

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 JUN -1 PM 3:18

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: June 13, 2006

RE: Report and Recommendations on Revisions to the Citywide Residential Design Review Program

SUMMARY

It is staff's and the Planning Commission's assessment that changes to the existing residential design review program are needed citywide to make the process more effective, easier to understand, and more consistent throughout the City. The existing program is very confusing; not standard across different zoning districts for the same type of projects; and gives unnecessary attention to minor changes to existing buildings and not enough attention to the construction of new dwelling units.

Staff recommends that the City Council:

- **Review the staff report and attached tables and flow charts that summarize proposed changes to the city's residential design review program;**
- **Review the attached draft zoning text amendments that would implement the proposed residential design review changes; and**
- **Provide comment to determine whether further refinements are required.**

The draft zoning text amendments implementing the residential design review revisions are included as **Attachment E**. The Office of the City Attorney was not afforded sufficient time to review the proposed Zoning text revisions. However, after consideration of Council's comments on the proposed changes to the city's residential design review program, a more definitive set of zoning text changes will be developed with full participation of the City Attorney's office, and submitted to the Planning Commission for formal endorsement prior to referral back to the Council for adoption.

BACKGROUND

Conceptual revisions to the City's residential design review procedures were reviewed and endorsed by the City Planning Commission's Design Review Committee at its February 23, 2005 meeting. A modified version of the proposals was then reviewed and endorsed by the full Planning Commission at its June 15, 2005 meeting.

Following the Commission's June 15, 2005 endorsement of the revisions, staff received direction from the City Council that the proposed design review changes should be expanded to include the

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review of commercial and other nonresidential projects in areas of the City that do not currently require design review.

In order to accommodate this future nonresidential design review expansion, staff developed additional revisions to the residential design review procedure changes previously endorsed by the Planning Commission. These additional changes included:

- (1) Expanding the scope of the residential design review revisions to also include projects involving three or more units.
- (2) Further expanding the range of project types that qualify for a simple and expedited review process.

Implementation of these additional changes would provide a greater level of citywide uniformity than the changes originally endorsed by the Commission on June 15, 2005.

The draft design review procedure changes were reported to the City Council's Community and Economic Development Committee at the Committee's November 8, 2005 meeting. Staff received the following direction:

- Provide for a streamlined process, with more certainty for applicants;
- Research the number of days for public comment being utilized by other cities;
- Provide recognition in the procedures that communication with neighbors is important;
- Provide specifics as to how potential neighbor impacts will be addressed.

In order to address many of the Committee's concerns, staff developed the following additional revisions to the residential design review procedures:

- The proposed notice procedure will make clear that any interested party with concerns about a project will have the right to request a meeting with staff prior to the decision being issued.
- Proposals potentially eligible for Small Project Design Review that do not meet the applicable decision criteria will be reviewed instead according to the Regular Design Review process - which includes full 300-foot noticing and the right of appeal.

In regards to the Committee's request for information as to the number of days for public comment being utilized by other cities, that information is being collected by staff and will be presented to the Committee at the June 13, 2006 meeting.

The proposed residential design review procedure revisions are summarized in **Attachments A and B**, and presented in more detail as flowcharts in **Attachments C and D**. The draft zoning text amendments implementing the revisions are included as **Attachment E**.

FISCAL IMPACTS

Presently, there is no fiscal impact. However, under the proposed revisions, it will be necessary to evaluate and possibly adjust the Planning Department's design review fees to ensure that the fees charged reflect the level of review provided and the amount of staff resources dedicated to the review.

The revenue and expenditure impacts of the proposed revisions will be fully assessed when the zoning text amendments implementing the revisions are presented at a later date to the full City Council.

KEY ISSUES AND IMPACTS

Need for Commercial Design Review and Scope of Current Proposal

Staff supports the Council's call for commercial design review. However, the workload implications are significant - staff estimates that adopting a procedure for commercial design review pursuant to the Committee's directives will increase the Zoning Division's overall workload by at least 20%, due to the need to increase hours of operation at the Zoning counter's "over-the-counter" (OTC) design review station, and the increased number of new commercial cases that will need to be taken in and assigned to a planner for processing. Therefore, it is not realistic to consider that such an increase in workload could be absorbed by the Zoning Division without additional staff.

