

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 MAY -6 AM 11:19

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Community & Economic Development Agency
DATE: May 18, 2004
RE: **A PUBLIC HEARING AND RESOLUTION DENYING THE APPEAL AND SUSTAINING THE DECISION OF THE CITY PLANNING COMMISSION IN APPROVING CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE LOCATED ON A VACANT LOT ADJACENT TO 3601 LAKESHORE AVENUE (CASE FILE NUMBER VMD03-401)**

SUMMARY

The applicant proposes to construct a new single-family residence on a vacant lot located on Lakeshore Avenue. The City Planning Commission approved the project on November 19, 2003. On December 1, 2003, Jerry Wong filed an appeal of the Planning Commission's approval (see Attachment A). The appellant argues that the proposed development would have a negative impact on the neighborhood. The arguments raised by the appellant are summarized and discussed in the Key Issues and Impacts section of this report. Staff recommends that the Council uphold the Planning Commission's approval of the project and deny the appeal.

FISCAL IMPACT

The project is a private development on private property. No public funds are required for the project. If the project is constructed, the new residence would increase the property tax valuation of the property thereby providing a positive fiscal impact to the City through increased property tax revenue. However, additional City-funded services would be required by the property and its future occupants (e.g., library services, parks and recreation services, public safety services, street maintenance services).

BACKGROUND

The project involves the construction of a new single-family residence on an existing vacant lot. The new home would be two stories in height, contain three bedrooms, and measure approximately 1,971 square feet. Two unenclosed off-street tandem parking spaces would be provided on a driveway located to the west (left) side of the proposed house.

The subject property is an existing vacant lot located on Lakeshore Avenue approximately one block east of the Lakeshore Avenue commercial shopping district. The lot is relatively flat and is rectangular in shape, measuring approximately 40 feet wide by 106 feet long for a total of 4,315 square feet in area. The immediate surrounding area is developed primarily with one- and two-story single-family homes with a small number of multi-unit apartment buildings.

Item: 14.2
City Council
May 18, 2004

The project site is designated Detached Unit Residential (DUR) by the Oakland General Plan. The DUR designation is intended to identify, create, maintain and enhance residential areas characterized by detached, single-unit structures. New development in DUR-designated areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

The subject property is located in the R-40 Garden Apartment Residential Zone. The R-40 Zone is intended to create, preserve, and enhance areas containing a mixture of single-family dwellings, duplexes, and garden apartments in spacious settings for urban living. The proposal complies with all the requirements of the R-40 Zone except for the required minimum lot size (see discussion in the Key Issues and Impacts section of this report).

On November 19, 2003, the Planning Commission held a public hearing on the proposal. One person spoke in opposition to the proposal. The Planning Commission approved the project finding that the proposal satisfied all of the requirements for approval.

KEY ISSUES AND IMPACTS

Lot Size

The zoning regulations require a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet for properties located in the R-40 Zone. The size of the subject property is 4,315 square feet and the lot width is 40 feet. The lot is considered a legal substandard lot because it was legally created in 1919 prior to the adoption of the minimum lot size requirements in 1935. Many of the older residential neighborhoods in Oakland that were subdivided prior to the adoption of the zoning regulations contain developed and undeveloped lots smaller than the size required by the zoning regulations.

Section 17.106.010A of the Oakland Planning Code states that a substandard parcel of land may be developed if the parcel was legally created prior to the effective date of the zoning regulations that caused the parcel to become substandard. Section 17.106.010A also states that the substandard parcel in question must be owned by an entity that does not own any adjacent property. The intent of this ownership restriction is to require the City to consider all adjacent properties owned by the same owner as one parcel when determining whether a lot meets the minimum lot size requirement. The owner of the subject lot also owns the adjacent lot to the west (3601 Lakeshore Avenue), which is currently developed with a single-family residence. The subject lot is currently being used as an outdoor patio and garden for the residence at 3601 Lakeshore Avenue. Together, the subject lot and 3601 Lakeshore Avenue measure a total of 8,720 square feet. Because the same owner owns both lots, the zoning regulations require the City to consider the two lots together ("merger") when evaluating the development potential of the two lots. Under existing zoning regulations, the property owner is allowed a total of one dwelling unit on the combined two lots. The owner has applied for a major variance to allow the subject lot to be developed independently from the adjacent property. However, state law, the Subdivision Map Act, has preempted the field and requires cities follow certain procedures before "mergers" of adjacent lots in common ownership can occur. Oakland's local "merger"

Item: 14.2
City Council
May 18, 2004

regulations arguably appear inconsistent with this state law requirement. These regulations are in the process of being amended. Therefore, in addition to the fact that the project meets all required variance findings, the fact that Oakland's regulations arguably appear inconsistent with state law, meaning that a variance may not have been required in the first place, provides further justification for approval of the variance.

The subject lot is similar in size to existing lots in the surrounding neighborhood. The lot measures 4,315 square feet. The adjacent lot to the west measures 4,405 square feet. The subject lot is larger than all other surrounding lots on the same block, which range in size from 3,811 square feet to 4,080 square feet. The median lot size of all lots located within 200 feet of the subject lot is 4,500 square feet.

Appellant's Arguments

The appellant's letter is attached to this report as Attachment A. Listed below is a summary of the arguments raised by the appellant. Staff's response to each argument is included after each item.

A. It appeared that not all of the Planning Commissioners had read the staff report prior to voting for approval of the project.

Staff Response: The staff report was provided to all members of the Planning Commission five (5) days prior to the hearing. At the hearing, all public testimony was heard by the Commission before the hearing was closed and the project was approved.

B. A bus stop is located in front of 3601 Lakeshore Avenue (the property adjacent to the subject property). The proposed driveway to serve the new residence would be located within the bus loading zone ("red curb zone") thereby impacting the bus stop.

Staff Response: AC Transit recommends that new driveways be located at least 40 feet from existing bus stop signs to allow for an adequately-sized bus loading zone and to reduce potential conflicts between buses approaching the bus stop and vehicles exiting the driveway. The proposed driveway would be located approximately 21.5 feet from the existing bus stop sign located at the corner of Lakeshore Avenue and Prince Street. A map showing the locations of the bus stop sign and the proposed driveway is attached to this report (see Attachment B). The current proposed location of the driveway is the only location allowed by the zoning regulations. The driveway is not allowed to be located on the other side of the house (east side) because it would be located too close to the existing driveway on the adjacent property to the east (3615 Lakeshore Avenue). The driveway is also not allowed to be located in the central portion of the subject property. Since the majority of the surrounding homes have off-street parking located to the side or rear of each house, the zoning regulations require that the proposed driveway for the subject property be located to the side of the proposed house to reflect the predominant parking arrangement in the neighborhood. AC Transit staff reviewed the proposal and concluded that the location of the proposed driveway is acceptable because the anticipated volume of vehicles using the new driveway is low and because AC Transit records indicate that the bus stop has

Item: 14.2
City Council
May 18, 2004

infrequent use. Therefore, the likelihood of conflict between buses approaching the bus stop and vehicles backing out of the proposed driveway is low.

C. The subject property is not a separate "lot" but merely the yard area of the adjacent property (3601 Lakeshore Avenue).

Staff Response: The subject property is currently a separate lot that was established in 1919 when the Lakeshore Terrace subdivision was created. The subject lot is not a part of 3601 Lakeshore Avenue; it is a separate legal lot.

D. The development would adversely affect the livability of the surrounding area. Currently there is a lack of street parking in the neighborhood and the proposed development would exacerbate this existing problem.

Staff Response: The project includes the required number of off-street parking spaces (two). The zoning regulations do not require the applicant to provide additional off-street parking spaces to supplement existing parking deficiencies in the neighborhood.

E. The proposal does not comply with the General Plan "Detached Unit Residential" designation because the project would not maintain and enhance the neighborhood.

Staff Response: The project would maintain and enhance the neighborhood by maintaining the predominantly single-family residential character of the neighborhood. The project complies with all design review requirements; the new house is designed to "fit in," in terms of design and scale, with the rest of the neighborhood. The General Plan encourages infill housing development (Policy N3.2) and the development of housing on existing substandard lots in residential areas (Policy N3.4). The project is consistent with both of these policies.

F. The subject lot is currently used as the yard area for the house on the adjacent property (3601 Lakeshore Avenue). If the proposed house is built, 3601 Lakeshore would have no open space.

Staff Response: The proposed development would eliminate the patio area on the subject lot that is currently used by the owners of the adjacent lot at 3601 Lakeshore Avenue but it would not affect the amount of open space located on the lot at 3601 Lakeshore Avenue. The existing structures at 3601 Lakeshore Avenue (residence and detached garage) cover approximately 2,610 square feet of the lot. The maximum lot coverage allowed by the zoning regulations is 2,000 square feet. Therefore, the facilities at 3601 Lakeshore Avenue are considered legal nonconforming because they were constructed legally prior to the adoption of the zoning regulations. The existing amount of open space at 3601 Lakeshore Avenue has no bearing on the decision regarding the proposed development on the subject lot. For example, if the proposal was denied, nothing would prevent the current owner from selling the subject lot to another party which would have the right to construct a fence between the two properties thereby preventing the owners of 3601 Lakeshore Avenue from accessing the patio on the subject lot.

