

## Exhibit A

### **RECOMMENDED FINDINGS OF FACT**

**PLN22-0029**

**341 MacArthur Blvd**

**Alameda County Assessor's Parcel Number 076-0311-006-00**

**William and Linda K Hom (Applicant and Property Owner)**

The Board of Zoning Adjustments hereby approves the Conditional Use Permit to enlarge a legal, nonconforming Single-Family Residence by adding 480 square feet to an existing 948 square-foot one-story residence at 341 MacArthur Blvd, and finds the project categorically exempt from CEQA subject to the following findings:

#### **Conditional Use Permit Findings**

- 1. The proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located.**

One of the objectives of Zoning Code Chapter 4.20 (Nonconforming Uses and Structures) is to “limit the [...] extent of nonconforming structures [...] by prohibiting their being [...] enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter. Additionally, one of the objectives of the CC (Community Commercial) is to “ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area or with planned changes in the character of the area in which they are located and that the quality of site and building design enhances the community”. The existing character of the area is composed of one-story residential and retail buildings. Adjacent uses include a vacant former day care facility (Stepping Stones) immediately northwest of the subject property and a single-family residence immediately southeast of the subject property. Enlarging the single-family house would allow the area to maintain its character while allowing the nearby uses to continue.

- 2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City.**

The subject property has a General Plan designation of Corridor Mixed Use (MUC), which “allows for a mix of commercial and residential uses oriented in a linear development pattern along major transit-served arterials” where “Residential uses may be either free-standing or integrated into the upper floors of mixed use projects” (General Plan, page 3-30).

The proposed addition is to the rear of the house, maintaining the consistency of the existing front of the house and continuing the character of the street. Only a minor carport addition will be built in the front. Therefore, the existing house and its addition will allow for the continuation of this land use pattern. The residential uses will continue to co-exist with residential and commercial uses to encourage walking and bicycle use, as expected for the MUC land use designation. The project is not expected to be detrimental to properties or improvements in the vicinity, or to the general welfare of the City, due to the conditions of approval which would require that the addition be built to meet all applicable codes.

**3. The proposed use will comply with the provisions of this Code, including any specific condition required for the proposed use in the district in which it would be located.**

The proposed addition meets the development regulations (setbacks, height, lot coverage, floor area) of the CC district. A condition of approval will also require the project to replace the detached garage by building an attached carport, allowing the single-family residence to continue to provide required parking. Therefore, the proposed use will comply with the provisions of the Zoning Code.

**4. The proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.**

Impacts to parking in the area are not anticipated, as the project has been required to replace parking, by building a carport to replace the detached garage which is being proposed to be demolished. Demand for parking is anticipated to be similar to demand prior to the addition, due to the size of the addition. The residential use will continue to be serviced by all utilities, as it is an occupied residence with all services provided. Therefore, the proposed use will not create such demands exceeding the capacity of public services in the area, particularly with regards to parking demand.

## **Findings for Enlarging Nonconforming Single-Family Uses**

- 1. The expansion of the nonconforming single-family or two-family dwelling and, thus, the perpetuation of the nonconforming residential use will not be detrimental to the economic vitality of the area and surrounding conforming uses.**

The expansion of the nonconforming single-family dwelling would perpetuate the residential use on this block of MacArthur Blvd, which already includes a variety of one-story residential, commercial, and semi-public uses. In fact, given that the current trend on this block has not been to convert residential uses to commercial, but rather to add to the availability of housing, the enlargement of this house would be beneficial to the economic vitality of the City. Surrounding conforming uses, such as retail, office, and semi-public uses will continue to benefit from having nearby residential uses to support their businesses.

- 2. The enlarged single-family or two-family dwelling is visually compatible with the nearby conforming and nonconforming uses and upgrades the overall condition of the structure and the neighborhood.**

The enlarged single-family dwelling will be visually compatible with nearby uses as it will remain a one-story dwelling, similar to the structures on this block of MacArthur Blvd. It will continue to have a front setback of approximately 25 feet, which mixes in well with the varying setbacks along this side of the street. Furthermore, the property will upgrade the overall condition of the neighborhood, as the property is being required to improve its front façade and remove an unallowed mobile canopy which appears to have been used for covered parking. Therefore, the project will be visually compatible with the nearby uses and will upgrade the subject property and the neighborhood.

## **California Environmental Quality Act Categorical Exemption Findings**

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301, because it is an Existing Facility that involves minor alterations and negligible expansion of use, it is in an area where all public services and facilities are available to allow for maximum development, and it is not located in an environmentally sensitive area.