

Location:	Central Business District
Proposal:	<ol style="list-style-type: none"> 1) Amend the zoning regulations to create four new zones and a height/bulk/intensity map for the Central Business District (CBD); 2) Amend the Zoning Maps to include the new CBD zones; 3) Amend the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the new CBD zones; 4) Text amendments related to the creation of the new CBD zones.
Applicant:	City Planning Commission
General Plan:	Central Business District (CBD)
Existing Zoning:	R-80 High-Rise Apartment Residential Zone R-90 Downtown Apartment Residential Zone C-40 Community Thoroughfare Commercial Zone C-45 Community Shopping Commercial Zone C-51 Central Business Service Commercial Zone C-52 Old Oakland Commercial Zone C-55 Central Core Commercial Zone S-2 Civic Center Zone S-4 Design Review Combining Zone S-7 Preservation Combining Zone S-8 Urban Street Combining Zone S-17 Residential Open Space Combining Zone
Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998) and the Housing Element Update Initial Study/Mitigated Negative Declaration (2004).
Case File Number:	RZ08060, ZT08054
Action to be taken:	Discuss proposal and provide input to staff.
For further information:	Contact: Neil Gray at 238-3878 or email ngray@oaklandnet.com

SUMMARY/BACKGROUND

On April 16, 2008, the ZUC and public provided input to staff regarding the proposal to update the zoning regulations for the Central Business District. At that meeting, staff received input that many of the proposed height and bulk limits are too restrictive, particularly for Chinatown, and requested that staff return with alternative regulations. The ZUC also requested that staff develop incentives to preserve downtown historic structures and districts. This report provides the recommendations and alternatives requested by the ZUC.

KEY ISSUES AND IMPACTS

The following shows the proposed alternatives and recommendations for the draft regulations. The regulations and height map, with proposed changes, are shown in Attachments A, B, and C. Staff requests that the ZUC evaluate the proposals and alternatives and provide input to staff.

Height and Bulk (Section 17.58.060C)

1. Height Area 6

A comparison of staff’s April 4, 2008 and current recommendations for Height Area 6 are shown in the following table.

Height Area 6: Comparison of previously and currently proposed height regulations		
Regulation	4/16/08 ZUC recommendation	Current recommendation
Maximum Height		
Building base	85’	120’
Total	No limit	No limit
Maximum average area of tower floor plate	20,000 sf	No limit
Avg per story lot coverage above the base	80% of site area or 10,000 sf, whichever is greater	85% of site area or 10,000 sf, whichever is greater
Floor Area Ratio	20.0	20.0

The proposed removal of floor plate limitations and increase in the height of the base further implements policies in the General Plan regarding establishing a downtown spine and an office center district along Broadway. Lifting maximum floor plate regulations encourages office construction because, in general, office buildings require greater floor plates than residential buildings.

2. Height Area 5

Alternative 1 (recommended): Remove maximum height limits. A comparison of staff’s April 4, 2008 and current recommendations for Height Area 5 are shown in the following table.

Height Area 5: Comparison of previously and currently proposed height regulations		
Regulation	4/16/08 ZUC recommendation	Current recommendation
Maximum Height		
Building base	85’	110’
Total	405’	No limit
Maximum average area of tower floor plate	20,000 sf	25,000
Avg per story lot coverage above the base	70% of site area or 10,000 sf, whichever is greater	75% of site area or 10,000 sf, whichever is greater
Floor Area Ratio	20.0	20.0

Staff’s recommendation to allow an unlimited building height for Height Area 5 and increase in the average floor plate area significantly expands the downtown core and makes office development in the core more feasible than the previous proposal.

Alternative 2: Combine Height Areas 5 and 6 on the Height Map. This alternative would provide no average floor plate requirement for towers throughout the expanded core area.

Staff does not recommend this alternative because requiring an average 20,000 square foot tower floor plate for the outskirts of the core area preserves Broadway as the spine of downtown and provides a transition to lower scale historic areas at the fringes of downtown. The average tower floor plate above base height of 110 feet will encourage architectural creativity on larger lots and an interesting skyline by discouraging lot line to lot line construction above the 110 foot base. The proposed 25,000 square feet average tower floor plate above a 110 foot base for Height Area 5 is a generous requirement that will not seriously hamper downtown development. For the sake of comparison, one of the towers on the Federal Building is approximately 22,000 square feet.

