and

WHEREAS, the subject property is designated as Medium Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in a R-4, Neighborhood Residential Zoning District; and

WHEREAS, the subject property is listed on Alameda's Historical Building Study List; and

WHEREAS, the Community Development Department approved this application on June 29, 2015, to allow raising the subject residence three feet; and

WHEREAS, an appeal to the approval of Design Review Application PLN15-0030 was received on July 9, 2015; and

WHEREAS, the Planning Board held a public hearing on September 14, 2015, to consider the appeal, and directed the project applicant, appellant, and staff to consider design options to reduce the amount of shadow added to the appellant's property; and

WHEREAS, after conferring with the appellant, the applicant revised the scope of the project to build a two-story addition at the rear of the existing structure; and

WHEREAS, the Planning Board held a de novo public hearing on November 23, 2015, on the revised design review application at which time all materials submitted and all comments made by all parties, including staff, regarding this application were considered.

NOW THEREFORE BE IT RESOLVED, the Planning Board considered the application, the public testimony, and all pertinent maps and reports and made the following findings concerning the project:

Design Review 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 addition meets all of the applicable development regulations within the Alameda Municipal Code, including the setbacks from property lines and maximum overall building height.

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 existing neighborhood is a mix of one- and two-story buildings and is located within the R-4 zoning district. The location of the two-story addition at the rear of the building will maintain the existing front elevation in design and scale as seen from the public right-of-way.
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 it will utilize the same materials of the building which are also compatible with the design elements found on residential buildings in the neighborhood.
4. The project complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties in that all rehabilitation and exterior modifications are consistent and compatible with the historic building's architectural style. The proposed changes do not alter the use, character and profile of the existing structure, and maintain the original style and materials of the building that make it eligible for the City's Historic Building Study List as a background resource. The structure will continue to serve as a background resource for other historic structures in the neighborhood that have National or State designations.

BE IT FURTHER RESOLVED, the Planning Board finds this project exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(e), which allows minor alterations of existing private structures involving negligible or no expansion provided that the addition will not result in an increase of more than 10,000 square feet. The raising of the house will not result in an expansion of the building footprint. This exemption allows additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if the project is in 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.

In addition, the project is exempt pursuant to Guideline Section 15303(a) concerning new construction or conversion of small structures including single family residences. As a separate and independent basis, the project is also exempt under Guideline Section 15332 (Infill Development Projects) which applies to in-fill development projects meeting the following conditions: being consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and

regulations; occurring within city limits on a project site of no more than five acres substantially surrounded by urban uses; having no value as habitat for endangered, rare or threatened species and being able to be adequately served by all required utilities and public services; and its approval not resulting in any significant effects relating to traffic, noise, air quality, or water quality. It is also determined that Guidelines section 15300.2, subdivision (c), does not preclude use of these categorical exemptions because the project as proposed and will not have any significant effects on the environment due to unusual circumstances.

BE IT FURTHER RESOLVED, that the Planning Board of the City of Alameda hereby approves Design Review application PLN15-0030 subject to the following conditions:

1. This approval is valid for two years and will expire on November 23, 2017, unless construction has commenced under valid permits. The approval may be extended to November, 2019, upon submittal of an extension request to the Community Development Department and the associated fee.
2. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Stefan Menzi, received on November 10, 2015, and on file in the office of the City of Alameda Community Development Department, except as modified by the conditions listed in this resolution.
3. 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.
4. A copy of the project conditions shall be printed on the cover of the final Building Permit plans.
5. Building Permit plans shall incorporate the approved window schedule.
6. Siding materials shall be made of wood as shown on the approved plans. Any change in materials shall be to the satisfaction of the Community Development Director.
7. Window, door, eave trim material and construction shall be made of wood and match the window and door trim of the existing structure to the satisfaction of the Community Development Director.
8. New exterior lighting fixtures shall be low intensity, directed downward, and shielded to minimize offsite glare. Second story exterior lighting shall only utilize motion sensor activated lighting with automatic shut-off. The lighting shall be directed away from the adjacent property in order to minimize effects of offsite glare. Lighting details shall be provided on the final building plans.
9. A site inspection to determine compliance with this approval is required prior to the final building inspection and/or to the issuance of a Certificate of Occupancy. The applicant shall notify the Community Development Department at least four days prior to the requested Planning Inspection dates.

