

CITY OF OAKLAND

AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 MAY 09 PM 4:43

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community & Economic Development Agency
DATE: May 9, 2006

RE: **PUBLIC HEARING AND ORDINANCE TO REZONE TWO PARCELS, COMPRISING APPROXIMATELY 9.4 ACRES OF LAND, OFF OF SKYLINE BOULEVARD IN AN AREA GENERALLY BOUNDED BY SKYLINE HIGH SCHOOL TO THE EAST, BROOKPARK ROAD TO THE WEST AND ANTHONY CHABOT REGIONAL PARK TO THE NORTH, FROM THE R-30 ONE-FAMILY RESIDENTIAL ZONE TO THE R-1 ONE ACRE ESTATE RESIDENTIAL ZONE (CASE FILE NUMBER RZ04-044)**

SUMMARY

The two parcels proposed for rezoning are located in the Oakland Hills off of Skyline Boulevard and adjacent to Skyline High School and Anthony Chabot Regional Park. The area proposed for rezoning is indicated on Attachment A. The neighborhood is characterized by very low residential density, steep hills, canyons and creeks in a wooded almost rural setting.

In March of 1998, the City of Oakland adopted the Land Use and Transportation Element (LUTE) of the General Plan, a document that maps the entire City's future land use development. Since then, the City of Oakland's Strategic Planning Division has begun a major revision of the Planning and Zoning regulations to make them consistent with the new General Plan. The Strategic Planning Division has identified a few sites within the Oakland Hills where the existing zoning regulations are inconsistent with the capacity for development given the environmental and infrastructure constraints on the parcels. These constraints include steep slopes and land stability, native plant and animal communities, creek habitats, dense vegetation, emergency access, and fire safety.

Recently, there has been significant interest in developing the remainder of large vacant parcels in this area. Both parcels have the potential to be subdivided into multiple lots and developed with new homes. A number of neighborhood residents are concerned about the impact of this potential new development on the safety and character of the neighborhood and Anthony Chabot Regional Park. They stated that the current R-30 zoning is not consistent with the overall neighborhood character or the General Plan designation. In response, staff has initiated a proposal to change the zoning regulations that apply to new development for two parcels off of Skyline Boulevard in the South Oakland Hills.

On March 3, 2004, staff presented three rezoning proposals (two parcels on Skyline, Butters Canyon, and Panoramic Hill) before the Planning Commission for a decision. Staff received over

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30 public comments letters regarding the project and several nearby residents spoke in support of the rezoning, but requested that the parcels be rezoned from R-30 to R-1 instead of R-10. The majority of speakers spoke in favor of the proposal. The Planning Commission referred the item to the Special Projects Committee for further review and consideration.

For that meeting staff decided to split the rezoning proposal into three separate actions since each project area seemed to be in a different point in the public process. The Special Projects Committee reviewed the proposal on March 31, 2004. Some Committee members felt the proposed rezoning would not address all of the issues facing the neighborhood. Overall, the Committee felt that since there did not appear to be significant neighborhood opposition to the proposal, it was appropriate for the City to move forward with the matter so that it could be considered by the full Planning Commission.

On July 21, 2004, the Planning Commission voted 7-0 to recommend to the City Council that the neighborhood be rezoned from the R-30 One-Family Residential Zone to the R-1 One Acre Estate Residential Zone. The new zoning would increase the minimum required lot area from 5,000 square feet to 43,560 square feet or one acre and increase the minimum required lot width from 45 feet to 100 feet. Under the existing zoning, 81 lots that could be potentially subdivided under the existing zoning would no longer be able to be subdivided under the new zoning. Overall, the new zoning would reduce the potential future residential density of the area by approximately 72 units. Limiting the number of allowable new units would reduce the potential impact of new development on the character and safety of the neighborhood.

The majority of neighborhood residents appear to support the proposed rezoning. During the Planning Commission's review of the proposal, staff did not receive any comment letters in opposition.

FISCAL IMPACT

The proposed rezoning would limit the number of potential new homes that could be built in the area. Limiting the number of new homes would potentially reduce future tax revenue to the City (e.g., property tax revenue, real estate transfer tax revenue, and revenue to the Wildfire Prevention Assessment District). Due to the limited number of homes that the rezoning would prevent from being built, the overall adverse impact to the City's General Fund would be negligible. Reducing the number of new homes would also result in a minor positive fiscal impact on the City by reducing future Capital Improvement Program (CIP) costs (e.g., street and sewer maintenance costs).

BACKGROUND

In June of 1926, Wickham Havens, the East Bay Water Company, and Louis Saroni submitted a map to subdivide a parcel encompassing Skyline Boulevard from Redwood Road and Keller Avenue. Below is a brief history of the area up to the present.

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In 1935, when the City of Oakland enacted its first comprehensive Zoning Ordinance, the neighborhood was placed in the “A” Single Family Zoning District. The “A” Zone allowed a residential density of one unit per 5,000 sq. ft. of lot area.

At some unknown point in time, three separate neighborhood associations along Skyline Boulevard (Skyline Terrace, Skyline Estates, and Hillcrest) were established. These neighborhood associations limited future subdivisions by stating in the Covenants, Conditions, and Restrictions (CC&R’s) that only one unit per acre was permitted. In December of 1953, the three associations merged to become Hillcrest Estates and the Hillcrest Estates Improvement Association (HEIA) was established. HEIA’s CC&Rs continued to only permit subdivisions of one unit per acre above what was permitted per zoning.

In 1965, when the City of Oakland adopted the current Planning Code, the neighborhood was rezoned to the R-30 One-Family Residential Zone. The residential densities allowed under the R-30 Zone were the same as the old “A” Zone, permitting one unit per 5,000 sq. ft. of lot area.

In 2000, the Hillcrest Estates Improvement Association submitted a letter to the Planning Commission Chair requesting that staff conduct a study to rezone the Hillcrest Estates from the R-10 Estate Residential Zone to a newly created R-1 One Acre Estate Residential Zone. The Community and Economic Development Committee directed staff to conduct a rezoning study. The area to be rezoned comprised approximately 380 acres along Skyline Boulevard between Redwood Road and about a half-mile north of Keller Avenue in the Oakland hills. The map attached to the staff report for the Planning Commission hearing on May 24, 2000 does not include the two parcels proposed for the rezoning. However they were considered in the Hillcrest rezoning study area (See Attachment B and C). The Planning Commission voted to recommend to the City Council that the area be rezoned. The rezoning was heard at City Council on July 11, 2000. The maps attached to the ordinance indicate that the two parcels were not part of the rezoning proposal. It is unclear why the two parcels now proposed for rezoning were omitted.

Recently, there has been significant interest in developing the remaining large vacant parcels in this area. Several residential projects have been submitted, approved and/or completed in the area within the last five years, including the Skyline Ridge Estates, Ridgemont, and Leona Quarry. Many of these parcels previously went undeveloped because the land was too steep and the cost to develop was too high. Zoning of these properties usually bears little relation to the site constraints such as vehicular access, steep slopes, or creeks. In response, staff initiated a proposal to change the zoning regulations that apply to new development for these two large parcels off of Skyline Boulevard.

The Planning Commission held three public hearings on the proposed rezoning. The hearings were sparsely attended; however all of the speakers spoke in favor of the proposal. Staff has also received many letters in support of the proposal. At the last hearing, on July 21, 2004, the Planning Commission voted to recommend to the City Council that the area be rezoned. At this hearing, no neighborhood residents or property owners spoke in opposition to the proposal.