As a result, the scope of the proposed design review procedure changes in this report is limited to residential projects in order to minimize the impacts on existing staff resources. However, following adoption of residential design review revisions and a period of assessment to evaluate if the changes result in any reduction in workload, staff will return to the Council with a "Phase II" set of both procedural and Zoning Code changes, including a commercial design review proposal and a variety of Zoning Code revisions, such as:

- A possible "slope density" provision for steep lots. Slope Density refers to a method of calculating maximum density and/or the number of potential lots in a subdivision, and involves the requirement to multiply the square foot area of a lot in each of a range of steepness categories (0% - 20% slope, 20% - 40% slope, etc.) by a "capacity factor" (usually a fraction less than 1). A slope density provision would result in a progressively lower allowed density on steeper lots;
- Changes to existing lot coverage limits to provide a more effective control on footprint size, and expand the lot coverage standard's applicability to slopes over 20 percent;
- Consideration of a Floor Area Ratio (FAR) standard to create a scaled relationship between the size of 1- and 2-unit residential buildings and the size of the lot; and
- Amend certain Zoning standards adopted in 2001 that have proven to be overly complicated, unnecessarily restrictive on design, and not practical or feasible in certain situations - such as the current 35-foot limit on length of building wall on sloped sites; the current definition of "height"; the current height limit distinction between wall height and roof height; and the complicated bulk-related controls in the Zoning Code that have now been superseded by the new 1-2 Unit Design Review Manual.

Key provisions of the proposed residential design review process changes are as follows:

1. **Combine and consolidate the many existing design review procedures in the Zoning Code into one unified citywide design review process (Chapter 17.136).**

The City's existing design review program is unnecessarily confusing, and needs to be consolidated into a simpler and easier-to-understand review framework. Under the current design review system, the review of projects of a similar type and size varies across the city according to zoning district. The city's existing review tracks include: Special Residential Design Review, Mediated Residential Design Review, Regular Design Review, Small Project Design Review, and Design Review Exemption. Many of these review programs include additional subsets that vary according to project type (new construction vs. additions and alterations) and project size. The procedural variations involve such factors as public notification, decision-making time limits, decision-making criteria, and appeal provisions.

Because of these procedural variations, the City's current residential design review program can be divided into about eleven different subsets. The administration of this existing maze of procedural variation is a significant drain on staff resources, as well as being very confusing to the public. The proposed new design review framework is a fair and equitable system that reduces the number of review procedures to three (Zoning Conformance Review, Small Project Design Review, and Regular Design Review); and uniformly applies those procedures citywide. In order to implement this consolidation of the City's review procedures, each of the individual Zoning chapters in which residential facilities are allowed (R-1 through R-90; C-10 through C-55; S-1, S-2, S-3, S-4, S-7, S-8, S-10, S-11, S-13, S-15, S-16, and S-20) will need to be amended to make reference to the new unified design review chapter (17.136). In addition, the following existing Zoning chapters will need to be eliminated:

- S-14 Community Restoration Development Combining Zone Regulations (Ch. 17.98)
- S-18 Mediated Residential Design Review Combining Zone Regulations (Ch. 17.101B)
- Site Development and Design Review Procedure (Chapter 17.142)
- Special Residential Design Review Procedure (Chapter 17.146)
- Mediated Residential Design Review Procedure (Chapter 17.147)

As indicated above, the revised procedures would eliminate the S-18 pilot program and Mediated Design Review. This proposal supports the objective of a uniform design review process citywide by making the process in the S-18 area equivalent to the rest of the city.

Mediated Design Review, adopted in 2001 as part of the S-18 Zone, has not achieved its objective of facilitating design review through the use of mediation. In many respects it has been counter-productive by encouraging project sponsors to intentionally design houses to exceed the 3,500 square foot limit, or to require Variances or Conditional Use Permits in order to avoid Mediated Design Review. In addition, Mediated Design Review cases are taking significantly longer to process than Regular Design Review cases, whereas it was intended to be an expedited type of review.

