



OAKLAND BUILDERS ALLIANCE

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Central Business District Zoning Update Comments

Prepared on behalf of the Oakland Builders Alliance

The Oakland Builders Alliance (OBA) is pleased to respond to the call from the Planning Commission and City Staff for constructive comments on the draft zoning update for Oakland's Central Business District. Before defining our specific recommendations, it is important to outline the context in which these recommendations are put forward.

Livability, Prosperity, Sustainability

These three words form the foundation of many successful downtown planning strategies and they are equally valid in Oakland. We are at the beginning of a process that will define how we move forward as a City, a cultural model, and as a dynamic regional jobs and commercial center. We understand that this zoning update is necessary to develop consistency with the General Plan. However, the General Plan is 10 years old, and is becoming increasingly distant from the urban challenges facing us today.

Therefore, it is our recommendation that although we need to update the zoning at this time, we must begin a Citywide process, similar to those going on in Chicago, Vancouver, Portland, Seattle, San Diego and many other successful metropolises to define the vision of our Central Business District in specific terms as it relates to the fundamental principles of building on our inherent strengths to create and sustain a great city. To this end, we make recommendations and comments here on the current zoning update proposal before us, but strongly recommend that the city view the current zoning update effort as a short-term solution to bring the zoning and general plan into conformance, recognizing that to create a truly thriving, walkable, safe downtown, a comprehensive re-visioning process is necessary, and should be initiated as soon as possible, as part of this process.

Many initiatives have already been undertaken to upgrade and update facades, to improve pedestrian access and safety, and to encourage redevelopment, yet much of the information is decades old, difficult to access, and uncoordinated.

We realize and applaud the extensive hours and energy that staff has devoted to this zoning update and that this zoning update is a living ordinance that will require periodic adjustment and will most certainly be affected by the upcoming Upper Broadway Specific Plan, as well as a Specific Plan for the Lake Merritt BART Station. Both of these initiatives have the potential to define strategies for development catalyst proposals that will strengthen our downtown core transit mixed use nodes, enhance affordable housing opportunities, and provide a predictable framework for development interests. However, we believe that it is imperative that the multiple studies and plans that have been undertaken over the past 20 years be evaluated, updated, and coordinated with this zoning update so that we present a consistent, understandable direction that encourages creative, environmental and social conscious development proposals.

It is the OBA's intent to commit our experience and resources as a partner in shaping the future of the City we have chosen to make our home. As homeowners, business owners, and advocates, there are several items in the proposed Central Business District zoning update we wish to address.

Creating Great Streets

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The life of the City in terms of its social vitality and retail success is fundamentally dependent upon the quality of its most important public open space, the street. Time tested planning principles that support the creation of great streets include; permeability, pedestrian scale, active uses, safety, and environmental quality. The size, placement and character of the buildings lining the street play a critical role in supporting these planning principles, as does the quality of the streetscape improvements themselves. Our goal in these recommendations is to increase the quality of our streets to attract active commercial interests, provide a safe environment, maintain a scale that is pedestrian friendly and allows sunlight to reach sidewalks and public open spaces.

Street Wall

This is the height of the building that is allowed at the street edge of the property and, along with the street width, is the primary definition of the street's scale. The current proposal generates street wall heights based on the defined areas without regard to the width of the street. We propose that three criteria be considered in the definition of the street wall. These three criteria are: the width of the street, the neighborhood context, and the area.

Wide streets in a primarily commercial area will be successful with taller street walls. Narrower streets require street wall heights that create a comfortable, light filled pedestrian scale. Regulating street wall heights, based on arbitrary zones without regard to street widths significantly limits the ability to create successful streets. This does not mean that some buildings with design and environmental significance that differ from the street wall height regulations should not be considered. It means that the quality of the street must be carefully considered in relation to the development proposal to ensure the proposal contributes to the livability, prosperity and sustainability of the neighborhood and the City.

In the current proposal, the language associated with Property Development Standards, Additional Regulation 3 needs to provide graphic, descriptive development standards that describe how buildings can be set back from the street to create additional space for cafes and plazas. This needs to be coordinated with building entries, and permeability issues related to amount and type of glazing, as well as interior and window signage. In addition, it should be coordinated with planned or proposed streetscape improvements.

