

City of Oakland Zoning Update
Commercial/Corridor Technical Advisory Group
Memorandum: Draft Commercial/Corridor Zoning Framework
Meeting #2: May 14, 2009

This memo presents a proposed draft framework for the zoning regulations applying to the Oakland's commercial areas and corridors (main thoroughfares and streets). This framework is based on input from the Technical Advisory Group (TAG), the general public, inter-departmental City staff meetings and on state and citywide policies, including the various elements of the General Plan, Redevelopment Area Plans and the City's Retail Strategy (please refer to the Commercial/Corridor Issue Paper for a more detailed discussion). Staff is presenting this proposal to receive input from the TAG.

APPROACH

At the TAG meeting in December, 2008, staff heard concerns and ideas from members about how the new citywide zoning would affect traffic, parking, preservation of historic building stock, and open space; also how it could use development bonuses and community benefits; and how it could study (and reduce) health impacts from new development. (See Attachment A for a summary of the first TAG meeting).

Since that meeting, staff has been studying "best practices" of similar commercial and transit corridor zoning in cities such as Portland, Seattle, San Francisco, and Chicago. Staff has also been using Geographic Information Systems (GIS) technology to analyze land use patterns, such as the distribution of auto repair businesses citywide. In addition, Staff has been meeting with Current Planning staff; briefing the Redevelopment Agency Project Area Committees about the citywide zoning update; and coordinating with City Economic Development staff so that zoning matches City policies for retail areas and economic growth. Staff hosted two public workshops where approximately 120 people participated in facilitated discussions about uses and development standards for the City's commercial and corridor areas.

PROPOSED ZONES

The following descriptions contain a preliminary list of zones proposed by staff. Table 1 summarizes the proposal. Each General Plan Classification – Urban Residential, Neighborhood Center Mixed Use, Community Commercial, and Regional Commercial – has one or more associated zones to achieve the character described in the General Plan. The proposed zones do not describe heights, floor area ratios or densities, because this proposal suggests regulations which feature a height and intensity map that is independent of the proposed zones. This technique allows two areas with the same zone to have height and density regulated differently (see "Heights and Intensities" section, below).

Table 1 – PROPOSED COMMERCIAL/CORRIDOR ZONING FRAMEWORK

Note that the proposed zones do not describe heights, floor area ratios or densities, because these will be regulated by a height and intensity map that is independent of the zones.

	ZONE	PURPOSE	EXAMPLE LOCATIONS ¹	GROUND FLOOR		UPPER FLOORS
				ACTIVITIES	NEW CONSTRUCTION	ACTIVITIES
URBAN RESIDENTIAL ²	RU-3	Enhance multi-unit residential development with mostly residential ground floors.	MacArthur Blvd. in Elmhurst (near 83 rd Ave)	Small-scale office and neighborhood-serving commercial and allowed ²	Storefront commercial allowed only at street corners	Primarily residential
	RU-4	Enhance multi-unit residential development with mostly commercial ground floors.	International Blvd in Elmhurst (near 65 th Ave.)	Small-scale office and neighborhood-serving commercial allowed ³	Storefront commercial allowed	
NEIGHBORHOOD CENTER MIXED USE	CN-1	Enhance established commercial districts with a selective range of pedestrian-oriented retail; similar to current C-31/C-27 zoning districts.	Piedmont / Rockridge / Montclair	Small-scale, pedestrian-oriented commercial; restaurants/banks/real estate offices would require a CUP ²	Storefront commercial required	Wide range of commercial/residential
	CN-2	Enhance commercial districts with pedestrian-oriented retail and mixed-use developments.	Laurel / Fruitvale / Dimond	Small-scale, pedestrian-oriented commercial ²	Storefront commercial required	
	CN-3	Enhance emerging commercial districts by providing the most opportunities for revitalization through commercial and mixed use developments.	Portions of Foothill / Bancroft / International	Small-scale, wide range of commercial (office, retail, banks, restaurants, etc.) ²	Storefront commercial required at street corners or defined retail nodes.	
	CN-4	Enhance areas of small-scale retail, serving frequently recurring needs in convenient locations; located within low-density residential communities.	Leimert / Joaquin Miller / Woodminster commercial areas	Small-scale, wide range of commercial (office, retail, banks, restaurants, etc.) Residential CUP ²	Storefront commercial encouraged	
COMMUNITY COMMERCIAL	CC-1	Enhance shopping centers devoted primarily to local-serving retail; may also include some residential uses.	Eastmont Mall / Foothill Square / Rockridge Center	Retail-oriented commercial activities; auto repair with a CUP	Commercial required. Residential allowed as secondary use.	Wide range of commercial/residential
	CC-2	Enhance areas dedicated to local-serving, commercial uses on the corridors; may also include some residential uses.	International at 29th Street	Wide range of commercial activities (office, retail, restaurant, etc); auto repair with a CUP	Commercial required. Residential allowed as secondary use.	
	CC-3	Enhance areas containing local-serving commercial and light manufacturing uses with limited external impacts; generally located in areas not adjacent to residential communities.	Area between Broadway+Telegraph Avenue, just north of 23rd Street.	Residential discouraged. Wide range of commercial activities, including auto repair / light industrial	Commercial required	
REG. COMM.	CR-1	Enhance integrated centers devoted primarily to regional retail, hotels and other regional-serving activities; similar to current C-36 zoning district.	Hegenberger Road	Retail-oriented commercial activities	Commercial required.	

