



## Legislation Details (With Text)

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<b>Type:</b>	Staff Report	<b>Status:</b>	Filed	<b>In control:</b>	Board of Zoning Adjustments
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<b>Enactment date:</b>		<b>Enactment #:</b>		<b>Title:</b>	PLN17-0047; Major View Preservation/Site Plan Review and Height Exception; to build a new 3,938 square-foot (approximate) two-story home, including four bedrooms plus a loft and four bathrooms; and a 981 square-foot garage below grade. The house exceeds the maximum height in the RS-VP District of 18 feet by approximately 9 feet, and requires a Height Exception; a new single-family home in the RS-VP District require a Major View Preservation/Site Plan Review; 2882 Darius Way; Assessor's Parcel Number 79-20-47-4; W. Ma (applicant and property owner); RS-VP Residential Single-Family View Preservation District.
<b>Sponsors:</b>	Cynthia Battenberg			<b>Indexes:</b>	
<b>Code sections:</b>				<b>Attachments:</b>	1. Vicinity Map 2-1-2018.pdf, 2. Excerpts of the January 15 2009 BZA Minutes.pdf, 3. PLN17-0047 FINDINGS.pdf, 4. PLN17-0047 COA.pdf, 5. Exhibit A - Cover Sheet.pdf, 6. Exhibit B - Site Plan.pdf, 7. Exhibit C - Existing Conditions Photograph Montage.pdf, 8. Exhibit D - Garage Basement Floor Plan.pdf, 9. Exhibit E - First Floor Plan.pdf, 10. Exhibit F - Second Floor Plan.pdf, 11. Exhibit G - Roof Plan and Daylight Analysis.pdf, 12. Exhibit H - Front and Rear Elevations.pdf, 13. Exhibit I - Side Elevations and Section.pdf, 14. Exhibit J - Building Facade Details.pdf, 15. Exhibit K - Site Survey.pdf, 16. Exhibit L - Landscape Plan.pdf, 17. Exhibit M - Irrigation Plan.pdf, 18. Exhibit N - Lighting Electrical Plan First and Second Floor.pdf, 19. Exhibit O - Lighting Electrical Plan Garage.pdf, 20. For Information Only - Height Measurements per RS-VP District.pdf

Date	Ver.	Action By	Action	Result
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PLN17-0047; Major View Preservation/Site Plan Review and Height Exception; to build a new 3,938 square-foot (approximate) two-story home, including four bedrooms plus a loft and four bathrooms; and a 981 square-foot garage below grade. The house exceeds the maximum height in the RS-VP District of 18 feet by approximately 9 feet, and requires a Height Exception; a new single-family home in the RS-VP District require a Major View Preservation/Site Plan Review; 2882 Darius Way; Assessor's Parcel Number 79-20-47-4; W. Ma (applicant and property owner); RS-VP Residential Single-Family View Preservation District.

### SUMMARY AND RECOMMENDATION

The applicant proposes to construct a new, two-story 3,938 square-foot single-family home, with a 981 square-foot attached three-car garage below grade, on a vacant lot located at the terminus of Darius Way. The property is zoned RS-VP, Residential Single-Family View Preservation District and encompasses 12,458 square feet (0.29 acres).

Section 2-582 of the Zoning Code requires Major View Preservation/Site Plan Review for two-story development in the RS-VP District. In addition, because the proposed home exceeds the 18-foot

height limit, with an average roof height of approximately 27 feet, measured from grade at approximate mid-slope, the proposal will require approval of a Height Exception. Both of these applications are subject to review by the Board of Zoning Adjustments.

Staff review of the proposal, including an informal recommendation by the Zoning Enforcement Official and field analysis of the impact of the new development on the surrounding homes, indicate that the proposed project will be appropriate in scale to the surrounding neighborhood and should have minimal impact on the surrounding neighbors privacy, access to light and air, as well as enjoyment of views of the San Francisco Bay and surrounding hills. Staff recommends that the Board of Zoning Adjustments make the attached Findings and approve PLN17-0047, subject to the recommended Conditions of Approval.

## **APPLICANT'S SUPPORTING STATEMENT**

None.

## **RELATIONSHIP TO SURROUNDING AREA**

The subject property is 12,458 square feet (0.29 acres) in size and is located at the northeastern section of the Darius Way terminus. The surrounding properties within the City's boundaries are zoned RS-VP, Residential Single-Family View Preservation Sub-District and include homes originally developed as part of Bay-O-Vista and the newer Langon Subdivision (approved by the City Council in 1989). The surrounding properties are developed with single-family homes. The residential development to the south lies outside the City of San Leandro in an unincorporated area of Alameda County.

