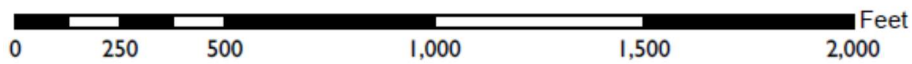
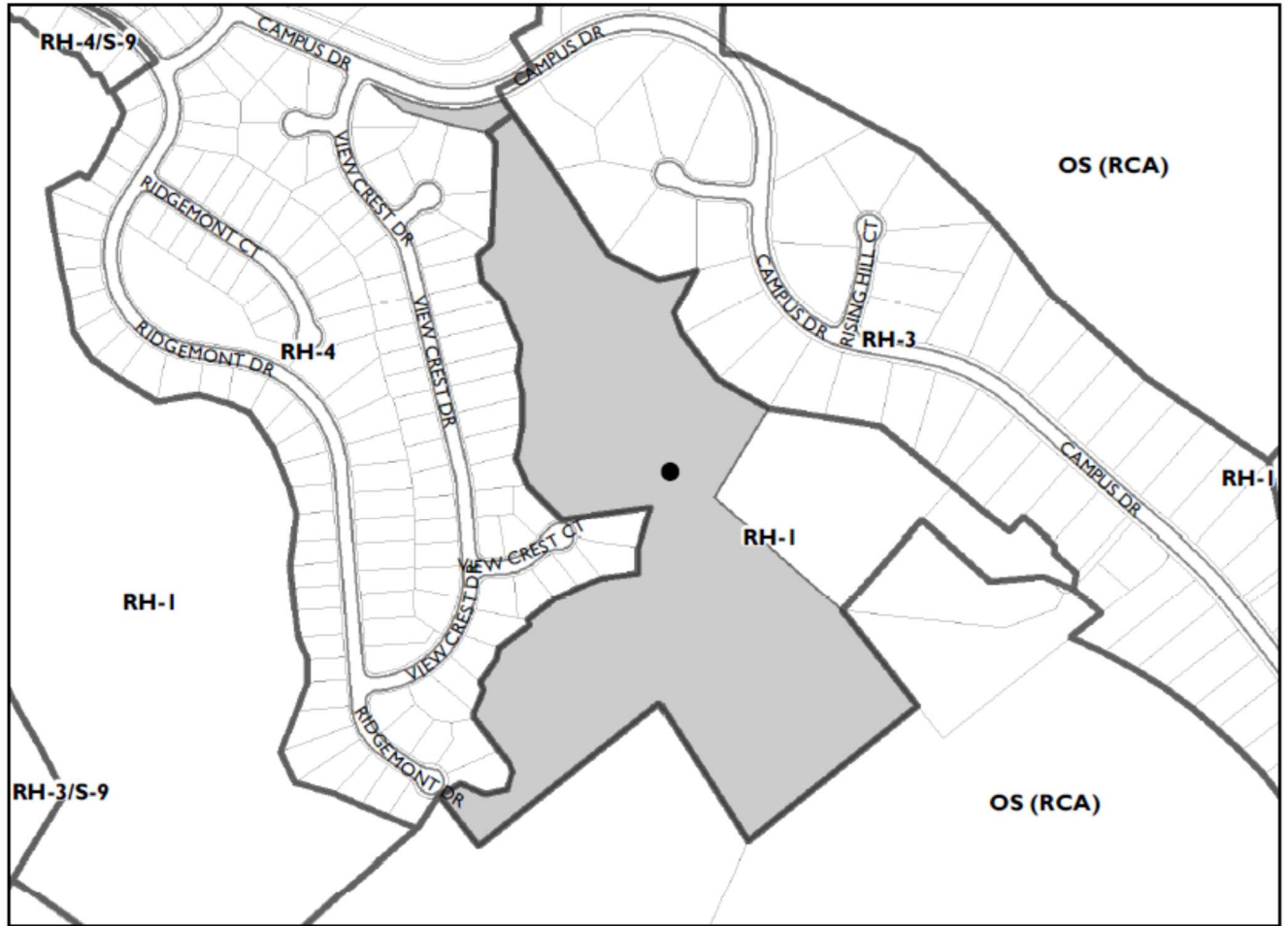


