



Legislation Details (With Text)

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<b>Type:</b>	Staff Report	<b>Status:</b>		<b>In control:</b>	Agenda Ready Planning Commission and Board of Zoning Adjustments
<b>On agenda:</b>	10/6/2022	<b>Final action:</b>			
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	PLN22-0029; Consideration of a 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. Zoning District: CC (Community Commercial). Alameda County Assessor's Parcel Number: 076-0311-006-00. Applicant and Property Owner: William and Linda K Hom.				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Att 1 - Vicinity Map, 2. Att 2 - Plans Exhibits A-H				

Date	Ver.	Action By	Action	Result
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PLN22-0029; Consideration of a 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. Zoning District: CC (Community Commercial). Alameda County Assessor's Parcel Number: 076-0311-006-00. Applicant and Property Owner: William and Linda K Hom.

**SUMMARY AND RECOMMENDATION**

The applicant is requesting a Conditional Use Permit to add 480 square feet to an existing 948 square-foot one-story residence at 341 MacArthur Blvd, zoned Community Commercial (CC). Zoning Code Section 4.20.108 allows single-family residential uses to be enlarged, subject to a Use Permit issued by the Board of Zoning Adjustments (BZA).

Staff recommends that the Board of Zoning Adjustments adopt Resolution 2022-007, approving a Conditional Use Permit for 341 MacArthur Blvd, PLN22-0029, based on the Findings of Fact and subject to the Recommended Conditions of Approval.

**RELATIONSHIP TO SURROUNDING AREA & BACKGROUND**

The project site is in the CC (Community Commercial) zoning district. It is a 5,000 square-foot lot on the south side of MacArthur Blvd, between Broadmoor Blvd / Herma Court on the west and Victoria Ave on the east. The site is surrounded by a mix of residential and commercial uses, including a semi-public use to the northwest (formerly Stepping Stones Day Care), a vacant property across the street, and a single-family residence immediately southeast. The project site is currently developed with a one-story house, built in 1928 and measuring 948 square feet. At the rear of the property is a detached one-car garage measuring approximately 200 square feet with an attached patio cover. 311 MacArthur, the former Stepping Stones property to the northwest, has an entitlement valid through July 1, 2024 to construct 20 townhomes but has not pulled building permits.

## **DETAILS OF THE PROPOSAL**

The project involves demolishing the existing garage structure, adding two bedrooms and a bathroom to the rear of the house (480 square feet), and remodeling the kitchen and a bathroom. The addition would be built where the garage currently stands, holding a 5-foot, 2-inch side setback and a 12-foot, 2-inch rear setback. The exterior walls of the existing laundry room would be removed to create a hallway leading to the new two bedrooms of the house. The rearmost bedroom would be built as a bedroom suite, with its own private bathroom. The house would now measure 1,428 square feet and contain 4 bedrooms and 2 bathrooms.

Within the existing footprint of the house, the existing kitchen would be remodeled. The wall between the kitchen and dining room would be removed to create an open floor plan. The common bathroom, behind a shared hallway, would also be remodeled, with an improved sink and vanity.

The exterior materials of the addition would match the existing exterior materials, including matching windows, two types of wood siding, and composition roof shingles. The addition would have a pitched roof with a 4:12 slope to match the slopes on the existing house.

## **STAFF ANALYSIS**

The proposed two new bedrooms would be built at the rear of the property, allowing the house to keep its front yard setback at 24 feet, 9 inches, instead of the 10-foot front yard setback allowed in the CC zoning district. Likewise, the proposed rear setback is greater than required, at 12 feet, 2 inches; whereas the CC district allows a zero-foot rear yard setback. This would allow the enlarged home to continue to have an adequate distance from the public sidewalk typical in residential district, and also provide a typically-sized rear yard for the residents. The greater front yard would also allow for the street character to remain largely the same without seeming out of place in a block of MacArthur Blvd that has a variety of uses.

Part of the proposal is to remove the existing detached one-car garage, which is currently built at the northwest side property line, with no setback, to make room for the residential addition. Past residents have used portable canopies as covered parking along the northwest side of the house, instead of the detached garage. However, these are unpermitted and would not meet applicable codes. Staff recommends a Condition of Approval requiring that the lost covered parking space in the detached garage be replaced with an attached carport along the northwest side of the house, aligning with the existing driveway, where the portable canopy is currently located. The carport would be required to be built with architecture that matches the house.

Additional recommended Conditions of Approval include upgrading the façade by replacing and painting weathered wood architectural features, removing the chain link gate at the front of the driveway, and providing adequate refuse storage outside public view.

## **GENERAL PLAN CONFORMANCE**

The subject property is designated Corridor Mixed Use (MUC) in the City's General Plan Land Use Map, 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). This proposal

would allow the mix of uses to remain, while keeping the character of this block of MacArthur Blvd. Additional policies which apply to this project include:

Policy LU-2.1. Complete Neighborhoods. Strive for “complete neighborhoods” that provide an array of housing choices; easy access to retail stores, commercial services, and medical care; quality public schools; great parks and open spaces; affordable transportation options; and civic amenities.

Policy LU-2.8. Alterations, Additions, and Infill. Ensure that alterations, additions and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.

Policy LU-2.10. Teardowns. Discourage “teardowns” (the replacement of smaller dwellings with larger and more expensive homes) where the existing home is in good physical condition and the proposed home would be substantially larger than the prevailing scale of the neighborhood.

## **ENVIRONMENTAL REVIEW**

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

## **PUBLIC OUTREACH**

This item received standard noticing for the October 6, 2022 Board of Zoning Adjustments hearing, including a legal advertisement in the East Bay Times Daily Review newspaper, the posting of notices at City Hall and on the property, and mailing notification to property owners within 500 feet of the subject property. Staff did not receive any public comments regarding this hearing item prior to the release of this report.

## **RECOMMENDATION**

With the recommended conditions of approval, the proposed enlargement of the nonconforming single-family residence conforms to the Zoning Code and General Plan. Staff recommends that the Board of Zoning Adjustments adopt Resolution 2022-007, approving a Conditional Use Permit for 341 MacArthur Blvd, PLN22-0029, based on the Findings of Fact and subject to the Conditions of Approval.

## **ATTACHMENTS**

Vicinity Map  
Exhibits (A-H)

Resolution 2022-007 (#22-575)  
Recommended Findings of Fact  
Recommended Conditions of Approval

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