

## Nancy McPeak

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**From:** Laura Woodard <heyauraw@gmail.com>  
**Sent:** Monday, May 24, 2021 6:56 PM  
**To:** Nancy McPeak  
**Cc:** Deirdre McCartney  
**Subject:** [EXTERNAL] 910 Centennial Ave - PLN20-0541

Dear Ms. McPeak,

Since I'm sending this letter so late, would you or someone else be able to read my statement below at the meeting?

Dear Planning Board members,

I live in a very small house directly next to this project. I am concerned about the large size of the home that is planned for this narrow space. I would support the building of an ADU cottage, but a three-bedroom house will make our special block feel very crowded.

I battle mold in my 1895 home, especially at the back of the house. The planned structure will shade this part of my home in the morning, depriving the bedroom of much needed sunlight. UV rays kill mold. Every bit of sunshine on my wall makes it a healthier living environment. Building such a structure right next to my house may make it unlivable.

In addition, I'm very concerned about the impact of this project on parking. As it is, my neighbors and I often struggle to fit all our cars on our block and neighboring blocks.

Residents with stacked parking often don't make full use of their parking spaces. It is common to take the first available space on the street, eliminating those spaces for residents coming home later.

It is my understanding that the new home would eliminate two non-stacked spaces for 3 apartments and replace them with 3 stacked spaces for 3 apartments *and* a large house that will likely house at least two car owners. This will totally change the feeling of our quiet and snug but well spaced block.

Please do not accept PLN20-0541 as it is currently planned.

Thank you,  
Laura Woodard

To City of Alameda Planning Board

President Alan H. Teague

Members: Xiomara Cisneros, Ronald Curtis, Hanson Hom, Rona Rothenberg, Teresa Ruiz, and Asheshh Saheba

cc: Andrew Thomas Planning Director, Deirdre McCartney, Planning Technician III, Allen Tai, Zoning Administrator

June 24, 2021

Re: PLN20-0541-910 Centennial Avenue

Dear Planning Board President and Members

Thank you for reviewing the proposed infill project at 910 Centennial Ave. I believe that there are discrepancies between the project and health and safety provisions for the existing community, including emergency access in case of fire, as proposed in Alameda2040 goals for development. There is also discretion involved in the interpretation of the Alameda Municipal Code variance requirements, Ch30.21.1. Although issues were raised during the Zoning Administrator hearing and/or in correspondence they remain open for your more in-depth consideration and judgement for this case.

Background: To maintain the integrity of the existing residential neighborhood is the Housing Element policy statement HE-14 of Alameda2040. "Integrity" presumably includes safe and sanitary housing conditions (HE-8) as well as design (HE-15). The Center for Disease Control, CDC, in the Healthy Housing Reference Manual describes zoning objectives as providing for regulations to ensure that basic physiological and psychological needs such as adequate natural lighting, ventilation, privacy, recreational areas for children and aesthetic appreciation for home and environs will be realized. <sup>1</sup> The project at 910 Centennial compromises these conditions for immediate neighbors which include 7 households residing in modest 19<sup>th</sup> c high basement cottages, 3 of which are duplexes, and a 1950's style duplex.

Issues:

1) Concern about the loss of morning sun especially in the winter and the resultant deleterious effects of increased mold susceptibility in two houses and on the native plant garden were explicitly identified. (Dampness can cause harm even when mold is not present. <sup>2</sup> There is sufficient evidence of a causal association between dampness or dampness-related agents and exacerbation of asthma in children, and of an association in adults. <sup>3</sup> Dampness is correlated with age of the building, with lack of insulation, and with limited heat. <sup>4</sup> Therefore, it might be expected that these neighboring households are particularly sensitive to the effect of the loss of winter morning sun.)

1a) The Zoning Administrator's findings refer to a demonstration of no significant shading relative to a project with a 5ft setback. However, the shadow study presented on Fig. A0.2 compares only 2 situations: one labelled as "proposed", presumably the 1ft setback, and another labelled "existing".

1b) The bedroom window of the adjacent 908 Centennial is completely obscured as shown in elevation Figure A3.2. An extended ridge line to the proposed house replaces the southern hip of the garage roof. (This 400 sqft (inclusive of porch) high basement cottage was built in 1892 <sup>5</sup> without a front setback and is likely most vulnerable to increased shading.)