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PROPERTY DESCRIPTION

The two Skyline parcels are generally bounded by Anthony Chabot Regional Park to the north, Skyline High School to the east, Brookpark Road to the west, and Skyline Boulevard and single family homes to the south. Both parcels are characterized by steep slopes and are identified as creek-side properties. Access to the parcels is limited and both are heavily vegetated.

The two parcels comprise approximately 9.4 acres. The surrounding area is primarily developed with single-family homes; however civic buildings including Skyline High School, Skyline Community Church, and a fire station are located nearby. Existing lots surrounding the project site range in size from 5,499 square feet to 1,490,508 square feet. The median lot size in the area is approximately 51,318 square feet.

GENERAL PLAN

The parcels fall under the Hillside Residential land use classification of the Oakland General Plan. Areas designated as Hillside Residential are characterized by detached, single-unit structures on hillside lots. Typical lot sizes in this classification range from approximately 8,000 square feet to 1 acre. The Land Use and Transportation Element (LUTE) of the General Plan states that “at least 8,000 sq. ft. of lot area per dwelling unit should be required when land in the hill area is subdivided. Lots smaller than 8,000 sq. ft. may be created to cluster development, as long as this ratio is maintained.” According to the General Plan, the site could be subdivided into 51 units with 8,000 sq. ft. lots. However, the Zoning Ordinance does not have a zoning designation with a minimum lot size of 8,000 sq. ft. As stated below in the Key Issues and Impacts section, the rezoning proposal would promote several General Plan policies.

KEY ISSUES AND IMPACTS

The proposed rezoning is intended to address the following key issues and impacts related to new development on two parcels along Skyline Blvd:

- **General Plan Implementation:** The principal goals for Oakland’s neighborhood areas are located in the LUTE’s Policy Framework section. These goals include recognizing neighborhood identity, preserving neighborhood character, and protecting neighborhoods from incompatible development. The proposal would implement the following General Plan LUTE and Open Space Conservation and Recreation (OSCAR) policies by applying a zoning designation that is better suited to address future residential growth related to the inherent development constraints.

Policy N7.2 Defining Compatibility: Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing lot size, predominant development type and height, scenic values, distance from public transit, and desired neighborhood character are among the factors that should be taken into account when developing and mapping zoning designations or determining

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compatibility. These factors should be balanced with the citywide need for additional housing.

Policy N7.6 Developing Subdivided Parcels: Development on subdivided parcels should be allowed where site and building design minimize environmental impacts, building intensity and activity can be accommodated by available and planned infrastructure, and site and building design are compatible with neighborhood character.

Policy OS1.3 Development of Hillside Sites: On large sites with subdivision potential, generally conserve ridges, knolls, and other visually prominent features such as open space. Maintain development regulations which consider environmental factors such as land stability, plant and animal resources, earthquake and fire hazards, and visual impacts in the determination of allowable density.

Policy OS4.3 Protection of Rural Character: Conserve the rural open character of areas which have historically developed at very low densities, particularly those areas where the prevailing lot size is one acre or larger.

- **Neighborhood Character** – The South Oakland Hills are generally characterized by very low-density residential properties in a natural wooded setting amidst steep slopes and canyons. Although both parcels are located in this area, they are zoned for a higher density than the surrounding properties. These parcels could potentially be subdivided into smaller lots and developed with new homes. There is concern among residents that these new homes would adversely affect the low-density character of the neighborhood. The proposed rezoning would be consistent with the density of the surrounding properties and preserve the rural character of the neighborhood.
- **Natural Resources:** Both parcels have been identified as creek-side properties. A tributary creek traverses the parcels and empties into Redwood Creek. There is concern among some residents that subdivision and development of these lots would impact the water quality and riparian habitat of the creek as well as disturb the character of the creek corridor. Due to the undeveloped nature of the parcels and direct proximity to the Anthony Chabot Regional Park, it is reasonable that other sensitive natural resources are located on and adjacent to the project site. The residents are concerned that incompatible development could also adversely affect plant and animal communities and habitats. The proposed rezoning would limit development impacts on these sensitive fragile ecosystems.
- **Public Safety:** Skyline Boulevard is a narrow, winding road that runs the length of the South Hill ridge area. The road has no curb or gutter and is broken in several places to provide U-turn capability. Most roadways off of Skyline Blvd are either dead ends or cul-de-sacs. In the event of a fire or other emergency all traffic on Skyline Boulevard would need to exit from only two roads, Keller Avenue and Redwood Road. Speeding along

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Skyline Boulevard is an inherent problem. Furthermore, many residents in the area own horses and ride them on the side of the road. All of these factors create a potential risk if residents and emergency response vehicles are unable to safely navigate in and out of the neighborhood. Residents are concerned that the additional development in the area will further exacerbate the traffic problem by introducing additional residents and vehicles into the neighborhood.

Emergency access is another concern related to the allowable density of development. Due to the adjacency of surrounding development and the park, the parcels lack any available emergency access route. The current policy of the Fire, Engineering, and Planning departments is that no subdivision be permitted on a public or a private street of more than 600 feet in length without a secondary ingress/egress facility. The rezoning proposal would limit the allowable density of these parcels and reduce traffic and public safety impacts.

POLICY DESCRIPTION

Rezoning Proposal

The proposed rezoning would change the zoning of the area from the R-30 One-Family Residential Zone to the R-1 One Acre Estate Residential Zone. The new zoning would increase the minimum lot area and lot width requirements thereby reducing the number of new lots that may be created. Below is a table highlighting the effects the rezoning would have on development potential.

	<i>Existing</i>	<i>Proposed</i>
Zoning District	R-30 Zone	R-1 Zone
Minimum Lot Size Required*	5,000 sq. ft.	43,560 sq. ft. or 1 acre
Minimum Lot Width Required	45 ft.	100 ft.
Existing Lots	2	2
Existing Vacant Lots	2	2
Subdividable Lots	2	2 (100%)
Potential New Lots (subdivided)	81	9 (11%)

Note

* Subdivision regulations require that the size of new lots must be the same size or larger than the median size of lots within 200 feet.

ENVIRONMENTAL DETERMINATION

The proposed rezoning is considered exempt from the environmental review requirements of the California Environmental Quality Act (CEQA), based on Section 15061(B)(3) of the State CEQA Guidelines, which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The rezoning would reduce the allowed residential density in the area therefore the potential environmental impact of future development would be less than under the current zoning. In addition, the project is also exempt from CEQA based upon section 15183 of the CEQA Guidelines because the ordinance is consistent with the general plan for which an EIR was prepared and there are no project- specific significant effects which are peculiar to the area affected by the rezoning.

COMPLIANCE WITH STATE HOUSING LAW

California Government Code Section 65863 (as amended) states that a city or county may not rezone an area to a lower residential density if the California Department of Housing and Community Development utilized the original higher residential density in determining compliance with the housing element law. As specified in the Housing Element of the Oakland General Plan (adopted in 2004), there are no properties located within the proposed rezoning area that were used to calculate available land for future housing supply. Therefore the proposed rezoning complies with the provisions of Government Code Section 65863.

SUSTAINABLE OPPORTUNITIES

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

Economic: The rezoning would limit the impact of development on the neighborhood and reduce traffic, utility and other public safety impacts.

Environmental: The rezoning would limit the number of new homes that could be built, thereby, better protecting Oakland’s creeks, riparian corridors, native plant communities, and wildlife habitats due to the adjacency to Anthony Chabot Regional Park.

Social Equity: The rezoning would preserve the unique natural character of the Skyline neighborhood and the adjacent open space as a natural resource for all residents of Oakland to enjoy.