Item: 14.2
City Council
May 18, 2004

G. The proposed residence does not provide an adequate front yard setback as required by the zoning regulations.

Staff Response: The minimum required front yard setback in the R-40 Zone is 20 feet except that a lesser front yard depth is allowed if adjacent lots contain facilities with front yards less than 20 feet. The existing residence on the adjacent lot to the west (3601 Lakeshore Avenue) and the existing residence on the adjacent lot to the east (3615 Lakeshore Avenue) both have a reduced front yard setback of approximately 12.5 feet. Therefore, the required front yard setback for the subject property is 12.5 feet. The applicant currently proposes a front yard setback measuring approximately 10.75 feet. The applicant has agreed to relocate the proposed building to provide a conforming 12.5-foot front yard setback. When the Planning Commission approved the project, it attached a condition of approval that requires the applicant to revise the project to include a conforming front yard setback when the applicant applies for a building permit.

H. The proposal is inconsistent with the intent of the R-40 Zone to provide “spacious settings for urban living” because there would be limited open space and parking associated with the proposal.

Staff Response: The proposal complies with all zoning regulations regarding open space and off-street parking.

I. The variance would constitute a special privilege for the owner of the subject property.

Staff Response: The variance to allow the development of the substandard lot would not be a special privilege because it would simply restore rights to the property owner consistent with other property owners in the surrounding area. The majority of owners in the surrounding area own substandard lots that have already been developed in a similar manner.

J. The methodology for the claim made under Finding 7(b), that over 60 percent of the surrounding lots are already developed, is questionable and should be made available to the public.

Staff Response: Staff assumes that the appellant mistook the language of the required finding (Finding 7(b)) for staff's response to that finding. Finding 7(b) and staff's response to the finding is listed in the attached Planning Commission staff report (see Attachment C). Finding 7(b) does not apply to the proposal because the requested variance is for minimum lot area, not for maximum height, minimum yards, maximum lot coverage or building length. If the variance is for a regulation governing one of these standards, Finding 7(b) requires that over 60 percent of the surrounding lots have a similar condition. Since the variance does not involve one of these standards, Finding 7(b) is irrelevant.

SUSTAINABLE OPPORTUNITIES

Item: 14.2
City Council
May 18, 2004

This section describes the sustainable opportunities that are being addressed or will be implemented as part of the item, such as:

- Economic: The project would result in one additional housing unit thereby providing additional housing opportunities in the City, providing temporary jobs during the construction of the project, increasing the property tax revenue to the City, providing potential additional employees to businesses located in Oakland, and providing additional consumers for products sold in Oakland.
- Environmental: The project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303 of the State CEQA Guidelines. This exemption applies to the construction of small structures, including the construction of a single-family residence in a residential zone.
- Social Equity: The project would not have any direct positive or negative effects upon social equity in the City.

DISABILITY AND SENIOR CITIZEN ACCESS

During the review of the building permit to construct the project, the Building Services Division of the Community and Economic Development Agency will ensure that the project conforms to the requirements of the Americans with Disability Act.

STAFF RECOMMENDATION AND RATIONALE

Staff recommends that the City Council adopt the attached Resolution upholding the Planning Commission's approval thereby denying the appeal for the following reasons: 1) The Planning Commission's decision was based on a thorough review of all pertinent aspects of the project and 2) The project and the approval of the project comply with all applicable zoning regulations and review procedures.

ALTERNATIVE CITY COUNCIL ACTIONS

The City Council has three other options in addition to the recommended action above.

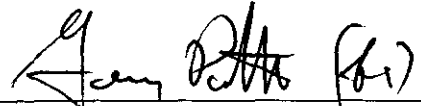
1. Uphold the appeal and reverse the Planning Commission decision thereby denying the project. This option would require the City Council to continue the item to a future hearing so that the Council would have an opportunity to review the proposed findings and resolution for denial.
2. Uphold the Planning Commission decision, but impose additional conditions on the project.
3. Continue the item to a future hearing for further information or clarification.
4. Refer the matter back to the Planning Commission for further consideration. Under this option, the item would be forwarded back to the City Council with a recommendation after review by the Planning Commission.

Item: 14.2
City Council
May 18, 2004

ACTION REQUESTED OF THE CITY COUNCIL

1. Affirm staff's environmental determination.
2. Adopt the attached Resolution upholding the Planning Commission approval thereby denying the appeal.

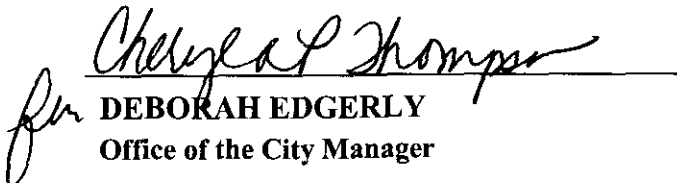
Respectfully submitted,



CLAUDIA CAPPIO
Development Director
Community & Economic Development Agency

Prepared by:
Darin Ranelletti, Planner II
Planning & Zoning Division

Approved and Forwarded to the City Council:



DEBORAH EDGERLY
Office of the City Manager

ATTACHMENTS:

- A. Appellant's Letter (Dated November 28, 2003)
- B. Detailed Sidewalk Drawing (Showing Existing Bus Stop and Proposed Driveway)
- C. Planning Commission Staff Report (Dated November 19, 2003)
Planning Commission Staff Report Attachments:
 - (A) Project Plans
 - (B) Site Photographs
 - (C) Special Residential Design Review (New Construction Checklist)

Item: 14.2
City Council
May 18, 2004

OAKLAND CITY COUNCIL

2004 MAY -6 AM 11:19

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

Mark F. Wall

**RESOLUTION DENYING THE APPEAL AND SUSTAINING THE
DECISION OF THE CITY PLANNING COMMISSION IN
APPROVING CONSTRUCTION OF A NEW SINGLE-FAMILY
RESIDENCE LOCATED ON A VACANT LOT ADJACENT TO 3601
LAKESHORE AVENUE (CASE FILE NUMBER VMD03-401)**

WHEREAS, the Applicant, JVC Construction, filed an application (a major variance for lot size and width and special residential design review) on June 4, 2003, to construct a new single-family dwelling on a vacant lot located on Lakeshore Avenue (adjacent to 3601 Lakeshore Avenue); and

WHEREAS, at a duly noticed hearing, the City Planning Commission took testimony and considered the matter at its meeting held November 19, 2003. At the conclusion of the public hearing held for the matter, the commission deliberated the matter, and voted. The project was approved, 5-0; and

WHEREAS on December 1, 2003, an appeal of the Planning Commission's approval with a statement setting forth the basis of the appeal was received; and

WHEREAS, after giving due notice to the Appellant, the Applicant, all interested parties and the public, the Appeal came before the City Council for a duly noticed public hearing on May 18, 2004; and

WHEREAS, the Appellant, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing by submittal of oral and/or written comments; and

WHEREAS, the public hearing on the Appeal was closed by the City Council on May 18, 2004;

Now, Therefore, Be It

RESOLVED: The requirements of the California Environmental Quality Act (CEQA) of 1970, as prescribed by the Secretary of Resources, and the City of Oakland's environmental review requirements, have been satisfied, and, in accordance the adoption of this resolution is

14.2
ORA/COUNCIL
MAY 18 2004

exempt from CEQA under Section 15303 “New Construction or Conversion of Small Structures” of the State CEQA Guidelines.

FURTHER RESOLVED: That, the City Council, having heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the City Planning Commission’s decision, and the Appeal, finds that the Appellant has **not** shown, by reliance on evidence already contained in the record before the City Planning Commission, that the City Planning Commission’s decision was made in error, that there was an abuse of discretion by the Commission or that the Commission’s decision was not supported by substantial evidence in the record based on the November 19, 2003, Staff Report to the City Planning Commission (attached as Exhibit “A”) and the May 18, 2004, City Council Agenda Report (attached as Exhibit “B”), both hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeal is denied, the Planning Commission’s CEQA findings and decision are upheld, and the Project is approved (Major Variance), subject to the findings and conditions of approval contained in Exhibit “A.”

FURTHER RESOLVED: That, in support of the City Council’s decision to approve the Project, the City Council affirms and adopts the November 19, 2003, Staff Report to the City Planning Commission (including without limitation the discussion, findings, conclusions and conditions of approval), all attached as Exhibit “A”, and also adopts the May 18, 2004, City Council Agenda Report, attached as Exhibit “B.”

FURTHER RESOLVED: That, the City Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Exemption with the appropriate agencies.

FURTHER RESOLVED: That, the record before this Council relating to this application and appeal includes, without limitation, the following:

1. the application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. the notice of appeal and all accompanying statements and materials;
4. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation and all related/supporting final materials, and all final notices relating to the application and attendant hearings;
5. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the application and appeal; and all written evidence received by relevant City Staff before and during the public hearings on the application and appeal;

6. all matters of common knowledge and all official enactments and acts of the City, including, without limitation (a) the General Plan; (b) Oakland Municipal Code (c) Oakland Planning Code; (d) other applicable City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations.

FURTHER RESOLVED: That, the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st floor, Oakland, CA.