- 2. Change the design review thresholds citywide to provide more attention to the projects with the highest potential impact, such as the construction of new principal dwelling units and large upper-story additions to existing buildings.**

Under existing review procedures that apply to most parts of the city, applications for new single-family homes or 2-unit residences are reviewed according to a simple points-system checklist - the Special Residential Design Review (SRDR) "New Construction Checklist". This Checklist process has **not** resulted in effective design review. The existing SRDR New Construction Checklist is very easy to pass, has allowed some very unattractive designs, and does not address view, privacy, or solar access impacts on neighbors. In contrast, additions and alterations in the same areas of the City are currently being reviewed according to the "SRDR Discretionary Criteria", which *does* address such issues as view, privacy, and solar access impacts, as well as the compatibility of the proposed design with the existing building. *Therefore, the current SRDR procedures impose a higher design standard for additions and alterations than for the construction of entirely new structures, even though additions and alterations generally have less impact potential than new construction projects.*

Replacing the SRDR New Construction Checklist with Regular Design Review will correct this deficiency. Also, all new single-family homes or 2-unit residences would be subject to the discretionary criteria included in the new "Design Review Manual for 1-2 Unit Residences", which features uniform design standards for such issues as building mass and bulk.

In the matter of additions, the proposed review procedures specify that all residential additions citywide of more than 10 percent but not more than 100 percent would be subject to a new expanded version of the current "Small Project Design Review" program, which currently applies only to *nonresidential* projects - such as changes to storefronts, signs, and awnings. The new residential section of Small Project Design Review would also apply to the application for front and street-side yard fences over 42 inches in height, but not exceeding 6 feet.

For Small Project Design Review proposals involving an upper-story addition of more than 250 square feet, or 25% of existing floor area (whichever is greater), applicants would be required to provide public notice of the project by displaying a large notice poster at the project site and by mailing notice along with a copy of the plans to all adjacent neighbors. See **Item 3** below for more discussion of the proposed citywide notification procedures.

Staff believes that the availability of Small Project Design Review will encourage some project sponsors to design residential additions *smaller* than they would otherwise, in order to qualify for Small Project Design Review and take advantage of the procedure's reduced processing time and lower fees, compared to the processing time needed for Regular Design Review.

3. Increase the public notice period from 10 days to 17 days for all Variances, Conditional Use Permits and Regular Design Review cases, as well as for all applications and appeals considered by either the City Planning Commission or City Council.

Under the current zoning regulations, the public comment period is 10 days for all Variances, Conditional Use Permits and Regular Design Review cases, as well as for all applications and appeals considered by either the City Planning Commission or City Council.

Based on public requests for a longer noticing period, staff included a recommendation to the Planning Commission June 15, 2005 that the public comment period be increased to 15 days.

At the Commission's June 15, 2005 meeting, Commission members, in response to additional public requests, asked that the comment period be further increased to 20 days.

After further study, staff recommends increasing the comment period by seven (7) additional days, resulting in a new 17-day noticing period. It is staff's determination that increasing the comment period by the recommended seven (7) additional days would be the most compatible time increase with existing departmental practices, and cause less of a negative impact on the current timelines involved in the preparation of Planning Commission and City Council staff reports and packets. For instance, the Planning Department currently mails out 10-day public notices for administrative, Planning Commission, and City Council cases on Fridays, resulting in a comment deadline that is always one week from the following Monday. Under the proposed 17-day notice system, the city could continue to mail out notices on Fridays, but the comment deadline would instead extend for two weeks from the following Monday - thereby allowing two full weeks and weekends for interested parties to review an application and either contact the case planner or prepare written comments.

In summary, staff believes that increasing the noticing period to 17days will balance the public benefits resulting from an increased comment period with the need to minimize the inconvenience on applicants caused by the resulting increase in application processing time.

Other notification improvements include:

- Requiring applicants to provide a copy of plans and a mailed notice to all adjacent neighbors for Small Project Design Review proposals involving an upper-story addition of more than 250 square feet, or 25% of existing floor area (whichever is greater).
- Requiring the posting of *one large notice* on site (approximately 18" by 24" in size), rather than the current practice of posting numerous letter-size notice flyers on telephone poles within 300 feet of the site. This change to on-site posting would cut down on the problem of posters falling down or being removed due to vandalism or weather, and would provide a large visible notice sign on site to attract the attention of passersby.
- Making clear in the notification that parties with concerns about a project will have the opportunity to meet with planning staff to discuss the project prior to decision.

4. Change the review procedures for Secondary Units to be consistent with the proposed new citywide design review program.

