

<b>Location:</b>	<b>1051 – 1053 62<sup>nd</sup> Street (See map on reverse)</b>
<b>Assessors Parcel Numbers:</b>	016-1444-008-00
<b>Proposal:</b>	Construct one new unit on a lot containing an existing duplex for a total of three dwelling units on the site.
<b>Applicant:</b>	Shan Masuda – (510) 526-1935
<b>Owner:</b>	Claudia Esteban
<b>Planning Permits Required:</b>	Major Conditional Use Permit for three units in the R-40 Zone and Regular Design Review for new construction.
<b>General Plan:</b>	Mixed Housing Type Residential
<b>Zoning:</b>	R-40/ S-18, Garden Apartment Residential Zone/ Mediated Design Review Zone.
<b>Environmental Determination:</b>	Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures.
<b>Historic Status:</b>	Not a Potentially Designated Historic Property; rating: X
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	1
<b>Date Filed:</b>	1/3/06
<b>Action to be Taken:</b>	Decision on Application
<b>Staff Recommendation:</b>	Approval with attached conditions
<b>Finality of Decision:</b>	Appealable to City Council
<b>For Further Information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at <b>510-238-6167</b> or by <b>e-mail at <a href="mailto:pvollman@oaklandnet.com">pvollman@oaklandnet.com</a></b> .

**PROJECT DESCRIPTION**

The proposal is to construct one new unit on the subject lot, which presently contains an existing duplex. The subject property would contain a total of three dwelling units. The new unit would be constructed at the rear of the lot leaving a fifteen foot rear yard for open space as required by the Planning Code. The new structure will contain a one car garage, and the courtyard between the new building and the old building will be used to accommodate an additional off street parking space for a total of five, as required per the Planning Code. The subject property presently contains two driveways and a total of three off street parking spaces, two of which are located in a garage at the rear of the existing building and the other located in the second driveway. The property will contain three areas for open space in the rear yard, the courtyard between the structures and drive aisles, as well as the front yard. In addition the new unit will have an open deck for private open space on top of the proposed garage. The new building would be a small two story structure containing two bedrooms and have a contemporary design, which will not impact the character of the neighborhood since it will not be visible from the street since it would be located more than 150 feet back from the right of way.

**PROPERTY DESCRIPTION**

The subject property is a 10,645 square foot lot located on the south side of 62<sup>nd</sup> Street between Herzog and Baker Streets. The property currently contains a one duplex at the front of the property.

**GENERAL PLAN ANALYSIS**

The subject property is located within the Mixed Housing Type Residential General Plan Land Use Classification. This land use classification is intended to create, maintain, and enhance neighborhood residential areas typically located near the City’s major arterials and characterized by a mix of single family homes, townhouses, small multi unit buildings and neighborhood businesses where appropriate. Mixed Housing Type Residential encompasses a range of densities, from one or two units per lot up to a maximum of 30 units per gross acre. The proposed density is consistent with the General Plan density and the goal of providing quality affordable housing opportunities in Oakland.

**ZONING ANALYSIS**

The subject property is located within an R-40, Garden Apartment Residential Zone. The R-40 zone is intended to create, preserve, and enhance areas containing a mixture of single- or two-family dwellings and garden apartments in spacious settings for urban living, and is typically appropriate to attractive areas of existing lower medium density residential development.

**Permitted Density**

The R-40 zone allows for multiple dwellings on lots that exceed 4,000 square feet. A density ratio is set for one dwelling unit per 2,500 square feet of lot area upon the granting of a Conditional Use Permit. The subject property is 10,645 square feet, which would allow for a total of four dwelling units on the site, one more than the three that have been proposed. Three or more units in the R-40 zone require the granting of a major conditional use permit by the Planning Commission.

**Open Space**

The R-40 Zone requires that open space should be provided in the amount of 300 square feet per dwelling unit for a total of 900 square feet of group open space for the three dwelling units. The proposed site plan provides two group open spaces, in the rear yard and in the courtyard, for a total of 1185 square feet. In addition, the front yard will provide open area for use by the tenants, as well as a private deck for the new dwelling unit which would be located above the garage.

**KEY ISSUES**

**Design**

The proposed design of the new building will be fairly different of that from the main house at the front of the lot. The design will be a more modern design whereas the existing house is a 1920’s California Bungalow. The proposed structure will contain stucco to remain consistent with the front house, and will incorporate trellises over large openings to add visual interest to the building. The large windows proposed for the building will provide the new unit with a large amount of sunlight to interior spaces. The subject lot is more than 200 feet deep and the proposed new building will have very little visual connection to the street, and given the array of varying architectural styles in the neighborhood, from traditional bungalows, 1940’s tract homes, and 1950’ & 60’s apartment block buildings, there is a lack of any strong context within the neighborhood.

The proposed new building will be located to the rear of the lot, while retaining a 15 foot rear yard for open space. The project meets all of the code required setbacks, and provides a large area between the new structure and the existing house. The new building will contain a one car garage, and the other four required parking spaces will be provided in the courtyard in between the structures, garage at the rear of the existing building, and in the second driveway. The proposed site utilization is consistent with other deep lots in the neighborhood with regard to location of structures. The rear yards of other lots in the area are also developed with buildings in the rear, some with apartment buildings.