10. The final plans submitted for Building Permit approval shall conform to all applicable codes and guidelines.
11. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
12. The applicant, or its successors in interest, shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

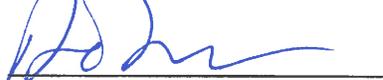
I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Planning Board of the City of Alameda during the Regular Meeting of the Planning Board on the 23<sup>rd</sup> day of November, 2015, by the following vote to wit:

AYES: (7) Burton, Henneberry, Knox White, Köster, Mitchell, Sullivan and Zuppan

NOES: (0)

ABSENT: (0)

ATTEST:



Andrew Thomas, Secretary  
City of Alameda Planning Board

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**RULES AND PROCEDURES  
OF THE CITY PLANNING BOARD  
REVISED NOVEMBER 23, 2015**

**PREAMBLE**

The City Planning Board shall have such powers and duties as may be delegated by City ordinance. It shall have power to investigate and recommend plans for the future development, improvement and beautification of the City, including landscaping, planting and care of trees on public streets, parks and playgrounds, the improvement and development of harbor facilities, the location and improvement of public buildings and works and the subdivision and zoning of land. (Section 14-1 of the City Charter of the City of Alameda).

**A. GENERAL PROVISIONS**

1. These rules of procedure shall be known as "Rules and Procedures of the City Planning Board, City of Alameda." A copy of these rules as amended from time to time, shall be filed in the office of the Community Development Department for examination by the public.
2. These rules, and any amendments hereto, shall be effective on the date of the adoption hereof and shall govern the conduct of hearings by the Planning Board.
3. These rules of procedure may be amended hereafter by resolution or motion of the Planning Board.
4. These rules shall supersede all previous administrative or other rules of procedure of the Planning Board.

**B. OFFICERS**

1. The officers of the Board shall be:

President: who shall preside at all meetings, call all special meetings, appoint committees and perform other proper duties of a presiding officer.

Vice-President: who, in the absence of the President or her/his inability to act, shall preside at meetings and perform other duties of the President.

Secretary: who shall keep a written record of all business transacted by the Board, notify members of meetings, maintain the official records of the Board, and perform such other duties as the Board may direct.

2. The President and Vice-President shall be elected by a quorum of the Board from

its membership at the first meeting after July 1 of each year when the Board is fully constituted. The Community Development Director or his or her designee shall serve as Secretary to the Board as provided in the City Charter.

**C. MEETINGS**

1. The meetings shall be held normally on the second and fourth Mondays of the month, at 7:00 p.m., unless a holiday occurs on Monday, then the Planning Board meeting will be held on the next available date.
2. Special meetings may be called by the Board Secretary, the President of the Board, or by majority vote of the full Board, provided notice of such meeting is provided consistent with State and local noticing regulations.
3. Meetings shall adjourn no later than 11:00 p.m., unless the meeting is extended by a majority vote of the Board. If the Board extends three (3) meetings in a row past 11:00 p.m., the Board shall also be required, as part of the motion to extend the meeting, to increase the number of regular meetings of the Board in order to accomplish the business before the Board before 11:00 p.m. No new items will begin after 10:30 p.m. unless a super-majority of the Board votes to allow the items to be heard.
4. Presentation of evidence shall be limited to three (3) minutes per person, excluding the applicant. Presentation by an applicant or his or her representative shall be limited to ten (10) minutes. If necessary to facilitate the public hearing process, the President of the Board may,
  - Limit or extend the time period for presentation of evidence,
  - Allow an individual to speak more than once to introduce additional important information, or comment on additional new information, that has not already been introduced.
  - Terminate the speaking period of any person when the time taken by the person becomes excessive, repetitious or irrelevant, and/or
  - Re-open the public hearing to consider new information.

**D. AGENDA**

1. The agenda shall be set in the following order:
  1. Convene
  2. Flag Salute
  3. Roll Call
  4. Agenda Changes and Discussion
  5. Oral Communications

6. Consent Calendar
  7. Regular Agenda Items
  8. Minutes
  9. Staff Communications
    - A. Future Agendas
  10. Written Communications
  11. Board Communications
  12. Oral Communications
  13. Adjournment
2. The Community Development Director or his or her designee shall set on the Consent Calendar only those items that are unlikely to be discussed by the Board or members of the public. Items listed under the "Consent Calendar" are considered routine and will be approved or accepted by one motion, unless a request for removal for discussion or explanation is received from any Member of the Board or a member of the public.
  3. The Regular Agenda Items shall include items such as public hearings, Departmental Reports, and matters previously continued for further Board consideration, which items are not considered appropriate for being placed on the Consent Calendar. In setting the agenda order, the Secretary shall give consideration to the following:
    - a. those items for which a number of people are likely to attend should be set early on the agenda.
    - b. those items for which representatives of City Departments or other government entities are in attendance should be set early on the agenda.
    - c. those items continued from a previous meeting should be set early on the agenda.
  4. The item of business entitled "Board Communications," is to permit any Board Member to speak on any matter. Limited action may be taken by the Board such as to ask staff for further information, to schedule a matter for a future meeting or to provide a brief comment or response. During Board Communications Board members should also report on meetings held with organizations, groups, or parties related to issues that are before, or may come before the Board.
  5. The item of business entitled "Oral Communication" is to permit the public to speak on any matter within the subject matter jurisdiction of the Board. Limited action may be taken by the Board such as to ask staff for further information, to request for the matter to be placed on a future agenda or to provide a brief comment or response.

