
Summary Response to Appeal

7009 Shirley Drive Project Review
Owners: Kerry McCracken & Annabella Stagner

Purpose

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Show in simple terms that our proposed *new home* build will *add value and character* to an already great neighborhood where my wife Annabella and I have lived for the last 22 years. Our plans meet all codes and guidelines. Zoning and Planning have correctly approved this wonderful project.

The *complaints* made by a few neighbors in their 45 page manifesto appeal letter are *frivolous* and *without merit*. Their representations of codes and guidelines are wrong. They were told their interpretations were wrong many times during video conferences led by city planning and our architects over the **7 month period (9/8/2023 - 3/28/2024)**. These few neighbors refused to accept facts. Summary information in support of the 7009 Shirley Drive project from the following reasonable, licensed and accredited experts is included in this presentation. For details of their responses, please reference their documents listed below

- **The City of Oakland Zoning and Planning Department:**
 - Approval email May 2nd, 2024: *Case File No. PLN23039; 7009 Shirley Drive; APN 048D729602100*
- **Cass-Calder-Smith Architects:** **Principal Architect - Tim Quayle**
 - Architectural Response Doc Name: *Architect Response to 7009 Shirley Appeal Letter*
 - The above document includes input from various engineering, environmental and landscaping experts
- **Cox Castle & Nicholson LLP - Attorney - Linda C. Klein**
 - Legal Response Doc Name: *7009 Shirley CCN Appeal Response Ltr(17991028.2)*
- **Vought Construction:** **Owner/Builder - Devon Vought**

Content

- Project vision from Annabella and Kerry to our architects
- Visual guide of the empty lot and neighborhood as it is today
- Timeline to date of the project
- Architectural renderings of the project
- Summary responses to appeal
- Closing Summary

Vision - Build a beautiful home that meets all codes and guidelines

No	Requirement	Design Guidelines
1	Provide accessibility & safety for those with mobility restrictions	<ul style="list-style-type: none"> • Elevator for access to all levels • No step transitions inside or outside at each level to allow for wheelchair access
2	Private space. This could be for anyone but we have assisted family, friends and refugees over the years.	<ul style="list-style-type: none"> • Separate external private entrance to JADU • 1 bedroom, 1 bath, kitchen, washer/dryer • Elevator access to JADU
3	Fit-in with the neighborhood	<ul style="list-style-type: none"> • 90% of home bulk is below Shirley Drive • Overall street level view is in keeping with existing homes in the neighborhood. • Modern mid-century 'farmhouse' vibe
4	Listen to neighbors	<ul style="list-style-type: none"> • Roofline slanted down at the north to optimize views for 7016 Shirley Drive • Home placed on site to reduce view impacts to north and south neighbors while meeting city code and guidelines for driveway steepness, setbacks etc. • Privacy, shadow, and environmental concerns addressed for 7019
5	Embrace natural beauty	<ul style="list-style-type: none"> • Embrace California living where indoor and outdoor meld into one. • Build an environmentally friendly home in landscaping & energy consumption.

Experts Making Our Vision Real

Architects

- Building: [Cass-Calder-Smith](#)
- Landscaping: [David Thorne](#)

Engineering / Construction

- Geotechnical: [Alan Kropp Engineering](#)
- Boundary & Topographic: [Milani & Associates](#)
- Structural Engineering: [Simpleng](#)
- HVAC & Mechanical: (Title 24 Compliance / Green Point Rating) [Delta T Energy](#)
- General Contractor: [Vought Construction](#)

Public Services

- Zoning, Planning, Building: City of Oakland
- Power: PG&E
- Water: EBMUD
- Sewer: City of Oakland
- Fire Safety: Oakland Fire Department

Legal

- Real Estate Legal Experts: [Cox Castle & Nicholson](#)

The Current Neighborhood / Lot View

View South on Shirley Dr.



7009 Shirley Dr View West

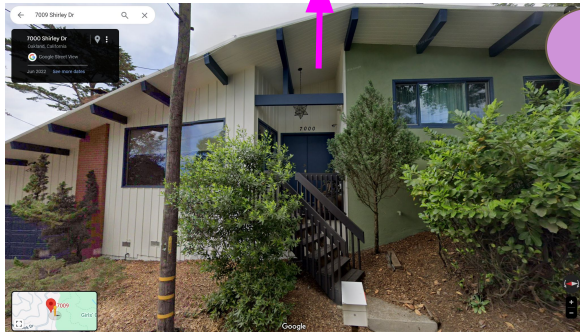


View North on Shirley Dr.



