

Case File Number: ZT04-197

May 18, 2005

Location:	Citywide
Proposal:	Consideration of conceptual proposals for revised design review process for one- and two-unit residences. Request for Planning Commission direction for preparation of zoning text. (Actual zoning amendments and related changes will be brought forward at a future date for public hearing).
Applicant:	City of Oakland
Environmental Determination:	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
Action to be Taken:	Provide recommendation on conceptual proposals for revised design review process to City Council.
Staff recommendation:	That the City Planning Commission recommend that the City Council accept the conceptual proposals.
For further information:	Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com .

BACKGROUND AND SUMMARY

At its May 12, 2004, October 13, 2004 and February 23, 2005 meetings, the City Planning Commission’s Design Review Committee considered staff proposals on how to make the 1- and 2-unit residential design review program more effective, easier to understand, and more consistent Citywide. These proposals have the following primary objectives:

- To simplify and refine the existing 1- and 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*.

Specific proposals presented at the Committee’s May 12, 2004 meeting included:

- Replacing the current Special Residential Design Review (SRDR) New Construction Checklist with discretionary criteria that more effectively address issues such as building bulk; and view, privacy, and solar access impacts on neighbors.
- Changing the name of SRDR to “Basic Design Review.”

- Replacing the Mediated Residential Design Review program adopted in 2001 for the newly created S-18 Zone (consisting of City Council District One and the 1991 Firestorm Area) with a variation of the City's Regular Design Review procedure.
- Improving notice for Regular Design Review, Conditional Use Permits, and Variances.
- Creating a new "*1-2 Unit Residential Design Review Manual*" that would establish the decision-making criteria for all design review cases Citywide; incorporate existing criteria and guidelines now used only for certain situations and geographic areas; and consolidate the existing criteria and guidelines with much-needed new provisions. The Design Review Manual would initially be in an "interim" version assembled from existing design review criteria and guideline documents and which would accompany the draft zoning text changes implementing Items 1-6 above. After a 6-12 month test period, the Interim Manual would be expanded and improved to create a final definitive version.
- Informational or "courtesy" notice to neighbors for Basic Design Review projects (which currently, under SRDR, have no notice at all).
- Allow more alterations, small additions and small accessory structures to be exempt from design review if they meet zoning requirements and match the exterior treatment of the existing building.

The above proposals received generally positive feedback at the Design Review Committee's May 12, 2004 meeting. However, the committee in response to public comments requested that the proposals be revised to further improve notification to neighbors for Basic Design Review and for exempt projects that could have view, privacy or solar access impacts on nearby properties.

In response to the Committee's requests, staff prepared revised proposals that the Committee endorsed at its February 23, 2005 meeting. Staff has since made further minor changes to the proposals, mostly in response to a meeting held March 28, 2005 between staff and Councilmember Jane Brunner and her constituents.

The existing 1-2 Unit Residential Design Review Procedures are summarized in **Attachment A** and the currently proposed revisions in **Attachment B** - (see **Attachment C** for the original proposal considered at the Design Review Committee's May 12, 2004 meeting and **Attachment D** for the proposal endorsed by the Committee on February 23, 2005).

Changes in the current proposal from the February 23, 2005 Committee-endorsed version are shown as shaded text in **Attachment B**. The current proposal is also presented in more detail in as flowcharts in **Attachments E through H**.

At its February 23, 2005 meeting, the Design Review Committee expressed especially strong support for converting the SRDR New Construction Checklist for discretionary criteria. The Committee requested that the schedule for City Council adoption of the design review process changes be expedited so that the conversion could occur as quickly as possible.

KEY ISSUES AND IMPACTS**Design Review Process Changes.**

Following is a discussion of the key provisions of the currently proposed 1-2 unit residential design review process changes as set forth in Attachment B and Attachments E through H, including changes made to the original May 12, 2004 proposal.