**E. FAILURE OF APPLICANT TO APPEAR**

If the applicant fails to appear at the time his/her application is regularly called by the City Planning Board, and the applicant has not requested a continuance, the matter may be dropped from the agenda, continued, denied, approved or withdrawn by the Board at its discretion.

**G. EVIDENCE**

1. The Secretary or appropriate staff member shall first present the staff report and all documents and exhibits in a manner in which the public can hear and see them. Whenever possible, staff should attempt to complete the presentation in ten minutes or less, unless the issues being presented are unusually complex.
2. All those wishing to give testimony or other evidence shall thereafter be heard on the record. The Community Development Department shall retain copies of all documents or exhibits presented.
3. A member of the Board or public may ask the applicant questions with the consent of the President. All questions shall be asked through the President, and all responses and answers shall be made to the Board. Applicants may ask questions of the person giving evidence, subject to the above conditions.
4. No evidence shall be taken after the closing of the public hearing. The public hearing may be reopened for the taking of further evidence, at the discretion of the City Planning Board upon a majority vote of the Board Members present.

**H. DELIBERATIONS AND DECISIONS**

1. The City Planning Board shall not deliberate nor make a decision on the application until the close of the public hearing.
2. A Board Member who abstains from a vote need not indicate a reason for abstention.
3. A Board Member who has a conflict of interest, following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, shall publicly disclose any such conflict-of-interest and then physically remove herself or himself from the proceedings. Recusal requires that the Board Member leave the room where Board discussion is occurring and the Board Member may not re-enter the meeting space until after the consideration (including any votes taken).

3. Deliberations and decisions shall be based on the staff report, documents and exhibits, evidence presented at the hearing and such open and widely known facts.  
A member of the Board shall not introduce new information or facts for public consideration after the closing of the public hearing. Members of the Board who were absent during a portion of the public hearing are encouraged to review the audio and/or videotapes of the missed meeting before voting on that issue at a subsequent meeting. The Board Member who was absent and reviewed the audio and/or video shall so state prior to voting on the item.
4. In applications for which public hearings are required, the public hearings may be continued to a subsequent meeting of the City Planning Board before action is taken unless such a continuance would result in approval or denial of the application by operation of law. The Board may direct staff or applicants to provide specific items of information prior to the continued hearing.

**I. CONDITIONS**

1. Staff report and/or draft resolution on applications wherein the City Planning Board has authority to conditionally approve the application shall contain the list of conditions recommended by staff.
2. The City Planning Board may accept, reject, amend or add conditions of its own to the draft resolution.

**J. FINDINGS**

1. Whenever findings are required by ordinance or statute the staff report and/or draft resolution shall list some proposed findings for either approval or denial, which could be accepted, modified, or rejected by the Planning Board. In appropriate cases, findings for both actions may be included.
2. The record of each action taken by the City Planning Board shall disclose facts sufficient to support findings that support the action of the Board.

**K. NOTICE**

All public hearings shall be noticed. Unless a different period is required by law, publication of notice shall be given ten (10) calendar days prior to a public hearing.

**L. MINUTES**

1. General Policy Statement on Minutes of Meetings. It is the policy of the Planning Board to prepare draft minutes of the deliberations of the Planning Board including both public hearings and closed discussions. These minutes will include speakers

on every question and the basic position taken on the issue addressed.

2. Availability. It is the policy of the Planning Board to prepare draft minutes within 10 working days after the meeting. These minutes will be available in draft form to the public when they have been transcribed.
3. Public Comment: Any member of the public during Oral Communications may request that corrections or deletions be made to the minutes within 45 days of the meeting in question. These requests may be acted upon by the Planning Board with appropriate review and deliberation.
4. Method of Documentation: It is the policy of the Planning Board to retain tape recordings and videos documenting Planning Board deliberations indefinitely.