3. Height Areas 3 and 4

Alternative 1(recommended): Adjust height limits. The height maximums previously recommended by staff for these areas were based on an estimated floor height of 15 feet for the ground floor of a building and ten feet for each floor above. GPS analysis of existing downtown high-rise buildings performed since the original regulations were proposed indicates that, on average, each story above the ground floor is about 13 feet in height. Staff recommends that maximum heights for Height Areas 3 and 4 be adjusted to reflect this floor height. Staff also proposes increases in the average floor plate size in Height Area 4 and maximum per story lot coverage above the base for Height Areas 3 and 4 to provide additional development flexibility. The old and proposed regulations are shown in the following table. The previously proposed regulations are in parentheses.

Comparison of previously and currently proposed height regulations for Height Areas 3 and 4 (previously proposed regulations in parenthesis)		
	Height Area	
Regulation	3	4
Maximum Height		
Building base	80 ft (65 ft)	100 ft (75 ft)
Total	275 ft (205 ft)	400 ft (305 ft)
Average per story lot coverage above the base	75% (60%) of site area or 10,000 sf, whichever is greater	75% (60 %) of site area or 10,000 sf, whichever is greater
Maximum average area of tower floor plate	15,000 sf (no change)	20,000 sf (15,000 sf)
FAR	14.0 (12.0)	17.0 (15.0)

Alternative 2: Remove height limits. A second alternative is to limit height and bulk maximums to historic neighborhoods at the outskirts of downtown and evaluate heights in other areas on a case by case basis. A map of Areas of Primary Importance (APIs) in

the Central Business District is shown in Attachment D. APIs are the City's highest rated historic neighborhoods and contain a high concentration of historic buildings.

This alternative would provide maximum construction flexibility for many areas but could create uncertainty among developers and the public regarding the City's expectations for the height and dimensions of new buildings and weaken transitions to lower scale historic neighborhoods. Removal of tower regulations could also result in the following:

- Dilution of the downtown core (Height Areas 5 and 6) as a center for commercial and office activity;
- Increasing the monotony of the downtown skyline by discouraging variety in the upper stories of buildings;
- Limiting the creativity of architects by providing an incentive for developers to insist on 100 percent lot coverage at all heights of a building; and
- Limiting views to and from Downtown, particularly to and from Lake Merritt.

4. Height Area 2

Height Area 2 is proposed at three locations: the historic Lakeside Apartment District adjacent to Lake Merritt, the Grove Street/Lafayette Square Historic District, and an area between Preservation Park and a historic neighborhood of Victorian homes near the intersection of 18th Street and Martin Luther King Way. The lower heights and smaller floor plates were proposed for these locations because of their APIs designation or to provide a transition to APIs. Staff provides two alternatives for the regulations of this height area without a recommendation:

Alternative 1: Adjust height limits in Height Area 2. This alternative proposes increased height limits to adjust for the greater estimated floor heights described in the Height Areas 3 and 4 section, above. This alternative increases total height from 115 to 150 feet but leaves the base height at 55 feet to allow new construction to relate to historic buildings. The 55 foot height limit also allows maximum construction under the wood frame over concrete podium construction technique commonly utilized in Oakland.

Alternative 2: Increase height limits in Height Area 2. This alternative would allow heights up to 275 ft (about 20 stories) in Height Area 2. For comparison, the Essex is 20 stories tall. This increased height, along with the regulations requiring slender towers, could create an interesting visual effect from the lake while still preserving views and sunlight in and out of downtown. The additional height would increase the economic feasibility of constructing residential towers on the outskirts of downtown and near the lake. However, allowing this height could be out of context with the historic buildings of the area and encourage the demolition of historic buildings.

Comparison of previously and currently proposed height regulations for Height Area 2			
Maximum Height	Previous proposal	Alternative 1	Alternative 2
Building base	55 ft	55 ft	55 ft
Total	115 ft	150 ft	275 ft
Average per story lot coverage above the base	50% of site area or 10,000 sf, whichever is greater	50% of site area or 10,000 sf, whichever is greater	50% of site area or 10,000 sf, whichever is greater
Maximum average area of tower floor plate	2a: 15,000 sf 2b: 10,000 sf	2a: 15,000 sf 2b: 10,000 sf	2a: 15,000 sf 2b: 10,000 sf
FAR	7.5	8.0	9.0

5. Subarea “A”

Subarea A is located in the northern part of Height Area 2b along the lake edge and adjacent to the Kaiser Center office neighborhood (see Attachment A). The subarea includes Snow Park and a historic neighborhood known as the 244 Lakeside Drive Group. This area contains an API created by a cluster of A1+ rated properties, including the Regillus, 244 Lakeside Drive, Schilling Gardens, and the Schilling House Garage. An A1+ historic rating is the City’s highest rating for a historic building. All of these properties are on the Preservation Study List. The garden and the buildings within the group are also contributors to the Lake Merritt Historic District.