DISABILITY AND SENIOR CITIZEN ACCESS

The proposed rezoning would not directly affect accessibility for people with disabilities or senior citizens. Any new development in the area would be subject to the Americans with

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Disabilities Act (ADA), as provided for in the Uniform Building Code (UBC), and in Title 24 of the California State Code.

RECOMMENDATION AND RATIONALE

The Planning Commission recommends that the City Council adopt the proposed rezoning for the following reasons:

1. **Neighborhood Character** – The proposed rezoning would better preserve the existing low-density residential character of the neighborhood.
2. **Environmental Protection** – The proposed rezoning would limit the number of new homes that could be built, thereby better protecting sensitive natural resources on the site and within Anthony Chabot Regional Open Space.
3. **General Plan Implementation** – The proposed rezoning would increase the minimum required lot size to implement the policies of the General Plan.
4. **Public Safety** – The proposed rezoning would limit the development in that neighborhood, thereby reducing traffic and public safety impacts.

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ACTION REQUESTED OF THE CITY COUNCIL

The City Planning Commission recommends, and staff concurs, that the City Council adopt the attached ordinance to rezone 2 parcels, comprising approximately 9.4 acres of land, off of Skyline Boulevard in an area generally bounded by Skyline High School to the east, Brookpark Road to the west, and Anthony Chabot Regional Park to the north, from the R-30 One-Family Residential Zone to the R-1 One Acre Estate Residential Zone.

Respectfully submitted,

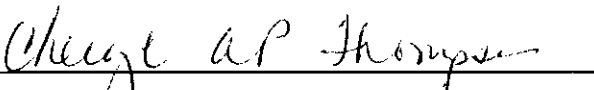


CLAUDIA CAPPIO
Development Director
Community & Economic Development Agency

Reviewed by:
Gary Patton, Deputy Director of Planning
Planning & Zoning Division

Prepared by:
Heather Klein, Planner III
Planning & Zoning Division

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:


DEBORAH EDGERLY
OFFICE OF THE CITY ADMINISTRATOR

ATTACHMENTS:

- A. Map of Proposed Rezoning Area
- B. Planning Commission Staff Report (Dated July 21, 2004)
- C. Planning Commission Staff Report (Dated May 24, 2000) with Hillcrest Estates Area Zoning Study attachments.
- D. Properties Located in the Proposed Rezoning Area (Listed by Assessor's Parcel Number)

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FILED
OFFICE OF THE CITY CLERK
LAND

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCIL MEMBER _____
2006 JUN 27 PM 4:48

Mark P. Wald
CITY ATTORNEY

ORDINANCE NO. _____ C.M.S.

ORDINANCE TO REZONE 2 PARCELS, COMPRISING APPROXIMATELY 9.4 ACRES OF LAND, OFF OF SKYLINE BOULEVARD IN AN AREA GENERALLY BOUNDED BY SKYLINE HIGH SCHOOL TO THE EAST, BROOKPARK ROAD TO THE WEST AND ANTHONY CHABOT REGIONAL PARK TO THE NORTH, FROM THE R-30 ONE-FAMILY RESIDENTIAL ZONE TO THE R-1 ONE ACRE ESTATE RESIDENTIAL ZONE (CASE FILE NUMBER RZ04-044)

WHEREAS, in 2000, the City Council passed an ordinance creating the R-1 One Acre Estate Residential Zone and rezoning the Hillcrest Estates to the R-1 One Acre Estate Residential; and

WHEREAS, several environmentally constrained properties, bordering but not within the Hillcrest Estates were omitted from the rezoning proposal; and

WHEREAS, in 2004, in response to concerns regarding the impact of development on the safety and character of the Hillcrest Estates neighborhood, staff initiated to rezone several contiguous parcels; and

WHEREAS, on March 3, 2004, a duly noticed public hearing was held on this matter by the City Planning Commission; and

WHEREAS, on March 31, 2004, a duly noticed public hearing was held on this matter by the Special Projects Committee of the City Planning Commission; and

WHEREAS, on July 21, 2004, a duly noticed public hearing was again held on this matter by the City Planning Commission at which hearing the City Planning Commission voted 7-0 to recommend rezoning the 2 lots off of Skyline Boulevard between Skyline High School and Brookpark Road from the R-30 One-Family Residential Zone to the R-1 One Acre Estate Residential Zone as set forth below; and

WHEREAS, said rezoning is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) under Sections 15061(b)(3) and 15183 of the State CEQA Guidelines because the amendment would reduce future development in the area and this rezoning is consistent with the certified EIR prepared for the Land Use and Transportation Element of the general plan and there are no project- specific significant effects which are peculiar to the area affected by the rezoning.; and

WHEREAS, the City Council finds and determines that said rezoning is consistent with the goals and policies of the Oakland General Plan as detailed in the May 9, 2006 City Council Agenda Report; and

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 2. The City Council finds and determines that the adoption of this Ordinance complies with the California Environmental Quality Act.

SECTION 3. The designation and location of zones and zone boundaries on the Zoning Map Numbers 194, 175, AND 176 are hereby amended as shown on the map attached to this ordinance as Attachment A.

SECTION 4. This Ordinance shall be effective upon its adoption if it receives at least six affirmative votes; otherwise, it shall be effective upon the seventh day after final adoption, but shall not apply to permits already issued or to zoning applications approved by the City for which permits have not been issued.

SECTION 5. If any provisions of this Ordinance or application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
Council of the City of Oakland, California