FURTHER RESOLVED: That, the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

In Council, Oakland, California, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES-

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the
Council of the City of
Oakland, California

14.2
ORA/COUNCIL
MAY 18 2004

Exhibit A

November 19, 2003 Planning Commission Staff Report

Exhibit B

May 18, 2004 City Council Agenda Report

142
ORACOUNCIL

MAY 18 2004

Jerry Wong
3734 Lakeshore Avenue
Oakland, CA 94610

November 28, 2003

A P P E A L

Gary Patton
Oakland City Planning Commission
250 Frank Ogawa Plaza
Suite 2114
Oakland, CA 94612

Reference: Case File Number VMD03-401
Assessors Parcel Number 011-0854-004-00

Dear Mr. Patton:

I would like to have my concerns and objections noted for this case file, and particularly the manner in which it was handled at the November 19, 2003, Planning Commission Meeting.

I would encourage not only the Commission, but the City Council, to rethink this decision which would have a negative impact on a stable, long-standing, family neighborhood.

Meeting:

1. It was clearly evident that at least one member who voted to approve this major variance admitted to not having read the report prior to this meeting. There possibly may have been others who also did not read the report prior to voting. If other commission member did not read the report in its entirety, I find it unconscionable that they would vote for approval.
2. It was evident that Mr. Ranelletti was not aware of the fact that there is a bus stop in front of the property at 3601 Lakeshore. That red zone for the bus stop extends well into the proposed development. The proposed driveway would be within this red zone, not at the end of the red zone.

The Staff Report

The Summary portion lists this proposed lot development as an "existing vacant lot". By that standard, there are many existing lots in this neighborhood – they just happen to be yards. This lot has always been the yard area for the property at 3601 Lakeshore. This is the "backyard" – it just happens to be on the side of the house. This development would set a precedent in this neighborhood for any property owner with a large back yard to build another house.

I disagree that this development “would not adversely affect livability of the surrounding area.” As I mentioned at the meeting, this neighborhood already has a parking problem. Building a 3-bedroom/2,000 sq. ft. house would only exacerbate this problem. The lot(s) in question always have cars parked on the Prince Street side and all the parking spaces on Lakeshore on this block are always occupied.

General Plan Analysis

The report said the DUR of the Oakland General Plan is intended to “maintain and enhance residential areas”. I fail to see how allowing in-fill housing by eliminating yard area, and allowing properties to be occupied by 98% house structure enhances this area. This brings to mind the building of “monster-size homes” built after the Oakland Hills fire.

Zoning Analysis

Someone threw in “spacious settings for urban living” under the R-40 designation. I would appreciate clarification of this when looking at the structure and lot at 3601 Lakeshore Avenue, the purported owner of the new “lot”.

No mention was made of the fact that by sub-dividing the original lot, the property at 3601 Lakeshore would have no open-space area, i.e., yard area. The existing house covers over 98% of the lot – property line to proposed property line.

Lot Size

The Staff Report does not specify dates when the zoning regulations were adapted and when this lot was “legally created.” I think these dates would be helpful. Is the report referring to the entire parcel or just the “backyard” of 3601 Lakeshore.

“Under existing and general plan regulations, the property owner is allowed a total of one dwelling unit on the combined two lots.” Why create and develop zoning plans and regulations and then circumvent them?

Design

The R-40 zone requires a 20’ setback, or a lesser depth if adjacent lots also have setbacks of less than 20’. Of the three houses on this block, the only one with a lesser setback is the property at 3601 Lakeshore. I do not understand why this part of the requested variance is approved when only one house out of three is being considered. It appears that you are “dumbing down” the criteria for “spacious settings for urban living”.

Observations on Findings

1. The “majority” of the existing lots may be smaller, but they all have garages and have adequate yard space in front and back of the houses to provide for “spacious settings for urban living”. Why was the property owner’s house at 3601 not taken into consideration?

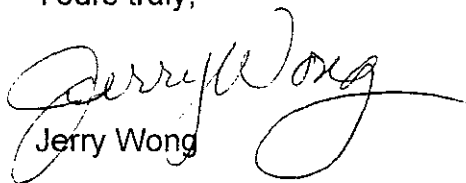
2. The majority of the properties fronting Lakeshore were developed or built from 1916 – 1922. This 2003. The zoning laws were created to preserve “spacious settings for urban living”. The privileges discussed here are not applicable, since there would be no privileges for “spacious living” for future owners of these two houses for want of open space and adequate parking.
3. The insertion of a “monster size” house would greatly change the character, livability, and nature of this neighborhood, which has been in existence for over 90 years. **The wording in this section leaves open the possibility of removing the property at 3601 and construction another residence.** Another 2-store monster house on an even smaller lot size.

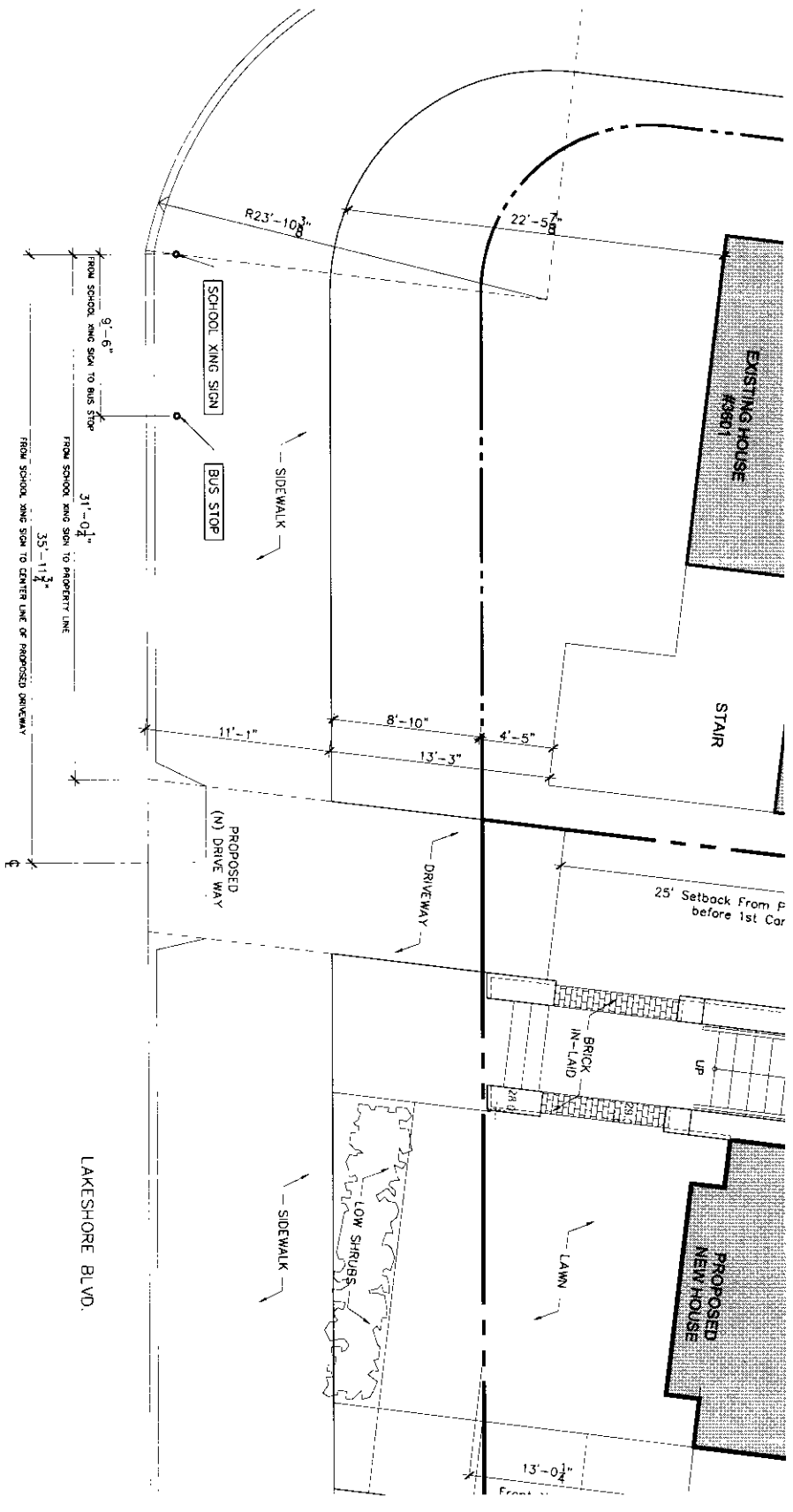
The residential density doesn't need any increase. There are parking problems here to prove that, not to mention the constant speeding vehicles on Lakeshore once they clear the signal at Mandana, and just for fun, let's throw in all the jaywalking.

4. This variance is a special privilege for the owner(s). Said owner(s) would be able to profit from this development at the expense of preserving the very nature and character of this neighborhood that prompted them to buy housing in this area in the first place.
5. The finding only refers to the proposed development area and it's conformance with existing criteria and regulations. It is not taking into account the effect on and presence of the original lot. This variance creates a corner lot filled 98% with house structure.
- 7a. This mentions the impact of abutting residences in respect to solar access, view blockage, and privacy. It conveniently does not address regulations governing minimum yards and maximum lot coverage that would apply to the original 3601 and the proposed 3609 lots. The owner(s) should be held accountable to regulations for the entire original parcel.
- 7b. A cursory walk through the neighborhood (immediate vicinity) would indicate 100% of the lots are already developed. In calculating 60%, did you include the open park area? If so, I think this is very misleading. I feel the commission or the supervising engineer should make these figures available for public inspection and evaluation before making such a claim.