View East to 7016 Shirley

Street Views of Surrounding Homes



Most Homes Facing West Block Street Views



View west at 7023 Shirley Drive

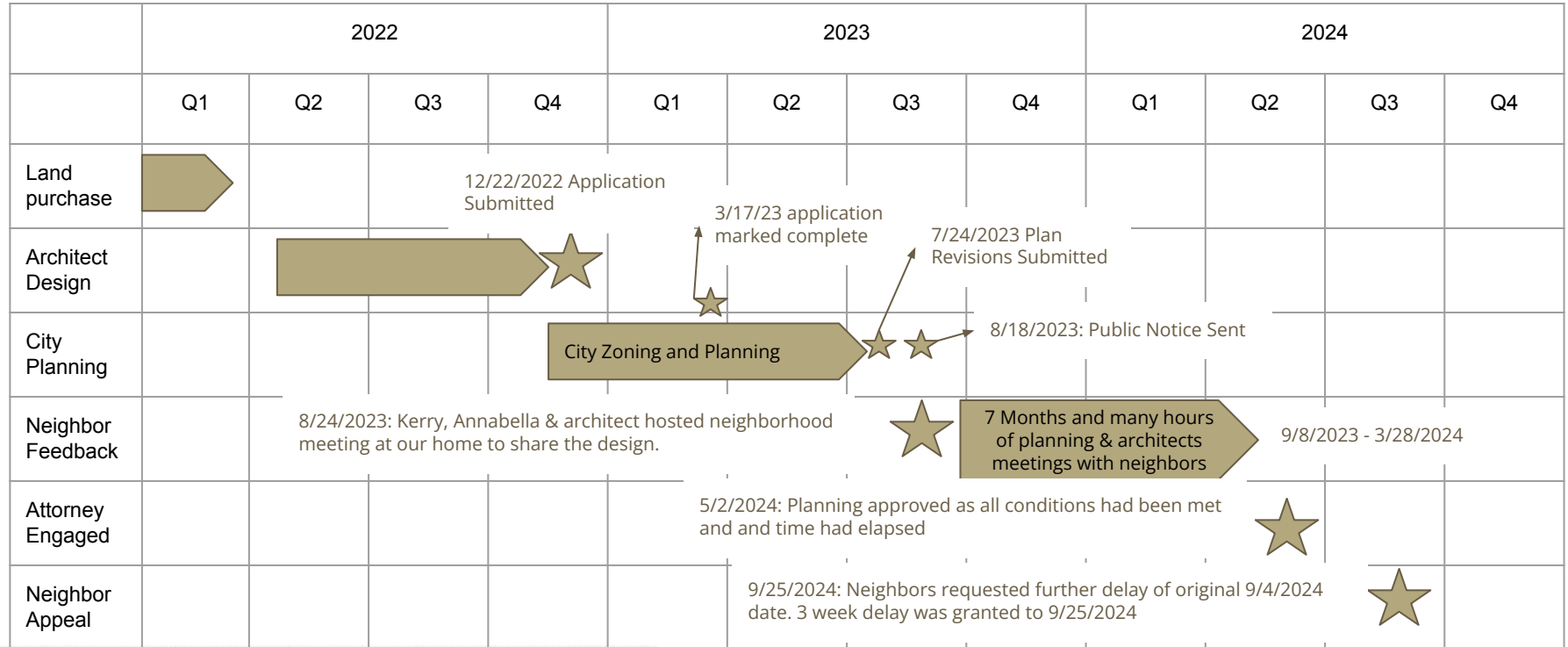


View west at 7029 Shirley Drive
















View west at 8898 Skyline
(front entrance at Shirley Drive)
3,867 sf.