<b>Location:</b>	The vacant project site is accessed from Campus Drive, Oakland, CA 94619.
<b>Assessor’s Parcel Number(s):</b>	37A-3151-2-5.
<b>Proposal:</b>	Hearing to receive comments on DEIR related to proposed project to develop approximately 2.6 acres of the 20-acre parcel into a cluster of ten (10) detached single-family homes, with associated landscaping and new residential cul-de-sac accessed from Campus Drive between the existing residential streets of Viewcrest Drive and Rockingham Court. The remaining approximately 17.4 acres would be provided and maintained in perpetuity by the property owner and/or their successor entity, as conservation open space.
<b>Applicant:</b>	Collin Mbanugo, M.D.
<b>Contact Person/ Phone Number:</b>	Patricia E. Curtin-Director, 510.622.7660, <a href="mailto:pcurtin@fennemorelaw.com">pcurtin@fennemorelaw.com</a>
<b>Owner:</b>	Collin Mbanugo, M.D.
<b>Case File Number:</b>	PLN18407 and PLN18407-ER01.
<b>Planning Permits Required:</b>	General Plan Conformity Determination Tree Removal Permit Creek Protection Permit Building Permit Off Site Infrastructure (PX) Permit Planned Unit Development (PUD) Permit and Preliminary Development Plan (PDP) Final Development Plan
<b>General Plan:</b>	Resource Conservation.
<b>Zoning:</b>	Hillside Residential (RH-1).
<b>Proposed Environmental Determination:</b>	The City prepared a Draft EIR in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et. seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 et. seq.).
<b>Historic Status:</b>	Not a historic resource, no rating
<b>City Council District:</b>	Council District 6--Jenkins.
<b>Finality of Decision:</b>	No decision on DEIR, receive Commission and public comments on DEIR.
<b>For Further Information:</b>	Contact Case Planner Richard Walker at (424) 404-7504 or by email at <a href="mailto:rwalker@interwestgrp.com">rwalker@interwestgrp.com</a> .

CITY OF OAKLAND PLANNING COMMISSION



## **SUMMARY**

The purpose of this staff report and hearing is to support public and Planning Commission review of and comment on the Viewcrest Estates Project Draft Environmental Impact Report (DEIR) (State Clearinghouse No. 2020060362).

The proposed project would develop approximately 2.6 acres of a currently undeveloped, 20-acre parcel in the eastern hills of Oakland into a cluster of ten (10) single-family homes, with the creation of a new street, and associated landscaping. The remainder of the property, approximately 17.4 acres, would be maintained in perpetuity by the developer and/or their successor entity as conservation open space. The proposed project would clear existing vegetation from the proposed 2.6-acre development area (development area) and grade the development area for construction of a new cul-de-sac street and ten (10) detached single-family homes. The new street would intersect with Campus Drive between the existing residential streets of Viewcrest Drive and Rockingham Court.

## **BACKGROUND**

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15063, *Initial Study*, the City determined that the proposed project could result in potentially significant environmental impacts and preparation of an Environmental Impact Report (EIR) is required. In compliance with Public Resource Code (PRC) Section 21080.4, the City circulated the Notice of Preparation (NOP) of an EIR for the proposed project to the Office of Planning and Research State Clearinghouse and interested agencies and persons on June 19, 2020, for a 32-day review period. The State Clearinghouse posted the NOP with a start date of June 19, 2020, and an end date of July 20, 2020. A virtual public Scoping Meeting was held on July 1, 2020. The NOP and scoping process solicited comments from interested parties regarding the scope of the Draft EIR.

On September 15, 2023, the Notice of Availability (NOA), Notice of Completion (NOC), and Draft EIR (DEIR) were published on the City of Oakland CEQA Library and the project-specific webpage, and were uploaded to the Office of Planning and Research (OPR) website. Links to the documents are as follows: (<https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-present>) and (<https://ceqanet.opr.ca.gov/>).

Hard copies of the NOA, NOC, and DEIR were delivered to the Planning Bureau public counter and main branch public library. The NOA was delivered to all recipients on the City CEQA notice list, city subscriber list, and all property owners within a 300-ft radius of the project site.

In response to comments received on the NOP, the project applicant reduced the original 20-unit townhome development to ten (10) single-family homes to reduce potential impacts related to the commenters' concerns about the increase in Vehicle Miles Travelled (VMT) and its impacts to air quality, greenhouse gas emissions, noise, and wildfire risk and evacuation.

