

Location:	Oak Knoll Development – Parcel 23; 8750 Mountain Boulevard
Assessor’s Parcel Number:	043A476700700
Proposal:	Oak Knoll Final Development Permit (FDP) for Parcel 23 includes the construction of 31 detached single-family residences which requires a Conditional Use Permit (CUP) in the D-OK-3 zone and a request for a Minor Zoning Exception exemption for a reduction in the garage setback from the private drive aisle.
Applicant:	Chris Hall, WHA Inc.
Phone Number:	(415) 658-1723 chrish@whainc.com
Owner:	Oak Knoll Venture Acquisitions LLC
Case File Number:	PLN15378-PUDF09
Planning Permits Required:	Regular Design Review (DR), Final Development Permit (FDP), Conditional Use Permit (CUP), Minor Zoning Exception, compliance with CEQA
General Plan:	Mixed Housing Type Residential
Zoning:	D-OK-3 Oak Knoll District Residential Zone - 3
Environmental Determination:	Final Supplemental EIR certified on Nov. 7, 2017
Historic Status:	Non-Historic Property
City Council District:	7- Treva Reid
Status:	Under Review
Staff Recommendation:	Approve FDP
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Malinda Lim by email at mlim@interwestgp.com

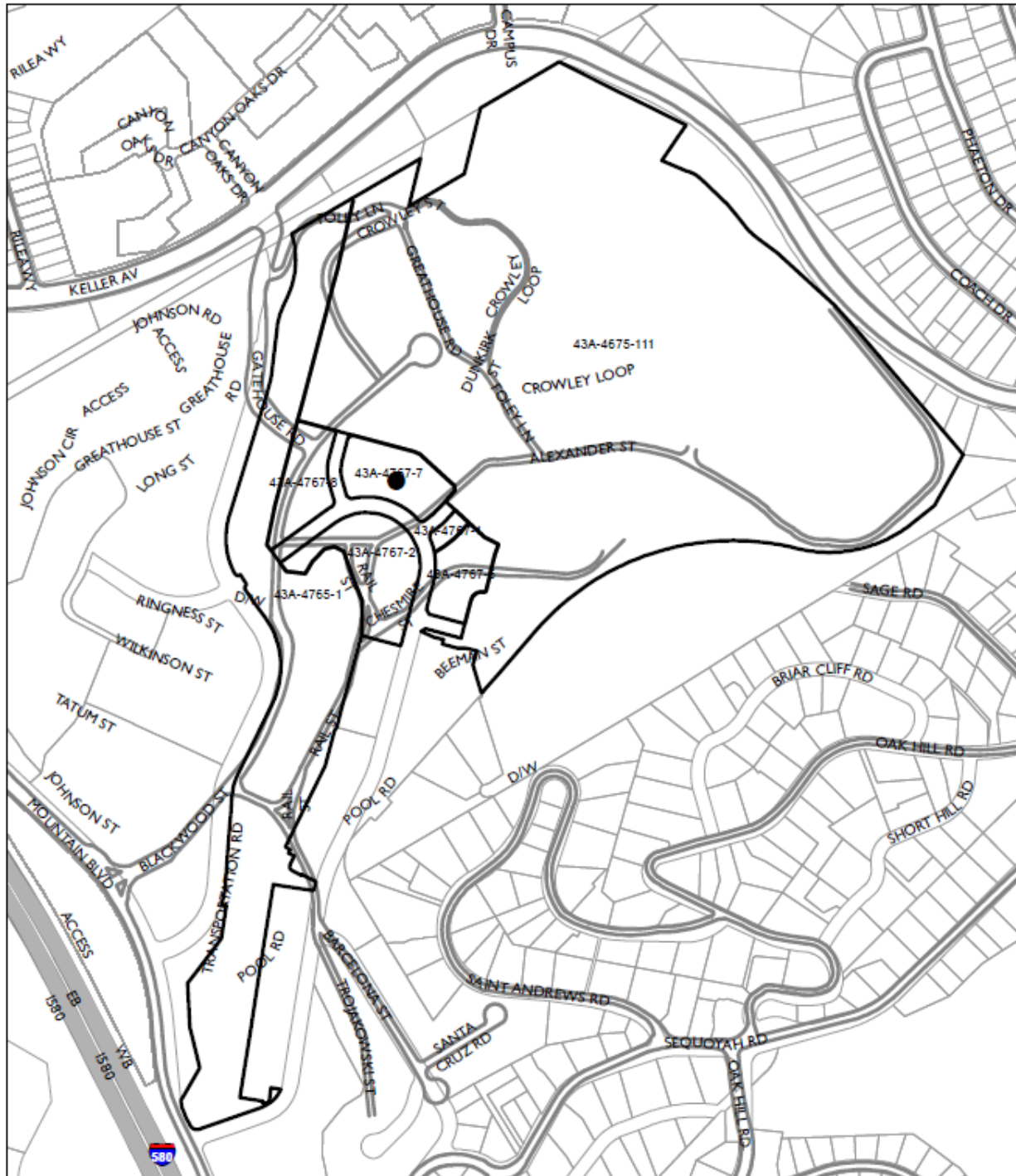
SUMMARY

The proposed project is a Phase 1 Final Development Permit (FDP) for construction of 31 detached units on Parcel 23 in the Oak Knoll Planned Unit Development (PUD). Parcel 23 is located on Creekside Loop, opposite of the community center parcel, and in between Parcels 19 and 24. The parcel is accessible from Interstate 580 through the Mountain Boulevard off-ramp exit.

As detailed below, staff finds that the project meets all the required Findings. Therefore, staff recommends approval of the project subject to the Oak Knoll PUD Conditions of Approval (**Attachment C**).

PROPERTY AND NEIGHBORHOOD DESCRIPTION

Oak Knoll Development encompasses an 84.7-acre site east of Interstate 580 (I-580) and is located approximately 9 miles southeast of downtown Oakland. Mountain Boulevard and the I-580 freeway to the west; Keller Avenue to the north and east; and Sequoyah Road, a City-owned property, and residential neighborhoods to the south. Parcel 23, the project site, is accessible by Creekside Loop.



PLN15378-PUDF09 (Parcel 23)
Oak Knoll Development – Parcel 23; 8750 Mountain Boulevard
043A476700700

Date: 11/3/2023

BACKGROUND

Site and Planned Unit Development History