Project Timeline - 1 3/4 Years Since App Submission



Neighbors Concerns are Addressed

Concern	Soutter-Sagisi (pages 1-19) House D	Kenward-Armstrong (pages 21-23) House B	Jenkins-Smith (pages 24-25) House A	Moldenhauer-Salazar (pages 26-38) House C	Bill and Isabel Dunne	Carl and Nancy Schneidinger	Aimee and Shaun Nevins	Aileen Evans
Views					<p>While these neighbors are listed in the appeal letter, none of them requested to meet with the city planners during the public feedback period prior to the appeal and the appellant letter does not contain any specific feedback from these neighbors.</p>			
Fire-Hazard & Safety								
Wildlife & Environment								
House Size								
Privacy & Shadow								

Front-North Side View



*The house is between 3.8' and 9.6' above Shirley Drive

90% of the volume of the structure is below Shirley Drive

Shirley Drive

Front View - 6 Parking Spaces On Site



- 2 car garage + driveway accommodates 4 parked cars
- Gravel cut out at street level provided for passing space (Deliveries, Garbage trucks). This is in addition to the fire department required 20 foot street width.

House Size: 4 bed, 3.5 bath. What's the fuss?

Feature	Main House Square Footage	Non Living Space Square Footage	Comment
*JADU		500	1 Bed, 1 Bath, Kitchen
Garage		435	
*Mechanical & Storage	400		Put inside the house instead of in a crawl space for safety and easy maintenance of elevator & heating and cooling systems. Elevator also accesses the storage space.
*Indoor bottom floor stair and elevator access to JADU	180		To keep accessible on all floors we elected to provide access from inside AND outside the house to the JADU.
*Bonus Space	200		Because the Mechanical room was already inside and not in crawl space, a small amount of additional excavation gained us a bonus space on the bottom floor.
Living Space (top and middle floors)	2,900		The top and middle floors are our primary living space which is 2,900 square feet. With the bonus space added it's the same as our prior home on 7057 Shirley Drive at 3,100.
Total Home Square Footage	3,690		'Found' space, storage and accessibility requirements contribute 780 SF

* All are on the bottom floor. The building would be the same shape if these were not developed. It's found space

City of Oakland Planning Code - Property Development Standards 17.13.050

17.13.050 Property development standards.

- A. Zone Specific Standards. Table 17.13.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "-" indicates that a standard is not required in the specified zone.

Table 17.13.03: Property Development Standards

Development Standards	Zones				Additional Regulations
	RH-1	RH-2	RH-3	RH-4	
Minimum Lot Dimensions					
Lot Width mean	100 ft.	100 ft.	90 ft.	45 ft.	1
Frontage	25 ft.	25 ft.	25 ft.	25 ft.	1
Lot area	43,560 sf.	25,000 sf.	12,000 sf.	6,500 sf. or 8,000 sf.	1, 2, 3
Maximum Density	1 primary dwelling unit per lot				4
Minimum Setbacks					
Minimum front (<20% street-to-setback gradient)	25 ft.	25 ft.	20 ft.	20 ft.	5, 6
Minimum front (>20% street-to-setback gradient)	5 ft.	5 ft.	5 ft.	5 ft.	5, 6, 7
Minimum interior side <20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft.	8, 9
Minimum interior side >20% footprint slope	6 ft./15%	6 ft./15%	6 ft./10%	5 ft./10%	8, 9
Minimum street side	6 ft.	6 ft.	6 ft.	5 ft.	5, 10
Rear	35 ft.	35 ft.	25 ft.	20 ft.	7, 10, 11
Maximum Lot Coverage and Floor Area Ratio (FAR)	See Table 17.13.04				

Table 17.13.04 Floor Area Ratio (FAR) and Lot Coverage

Regulation	Lot Size in Square Feet					Additional Regulations
	<5,000	>5,000 and <12,000	>12,000 and <25,000	>25,000 and <43,560	>43,560	
Maximum FAR	0.55	0.50	0.45	0.30	0.20	1
Maximum Lot Coverage (%)	40%	40%	30%	20%	15%	2

Per Oakland Planning Code (OPC) 17.13.050 Property Development Standards for RH-Hillside Residential projects, the proposed home at 7009 Shirley complies with all standard requirements and does not seek a variance of any kind.

FAR (floor area ratio) for lot area of 8,344 SF allowed is 0.50 (4,172 SF)
proposed is 0.44 (3,690 SF)

Lot Coverage for lot area of 8,344 SF allowed is 40% (3,337 SF)
proposed is 30% (2,532 SF)

Height OPC 17.13.05:
Height above street allowed is 18'; proposed varies from less than 4' above street' on lowest north end, and less than 9' above street at highest point at garage ridge.
Building height complies with height regulations of steep sloping lots per OPC 17.13.05.

