

**EXCERPTS FROM THE
CITY OF SAN LEANDRO
BOARD OF ZONING ADJUSTMENTS**

City Council Chambers, First Floor
835 East 14th Street
San Leandro, California

7:00 P.M. Regular Meeting

JANUARY 15, 2009

Item 1: Roll Call

Present: Members Daly, Gilcrest, Shields, Sidari, Vice Chair Marr, Chair Pearson

Absent: None

Staff: Maryann Miller, Planner; Lisa Agraviador, Community Services Officer; Rich Holman, Community Services Officer; Larry Puente, Community Services Officer; Inga Lintvedt and Richard Pio Roda, Assistant City Attorneys; Alice Malotte, Recording Secretary; Sally Barros, Secretary

Item 7: Public Hearing

(a) PLN2008-00035; Major View Preservation/Site Plan Review and Height Exception; to build an approximately 3,868 square-foot, new, two-story home, including four bedrooms plus a loft and four and one-half bathrooms; and a 766 square-foot garage below grade. The house exceeds the maximum height in the RS-VP District of 18 feet by approximately nine feet and requires a Height Exception; two-story additions in the RS-VP District require a Major Site Plan Review/View Preservation; 2882 Darius Way; Assessor's Parcel Number 79-0020-047; W. MacRae (applicant and property owner); RS-VP Residential Single-Family View Preservation District. [Barros]
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Secretary Barros explained that all two-story homes in the hills needed a Height Exception/Site Plan Review in the RS-VP District. She displayed a vicinity map, site plan and photos that showed the proposed project and the surrounding neighborhood in the Langon subdivision. All property owners within 500 feet had been noticed, which was special to the Bay-O-Vista District. The property was shaped like a wedge, narrow at the street and an upslope lot. Story poles had been erected that showed the volume of the proposed home. The garage level would have three parking spaces, an elevator and half bathroom. Setbacks met city requirements and the house would have an exterior stucco finish with red clay tile roof, architectural details, mail box and garage door to match the existing homes in the area. The second story would step back into the hillside. An existing V-ditch restricted the home from being constructed further up the hill toward Vistagrand Drive. A condition would not allow the crawl space to be converted into a living area. A deck of approximately 150 square foot deck would be located on the first level.

The Daylight Plane Analysis insured that day light would reach the neighboring property. However, that property had not been developed, yet. The residents on Vistagrand Drive would see a one-story profile of the house, because the two lower levels would be built into the hill.

From Darius Way, it would look like a three-story building, although the garage would be below grade. From the neighboring property to the east, the home would have a two-story profile. Exterior colors would be the darker brown on the garage to make it look more underground with an ochre color on the upper levels trimmed with the darker brown. A neighborhood meeting had been held with about six of the neighbors attending. Concerns expressed involved hillside development, construction on Sundays and adherence to the approved plans. Two emails were received. One reiterated the concerns expressed during the neighborhood meeting and the other included those concerns along with a request for onsite sanitary facilities. Conditions to address all concerns had been included in the report. The Geological report would be updated during the building permit stage. A Geotechnical Engineer would be onsite and present at the time the piers were drilled and placed.

Member Daly asked where this property was in relationship to Hillside Drive, which was in the area where a portion of the hill had collapsed about 15 years ago. Had any studies been performed relating to the stability of the ground?

Secretary Barros said that Hillside Drive was to the north and not close enough to appear in the aerial photo of the vicinity. The geotechnical study showed the ground stability, along with the in-depth studies performed when the subdivision was created in the early 90s.

Vice Chair Marr asked if parking would be available in the driveway. If so, would it also accommodate three autos? How many people would live in the house?

Secretary Barros replied that the 20-foot setback would provide parking in front of the garage. It would probably accommodate two additional vehicles. She believed a single family would occupy the home; however, a condition restricted the adult residents to ten.

Li Sheng Fu, architect, stated that staff had suggested that the design for the home be shown to the neighbors and later to hold a meeting with the Bay-O-Vista Homeowners Association, along with another meeting with the neighbors, which was done. He agreed with no construction work on Sunday and the soils report would be updated, although "the dirt won't change." The piers would be planned checked by Building. Everything would comply with all codes.

Member Sidari asked if the first floor above the garage was set into the hill, would some of the rooms be without windows. How would the rear wall be constructed to keep moisture from coming into the house?

Mr. Fu stated that the first floor faced the front, not the back, and they would have windows. The retaining wall would be built at least one foot from the rest of the hill and it would be covered with waterproof membrane. At the bottom of the retaining wall would be drain lines with rock to lead water away from the building, which was common in houses built on hillsides.

Member Daly asked if he was describing a French drain that would be constructed on the outside of the retaining wall. How long could it be expected for the membrane and the French drain to last?

Mr. Fu stated that it was a French drain. The waterproof membrane should last many years. He had designed a home in the Oakland Hills 30 years ago and it was still viable.

Chair Pearson opened the Public Hearing. No members of the public came up to comment.

***Motion to Close the Public Hearing
(Shields/Marr; 6 Ayes, 0 Noes)***

Member Gilcrest asked if staff would communicate these new conditions to the construction supervisor to be certain they were understood.

Secretary Barros replied that these conditions were indeed a part of the report. Experienced architects generally printed out the Conditions of Approval on the first or second sheet of the building permit, so that they were a part of the 24 by 36 inch building plans.

Member Shields asked about landscaping planned for the project.

Secretary Barros stated that no landscaping information had been provided, which was not as big an issue as it had been with the last home that was approved on Darius Way, because vegetation would play no role in the screening of this home. At the building permit stage, a complete landscaping and irrigation plan must be provided. A condition required drought-friendly plants and another condition required reviewing the Green Building Checklist to make the building more energy efficient.

Member Sidari expected that more than five vehicles would need parking space for this home. Was parking available on the street for guest parking?

Secretary Barros answered that the four bedrooms required a two-car garage and five bedrooms required a three-car garage, so this plan exceeded the city's zoning code requirements.

***Motion to Approve PLN2008-00035
with all recommended conditions
(Gilcrest/Daly; 6 Ayes, 0 Noes)***

Chair Pearson asked the applicant if he was aware of the city's procedures and of his next step.

The applicant replied that he was.

Secretary Barros announced that the Board of Zoning Adjustments decisions were final and could be appealed to the City Council by filing a form with the City Clerk within 15 calendar days of the approval.

END OF EXCERPTS