

# ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY PLANNING DEPARTMENT

#### STAFF REPORT

TO: FAIRVIEW MUNICIPAL ADVISORY COUNCIL

**HEARING DATE:** July 5, 2022

#### **GENERAL INFORMATION**

APPLICATION

TYPE AND

**NUMBER:** Site Development Review, PLN2022-00030

OWNER/

APPLICANT: Rex and Rita Green

**PROPOSAL:** To allow a garage conversion.

ADDRESS AND 3295 Bridle Drive, south corner, west of Spur Drive, Fairview area of

SIZE OF PARCEL: unincorporated Alameda County, Designated Assessor's Parcel Numbers: 425-

0110-007-00. Approximately 10,685 square feet in area.

ZONING: The site is within the boundaries of the Fairview Area Specific Plan. This site

is zoned R-1-B-E (Single Family Residence, 6,000 square foot Minimum

Building Site Area) District.

GENERAL PLAN: All information on vision, goals, policies, and existing conditions for Fairview

can be found in the June 3, 2021, Fairview Area Specific Plan, and its related

documents, which is part of the Eden Area General Plan.

ENVIRONMENTAL Categorically exempt from the requirements of the California Environmental

REVIEW: Quality Act, Section 15303, "Conversion of Small Structures".

#### RECOMMENDATION

Staff recommends that the Fairview Municipal Advisory Council recommend approval to the West County Board of Zoning Adjustments of Site Development Review, PLN2022-00030, to allow a garage conversion, based on drawings marked "Exhibit A" dated March 2, 2022 on file with the Alameda County Planning Department. If the Board determines that the use is appropriate, the enclosed conditions of approval should be considered.

#### PARCEL ZONING HISTORY

August 11, 1956, the 107<sup>th</sup> Zoning Unit, ZU-107 designated the site as R-1-B-E (Single Family Residential, 6,000 square foot Minimum Building Site Area) District.

#### SITE AND CONTEXT DESCRIPTION

Physical Features: The property is a corner lot approximately 10,685 square feet in area with approximately 82 feet of frontage along Bridle Drive and approximately 84 feet of frontage along Spur Drive. The site is developed with a single-story, single-family dwelling approximately 1,800 square feet in area. The house is located near the middle of the lot, with a 144 square foot accessory structure near the south property line. The front of the lot slopes downward toward the eastern property line. There are street improvements along the property frontages.

Adjacent Area: Adjacent properties are developed with single family dwellings.

#### PROJECT DESCRIPTION

The request is to allow a garage conversion to an existing attached two-car garage. The applicant states that the request is to legalize the conversion into a home office space which was previously done without benefits of building permits. The proposal includes the construction of a two-car carport in front of the existing garage attached to the home.

#### **REFERRAL RESPONSES**

<u>City of Hayward Fire Department, Fire Prevention</u>: A referral letter was sent on March 2, 2022, however, as of this writing no comments have been received.

<u>Public Works, Land Development</u>: In a referral response dated March 14, 2022, Land Development Services Staff responded with five recommendations in establishing conditions of approval. These include: if the existing frontage improvements along Bridle Drive are to be replaced, then first obtain encroachment permit, all sidewalk and driveway improvements are required to conform to Alameda County's Design Guidelines, and the project shall be at no cost to the County.

Building Inspection Department: A referral letter was sent on March 2, 2022, as of this writing no comments have been received.

Alameda County Code Enforcement: In a referral response dated March 4, 2022, Code Enforcement staff stated that there are no comments on this application.

<u>Fairview Community Club:</u> A referral was on March 30, 2022, however as of this writing, no comments have been received.

Hayward Hills Property Owners Association (HHPOA): In a referral response dated April 15, 2022, the HHPOA stated there are no comments on the application.

#### STAFF ANALYSIS

Conformance with the General Plan: This site is located within the *Eden Area General Plan* adopted by the Alameda County Board of Supervisors on March 30, 2010. The Plan serves as the County General Plan for several unincorporated areas, including Fairview. However, the Plan defers to the *Fairview Specific Plan* as the source of goals, policies, and zoning regulations that apply to this area.

