



## Legislation Text

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**File #:** 18-373, **Version:** 1

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**PLN17-0065;** Conditional Use Permit and Site Plan Review to allow an additional two-story unit attached to an existing one-story unit on a parcel of sub-standard width; 1260 Pacific Avenue; Assessor's Parcel Number 75-115-72; P. Lau (applicant and property owner); RD Residential Duplex District.

### SUMMARY AND RECOMMENDATION

The applicant is requesting a Conditional Use Permit and Site Plan Review to redevelop a single family home into a duplex. The subject property is a 10,190 square foot parcel with an existing single-family home zoned Residential Duplex (RD).

The RD zoning designation permits the development of a two-family attached housing (duplex). However, because the width of the lot is less than the minimum standard of 50 feet, a Conditional Use Permit is required from the Board of Zoning Adjustments. This project must also obtain concurrent approval for Site Plan Review (as per Zoning Code 5-2502.A and B.1a.).

Staff believes that, with the recommended Conditions of Approval, the proposed project would be compatible with adjacent residential development in the immediate neighborhood. Staff recommends that the Board of Zoning Adjustments:

1. Adopt the California Environmental Quality Act categorical exemptions;
2. Adopt the recommended Findings of Fact; and
3. Approve Conditional Use Permit PLN17-0065 subject to the attached recommended Conditions of Approval.

### APPLICANT'S SUPPORTING STATEMENT

See attached.

### RELATIONSHIP TO SURROUNDING AREA

The surrounding properties to the north, south, and east are zoned Residential Duplex District (RD) and are developed with single-family and two-family homes, as permitted by the RD zoning district. The parcels along the east side of Pacific Avenue are less than the minimum lot width under the PD zoning district, 40 feet wide and 254.7 feet long. The properties immediately behind the subject property are developed with duplexes and single-family homes, but the parcels are a standard size of 50 feet wide by 104.2 feet deep. The properties across the street from the subject property on Pacific Avenue are zoned RM-1800 and are developed primarily with multi-family residential uses.

## BACKGROUND

The parcel is currently developed with an existing 1,040 square-foot single-family home constructed in 1943; a three-bedroom, one-bath structure. The parking for this home is currently provided in a one-car rear detached garage on the south side of the house. Much of the house remains original; electrical updates and a bathroom remodel were completed in 1997, AC unit was added in 1999, and an electric panel was replaced in 2012. The current owner purchased the property in August 2012.

## DETAILS OF THE PROPOSAL

The applicant proposes to expand a single family home by 2,977 square feet of habitable space and convert it into a duplex. The proposed additional two-story unit would be approximately 2,912 square feet in area and located behind the original home. A proposed 690 square foot attached garage would also be constructed behind the new rear unit, connected by a utility room. The proposed height of the finished duplex addition would be 23 feet, 5 inches, which is a 10 foot 9 inch increase from the existing height of the single-family home.

Per §4-1650.A, the Zoning Code requires that any project proposed on a substandard lot zoned for Residential (R) use must obtain approval of a Conditional Use Permit from the Board of Zoning Adjustment before additional units can be added. This is to ensure that undersized lots are evaluated to determine their ability to adequately accommodate additional units.

Per Section 5-2502.A of the Zoning Code, Site Plan Review is required to accompany any development that also requires a Conditional Use Permit. In addition, per Zoning Code Section 5-2502.B.1.a, Site Plan Review is also required to permit any proposed additions to single-family residential that result in an additional dwelling unit, such as a duplex.

### Site Plan

The proposed addition is 23 feet wide and 100 feet in length, of which 30 feet of that length will be for the garage. The walkway to the proposed rear unit entrance will be shared with the 12-foot wide driveway. The living room of the proposed unit will share a wall with a new bathroom and closet of the existing home in front. Waste and recycling facilities will be placed away from public view, tucked in an area behind the rear unit and in front of the proposed two-car garage.

All existing structures on the property meet the Zoning Code development standards for the RD zoning district with the exception of the existing legal non-conforming front and side yard setbacks, which are not proposed for modification or expansion. The front setback is consistent with the adjacent homes along the same block, which were also built with legal non-conforming front setbacks.

### Parking / Traffic / Circulation

Off-street parking will be provided at the rear of the duplex, in accord with Zoning Code §4-1704, Two-Family Residential Parking Standards. A two-car garage would be added at the back of the two-family unit, 87 feet away from the rear property line. The garage would be built to match the duplex. In addition to the garage, a two-car parking pad would also be located at the rear of the property, thus satisfying the four required parking spaces for the two units. The existing driveway approach is

proposed to be reconstructed to improve the existing condition and avoid trip hazards. The new paved driveway will be 12 feet wide and will incorporate the walkway to the entrance of the second unit.

### Landscaping / Walls / Fencing

The development meets the site landscaping requirements for RD Districts by providing approximately 3,479 square feet of landscaping where approximately 1,584 square feet is required. The landscaping within the front setback maintains the grass lawn and English boxwood bushes. The design also proposes removing three existing trees in the rear yard and replanting cypress trees, rose bushes, and agave trees along the rear border property lines to open up an approximately 1,886 square foot central lawn space and plant a low windmill palm for shade to serve both units. Landscape maintenance is conditioned as part of the permit approvals.