Currently, Secondary Units of up to 650 square feet are reviewed according to the SRDR "New Construction Checklist", a review procedure that is proposed for elimination. Secondary Units of more than 650 square feet, but not exceeding 1200 square feet, require a Conditional Use Permit, but design review-wise, still only require conformance with the SRDR "New Construction Checklist". Also, the requirement for Secondary Units to not exceed 50% of the floor area of the principal dwelling unit only applies to Secondary Units up to 650 square feet;

larger Secondary Units up to 1200 sq. ft. are not currently required by the Zoning Code to be proportionally smaller than the principal unit.

Under the proposed Zoning Code changes, the maximum size of Secondary Units would be REDUCED by 25% (from a current maximum size of 1200 sq. ft. to a proposed max. size of 900 sq. ft.); and the requirement to not exceed 50% of the floor area of the principal dwelling unit would apply to all Secondary Units between 500 and 900 sq. ft. Also, the review procedure would change to require Zoning Conformance Review for Secondary Units up to 500 square feet, and Small Project Design Review for Secondary Units between 500 and 900 square feet. All Secondary Units would continue to be required to meet existing standards as to parking, minimum pavement width, prohibition along dead-end streets, and architectural compatibility.

5. Miscellaneous Zoning Code Corrections:

- Delete the S-19 Broadway Auto Row Interim Study Combining Zoning Regulations: *The ordinance creating the S-19 interim regulations (Chapter 17.97) has expired;*
- Correct the “Definition of Major Conditional Use Permit” (17.134.020): *Revision is not a substantive change. Several of the zones currently listed in Section 17.124.02 as requiring a CUP are incorrect, such as:*
 - i. Two or more in the R-10, R-20, or R-30 zones - *Two or more units are not allowed in these zones, except in the case of a Secondary Unit;*
 - ii. Seven or more in the R-60, R-70, R-80, or R-90 zone - *Only density bonuses, conditionally permitted density, and conditionally permitted floor area ratio require Conditional Use Permits in the R-60, R-70, R-80, or R-90 zone.*
- Clarify the timing of submittal of Shared Access Maintenance Agreements (17.102.090): *To be in line with long-standing department practice, code change will allow maintenance agreements to be submitted at the time of building permit, rather than at time of initial planning submittal.*

RECOMMENDATION AND RATIONALE

Staff requests that the City Council:

- Review the proposals and provide further revision recommendations;
- Determine whether the draft zoning text for the residential design review process changes may be forwarded to the Planning Commission and Council for their formal consideration at noticed public hearings.

SUSTAINABLE OPPORTUNITIES

Sustainable opportunities will be discussed when the ordinance adopting the proposed zoning text changes is presented to Council.

DISABILITY AND SENIOR CITIZEN ACCESS

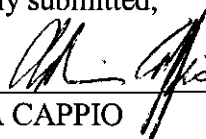
Disability and senior citizen access will be discussed when the ordinance adopting the proposed zoning text changes are presented to Council.

ACTION REQUESTED OF THE CITY COUNCIL

That the City Council, by motion:

- Determine whether the draft zoning text for the residential design review process changes may be forwarded to the Planning Commission and back to the Council for their consideration, with any further revisions Council deems appropriate.
- Determine whether to direct staff to begin preparations of draft commercial design review process changes and a definitive set of conceptual zoning standards changes.

