

CITY OF ALAMEDA PLANNING BOARD
DRAFT RESOLUTION

AREOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING AN ADMINISTRATIVE VARIANCE AND DESIGN REVIEW, APPLICATION NO. PLN20-0541 TO ALLOW CONSTRUCTION OF A TWO-STORY SINGLE FAMILY RESIDENCE AT 910 CENTENNIAL AVENUE

WHEREAS, an application was made on December 22, 2020, by Amornrit Pudkeepamrongrit for Philip Figone, requesting an Administrative Variance and Design Review for the construction of an approximately 1,907-square-foot two-story residence with an attached garage at 910 Centennial Avenue; and

WHEREAS, the proposed project includes side yard setbacks of 1 foot and 3 feet where 5-foot side yard setbacks are required pursuant to AMC Section 30-4.2, and to rebuild the garage with tandem parking and a side entry for the house within the footprint of the existing garage using a variance for a 14-foot 6-inch front yard setback instead of the required 20-foot front yard setback; and

WHEREAS, the application was accepted as complete on March 25, 2021; and

WHEREAS, the project site is located within a R-2, Two Family Residence District; and

WHEREAS, the project site is designated as Medium Density Residential in the General Plan Diagram; and

WHEREAS, a single family residence is permitted by right in the R-2, Two Family Residence District; and

WHEREAS, on April 19, 2021 the Zoning Administrator held a duly-noticed public hearing to consider said project application and examined all pertinent materials and public testimony, and approved an Administrative Variance and Design Review for the construction of an approximately 1,907-square-foot two-story residence with an attached garage at 910 Centennial Avenue; and

WHEREAS, on April 26, 2021, Planning Board Member Rona Rothenberg called the Zoning Administrator's decision for review; and

WHEREAS, on June 28, 2021, the Planning Board held a duly-noticed public hearing on the Administrative Variance and Design Review application and examined all pertinent material and public testimony.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds this project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to

CEQA Guidelines Section 15303 – New Construction of Small Structures, which includes an exemption for the construction of a new single family house and Section 15305 – Minor Alterations in Land Use Limitations, including minor yard setback variances. None of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Variance application:

1. **There are exceptional or extraordinary circumstances applying to the property involved or to the proposed use of this property.** The 22-foot width of the subject property is significantly narrower than a standard 50-foot wide lot, by 28 feet. The substandard lot presents an extraordinary physical constraint for the construction of a new single-family home, which is a permitted use in the R-2 District. The minimum side yard setback is 5 feet which would restrict the building to only 12 feet in width on the substandard lot, and which would make the appearance of a single family home extraordinarily narrow and incompatible with the existing homes in the surrounding neighborhood.
2. **Because of such exceptional or extraordinary circumstances, the literal enforcement of specified provisions of this section would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of property in the same class of district.** Many of the existing lots in the neighborhood are similarly narrow in width and feature side yard setbacks of less five feet. AMC Sections 30-4.2.d.5 and 30-4.2.d.6 requires 20-foot front yard and 5-foot side yard setbacks. The literal enforcement of the setback requirements in combination with the narrow lot size prohibits the property owner from building a single-family home that is more than 12-feet wide. The applicant is proposing an 18-foot-wide home which without the variance would be allowed to be only 12 feet wide. The proposed front yard setback of 14 feet 6 inches is the same as the existing front yard where the existing two car garage is located. With the use of minimal side yard setbacks and by rebuilding the garage in the same footprint as the existing non-conforming front yard, the proposed design is realistic for a new home and is compatible with other existing homes in the neighborhood. Therefore, the literal enforcement of the setback requirements would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of property in the same class of district (i.e., the ability to build a home on a narrow lot similar to those frequently found in the immediate neighborhood).
3. **The granting of the variance will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to persons or property in the vicinity.** The intent of the setback requirement is to provide a buffer between adjacent properties and buildings. The proposed distance between neighboring buildings is approximately 2 feet 6 inches on the west side and 4 feet 6 inches on the east side. The shadow study provided on the plans shows that the