## **PROPERTY DESCRIPTION**

The approximately 20-acre project site is assigned Assessor's Parcel Number 37A-3151-2-5. The project site is in the Caballo Hills neighborhood, a single-family residential area on the eastern hillsides of Oakland in Alameda County. The project site is surrounded by Merritt Community College to the north across Campus Drive, single-family homes to the east along Campus Drive, condominiums of the Monte Vista Villas Homeowners Association to the south, and single-family homes on Viewcrest Drive to the west. The project site is bounded by Campus Drive to the north and single-family residential development to the east, south, and west. The 290-acre Leona Canyon Regional Open Space Preserve is 0.2 miles to the east of the project site, and Leona Heights Park is 0.4 miles to the northwest.

The project site is an undeveloped north-south-trending strip of land with existing residential land uses to the east and west. The project site is steeply sloped, with elevations ranging from approximately 680 feet above sea level on the southern portion of the site to approximately 1,000 feet above sea level on the northern portion of the site. Site topography generally slopes down to the southwest toward the San Francisco Bay.

On-site vegetation consists of a mosaic of oak woodlands, coyote brush scrubland, and grasslands, with dense stands of chaparral covering the southern portion of the site where no development is proposed. Ornamental landscape trees have been planted along the Campus Drive frontage, and invasive French broom (*Genista monspessulana*) has spread through much of the grassland and scrub cover on the site.

The project site contains and is adjacent to habitat for special-status plant or animal species. A small ephemeral (seasonal) creek runs east to west downslope at the southern edge of the 2.6-acre proposed development area on the project site.

## **PROJECT DESCRIPTION**

The project applicant, Collin Mbanugo, M.D., is proposing the Viewcrest Estates Project, herein referred to as the proposed project. The proposed project, as currently proposed, consists of ten (10) single-family attached townhomes on a new residential street (Viewcrest Lane). The proposed development would occur on an undeveloped parcel accessible from Campus Drive. As noted above the applicant voluntarily modified the original project to reduce impacts based on the preliminary analysis of VMT, air quality, and other potential impacts conducted as part of the environmental review process. As currently designed, the proposed project would involve the construction and occupancy of ten (10) single-family detached homes in the same area on the same parcel of land.

### Residences

The proposed project would develop ten single-family detached homes on individual lots. The proposed lots would range from approximately 6,966 to 10,582 square feet. The ten lots would total approximately 81,650 square feet (1.87 acres), approximately 66 percent of the total development area. The homes would range from three to four levels in height. The proposed homes would be built into the hillside, and retaining walls would be constructed on the downslope areas on the eastern, southern, and western sides of the proposed development area. Each home would have west-facing private decks.

Each home would have a two-car garage fronting the proposed new public street (Viewcrest Lane). Five of the houses would be located on the west side of the proposed public street and would have entry and garage access on the third or fourth floor. The other five houses would be built on the east side of the proposed on-site street and would have entry and garage access on the first floor.

### Access, Circulation, and Parking

Pedestrian, bicycle, and vehicular access to the homes would occur via a new public street (Viewcrest Lane) off Campus Drive to the south. The proposed street is a cul-de-sac. A new sidewalk would border both sides of Viewcrest Lane for pedestrian access. The proposed project would include a total of 20 off-street resident parking spaces via the two-car garages per unit and a total of 15 on-street public parking spaces along Viewcrest Lane.

### Landscaping

The proposed project would include landscaping and stormwater infrastructure throughout the

2.6-acre development area. Pursuant to the Preliminary Arborist Report, the proposed project would remove 77 trees, as recommended by the arborist. The proposed project would plant approximately 145 new trees and is required to comply with OMC Chapter 12.36, *Protected Trees*. The portion of the parcel outside of the development area would be 17.4-acres and would be maintained as open space in perpetuity.

### **GENERAL PLAN ANALYSIS**

The Oakland General Plan, adopted in 1998, describes the long-term plans for growth and development for the City. The General Plan contains specific elements and policies for land use and transportation; housing; noise; open space, conservation, and recreation; safety; scenic highways; historic preservation; and estuary policy. The General Plan's Housing Element has been periodically updated, including just recently in 2023. The General Plan's Safety and Environmental Justice Elements were also recently updated in 2023.