I feel that there has been insufficient effort by city staff and commission reviewers to truly evaluate this application for variance. At the very least, they should be aware of all implications to this neighborhood before voting for approval on a report they have little or no knowledge of.

Yours truly,


Jerry Wong



JAN 20 2004

EXISTING SIDEWALK CONDITIONS

(Location of (E) School Xing Sign & (E) Bus Stop Sign in front of property)

Scale: 1:10'
 Case File: VMD03-401

Address: Vacant lot located adjacent to 3601 Lakeshore Avenue
 (APN: 011-0845-004-00)

Zone: R-40

CITY PLANNING COMMISSION
 ZONING DIVISION

ATTACHMENT B

Location:	Lakeshore Avenue (vacant lot located adjacent to 3601 Lakeshore Avenue) (See map on reverse)
Assessors Parcel Number:	011-0854-004-00
Proposal:	Construct a new single-family dwelling on a vacant lot.
Applicant:	JVC Construction
Owner:	Kathleen Kim
Planning Permits Required:	Major Variance to develop a lot with an area of 4,315 sq. ft. and lot width of 40 ft. where the minimum lot area required is 5,000 sq. ft. and the minimum lot width required is 45 ft.; Special Residential Design Review (New Construction Checklist) to construct a new residential facility containing one dwelling unit
General Plan:	Detached Unit Residential
Zoning:	R-40 Garden Apartment Residential Zone
Environmental Determination:	Exempt, Section 15303 of the state CEQA Guidelines (Class 1, New Construction of Small Structures)
Historic Status:	No historic record
Service Delivery District:	III – San Antonio
City Council District:	2
Date Filed:	June 4, 2003
Status:	Pending
Action to be Taken:	Decision on application
Staff Recommendation:	Approval subject to recommended findings and conditions
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Darin Ranelletti, Planner II , at 510-238-3663.

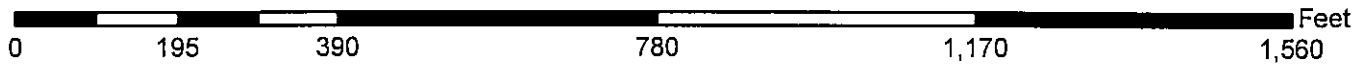
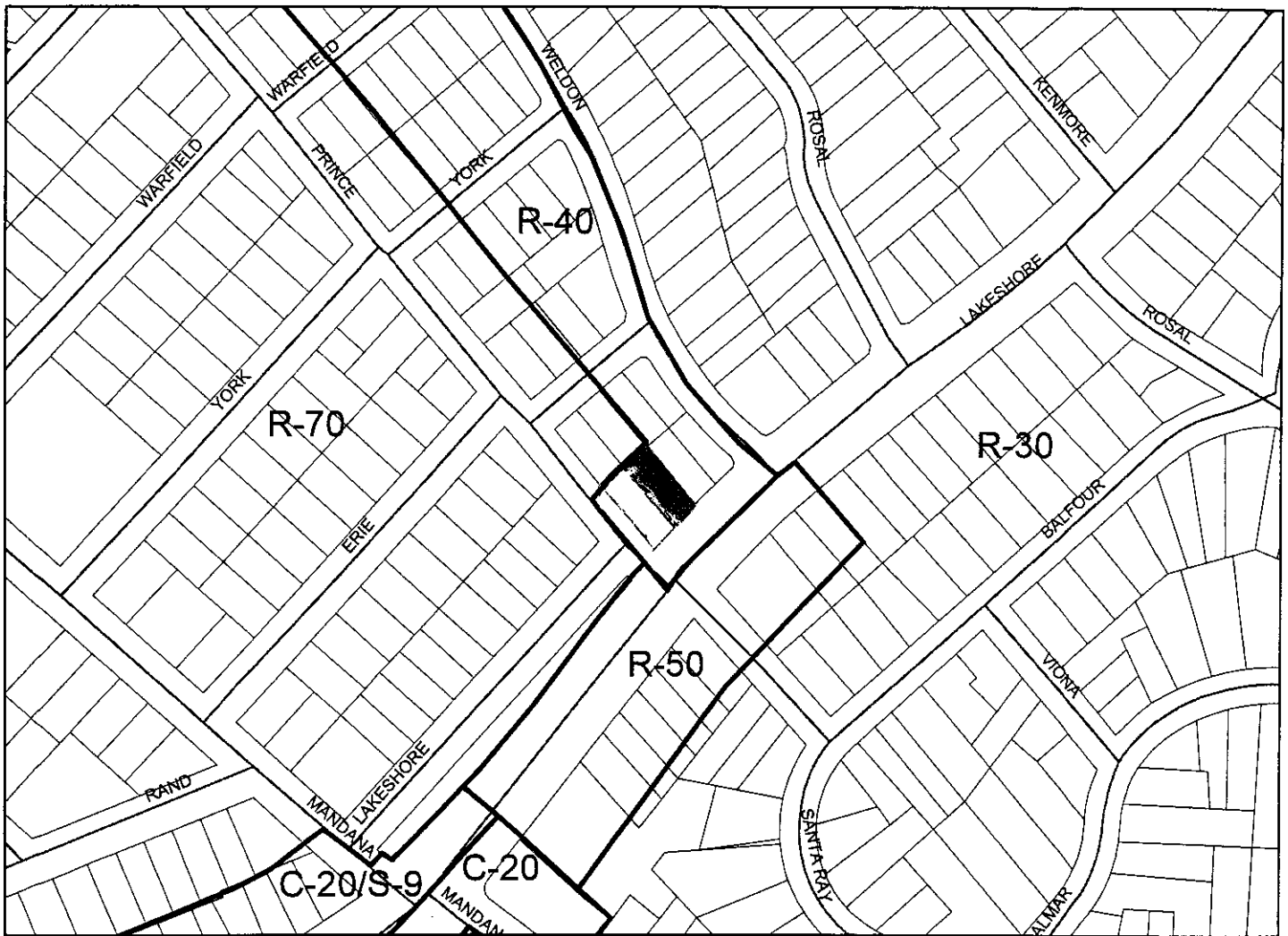
SUMMARY

The applicant proposes to construct a new single-family residence on an existing vacant lot. The new home would be two stories in height and measure approximately 1,971 square feet. The size of the lot is 4,315 square feet and the lot width is 40 feet. The zoning regulations require a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet. According to the zoning regulations, the applicant would not be allowed to develop the lot independently because the lot is substandard and the owner owns property adjacent to the subject lot. The applicant has applied for a Major Variance in order to waive the minimum lot size requirement so that the lot may be developed. The project complies with all other applicable zoning requirements and design review criteria. Staff recommends approval of the application because the lot is similar in size to surrounding lots and development of the lot would not adversely affect the livability of the surrounding area.

PROJECT DESCRIPTION

The proposal involves the construction of a new single-family residence on an existing vacant lot. The new home would be two stories in height, contain three bedrooms, and measure approximately 1,971 square feet. Two unenclosed off-street tandem parking spaces would be provided on a driveway located to the west (left) side of the proposed house.

CITY OF OAKLAND PLANNING COMMISSION

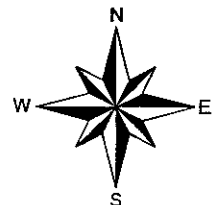


Case File: VMD03-401

Applicant: JVC Construction

Address: Vacant lot located adjacent to 3601 Lakeshore Avenue
(APN: 011-0845-004-00)

Zone: R-40



PROPERTY DESCRIPTION

The project site is an existing vacant lot located on Lakeshore Avenue approximately one block east of the Lakeshore Avenue commercial shopping district. The lot is relatively flat and is rectangular in shape, measuring approximately 40 feet wide by 106 feet long for a total of 4,315 square feet in area. The immediate surrounding area is developed primarily with one- and two-story single-family homes with a small number of multi-unit apartment buildings.

GENERAL PLAN ANALYSIS

The project site is designated Detached Unit Residential (“DUR”) by the Oakland General Plan. The DUR designation is intended to identify, create, maintain and enhance residential areas characterized by detached, single-unit structures. New development in DUR designated areas should be compatible with the density, scale, design, and existing or desired character of surrounding development. The proposal appears to be consistent with the General Plan because the density, scale, design and character of the proposal is consistent the surrounding neighborhood.

ZONING ANALYSIS

The subject property is located in the R-40 Garden Apartment Residential Zone. The R-40 Zone is intended to create, preserve, and enhance areas containing a mixture of single-family dwellings, duplexes, and garden apartments in spacious settings for urban living. The proposal complies with all the requirements of the R-40 Zone except for the required minimum lot size (see discussion below in the Key Issues and Impacts section of the report).

ENVIRONMENTAL DETERMINATION

Staff recommends that the Planning Commission find that the project is Categorically Exempt from the requirements of the California Environmental Quality Act (“CEQA”) per Section 15303 of the State CEQA Guidelines relating to existing facilities. This exemption applies to the construction of small structures, including the construction of a single-family residence in a residential zone.

