

**Case File Number: ZT04-197, DC 51**

**February 23, 2005**

<b>Location:</b>	<b>Citywide</b>
<b>Proposal:</b>	Consideration of a Draft Interim Design Review Manual for One and Two-Unit Residences ( <b>Continued from Design Review Committee's October 13, 2004 meeting</b> ).
<b>Applicant:</b>	City of Oakland
<b>Environmental Determination:</b>	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
<b>Action to be Taken:</b>	Provide recommendation on draft Interim Design Review Manual to full City Planning Commission.
<b>Staff recommendation:</b>	Recommend that the City Planning Commission adopt the Interim Manual.
<b>For further information:</b>	Contact case planner <b>Christopher Buckley</b> at <b>510-238-6983</b> or by email at: <a href="mailto:cbuckley@oaklandnet.com">cbuckley@oaklandnet.com</a> or <b>Ed Manasse</b> at <b>510-238-7733</b> or by email at <a href="mailto:emanasse@oaklandnet.com">emanasse@oaklandnet.com</a> .

**BACKGROUND AND SUMMARY**

At its October 13, 2004 meeting, the Design Review Committee considered a Draft interim Design Review Manual for One and Two Unit Residences. The draft Manual is part of a larger set of proposals to make the 1-2 unit residential design review program more effective, easier to understand, and more consistent Citywide. The related proposals consist of changes to the 1-2 unit residential zoning standards and design review procedures (see separate item on the Design Review Committee's February 23, 2005 agenda).

The proposal package has the following primary objectives:

- To simplify and refine the existing 1-2 unit residential zoning standards and design review processes to improve efficiency and ease of use while maintaining intent;
- To minimize the number of different design review procedures and establish uniform Citywide decision-making criteria; and
- To consolidate the many existing Design Review criteria and guidelines into a Citywide *Design Review Manual for 1-2 Unit Residences*.

The Design Review Manual is initially being presented in an "interim" version assembled from existing design review criteria and guideline documents to accompany the proposed changes to the 1-2 unit zoning standards and design review procedures. After the Interim Manual is adopted, it will be expanded and refined to create a final definitive version. See the October 13, 2004 staff report to the Design Review Committee for further discussion of the Interim Design Review Manual.

At its October 13, 2004 meeting, the Committee seemed generally satisfied with the Draft Interim Manual, but in response to public comments, directed that a workshop be held to review several key issues concerning the Manual's neighborhood compatibility provisions and the Manual's treatment of view and solar access impacts on neighboring properties.

### **KEY ISSUES AND IMPACTS**

The workshop was held on November 15, 2004 at City Hall. Approximately 20 people attended. Following is a summary of the issues discussed at the workshop and the changes to the Draft Manual recommended by staff in response to these issues:

- (1) ISSUE: Expand list of "significant views" to include views of undeveloped hillsides and Oakland Hills.

RESPONSE: The Draft Manual has been revised to add the "Oakland/Piedmont/Berkeley Hills", "a large area of dedicated open space" and other "major natural features" to the list of "significant views." In addition, the list's wording has been changed to be more flexible.

- (2) ISSUE: Expand the range of properties considered for view protection from those abutting the project site or directly across the street to those within 300' of the project site.

RESPONSE: The Draft Manual has been revised so that:

(a) View protection will always be considered for residences on abutting lots and lots directly across the street; and:

(b) View protection will also be considered for residences on other lots within 300' of the project site if potential view impacts on these lots is brought to the City's attention by the lots' owners or by others.

- (3) ISSUE: Address solar access impacts on **indoor** as well as outdoor spaces.

RESPONSE: The 10-13-04 Draft Manual only considered solar access impacts on "actively used outdoor areas". The Draft has been revised to also consider solar access impacts on "actively used indoor areas" (e.g., living rooms, dining rooms, kitchens, family rooms, etc.). However, solar access impacts would normally not be considered if the project is on a constrained site (i.e., a lot less than 50' wide or less than 5,000 sq. ft. in area) that would be difficult to develop if design mitigations were required for solar access impacts.

- (4) ISSUE: Change the solar access impact threshold from **two** of the three designated times of day (9 A.M., 12 Noon, 3 P.M.) to **one** of these times **or** identify the time of impact evaluation as the time the impacted area is most used.

RESPONSE: Reactions to this issue at the workshop were mixed. Although some attendees strongly advocated changing the Manual's solar access impact threshold as described above, others stated that in an urban environment it is unreasonable to fully preserve a property's access to direct sunlight. It was also noted that ambient light (including the light that bounces

off a neighbor's walls) is an important light source in urban environments and that the required front, side and rear yard setbacks usually provide sufficient ambient light.

Changing the impact threshold to the time of day the impacted area is most used is problematic, since this time depends on the household's daily schedule. This schedule can change if the household residing at the impacted property changes its schedule if a new household with a different schedule later moves into the property. On the other hand, the 9 A.M. – 3 P.M. time period for evaluating solar access impacts is widely accepted since 9 A.M – 3 P.M. is the period of greatest solar gain.

Staff therefore recommends no changes to the Draft Interim Manual in response to this issue. However, the Interim Manual's approach to this issue, as well as to other issues, will be tested during the trial period following the Interim Manual's adoption and will be modified, if appropriate, as part of the Final Manual. Further workshops on solar access impacts and other issues will be held as part of the Final Manual's preparation.

(5) ISSUE: Expand the Manual's neighborhood compatibility provisions to hill areas.

RESPONSE: The 10-13-04 Draft Manual's Neighborhood Compatibility section (Criterion 8) is limited to flatland areas with grid street patterns and is based on the existing Special Residential Design Review (SRDR) New Construction Checklist's methodology for neighborhood compatibility. The SRDR method is mostly intended to maintain the architectural character of traditional (typically older) neighborhoods which have very consistent architectural patterns, such as roof trim, surface materials, fenestrations, etc., and which present well-unified streetscapes.

At the workshop, concerns seemed mostly focused on the size of a building and the appropriateness of its siting relative to its neighbor, rather than the architectural compatibility concerns addressed in Criterion 8. However, the workshop concerns are at least partially addressed in the Draft Manual's Guideline 5.11, which promotes building orientation, massing, scale and siting consistent with existing neighborhood development patterns and discourages buildings that disrupt these patterns because the buildings are overscaled, awkwardly oriented or use insensitive massing or forms relative to neighboring properties. Some workshop attendees also noted the great variety of architectural treatments in most hill area neighborhood and stated that there may be some neighborhoods where maintaining existing architectural treatments may not be desirable.

Staff therefore recommends that the Manual's Neighborhood Compatibility section **not** be expanded at this time to hill areas. However, this issue can be evaluated further during the workshops for the Final Manual.

Staff's recommended revisions to the Draft Interim Manual's View and Solar Access Impact sections are shown in Attachment A.

**RECOMMENDATION:** Recommend that the City Planning Commission adopt the Interim Design Review manual with the revisions shown in Attachment A.

Respectfully submitted:

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**ATTACHMENTS:**

- A. Recommended revisions to view and solar access impact sections of Draft Interim Design Review Manual for One and Two Unit Residences.