Sky Exposure

The artificial limits defined by FAR, density ratios, and height limits do not preserve the sky exposure necessary for healthy public streets, at the density we are encouraging. Instead of using these arbitrary measures, a set of form-based mechanisms need to be put in place and provide guidance for sky exposure. In San Francisco, a minimum distance between building mass over 110' in height is used. In the New York City model, a slope plane model is utilized.

Examples under the slope plane model:

Example 1: a building in a high density commercial zone on a wide street is allowed a street wall of 85' and a slope plane of 7.6:1. On a 10,000 SF lot (100' x 100'), a tower set back 20 feet from the street wall would be allowed a height of 152' for an overall building height of 237'. Assuming a 100% lot coverage of the base and 20' side and rear setbacks for the tower for light and air, the gross square footage for the 7 story base would be 70,000 SF and the 13 story tower would be 19,200 SF for a total building area of 79,200 SF or an FAR of 7.92.

Example 2: a building in a high density commercial zone on a wide street is allowed a street wall of 85' and a slope plane of 7.6:1. On a 40,000 SF lot (200' x 200'), a tower set back 50 feet from the street wall on both streets would be allowed a height of 380' for an overall building height of 465'. Assuming a 100% lot coverage of the base and no side setbacks for the tower for light and air, the gross square

footage for the 7 story base would be 280,000 SF and the 38 story tower would be 680,000SF for a total building area of 960,000 SF or an FAR of 24.

The zoning update should both encourage density in designated areas, and shape the density to preserve the quality of the neighborhood and street. Oakland needs to look at this methodology in a comprehensive manner. Creating artificial FAR and height limits effectively encourage greater mass and put pressure on developments to 'fill out' the site with massive buildings, rather than create slender, well spaced towers. Therefore, we support unlimited height limits in all but the historic Old Oakland District, and instead, ask staff to generate a methodology that encourages density, respects the neighborhood context, preserves the quality of the street, and generates a beautiful skyline of slender towers. There are multiple examples of this strategy.



Vancouver



Chicago

We agree that the entire lake front should continue to be open, public space. In Subareas A and 2B, we believe that well spaced thin towers will not detract from the overall experience of the lake, nor will they diminish the existing multi-family residential and commercial mixed character. Rather, this type of development will enhance varied character of the vistas across the lake, and will create a physical link between the lakefront and downtown placing additional emphasis on Snow Park as an urban public open space.

Transit Oriented Development

Under the current proposal, there is little incentive to generate additional density around transit nodes. Our understanding is that the City is preparing to engage specific plans for both the Lake Merritt BART and Broadway corridor. These Specific Plans should encourage incentives for additional density adjacent to the BART stations, particularly as it relates to jobs generation, retail development, and affordable housing needs. This should include reducing parking requirements for residential development.

Because these initiatives are in their early conception, we will limit the extent of our input to that of fundamental support for significant increased density at transit oriented developments, particularly as it relates to the encouragement and incentivizing of work force and low income housing within walking distance to transit centers.

Residential Density Methodology

The retention of a "Maximum Density" for dwelling units regulated by lot square footage is an arbitrary density limiting device that should be excluded from the proposal. If the intent is to generate a minimum standard for quality livable units, the proposal should regulate general minimum standards for unit sizes. Market forces will determine viable bedroom counts for market rate housing. For workforce and low

income units, specific demographic information must be obtained in order to provide units that are appropriate to our residents' needs.

One-Family dwellings, One-Family dwellings with a secondary unit, and Two-Family Dwellings do not promote the level of density appropriate to the Central Business District. All new housing in the District should be multi-family. Existing one- and two-family dwellings, ones should be allowed as legal, non-conforming, and structures determined to be historic resources should be maintained.

In addition, Rooming Houses should be Conditionally Permitted and should not be evaluated on a lot density square footage criteria, but rather on quality of life criteria carefully crafted with qualified socio-economic and development professionals.