KEY ISSUES AND IMPACTS*Lot Size*

The R-40 Zone requires a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet. The size of the subject lot is 4,315 square feet and the lot width is 40 feet. The lot is considered a legal substandard lot because it was legally created prior to the adoption of the zoning regulations. Many of the older residential neighborhoods in Oakland that were subdivided prior to the adoption of the zoning regulations contain developed and undeveloped lots smaller than the size required by the zoning regulations. Section 17.106.010A of the Oakland Planning Code states that a parcel of land may be developed if the parcel was legally created prior to the effective date of the zoning regulations that caused the parcel to become substandard. Section 17.106.010A also states that the substandard parcel in question must be owned by an entity that does not own any adjacent property. The intent of this ownership restriction is to require the City to consider all adjacent properties owned by the same owner as one parcel when determining whether a lot meets the minimum lot size requirement. The owner of the subject lot also owns the adjacent lot to the west (3601 Lakeshore Avenue), which is currently developed with a single-family residence. The subject lot is currently being used as an outdoor patio and garden for the residence at 3601 Lakeshore Avenue. Together, the subject lot and 3601 Lakeshore Avenue measure a total of 8,720 square feet. Because the same owner owns both lots, the Planning Code requires the City

to consider the two lots together when evaluating the development potential of the two lots. Under existing zoning and general plan regulations, the property owner is allowed a total of one dwelling unit on the combined two lots.

The applicant has applied for a Major Variance to allow the subject lot to be developed independently from the adjacent property. The lot is similar in size to existing lots in the surrounding neighborhood. The lot measures 4,315 square feet. The adjacent lot to the west, owned by the same owner, measures 4,405 square feet. The subject lot is larger than all other surrounding lots on the same block, which range in size from 3,811 square feet to 4,080 square feet. The median lot size of all lots located within 200 feet of the subject lot is 4,500 square feet.

Design

The proposed new house is subject to the requirements of the Special Residential Design Review (New Construction Checklist) procedure. This design review procedure is a ministerial action, meaning the City must approve the project if it meets all the zoning requirements and receives a passing score on the New Construction Checklist. The New Construction Checklist is a scoring system that awards points according to specific objective design criteria. Staff has completed the New Construction Checklist (see attached) and the project received a passing score of 93 points where 85 points are required for approval.

Section 17.22.140 of the Planning Code states that the minimum required front yard setback in the R-40 Zone is 20 feet except that a lesser front yard depth is allowed if adjacent lots contain facilities with front yards less than 20 feet. The existing residence on the adjacent lot to the west has a front yard setback of approximately 12.5 feet therefore the required front yard setback for the subject property is 12.5 feet. Staff points out that the applicant currently proposes a front yard setback measuring approximately 10.75 feet. The applicant has agreed to relocate the proposed building to provide a conforming 12.5-foot front yard setback. If the application is approved, Staff recommends a condition of approval that requires the applicant to submit revised plans for approval by the Zoning Administrator that propose a conforming front yard setback (see Condition #7).

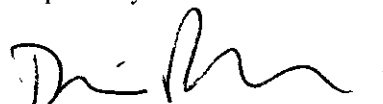
CONCLUSION

Staff recommends approval of the application. The proposal would result in a new single-family residence on a lot similar in size to surrounding lots. The proposal would maintain the single-family character of the neighborhood while providing additional housing opportunities in a location well served by existing infrastructure with convenient access to shopping, employment and transportation opportunities.

RECOMMENDATIONS:

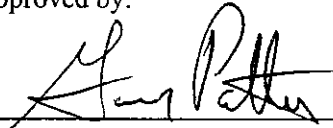
1. Affirm staff's environmental determination.
2. Approve the Major Variance and Special Residential Design Review subject to the attached findings and conditions.

Prepared by:



DARIN RANELLETTI
Planner II

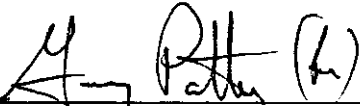
Approved by:



GARY PATTON

Planning Manager

Approved for forwarding to the
City Planning Commission:



CLAUIA CAPPIO

Development Director

ATTACHMENTS:

- A. Plans and Elevations
- B. Site Photographs
- C. Special Residential Design Review – New Construction Checklist

FINDINGS FOR APPROVAL:

This proposal meets the required findings under Section 17.148.050 (Variance Findings) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

Section 17.148.050 (Variance Findings):

- 1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

Strict compliance with the minimum lot size regulation would result in an unnecessary hardship due to physical circumstances. The subject lot is located in a zoning district and neighborhood where the majority of the existing lots are smaller than the required minimum lot size. The subject lot is similar in size to the surrounding lots and is even larger than most other lots on the same block. Compliance with the lot size regulation would result in a hardship upon the property owner because he or she would not be able to develop the lot in a manner similar to surrounding lots.

- 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

Strict compliance with the minimum lot size regulation would deprive the applicant of privileges enjoyed by owners of similarly zoned property. Owners of similarly zoned property in the surrounding neighborhood have been able to develop lots similar in size to the subject lot.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.**

The variance will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area. The proposal will have an impact on solar access and privacy to abutting properties, but not to a degree greater than if the variance was denied. Compliance with the existing zoning regulations would not prevent the property owner from removing the adjacent house on the property to the west and constructing a new house in the same location as the proposed house thereby resulting in the same impacts. The variance will not be detrimental to the public welfare. The proposal will increase the residential density in the neighborhood, but this minor impact will be offset by the benefits to public welfare of additional housing opportunities.

- 4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.**

The variance will not constitute a grant of special privilege because other owners of similarly zoned property already enjoy the privilege being sought by the applicant.

5. **For proposals involving one or two dwelling units on a lot: That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.070.**

This finding does not apply to the proposal because the design review criteria in Section 17.136.070 relate to building design while the element requiring the variance is the size of the lot.

6. **For proposals involving one or two dwelling units on a lot and not requiring design review or site development and design review: That all elements of the proposal conform to the "Special Residential Design Review Checklist Standards and Discretionary Criteria" as adopted by the City Planning Commission.**

The proposal conforms to the Special Residential Design Review Checklist Standards (see attached New Construction Checklist).

7. **For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:**

- a. **The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or**
- b. **Over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see Illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.**

This finding does not apply to the proposal because the variance would not relax one of the standards listed above.

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 **September 16, 2003** 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 **November 19, 2004** 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 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 Major Variance 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 a 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.

SPECIFIC CONDITION FOR VMD03-401:

7. Project Drawing Revisions

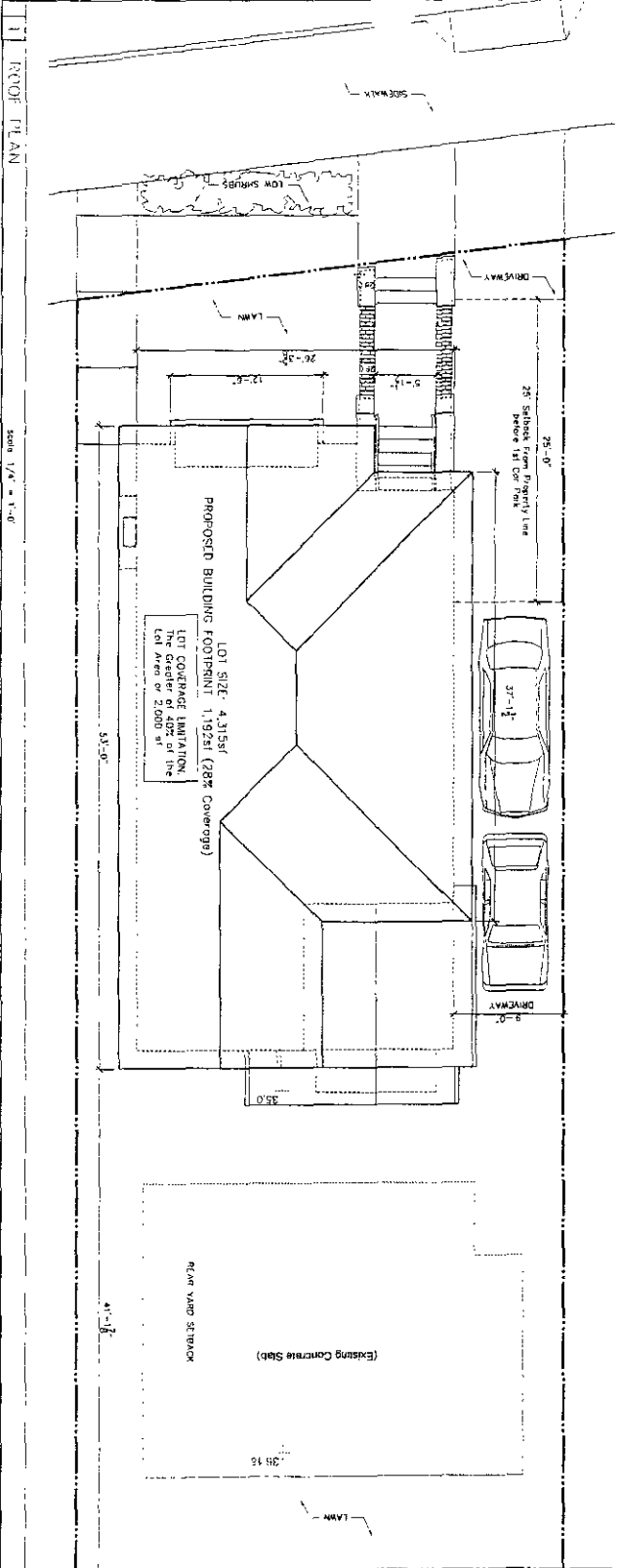
a. Prior to issuance of a building permit

The applicant shall submit revised plans showing a 12.5-foot front yard setback for approval by the Zoning Administrator.

