

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

**May 18, 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>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>	Adopt Draft Interim Design Review Manual.
<b>Staff recommendation:</b>	That the City Planning Commission adopt the Interim Manual, and provide direction to staff for preparation of a Final 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 Planning commission’s May 18, 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 tested during a 6-9 month trial period and expanded and refined including improvement in format and presentation, to create a final definitive version. See the October 13, 2004 staff report (**Attachment A**) 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. The workshop was held on November 15, 2004 at City Hall. Approximately 20 people attended.

Following the workshop, staff prepared a summary of the issues discussed at the workshop and changes to the Manual recommended by staff in response to these issues. The Design Review Committee considered these changes at its February 23, 2005 meeting and recommended that the Commission adopt the Manual with most of these changes. The only further modification that the Committee recommended concerned project sites that may be too small or too narrow to be required to mitigate solar access impacts on adjacent residences. See Item 3 in the Key Issues and Impacts section below for further discussion of these solar access issues.

**Attachment B** is a complete draft of the Interim Manual incorporating the Committee-recommended changes. **Attachment C** is a "redlined" version of the Manual sections showing the specific Committee-recommended changes.

The Commission is also being asked to provide direction to staff for preparation of a Final Design Review Manual for 1-2 Unit Residences.

## KEY ISSUES AND IMPACTS

### Draft Interim Manual

Following is a summary of the issues discussed at the November 15, 2004 workshop and the February 23, 2005 Design Review Committee meeting, and the changes to the Draft Manual recommended by the Committee in response to these issues. The Committee-recommended changes are shown in **Attachment C**.

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

RESPONSE: The 10-13-04 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 10-13-04 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, Staff had recommended to the Design Review Committee that solar access impacts normally not be considered if the project is on a lot less than 50' wide or less than 5,000 sq. ft. in area. Staff believed that such lots would be too difficult to develop if design mitigations were required for solar access impacts.

At its February 23, 2005 meeting, the Committee recommended that the 50' lot width and 5,000 sq. ft. lot area thresholds be made more flexible so that solar access impacts from these relatively constrained project sites could still be considered in at least some cases.

Staff has responded by deleting the 50' width and 5,000 sq. ft. lot area provisions entirely. Staff believes that absent a specific definition of constrained sites described in terms of lot width and lot area, the exemptions from solar access impact mitigation referred to in Section 2.3B of the Interim Manual are the most efficient way to address constrained sites. Section 2.3B references Section 1.3, which among other things, does not require solar access impact mitigation if mitigation would reduce the project's height more than 20 percent below the Zoning Regulation's maximum height limits and/or reduce the buildable area as defined by the minimum front, side or rear setbacks more than 20 percent.

(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 and the Committee therefore recommend no changes to the Draft Interim Manual in response to this issue. However, the Interim Manual's approach to this, as well as 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.

(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 neighbors, 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 and the Committee therefore recommend that the Manual's Neighborhood Compatibility section **not** be expanded at this time to hill areas. However, this issue can be evaluated further during preparation of the Final Manual.

**Preparation of Final Manual**

(1) Overall approach and format

Staff estimates that preparation of the draft Final Manual will require about 12 months. The initial 6-9 months will include a monitoring period to test and refine the Interim Manual as discussed in Item 2 below.

Although staff believes that the Interim Manual will be a major improvement over the City's currently fragmented and incomplete collection of design review documents, the Final Manual is expected to differ from the Interim Manual in several important ways. The Final Manual is a major opportunity to take a fresh and comprehensive look at the City's 1-2 unit design review objectives and to develop a set of design review criteria and guidelines that is clearer, more complete and better organized than that presented in the Interim Manual. The Final Manual is also an opportunity to establish a unified format and approach for an upcoming series of Design Review Manuals addressing such topics as high density residential projects

and designated subareas, such as important commercial areas (including Downtown Oakland) and special areas such as the Hegenberger Road gateway to the Oakland Airport and the area around Lake Merritt.

Staff proposes to use the existing Small Project Design Review (SPDR) Guidelines as the model for the Final Manual, and requests the Commission's endorsement of this approach. Key features of the SPDR Guidelines include:

- Vertical format, rather than the Interim Manual's horizontal format;
- Emphasis on graphics rather than text; and
- Organization into Criteria followed by Guidelines that help implement the Criteria. (Note: The SPDR Guidelines call their criteria "Basic Design Principals;" the Final 1-2 Unit Manual, like the Interim Manual, will most likely use the term "Criteria.")

The SPDR Guidelines were initially adopted in 1995, were updated in 2002 and have generally worked well. They are clear, to the point, and have a strong emphasis on "do's" and "don'ts." Sample pages for the SPDR Guidelines are included as **Attachment D**.

Using the SPDR Guidelines as the model for the Final 1-2 Unit Manual is expected to significantly reduce the proportion of the Interim Manual's text vs. graphics and result in a more concise and more focused document.

(2) Monitoring period to test and refine the Interim Manual's provisions.