MPW

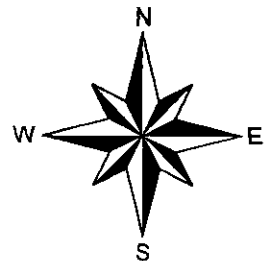
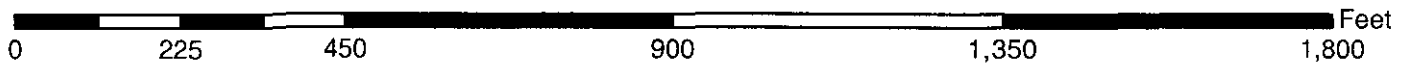
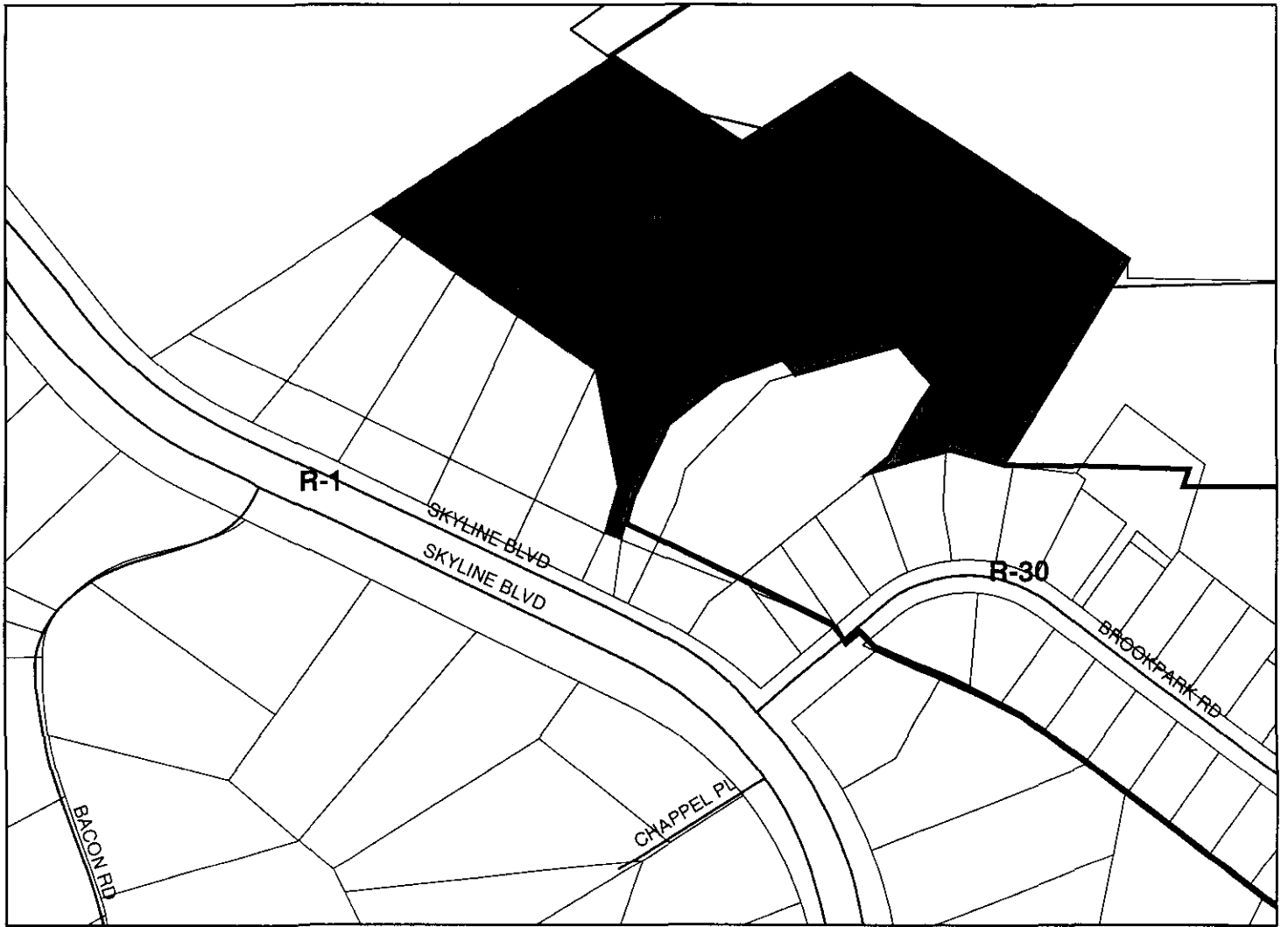
NOTICE AND DIGEST

PUBLIC HEARING AND ORDINANCE TO REZONE 2 PARCELS, COMPRISING APPROXIMATELY 9.4 ACRES OF LAND, OFF OF SKYLINE BOULEVARD IN AN AREA GENERALLY BOUNDED BY SKYLINE HIGH SCHOOL TO THE EAST, BROOKPARK ROAD TO THE WEST AND ANTHONY CHABOT REGIONAL PARK TO THE NORTH, FROM THE R-30 ONE-FAMILY RESIDENTIAL ZONE TO THE R-1 ONE ACRE ESTATE RESIDENTIAL ZONE (CASE FILE NUMBER RZ04-044)

This ordinance rezones 2 parcels off of Skyline Boulevard thereby increasing the minimum lot size, the minimum lot width, the building setbacks, and the maximum lot coverage requirements.

EXHIBIT A

AMENDMENT TO ZONING MAP



Project Name:	Skyline Sites Rezoning
Location:	Skyline Sites (generally located on Skyline Boulevard between Skyline High School and Brookpark Road.)
Assessors Parcel Numbers:	085 -0102-009-01; 085 -6316-012
Proposal:	Proposal to rezone approximately 2 parcels off of Skyline Boulevard, comprising approximately 9.4 acres of land from the R-30 to R-1.
Applicant:	City of Oakland
Owner:	Various
Planning Permits Required:	Rezoning application
General Plan:	Hillside Residential
Zoning:	R-30 One Family Residential Zone
Environmental Determination:	Exempt, Section 15061(b)(3), State CEQA Guidelines, proposal which will not result in a significant effect on the environment.
Historic Status:	The parcels are currently vacant.
Service Delivery District:	IV - Fruitvale
City Council District:	6
Date Filed:	February 2, 2004
Last Date for Consideration:	N/A
Support/Opposition:	Staff has received numerous public comments in support of the rezoning proposal.
Status:	The Special Projects Committee reviewed the proposal on March 31, 2004 and forwarded the matter to the Planning Commission.
Staff recommendation:	Review the proposed areas for rezoning and make a recommendation to the City Council
For further information:	Contact case planner Heather Klein at (510) 238-3659 or hklein@oaklandnet.com.

SUMMARY

In March of 1998, the City of Oakland adopted the Land Use and Transportation Element (LUTE) of the General Plan, a document that maps the entire City's future land use development. Since then, the City of Oakland's Strategic Planning Division has begun a major revision of the Planning and Zoning regulations to make them consistent with the new General Plan. The Strategic Planning Division has identified a few sites within the Oakland hills that have serious issues regarding safety and environmental impacts in relation to existing density regulations. Furthermore, there has been significant interest in developing the remainder of large vacant parcels in this area. In response, staff has initiated a proposal to change the zoning regulations that apply to new development for two parcels off of Skyline Boulevard.

On March 3, 2004, the proposal was brought before the Planning Commission. Staff received over 30 public comments letters regarding the project and several nearby residents spoke in support of the rezoning, but requested that the parcels be rezoned from R-30 to R-1 instead of R-10. After taking public testimony, the Planning Commission asked that staff bring the proposal to the Special Projects Committee for review.

Two parcels off of Skyline Boulevard consisting of 9.4 acres are proposed for rezoning. Parcel 1 is approximately 2 acres and Parcel 2 is approximately 7 acres. These parcels are currently zoned R-30 One Family Residential Zone. This zone permits one single family dwelling per 5,000 S.F. Originally staff had proposed to rezone the area to R-10 Estate Residential. This zoning designation would limit the number of dwelling units to one single-family home per 25,000 S.F. and would result in the loss of 61 potential additional dwelling units. In response to the community and additional review, staff is now proposing to rezone the area to R-1 One Acre Estate Residential. This zoning designation would permit one single-family dwelling per 1 acre (43560 S.F.) and would result in the loss of 68 potential units.

The proposed rezoning conforms with the General Plan policies, is consistent with the zoning of similar neighborhoods in the Oakland hills, and will not have a significant environmental impact. Staff believes that the proposed R-1 rezoning appropriately addresses both public concerns and the City's General Plan.

The proposed rezoning has been initiated for these two parcels for several reasons, including the continuing Zoning Update to make the Planning and Zoning Code consistent with the General Plan and neighborhood concern. In addition, each parcel presents safety and environmental concerns in relation to existing development regulations. The Special Projects Committee met on March 31, 2004 and recommended that although the rezoning would not address all the issues raised by the public.

PROPERTY DESCRIPTION

Parcels 1 and 2 proposed for rezoning are generally located off of Skyline Boulevard, and between Skyline High School and Brookpark Road and adjacent to the East Bay Regional Park District. The two parcels are currently vacant and comprise about 9.4 acres of land. Both parcels are adjacent to the Hillcrest Estates residential area. The surrounding neighborhood consists of single-family dwellings with equestrian use, churches, and Skyline High School.

PROJECT DESCRIPTION

The original proposal was to rezone two parcels off of Skyline Blvd. from the R-30 zone to the R-10 zone. Currently under the R-30 zone, one single-family dwelling per 5,000 S.F. is permitted with Special Residential Design Review. Under the R-10 zone, the minimum lot size would be 25,000 S.F., also subject to Special Residential Design Review. After further review and consideration, staff believes that the R-1 is an appropriate zone for this area. Under the R-1 zone, the minimum lot size would be increased to 1 acre, also subject to Special Residential Design Review. Since both parcels are over 1 acre in size, none of the lots would become "substandard non-conforming" and the rezoning would preserve the neighborhood's low density.