Signage

Regulating signage is critical to permeability at the street level and in developing a beautiful downtown. Garish and haphazard signs, as well as businesses whose storefronts are plastered with signs creating a solid wall, send a powerful message and are significant contributors to community blight. We feel that signage must be a conditionally approved use, subject to development standards and strict enforcement measures that will maintain the quality of the street and clearly define the parameters for both external and internal signage. Oakland's current Municipal Code Chapters 14 and 17 are not adequate tools to support a vibrant commercial district. A clear, graphically represented development standard is necessary and must accompany the zoning update.

Commercial Uses

It is important to understand that the Central Business District is not like other neighborhoods in Oakland in that density is important, ground floor commercial is important, and active streets are important. Allowing housing blocks in the district that create a solid ground floor wall with stoops every 30'-40' does not contribute to active streets. Block long parking structures that form a solid wall do not contribute to active streets. Numerous examples of these conditions exist in Oakland and would continue to be an available alternative to development interests. A comprehensive commercial development strategy, neighborhood by neighborhood, must be the foundation on which any zoning use criteria are based. We recommend that as part of the longer-term effort of re-visioning the downtown, staff develop a commercial development strategy, neighborhood by neighborhood, for the downtown area.

Zoning Areas

Defining zoning areas, particularly under the proposed methodology, raises questions of appropriate boundary designation and character generalization. An example of this is the land surrounding Snow Park. To the North and West are some of Oakland's signature towers, and to the South are several multi-story, multi-family residential buildings. Where one draws the line from one Area to another is ultimately arbitrary, and at the same time, economically significant to existing owners, development interests, and the City. All Cities who utilize traditional zoning methodologies grapple with this issue and it continually leads to difficult decisions based on subjective criteria. The current proposal is subject to continual challenges as "down zoned" properties on one side of a street seek to gain the same entitlements as properties on the opposite side of the street. The history of conventional zoning ordinances tells us first that this type of challenge is inevitable and divisive, and second that it is economically arbitrary and counter productive to creating dynamic neighborhoods.

Our recommendation is that Oakland not rely on arbitrary areas or zones, but rather consider the character of the neighborhoods, streets, and uses to encourage particular types of development. This can occur either in this immediate short-term zoning update effort, or as part of a longer-term re-visioning of the downtown.

Historic Resources

We are keenly aware of the value of Oakland's historic resources, including buildings and public spaces. With the exception of the Old Oakland District, we do not agree with designating zoning areas in deference to these valuable historic resources. New development in Oakland will necessarily need to consider its relation to historic buildings or public open spaces. A major success in this area is the proposal at 1100 Broadway with the Key System Building. A zoning strategy that is consistent with the character of the neighborhood and the street will provide a sound basis to establish a street wall height and setbacks such that our historical resources contribute to a sum that is greater than each individual part. Each individual historically certified building and public open space was an important part of Oakland as a growing City, and our proposal is not to diminish that importance, but rather to place it in the context of a valuable resource in the evolution of our City.

Collective Strategy

We have all said and heard two phrases about Oakland. First, Oakland is not like any other place, and that is why we choose to live here. Second, that Oakland has great potential. We have heard the second phrase for way too long. We support the City and staff in creating an interim zoning update incorporating the specific suggestions in this document. We also call for the City to engage a multi-disciplinary team to craft a general plan update and zoning strategy for the downtown area of Oakland that fully incorporates the current realities and future potential of the City we work and live in.

Ultimately, we believe this is pointing to the need for creation of a Form Based Code or hybrid incorporating a Regulating Plan, Public Space Standards, Building Form Standards, a clearly defined application and review process, and a comprehensive glossary of definitions and graphic examples to ensure precise use of the code and create a common language for evaluating development proposals.

This is in direct contrast to the conventional zoning methodology. It will require us to think about the City we want to be, and define the terms of how we get there rather than characterizing arbitrary limits that inhibit the economic and social vitality we are trying to achieve.

Because there is no City like Oakland--with our diversity, our climate, our port, our transportation systems, and our regional position--how we envision our City and plan for its future cannot, and must not, fit into a decades old model of zoning development. Our staff and our leaders need to have the courage and support to reinvent how we shape our city in light of our attributes, our needs, and a vision of the future.



Singapore



San Diego



London