1c) The abstract study on Fig. A0.2 portrays the 8 a.m. shadow with the proposed project as deeper than from the 3 story apartment alone. (Increased shading results because the proposal involves a 2- story house with a height of 23-1/2 ft which is perpendicular to the western facing block of houses and their eastern facing backyards. In a development of row houses the back gardens would presumably abut open space eg an alley or the back gardens of a parallel row of houses or unbuilt land to avoid such shading.)

The increased shading with this project is not disputed by the Zoning Administrator's findings but the valuation of its "insignificance" seems arbitrary and worthy of your consideration. The importance of direct sunlight to health identified in 1938 has been validated in the increased understanding of how natural sunlight promotes health in areas of cancer treatment, immune response and mood disorder. <sup>6</sup>

2) Privacy concerns due to the proposed upstairs windows facing into the back of the houses were only partially reduced by raising 3 hall windows above eye level. The remaining 3 windows were not altered, e.g. to obscure glass for mitigation, nor was the feasibility discussion allowed by the Zoning Administrator.

(3) This proposal is presented by the Zoning Administrator as the **ONLY** alternative to a 12 ft wide house with standard 5 ft side setbacks, which itself is described as a "**no project**" case that would deny the proponent equal property rights.

3a) There do exist 12 ft wide houses; some have "plans".<sup>7</sup>

3b) The Zoning Administrator failed to address a suggested compromise side yard setback of 3ft vs 1ft.

3c) The Zoning Administrator did not consider easements relevant as they could not be built upon even though the adjacent property, APN #73-398-35, is also owned by the project proponent's family.<sup>8</sup> An easement by necessity, to cross that property to gain access to the proposed residence, was not mentioned.<sup>9</sup>

3d) A direct comparison is made in the Zoning Administrator's findings with the southern adjacent lot of 22 ft width built upon in 1909, APN #73-398-26-2. There is a 3ft (west) setback on this lot which also has a 3ft (east) easement for passage to the rear yard along my house for emergency access and maintenance. (The 3 bedroom 2 bath house is listed in the Floor Area Ratio Analysis Table for comparison at 1148 sq ft.)

3e) There are historic house plans for 22ft lots, with 3 ft side setbacks, though not as commodious as the 1907sq ft of the proposed residence and without an attached 400 sq ft garage.<sup>10</sup>

3f) The Alameda Municipal Code, AMC, 30.21.1a, states that variances when permitted shall be granted ..." **only to the extent necessary** to overcome such difficulties or unnecessary hardship."

4) Concerns about the size of this proposed building relative to this non-conforming, interior of block, lot were not acknowledged.

4a) Using non-conforming side yard setbacks present in this pre-1958 housing code neighborhood to justify a 1 ft setback neglects the benefit of improved zoning and planning that reduces the occurrence of awkward setbacks which require ingenuity for cleaning and maintenance, e.g. custom scaffolding, prevent access for fire suppression by direct hose pull along the restricted side, and increase the fire hazard potential to neighbors through combustion along the wooden boundary fence. As stated in the Healthy Housing Reference Manual: "The fact that a small portion of housing fails to meet a desirable standard is not a legitimate reason for retrogressive modification or abolition of a standard."<sup>11</sup>

(5) The loss of two off street parking places with the proposed project was not acknowledged by the Zoning Administrator though it has a direct negative impact on the existing residents in the neighborhood. The assessor's association of the 2 parcels<sup>8</sup> suggests an additional benefit accrues to the project proponent at the inconvenience of the neighborhood.

The acceptance of infill projects by the community requires recognizing and addressing the impact on existing residents according to Landis et al.<sup>12</sup> I have tried to list those impacts known to me which were not resolved in the Zoning Administrator public hearing. Although the building design may have been modified for the neighborhood, granting a variance based on the attractiveness of a building design was not found sufficient by the California Supreme Court.<sup>13</sup> In this PLN20-0541 proposal there is tension between the right to use one's land and the competing right of zoning standards to protect citizens from adverse impacts on public health, safety and welfare.<sup>14</sup> It is the evaluation of those adverse impacts which I petition the Planning Board to consider.

I respectfully request that the Planning Board reject the variance and design review for PLN 20-0541.

Thank you for this opportunity to comment.