The new zoning contains development standards that are commensurate with the larger lot sizes in terms of setbacks. The rezoning would not affect other zoning regulations, including but not limited to lot coverage, maximum height, parking, usable open space, front yard paving, fence height or landscaping requirements.

PROJECT BACKGROUND

In May of 2000, the Hillcrest Improvement Association, Inc. (HEIA) submitted a letter requesting that staff conduct a study of rezoning the Hillcrest area from R-10 to a new zone with a minimum lot size of *one acre*. The proposed area comprised 380 acres along Skyline Boulevard between Redwood Road and

Keller Ave. On July 25, 2000, City Council approved the creation of the R-1 One Acre Estate Residential zone and the rezoning of the Hillcrest Estates area to R-1.

In recent years, there has been significant interest in developing the remainder of large vacant parcels in this area. As part of an effort to make these parcels consistent with the surrounding zoning and the General Plan, staff has proposed to rezone these two parcels.

GENERAL PLAN ANALYSIS

Both parcels are located within the Hillside Residential General Plan Land Use Classification. The Hillside Residential classification is “intended to create, maintain, and enhance neighborhood residential areas characterized by detached, single unit structures on hillside lots.” Typical lot sizes range from approximately 8,000 S.F. to 1 acre in size. The Hillside Residential classification is generally considered to be consistent with the R-1, R-10, R-20, and R-30 Zones.

ZONING ANALYSIS

The proposed rezoning area is located within the R-30 One Family Residential with Special Residential Design Review. The R-30 zone is “intended to create, preserve, and enhance areas for single-family dwellings in desirable settings for urban living, and is typically appropriate to already developed lower density dwelling areas of the city” (Section 17.16.010 Oakland Planning Code). Staff had proposed to rezone the parcels to the R-1 One Acre Estate Residential Zone with Special Residential Design Review. The R-1 zone is “intended to create, preserve, and enhance areas for single-family estate living at very low densities on lots of one acre, and is typically appropriate to portions of the Oakland hill area.” As the surrounding properties are zoned R-1 and the proposed rezoning area predominately consists of lot sizes over an acre, staff believes that the R-1 zone is appropriate for this area.

The regulations set forth under the R-30 and R-1 zones are identical with the sole exception of permitted residential densities, minimum lot width, and the front, side and rear yard setbacks. This rezoning would not affect any other zoning regulations, including but not limited to lot coverage, maximum height, parking, usable open space, front yard paving, fence height, or landscaping requirements. Currently under the R-30 zone, one single-family dwelling is permitted for every 5,000 S.F. of lot area, subject to Special Residential Design Review. Under the proposed R-1 zone, these properties would be permitted one single-family dwelling per 1 acre (43560 S.F.) of lot size, subject to Special Residential Design Review.

ENVIRONMENTAL DETERMINATION

This rezoning is considered exempt from the requirements of the California Environmental Quality Act (CEQA), based on Section 15061(B)(3) of the State CEQA Guidelines, which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

This rezoning would not in itself adversely affect the environment, and, on the contrary, would be more restrictive than current zoning because of the reduced maximum residential density. Therefore, it can be seen with certainty that effects on the environment would be less than under current zoning, and thus the activity is not subject to CEQA.

KEY ISSUES AND IMPACTS

The main impact under the proposed rezoning is its effect on the number of new housing units that could be constructed. Analysis of the lot sizes reveals that the new proposed zoning regulations would

decrease the number of potential lots and that the decrease in potential housing units would be significant. Because both parcels could be subdivided under the existing regulations, the proposed rezoning would result in the loss of 68 units under the R-1 regulations. The table below outlines the proposed impacts on development:

ZONING REGULATIONS	Existing	Proposed
Zoning District	R-30	R-1
Minimum Lot Size Required*	5,000 S.F.	43560 S.F. (1 acre)
Existing Lots	2	2
Existing Vacant Lots	2	2
Subdividable Lots	2	2
Development Sites **	4	4
Potential New Lots (subdivided)	77	9
Potential New Units	79	11

Notes

* Subdivision regulations require that the size of the new lots must be the same size or larger than the median lot size of lots within 200'

** Development sites = existing vacant lots + subdividable lots

*** Potential New unit = Vacant lots + Potential new lots

Another key issue is that of density for the area. Oakland's south hills have historically been, and continue to be, one of the city's lowest density residential areas, and it is almost rural in character. The property owners in HEIA have deed restrictions that prohibit subdivision of their parcels into lots smaller than one acre. Although the two parcels are not part of HEIA, they are adjacent to it. Rezoning these two parcels from R-30 to R-1 will continue the low density in the area.

Key issues still outstanding and not addressed by the proposed regulations include:

- Fire safety conditions
- Environmental and visual impacts due to new development

Staff will continue to work with the neighborhood to address these and any other outstanding issues pertaining to new and existing development.

Previous Hearings

On March 3, 2004 the Planning Commission held a public hearing on the proposed rezoning. Staff received over 30 public comments letters regarding the project and several nearby residents spoke in support of the rezoning, but requested that the parcels be rezoned from R-30 to R-1 instead of R-10. The majority of speakers spoke in favor of the proposal. The Planning Commission referred the item to the Special Projects Committee for further review and consideration.

On March 31, 2004 the Special Projects Committee discussed the proposed rezoning. A couple of neighborhood residents spoke on the matter, favoring of the proposal. Some Committee members felt the proposed rezoning would not address all of the issues facing the neighborhood. Overall, the Committee felt that since there did not appear to be significant neighborhood opposition to the proposal, it was appropriate for the City to move forward with the matter so that it could be considered by the full Planning Commission. The Special Projects Committee requested that staff present more information to the full Planning Commission regarding how the proposal addresses the issues in the neighborhood and

what other actions are being taken to address problems that would not be solved by the rezoning proposal. This information is contained in the "Effect of Rezoning" section of this report (see below).

Effect of Rezoning

The primary effect of the proposed rezoning would be that the minimum lot size required in the neighborhood would increase thereby reducing the number of new lots that could be created through subdividing existing properties. By reducing the number of new lots that could be created, the rezoning would limit future residential density in the area. The effect of limiting future density, as it relates to development issues in the neighborhood, is discussed below:

- **Neighborhood Character** –The properties bordering Skyline Blvd are generally within the neighborhood association known as Hillcrest Estates. This association...s area is characterized by large lots, very low density, ... The two parcels proposed for rezoning are among the last large parcels, not included in the May 2000 R-1 rezoning, that could be potentially subdivided into smaller lots and developed with new homes. These new homes would increase the density of the area thereby adversely affecting the existing low-density character of the neighborhood. By reducing future density in the neighborhood, the proposal would better preserve the existing low-density rural character of the neighborhood.
- **Public Review of New Development** – Under the existing *design review* regulations, there is no public notification of proposed development and there is no consideration given to the impact new homes may have on adjacent lots or the character of the neighborhood. The proposed rezoning would not affect the existing design review regulations. However, as a separate effort, staff is currently preparing proposed modifications to the design review regulations citywide. These modifications would also apply to the Skyline area. As currently proposed, the new regulations would introduce some form of public notice for new homes and would require the City to take into consideration neighborhood character and potential impacts to adjacent lots when reviewing new development. The Planning Commission has already held public hearings on these modifications and there will be additional public hearings prior to the modifications being adopted by the City Council.
- **Environmental Concerns** –Significant environmental impacts, as outlined in the CEQA guidelines, could have a detrimental effect on the neighborhood character. As the density in an area increases, the possibility for significant impacts also in increase. Staff is required to 1) make a preliminary review of the project to determine whether the activity is subject to CEQA and 2) if subject to CEQA, to determine the significance of the environmental effects. Additional technical studies, an Initial Study, or an EIR may be required.
- **Public Safety** – The existing roads in the neighborhood are almost rural in character. As the density in the area increases and additional residents and vehicles are introduced, it will be become more difficult for pedestrians, bicyclists, equestrians, motorists, and emergency response vehicles to safely navigate the area given the additional traffic, the lack of additional turnarounds, and only two emergency routes (Keller Ave and Redwood Rd.) The proposed rezoning would not correct the existing deficiencies in the road system but by reducing future density in the neighborhood, the rezoning would prevent this problem from further exacerbating to the extent it would under the existing zoning. Also, to further address the issue of development on substandard hillside properties citywide, Planning and Zoning staff is currently working with other City departments to create guidelines for roadway design for developments on hillside properties so that appropriate mitigation measures are required in order to limit public

