

**RECOMMENDED FINDINGS OF FACT**  
**PLN17-0047**  
**2882 Darius Way**  
**W. Ma (applicant and property owner)**

The Board of Zoning Adjustments hereby approves the **Major View Preservation/Site Plan Review and Height Exception**, subject to the following findings:

**Site Plan Review Findings**

- A. **The views currently enjoyed by neighbors are respected:** The proposed construction does not unreasonably block or diminish neighbors' views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, while balancing the applicant's ability to improve the subject property in accordance with the applicable restrictions.

The proposed single-family dwelling is situated on an up-slope lot with the structure set into the hillside. Based upon photographs taken by staff (looking both from the property and towards the property), the most significant view of the home will be looking towards the property from northerly upslope locations on Vistagrاند Drive.

Due to the steep slope of the lot and the stepping back of the structures into the hillside, staff believes that approval of the exception is appropriate, and that views currently enjoyed by neighbors would be retained. The two adjacent neighbors on Darius Way should not be affected by the new structure, due to the location of the home to the east or north of these homes, behind their primary view sheds toward the bay. For the homes located to the north on Vistagrاند Drive, which are located on the hill above the subject site, the structure will be visible, but will be viewed below the horizon line for views of the Bay.

- B. **The residence's architecture is appropriate and consistently applied:** The structure has adequate articulation, with appropriate window placement, architectural detailing, roof forms and/or changes in wall planes to provide visual interest. Additions shall not have a "tacked on" appearance, and either the addition should be consistent with the existing residence in terms of design and use of materials, or the existing residence should be remodeled concurrently with construction of the proposed addition in order to achieve the desired consistency.

The project's architecture is appropriate and consistently applied, with adequate articulation, appropriate window placement, and exterior detailing. The proposed dwelling includes both vertical and horizontal architectural features that provide visual interest. Vertical features include a circular stair to the entry and a circular bay window element on the first and second floor. Horizontal elements are provided by the window placement and roof step back. Due to the up-slope orientation of the lot, the visual mass of the home, especially from Darius Way, is de-emphasized. The massing of the home has been de-emphasized by recessing the different stories.

- C. **The visual mass of the home is de-emphasized:** The home appears in scale with the surrounding homes. The building's surfaces should be articulated in a manner that

**reduces the appearance of blocky or massive features, and architectural features, detailing and/or landscaping should subdue, rather than accentuate the prominence of larger homes.**

The splitting of the home into a sub-grade level for the garage and two above-grade levels breaks up the massing and helps the residence blend into the hill, reducing the appearance of the home. The hipped-roof design and the varying ridgeline and hipped planes also reduce the overall massing of the home. The low pitch tile roof with stucco-finished exterior is consistent with the immediate adjacent homes. From the street perspective, the proposed new home blends into the neighborhood in terms of both bulk and scale.

- D. The neighborhood’s existing visual character is valued: The proposal “fits in” to the neighborhood’s existing architectural and landscape context, utilizing a compatible architectural vocabulary and retaining existing trees to the degree feasible and where conducive to achieving the purposes of this Article. The landscaping to be retained and/or provided around the new and/or remodeled residence should include an appropriate balance of trees, shrubs and living ground covers, and should be designed to blend the project into its larger setting.**

Given the lot’s location at the terminus of Darius Way in the immediate vicinity of new three-story homes built as part of the Langon subdivision, the proposed architecture will fit in well with the existing homes. The proposed home fits the same profile as the adjacent two-story homes on Darius Way, with attention to detail and exterior finishes at the same level as the recent homes in the subdivision. The plans include new landscaping that includes an appropriate amount of street trees in the forefront of the home and accent trees adjacent to the home. The composition would complement the exterior design and the massing of the new home.

- E. The physical impacts to neighbors are minimized: The proposed home or addition does not substantially impair the privacy and access to light and air of adjacent residences, while balancing the applicant’s ability to improve the subject property in accordance with all applicable restrictions.**

The front of the main home would have a 20-foot setback from the Darius Way front (west) property line. The side yards maintain a minimum setback of five feet. The rear (east) setback is 62 feet at the closest point. Given the placement of the proposed structure to the front of the lot and distance in relation to the adjacent homes, it will not substantially impair the privacy and access to light and air of the adjacent residences.

### **Height Exception Finding**

**Mandatory Finding: The views currently enjoyed by neighbors are retained. The proposed construction that is in excess of the height limits of the RS-VP Sub-District does not unreasonably block or diminish neighbors’ views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, to any greater degree than would a proposal for construction that conformed to the height limits of the RS-VP sub-district.**

Due to the steep slope of the lot, the views currently enjoyed by neighbors would be retained. The adjacent neighbors to the north on Vistagrand Drive will not be affected by the new structure, as their primary view sheds not obstructed due to the steep down sloping of the subject site from their homes. For the two homes on Darius Way located to the west and south, the view orientation is not impacted as the home is situated to the east and north of their respective view shed.

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

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Article 19, Section 15303 (a), the proposed new single-family dwelling is categorically exempt from CEQA. This section provides that up to three single-family homes may be constructed in an urbanized area and be considered exempt. The issue of development on a lot with slopes greater than 20% was studied in a Initial Study and the Negative Declaration was adopted by the San Leandro City Council in December 1989 when the Darius Way cul-de-sac subdivision was created for the development of 12 single-family homes.