¹ These locations are preliminary; there are no current mapping proposals.

² RU-1 and RU-2 are not shown, because they are being handled by the residential rezoning process.

³ No Auto Repair allowed in these zones.

Staff provides examples of locations for how the new zones may be mapped, but these locations are preliminary and are illustrative only. Staff will present proposed zoning maps at future meetings.

Urban Residential General Plan Classification

Staff proposes two zones to implement the Urban Residential General Plan Land Use Classification on the corridors: RU-3 and RU-4¹. Note that Urban Residential areas on the corridors listed as “Grow and Change” in the General Plan will be developed through the commercial/corridor rezoning process; Urban Residential areas designated “Maintain and Enhance” will be developed through the residential rezoning process.

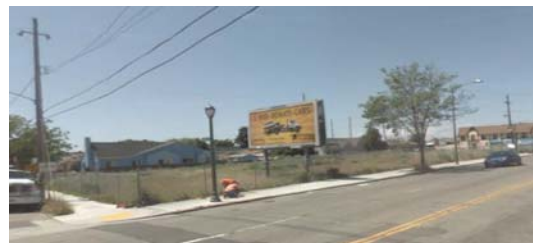
The General Plan intends Urban Residential areas to have a high density residential character with ground floor commercial activities where appropriate. These areas are intended to connect the retail nodes mapped as Neighborhood Center Mixed Use.

RU-3 is intended to be mapped in neighborhoods where the corridors are currently residential in character. The current zoning for these areas is generally residential. RU-3 would encourage high density, multifamily development and would allow

small scale commercial activities at major intersections, but not at other locations in the mid-blocks. Staff proposes this commercial limitation to focus commercial activities at the retail nodes mapped as Neighborhood Center Mixed Use. Allowing commercial activities at all locations along the corridors could dilute the commercial presence on the corridors and decrease the economic viability of the identified retail nodes.



Elmhurst: MacArthur and 83rd Ave. (east side)



Elmhurst: MacArthur and 83rd Ave. (west side)

Examples of RU-3: MacArthur Boulevard between 83rd and 88th Avenues and MacArthur Boulevard between 99th Avenue and Foothill Boulevard.

RU-4 is intended to be designated in areas that currently contain a concentration of ground floor commercial activities. These areas are usually commercially zoned under the current regulations. Staff proposes high density residential activities for these areas, consistent with the General Plan.



Elmhurst: International Blvd. and 65th Ave.

¹ The names of the proposed commercial/corridor Urban Residential zones are RU-3 and RU-4 because “RU-1” and “RU-2” are proposed zones being developed through the residential rezoning process.

These areas would allow, but not require, small scale, low impact, and neighborhood-serving ground floor commercial activities such as small offices, markets, real estate brokers, cafes, and retail stores. Upper stories would be generally preserved for residential activities.

Examples of RU-4: Areas on International Boulevard between 61st - 72nd Avenues, and between 76th - 81st Avenues; San Pablo between 23rd and 29th Streets.



West Oakland: San Pablo Ave. and 26th Street

Neighborhood Center Mixed Use General Plan Classification

Staff proposes four new zones to implement the Neighborhood Center Mixed Use classification: CN-1, CN-2, CN-3, and CN-4. The General Plan defines Neighborhood Center Mixed Use areas as vibrant, compact, and pedestrian oriented neighborhood commercial centers with continuous retail street frontage.

CN-1 would be applied to the neighborhoods with the most consistent retail, neighborhood service, and restaurant presence and a well-established pedestrian scale. These areas require the tightest controls on ground floor activities to preserve the current pedestrian orientation of the neighborhoods. The regulations for this zone would be similar to those of the current C-27 Village Commercial Zone and C-31 Special Retail Commercial Zone mapped in Rockridge, Piedmont Avenue, Montclair and other locations.



Rockridge: College Avenue

Small scale retail and neighborhood-oriented service businesses would be encouraged on the ground floor. Ground floor activities such as administrative offices, residential units, real estate offices, and exercise studios



Montclair District

would be discouraged. Restaurants would require a conditional use permit to protect against nuisances that could result from their concentration in a commercial district. Office and residential activities would be directed to the upper stories of buildings. New construction would be required to have a ground floor storefront.

Examples of CN-1: Rockridge, Piedmont Avenue, and Montclair Commercial Districts.