The Naval Medical Center Oakland, also known as Oak Knoll Naval Hospital, was a U.S. naval hospital located in Oakland that opened during World War II (1942) and closed in 1996 as part of the federal government's 1993 Base Realignment and Closure program.

Oak Knoll hospital was built during World War II for the purpose of treating American military personnel who had been wounded in the Pacific theater. In later years it also treated those who had been wounded in the Korean and Vietnam wars. The site was previously a golf course and country club which had closed during the Great Depression.

In 1996, the Naval Medical Center Oakland property was subject to a Final Reuse Plan that presented five land use alternatives for the reuse of the property. The Maximum Capacity Alternative within the Final Reuse Plan included: a) 584 residential units; b) 400,000 sq. ft. of commercial space; and c) 32 acres of open space. The Maximum Capacity Alternative was approved by the Oakland City Council as the preferred alternative.

In 2005, SunCal Oak Knoll, LLC proposed the "former Oak Knoll Project" which included 960 residential units, 82,000 sq. ft. of commercial space and 53 acres of open space. The "former Oak Knoll Project" was not approved.

Approved Oak Knoll Land Use Entitlements

A revised version of the Oak Knoll Development was submitted in 2015 and approved in November 2017. The approval included General Plan Amendments, Rezoning, Planned Unit Development/Preliminary Development Plan, Final Development Plan for Master Developer Site Improvements, Final Development Permit (FDP) or Relocation and Rehabilitation of Club Knoll, Design Review, Vesting Tentative Tract Map, and a Creek Permit. The 2017 approved project is referred to as "Oak Knoll."

Oak Knoll includes:

- 918 residential units of varying types;
- 72,000 sq. ft. of neighborhood serving commercial in the Village Center;
- 14,000 square feet of civic/commercial use, including relocation of the historic Club Knoll to the center of the Project site with 4,000 sq. ft. of community space and 10,000 sq. ft. of commercial space;
- Approximately 67.6 acres of open space and recreation areas, including four new public parks, a system of trails, bikeways, and walkways;
- Restoration and enhancement of the Rifle Range Creek, Powerhouse Creek and Hospital Creek corridors (16.7 acres);
- Three phases of development; and
- New street network designed as "complete streets" for the safe and comfortable travel of all transportation modes.