proposed building will generate no significant shading on the neighboring properties when compared to a home that is built with five-foot setbacks. The project also does not obstruct any designated scenic views. Overall, no major adverse effects such as significant shading or significant view blockage will occur on adjoining properties. All other components of the project, except the side yard and front yard setbacks covered under the variance, comply with development standards in the Zoning Ordinance. The proposed design will meet the requirements of Section R302 of the 2019 California Residential Code for fire and life safety features with automatic residential fire sprinkler protection and minimum fire resistance ratings for exterior walls and openings. Because the side yard setbacks are less than 5 feet, the exterior walls will be one hour rated construction. In addition, no building projections such as eaves are allowed less than two feet from the property line and no openings or penetrations are allowed less than three feet from the property line. These building design features are necessary to meet required building codes and to ensure that the building is built to fire and life safety standards. Granting this variance will not be detrimental to the public welfare or injurious to persons or property within the vicinity; and

BE IT FURTHER RESOLVED, that the Planning Board makes the following findings relative to the Design Review application:

1. **The proposed design is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual.** With the approval of the variance, the proposed new single-family home is consistent with the General Plan, Zoning Ordinance, and the City of Alameda Design Review Manual because the new construction is compatible in design and use of materials with the existing neighboring buildings and the surrounding neighborhood. The proposed single family house utilizes articulation techniques in design to reduce perceived massing along the western wall that is visible to the neighbors. Furthermore, the overall building form and use of materials is consistent with the existing homes in the neighborhood.
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 project consists of a new two-story home with a one-story entry and attached garage. The design of the new one-story structure at the front of the home re-uses the existing garage footprint and form and keeps the same hipped roof and height of 13 feet 6 inches with changes for tandem parking and a recessed side entry which reduces the mass of the front facade. Although the proposed garage projects forward from the home, the one car garage configuration at the front is common to other homes in the neighborhood. The two-story portion of the design is recessed from the street and incorporates hipped, gabled and flat roof types to reduce the overall scale of the building. The proposed building design incorporates stepped back vertical planes to reduce the horizontal mass of the long side walls and is compatible with the neighboring structures. The

use of horizontal siding, trim and stucco exterior materials adds visual patterns at the larger walls and is compatible in scale and character with the neighborhood.

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 design will utilize compatible materials including horizontal siding, stucco, wood trim and composite roof shingles which are materials that are found on residential buildings in the neighborhood. The concrete paving at the front yard will be reduced to provide plantings and a walkway which is compatible with surrounding properties. Despite being a narrower home, the visual appearance of the design is clearly residential in character and is compatible with the overall building form, roof style, and materials used in other homes in the neighborhood; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the Administrative Variance and Design Review application no. PLN20-0541 based on the findings above and subject to compliance with the following conditions of approval:

1. Building Permit Conditions: These conditions shall be printed on the first page of all building plans and improvement plans.
2. Building Permit Plans: The plans submitted for the building permit shall be in substantial compliance with the plans prepared by Amornrit Pudkeepamrongrit, received on June 14, 2021 and on file in the office of the City of Alameda Planning, Building and Transportation Department, except as modified by the conditions in this resolution.
3. Expiration: The Administrative Variance and Design Review approval for the project shall expire and become void unless substantial construction under valid permits has occurred within two years after this approval. A one-time extension for an additional two years may be granted by the Planning, Building and Transportation Director upon written request and payment of applicable fees.
4. The Final Building Permit Plans shall reflect the following to the satisfaction of the Planning Director prior to issuance of Building Permits:
 - a. The garage door shall have a wood like appearance with architectural detailing to include a mix of solid panels and divided lights.
 - b. Detailed information of the siding, trim and other relevant details shall be consistent with the neighboring homes.
 - c. Architectural details for corner trim and window and door casings shall be consistent with homes in the neighborhood.
 - d. The applicant shall provide landscape screening to mitigate privacy impacts along the side property line shared with 1218 9th Street. Screen trees or plants shall also be planted along the rear property line and shall

be fast growing, native plant species. All landscape improvements shall be submitted for review by the Planning Director and the Planning Director's decision shall be final.

- e. Building Permit plan submittal shall include exterior finish sample materials and colors.
5. Changes to Approved Plans: 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.
6. **HOLD HARMLESS**. 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.

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.

The decision of the Planning Board shall be final unless appealed to the City

Council, in writing and within ten (10) days of the decision, by filing with the Planning, Building, and Transportation Department a written notice of appeal stating the basis of appeal and paying the required fees.

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