CN-2 would be mapped at established retail areas that have a strong retail/service component and which feature neighborhood services such as restaurants, laundromats and video stores. Similar to CN-1, small scale retail and neighborhood oriented service businesses would be encouraged on the ground floor. This zone may encourage a greater range of commercial activities such as real estate offices, banks, or small exercise studios. Restaurants would also be encouraged on the ground floor to further establish these neighborhood center nodes.



Laurel District

Staff proposes that ground floor offices and ground floor residential units be discouraged from locating in CN-2 because they would discourage pedestrian activity and the vibrant character envisioned by the General Plan. Upper story residential and office uses would be encouraged, however.

Examples of CN-2: Laurel and Dimond Districts.

CN-3 would be mapped at emerging commercial areas that may contain a variety of activities such as small scale retail, office, and small markets. These areas are currently underperforming as retail centers and often have high vacancy rates. Staff proposes that a broad variety of ground floor activities be allowed in these areas, including small offices, markets, real estate brokers, and retail stores. This area would allow a greater range of activities than CN-1 or CN-2 to avoid the presence of vacant storefronts in these more economically challenged areas.



Seminary: Foothill Blvd. at Seminary Ave.

New construction would be encouraged to have a ground floor storefront (with regulated floor heights and transparency, among other design considerations), particularly at major intersections. Housing would be permitted on upper stories and selected ground floor locations.

Examples of CN-3: Retail nodes on San Pablo Avenue, near 55th Street (Golden Gate) and Foothill Boulevard at Seminary.

CN-4 would be designated in small neighborhood commercial districts that are generally surrounded by low or medium residential areas and off the City's main corridors. Staff proposes that these neighborhood districts are limited to small-scale, neighborhood serving retail and service businesses, offices, and similar low-impact activities. Restaurants would be conditionally permitted, subject to an evaluation of noise, odor, and other impacts.



Woodminster: Lincoln Avenue and Joaquin Miller Road

Example of CN-4: Joaquin Miller/Woodminster commercial area; Keller Road/Campus Drive commercial area

Community Commercial General Plan Classification

The Community Commercial Classification is intended to accommodate a wide variety of commercial activities, such as larger scale retail and service businesses and auto related activities. Staff proposes three zones to implement this classification: CC-1, CC-2, and CC-3.

CC-1 would be mapped to include shopping centers on and off the corridors and would allow a variety of community serving commercial activities. Design regulations would allow a somewhat greater parking presence than other corridor designations. Auto repair uses would be conditionally permitted.



Eastmont Mall

Examples of CC-1: Eastmont Mall and Foothill Square.

CC-2 would be a general commercial zone for corridors that would allow a wide variety of commercial activities such as offices, retail stores, personal service businesses, and educational institutions. Auto repair would be conditionally permitted. The significant difference between CC-1 and CC-2 would be that CC-2 would require a strong commercial storefront presence, including regulations restricting parking to the rear of a lot, or underground.



International and 29th Ave

Examples of CC-2: International Boulevard near 29th Street and San Pablo Avenue from 60th Street to the Berkeley border.

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CC-3 would be the most inclusive commercial zone, allowing auto repair, “heavy” commercial uses such as building suppliers, a limited range of light industrial activities, as well as general commercial activities. CC-3 would generally be mapped at locations that are not adjacent to low density residential neighborhoods. This zone would discourage or prohibit conventional residential construction to avoid conflicts between residential activities and heavier commercial activities.



23rd Street between Broadway and Telegraph

Examples of CC-3: Grand Avenue between Brush and Linden Streets and the area between Broadway and Telegraph Avenue, just north of 23rd Street.



25th Street between Broadway and Telegraph

Regional Commercial General Plan Classification

The Regional Commercial Classification calls for region-serving activities such as hotels, large scale entertainment, sports activities, and “big box” retail stores. The majority of the designation is located on Hegenberger Road and Coliseum Way, near the Airport and Coliseum sports complex. Staff proposes one zone, RC-1, to implement



Hegenberger Road

this classification. This zone would allow a wide range of large-scale commercial activities and require special landscaping standards along Hegenberger Road, the gateway to and from the Airport. RC-1 would be similar to the existing C-36 Gateway Commercial Zone that is currently applied to that area.

USES

The proposed zoning framework in this memo assigns broad categories of uses (called “activities” in the current zoning code) to each of the proposed zones based on interpretation of the Oakland General Plan. To facilitate discussion, the framework is still very general. The specific assignments of permitted, conditionally permitted and

prohibited uses will be determined after there is broad agreement upon the number and character of the proposed zones.

Several uses were repeatedly mentioned in the two public workshops as being “over concentrated” in the commercial corridors: liquor stores and auto repair. Alcohol establishments are regulated by several sections of the municipal code and state law, and are not likely to be changed during the citywide zoning update. However, overconcentration of auto repair businesses can be addressed through zoning. Staff proposes that auto repair regulations be restricted to areas with a Community Commercial General Plan classification. Under this scheme, auto repair would be conditionally permitted in most Community Commercial locations, with design review requirements. Auto repair would not be permitted in Neighborhood Center Mixed Use areas, and existing auto repair operations in these areas could become legal, non-conforming operations (which many of them already are, under current zoning).