The following provides a summary of the current status of the Oak Knoll Development:

- Land Use Entitlement: On November 7, 2017, the Oak Knoll Project General Plan Amendment, Rezoning, Vesting Tentative Tract Map, Creek Permit, and Planned Unit Development (PUD) was approved; and the Supplemental Environmental Impact Report (SEIR) was certified.
- Construction-Related Permits:
 - Grading Permit: The applicant has received a Grading permit for Phase 1 of the development, which includes Parcel 6 and Parcel 12.
 - Bridge Permits: The applicant has received construction-related permits for the pedestrian and vehicular bridge located in Phase 1.
 - Public Improvements: The applicant has applied for and received the Public Infrastructure on Private Property (PX) permit for the public improvements in Phase 1, including the streets and utilities.
 - Club Knoll: The historic Club Knoll has a series of Building Permits associated with it, including demolition, alteration, and reconstruction.
- Compliance with Conditions of Approval: The relocation and restoration of Club Knoll is underway. Public improvement permits, various alternate method construction permits and Private infrastructure permits for on-site improvements are under review. The City and the applicant are actively working on formation of the Community Facilities District (CFD), Geologic Hazard Abatement District (GHAD) and Subdivision Agreement.
- Tree Permit Amendment: An amendment to the approved Tree Removal Permit was received on May 3, 2021. The amendment proposes to remove 394 additional trees and requires compliance with California Environmental Quality Act (CEQA). The CEQA consultant has not yet finalized the scope of work in order to proceed with analysis.
- Final Development Permits (FDP):
 - FDP for Club Knoll was approved with the PUD on November 7, 2017;
 - FDP for Phase 1 Master Developer Site Improvements was approved with the PUD on November 7, 2017;
 - FDPs for Phase 1 Residential Development Parcels. The Master Developer has submitted eight FDPs for Phase 1, which are in various stages of City review:
 - Parcel 6: Townhomes. Approved by the Planning Commission on November 17, 2021. Revision to the FDP was approved on March 6, 2023;
 - Parcel 12: Townhomes. Approved by the Planning Commission on November 17, 2021. Revision to the FDP was approved on March 6, 2023;
 - Parcel 9: Court homes. Approved by the Planning Commission on April 6, 2022;
 - Parcel 10: Court homes. Approved by the Planning Commission on April 6, 2022;
 - Parcel 11: Alley homes. Under consideration by the Planning Commission as a separate item at this meeting;
 - Parcel 19: Alley homes. Under consideration by the Planning Commission as a separate item at this meeting;
 - Parcel 23: Alley homes. Under consideration by the Planning Commission at this meeting (and the subject of this report);

- Parcel 24: Alley homes. Under consideration by the Planning Commission as a separate item at this meeting.

Public Review:

The proposed FDP for Parcel 23 was not presented to the Design Review Committee (DRC). The architectural designs used, with the exception of the Arts and Craft alternate B, are the same designs used for Parcels 11 and 24 which the DRC recommended approval for at their September 27, 2023 meeting.

PROJECT DESCRIPTION

The proposed Parcel 23 project includes 31 residential units. Plans, elevations, and illustrations are provided in **Attachment A** to this report. The project involves Design Review for the construction of the 22 units, a Conditional Use Permit (CUP) to allow detached single-family homes within the D-OK-3 zone, and a Minor Zoning Exception for the reduction of the private driveway lengths. In general, the proposed plans include the following characteristics:

- **Style:** The proposed residential development includes stylistic references to common and vernacular California architectural styles, including Craftsman, Farmhouse, Mission, and Arts and Craft styles.
- **Site Planning:** The proposed FDP includes 31 detached single-family, alley court homes.
- **Unit Types:** Parcel 23 proposes three-story alley homes which offer between three and five bedrooms depending on the floor plan of home.
- **Parking:** Each unit has a two-car attached garage, for a total of 62 off-street parking spaces.
- **Open Space:** The FDP includes a combination of open space, private balconies and ground floor porches.