Sincerely,

Roberta Hough

911 San Antonio Ave.

Alameda, CA 94501-3959

#### Endnotes

1. *Healthy Housing Reference Manual*, (HHRM), Center for Disease Control and Prevention and U.S. Department of Housing and Urban Development, Atlanta: US Dept of Health & Human Services; (2006) pgs 2-1-2-3, 3-3. Also see addendum.
2. American Lung Association, "Mold and Dampness", Feb 12, 2020, <https://www.lung.org/clean-air/at-home/indoor-air-pollutants/mold-and-dampness>
3. Institute of Medicine, IOM, Division of Health Promotion, Indoor Air and Disease Prevention. *Clearing the Air: Asthma and Indoor Air Exposures*. National Academies Press. Washington, DC. 2000; Kanchongkittiphon W, et al. [Indoor Environmental Exposures of Asthma: An Update to the 2000 Review by the Institute of Medicine](#). *Environmental Health Perspectives*. 2015; 123: 6-20.
4. Institute of Medicine (IOM). *Damp Indoor Spaces and Health*. National Academies Press. Washington, DC. 2004.
5. Gunn George C., *Documentation of Victorian and Post Victorian Residential and Commercial Buildings, City of Alameda 1854 to 1904*, Alameda Historical Society, Alameda, CA 1985.
6. Holick, Michael F., "Effects of Sunlight, Ultraviolet Radiation, Visible Light, Infrared Radiation and Vitamin D for Health", *Anticancer Res* 2016 Mar;36(3):1345-56. PMID: 26977036 Review
- Holick, Michael F. and Arash. Hossein-Nezhad, "The D-lemma: narrow-band UV type B radiation versus vitamin D supplementation versus sunlight for cardiovascular and immune health" *The American Journal of Clinical Nutrition*, Volume 105, Issue 5, May 2017, Pages 1031–1032.
7. For example: <https://gmplus.com/12-foot-wide-house-plan-narrow-urban-lot/>; [\\*\\*\\*\\*\\*.livingindensity.com/the-skinny/](https://www.livingindensity.com/the-skinny/); and <https://www.zillow.com/blog/renovated-shotgun-house-218370/>
8. Although the parcel has an approval to build from April 14, 2016, PLN16-0166, the parcel is identified by the Alameda County Assessor as a "portion of an economic unit" with 912/914 Centennial

APN#73-398-35, which already has 4 residential units. According to the assessor's office an economic unit is made for a few reasons, but the main ones are: Due to zoning rules one parcel in the unit may not be large enough to build on by itself, such as 910 Centennial APN#73-398-34, or there may be improvements straddling parcels & there is no way to feasibly separate them & when the parcels have a history of selling together.

9. Doskow, Emily and Linnaa Guillen, *Neighbor Law*, Nolo Press Berkeley, CA (2020) p167

10. 16ft wide homes for 22 ft wide lots:

*Aladdin "Built in a Day" House Catalog, 1917* The Aladdin Co, Bay City Michigan (1917) reprinted Dover Publications, New York (1995)p57,p82

*Small Houses of the Twenties The Sears, Roebuck 1926 House Catalog - An Unabridged Reprint of [Honor Bilt Modern Homes]*, Sears, Roebuck & Co Chicago & Philadelphia (1926) reprinted Dover Publications New York (1991)p36

11. HHRM op cit pg 3-6.

12. Landis John D. et al "The Future of Infill Housing in California: Opportunities, Potential, and Feasibility"(Jan., 2006). University of Pennsylvania Scholarly Commons Departmental Papers (City and Regional Planning) 39.

Reproduced from *Housing Policy Debate*, Volume 17, Issue 4, 2006, pages 681-726 , pg705

13. Broadway, Laguna, Vallejo Association et al v Board of Permit Appeals of City and County of San Francisco, SF 22492, Supreme Court of California, In Bank, May 26, 1967.

14. HHRM op cit pg 3-2: U.S. Supreme Court, Village of Euclid, Ohio v Ambler Realty (1926) The court stated "A nuisance may be merely the right thing in the wrong place – like a pig in the parlor instead of the barnyard." from

Paulson, PB Protecting Zoning Laws. Atlanta North Buckhead Civic Association; 2000 18 Mar.