5 ayes, 0 noes

APPROVED BY: City Planning Commission: November 19, 2003 (date) **- to approve** (vote)

City Council: _____ (date) _____ (vote)



ROOF PLAN
Scale 1/4" = 1'-0"

PROPOSED NEW SINGLE FAMILY HOME:
3609 LAKESHORE AVE.
 prepared for zoning approval:
 City of Oakland, California

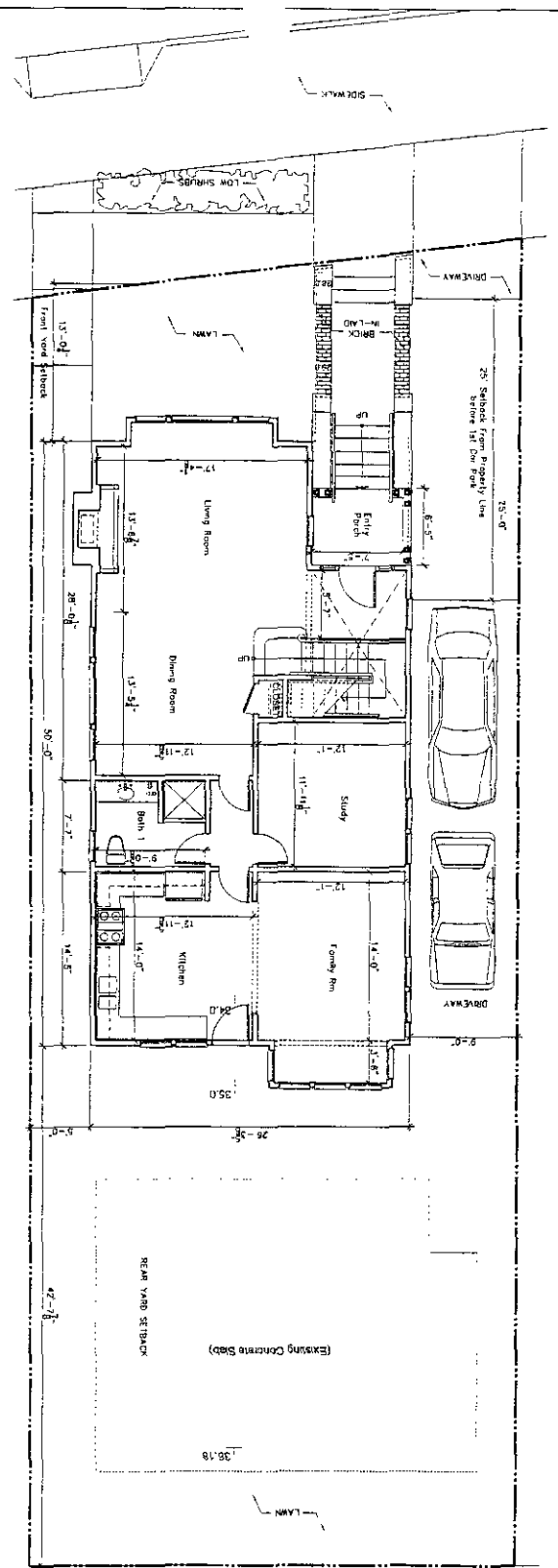
R-40 ZONE
 LOT SIZE: 4,315 sq. ft.
 LOT COVERAGE: 1,184 sq. ft. or (27% coverage)
 LOT SIZE: 4,315 sq. ft.
 HEIGHT LIMIT FOR UPSLOPE LOTS: 30 feet

Level One: 1,085sq. ft.
 Level Two: 855sq. ft.
 Total Sq. Ft.: 1,977sq. ft.

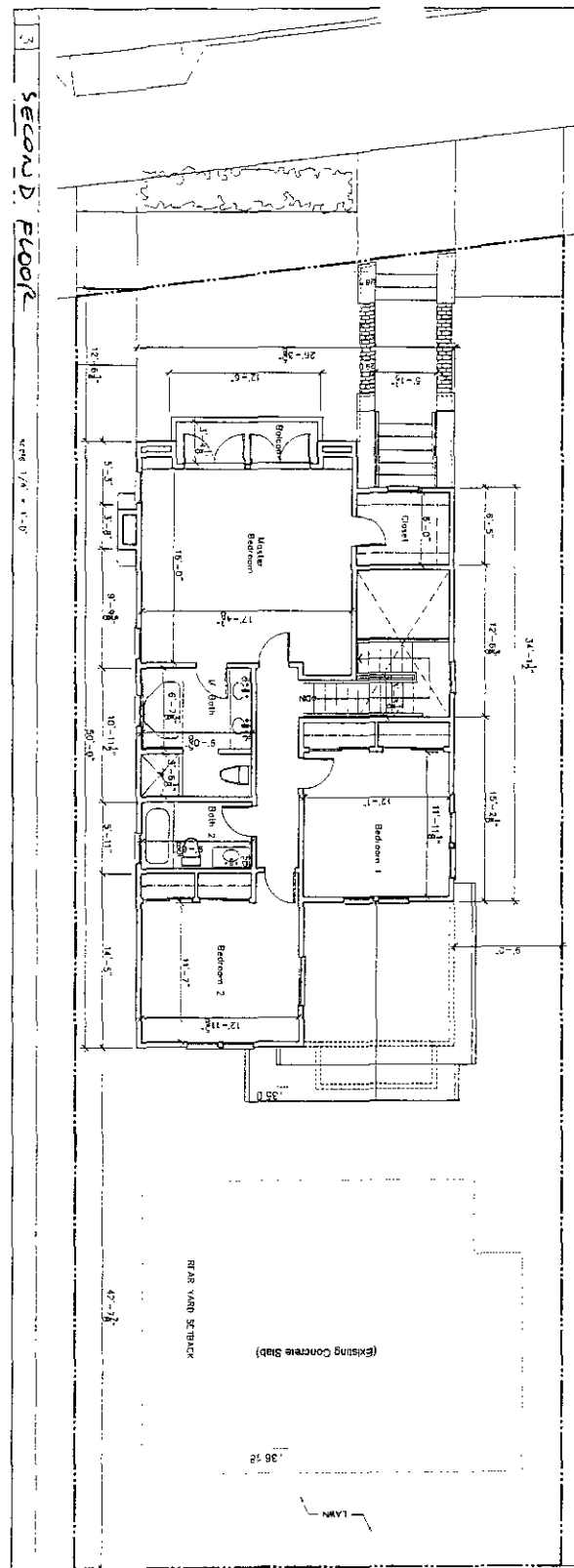
TABLE OF CONTENTS:
 SITE PLAN and BUILDING STATS. A1
 FLOOR PLANS A2
 ELEVATIONS A3

Kathleen Kim Residence
 3609 Lakeshore Blvd.
 Oakland, Ca. 94610

Scale as shown
 25' = 1'-0"
 1/4" = 1'-0"
 Drawn by
 F. CHIU
ROOF PLAN
A1



Kathleen Kim Residence
 3609 Lakeshore Blvd.
 Oakland, Ca. 94610

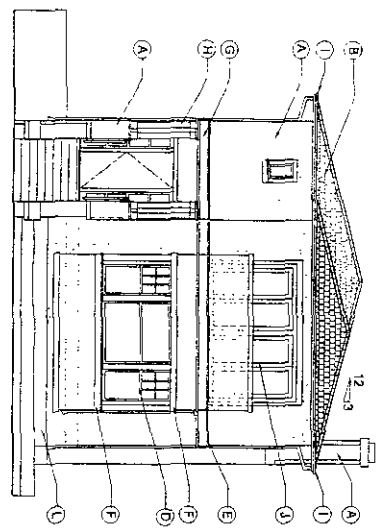


FLOOR PLANS
 Scale as shown
 Date: 9.13.07
 Drawn by: [Signature]

A2

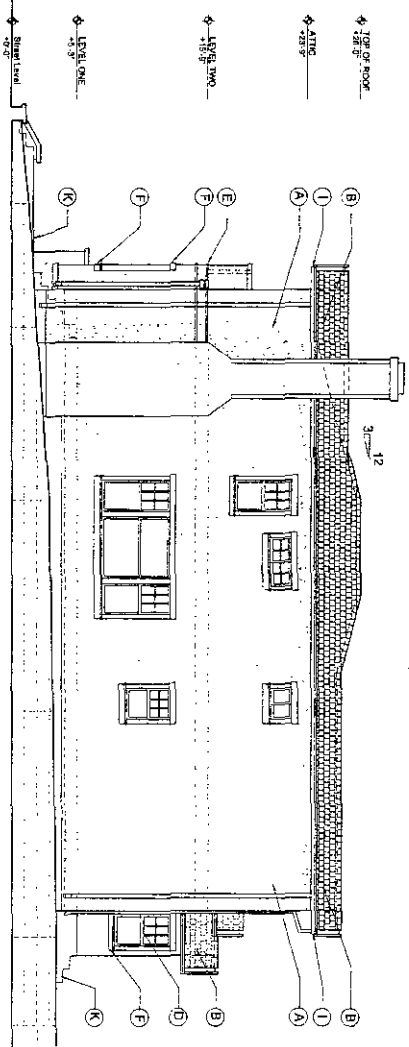
3 SECOND FLOOR
 scale 1/4" = 1'-0"