Alternative 1: Merge Subarea A into Height Area 5. Height Area 5 includes the adjacent Kaiser Center Office area. The current proposal contains no height limits for this area and an average tower floor plate of 25,000 square feet. Expanding Height Area 5 to include Subarea A would greatly increase development feasibility and flexibility for the subarea but also provide incentives to demolish historic resources and could allow construction out of scale with the other buildings in the API. Tall buildings with generous 25,000 square foot floor plates could also obstruct views and block solar access to and from the lake.

Alternative 2: Keep Subarea A in Height Area 2. This alternative would keep the development regulation in the subarea consistent with the rest of Height Area 2 (see above). This alternative would limit development opportunity for the area more than alternative one, but would allow more solar and view access to and from the lake. The 55’ base height maximum would better relate to the historic buildings in the cluster. The proposed increase in height limits (Height Area 2 section, above) would provide additional development potential for Subarea A.

Alternative 3: Designate Height Area 3 or 4 to Subarea A. This proposal would expand the allowed heights and the tower floor plates in the subarea, but not to the same extent as designating the area as Height Area 5. The proposed maximum heights and average floor plates for Height Areas 3 and 4 are 275 and 400 feet and 15,000 and 20,000 square feet, respectively.

6. Chinatown

Staff has received clear input from the ZUC and the community that all height limits should be removed from Chinatown. Staff, therefore, proposes to extend Height Areas 5 and 6 into the business district of Chinatown, (see Subarea B and C of Attachment A).

Staff requests input from the ZUC regarding how the rest of the greater Chinatown area should be treated. Subarea D, the 7 Street/Harrison Square Residential District, is an API because it contains a high concentration of C rated one- and two-story Victorian residential homes.

A main feature of Subarea E is the Lake Merritt BART Station at 9th and Madison Streets. The remainder of this subarea contains part of the 7 Street/Harrison Square Residential District API and low rise residential buildings.

The intent of staff's original proposal of designating Subarea D as Height Area 1 was to allow new construction to relate to the scale of the historic Victorians in the neighborhood. Designating the rest of the neighborhood as Height Area 3 provided a balance between transitioning from the scale the API's in the area and providing greater building intensity near the BART station.

Historic Resources

At the April 16 meeting, The Zoning Update Committee requested that staff research different methods to preserve historic buildings and neighborhoods in the Central Business District. Staff recommends that the task of initially evaluating these methods be the responsibility of the Landmarks Preservation Advisory Board and then referred, with recommendations, to the Zoning Update Committee. Staff makes this recommendation because this task is within the purview and expertise of this board and allows the ZUC to focus on other parts of the zoning effort. Staff has conferred with the Chairperson of the Landmarks Board and he agrees with this proposal.

Staff does propose to further study the locations of the APIs in the Central Business district to refine the boundaries of the zoning and height maps. Staff will present the refined maps at an upcoming ZUC meeting.

Other Recommended Changes

Staff recommends the following further changes to the proposal.

1. Administrative Office in the CBD-P zone (Section 17.58.040). Staff recommends that the Administrative Office activity be conditionally permitted on the ground floor in the Central Business District Pedestrian (CBD-P) zone; the previous proposal prohibited this activity on the ground floor. This provides additional flexibility for new development