If the Commission adopts the Interim Design Review Manual, staff will start applying it immediately to all design review applications involving discretionary criteria, i.e., Regular Design Review, Special Residential Design Review using discretionary criteria, and the S-18 Zone's Mediated Residential Design Review. As part of the Interim Manual's application, staff will closely monitor whether the Manual's Guidelines adequately implement the Manual's overall objectives (as expressed in the Manual's Criteria statements) and whether the approaches presented by the Guidelines are reasonable.

This monitoring period is expected to last 6-9 months. During this period, staff may recommend specific changes to the Interim Manual and requests that the Commission delegate responsibility for approving any such changes to the Design Review Committee. It is also possible that cases involving major controversy concerning interpretations of the Interim Manual's provisions will be referred by staff to the Design Review Committee for decision. Any changes or refinements made to the Interim Manual will be attached to the Interim Manual as an Addendum. The Final Manual will go back to the full Planning Commission for review and approval. The Design Review Committee's role will be to work with staff on "progress drafts"- - providing feedback to make sure the Final Man

ual is on track.

(3) Responding to issues not adequately addressed in the Interim Manual

Responses to these issues will be developed during the Interim Manual's 6-9 month monitoring period and incorporated into the Draft Final Manual's text.

Possible issues include:

(a) Additions and alterations to existing buildings.

The Interim Manual is very deficient on this topic. It is essentially limited to the existing Special Residential Design Review and R-36 Zone provisions that additions and alterations must be "compatible with, but not necessarily identical to" the existing building.

Specific issues include whether relatively modernistic additions should be allowed for older buildings in at least some situations and whether changes to rear and interior side yard elevations need to be given the same level of review as street-facing elevations.

(b) Use of different materials to replace original materials.

This issue most frequently applies to replacement siding (such as vinyl siding or replacing wood siding with stucco) and replacement windows, especially vinyl and aluminum replacement windows. The basic questions are when is such replacement appropriate and how is this influenced by the specific design and appearance (including dimensions and surface finish) of the replacement material.

(c) Treatment of historic buildings and historic districts.

Specific issues include:

- (i) Are special provisions needed for historic properties?
- (ii) Which properties are considered "historic" for the purposes of the Manual?  
Possible alternatives include:

(1) City landmarks, properties contributing to designated historic districts and properties on the City's Preservation Study List; vs.

(2) the broader option of properties that are *potential* landmarks, historic district contributors or study list candidates; this broader category is called "Potential Designated Historic Properties" (PDHPs) in the Oakland General Plan's

## Historic Preservation Element.<sup>1</sup>

(d) Special provisions for new subdivisions or planned unit developments.

These provisions could address such topics as street design and design of other site improvements as well as individual building design.

(e) Design options for selective project-specific widening of hill area streets serving existing lots.

(f) Consistency with neighborhood character, especially in the hills.

This issue was discussed at the November 15, 2004 workshop and at the October 13, 2004 and February 23, 2005 Design Review Committee meetings but was left unresolved.

Staff proposes to conduct a series of public workshops to address these and possibly other issues. The workshops would be held by the Design Review Committee and, for issues concerning historic properties, perhaps jointly with the Landmarks Preservation Advisory Board.

The first workshop would identify the issues to be addressed in the subsequent workshops. Staff estimates that a total of three or four workshops would be needed. A specific workshop schedule will be developed with the Design Review Committee.

(4) Schedule for preparing the Final Manual.

The schedule will be coordinated with the schedule developed for the residential design review process changes (see separate staff report on the Planning Commission's May 18, 2005 agenda). The design review process changes will be assigned a higher priority than the Final Manual. Work on the Manual will therefore usually be concentrated during lull periods for the standards and process changes, such as when documents are undergoing public review or awaiting placement on City Council agendas. The Manual's schedule will be further refined when the Design Review Committee and Landmarks Board schedule the public workshops.

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<sup>1</sup> PDHPs are identified under methodology developed for the City's Historical and Architectural Inventory. This methodology includes the following ratings for individual properties: "A" (Highest Importance), "B" (Major Importance), "C" (Secondary Importance), "D" (Minor Importance) and "E" (Of No Particular Interest). The methodology also includes the following ratings for potential historic districts: "Areas of Primary Importance" (APIs), defined as districts that appear eligible for the National Register of Historic Places, and "Areas of Secondary Importance" (ASIs), defined as districts that only appear eligible for local historic district designation.

PDHPs consist of properties rated A, B or C and properties that contribute to an API or ASI, or which could potentially contribute under specific circumstances, such as altered properties that do not contribute in their present condition but which could contribute if restored to their historic appearance.

**RECOMMENDATIONS:**

- A. Adopt the Interim Design Review Manual as submitted in **Attachment B**.
- B. Direct staff, working with the Design Review Committee and the Landmarks Preservation Advisory Board, to draft the Final Manual using a format similar to that used for the Small Project Design Guidelines; and
- C. Authorize the Design Review Committee to approve changes to the Interim Manual as needed in order to help implement the objectives presented in the Manual's criteria statements.

Respectfully submitted:

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**ATTACHMENTS:**

- A. October 13, 2004 staff report
- B. Draft Interim Design Review Manual for One and Two Unit Residences, dated March 24, 2005.
- C. Redlined version of view and solar access impact sections of Draft Interim Design Review Manual showing revisions to the October 13, 2004 Draft.
- D. Sample pages from Small Project Design Review Guidelines.