GENERAL PLAN ANALYSIS

The project site is in the Mixed Housing Type Residential Land Use classification. The Mixed Housing Type Residential area is intended to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single-family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate. The maximum floor area ratio in this general plan designation is thirty-five (35) units per gross acre.

The Land Use Element further describes the Desired Character and Use in this designation to involve future development "remain[s] residential in character." The master-planned Oak Knoll PUD allows for development of up to 918 residential units. The required Findings for the FDP are attached and included in staff's evaluation as part of this report. The following is an analysis of how the proposed project meets applicable General Plan objectives (staff analysis in indented, italicized text below each objective):

- Objective N3: Encourage the construction, conservation, and enhancement of housing resources to meet the current and future needs of the Oakland community.

- Policy N3.9 – Facilitating Housing Construction. Orienting Residential Development. Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.
 - *The proposal will deliver market rate housing that will intensify and support new uses in the South Hills area of Oakland. Front entry porches and balconies are provided at each home to provide private open space areas, views and sunlight.*
- Objective N6: Encourage a mix of housing costs, unit sizes, types, and ownership structures.
 - *The proposed project will include three-story alley court homes consisting with three-, four-, or five-bedroom floor plans to accommodate a variety of home ownership opportunities.*

ZONING ANALYSIS

Parcel 23 is located within the Creekside Village 2 area of the Oakland hills in the D-OK-3 Oak Knoll District Residential Zone - 3 (D-OK-3). The intent of the D-OK-3 Zone is to create, maintain, and enhance areas suitable for medium density residential units, such as townhomes. The zoning district provides medium density housing development. The following discussion outlines the purpose of the D-OK-3 regulations, with staff analysis provided below in indented, italicized text:

- Create, maintain, and enhance areas suitable for medium-density residential units, such as townhomes.
 - *The proposed project is a market-rate housing project that will diversify living and home ownership opportunities in the Oak Knoll Development.*

Zoning Analysis

Criteria	OK-3	Proposed	Analysis
Land Use			
Permanent Residential	P	P	Allowed
Density	1 unit/1,600 sf. of lot area on lots 5,000 sf. or greater	1 unit/2,740 sf. (31 units total)	Complies
One-Family Dwelling	C	C	Conditional Use Permit required.
Lot Coverage (Max.)	55%	36.6%	Complies

Criteria	OK-3	Proposed	Analysis
Land Use			
Setbacks (Min.)	Front: 8 ft. Side: 4 ft. Street Side: 5 ft. Rear: N/A	Front: 9.6 ft. Side: 6 ft. Street Side: 5.4 ft. Rear: N/A	Complies
Garage Front Setback (Min.)	18 ft.	2 ft.	Does not comply - Applicant is requesting an exception for 2 ft. setback from the private drive aisle.
Primary Building Wall Height (Max.)	35 ft.	35 ft./3 stories	Complies
Pitched Roof Height (Max.)	40 ft.	35./3 stories ft	Complies
Open Space – Group Residential	170 sf. per unit (5,270 sf. required)	5,617 sf.	Complies

Compliance with Oak Knoll Design Guidelines

The DRC and Planning staff believe that the FDP for Parcel 23 is in compliance with the Oak Knoll Design Guidelines which is provided as a part of **Attachment C** to this report.

Design

Staff has worked with the applicant and architect to refine the proposed design for the Parcel 23 site. The project complies with the underlying zoning regulations. Staff reviewed the proposed project against the Oak Knoll Design Guidelines (see **Attachment C**). The project meets the following key guidelines:

Design Guideline	Compliance Analysis
<p><i>2.2 Neighborhood Streetscapes – Architectural Diversity and ‘The Monotony Code’</i></p> <p>For each single-family detached lot type, there must be a minimum of three unique floor plan types, with three façade variations each.</p>	<p>Complies</p> <p>Staff interpreted this guideline to require three floor plans with three architectural styles for a minimum of nine (9) plan type and architectural style combinations (i.e. Plan 1 Mission, Plan 2 Mission, and Plan 3 Mission). The applicant has provided four architectural styles – Craftsman, Mission, Farmhouse, and Arts & Crafts. Each style except for the Arts & Crafts has three floor plan options. Each of these facades has two different color schemes. The variation in these combinations complies with this guideline.</p>