1 FIRST FLOOR
 scale 1/4" = 1'-0"



1 SOUTH ELEVATION

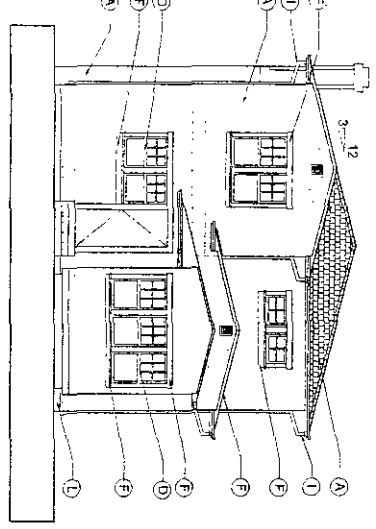
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION

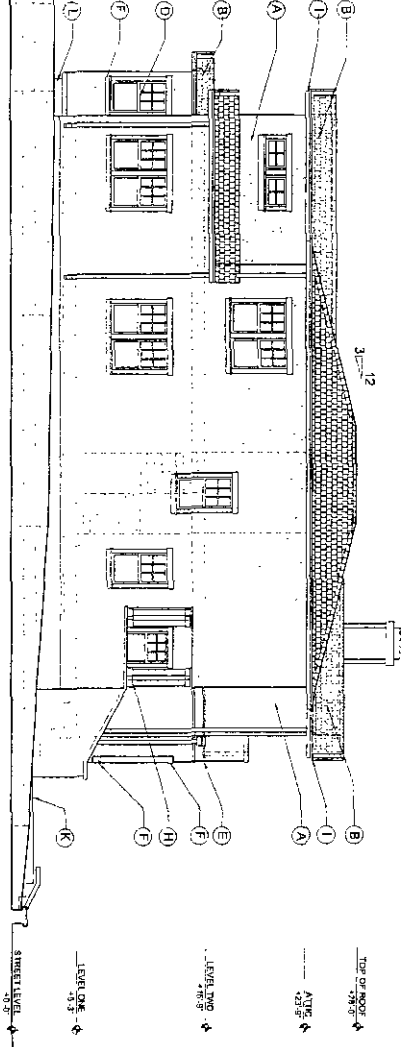
SCALE: 1/8" = 1'-0"

- Materials:
- A. Integral Color Stucco
 - B. Asphalt Shingles
 - C. Painted Wood Cornice/Tim
 - D. Vinyl Windows
 - E. 2 x 4 Painted Window Sill
 - F. 1x Painted Window Trim
 - G. 2x12 Painted Wood Fascia
 - H. Painted Columns (6x6)
 - I. Gutter
 - J. Vinyl Garage Door
 - K. Concrete Sill
 - L. Concrete Foundation



3 NORTH ELEVATION

SCALE: 1/8" = 1'-0"



4 WEST ELEVATION

SCALE: 1/8" = 1'-0"

Kathleen Kim Residence

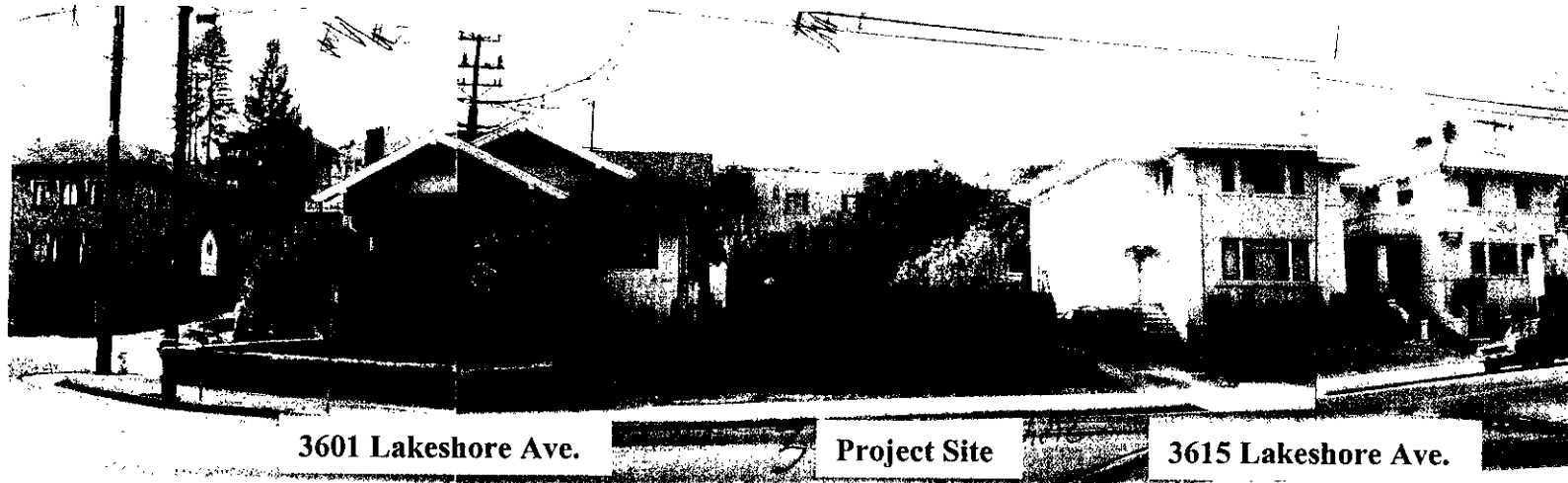
3609 Lakeshore Blvd.
Oakland, Ca. 94610

DATE: 08/20/01
DRAWN: S.J.S.

ELEVATIONS
THOMAS
C-010

A3

VMD03-401: SITE PHOTOGRAPHS



Project site, looking north



Across the street from project site, looking south

ATTACHMENT B

AMERICAN ROSSIGNOL GUN IN ARIZONA
NOVEMBER 21, 2003

City of Oakland
Special Residential Design Review - New Construction
Checklist Scoring

Applicant's Name: JVC CONSTRUCTION Case Number: DRC03-193
Project Address: 3601 LAKE SHORE AVENUE

Special residential design review approval of applications submitted under the New Construction Checklist Procedure may be granted only upon determination that the proposal conforms to the checklist standards set forth below.

1. NEIGHBORHOOD CONTEXT

This section shall apply only if the slope of the project site is 20 percent or less and one of the following situations exists:

- a) At least 75% of the sites (including vacant lots) within 300 feet of and on the same street as the project site are 4,000 square feet or less in area; or
- b) Within 1,000 feet of the project site, there is a grid system of multiple streets, or the system of streets forms a pattern of a nearly rectilinear grid or the intersection of more than one grid.

1.1 Height Context

If there is a height context, does the proposal fall within 4 feet of the context's average height or as close to it as zoning requirements allow?

- Yes 10 _____
- No, but there is successful mitigation 5 _____
- No 0 _____
- No height context 0 ✓

1.2 Roof Pitch and Form Context

If there is a roof shape and/or a roof slope context, does the proposal conform to all established contexts, including overhangs if established in the context?

- Yes (both are established) 5 _____
- Yes (but only one is established) 5 _____
- No, but it conforms to one of the established contexts 3 _____
- No, but there is successful mitigation 3 _____
- No 0 _____
- No roof context 0 ✓

1.3 Side or Rear Parking Context

If there is a parking context, is the proposal's parking at the side or rear of the building?

- Yes 10 ✓
- No, but all parking is provided for in an enclosed garage 5 _____
- No 0 _____
- No parking context 0 _____

1.4 Principal Entryway Context

If there is an entryway context, does the proposal conform to all established contexts (location, facility, floor elevation height)?

- Yes (all three are established) 10 ✓
- Yes (only location and one other is established) 10 _____
- Yes (only location is established) 10 _____
- No, but it conforms to location and one other context 5 _____
- No, it conforms to location but to no other established context 0 _____
- No, it does not conform to location context 0 _____
- No entryway context 0 _____

1.5 Building Setback Context

If there is a setback context, is the proposal's setback within 3 feet of the context's average setback or as close to it as zoning requirements allow?

- Yes 6 ✓
- No, but there is successful mitigation 3 _____
- No 0 _____
- No setback context 0 _____

1.6 Landscaping Context

If there is a landscaping context, does the proposal conform to all established contexts (trees, shrubs, groundcover) and provide adequate watering facilities for its maintenance)?

- Yes 5 ✓
- No, but there is successful mitigation 3 _____
- No, significant elements of established context (trees or shrubs) are missing 0 _____
- No 0 _____
- No landscape context 0 _____

1.7 Building Materials Context

If there is a materials context, does the proposal use the same material as the context material?