safety impacts. These guidelines would apply to the Skyline area and would further reduce the impacts of new development on public safety.

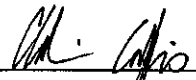
SUMMARY AND RECOMMENDATION

Skyline Sites

Staff recommends the rezoning of the 2 Skyline Parcels from the R-30 zone to the R-1 for the following for the following reasons:


- The R-1 zone will preserve the very low density that characterizes the surrounding adjacent neighborhood.
- The R-1 is consistent with the existing character of the area and consistent with the General Plan Land Use Designation.
- Constraints are present that prohibit the level of development currently allowed.
- This low density is supported by the majority of residents within the neighborhood.

Respectfully submitted:



Claudia Cappio
Development Director

Prepared by:



Heather Klein
Planner II, Major Development Project

Location:	Hillcrest Estates residential area, in the vicinity of Skyline Boulevard between Redwood Road and one-half mile east of Hansom Drive (See map on reverse)
Proposal:	Creation of the R-1 One Acre Residential Zone and rezoning of the Hillcrest Estates residential area from the R-10 Estate Residential Zone to the newly created R-1 One Acre Residential Zone.
Applicant:	City Planning Commission
Planning Permits Required:	Zoning text amendment and rezoning
General Plan:	Hillside Residential
Zoning:	R-10 Estate Residential and R-30 One-Family Residential Zones
Environmental Determination:	Exempt; Section 15301(b)(3), State CEQA Guidelines, "general rule", no possibility of significant effect on the environment.
Service Delivery District:	IV – Fruitvale/Central Hills
City Council District:	6
Support/Opposition:	Support from Hillcrest Estates Improvement Association
Staff recommendation:	Approve.
For further information:	Contact case planner Suany Chough at 510-238-3878.

SUMMARY

Through the Community and Economic Development Agency’s Planning and Zoning Division, the Hillcrest Estates Improvement Association, Inc. (HEIA) submitted a letter requesting that staff conduct a study of rezoning the Hillcrest area to a new zone with a minimum lot size of one acre.

The proposed area to be rezoned comprises approximately 380 acres along Skyline Boulevard between Redwood Road and about a half-mile north of Keller Avenue in the south Oakland hills. Currently, most of the area is zoned R-10, which has a minimum lot size of 25,000 square feet and is Oakland’s lowest density residential zone. Most of the lots in the area are one acre or larger, and the proposed one acre minimum would preserve the neighborhood’s low density.

The proposed R-1 One Acre Residential Zone conforms with General Plan policies, supplements existing zoning regulations, and will not have a significant environmental impact. Staff believes that the creation of a R-1 One Acre Residential Zone and its application in the Hillcrest Estates area appropriately addresses the concerns of both the public and the City’s General Plan.

PROJECT DESCRIPTION

Through the Community and Economic Development Agency's Planning and Zoning Division, the Hillcrest Estates Improvement Association, Inc. (HEIA) submitted a letter requesting that staff conduct a study of rezoning the Hillcrest area to a new zone with a minimum lot size of one acre (Attachment A). Currently, most of the area is zoned R-10, which has a minimum lot size of 25,000 square feet and is Oakland's lowest density residential zone. Most of the lots in the area are one acre or larger, and the proposed one acre minimum would preserve the neighborhood's low density.

As mentioned, Oakland does not currently have a residential zone with a one acre minimum, so one would have to be created. The proposed R-1 One Acre Residential Zone would be Chapter 17.11A, between Open Space Zoning Regulations (Chapter 17.11) and R-10 Estate Residential Zone Regulations (Chapter 17.12). The R-1 Zone would be substantially similar to the R-10, except for the minimum lot size of one acre. Other requirements for lot width, frontage, height, yards, and parking, as well as use regulations, would be identical to the R-10 requirements.

There are currently R-10 zones in three areas: the Hillcrest Estates area, parts of the North Hills, and an area north of Lake Chabot Golf Course. At this time, only the Hillcrest Estates area is proposed to be rezoned R-1. The other areas will be examined as part of the citywide zoning update, and may be designated for a one acre minimum lot size under the new regulations if that is appropriate.

PROPERTY DESCRIPTION

The proposed area to be rezoned comprises approximately 380 acres along Skyline Boulevard between Redwood Road and about a half-mile north of Keller Avenue in the south Oakland hills. The entire area is zoned R-10 except for portions of two parcels that are presently zoned R-30, and is almost exactly coterminous with the boundaries of the Hillcrest Estates Improvement Association.

BACKGROUND

The HEIA represents the owners of approximately 250 homes who reside along Skyline Boulevard between Redwood Road and Keller Avenue. The area was subdivided about 50 years ago, and has remained a very low density residential area. Part of the reason for this is that HEIA properties have deed restrictions that require property owners to maintain one acre lots. Although the City does not enforce these CC&Rs, they have effectively kept the area at a one acre lot density. The HEIA has been requesting that the City study the possibility of a one acre lot zone, and is fully supportive of this rezoning. There is no known opposition.

GENERAL PLAN ANALYSIS

The proposed R-1 One Acre Residential Zone conforms with General Plan policies. In particular, action item OS-4.3.1 in the Open Space, Conservation and Recreation (OSCAR) Element of the General Plan directs the City to

“Conduct a study of existing low density residential zoning classifications to determine if they are adequate to safeguard the rural character of large lot residential areas. The study should examine alternatives to existing zoning, including a one-acre minimum lot

district, as well as other approaches (tree preservation, design guidelines, enforcement of CC&Rs, etc.) to implement this policy.”

The General Plan designation for the Hillcrest Estates area is Hillside Residential. It is intended for detached, single unit structures on hillside lots ranging from 8,000 square feet to one acre. The area is also designated “maintain and enhance” on the General Plan Strategy Diagram. The proposed one acre minimum lot size is thus compatible with the General Plan.

ZONING ANALYSIS

The text of the proposed R-1 One Acre Residential Zone will be substantially similar to the existing R-10 Estate Residential Zone. The only major variation in the text will be the minimum lot size, which is 25,000 square feet in R-10 and would be one acre (43,560 square feet) in R-1. One dwelling is permitted on each lot, and secondary units in the R-1 zone will be regulated by the secondary unit ordinance enacted on January 4, 2000. Permitted activities remain the same: Permanent Residential Activities, Essential Service Civic, Limited Child-care Civic, and Telecommunications Civic.