<p>A different porch or stoop type will be considered a façade variation.</p>	<p>Complies</p> <p>The applicant utilizes several design techniques and materials to clearly distinguish one architectural style and plan type from another combination with the same architectural style (i.e. differentiation from a Plan 1 Mission and Plan 2 Mission).</p>
<p>No two detached homes of the same design may be repeated within two adjacent lots on a given Block Face or a facing Block Face.</p>	<p>Complies</p> <p>In compliance. Staff worked with the applicant to meet this guideline and help reduce the overconcentration of the same plan type and architectural style combination within the parcel.</p>
<p>Homes on corner lots are encouraged to have architectural features such as wrapped porches, side porches, or bay windows facing the secondary street.</p>	<p>Complies</p> <p>In compliance. Staff worked with the applicant to meet this guideline. Each home has been designed with a specific porch type and include a balcony.</p>
<p>Both the front as well as side facing facade on corner lots will be considered High Visibility Facades.</p>	<p>Complies</p> <p>In compliance. Staff worked with the applicant to meet this guideline. High visibility facades are marked on the site plan.</p>
<p><i>2.6 Driveways and Garage Placement</i></p>	<p>Complies</p> <p>The project complies with the underlying zoning regulations, with the exception of the front setback for garages, where two feet (2) feet long driveways are proposed for a majority of the homes instead of the required 18 feet. Although the proposed garage setback incorporates a reduced length of two (2) feet, the Design Guidelines state that a reduced minimum setback may be granted as an exception to the design review process (<i>see</i> Guideline 3.9 Garages – Garage Dimensions). With the private drive aisle shared with multiple homes, the reduced driveway may serve to discourage parking along the private drive aisle and contribute to Guideline 3.9 intention of the creation of a “pleasing streetscape and a domestic ‘neighborhood’ feel” by placing the aisle between the row of homes,</p>

	<p>making it nonvisible from the right-of-way and creek. This exception was granted for Parcels 9 and 10.</p>
<p><i>3.3 Massing – Primary Volumes – Additive Building Elements.</i></p>	<p>Complies</p> <p>The façade designs provide specific design elements for each architectural style. The Mission style incorporates decorative metal rails for the balconies and a metal screen for a window, the Craftsman design has exposed rafter tails and variations in siding size and direction, and the Arts and Crafts introduces a new architectural style to the parcel with horizontal and vertical boards to help bring texture to the building’s façade.</p>
<p><i>3.4 Roofs</i></p>	<p>Complies</p> <p>The façade designs also incorporate different roof forms to help distinguish it from the other building designs. For instance, the Mission style has a home design utilizing only clay tiles for the roof whereas another Mission design uses a decorative parapet to help break the roofline.</p>
<p><i>3.5 High Visibility Façades</i></p>	<p>Complies</p> <p>The entrances to the homes on this parcel face the street or an open space area which makes every home on the parcel as high visibility. Therefore, each home has been enhanced with high quality design elements such as use of various building materials and decorative features for added texture, pop-outs and shed roofs to provide relief of the building plane, and a mixture of architectural styles and color schemes for visual impact and reduction of the monotony within the parcel. The use of porches and balconies were incorporated into the front facades and have been designed with their visibility in mind, as well as the privacy of the homeowner.</p>
<p>Corner lot façades.</p>	<p>Complies</p> <p>The site plan has an asterisk (*) on the home to help distinguish and identify whether the home has a high</p>

	visibility façade. Additional architectural elements are added to these high visibility facades.
High Visibility Façades - Open Space	Complies The site plan has an asterisk (*) on the home to help distinguish and identify whether the home has a high visibility façade. Additional architectural elements are added to these high visibility facades.

Conditional Use Permit

A list of permitted and conditionally permitted facilities are on Table 17.101J.02 of the Oakland Planning Code. The table is divided between the type of facility; whether the facility is permitted, conditionally permitted, or not permitted; and if any additional regulations would be required. Parcel 23 is zoned D-OK-3 which requires a CUP for the development of detached, single-family homes. The applicant wishes to create further market segmentation in the units offered for sale and this detached product would fill a ‘missing middle’ between a traditional townhome and the larger single-family detached residences in Parcel 10.