Respectfully submitted,



CLAUDIA CAPPIO
Development Director
Community and Economic Development
Agency

Prepared by:
Ed Manasse, Planner IV

**APPROVED AND FORWARDED TO
THE COMMUNITY & ECONOMIC
DEVELOPMENT COMMITTEE:**



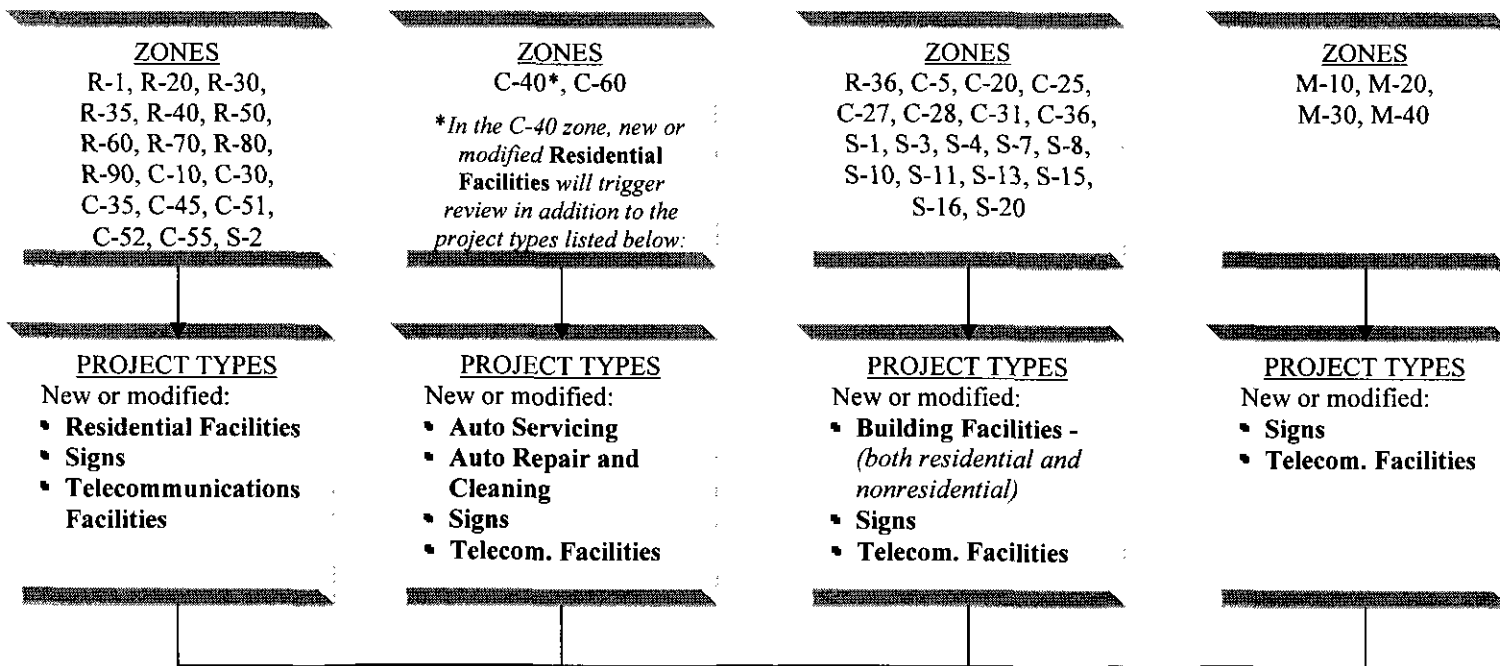
Office of the City Administrator

ATTACHMENTS:

- A. Flow Chart showing Proposed Design Review Process (citywide)
- B. Table Summary of Proposed Residential Design Review
- C. Regular Design Review - Comparison between Existing and Proposed Process
- D. Small Project Design Review - Comparison between Existing and Proposed Process
- E. Zoning Text Amendments (Title 17 - Oakland Zoning Code)

FLOW CHART FOR PROPOSED DESIGN REVIEW PROCESS

PROJECT TYPES - GROUPED BY ZONING DISTRICT:



Based on criteria in Zoning Code, Planning Staff will determine whether the size, type and/or location of any of the project types listed above trigger a requirement for DESIGN REVIEW:

If NO - Project requires only "Zoning Conformance Review"- certification by the Planning Department that the proposal conforms with all applicable zoning regulations.

If YES - Project requires either "Small Project" or "Regular" Design Review (see below):

SMALL PROJECT DESIGN REVIEW (DS)

"Small Project Design Review" will apply to any Residential or Non-residential Facility which requires design review, but is not listed as requiring Regular Design Review in Ch. 17.136.

For small project design review applications that do not exceed threshold in box at right:

- Review by planning staff;
- If determined that project conforms to all applicable codes and criteria, an approval can be issued at zoning counter.
- Director's decision will be final immediately.

For small projects involving an upper story increase in floor area of more than 25% or 250 square feet (whichever is larger):

- Adjacent neighbors mailed notice and plans;
- Large notice poster installed on site;
- Public will have 10 days to comment and/or request a meeting with planning staff.
- Director's decision will be final immediately.

REGULAR DESIGN REVIEW (DR)

"Regular Design Review" will apply to the design review for any Residential or Non-residential Facility which does not qualify for Small Project Design Review. Regular DR includes:

- 300-foot notification, and 17 days for public to comment;
- Large notice poster installed on site;
- Decision appealable to Commission or Appeals Committee.