**ENVIRONMENTAL DETERMINATION**

For purposes of environmental review under the California Environmental Quality Act (CEQA), the project meets the criteria for a Categorical Exemption under Section 15303 of the CEQA Guidelines, new small structures.

**CONCLUSION**

Staff feels that the proposed project will enhance the operation of the area as a residential district by providing housing opportunities near the commercial corridors. The proposed building will occupy the rear of a very deep lot with very little impact to adjacent properties. The project complies with the required conditional use and design review findings.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination.
  2. Approve the Major Conditional Use Permit and Design Review.

Prepared by:

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PETERSON Z. VOLLMANN  
Planner III

Approved by:

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GARY PATTON  
Deputy Director of Planning and Zoning

Approved for forwarding to the  
City Planning Commission:

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CLAUDIA CAPPIO  
Director of Development

**ATTACHMENTS:**

A. Plans and Elevations

**FINDINGS FOR APPROVAL**

This proposal meets the required findings under Section 17.136.070 (Design Review Criteria) and Section 17.134.050 (General Use Permit Criteria). Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

**SECTION 17.136.070A - RESIDENTIAL DESIGN REVIEW CRITERIA:**

- A. The proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.**

The proposed building will be located at the rear of the lot and will not have much of a visual connection if any to the street given the depth of the lot. The setting of the building is consistent with other lots in the neighborhood that contain buildings at the rear, and in some cases, apartment buildings. While the buildings will contain a height of 22 feet to the top of the roof, shadow impacts will be limited since the footprint of the structure will be very small.

- B. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

The proposed design will enhance desirable neighborhood characteristics by creating a multiple dwelling property that does an effective job of meeting the parking requirements without visually impacting the neighborhood and making use of the lot for open spaces for all of the dwelling units. The actual new structure will have very little to zero impact onto the visual character of the neighborhood since will not be very visible from the street.

- C. The proposed design will be sensitive to the topography and landscape.**

The subject property is flat.

- D. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

The subject property is flat.

- E. The proposed design conforms in all significant respects with the Oakland Comprehensive Plan and with any applicable district plan or development control map which has been adopted by the City Council.**

The proposed project is consistent with the Mixed Housing Type General Plan Area, and is not in conflict with any plans adopted by the City Council.

**SECTION 17.134.050 –CONDITIONAL USE PERMIT FINDINGS:**

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The proposed project will fill in a portion of the rear of a very deep lot and will not be out of context with other development patterns that presently exist in the area. The proposal is consistent in lot coverage with other properties and still less dense than many other properties in the area. The proposal will enhance the neighborhood character by adding dwelling units with all of the code required parking without visually degrading the area with large pavement parking lots.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The proposed project will provide for a functional living environment by providing density in an area readily accessible to major corridors in the city while also providing ample parking and open space.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The development will enhance the area as a residential neighborhood by adding a dwelling unit to the Oakland Housing stock.

- D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.**

See Design Review findings above.

- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

The proposed project is consistent with the Mixed Housing Type General Plan Area, and is not in conflict with any plans adopted by the City Council.

## CONDITIONS OF APPROVAL

### STANDARD CONDITIONS:

**1. Approved Use.**

**a. Ongoing.**

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted on January 3, 2006 and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, will require a separate application and approval

**2. Effective Date, Expiration, and Extensions**

**a. Ongoing.**

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire on April 5, 2008, unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

**3. Scope of This Approval; Major and Minor Changes**

**a. Ongoing.**

The project is approved pursuant to the Planning Code and Subdivision Regulations only and shall comply with all other applicable codes, requirements, regulations, and guidelines imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

**4. Modification of Conditions or Revocation**

**a. Ongoing.**

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

**5. Reproduction of Conditions on Building Plans**

**a. Prior to issuance of building permit.**

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

**6. Indemnification**

**a. Ongoing.**

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

**7. Waste Reduction and Recycling**

**a. Prior to issuance of a building permit**

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073 for information.

**8. Recycling Space Allocation Requirements**

**a. Prior to issuance of building permit**

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

**9. Construction Hours for Major Projects**

**a. During all construction activities.**

Construction hours will be limited to be between 7:00AM to 7:00PM, Monday through Friday. Subject to prior authorization of the Building Services Division and the Planning and Zoning Division, no construction activities shall be allowed on Saturdays until after the building is enclosed, and then only within the interior of the building with the doors and windows closed. Saturday construction activity prior to the building being enclosed shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of residents preferences for whether Saturday activity is acceptable if the overall duration of construction is shortened. No construction activity shall take place on Sundays or Federal holidays.

**10. Landscaping Maintenance**

**a. Ongoing.**

All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or other impervious surfaces shall occur only on approved areas.

**11. Street Trees**

***a. Prior to issuance of building permit.***

The applicant shall provide one street tree (15 gallon) per 25 feet of linear frontage of the project site for review and approval of species, size at time of planting, and placement in the right-of-way, subject to review and approval by the PWA Tree Division and Building Services.

**APPROVED BY:** City Planning Commission: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)  
City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)