Conformance with the Fairview Area Specific Plan: The updated Fairview Specific Plan (June 3, 2021) provides land use and development policies to Fairview. In general, the updated Fairview Specific Plan focuses on preserving the natural environment, retaining open space, reducing hazards, maintaining neighborhood character, addressing traffic congestion, and parking, and ensuring quality community services. There is no guidance provided in the plan with respect to garage conversions.

Required Yards: For the R-1-B-E (6,000 sq. ft. MBSA) zoning district, the required yards are a 9-foot side yard, a 12-foot street side yard and 20-foot front and rear yards. The project proposes a 20 ft. front yard, 13-foot street side yard and 10-foot side yard. The required yards are met. The proposed attached carport is encroaching into the required rear yard by 6 feet. When the Specific Plan is silent then the Residential Design Guidelines shall apply. In this case there is a provision that allows for encroachment into the rear yard provided the area is kept open elsewhere on the site. See below for First Story Exception.

Lot Coverage: The lot coverage permitted for the site is 30%, based on a lot size of 10,685 square feet and a single-story dwelling. The 30% lot coverage results in 3,206 square feet that is permitted to be covered on the lot, while the project proposes to cover a total of 2,329 square feet with structures. Which is under the permitted amount of lot coverage for the site.

Maximum Floor Area Ratio: The Specific Plan regulates Floor Area Ratio (FAR) in addition to lot coverage which is limited to 0.10 plus 2,500 sq. ft. for a 10,000 sq. ft. lot size. This parcel is limited to a maximum FAR of 3,569 square feet. The Specific Plan has the following exclusions to FAR calculations (pg 3-23): "When calculating the allowable floor area on a parcel, exclusions apply to non-habitable spaces such as garages, storage sheds, mechanical equipment rooms, and attics or basements not eligible for habitation; and spaces outside the walls of the house, such as decks (including covered decks and lanais), patios, atriums, and outdoor stairs." Therefore, the proposed carport and existing detached storage shed will not be included in the FAR for the parcel. The project proposes to cover 1,785 sq. ft. of land where up to 3,569 sq. ft. is permitted, which is under the permitted amount of floor area ratio.

Conformance with the Residential Design Standards and Guidelines for First Story Exception: The rear yard setback may be a minimum of 10 feet if that portion of the rear yard which is less than 20 feet is compensated by open area within the same or adjacent yards on the same building site that exceed side and rear yard requirements by an area at least equal to extent of building coverage with a minimum dimension of 10 feet. The project encroaches 100 sq. ft. into the required rear yard and provides a 10 ft. by 10 ft. area outside of the required rear and side yards which meets the exemption.

Conformance with the Zoning Ordinance: Garage Conversions are governed by Sections 17.52.955 and 17.54.220(B) of the Zoning Ordinance. The subject property is located in the R-1-B-E (Single Family Residence, 6,000 square foot Minimum Building Site Area) District and therefore the Garage Conversion ordinance applies. Under code Section 17.52.955, garage conversions to non-garage uses may only be approved or legalized when the seven conditions listed in the ordinance are met.

Zoning Ordinance Section 17.52.955 requires:

A. These regulations apply in all zoning Districts except for parcels larger than one acre in the "A" District.

The converted garage is in an R-1-B-E (Single Family Residence, 6,000 square foot Minimum Building Site Area) District. Therefore, the regulations do apply.

B. The garage conversion is found to be architecturally consistent with the rest of the primary structure(s) located on the property and surrounding neighborhood to the extent a pattern exists in the area.

The proposal includes the removal of the existing garage door and replaced with stucco wall to match the existing single-family homes exterior finish. The Applicant is proposing to construct an attached carport in front of the garage with a pitched roof to be architecturally consistent with the rest of the home. The Applicant will have to comply with Building and Fire Code requirements to convert the garage into habitable space.

C. The converted garage, if attached to the primary structure, includes an internal connection to the rest of the primary structures.

The converted garage is attached to the primary dwelling and has an internal connection to the primary dwelling. The floor of the converted garage is a at the same level with access off the kitchen area. If this application receives favorable decision from the Board, the Applicant shall be required to obtain clearance from City of Hayward Fire and County Building Department for safe use of the area for a home office.