RESIDENTIAL DESIGN REVIEW:

REVISED PROCESS CHANGES TO BE CONSIDERED BY THE CED COMMITTEE ON JUNE 13, 2006

Procedures	Project Types	Review Process	Decision Criteria
<p>ZONING CONFORMANCE REVIEW</p> <p><u>Period of Consideration:</u> 1-5 days</p>	<ul style="list-style-type: none"> Projects not requiring a Building Permit. Exterior changes not involving an addition which visually match the existing building. A Secondary Unit of 500 sq. ft. or less on a lot with only one existing or proposed primary dwelling unit. Projects <u>not</u> involving the addition of a dwelling unit and involving a floor area or footprint increase of 10% or less. 	<p>ZONING CONFORMANCE REVIEW:</p> <ul style="list-style-type: none"> Zoning will review project plans for conformance with all applicable zoning standards and review criteria, and issue final decision, usually at counter. 	<ul style="list-style-type: none"> The project conforms to all applicable zoning code standards. All exterior treatments visually match the existing building. <p><i>If a proposal does not conform to the above decision criteria, the applicable review process listed below shall apply:</i></p>
<p>SMALL PROJECT DESIGN REVIEW (SDR)</p> <p><u>Period of Consideration:</u> <u>Projects reviewed at Counter:</u> 1-5 days</p> <p><u>For projects taken in as Case:</u> Decision within 60 days of filing a complete application (as mandated by State Permit Streamlining Act)</p>	<p>Residential Projects of the following Type: <i>(excluding those requiring Regular Design Review due to a Variance or Conditional Use Permit (CUP), location in a Historic Preservation Zone, or involvement of a Designated City Landmark)</i></p> <ul style="list-style-type: none"> Exterior changes not involving an addition which do <u>not</u> visually match the existing building. Front yard fences over 42" in height. A Secondary Unit between 500 and 900 sq. ft. in floor area (not to exceed 50% of floor area in primary dwelling). Projects <u>not</u> involving addition of a dwelling unit and certified by Zoning to involve an increase in floor area or footprint of more than 10%, but less than 100%.* <p>* Zoning will review plans and issue a final decision, usually at counter, for projects meeting the thresholds above and <u>not</u> involving an upper-story increase in floor area or footprint of more than 25% or 250 sq. ft. (whichever is greater). <i>Larger upper-story additions will be processed as described to the right.</i></p>	<p>SMALL PROJECT DESIGN REVIEW (SDR): <u>The following additional process will apply to residential Small Projects involving an upper-story increase in floor area of more than 25% or 250 sq. ft. (whichever is greater):</u></p> <ul style="list-style-type: none"> Applicant submits for SDR. Zoning Dept. will provide applicant with the names and addresses of owners adjacent to subject lot; a notice mailing form, and a large Notice Poster to install on site. Applicant will display a large Notice Poster on site, as well as mail notice, with copy of plans, to adjacent neighbors. Public will have 10 days to comment and/or request a meeting with zoning staff. Public comments regarding potential impacts will be evaluated against criteria in Design Review Manual. Projects not in compliance will require revisions. After close of comment period and/or holding of any requested meeting, Zoning will complete review of plans and issue a final decision. 	<ul style="list-style-type: none"> The project conforms to all applicable zoning code standards. <p><u>Plus, as applicable –</u></p> <ul style="list-style-type: none"> “Design Review Manual for 1-2 Unit Residences” (for 1-2 units) “Design Review Criteria for High Density Housing” (3+ units) “Oakland Small Project Design Guidelines” (for Retail, Commercial and Mixed-Use projects) <p><i>NOTE: If a proposal potentially eligible for Small Project Design Review does not meet the above decision criteria, the Director may, at his or her discretion, determine that the application will be reviewed according to the Regular Design Review process listed below:</i></p>
<p>REGULAR DESIGN REVIEW (DR)</p> <p><u>Period of Consideration</u> <i>(State Permit Streamlining Act):</i></p> <p><u>Completeness Review:</u> Within 30 days from date of submittal; <u>Decision:</u> Within 60 days of filing a complete application</p>	<p>Residential Projects of the following Type:</p> <ul style="list-style-type: none"> Projects requiring design review and not meeting the Small Project thresholds and/or review criteria (see above). Projects involving a Designated City Landmark or located in a Historic Preservation Zone, and <u>not</u> meeting criteria for Zoning Conformance Review. Projects accompanied by a Variance or CUP. New construction of one unit, second unit, or duplex. New construction of 3 or more units, or adding unit(s) for a total of 3 or more on site. Projects <u>not</u> involving addition of a dwelling unit and certified by Zoning to involve an increase in floor area or footprint of 100% or more. 	<p>REGULAR DESIGN REVIEW (DR):</p> <ul style="list-style-type: none"> Applicant submits material for Regular DR. Once DR submittal is deemed complete, applicant will be directed by staff to install a large Notice Poster on site. In parallel with posting of site, Zoning will mail notice to all property owners within 300 feet. Public will have 20 days to comment. If requested, Zoning will schedule a meeting with concerned parties. Zoning will then complete project review in accordance with codes and criteria, and issue a written, appealable decision. 	<ul style="list-style-type: none"> The project conforms to all applicable zoning code standards. <p><u>Plus, as applicable –</u></p> <ul style="list-style-type: none"> Design Review findings (17.136); Variance findings (17.148); <i>and/or</i> CUP findings (17.134). <ul style="list-style-type: none"> “Design Review Manual for 1-2 Unit Residences” (for 1-2 units). “Design Review Criteria for High Density Housing” (3+ units).