Because the only change is in the minimum lot size, the primary impact will be the effect on potential development and the creation of substandard lots. Currently, the 248 lots that are wholly or partially in the R-10 zone break down in size as follows:

Lot Area	Number of Lots
Under 25,000 s.f.	6
25,000 s.f. – One Acre	44
One Acre – 50,000 s.f.	63
50,000 s.f. – Two Acres	99
Over Two Acres	36
Total	248

Currently, there are six substandard or nonconforming lots; this number would rise to 50 under the proposed R-1 zoning.

As for possible development, there are 135 lots over 50,000 square feet, which means at least 135 new lots can be created under current regulations. Of these, 113 are between 50,000 and 100,000 square feet, which could theoretically be subdivided into more than two lots. Altogether, there is enough area for a total of 286 potential new lots of at least 25,000 square feet. Under the proposed R-1, only 36 lots can be subdivided because they are over 2 acres, and a potential of 90 new one-acre lots could be created, as summarized in the following table.

Lot Size	Number	Potential New Lots
2 acres	19	19
3 acres	10	30
4 acres	1	4
5 acres	2	10
6 acres	2	12
7 acres	1	7
8+ acres	1	8
Total	36	90

ENVIRONMENTAL DETERMINATION

Section 15601 (b) (3) of the State California Environmental Quality Act (CEQA) Guidelines, the "general rule," states that "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment the activity is not subject to CEQA." Section 17.158.300 of the City CEQA Procedures, entitled "General Rule Exemptions," states that "the General Rule would apply in the case of a zoning change where the new zoning classification is at least as restrictive or more restrictive than the existing zoning classification." The proposed zone change limits the number of lots and thus development that can occur in the area; therefore, the zone change is more restrictive than current regulations, and is exempt from CEQA under the general rule.

KEY ISSUES AND IMPACTS

The main impact under a one acre lot minimum is its effect on the number of new housing units that could result. Although the technical analysis of lot sizes reveals that the new zoning regulations would decrease the number of potential new lots from 286 to 90 (a loss of 196 potential units), the decrease in potential housing units is in reality not as significant. Many existing lots, regardless of their size, cannot be subdivided and built because their frontages are already at the minimum, and a new lot would not have appropriate access. This difficulty is further exacerbated by the steep slopes and other topographical constraints in the area. Finally, subdivisions are subject to prevailing lot size – the median lot size of parcels within 200 feet of the proposed lot to be subdivided. In many if not most cases, the prevailing lot size would be one acre, and a subdivision to 25,000 square foot lots under the R-10 Zone would not be allowed.

Another key issue is that of the density of the area. It has historically been, and continues to be, one of Oakland's lowest density residential areas, and is almost rural in character. General Plan policies direct the City to protect this character. There is also the related issue of infrastructure limitations in this area. The capacity of the existing street and drainage systems may not be able to meet the requirements of 286 new homes.

The final issue is that of the community's desire for a one-acre zone. Property owners in the HEIA have deed restrictions that prohibit subdivision of their parcels into lots smaller than one acre. Although the City does not enforce these restrictions, the HEIA would be able to use private legal action to enforce them.

Although there are realities of topography and median lot size that would prevent many existing parcels from being subdivided into smaller lots, the residents of the Hillcrest area believe that the best tool they have to preserve the low density of their neighborhood is zoning. They have expressed this several times in the past few years.

FINDINGS

Staff believes that there are sufficient findings for the Planning Commission to recommend approval of the proposed zoning text amendments and rezoning.

Section 17.144 requires that "the Planning Commission consider whether the existing zone or regulations are inadequate or otherwise contrary to the public interest, and may approve, modify, or disapprove the

proposal.” Existing zoning is inadequate because it does not provide the range of densities indicated by the General Plan’s Land Use and Transportation Element and the Open Space, Conservation and Recreation Element. The R-1 One Acre Residential Zone will preserve the very low density that characterizes the Hillcrest neighborhood. This low density is also strongly supported by the resident community. Staff believes that the creation of a R-1 One Acre Residential Zone and its application in the Hillcrest Estates area appropriately addresses the concerns of both the public and the City’s General Plan.

- RECOMMENDATIONS:**
1. Affirm staff’s environmental determination; and
 2. Approve the text amendments and rezoning as proposed, based on the above findings, and forward them to the City Council with a recommendation that they be adopted.

Prepared by:

SUANY CHOUGH
Planner II

Approved by:

CHARLES S. BRYANT
Planner IV, Supervisor of Commission Cases

Approved for forwarding to the
City Planning Commission:

LESLIE GOULD
Director of Planning and Zoning

ATTACHMENTS:

- A. Letter from the Hillcrest Estates Improvement Association.
- B. Map showing substandard and subdividable lots under present R-10 zoning.
- C. Map showing substandard and subdividable lots under proposed R-1 zoning.
- D. Text of proposed R-1 One Acre Residential Zone.

February 27, 2000

Les A. Hausrath, Chair
Oakland Planning Commission
c/o Charles Bryant, Secretary
250 Frank Ogawa Plaza
Oakland, CA

Re: Formal Request for One-Acre Zoning

Dear Mr. Hausrath:

I am writing to formally request that the Planning Commission establish a residential zone with a one-acre minimum lot size for our area. Our area is comprised of approximately 250 homes on lots equal to or greater than one acre along Skyline Road between Redwood and Keller roads. The residents have maintained the area in a very low density condition since it was originally subdivided almost 50 years ago. Currently the zoning is R-10, which requires a minimum lot size of 25,000 square feet. The Hillcrest Estates Improvement Association, Inc. is the organization that represents the homeowners. We want to ensure the continued unique low density life style that has always characterized the area. We understand from Mr. Bryant that because the zoning code does not now contain a one-acre lot size zone, one will have to be created by ordinance and applied to our area. We further understand that our goal can be reached this year. We ask that you direct your staff to complete the necessary study as quickly as possible and schedule the matter for hearing in the near future. Our Board members will be available to answer any questions that you or your staff may have and to provide any information necessary. Please feel free to give me a call at 510.530.8635 or correspond in writing with any questions that you have.