Setbacks:
Front and Rear Yard Setbacks: 20'
Side Yard Setbacks: 5% of lot width

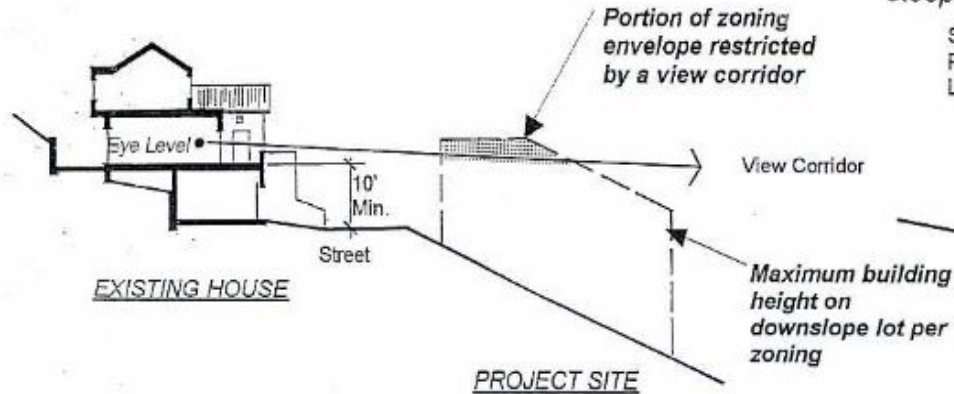
Views

From the Street: 7009 is in keeping with the neighborhood as shown in existing pictures and with architecturally correct elevation diagrams. Our proposed home is lower in many cases than other homes on Shirley Drive. The block boxes drawn by appellants in their letter are not remotely accurate.

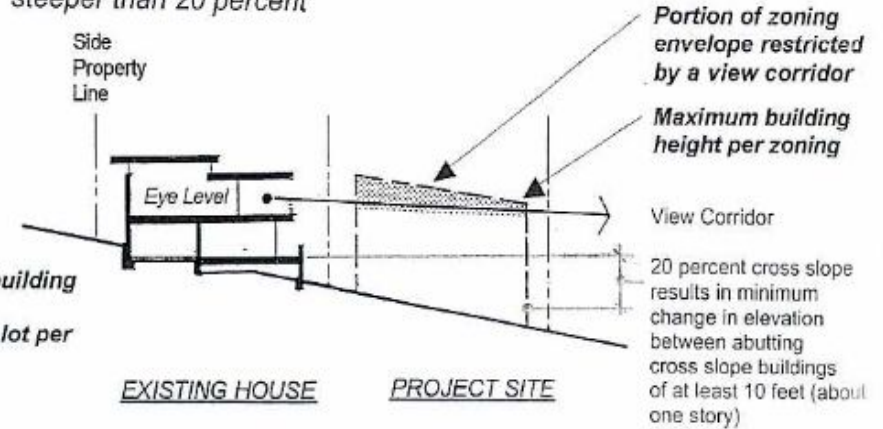
- A) **8850 Skyline (on Shirley):** No view impact to the bay. Some limited view to the hillside to the north. View is not their primary concern
- B) **7000 Shirley:** View claims are frivolous. Their views will improve because we are removing trees. 7009 is also downslope from their view. The current trees are significantly larger than the proposed house. Their views would be improved if 8850 Skyline trimmed the massive hedge in front of 7000 bay windows
- C) **7019 Shirley:** No view impacts
- D) **7016 Shirley:** View claims are frivolous. 7009 house is primarily in front of their driveway. The section of the house that is visible is below their own fence they installed relatively recently. Please see following slide for elevation details.