PARKING

Members of the TAG at the December, 2008 meeting expressed strong support for new parking regulations for the corridors. Staff agrees that the current regulations are out of date and do not reflect the most modern, flexible parking methods necessary to support transit and high quality development. Therefore, staff proposes that a conditional use permit process be developed for the first round of the citywide zoning update, allowing reduced parking if a new development is near transit and provides a transportation demand management plan. The plan may require such things as sharing parking spaces, transit passes, access to a car share service, or other features.

The current requirements for the dimensions of parking spaces and maneuvering aisles are based on cars built in 1964, the year the zoning ordinance was written. Staff proposes to adjust these required parking dimensions to modern standards. The dimensions required in the current S-12 Residential Parking Combining Zone, an overlay zone applied to the Adams Point neighborhood, could be a model for the new dimensional requirements.

Staff proposes that a major overhaul of the parking regulations be performed in a future phase of the rezoning process. This overhaul cannot be performed now due to funding and staffing considerations.

COMMUNITY BENEFITS

Several members of the TAG expressed support for community benefits for new construction. Staff proposes that the City pursue “Mitigation Fees” for all new development. Such fees would require “nexus studies” (making the link—or nexus—between new development and the cost of providing services to that development) and would be based on the cost of constructing or improving parks, transportation, and other

infrastructure. The money would be spent using a detailed capital improvement plan that prioritizes projects throughout the City.

Some TAG members expressed a preference for a community benefits scheme whereby additional development, such as height, would be allowed in return for a specified public improvement in the area near the construction. Staff does not support this scheme because it would require a predefined choice of community benefits for each neighborhood of the City. This would be a multi-year, expensive process and could also be highly subjective. If the list were not developed, then every large development process would result in lengthy negotiations with the neighborhood and the City regarding what community benefit should be provided. Also, this approach would result in the neediest neighborhoods receiving the fewest benefits because such areas may be the least likely sites for new development (or the areas where incentives such as reduced fees may be needed).

HISTORIC PRESERVATION

As discussed in the Issue Paper for the December, 2008 TAG meeting, the commercial and corridor areas of Oakland have many pockets of important historic resources. There are some historic landmarks on the corridors, including the Safeway warehouse on International Boulevard at 57th Avenue, the Melrose Library at Foothill and 48th Avenue, and the Grand Lake Theater on Grand Avenue. However, the more common historic resources are clusters of “Potentially Designated Historic Properties”² that make up “Areas of Secondary Importance” (ASIs) as classified by the City’s Office of Cultural Heritage. ASIs are areas of local historic interest but have not qualified for the National Register of Historic Places. Examples include the Temescal, Lakeshore, and Fruitvale commercial districts. There are also several historically rated buildings in commercial districts and the corridors that are not in an ASI.

The proposed Central Business District (CBD) regulations went through an extensive process to develop regulations to preserve historic structures and districts in downtown. The proposed CBD regulations include height limitations in historic neighborhoods where a consistent height is a character-defining context and new design review findings and processes for historic resources. These findings include requirements that new construction and additions are compatible with and preserve historic neighborhoods and additions to historic buildings are compatible with the historic design of the building. The proposal also includes the relaxation of some activity regulations in historic

² The City considers any property that has at least a historic rating of C (on a scale of A to F) or contributes, or potentially contributes, to a historic district to “warrant consideration for possible preservation.” If they are not already designated, all properties meeting these minimum significance thresholds are called Potential Designated Historic Properties (PDHPs) by the City’s Office of Historic Survey.

PDHPs are a large group: a fifth of the buildings in Oakland. They are meant to be “numerous enough to significantly influence the city’s character.” Properties with contingency ratings are classified as PDHPs to highlight their value as restoration opportunities. District contributors and potential contributors are classified as PDHPs to promote preservation of Oakland’s distinctive districts and neighborhoods.

structures to encourage their adaptive reuse. Further, new findings are currently being developed regarding the demolition of historic structures. Staff is also recommending the expansion of the Mills Act to commercial buildings.

Staff proposes that the corridor/commercial regulations use the CBD regulations as an initial framework for the corridors. Staff needs to further study how applicable each of these findings can be transferred to the corridor/commercial effort from the proposed CBD regulations.

HEIGHTS AND INTENSITIES

Regulating the height and intensity of new (or renovated) buildings on the commercial corridors is of great interest to the TAG members, Oakland residents, and the development community. There are legitimate concerns about the shadow and view impacts of taller buildings, traffic and parking impacts, and community character impacts. At the same time, there is a need to maximize development opportunities and achieve heights that are appropriate to frame the street space. Staff is attempting to find a balance that works to encourage the future development of Oakland's main streets—especially since these streets are intended, through the General Plan and the Housing Element, to hold the majority of new residential and commercial development.