D. Other conforming on-site parking space(s) is (are) available at a one-to-one ratio for the number of on-site parking spaces being removed as part of the conversion, such parking spaces to include uncovered but on a paved surface, or covered by a structural carport with a design consistent with the existing structure and neighborhood character, or enclosed within a new garage, and all such spaces must meet the zoning ordinance required minimum dimensions are area and be located outside of required yards; and

The proposal meets the conditions set forth in the section. The property has a deep driveway that can accommodate 2 parking spaces. There is over 30 feet from the existing garage door to the property line. The parking area is required to provide 2 parking spaces measuring 180 square feet each (360 square feet total) which is provided in the existing driveway apron.

E. There is evidence in the public record that all required conforming on-site replacement parking will be continuously maintained using materials such as asphalt, concrete, pavers, or similar permanent improvements and readily accessible from the public right-of-way; and

The proposed parking area is located in the driveway apron, beyond the 10-foot required street side yard setback, and it is paved and readily accessible from the public right-of-way. Applicant would be required to maintain it at all times as part of conditions of approval if this application receives a favorable resolution.

F. Conforming enclosed storage space of at least 800 cubic feet is provided such space to be located in a garage, shed, or other structure on the property; and

Applicant proposes to use a detached storage shed measuring 12 ft. by 12 ft. by 10 ft. tall (1,440 cubic feet) as storage area. Therefore, providing more than the required 800 cubic feet of enclosed storage space.

G. The replacement storage space complies with the Neighborhood Preservation Ordinance standards. (Chapters 6.64 and 6.65 of the Alameda County General Ordinance Code).

All properties are required to comply with the Neighborhood Preservation Ordinance standards at all times.

Private Garage: The project proposes to construct an attached carport to provide the required covered parking spaces. While the carport meets the street side yard setback it is not required to provide a 20-foot setback from a property line as in the case for a private garage, since the carport is unenclosed. The Section of the Zoning Ordinance which is being referenced is Section 17.52.300 Accessory Building-Private garage since this is an unenclosed covered parking structure without a garage door this section does not apply. Staff recommends including a condition of approval to ensure that the carport is not converted to a garage (or an enclosed parking space) since the 20-foot setback will not be met. See condition of approval number 2.

#### CONCLUSION

Approval subject to plans marked "Exhibit A" dated March 2, 2022, on file with the Planning Department and the following conditions:

- 1. Approval of this Site Development Review application authorizes the conversion of an attached garage into a home office as shown on plans marked "Exhibit A" received on March 2, 2022. This permit allows the two required parking spaces to be located in front of the converted garage under a carport in a paved driveway, outside the required 10-foot street side yard setback.
- 2. The carport shall remain unenclosed since there is less than the required 20-foot setback from a private garage door per Section 17.52.300 Accessory Building-Private garage in the Zoning Ordinance.
- 3. The garage door shall be removed and replaced with exterior materials that match the existing single-family home shall be architecturally consistent with the rest of the dwelling.
- 4. Internal connection must be maintained from the converted garage to the main structure.
- 5. The Site Development Review application and plans marked "Exhibit A" received March 2, 2022, have been approved based on First Story Exception, in the Residential Design Standards and Guidelines which requires retention of 100 square feet of open space outside of the required rear and side yards as a result of the 6-foot encroachment into the required rear yard. Future additions in the rear and side yards shall retain 100 square feet of open space.
- 6. Meet and maintain compliance with the requirements of the following agencies:
  - a. Alameda County Public Works Agency, Building Inspection Department
  - b. Alameda County Public Works Department
  - c. City of Hayward Fire Department

- 7. The Permittee shall comply with all Federal, State, and Local Laws, Regulations and Alameda County Ordinances.
- 8. The property owner and developer shall defend, indemnify, and hold harmless Alameda County and its agents, officers, and employees from any claim, action, or proceeding against Alameda County and its, agents, officers, and employees to attack, set aside, void, or annul Site Development Review, PLN2022-00030, to challenge California Environmental Quality Act determination for this project, or any combination thereof. Such indemnification shall include, but not be limited to, an award of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify applicant or successor of any such challenge.
- 9. Said Site Development Review shall expire three years (July 27, 2025) from the date of approval of this Conditional Use Permit.