FLOW CHART FOR PROPOSED REVISIONS TO REGULAR DESIGN REVIEW

EXISTING PROCESS

PROPOSED PROCESS

APPLICANT CONTACTS CITY WITH A DEVELOPMENT PROPOSAL: An application for Regular Design Review (DR) is required for projects: (1) located in a Regular Design Review zone; (2) involving new construction of 3 or more units, or adding unit(s) for a total of 3 or more on site; (3) involving a designated City Landmark; (4) exceeding certain thresholds in the S-18 and S-20 zones; or (5) when accompanied by a Conditional Use Permit and/or certain Variances.

APPLICANT CONTACTS CITY WITH A DEVELOPMENT PROPOSAL:

- Regular Design Review (DR) will be required for: (1) Projects located in a Historic Preservation Zone or involving a designated City Landmark and not meeting criteria for Zoning Conformance Review; (2) Projects involving a CUP or Variance; (3) New construction of a single-family home, second unit, or duplex; (4) New construction of 3 or more units, or adding unit(s) for a total of 3 or more on site; or (5) An increase in floor area or footprint of 100% or more.

COMPLETENESS DETERMINATION (30 days): Zoning reviews application to assure that all required permit information has been submitted. Applications deemed 'Incomplete' are sent a letter listing the missing information. (Processing of permit ceases until the additional material is submitted).

COMPLETENESS DETERMINATION (30 days): Zoning will review application to assure that all required permit information has been submitted. Applications deemed 'Incomplete' will be sent a letter listing the missing information. (Processing of permit ceases until the additional material is submitted).

PUBLIC NOTICE PREPARATION: Once the application is deemed complete, Zoning mails public notice to all property owners within 300 feet, and posts multiple letter-size notices (usually on telephone poles) at various locations in the neighborhood surrounding the project area.

PUBLIC NOTICE PREPARATION: Once the application is deemed complete, applicant will be directed by staff to install on site a large Notice Poster prepared by Zoning to accurately describe project. Applicant must display the Notice Poster in a prominent location for the entire 17-day Public Comment period. Once the Notice Poster is installed and staff has received verification of neighbors' receipt of reduced plans, Zoning will mail public notice to all property owners within 300 feet.

PUBLIC COMMENT PERIOD: 10 days

PUBLIC COMMENT PERIOD: 17 days

ZONING REVIEW: Zoning reviews application for conformance with zoning standards, permit findings, and any special criteria for the respective zone or use. In some cases, applicant may need to modify design to meet approval criteria- (any required plan revisions will add to processing time).

ZONING REVIEW: Zoning will review application for conformance with zoning standards, permit findings, any special criteria for the respective zone or use, and the applicable 'Design Review Manual' decision criteria. In some cases, applicant may need to modify design to meet approval criteria- (any required plan revisions will add to processing time). If requested, staff will schedule a meeting with concerned parties.

DECISION ON PROJECT: Zoning issues written decision, which is appealable by any party within 10 days from date of issuance.