Staff is proposing height limits in all the new proposed commercial zones, ranging from 35-85 feet. The 85-foot height is the height in the Oakland Building Code where “life safety” requirements are required and necessitate a more expensive building type. This height is also tall enough to create an appropriate “wall” to contain the street space on the widest streets. 35 feet is the lowest height limit in a commercial zone in our current code and is proportional to the City's narrowest, two lane corridors. While the heights have not yet been determined or chosen for any particular neighborhood or corridor, staff proposes that height limits would be based on the following factors: width of street; access to major transit including BART and high-frequency AC Transit lines; proximity to downtown; adjacency of low density residential uses or zones; and historic context.

Staff also proposes a “height map” that would be independent of the zoning map to ensure that heights are tailored to reflect the context of different areas. Such a map would be overlaid upon the zoning map to allow areas with the same zoning designation in different parts of the City to have different height requirements. This is done in cities such as San Francisco, Portland, Seattle, and other jurisdictions. The height map could be a free-standing map or it could be integrated into the zoning map through suffixes (i.e., “CN-4-35” would indicate that a site is in the CN-4 zone, with a 35 foot height limit).

DESIGN REGULATIONS

As noted in the Issue Paper, existing zoning in commercial/corridor areas does not include much guidance regarding the design of buildings or building facades. Furthermore, many new developments in commercial areas do not require design review. However, design guidance would be beneficial to the commercial and corridor areas of the City. Good design can help further many of the goals described in the General Plan, for example, by creating pedestrian-oriented storefronts, reducing noise and privacy impacts for ground-floor residential uses and helping to buffer adjacent uses.

The Citywide zoning update process provides an opportunity to include more design guidance for new development or additions in the commercial and corridor areas. Staff proposes design standards (mandatory and measurable regulations) in the Planning Code that are supplemented by a separate design guidelines document. Design guidelines are more descriptive and discretionary than design standards. They provide more flexibility for designers and planners who review developments, and allow more creativity for architects and developers.

An example of a design guideline vs. design standard is presented below:

GOAL	Standard	Guideline
Materials that Create Good Ground-floor Design	<i>Aluminum or asbestos siding are not allowed on the ground floor</i>	<i>High-quality materials, such as stone, wood and stucco, should be used on the ground floor.</i>

Staff proposes that design standards speak to the following topics:

- Minimum ground floor height
- Minimum grade separation for residential units
- Parking location and access
- Active space requirement in front of commercial buildings
- Percentage of ground floor window transparency
- Minimum and maximum heights
- Minimum and maximum setbacks
- Transitions to adjacent residential zones, including landscaping

The design guidelines are currently in the planning stages. Preliminary topics for the guidelines include:

- Ground floor treatment, including a prominent entrance
- Materials
- Massing and scale
- Window design and location
- Building terminus
- Parking treatment

Staff proposes that there be variation in design standards from one zone to the next. For instance, CC-1, the Community Commercial shopping center zone, would have less emphasis on a ground floor street presence than zones that require a greater street presence.

Staff further proposes that some standards be specific to the type of use that will be located on the ground floor. For example, staff proposes zoning standards for grade separation for residential ground floors to mitigate noise and privacy impacts and design standards for automotive repair facilities.

NEXT STEPS

Staff seeks input from the Commercial TAG on the proposals laid out in this report. Following the meeting on May 14, revisions will be made as appropriate, and staff will begin developing standards and use regulations for each of the zones.

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I. Presentation Introduction

Eric Angstadt (EA), Interim Director of the Community and Economic Development Agency, welcomed attendees, reviewed the agenda, and provided an overview of the Zoning Update project. Neil Gray, Strategic Planner and Manager of the Commercial/Corridor Zoning Update team, made a presentation on commercial zoning topics. Eleven separate topics were raised. At the conclusion, Neil asked participants if they thought staff had missed any issues. A summary of this discussion follows:

II. Summary of TAG Member Comments

Traffic

Traffic concerns were brought up. Questions/Concerns include:

- What amount of new traffic can an area handle?
- What effects do traffic conditions and congestion have on how we zone different areas?
- Reducing traffic impacts could be addressed in the Environmental Impact Report (EIR) process at the end, but we need to think about some of this ahead of time.
 - *Staff response* – Planning staff concurs that there are traffic issues to be addressed. The CEQA (EIR) process is geared toward cars. Do we tweak the zoning code to shift the emphasis to alternate modes?
- There are concerns about the need to adjust the parking standards, as they are outdated.
 - *Staff response* – Planning staff will deal with that in Phase 2 of the zoning update process, right now we (staff) are going to take a liberal approach to issuing parking variances.