Exception for Reduction of Driveway Length Requirement

The project complies with the underlying zoning regulations, with the exception of the front setback for garages, where two (2) feet is proposed instead of the required 18 feet. Although the proposed garage setback incorporates a reduced length of two (2) feet, the Design Guidelines state that a reduced minimum setback may be granted as an exception to the design review process (*see* Guideline 3.9 Garages – Garage Dimensions). With the private drive aisle shared with multiple homes, the reduced driveway may serve to discourage parking along the private drive aisle and contribute to Guideline 3.9 intention of the creation of a “pleasing streetscape and a domestic ‘neighborhood’ feel” by placing the aisle between the row of homes, making it nonvisible from the right-of-way and creek. This exception was granted for Parcels 9 and 10.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council certified a Supplemental Environmental Impact Report (SEIR) for the existing project approvals on November 7, 2017. The Oak Knoll Mixed Use Community Plan Project Supplemental Environmental Impact Report is available to the public on the web at:

<https://oaklandca.s3.us-west-1.amazonaws.com/government/o/PBN/OurOrganization/PlanningZoning/oak060436.pdf>

Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed Parcel 23 FDP. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or

supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. And, specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.


Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2017 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

RECOMMENDATIONS:

The proposed Oak Knoll Parcel 23 Final Development Permit is consistent with and constitutes a design evolution and refinement of the previously approved Preliminary Development Plan. Staff finds the proposed project to be well-designed, responsive to comments provided by the DRC, and recommends approval. Staff specifically recommends that the Planning Commission:

1. Rely on the Oak Knoll Mixed Use Community Plan Project Supplemental EIR as adequate under CEQA for analysis of the Oak Knoll Parcel 23 Final Development Permit pursuant to CEQA Guidelines Section 15162, and based on the attached findings (and incorporated herein by reference);
2. Approve the Oak Knoll Parcel 23 Final Development Permit, subject to the attached findings.

Prepared by:



Malinda Lim, Contract Planner

Reviewed by:

Catherine Payne
Development Planning Manager

Approved for forwarding to the
City of Oakland Planning Commission:



Edward Manasse, Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Proposed Oak Knoll Parcel 23 Plans, dated October 20, 2023
- B. Oak Knoll Mixed Use Community Plan Project Supplemental EIR provided online at [\(Link\)](#)
- C. Background Documents:
 - 1. D-OK-3 Oak Knoll District Residential Zone - 3 Zoning District Regulations [\(Link\)](#)
 - 2. Oak Knoll Preliminary Development Plan, Nov. 7, 2017 [\(Link\)](#); and
 - 3. Oak Knoll Design Guidelines, Nov. 7, 2017 [\(Link\)](#)
 - 4. Oak Knoll Conditions of Approval, Nov. 7, 2017 [\(Link\)](#)

REQUIRED FINDINGS:
OAK KNOLL DEVELOPMENT PARCEL 23
FINAL DEVELOPMENT PERMIT

Required findings include:

- California Environmental Quality Act
- D-OK-3 Oak Knoll District Residential Zone – 3 (D-OK-3) Findings for FDP
- Regular Design Review Findings: Planning Code Section 17.136.050
- Conditional Use Permit Findings: Planning Code Section 17.134.050

California Environmental Quality Act

The City Council certified a Supplemental Environmental Impact Report (SEIR) for the existing project approvals on November 7, 2017. The Oak Knoll Mixed Use Community Plan Project Supplemental Environmental Impact Report is available to the public on the web at: <https://oaklandca.s3.us-west-1.amazonaws.com/government/o/PBN/OurServices/Application/oak060436.pdf>. Staff has determined that no new information about the site, changes to the project, or circumstances under which the project would be undertaken have occurred that would require subsequent or supplemental environmental review for the proposed Parcel 23 FDP. In accordance with CEQA, the City reviewed and analyzed the proposed project changes and other relevant information to determine whether circumstances requiring the preparation of a subsequent or supplemental EIR exist. Based upon available information, the City has determined that none of those circumstances are present. Because the FDP is a refinement of, and not a substantive change to, the approved project, no further environmental review is required. None of the circumstances that require a supplemental or subsequent EIR pursuant to CEQA Guidelines Section 15162 have occurred. And, specifically:

- There are no substantial changes proposed in the project which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes with respect to project circumstances which would result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- There is no new information of substantial importance which would result in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, previously infeasible mitigation measures or alternatives now found to be feasible, or new mitigation measures or alternatives which are considerably different from previous ones that would substantially reduce environmental effects.