- **Eliminating design review exemptions for small additions, and replacing the exemptions with a requirement for Small Project Design Review (SDR).**

Under the current proposal, small additions that match the existing building and are now processed as design review exemptions would instead require Small Project Design Review. (Small Project Design Review is now mostly used for small non-residential projects, such as signs and awnings). All project decisions would be based on either:

- *A revised version of the 'Oakland Small Project Design Guidelines' – with new sections added for small residential additions (exterior treatments must match existing building);*
- *Or as an alternative, the applicable sections in the new Interim 1-2 Unit Residential Design Review Manual.*

If a project does not meet the Small Project Design Review thresholds and/or review criteria, the applicable Design Review process for each zone would apply. A courtesy notice would be posted at the project site for at least ten days prior to issuance of a building permit.

- **Expanding the project types reviewed under Small Project Design Review to include: (a) front and street-side yard fences over 42 inches in height, but not exceeding 6 feet; (b) a secondary unit of 650 square feet or less on a lot with only one existing or proposed primary dwelling unit; and (c) either a one-story structure and/or addition not exceeding 15 feet in height or 650 square feet in floor area located to the rear and/or side of a primary facility, or an increase in floor area or footprint of no more than 20 percent.**

In the original 5-12-04 staff proposal, all of the above projects, except for fences over 42" in height, would have been exempt from design review.

Limiting one story structures and/or additions to those not exceeding 15 feet in height or 650 square feet in floor area was not included in the February 23, 2005 proposal endorsed by the Design Review Committee but was requested at the March 28, 2005 meeting with Jane Brunner and her constituents. As part of this change, the Committee-endorsed proposal's 15% limit on floor area or footprint expansions was increased to 20% to correspond to the existing 20% limit for projects eligible for SRDR's Additions and Alterations Checklist.

- **Replacing the current Special Residential Design Review (SRDR) New Construction Checklist with discretionary criteria that more effectively address issues such as building bulk; and view, privacy, and solar access impacts on neighbors. The proposal also includes changing the name of SRDR to "Basic Design Review".**

The above is unchanged from the original 5/12/04 staff proposal.

- **Adding a requirement to both Basic Design Review and Regular Design Review that applicants must provide (by mail or hand delivery) reduced sets of plans to all adjacent neighbors.**

In order to address the Design Review Committee's directive regarding increased public notice (especially for SRDR or Basic Design Review cases), the current proposal requires that applicants provide reduced sets of project plans directly to all adjacent neighbors.

- **Providing for an optional dispute resolution meeting between the project sponsor and neighbors for both Basic and Regular Design Review; and replacing S-18 Mediated Residential Design Review with Regular Design Review.**

If requested, staff will consider scheduling a meeting with the concerned parties for Basic and Regular Design Review cases. The circumstances justifying a meeting will be specified as part of the Planning and Zoning Division's Administrative Procedures.

In the original May 12, 2004 proposal, and the proposal endorsed by the Design Review Committee on February 23, 2005, a dispute resolution meeting would have been offered only for cases in the S-18 Mediated Residential Design Review Zone and would have served as a substitute for the S-18 Zone's currently required mediation process. In both of these proposals, Mediated Design Review would have been replaced by Regular Design Review, but with the dispute resolution meeting incorporated, into Regular Design Review for the S-18 zone only.

As a result of the March 28, 2005 meeting with Jane Brunner and her constituents, the possibility of dispute resolution meetings is now being expanded to all Basic and Regular Design Review cases involving 1-2 unit residences.

- **Requiring Regular Design Review for all new construction projects Citywide on footprint slopes over 20%.**

This is a significant change. In the original May 12, 2004 staff proposal, many steep slope or hillside projects would have continued to be processed as SRDR or Basic Design Review cases. But in response to the Design Review Committee's directive regarding increased public notice and staff's experience that steep slope or hillside projects are more likely to involve impacts to views, privacy or solar access, the current proposal specifies that all new construction Citywide on footprint slopes over 20% will trigger Regular Design Review.

Possible Revisions to Residential Zoning Standards, Including Changes to Existing Lot Coverage Limits and Consideration of a New Residential Floor-Area Ratio (FAR) Standard.