Zoning /Development Standards

- Zoning is a restriction; it doesn't "encourage" anything. Staff needs to use bonuses and incentives to get people to do what City wants.
 - *Staff response* – Yes, you can set the zoning densities and heights allowed "by right" at a fairly low level and use bonuses to get what you want (incentives). This is the approach taken in Seattle, Portland, etc, i.e., create an "artificial scarcity" and incentivize everything (in the case of Portland, there are many pages in the zoning code of exceptions, with bonuses.) Another strategy is to penalize the behavior you don't want to see

- Some members agree on the above statement. A member raised three issues: (1) On Issue # 11. The zoning ordinance needs to not just “balance” historic preservation and land use but also implement the Historic Preservation Element, and connect zoning to historic preservation (See Policy 3.9 in the HP Element: *Consistency of Zoning with Existing or Eligible Preservation Districts*). Need to consider policies in the Historic Preservation Element and also look at Transfer of Development Rights. 2nd issue – how do you translate general goals for the city into specific allowable development quantities on the ground? This gets to the bigger question of what year are we planning for as we zone -- how do we quantify that and translate it into zoning? 3rd issue- Sign regulations need to be adjusted.
 - *Staff response* – Staff noted that signs would be addressed in phase 2. Staff suggested considering “growth targets” for the corridors as a whole, for example, International Blvd from X Avenue to Y Avenue, and let the market decide where the new development would go within that defined corridor.

Storm Water Runoff

- We need to address storm water run off. Can we build a mechanism (into our zoning) for evaluating projects so there is no net gain in run off when a site is developed?
 - *Staff response* – We already do this to some extent in our National Pollutant Discharge Elimination System (NPDES) permit.
- The City of Malibu has gone further and adopted standards that all runoff must be absorbed on site or you pay excess fee.
 - *Staff response* – Yes, we know this type of policy is coming from the State’s Regional Water Quality Control Board (RWQCB).

General Plan

- Do we have a chance to rework the General Plan through this process? This is our chance to go beyond what the General Plan says—we shouldn’t let that 10-year old document hold us back.
 - *Staff response* – The 1998 General Plan is a given and we do not have the resources or political direction to change it at this time. If one of the outcomes of this process is recognition that the Plan needs updating, we will deal with that later—it is unfunded now.

Adaptive Reuse/Historic Preservation

- When you talk about “development” don’t forget adaptive reuse. We have lots of old warehouses on San Leandro Street that could be converted to live-work. How will the Zoning Ordinance deal with these uses? They aren’t exactly “encouraged” by the building code. Yet from a smart growth perspective, rehabbing them is better than developing new buildings outside of the city (“green fields”). How can we have more favorable planning & building regulations for live-work, and encourage those who are doing creative things with older buildings?
 - *Staff response* – In this zoning update, we are not dealing with building code (which regulates the definition of live-work). The zoning code is friendly to mixed-uses. Industrial zoning is more restrictive towards live-work than commercial zoning. In commercial areas it’s pretty easy to do residential adaptive reuse of older, non-residential buildings. It’s also easier to do it if the building is historic (but it’s harder if it’s an industrial area due to encroachment issues).
- Several members agreed to what was said earlier in the discussion about Historic Preservation and carrying capacity. We do need to look at our city’s carrying capacity when we set zoning densities. Infrastructure is at capacity in some cases. One TAG member noted that the EBMUD water main blew in front of her house. And in some cases, there are still have sanitary sewer/storm sewer links that cause raw sewage to flow into the lake. We have decaying infrastructure lines that are 100 years old. They were designed for little houses, not multifamily buildings. Who will do this analysis and who will upgrade the facilities?
 - *Staff response* – We can look into the issue of zoning affecting the capacity of infrastructure. One idea might be to look at the corridors as a whole, what is their carrying capacity as a whole?

Development Bonuses/Community Incentives/Impact Fees

- Keep in mind that some development bonuses are granted by the state. Are these bonuses in addition to the ones we allow locally? We need to make sure we don’t go higher than we want to go in density when we talk about bonuses, and consider the “ultimate height” of development.
- Some seconded the idea of using incentives, such as community benefits, as a way to get to an “ultimate height.”
- In my community, there are large, developable parcels, and we have real opportunities to get public art, plazas, etc. from developers
 - *Staff response* – Impact fees are another way to produce community benefits.

Impacts from Truck Traffic

- I'm curious to explore this idea of doing the environmental analysis first. We should broaden the discussion of impacts; also think about things like safety, illegal dumping, air quality from diesel trucks, toxics, etc. Can we design our streets to keep trucks out of the residential areas
 - *Staff response* – Designating truck routes is outside the purview of zoning; zoning regulates private property.
- Also need to address parking of diesel trucks and concentration of auto body shops. The City needs to do some “ground-truthing” as part of this process. We need to know the current situation when it comes to uses with health impacts. Are the current limits being adhered to? Look at buffers; setbacks; increased requirements to avoid excessive concentration of auto body and other health hazard uses near residential areas.
 - *Staff response* – We are starting at a more basic level than that. What are the right uses that should go in each zone, etc? We will deal with the “concentration” issue later on. Phase 2 of the rezoning will be more “fine-grained.” We are focusing on future conditions rather than past conditions.