The existing three-foot tall white picket fencing enclosing the front yard complies with the Zoning Code §4-1682, as does an existing six-foot tall redwood fence along the side and rear property lines. No fencing may separate the front unit from the rear unit as part of the permit approvals.

### Building Exterior and Elevation

The proposed architecture continues the same style as the existing single family unit at the front. The visual elements include horizontal wood siding board, matching white wood trim and custom white shutters on all windows, and asphalt shingle roofing. The exterior building colors include a grey-blue finish and white wood window trim and shutters. The rear development includes a hip roof that matches the slope of the existing hipped roofing at the front. The duplex addition will appear as a uniform extension, set directly behind the existing home.

### Address Signage

Address numbers need to be placed in locations such that emergency crews can read them from the street fronting the dwelling. The Alameda County Fire Department has recommended a condition of approval for the applicant to construct a monument sign or similar feature visibly indicating the two addresses to the building as a part of the building permit approval.

## **STAFF ANALYSIS**

Although the Residential Duplex (RD) zoning district permits both single family homes and duplexes, the proposed project must be evaluated and approved by the Board of Zoning Adjustments due to the non-conforming lot width.

The surrounding neighborhood is diverse in use and construction, including a combination of single-family homes, duplexes, two-story apartment buildings, a church, the Boy Scouts, and a development of nine three-story townhomes. The east side of Pacific Avenue consists of deep narrow lots zoned Residential Duplex RD, while the apartment buildings across the street are zoned RM-1800. The block to the east of this property along Orchard Avenue is also zoned RD and is developed with a similar mix of single-family homes and duplexes. The San Leandro BART station is about 1200 feet to the east of this property.

The lots along Pacific Avenue have deep dimensions, about 250 feet deep, some of which are developed with duplexes. These deep lots, while ten feet narrower than the minimum lot width allowed under the RD Zoning, have more than double the area of a standard lot due to their substantial depth. The lot dimensions accommodate the development of duplexes, given their ample depth. In this case, the lot is 40 feet wide and 254.74 feet deep. The total area of this lot is 10,190 square feet; the minimum lot area in the RD district is 5,000 square feet. Staff finds the additional depth gives the applicant ample room for the additional unit and the four parking spaces, while still providing sufficient open space for both units.

The layout of the residential development shown on the proposed site plan will be in conformance with the underlying RD Residential Duplex zoning district with the exception of the existing reduced lot width and front and side yard setbacks. The proposed development will not expand any non-conformity. The proposed building density, height, FAR, lot coverage, landscaping, and parking are in conformance with the Zoning Code. Private open space in the rear is provided for both units. A condition has been added to ensure continued maintenance of the required landscaping.

The proposed new unit will be slightly narrower in width compared to the existing single-family home. Though the addition is two-stories tall, the impact on the streetscape is minimized due to it being set back 67 feet and 9 inches from the front property line. Given the layout, staff finds the proposed project will maintain adequate availability of light, area, and privacy for the development as well as for the adjacent neighbors.

The parking requirement for duplexes is four parking spaces, with two of the spaces covered. The applicant has provided this parking behind the proposed duplex and the project is conditioned to maintain the garage for vehicular parking at all times. No parking exception is required. The Engineering and Traffic Division has reviewed the driveway dimensions and has determined that the design and access are adequate. Alameda County Fire Department staff also reviewed the proposed structure and driveway and found the design to be acceptable for emergency vehicle access with the recommended conditions of approval.

With the recommended Conditions of Approval, staff is able to recommend Board approval of the project based on the attached Findings of Fact.

## **GENERAL PLAN CONFORMANCE**

The proposed duplex conforms to the General Plan, which designates the property for Medium Density Residential use. This designation is intended for attached housing types such as townhomes and duplexes, as well as single family homes on smaller lots less than 5,000 square feet. The following General Plan policies are relevant to this project:

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

**LU-2.12 - Off-Street Parking.** Ensure that a significant number of off-street parking spaces are provided in new residential development to minimize parking “overflow” into neighborhoods. The visual prominence of parking should be minimized in new development areas.

**LU-3.1 - Mix of Unit Types**. Encourage a mix of residential development types in the city, including single family homes on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit development, garden apartments, and medium to high density multi-family housing.

**LU-3.4 - Promotion of Infill**. Encourage infill development on vacant or underutilized sites within residential and commercial areas.

## ENVIRONMENTAL REVIEW

Staff recommends that the Board of Zoning Adjustments find that this project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15303(a) New Construction of Small Structures, as it is a second dwelling unit in a residential zone.

## PUBLIC OUTREACH

This Board of Zoning Adjustments meeting received the required 10-day noticing period for a public hearing item before the BZA. The required methods of noticing were conducted including a legal advertisement in the East Bay Times Daily Review newspaper, the posting on the subject property, and mailed notification to property owners and business owners within a 500-foot radius of the subject property.

## ATTACHMENTS

Applicant's Supporting Statement

Vicinity Map

Recommended Findings of Fact

Recommended Conditions of Approval

Exhibits A-E

- Exhibit A - Site Plan
- Exhibit B - Floor Plan
- Exhibit C - Elevations, Front / Rear / Garage
- Exhibit D - Elevations, Side
- Exhibit E - Streetscape

Photographs of Existing Site Conditions

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