#### **ATTACHMENTS**

Referrals Graphics

PREPARED BY: REVIEWED BY: Christine Greene Rodrigo Orduna

#### **MEMORANDUM**

DATE:

March 14, 2022

TO:

Christine Greene, Development Planning Division

FROM:

Kyin Yin, Development Services

SUBJECT!

PLN2022-00030 - SDR, 3295 Bridle Dr, Fairview

Reference is made to your submittal on March 2, 2022, of the above subject to allow a garage conversion for a home office, located at 3295 Bridle Drive, south side, at the west corner with Spur Drive, unincorporated Fairview area of Alameda County, bearing County Assessor's Designation: APN: 425-0110-007.

Should this application receive favorable consideration by the Planning Department, please consider the following recommendations in establishing the conditions of approval:

- 1. Any right-of-way dedication, road improvements, and any necessary relocation of utility facilities shall be at no cost to the County.
- 2. Acquire an encroachment permit from Alameda County for any work within the County roadway right-of-way.
- 3. The uplifted existing Portland concrete cement curb, gutter, sidewalk area along the street frontage at Bridle Drive will need to be replaced. Any curb, gutter, sidewalk, and driveway with a vertical or horizontal displacement over ¼ inch is considered damaged and shall be repaired or replaced.
- 4. The property owner shall be responsible for the installation of Portland cement concrete curb, gutter and sidewalk, and pavement tie-in along the street frontage of the property at Bridle Drive.
- 5. All sidewalk and driveway are to conform to Alameda County's Design Guidelines. All work must be in compliance with Alameda County ordinances, guidelines, and permit requirements.

If you have any questions, please call me at (510) 670-5954.

## Greene, Christine, CDA

HHPON

From:

Caabco <caabco@aol.com>

Sent:

Friday, April 15, 2022 10:24 AM

To:

Greene, Christine, CDA

**Subject:** 

Re: Planning Referral PLN2022-00030 Garage Conversion

Hi Christine.

The HHPOA Board reviewed the plans for the garage conversion and the carport addition. We don't wish to make a comment on them.

Thank you so much for having contacted us about this, for the thorough report, and for the follow-up answers to our questions.

Dale

----Original Message-----

From: Greene, Christine, CDA <christine.greene@acgov.org>

To: caabco@aol.com <caabco@aol.com>; Silva, Dale, Fairview MAC <Dale.Silva@acgov.org>

Cc: Greene, Christine, CDA < christine.greene@acgov.org>

Sent: Wed, Mar 30, 2022 1:56 pm

Subject: Planning Referral PLN2022-00030 Garage Conversion

Attached are materials for HHPOA review and comments for the site development review to allow a garage conversion located at 3295 Bridle Drive.

Please send me your comments when review is completed.

Thank you Christine

Good News - Zoning and General Plan information is now available on-line. Go here to access the Public Access Map (P.A.M.)

Christine Greene, Planner
Alameda County Planning Department
224 West Winton Avenue, Suite 111
Hayward, CA 94544
510-670-5400
christine.greene@acgov.org

The Planning Department is working normal business hours and remotely in compliance with the Shelter in Place Order issued by the County Public Health Officer.

<sup>\*\*</sup> This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\*

# Code Enforcement

# Greene, Christine, CDA

From:

Labayog, Edward, CDA

Sent:

Friday, March 4, 2022 1:59 PM

To:

Greene, Christine, CDA

Subject:

RE: Planning Referral PLN2022-00030- SDR garage conversion

Greetings Christine,

No comments from Code Enforcement.

Edward J. Labayog Assistant Planning Director Code Enforcement Manager

ALAMEDA COUNTY | Community Development Agency Planning Department 224 W. Winton Avenue, Room 111 • Hayward, CA 94544 Office 510-670-6556 | Fax 510-785-8793 edward.labayog@acqov.org | www.acgov.org/cda

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From: Greene, Christine, CDA <christine.greene@acgov.org>

Sent: Wednesday, March 2, 2022 2:24 PM

To: Labayog, Edward, CDA < Edward. Labayog@acgov.org>
Cc: Greene, Christine, CDA < christine.greene@acgov.org>

Subject: Planning Referral PLN2022-00030- SDR garage conversion

Attached are materials for a planning project referral to allow a garage conversion located at 3295 Bridle Drive, in Fairview Area.