Community Benefits Continue

- We think it's really important that when community benefits are provided, they serve the impacted neighborhood and not other parts of the city. We also like the idea of flex space and short term leases in the ground floors of new mixed use projects – to allow untraditional uses on an interim basis while we wait for conditions to change.
 - *Staff response* – Your approach suggests you want incentives (which support local benefits) and not impact fees (which tend to support citywide projects).
 - *Staff response* – (Responding to the flex space question): We need to be mindful of how we apply flex space in the regulations. It is tough to accommodate certain uses if you allow 9- foot ground floor ceilings for the interim use. You need 12-15' ceilings for retail. So require 12-15' ceilings to anticipate future market for retail. (i.e., don't preclude the ultimate use)
- (1) When we talk about community benefits, we need a balance between benefits that are neighborhood focused and benefits that are city wide. Not all development impacts are local--some impacts are citywide, such as an increase in demand for BART service from residents in new construction that isn't close to BART. Don't give up on impact fees entirely. (2) Is the City still considering incorporating form based codes in its zoning?

- *Staff response* – Staff can regulate by use, by form, or by impact. We will probably do a hybrid that combines multiple approaches; alternate b/w use and form
- *Staff response* – Staff will use the form based approach in areas that are less successful, where greater flexibility can help revitalization. In areas that are more established & successful, a use based approach may be more appropriate.

Parking and Development Impacts

- The Laurel District has smaller lots. Parking requirements make it hard to build vertical mixed use and achieve the kind of pedestrian streets envisioned by the general plan. The lots are already 100% covered; we can't do parking on-site and where we can, curb cuts are not desirable. Need to come up with a new solution.
 - *Staff response* – Parking regulations need an overhaul; until it is adopted, planning division staff is generous with parking variances.
- Historically, the avenues were streetcar served. So its ½ block, commercial then Single Family homes. How do we adapt this to a new pattern?
- We just want to add one or two few new floors to one-story buildings with neighborhood based uses but we can't because we can't meet the parking requirements
- Staff will face a battle if you say you're dealing w/ parking later (in the Phase 2 that EA described) Try and build parking into the overall process, so the standards are as clear and simple as possible. How do you draw the line between a design guideline and a development standard? We need to go into "phase two" a little bit in this process. Also, we could use some case studies as we go along to understand collectively the real world effects of what we're discussing.
 - *Staff response* –Staff can explore different approaches to the Laurel situation. For example, perhaps we can say if your lot measures less than 3,000 square feet, that no parking is required. Our staff can make maps of lot sizes for this analysis, using Geographic Information Systems (GIS) .
- We are going back to the future w/ transit corridors. Although the corridors don't have streetcars, they do have frequent bus service. We need to support/ regulate development to boost transit—this is not just density, it is also design. Limit curb cuts; make it easier to get from building to bus stop. There is a lot this process can do to support good corridors. A lot of Oakland's new units will have to be on the corridors. Generally, what's good for transit is good for pedestrians, and we do need to talk about parking. Oakland has not been creative on parking, it has not explored ideas such as neighborhood pool parking. Neighborhood parking will drive a lot of discussion.

- Some liked this idea of neighborhood-based benefits. How do you standardize the practice (since this is zoning)? It's subjective & potentially very complicated to identify benefits on a case by case basis. Developers want certainty. The impression in Oakland is that it is all take, and no give. This leads to disinvestment. Need to make sure this process stays efficient.
 - *Staff response* – We are going to identify non-zoning issues in this process as well. We are going to catalog all these ideas-not necessarily resolve them all now.

III. Final Comments

- Parking is vital. The handicapped and also delivery trucks need parking close to their destinations. Parking is the major problem and must be considered in this process. With mechanical parking, there has been a paradigm shift in how developers are meeting the parking standards. This has major impacts on density. This needs to be considered in the zoning code.
- There is support for the idea of incentives for neighborhood improvements. We did a project near Fruitvale-Foothill, and provided streetscape amenities. These kinds of amenities should be incentivized. Part of this process will need to be to learn about each area and figure out where (and what) the amenities need to be—tying amenities to certain opportunity sites.
- Keep in mind that the Land Use Element FARs are very high. They appear to allow 4-8 stories in Montclair & Rockridge—which is not what was intended by the General Plan policies. Need to only allow the top of the FAR range with use permits, bonuses, and provisions for many amenities. Some additional tools would facilitate our discussion – a map of ASIs and APIs would be helpful. – More detailed maps of the land use and zoning overlay map.
 - Staff clarification of above statement- The General Plan FARs establish the density “ceiling” for each category not the amount of density granted by right.
- The community commercial areas and the neighborhood commercial areas have many different typologies and are not homogenous. They vary by lot size, transit orientation, car dependency, the type of retail needs they serve, existing community plans, etc. Need to recognize all these factors and not use a one-size-fits-all approach.
- Recognize that neighborhood cultures support different development patterns. In the Laurel we can support less parking. I'm concerned that our demographics will change if we require suburban parking standards (we will have less diversity)