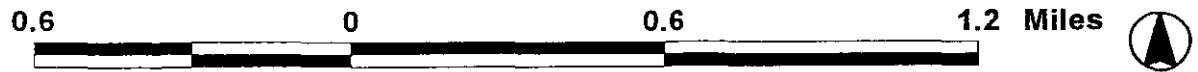
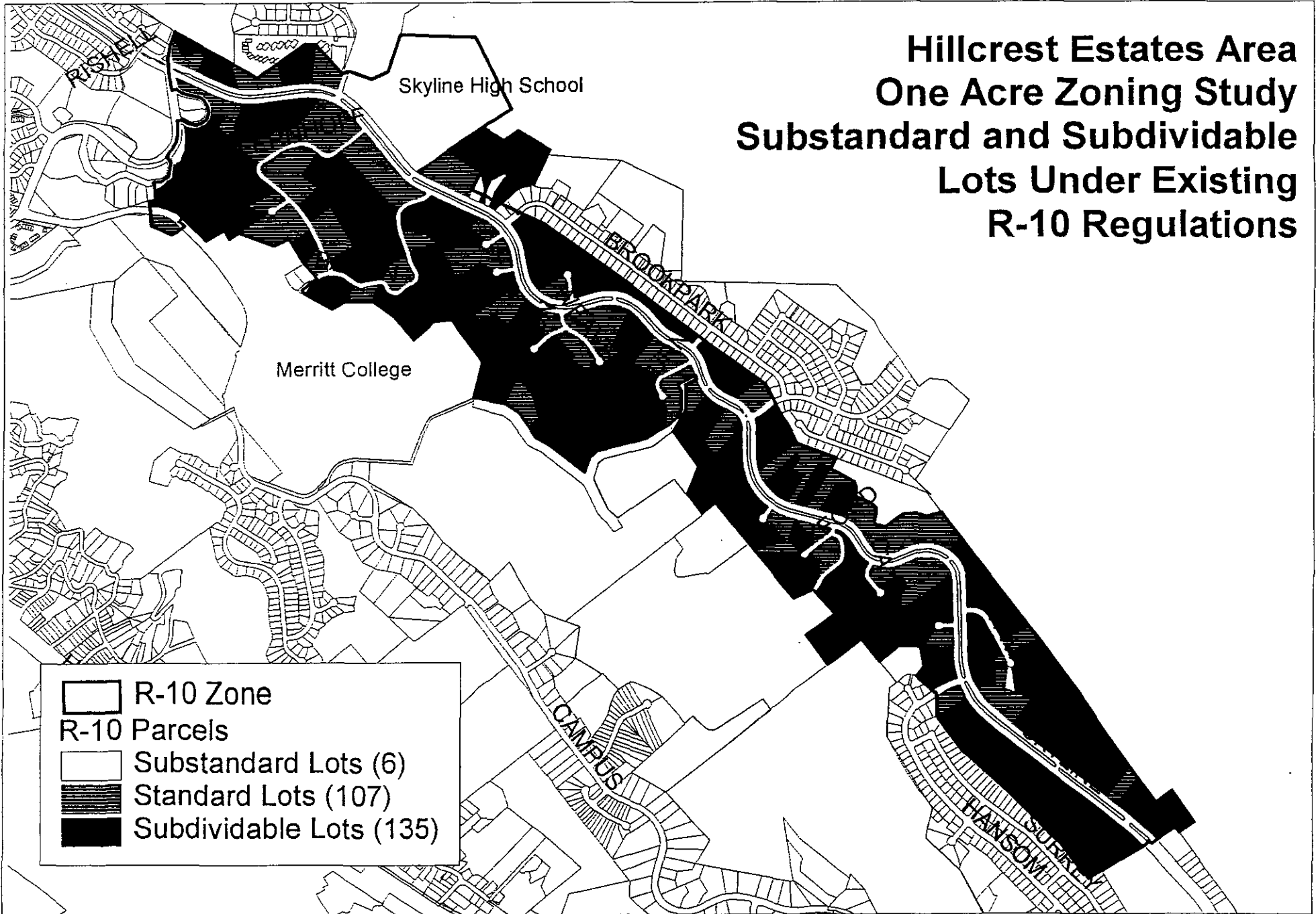
Cordially,



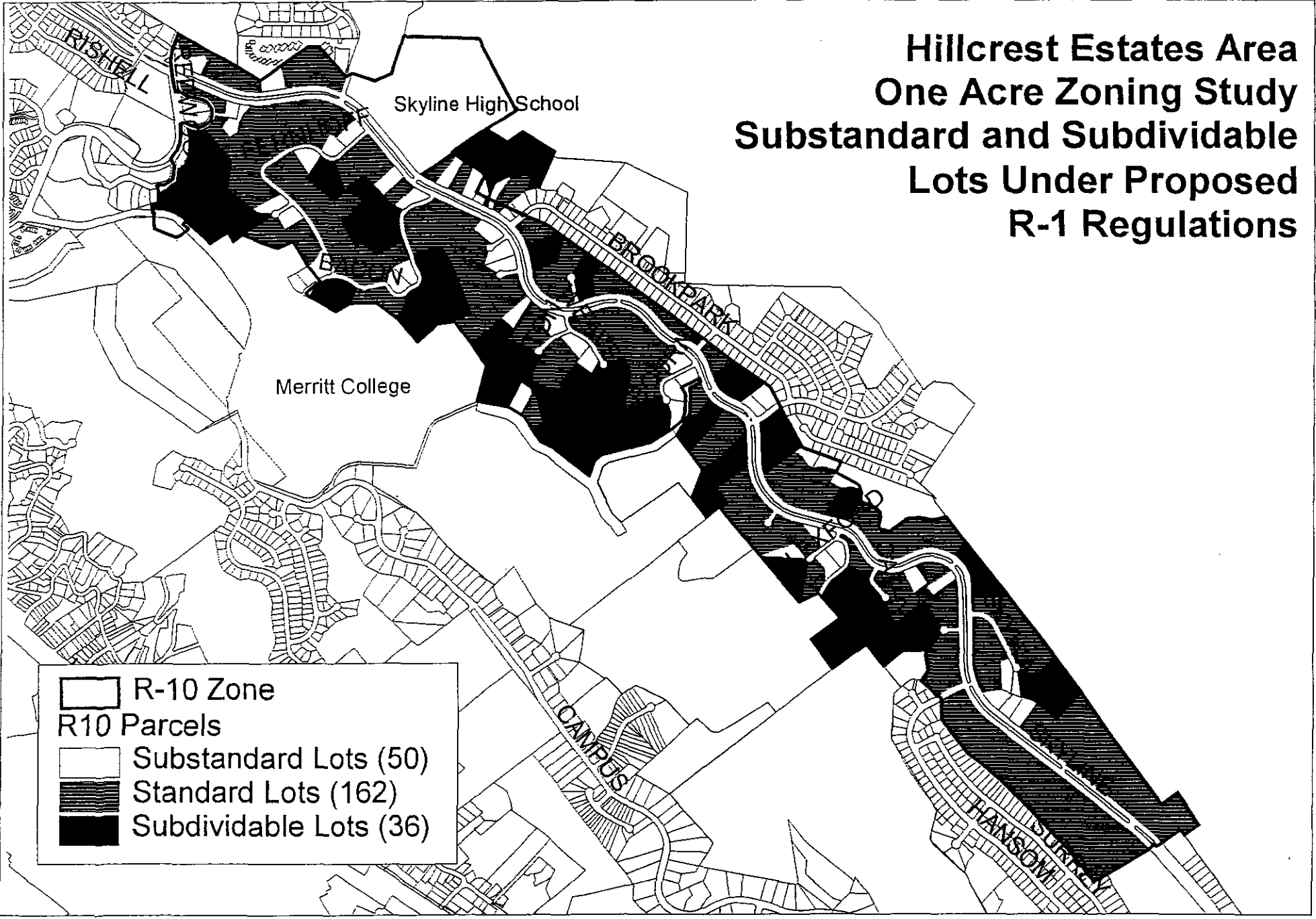
Jon Wactor
President
Hillcrest Estates Improvement Association, Inc.






cc: Mayor Jerry Brown
Councilman Nate Miley

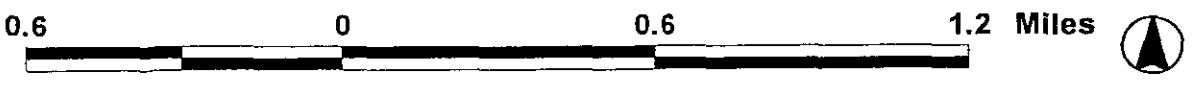
Hillcrest Estates Area One Acre Zoning Study Substandard and Subdividable Lots Under Existing R-10 Regulations



Hillcrest Estates Area One Acre Zoning Study Substandard and Subdividable Lots Under Proposed R-1 Regulations



-  R-10 Zone
-  R10 Parcels
-  Substandard Lots (50)
-  Standard Lots (162)
-  Subdividable Lots (36)



Skyline Sites

List of Assessor's Parcel Numbers affected by the rezoning

APN	ADDRESS
085-0102-009-01	12400 SKYLINE BLVD
085-6316-012	SKYLINE BLVD