Please send me the referral comments once the review is complete.

Thank you Christine

Christine Greene, Planner Alameda County Planning Department 224 West Winton Avenue, Suite 111 Hayward, CA 94544 510-670-5400

christine.greene@acgov.org

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# Greene, Christine, CDA

From:

Zhang, Kevin, PWA

Sent:

Friday, March 18, 2022 9:12 AM

To:

Tan, Samuel; Greene, Christine, CDA

Subject:

RE: Planning Referral PLN2022-00030- SDR garage conversion

#### Christine,

The Building Inspection Department (BID) has no objection for the proposed planning process. Please note Building permits will be required for any new work or modifications to any Buildings. Submit plans that are in compliance with the California Building Codes and Alameda County Building Ordinance for the Building Department for review and approval.

Regards,

Kevin

## Kevin Zhang, P.E.

Associate Plan Check Engineer
Building Inspection Department | Alameda County Public Works

Office: 510-670-5614

From: Greene, Christine, CDA < christine.greene@acgov.org>

Sent: Wednesday, March 2, 2022 2:23 PM To: Tan, Samuel <Samuelt@acpwa.org>

Cc: Tam, Alan, PWA <alant@acpwa.org>; Greene, Christine, CDA <christine.greene@acgov.org>

Subject: FW: Planning Referral PLN2022-00030- SDR garage conversion

Attached are materials for a planning project referral to allow a garage conversion located at 3295 Bridle Drive, in Fairview Area.

raliview Alea.

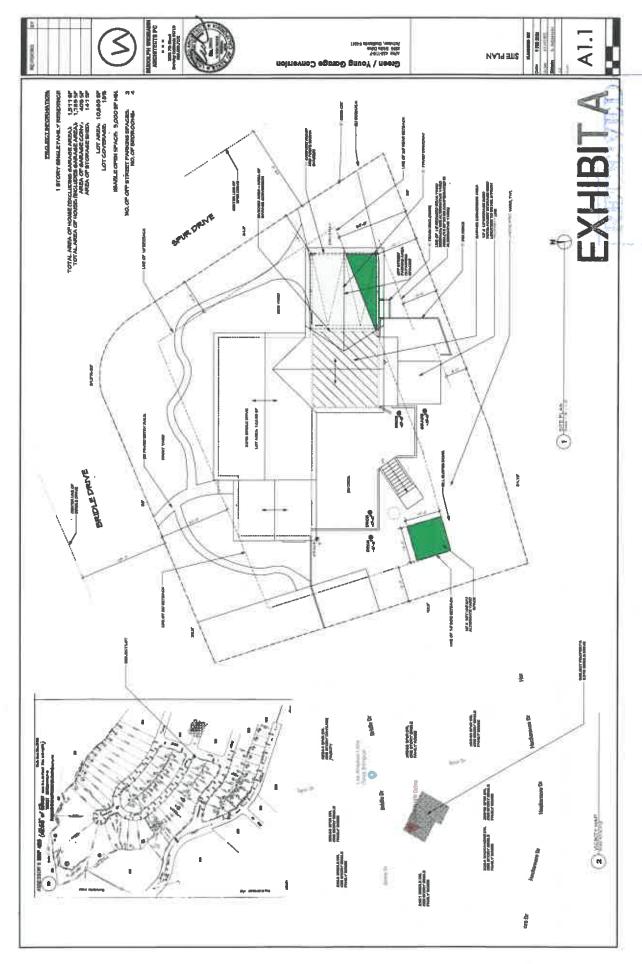
Please send me the referral comments once the review is complete.

Thank you Christine

Christine Greene, Planner Alameda County Planning Department 224 West Winton Avenue, Suite 111 Hayward, CA 94544 510-670-5400

christine.greene@acgov.org

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