Here, based upon available information, the City believes that none of the circumstances described above have occurred since 2017 and, therefore, no subsequent or supplemental environmental review is required under CEQA.

City of Oakland Final Development Plan Findings

“The Planning Commission shall approve the Final Development Plan if it makes written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan; Oak Knoll Design Guidelines, Oak Knoll Zoning Regulations (D-OK-3 Zone), Vesting Tentative Tract Map No. 8320, Conditions of Approval, and the Mitigation Monitoring Reporting Program ...”

As demonstrated throughout this staff report, the Oak Knoll Development Parcel 23 Final Development Permit is consistent with the Preliminary Development Plan, the intent of the Oak Knoll Design Guidelines, the D-OK-3 District Residential zoning regulations, the Conditions of Approval, and the MMRP. As noted in this report, the FDP is a refinement of the PDP and includes only non-substantive changes intended to carry out the Oak Knoll Development project approvals and refine the design of Parcel 23 development.

City of Oakland Design Review Findings

The proposed Oak Knoll Development Parcel 23 design is subject to Planning Code Section 17.136.050 - Regular design review criteria.

17.136.050 Regular Design Review Criteria.

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

A. For Residential Facilities.

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures:

The proposed Parcel 23 project is comprised of 31 alley residences that are designed to comply with the applicable design regulations for the site. The project will complement the surrounding area in scale, bulk, materials and textures.

2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;

The proposed Oak Knoll Parcel 23 is a part of Phase 1 of the Oak Knoll Development. The project complies with the intent of the Oak Knoll Design Guidelines and provides massing and architectural style that enhances the visual appearance of the neighboring vicinity.

3. That the proposed design will be sensitive to the topography and landscape.

The graded parcels within Oak Knoll were designed to be sensitive to the topography and creek contained within the development. Parcel 23 has a unique shape and has been graded to a flat pad. The proposed site layout is the most preferable layout to accommodate the amount of homes and reduce any additional impacts to the hillside.

4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;

The proposal has been designed to complement the natural setting of the building site and complements the grade of the hill.

5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

As noted throughout this staff report, the Parcel 23 Final Development Permit is an evolution and refinement of the approved Planned Unit Development, and complies with the underlying regulations controlling development of the site, and with the intent of the Oak Knoll Design Guidelines.

City of Oakland Conditional Use Permit Findings

The single-family facilities proposed for Oak Knoll Development Parcel 23 is subject to Planning Code Section 17.134.050 – General use permit criteria.

17.134.050 Conditional Use Permit Criteria.

Conditional Use Permit approval may be granted only if the proposal conforms to all of the following conditional use permit criteria, as well as to any and all other applicable conditional use permit criteria:

- A. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;

Townhomes were envisioned for Parcel 23 in the Oak Knoll PUD but the applicant wishes to create further market segmentation in the units offered for sale and this detached product would fill a 'missing middle' between a traditional townhome and the larger single-family detached residences in Parcel 10.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;

The placement of each home was based on plan type and architectural style. Each home was carefully situated to avoid monotony within the parcel and enhance the streetside and creek side views.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;

Due to the unique shape of Parcel 23, several layouts were drawn but the proposed site plan provided the most preferable layout to accommodate the amount of homes and reduce any additional impacts to the hillside.

- D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;

The proposal conforms to all applicable regular design review criteria as stated in the design review findings section above.

- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

The proposal meets the Oak Knoll Design Guidelines, underlying zoning, and General Plan land use requirements with the granting of an exception for the reduction in the minimum requirement for private driveway length.

- F. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, maximum lot coverage, or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:

- 1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

The proposed development for Parcel 23 meets all the development standards for the underlying zone, D-OK-3 with the granting of an exception for the reduction in the minimum requirement for private driveway length.

- 2. At least sixty percent (60%) of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.