Oakland Residential Design Guidelines - Protected Views upslope lots

View Corridor 2 -- Front portion of building on upslope lot

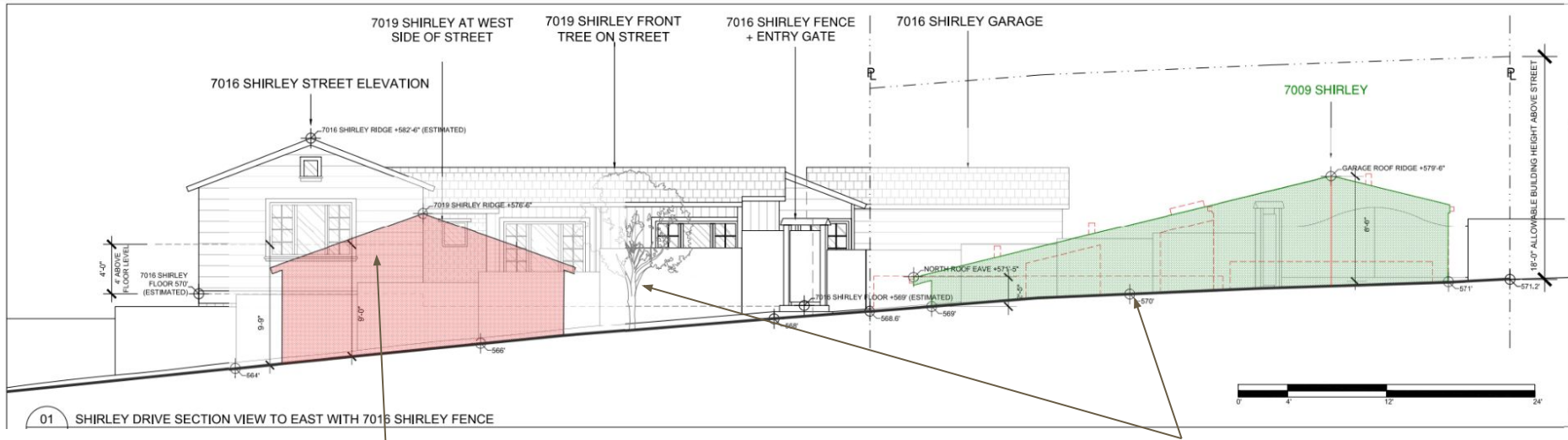


View Corridor 3 -- Upper level side elevation on cross slope lots steeper than 20 percent



Protected views for upslope lots are limited to living areas where floor level is 10' minimum above street level. 7000 and 7016 Shirley living area views are not protected due to height of living area floor level relative to street (<10'). 7009 Shirley roof height ranges from less than 4' above street at its lowest, to less than 9' above street at its highest, and well below the allowed height of 18' above street level. At its highest, the 7009 Shirley roof is below any protected view corridor of their upslope neighbors.

7016 Shirley view claims are frivolous



Facts:

- 7019 garage is shown outlined in red.
- 7016 does not have protected view rights.
- Even if they did, 7019 blocks those views not 7009.

Facts:

- 7009 house and fence is outlined in green.
- The bulk of 7009 is in front of 7016 driveway and the roof line dips down towards their living area. BY DESIGN
- 7016 built a fence that blocks views.

Privacy & Shadow - 7019 Shirley Drive Specific

Privacy Design Adjustments made

- Positioned the JADU stair access on the south side next where that side is a garage and there is not shared traffic on that side with the 8850 Skyline neighbor
- Ensured all windows on the northside of our home did **not** match up with theirs
- Added a slotted wood screen to the middle deck on the north side with slanted panels that face out to the bay and not to the side
- Agreed to add various hedges and uses of plants to enhance privacy
- Early in the process planning requested 3 feet of step in on both sides of the home. We complied. This improved light (less shadow) for 7019.

Shadow Studies and Adjustments

- By design, the north side of the house tilts down to not only help with views for 7016 but also to address potential shadow issues.
- A comprehensive shadow study was done for Autumn, Spring and Summer at 4x/day. The study showed there is no impact to the back deck. There was no impact to the front patio in Summer and the impact was within design review guidelines for Spring and Autumn
- The main building that provides the most shadow to their front patio is their own house because the patio is fully east and up against their home. In the mornings, their front patio is also shaded by their own trees in the front yard.

Rear View

Living room is placed on South side to promote privacy

Building steps in 3 feet and steps down

North Side

South Side

Note the JADU stair access and deck is on the south side to promote privacy with North 7019 Shirley neighbor.