## **BACKGROUND**

On January 15, 2009, the Board of Zoning Adjustments considered and approved PLN2008-0035, a Major View Preservation/Site Plan Review and Height Exception for a near-identical design of a single-family home (see attached excerpts of BZA Minutes from January 15, 2009). Since then, the entitlement has expired and a new approval will be required prior to obtaining a Building Permit.

## **DETAILS OF THE PROPOSAL**

The proposed project is a new two-story 3,938 square-foot single-family residence with an attached 981 square-foot three-car garage below grade. The dwelling is oriented in an east-west direction, with the front door facing the southern (front) property line. The structure would be built slightly into the hillside with the "garage" level at the lowest level below grade and the "first" and "second" levels stepped back into the hill as it slopes up to the north. The total footprint of the structure would be 2,434 square feet which equals a lot coverage of 19.5 percent.

The home will be two stories - the garage level is below grade with the first and second stories above grade. The home is proposed with a total of four bedrooms (one of which is noted as "office" on the plans, Exhibit E, and includes bedroom features such as closets and egress windows) and four bathrooms.

The lower basement/garage level of the home would have a 981-square-foot garage (non-conditioned space) with space for three automobiles, solid waste/recyclable materials containers, hot

water heater, and a stairway to the main living level. The first floor comprising 1,915 square feet contains the kitchen, dining room, living room, family room, laundry room and patio, as well as an office/bedroom with full bath and foyer. There is also a crawl space, which is unconditioned, non-livable area (337 square feet). The second level comprising 2,023 square feet includes a master bedroom suite, with full bathroom, walk-in closet and sitting area, as well as two bedrooms and a loft and two full baths. The second story also has approximately 156 square feet of outside deck area.

Stucco is proposed for the exterior, with a fire-rated clay tile roof. Stucco foam trim windows with double-paned insulated glass are proposed and other architectural details include wrought iron railings on the decks, roof overhangs (eaves) and building projections. The garage doors will be a raised panel embossed metal sectional roll-up type door.

The front of the house would have a 20-foot setback from the Darius Way front (west) property line (see Exhibit B - Site Plan). The side yards maintain a minimum setback of five feet, two inches and five feet on the east and west sides, respectively. The rear (north) setback is approximately 62 feet at the closest point.

Using the method of height measurement indicated in Section 2-536 C. of the Zoning Code (measurement taken perpendicular to the slope and measured to the maximum height of the roof), the home would have an approximate height of 27 feet at the highest point on the slope.

The proposed architecture for the project is contemporary with use of use of stucco exterior materials and stucco trim for the windows and doors. The elevations for the home show a variety of windows, wall projections and various hipped roof forms and rooflines. The second story is set back approximately three feet in portions, which creates a horizontal break between stories. To the right of the entrance, a circular bay window is proposed on the first and second floors and a circular stair leads from the below grade garage level to the first floor entrance.

## **STAFF ANALYSIS**

### Zoning Code Definitions and Requirements

Pursuant to Zoning Code Section 2-582, Major View Preservation/Site Plan Review approval is required for two- and three-story development in the RS-VP Sub-District. In addition, a Height Exception is required if the proposed average roof height of the structure exceeds 18 feet in height. Pursuant to this section, the Board of Zoning Adjustments is the review authority for the Site Plan Review and the exception to the height requirement. Specific Findings (see attachment) for both the Major View Preservation/Site Plan Review and Height Exception must be made in order to approve the proposed project.

### Site Plan Review

From the cul-de-sac on Darius Way, the proposed structure would step back slightly from the street view, due to the terracing of the second story. The application includes elevations of the project, showing that the two-story residence would have a prominent streetscape presence.

The front elevation of the home has the appearance of a three-story structure, stepped down the northerly slope of the site. The primary design element is a circular stairway to the entrance and a circular bay window area to the right side of the entrance. Horizontally, the elevation is broken up with

windows and roof setbacks in various, balanced configurations. The northerly side elevation, facing the Vistagrand Drive homes up the hill, has a single-story profile.