#### Addendum

(A reference for the derivation towards a definition of public health and welfare requirements)

American Public Health Association, APHA Committee on the Hygiene of Housing 1938

cited in Healthy Housing Reference Manual pg2-1

#### Fundamental Physiological Needs

1. Protection from the elements
2. A thermal environment that will avoid undue heat loss
3. A thermal environment that will permit adequate heat loss from the body
4. An atmosphere of reasonable chemical purity
5. Adequate daylight illumination and avoidance of undue daylight glare
6. Direct sunlight
7. Adequate artificial illumination and avoidance of glare
8. Protection from excessive noise, and
9. Adequate space for exercise and for children to play.

#### Fundamental Psychological Needs

1. adequate privacy for the individual,
2. opportunities for normal family life,
3. opportunities for normal community life,
4. facilities that make possible the performance of household tasks without undue physical and mental fatigue,
5. facilities for maintenance of cleanliness of the dwelling and of the person,
6. possibilities for aesthetic satisfaction in the home and its surroundings, and
7. concordance with prevailing social standards of the local community.

## Nancy McPeak

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**From:** Deirdre McCartney  
**Sent:** Monday, June 28, 2021 12:40 PM  
**To:** Nancy McPeak  
**Cc:** Allen Tai  
**Subject:** Fw: [EXTERNAL] Garage Conversion Centennial Ave

[A last minute letter re 910 Centennial](#)

Deirdre McCartney, Planning Technician III  
City of Alameda - Planning, Building + Transportation  
510 747-6814 [dmccartney@alamedaca.gov](mailto:dmccartney@alamedaca.gov)

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**From:** Cheryl McCarthy <[camccarthy1978@gmail.com](mailto:camccarthy1978@gmail.com)>  
**Sent:** Monday, June 28, 2021 12:15 PM  
**To:** Deirdre McCartney  
**Subject:** [EXTERNAL] Garage Conversion Centennial Ave

Dear Ms. McCartney:

I was dismayed that approval was given for the garage conversion at 910 Centennial Ave. I would like to add my voice to the appeal of that variance.

The 900 block of Centennial Avenue is a small, dead end neighborhood of single family & multifamily (1-4) units. It is similar to the 800 block of Centennial Avenue (also a small, dead end neighborhood) but more densely built as SFD have been converted to multi-family units.

Who benefits from constructing a 2,000-sf home where a variance is needed?

- Not the tenants that live immediately next door (4 families).
- Not the homeowners who live behind the proposed building.
- Not the other families living on Centennial Avenue.

It is inappropriate use of the space

It is detrimental to the neighborhood

It is detrimental to the quality of life of the neighbors

I know parking is not a consideration of the Council anymore but in this instance, it needs to be. Converting a garage space of a 4 unit rental building into a large SFD with no parking adds more congestion to an already congested area.

It is currently zoned 1- 4. Will the addition of a 5<sup>th</sup> unit mean that it will be zoned commercial?

Thank you for your consideration,

Cheryl McCarthy  
907 Centennial Ave  
Alameda, CA 94501

## Nancy McPeak

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**From:** Zac Bowling <zac@zacbowling.com>  
**Sent:** Monday, June 28, 2021 5:46 PM  
**To:** City Clerk; Nancy McPeak  
**Subject:** [EXTERNAL] Public comment on today's planning board item concerning 910 Centennial Avenue

RE: Concerning the administrative variance review for the lot at 910 Centennial Avenue (6/28/2021)

Planning Board Commissioners and Staff,

This review as agenized is based on the concern that the setbacks could impact fire and life safety. On that issue, as the staff report states, it meets CA Residential Code for fire safety. My own take after reading Section R302 is that staff is correct.

Staff reasoning for approving the variance is sound. As a homeowner with a 25-foot wide lot in R-2 zoned area just a few blocks from this location, I know firsthand that our zoning code standards were not well thought out for lots of our size in this zoning designation (our houses would end up looking like the famous spite house in the middle of our thin lots if built to current standards). Separately, I actually would request we fix that issue.

There shouldn't be any additional issues that should be found in this review that I can see, and I believe this project should be approved.

I would normally avoid commenting on smaller projects like this being built by private homeowners who are building housing they are allowed to build by-right and objectively are already zoned for. I would normally find it difficult to find some legitimate grounds to interject on a project that will have such a small impact on everyone in our community. However, this project has garnered a good amount of public comment from people and organizations across the island, many of whom do not live anywhere near this proposed new home, so I felt compelled to add some counterbalance to that commentary.