The Oakland General Plan Designations map indicates the project site is designated as Resource Conservation. The project site is also identified as a Housing Inventory site in the General Plan's Housing Element (*See* Housing Element, Appendix C, at page C-94) and zoned Residential Hillside-1 (RH-1).

The intent of the Resource Conservation designation is to conserve and manage undeveloped areas in Oakland that have high natural resource and/or scenic value or have natural hazards that preclude safe development.

The subject property was zoned RH-1 in 2011, approximately 13 years after the General Plan was adopted. When the City updated the Planning Code and the Zoning Map, the City Council made a determination that the rezoning of the project site to RH-1 was consistent with the General Plan's Land Use and Transportation Element (LUTE) and its Resource Conservation designation.

The intent of the RH-1 Zone is to create, maintain, and enhance areas for single-family living on lots of one acre or more, and is appropriate in portions of the Oakland Hills. The previous zoning was R-30, which also allowed residential development.

By clustering the 10 dwelling units on 2.5 acres of the overall twenty (20) acres of project site, the project would be consistent with the Resource Conservation designation in the LUTE because it would preserve a majority of the property as open space. In addition, the overall density is less than 1 dwelling unit per acre, consistent with the RH-1 zoning district that was found General Plan consistent in 2011. Finally, the project would be consistent with the City's Housing Element, which lists this site in its Housing Inventory sites list at Appendix C (*See* C-94).

### **ENVIRONMENTAL DETERMINATION**

Pursuant to California Public Resources Code (PRC) Section 21080(d) (California Environmental Quality Act [CEQA] statute) and CEQA Guidelines Section 15378(a), the proposed project is considered a "project" subject to environmental review because any approval would be "an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment."

The DEIR is a project-level EIR, pursuant to CEQA Guidelines Section 15161, and analyzes the changes in the environment that would result from the construction and operation of the proposed project including all short-term impacts (project construction) and long-term impacts (project operation) that would occur as a result of project approval by the City of Oakland, as well as cumulative impacts.

In response to comments received on the NOP, the project applicant reduced the original 20-unit townhome development to ten (10) single-family homes to reduce potential impacts related to the

commenters' concerns about the increase in vehicle miles traveled and its impacts to air quality, greenhouse gas emissions, and noise, and wildfire risk and evacuation. As demonstrated in Chapters 4.1 through 4.17 of the DEIR, the impacts of the proposed ten-unit project are all less than significant or less than significant with mitigation.

In accordance with the CEQA Guidelines, in addition to the No Project Alternative, this EIR discusses project alternatives and compares the alternatives to the proposed project. The alternatives were selected because of their potential to reduce the significant-but-mitigable impacts of the proposed project related to biological resources. The alternatives include:

- No Project Alternative. This alternative assumes that the proposed project would not be approved and that no development or any other changes to the project site would occur.
- Alternate Site Plan. This alternative would avoid developing housing in some of the areas where occurrences of Oakland star tulip have been identified. In doing so, the single-family unit (#6) would be relocated from the east side of the proposed Viewcrest Lane to the west side, just north of unit #1. It is assumed that mitigation measures identified for the proposed project would also apply under this alternative.

The DEIR concluded that the No Project Alternative would not meet the objectives of the proposed project. The Alternate Site Plan Alternative would result in similar impacts to the proposed project and would slightly lessen impacts to biological resources; therefore, it is considered the environmentally superior alternative. Furthermore, the Alternate Site Plan Alternative would advance the goals and overall intent of the Oakland General Plan with respect to increasing the housing stock and preserving sensitive habitat, similar to the proposed project. The Alternate Site Plan Alternative would also meet all of the objectives of the proposed project.

**RECOMMENDATIONS:**

- 1) Receive public and Planning Commission comments on the Draft EIR.
- 2) Close the public hearing with respect to receipt of oral comments, while informing the public that written comments will be accepted until 4:00 pm on **October 30, 2023**.

Prepared by:

*Richard Walker*

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Richard Walker, Interwest Group  
Contract City Planner

Reviewed by:

*Catherine Payne*

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CATHERINE PAYNE  
Development Planning Manager  
Bureau of Planning

Approved for forwarding to the Planning Commission:



for

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EDWARD MANASSE  
Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Link to CEQA Library on City of Oakland Website (Viewcrest Townhouses Project is under #PLN18407-ER01): <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-present>)
- B. DEIR Executive Summary
- C. DEIR Notice of Availability (NOA)