Similar to the intent of proposed design review process changes, the goal of any comprehensive zoning code revision would be to improve efficiency and ease of use while maintaining intent. For instance, many of the new standards adopted in December 2001 have proven overly complicated, and in some cases, unnecessarily restrictive on design.

A review of notes and reports produced by the ‘Working Group’ that met regularly between 1996 and 2001 to craft the residential zoning changes finally adopted in December 2001 shows that a Floor Area Ratio (FAR) standard had at one time been proposed and endorsed by both the Working Group and the City Council as an alternative to many of the regulations that were finally adopted. Therefore, staff would like to bring forward again the idea of adopting a residential FAR standard as part of a comprehensive revision to the City’s residential zoning code regulations.

Many communities, both locally and nationwide, have adopted residential FAR standards, and their experience indicates that it can be an effective supplement to height and setback regulations. The advantage of an FAR standard is that it sets a clear parameter for building size - making it a function of lot size – and is relatively easy to understand and administer.

In addition to a new FAR standard, staff is also studying possible revisions to the City’s lot coverage standards. Possible lot coverage revisions include expanding the standard’s applicability to slopes over 20 percent (lot coverage is now limited to slopes 20 percent or less); reducing the existing 40 percent lot coverage limit in the R-30 Zone to 35 percent; and reducing the maximum 2,000 square feet of lot coverage now allowed for any lot in zones R-1 through R-30 to 1,750 square feet.

The preliminary lot coverage and FAR proposals are shown in **Attachment I**. **Attachment J** compares the proposed FAR standard with FARs used in other cities for various lot sizes. The lot coverage and FAR proposals are still very tentative and are being submitted now to initiate discussion.

The revised lot coverage limits in conjunction with the new FAR are intended, among other things, to address the potential view, solar access and privacy impact concerns related to projects processed as Exemptions (DRX) or Small Projects (SDR). Projects with reduced lot coverage limits and subject to FAR are less likely to create these impacts.

Expanding lot coverage limits to sloped sites will also help address conversion of pervious to impervious surfaces in the hills and the adverse hydrological impacts associated with such conversion. In addition, the expanded lot coverage limits together with FAR will establish additional limits on building size and reduce the likelihood of excessively bulky buildings.

Timing for Next Steps

Conceptual design review process changes considered by City Planning Commission. **May 18, 2005**

Conceptual design review process changes considered by City Council's Community and Economic Development Committee and full Council. **June-July, 2005**

Staff prepares draft zoning text. **July-September, 2005**

Public review of draft zoning text. **September-October, 2005**

Public hearing and City Planning Commission recommendation on zoning text changes. **October-November, 2005**

City Council adoption of zoning text changes. **December 2005 – Feb. 2006**

Although the above schedule extends over 8½ months, it still reflects the Design Review Committee's request that adoption of the design review process changes be expedited. A majority of the 8½ months represents the time required for City Council consideration and scheduling.

Much of the work on the Final 1-2 Unit Residential Design Review Manual, including public workshops, would occur within the above schedule's 8½ month time frame.

RECOMMENDATION: Recommend that the City Council endorse the revised conceptual design review process as set forth in Attachment B and Attachments E through H.

Respectfully submitted:

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ATTACHMENTS:

- A. Existing 1-2 Unit Residential Design Review Process.
- B. 1-2 Unit Residential Design Review Process Changes to be considered by City Planning Commission on 5-18-05.
- C. 1-2 Unit Residential Design Review Process Changes as Presented at 5-12-04 DRC Meeting.
- D. 1-2 Unit Residential Design Review Process Changes Endorsed by DRC on 2-23-05.
- E. Proposed Small Project Design Review Flow Chart
- F. Proposed Basic Design Review Flow Chart
- G. Proposed Regular Design Review Flow Chart
- H. Proposed S-18 Design Review Flow Chart
- I. Proposed Lot Coverage and Floor Area Ratio Standards
- J. Comparison of Proposed Floor Area Ratios and Floor Area Ratios Used in Other Cities for Various Lot Sizes