DECISION ON PROJECT: Zoning will issue a written decision, which is appealable by any party within 10 days from date of issuance.

PERIOD OF CONSIDERATION -
(As mandated by current zoning regulation):
Decision within **60 days** of filing an application

PERIOD OF CONSIDERATION-
(In conformance with the *State Permit Streamlining Act*):
Decision within **60 days** of filing a **complete** application

FLOW CHART FOR PROPOSED REVISIONS TO SMALL PROJECT DESIGN REVIEW

EXISTING PROCESS

PROJECT TYPES: The current Small Project Design Review procedure is limited to minor changes to existing commercial, civic, or industrial facilities, and the nonresidential portions of mixed-use development projects.

To qualify for Small Project Design Review under current regulations, a project must be subject to Regular Design Review, and be limited to the following kinds of work:

- ❑ New or modified Signs.
- ❑ New or modified Awnings.
- ❑ Color changes to buildings, signs, awnings, or other facilities.
- ❑ Changes to storefronts or ground-floor facades that do not involve properties determined to be historic.
- ❑ Sidewalk café facilities having no more than 5 tables and 15 chairs, and no permanent structures within the public right-of-way.

ZONING REVIEW: Zoning reviews project plans for conformance with all applicable zoning standards, and the existing 'Oakland Small Project Design Guidelines' handbook.

Currently, Zoning may either issue a Small Project decision at counter; or if further review required, take in as case and process within five (5) working days of filing a complete application.

**PERIOD OF CONSIDERATION -
CURRENT ZONING STANDARD:**

Decision within **7 days** of filing a **complete** application

PROPOSED PROCESS

PROJECT TYPES: As currently defined, Small Project Design Review (SDR) is required for projects involving minor changes to existing commercial, civic, or industrial facilities, and the nonresidential portions of mixed-use development projects. Under the proposed process, the following residential project types will ALSO qualify for Small Project Design Review:

- Exterior changes which do not visually match existing building.
- Front and street-side yard fences over 42 inches in height, but not exceeding 6 feet.
- A Secondary Unit between 500-900 sq. ft. in floor area (but in no case exceeding 50% of floor area in the primary dwelling).
- Projects not involving the addition of a dwelling unit and certified by Zoning to involve an increase in floor area or footprint of more than 10%, but less than 100%.

Zoning will review and issue a final decision, usually at counter, for Small Projects meeting the thresholds above and **not** involving an upper-story increase in floor area of more than 25% or 250 sq. ft. (whichever is greater). *Larger upper-story additions will be processed as described below.*

PROCEDURE FOR UPPER-STORY ADDITIONS:

For residential Small Projects involving an upper-story increase in floor area of more than 25% or 250 sq. ft. (whichever is greater), the following additional review procedure will apply:

- Applicant submits for SDR. Zoning will provide applicant with the names and addresses of owners adjacent to subject lot; a notice mailing form, and a large Notice Poster to install on site.
- Applicant must display Notice Poster in a prominent location on site, as well as mail notice and reduced plans to adjacent neighbors. Public will have 10 days to comment and/or request a meeting with staff.
- Public comments regarding potential impacts will be evaluated against criteria in Design Review Manual. Projects not in compliance will require revisions.
- After close of comment period and/or resolution of any requested meeting, staff will complete project review and issue a final decision.

ZONING REVIEW: Zoning will review Small Projects for conformance with all applicable zoning standards, the "Design Review Manual for 1- and 2-Unit Residences" (for 1- 2 units), the "Design Review Criteria for High Density Housing" (for 3 or more units), or the "Oakland Small Project Design Guidelines" (for commercial, civic, industrial, and mixed-use projects).

PERIOD OF CONSIDERATION -

For projects reviewed at Counter: **1-5 days**

For projects taken in as case:

Decision within **60 days** of filing a **complete** application
(As mandated by State Permit Streamlining Act)

(In most cases, Small Project decisions will be rendered in significantly less time than the 60-day maximum)

**THE BACKUP MATERIAL FOR
THIS ITEM
IS AVAILABLE FOR VIEWING IN THE
OFFICE OF THE CITY CLERK, CITY OF
OAKLAND, ONE FRANK H. OGAWA
PLAZA, OAKLAND, CA 94612**

**LaTonda Simmons
City Clerk and
Clerk of the City Council**