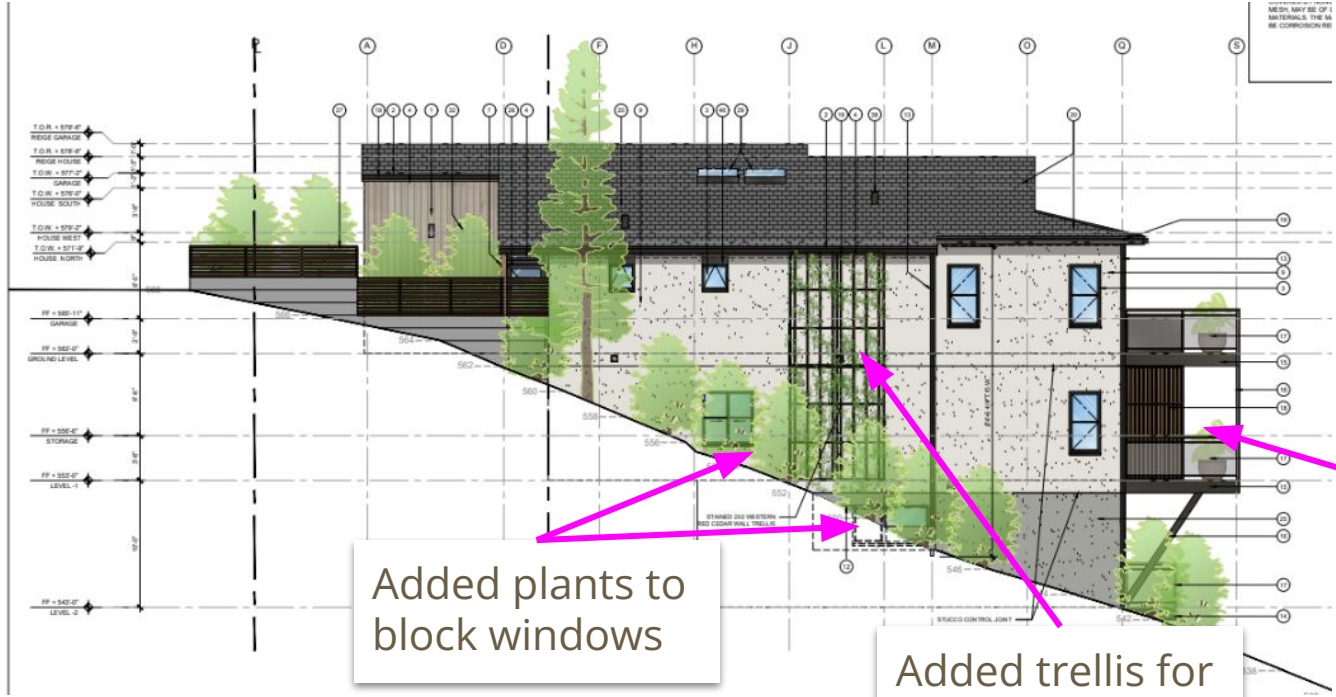
See Northside View on Slide 22 for details of other accommodations for 7019 Shirley Drive



8850 Skyline South neighbor's garage is located on this side.

No privacy impact to 8850 Skyline

North Side View Changes for 7019 Shirley Drive



All windows are staggered to ensure they do not line up with 7019 windows

Some windows were removed

Added privacy screen

Added plants to block windows

Added trellis for beautification

Fire Hazard and Overall Safety

Overall: The fire department has approved this project with conditions. We will meet those conditions. During construction, the city has rules and procedures that our builder must comply with for egress etc. The construction period will be the time of most inconvenience and this is why we have chosen a builder experienced in building in the Oakland Hills.

Facts about improved safety of the home and in the neighborhood (not a complete list)

- Some trees being removed were deemed dangerous and are a positive to remove per the fire department and the arborist.
- The fire department requires us to provide stair / footpath access from Shirley to Skyline. That foot access has never existed before for the neighborhood.
- Our home will be built to the latest fire and safety standards. This includes building materials, sprinkler systems etc
- We provide 6 parking spaces for our home which is more than many on Shirley Drive. We will not contribute to congestion.
- Full landscape design with irrigation plan and drought resistant plants New trees will be planted to replace trees removed.
- All utilities will be underground
- Note that the neighborhood conducted a fire safety survey over the summer. While older homes were not built to the highest standards this new home meets all aspects of the neighborhood safety survey.

7000 and 7016 have been parking on the 7009 empty lot. They and their guests must park elsewhere.

- **7000 Shirley:** Converted their garage to an entertainment space and use the current 7009 empty lot for parking.
- **7016 Shirley:** They have a large driveway, but direct their guests to use the 7009 empty lot.