The Zoning Enforcement Official (ZEO) submitted the following recommendation in January 2009, regarding the prior application and its adherence to the Residential Site Plan Review Standards:

*The proposed home fits the architectural style of the neighboring homes in the Langon Subdivision on Darius Way, with attention to detail at the same level as the newer homes. The setback of the second story level breaks up the massing and helps the residence blend into the hill, reducing the bulk of the home. The varying roof pitch and projections also reduce the overall massing of the home. The low pitch roof with stucco siding finish is consistent with the immediately adjacent home. From the street frontage, it blends into the neighborhood in terms of both bulk and scale.*

Staff believes that the project's architectural design is appropriate and consistently applied, with adequate articulation, appropriate window placement, and architectural detailing. Due to the up-slope orientation of the lot, the visual mass of the home, especially from Darius Way, is de-emphasized. A landscape plan was prepared which includes a variety of street trees and trees adjacent to the new home (see Exhibit L). The tree selection appears appropriate with a deciduous medium-large canopy for the street tree (California Buckeye) and deciduous medium canopy accent trees (i.e., Japanese maple, Chinese Pistache).

The City Building Division and Alameda County Fire Department has reviewed the project and has preliminarily provided its standard conditions of approval for the project. Fire flow issues have been discussed with the applicant and the need for a fire sprinkler system throughout the home has been included in the attached Recommended Conditions of Approval. In addition, since 2009 the parcel is included in a Wildfire Urban Interface zone which has enhanced Fire Code requirements that will be required.

An updated soils report was submitted, dated October 16, 2017. Hill stability was addressed by the report through recommendations such as drilling of piers and the size and depth of the piers. The City will require that the soil engineer of record be present during the drilling of the foundation piers to verify soil conditions and depths of the piers. Prior to final of the building permit, the engineer will also be required to review and approve the site drainage.

The Planning Division and the Engineering Department have reviewed the site for access and parking supply. The three covered spaces provided on the site exceeds the Zoning Code requirements for a single-family home with four bedrooms which requires two covered spaces. The driveway width and length are adequate, as per the Senior Transportation Engineer's review of the application.

#### Major View Preservation/Height Exception

The home is proposed on an up-slope lot with the structures 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 Vistagrand Drive.

Section 2-582 C of the Zoning Code indicates that the Board is authorized to grant exceptions to the

18-foot height limit of the RS-VP District, up to a height not to exceed the 30-foot height limit of the base RS District. Using the more conservative method of measuring height, as indicated earlier in the report, provides a maximum height of 27 feet for the proposed home, a total of nine feet over the height limit but below the maximum of the RS base district.

Due to the steep slope of the lot and placement of the home close to the front property line, staff believes that approval of the exception is appropriate, and that views currently enjoyed by neighbors would not be effected. The two adjacent neighbors on Darius Way should not be affected by the new structure, due to the deep setbacks of their home and the location of the home to the east, behind their primary view sheds toward the bay. For the homes located to the north on Vistagrand Drive, which are located up the hill above the subject site, the structure will be visible with partial obstruction of the vegetation in the valleys to the south, but will be viewed below the horizon line for views of the bay.

## GENERAL PLAN CONFORMANCE

The subject site is designated Low Density Residential in the City of San Leandro General Plan. This designation allows for residential density up to six (6) units per gross acre. This proposal is for one unit on 0.29 acres, which falls within the Low Density Residential parameters.

The following goals and policies of the General Plan are applicable to the proposed project:

### LAND USE

**GOAL LU-1:** Maintain stable, safe, and attractive neighborhoods.

**LU-1.1 Housing Maintenance.** Support the on-going conservation, maintenance and upgrading of the city's housing inventory

**LU 1.5 Front Yards.** Encourage the attractive treatment of front yards and other areas in residential neighborhoods that are visible from the street. Landscaping of front yards should be consistent with the City's water conservation and Bay-friendly landscaping goals

**GOAL LU-2:** Preserve and enhance the distinct identities of San Leandro neighborhoods.

**LU-2.6 Preservation of Low Density Character.** Preserve the low-density character of San Leandro's predominantly single family neighborhoods.

**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-2.11 Privacy and Views.** Encourage residential alterations, additions, and new homes to be designed in a manner that respects the privacy of nearby homes and preserves access to sunlight and views. Wherever feasible, new or altered structures should avoid the disruption of panoramic or scenic views.

**LU-2.12 Off-Street Parking.** Ensure that a sufficient 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-2.16 Harmony with Nature.** Require new development to be harmonious with its natural setting and to preserve natural features such as creeks, large trees, ridgelines, and rock outcroppings.