To address some of what is raised in public comment, most of these issues raised are not reasons to deny the project. Specifically concerns over parking and density.

The facts are:

- The new housing is allowed by-right on the lot. The lot has always allowed for R-2 style housing. By it's zoning alone housing there was specifically planned for but this was utilized before.
- The project provides all required off-street parking under code it has to. The lot's current usage as off-street parking for another lot and that loss by letting the lot be used for what it was zoned for does not merit denying this project.
- The design of the project meets Alameda's Design Review Manual.

Using the lot to house people as intended is far more important than the lot any marginal off-street parking loss for a few cars. Nor would it be appropriate to reduce the housing any smaller to add more off-street parking that is not required under code.

It's also important to note that this lot, like it's neighboring lots, is in a transit-rich area under our proposed general plan and as defined by state code. We have alternative transport options here so reduction of cars in this area should be the goal. **Homes for people are more important than storage of more cars.**

Additionally, it would seem that the calls to increase the setbacks to 5 feet are nothing more than an attempt to lower the density of the site. If you review the plans submitted it would be hard to construct a home with 3 bed

and 2 bath on the site meeting all other design and zoning codes with a 5 foot setback. The 1 foot compromise is appropriate here.

Unrelated to this issue but since it was raised in public comment, I also have a nit with one element that is in our Design Review Manual that the Alameda Preservation Society raised and called out over tire paths up to the garage entrance. It seems that this requirement is effectively optional and not required (and for a 1 foot set back in this case unnecessary) but I would move to remove this from the design review manual altogether. The vast majority of homes have fully paved driveways in Alameda so it's not in fitting with the overall existing trend. And while I'm not a fan of more concrete, tire path driveways encourage vegetation under cars which is a significant fire risk with internal combustion engines. Encouraging gravel and brick driveways would be better to reduce concrete usage if that is the goal.

Thank you,

Zac Bowling



RE: Comments on PLN20-0541

Dear Ms. McCartney,

We are writing to provide comments on project PLN20-0541 in advance of the public hearing on June 28, 2021.

My husband and I reside in one of the homes referenced in the applicant's proposal as an example of a single-family home with a less-than-5'0" setback. We believe our testimony as the residents of a home that occupies a very narrow lot in the neighborhood of the proposed project is relevant to the Planning Board's deliberations.

1. **Setback of less than 5 feet.** The south side of our home (built ca. 1895) is located within 2 or 3 feet of the adjacent property on Weber Street, built some years earlier. We can confidently say that this narrow setback is problematic. It is extremely difficult to pass through the space (which we have needed to do several times for house painting, gutter cleaning and to remove fire-hazard material from the neighbors' dryer vent, accumulated leaf debris and so on). Speaking from experience, **we believe the proposed 1-foot setback on the west side of the proposed new construction is extremely hazardous**, nearly impossible to navigate in case of emergency, and will make ordinary maintenance of the property very difficult. **The proposed 3-foot side yard setback on the east side also appears impractical as well as dangerous.** These narrow setbacks are also likely to be a great nuisance to adjoining neighbors (as is evidently confirmed by other commentators on this proposal). As noted, our home is referenced in the applicant's proposal (Exhibit 3, Neighborhood Lot Width Assessment, p. 2), so we speak with practical experience regarding substandard setbacks.
2. **Proposed home size.** Like some other commentators on this proposal, we believe the proposed size of the structure is excessive for the lot size. The Planning Board's Draft Resolution notes (emphasis mine): "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." We find this to be a remarkable statement, given that our family resides in a house that is 15 feet at its widest point, in this same neighborhood. We can assure the applicant that **a relatively narrow home is perfectly comfortable, and made even more so by surrounding green space.** We feel strongly that filling this lot with a residential structure

that exceeds standard setbacks will increase the risk of fire in the neighborhood, endangering life and property of many households -- including 910 Centennial.

We recommend that the Planning Board reconsider its Draft Resolution and reject the extreme variances requested in favor of a proposal that strikes a better balance between neighborhood safety and the property owner's desire to maximize the size of the proposed structure.

Thank you for your attention.

Constance Malpas  
Gerard Morris  
928 San Antonio Avenue  
Alameda, CA 94501