- Yes 3 ✓
- No, but there is successful mitigation 2 _____
- No 0 _____
- No material context 0 _____

1.8 Windows and Openings Context

If there is a windows and openings context, does the proposal respond to or approximate the prevailing characteristics identified in the context?

- Yes 3 _____
- No 0 _____
- No windows and openings context 0 ✓

1.9 Architectural Detail Context

If there is an architectural detail context, does the proposal respond to or approximate the prevailing characteristics identified in the context?

- Yes 3 _____
- No 0 _____
- No architectural detail context 0 ✓

A. Total Points Applicable For "Neighborhood Context" 34

B. Total Points Scored For "Neighborhood Context" 34

TOTAL POINTS FOR "NEIGHBORHOOD CONEXT" (B/Ax25) 25

2. SITE DESIGN

2.1 Driveway/Parking Design

Driveways and unenclosed paved parking pads are less than 22 feet wide or 50% of average lot width (whichever is less)	10*	<u>✓</u>
Driveways and parking pads are less than 22 feet wide or 75% of the average lot width (whichever is less)	5*	<u> </u>
Different from above, but design successfully mitigates potentially adverse visual impacts	5	<u> </u>
Driveways/parking design other than above	0	<u> </u>

(* In order to receive points in these areas, measures must be taken to prevent parking outside the designated driveway and parking areas.)

2.2 Parking Location/Enclosure

The proposal received 10 points under 1.3 Parking Location Context	10*	<u>✓</u>
All parking is located at the rear of the building	10*	<u> </u>
All parking is fully enclosed and located at the side of the building entirely beyond the building front	10*	<u> </u>
Parking is located in the front in an enclosed garage whose doors and driveways are no wider than 1/2 the average lot width (2/3 if lot width is less than 30 feet)	10	<u> </u>
Different from above, but design successfully mitigates potentially adverse visual impacts	5	<u> </u>
Parking design other than above	0	<u> </u>

(* In order to receive points in these areas, measures must be taken to prevent parking outside the designated driveway and parking areas.)

2.3 Lot Coverage

50% or less of buildable area	10	<u> </u>
51 - 60% of buildable area	8	<u>✓</u>
61 - 70% of buildable area	6	<u> </u>
71 - 80% of buildable area	4	<u> </u>
81 - 90% of buildable area	2	<u> </u>
Greater than 90% of buildable area	0	<u> </u>

2.4 Landscaping

The landscape plan includes drought-tolerant ground cover plus trees and shrubs over at least 75% of the front yard not dedicated to walks, driveways, or parking - and a convenient method of watering such as an irrigation system or hose bib 10 _____

Landscaping other than above 0 ✓

TOTAL POINTS SCORED FOR SITE DESIGN _____

3. ARCHITECTURAL DESIGN

3.1 Facade Articulation

More than one change on the principal elevation and another change on at least one other elevation visible from the street 10 ✓

More than one change on the principal elevation 7 _____

One change on the principal elevation 4 _____

Facade articulation other than above 0 _____

3.2 Roof Plane Variation

The proposal received 5 points under section 1.2 Roof Pitch and Form Context . . . 8 _____

Five or more changes in roof plane 8 ✓

Four changes in roof plane 6 _____

Two or three changes in roof plane 4 _____

One plane, but measures have been taken to create a successful and attractive design 4 _____

Roof design other than above 0 _____

3.3 Exterior Wall Materials

(The project incorporates one of the following materials as wall covering on at least 75% of the primary facade, and on at least one other facade visible from the street. The list is: wood siding (dimensional lumber); board and batten siding, including plywood if minimum 1 x 2 wood battens are used at minimum 8 inch intervals; wood shingles; cement plaster (stucco) applied wet at the job site, brick; stone; pre-cast concrete masonry units; pressed hardboard siding resembling wood siding; or glass.)

Materials on approved list 10 ✓

Materials not on approved list 0 _____

3.4 Roof Materials

(The project uses shingles (or wood shake), tile, pre-cast units, or metal on at least 75% of the roof area)

- Materials on approved list 4 ✓
- Materials not on approved list 0 _____

3.5 Principal Entryway

The principal entryway design incorporates a projection (porch or deck), recess, or combination of projection and recess of at least 12 square feet; or an entry court of at least 25 square feet and is:

- Covered for an area of at least 8 square feet 5 ✓
- Not covered for an area of at least 8 square feet 3 _____
- The principal entryway does not meet the above standards but is covered for an area of at least 8 square feet 2 _____
- Principal entryway other than above 0 _____

In order to score any points in this section, the proposal must have scored at least 5 points in section 1.4 Entryway Context (but only if Section 1.4 has been established as a context).

3.6 Architectural Detail

- Project design-incorporates trim (minimum 1" x 3" nominal size) at all windows and door on all facades visible from public streets 3 ✓
- Project design incorporates skillfully applied details such as fascia, soffit or cornice trim (minimum 1" x 3" nominal size), special railing details, or patterns of architectural ornaments - all producing substantial shadow patterns 3 _____
- Architectural detail other than above 0 _____
- TOTAL POINTS SCORED FOR ARCHITECTURAL DESIGN 40

4. BONUS POINTS:

<u>4.1 Endorsement of Neighbors</u>	5	_____
<u>4.2 Custom Design by a Licensed Architect 4</u>	5	_____
<u>4.3 Landscape and Permanent Irrigation</u>	5	_____
<u>4.4 Special Driveway Design</u> Driveway is only paved for tire strips maximum 18 inches wide; or Driveway is paved with turf blocks, and groundcover is planted between; or first 15 feet of driveway is no wider than the city minimum (currently 9 feet)	3	_____
<u>4.5 Entryway Style</u> The proposal conforms in kind or design spirit to an established 1.4 Principal Entryway Context	3	_____
The principal entryway demonstrates above average design style or detailing with more than ordinary visual appeal	3	_____
<u>4.6 Permanent Underground Irrigation System</u> (with timer controls)	3	_____
<u>4.7 Use of Premium Materials</u> High grade wood siding (dimensional lumber), brick, stone, or wood shingles	3	_____
<u>4.8 Attractive Wood Trellises</u> Incorporated into overall building architecture of the building and the surroundings	2	_____
<u>4.9 Attractive Fencing Design</u> Successfully integrated with the architecture of the building and with surroundings	2	_____
<u>4.10 Attractive Detailing of the building</u>	2	_____
<u>4.11 Use of Premium Windows</u> The use of wood, vinyl-clad, or high quality prefinished aluminum or steel for all windows and doors visible from public streets	2	_____
<u>4.12 Parapet/Roof Overhang</u> Appropriate wall parapets for flat roofs and appropriate roof overhangs for sloped roofs that visually enhances building design	2	_____
TOTAL POINTS SCORED FOR "BONUS POINTS"		<u>0</u>

City of Oakland
 Special Residential Design Review - New Construction
 CHECKLIST SCORING WORKSHEET

To determine the total score for a proposal, enter the appropriate values below as recorded on the previous checklist scoring sheets and perform the indicated computations.

I. NEIGHBORHOOD CONTEXT SCORING (Note: If "Total Possible Points" under this section is less than 13, or if there is less than 10 one- and two-unit dwellings in the neighborhood context area, this section does not apply, and no Neighborhood Context points can be awarded to the proposal.)

			Check if category applies	Enter maximum possible points if it does	Enter actual points scored from checklist scoring
1.1	Height Context	10	()	_____	_____
1.2	Roof Pitch & Form Context	05	()	_____	_____
1.3	Side or Rear Parking Context	10	(✓)	<u>10</u>	<u>10</u>
1.4	Principal Entryway Context	10	(✓)	<u>10</u>	<u>10</u>
1.5	Building Setback Context	06	(✓)	<u>6</u>	<u>6</u>
1.6	Landscape Context	05	(✓)	<u>5</u>	<u>5</u>
1.7	Building Materials Context	03	(✓)	<u>3</u>	<u>3</u>
1.8	Window & Openings Context	03	()	_____	_____
1.9	Architectural Detail Context	03	()	_____	_____
A. Total Possible Points				<u>34</u>	
B. Total Points Scored					<u>34</u>

To determine the number of points to be awarded for Neighborhood Context, divide the total point scored (B) by the total possible points (A) and multiply the result by 25. (B. 34 / A. 34) x 25 = 25


II. TOTAL SCORING FOR THE PROPOSAL

(Add subtotal scores for each section to determine the total score.)

Section 1:	Neighborhood Context(25 potential points)	<u>25</u>
Section 2:	Site Design (40 potential points)	<u>28</u>
Section 3:	Architectural Design (40 potential points)	<u>40</u>
Section 4:	Bonus Points (35 potential points, maximum of 10 points)	<u>0</u>
GRAND TOTAL*		<u>93</u>

* To be approved for the Special Residential Design Review Checklist Track, a proposal must score the following minimum total points:

- A. For applications in which Neighborhood Context applies 85
- B. For applications in which Neighborhood Context does not apply 60

Reviewed by DARIN RANELLETTI


Date 11/6/03

14.2

NEW CONSTRUCTION - Checklist Scoring 3

ORACOUNCIL

MAY 18 2004