**GOAL LU-3:** Provide housing opportunities and improve economic access to housing for all segments of the community.

**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 developments, garden apartments and medium- to high-density multi-family housing.

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

## ENVIRONMENTAL HAZARDS

**GOAL EH-1:** Reduce the potential for injury, property damage, and loss of life resulting from earthquakes, landslides, floods, and other natural disasters.

**EH-1. Risk Management.** Minimize risks from geologic, seismic, flood, and climate change-related hazards by ensuring the appropriate location, site planning, and design of new development. The City's development review process, and its engineering and building standards, should ensure that new construction is designed to minimize the potential for damage.

**EH-1.3 Off-Site Impacts of Hillside Development.** Ensure that development within landslide-prone or geologically hazardous areas does not contribute to higher hazard levels on adjacent or nearby properties. Require drainage and erosion control provisions in such areas to avoid slope failure and to mitigate potential hazards to other properties

**GOAL EH-2:** Minimize urban wildfire hazards, both within the city and throughout the East Bay Hills.

**EH-2.1 Fire Codes.** Adopt and enforce building and fire prevention codes that require property owners to reduce wildfire hazards on their properties.

**EH-2.2 Fire Prevention by Design.** Ensure that the planning and design of development in very high fire hazard areas minimizes the risks of wildfire and includes adequate provisions for vegetation management, emergency access, and firefighting. Cognizant of

## COMMUNITY DESIGN

**Goal CD-6:** Ensure that new construction and renovation contributes to the quality and overall image of the community.

**CD-6.1 Promoting Quality Design.** Use the development review, zoning, and permitting processes to promote high quality architecture and site design. Design review guidelines and

zoning standards should ensure that the mass and scale of new structures are compatible with adjacent structures.

**CD-6.7 Architectural Interest.** Encourage new structures to incorporate architectural elements that create visual interest such as trellises, awnings, overhangs, patios, and window bays. Avoid solid or blank street-facing walls.

## ENVIRONMENTAL REVIEW

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15303 (a), as new construction of less than three single-family residences. A Negative Declaration and Initial Study were prepared and the Negative Declaration was adopted by the City Council in approval of a Tentative Map for this 12-lot subdivision in December 1989.

## PUBLIC OUTREACH

Notification for the Board of Zoning Adjustments meeting included all property owners within 500 feet of the subject property (including Alameda County property owners). A notice was also sent to the Bay-O-Vista Homeowners Association. A legal advertisement was published in the East Bay Times Daily Review and the property was posted with placards. At the time of writing this report, no written comments had been received regarding this item.

## RECOMMENDATION

Staff recommends that the Board of Zoning Adjustments:

- a) Adopt the finding that this project is categorically exempt under CEQA Guidelines, Article 19, Section 15303 (a), as new construction of less than three single-family residences;
- b) Adopt the attached Recommended Findings of Fact for Conditional Use Permit and Site Plan Review, PLN17-0047; and
- c) Approve the Major View Preservation/Site Plan Review and Height Exception, PLN17-0047, subject to the Recommended Conditions of Approval.

## ATTACHMENTS

Vicinity Map  
Excerpts of BZA Minutes from January 15, 2009  
Recommended Findings of Fact  
Recommended Conditions of Approval  
Exhibit A - Cover Sheet (A-1)  
Exhibit B - Site Plan (A-2)  
Exhibit C - Existing Conditions, Photograph Montage (A-2.1)  
Exhibit D - Proposed Garage (Basement) Floor Plan (A-3)  
Exhibit E - Proposed First Floor Plan (A-4)  
Exhibit F - Proposed Second Floor Plan (A-5)  
Exhibit G - Roof Plan and Daylight Analysis (A-6)

Exhibit H - Proposed Building Front and Rear Elevations (A-7)  
Exhibit I - Proposed Building Side Elevations and Section (A-8)  
Exhibit J - Building Façade Details (A-9)  
Exhibit K - Site Survey (SU-1)  
Exhibit L - Landscape Plan (L-1)  
Exhibit M - Irrigation Plan (L-2)  
Exhibit N - Lighting and Electrical Plan, First and Second Floor (E-1)  
Exhibit O - Lighting and Electrical Plan, Garage (Basement) (E-2)  
For Information Only - Height Measurements per RS-VP District

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