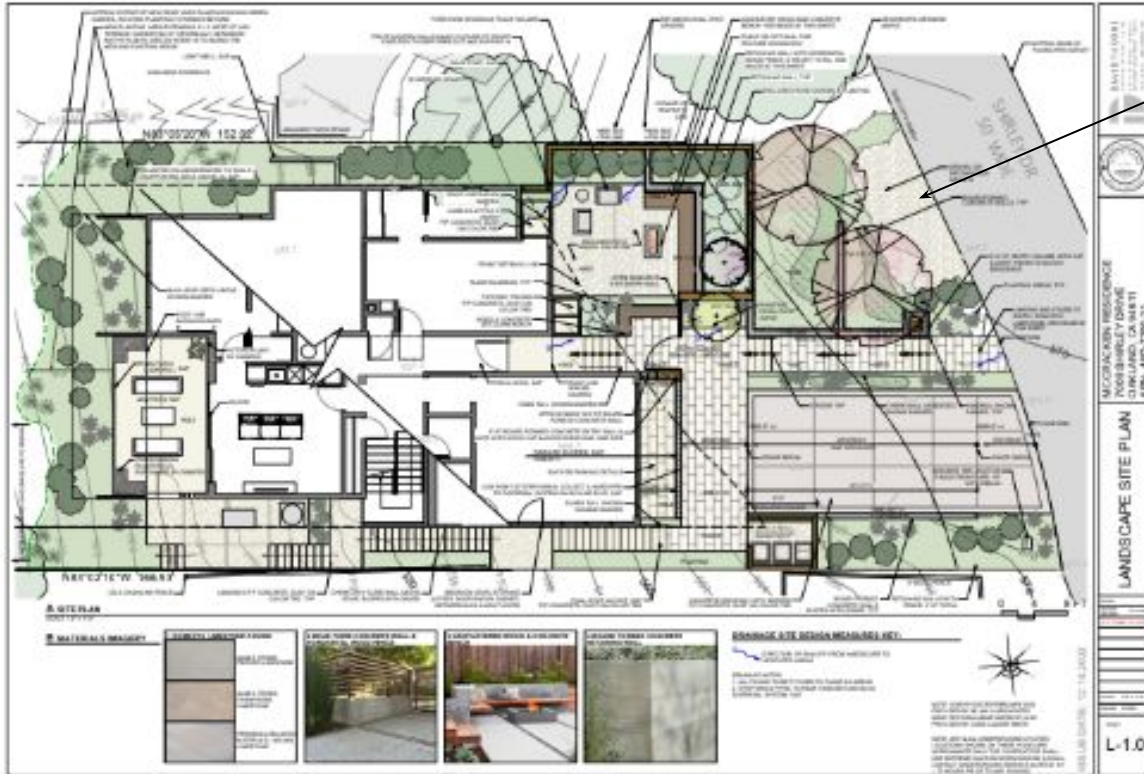
Wildlife and the Environment

Overall: The lot is zoned to build. There are rules very clearly outlined of how and when to remove trees given the nesting patterns of various wildlife. All environmental and wildlife protection rules will be followed.

Positive facts regarding our build.

- Full landscape design with irrigation plan and drought resistant plants. New trees will be planted to replace trees removed.
- Trees not being removed will be protected per the arborists instructions. This includes the tree on the property line between 7019 and 7009. The method for doing that is part of the construction plan.
- A garden as we've planned that promotes bees, butterflies, birds etc. We have lived in the neighborhood for 22 years and have always maintained a beautiful garden.
- Our home will be a net-zero home (or better) with solar.

Landscape Design Overview



Gravel cut out for turn around space.

Summary & Conclusion

- Most people are uncomfortable with change. This is normal.
- But this situation is very abnormal and weird.
 - Even when faced with facts, explained to them on MANY occasions by experts for HOURS over a 7 month period, this small set of neighbors refuse to accept them.
 - They have gone so far to manufacture evidence (intentional or not), distort information and then spread that incorrect information to others.
 - These folks have definitely had their 'say'.
 - It's time to move on.
- We have requested ZERO variations for the project.
- It's rare for a home in the hills to be purpose built with accessibility and multi-generational housing in mind.
- We meet all of the codes and objective guidelines and standards.
- We are green and fire safe build.
- Please re-affirm the decision from Zoning and Planning so we can move forward.

Thank You!

This picture of our extended family was taken at our prior home on 7057 Shirley Drive.

Once built, we will invite family and friends to celebrate the new home and raise a glass to those no longer with us.