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- We should use the rezoning process to improve functionality of corridors & to incentivize community benefits. Would like to see how Portland and Seattle incentivize community benefits. Seems like Phase 2 is the “good part”
 - One member does not think providing community benefits is in conflict w/ creating standards and predictability
 - My area includes Elmhurst, Foothill Square, Eastmont Mall, etc.- what does the Conley Report mean when it talks about “repositioning” these shopping centers?
 - *Staff response* – Repositioning refers to creating a new retail strategy for a shopping center.
 - Hegenberger is not a nice gateway. What are we going to do about the regional commercial areas? Need to focus on design solutions there as well.
 - I understand you’re not able to consider existing conditions now, but I want to encourage you to do so as part of this process.
 - Right now, parking requirements dictate height & density more than the General Plan. We need to adjust parking standards. Something has to give if we sure going to accommodate our RHNA. We can’t keep requiring 1 to 1 parking unless we go mechanical (one car for every one residential unit). We have to force people to use less cars.
 - Two points: (1) We need a menu of community benefits in the code. Spell out what they are, for the public and for developers. (2) Consider lot size. We have over 100 different property owners between 40th & 51st on Telegraph – many small lots have impeded this area from redeveloping. Zoning needs to consider lot size.
 - Consider Streetscape issues. How will we get the pedestrian-friendly character we desire? Right now, there are vacant retail spaces all over the city on the ground floor—this is an outcome of our requirements. We need to make adjustments. Also, we absolutely need to address parking and ASI / APIs.
 - Yes, you must address parking, but not just the issue of providing spaces. Look at broader issue of parking management.. Support pedestrian uses explicitly.
 - What we want to accomplish is to preserve the individuality and uniqueness of our commercial districts and corridors. The challenge is to use a blunt instrument like zoning in fine-tuning. I am worried that our approach will create homogeneity and a lack of creativity. We need to tackle this challenge.

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- Very pleased at how open minded people are about parking. Parking flexibility is not a radical idea. Look at decoupling parking from condo ownership. Also, in higher density areas, focus on public open space rather than private open space. Also note – the Conley (Retail) Report has design recommendations.
 - Everyone in this room should read Donald Shoup’s 2005 book, “The High Cost of Free Parking” Infrastructure issues are important, but we also need to consider the impacts of development on parks and schools, etc. Take into consideration the need for youth and senior centers.
 - We haven’t had much conversation tonight about buffering, and this is very important—especially for auto-oriented uses. Also, need a reality check on density bonuses. Keep in mind that the state will automatically allow a density bonus of 35 percent on top of whatever maximum density Oakland allows (for affordable housing). We need to make sure we maintain the General Plan “ceilings”. We may need to look at disincentives as well as incentives for private car ownership (parking).
 - Our neighborhood retail areas are unique) we have a retail advisory committee in Grand-Lakeshore. It’s been very useful. Too many big box and chain stores may threaten retail diversity. Too many nail salons.
 - The concept of Urban Villages should be stressed. De-emphasize the private car; create mixed use centers; what can zoning do to create thriving neighborhoods?
 - The world is shifting and becoming less car-oriented. AC is adding service, but we have fiscal constraints. To the extent we can address congestion, speed, etc. on the corridors, our task is more effective. Provide the density where excess capacity exists. Recognize the differences in the corridors.
 - Concerned about the fact the LUTE is all about density, and if we add State density bonuses, we have very tall buildings next to Single Family homes. I’m concerned about road & infrastructure capacity, also. We need to respect the reality of the car, if we don’t park cars on the corridors, they will be parked on the streets of the adjacent residential neighborhoods.
 - Have to look at parking now.
 - Very impressed by this discussion & the breadth of knowledge. It’s problematic that we are leaving the Estuary Policy Plan area (i.e. Jack London Square) out of this zoning update process. It will result in two different zoning codes.
 - Each Corridor has its own identity, but they all share some common features – incubators, housing potential and affordability, etc. Need to combine flexibility and

certainty. Be mindful of the backlash that will result if we allow bad projects. You've got to get the buffering right to make it work; buffering makes flexibility possible.

- I disagree with above statement (two statements up) – the Estuary area is unique. It should be its own zoning area. Re: Community benefits, don't sell out too cheap. Oakland has a "wallflower mentality" and will "dance with any geek who asks us." I've never met a developer who didn't want to go beyond what was allowed. Be careful. Don't wreck our assets, our parks, which are already being loved to death, etc; don't overload our community facilities w/ too many people
- Great to hear so much urban theory in this room. I am encouraged, but will we get this done in less than ten years?
 - *Staff response* – Thanked everyone for attending and the meeting was adjourned. Please email further thoughts and comments to: zoningupdate@oaklandnet.com.

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