- and is consistent with the S-8 Urban Street Combining Zone currently applied to Broadway.
2. CBD-P zone mapping. Staff proposes that a future draft of the zoning maps focus the CBD-P zone to fewer areas of Broadway and 14th Street than the current map to create more feasible development nodes. Staff is currently researching appropriate map changes and will present recommendations at a future meeting of the ZUC.
 3. Broadway retail requirement (Section 17.58.040, note L5). The previous version of the regulations provided an exception from a conditional use permit requirement in the CBD-P zone for several types of non-pedestrian oriented businesses on Broadway. Staff proposes to remove this exception to be consistent with the current S-8 regulations on Broadway. The proposed map changes described in item 3, above, will make this retail requirement at feasible retail nodes on Broadway.
 4. Rear yard setback (Section 17.58.060A). Staff proposes that a ten foot rear yard setback only be required in the CBD Residential (CBD-R) zone; the previous version of the regulations recommended a ten foot setback in all the CBD zones. Staff recommends this change because the ten foot required setback has created site plan constraints under the current regulations, particularly for parking. Further, a ten foot rear yard setback tends to create unused and dark canyons behind buildings. Staff believes that light and air issues can be addressed during the design review process. Staff proposes preserving the ten-foot setback in the CBD-R zone because a series of adjacent rear yard setbacks in areas with the high concentration of residential buildings found in the CBD-R zone can produce a significant amount of air and light to residential facilities.
 5. Maximum front yard setback (Section 17.58.060A). The current proposal requires a maximum five foot setback from any property line adjacent to the street in the CBD-P and CBD-Commercial (CBD-C) zones and a ten foot maximum in the CBD-Mixed (CBD-X) zone. This requirement applies to 75 percent of the street frontage and has exceptions for active open space and plazas. Staff recommends that this regulation only apply to two frontages to provide more site plan flexibility for developments on large lots. Staff analysis of past and present proposals has determined that a maximum setback requirement on more than two streetside property lines is infeasible for large projects on lots with several street frontages.
 6. Transparency requirement (Section 17.58.060A). The proposal currently requires a certain amount of storefront window transparency for all street fronting facades. Staff proposes that this transparency requirement only be required on the principal street in front of a development. A transparency requirement on other sides of a building would create overly restrictive site plan constraints, particularly in regards to the location of driveways and mechanical areas.
 7. Massing (Section 17.58.060B.5). The proposed regulations contain a requirement that new construction be broken up into smaller forms to increase the visual interest of the street façade. This regulation intends to allow subtle architectural techniques to reduce

the perceived mass of a building such as window placement, color treatment, bands, or other architectural feature. Staff is concerned that some language in this section will be interpreted as requiring significant articulation of a building to achieve the intent of the regulations. Therefore staff proposes to change the language in Section 17.58.060B.5 according to the following (deletions are in ~~strikeout~~):

“Massing. The mass of newly-constructed principal buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this note shall be applied on all visible facades and achieved through some coordinated combination of changes in plane, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods. ~~The additional open area and reduction in tower bulk required in Subsection J. shall be used to further contribute to this massing requirement in construction above the base of a building.~~“

8. Building Terminus (Section 17.58.060B.7). The current proposal states that new construction must include a “distinctive visual terminus”. Staff is concerned that this will produce buildings with unnecessarily ornate tops. Staff, therefore, proposes to require a “*distinct* visual terminus” to clearly allow subtle architectural features at the top of buildings.

SUMMARY

The following table summarizes the issues for which staff requests input from the ZUC:

Subject	Proposal
Height Area 6	<ul style="list-style-type: none"> • <u>Alternative 1 (recommended by staff):</u> Remove maximum height limits. • <u>Alternative 2:</u> Combine Height Areas 5 and 6 on the Height Map.
Height Area 5	<ul style="list-style-type: none"> • <u>Alternative 1 (recommended by staff):</u> Remove maximum height limits. • <u>Alternative 2:</u> Combine Height Areas 5 and 6 on the Height Map.
Height Areas 3 and 4	<ul style="list-style-type: none"> • <u>Alternative 1 (recommended by staff):</u> Adjust height limits. • <u>Alternative 2:</u> Remove height limits outside of historic neighborhoods.
Height Area 2	<ul style="list-style-type: none"> • <u>Alternative 1:</u> Adjust height limits in Height Area 2. • <u>Alternative 2:</u> Increase height limits in Height Area 2. <p><i>No staff recommendation</i></p>
Subarea “A”	<ul style="list-style-type: none"> • <u>Alternative 1:</u> Merge Subarea A into Height Area 5. • <u>Alternative 2:</u> Keep Subarea A in Height Area 2. • <u>Alternative 3:</u> Designate Height Area 3 or 4 to Subarea A. <p><i>No staff recommendation</i></p>
Chinatown	Staff recommends allowing unlimited heights for the commercial district of Chinatown. Staff requests input regarding regulations for Subareas D and E.
Historic Resources	Refer issues regarding protection of historic resources to the Landmarks Board
Administrative Office in the CBD-P zone	Allow Administrative Office activity in the CBD-P zone with a CUP.
CBD-P zone mapping.	Focus the CBD-P zone to smaller areas. Staff will map this proposal for future meetings.
Broadway retail requirement	Require CUP for business without a pedestrian orientation for CBD-P on Broadway.
Rear yard setback	Remove 10-foot rear setback requirement for the CBD-P, CBD-C, and CBD-X zones.
Maximum front yard setback	Only require a maximum front yard along two street side property lines.
Transparency requirement	Only apply ground level transparency requirements to the principal street in front of a building.
Massing	Provide more flexibility to the massing requirement.
Building Terminus	Provide more flexibility to the building terminus requirement.

CONCLUSION

Staff's recommendations represent significantly greater design and height flexibility than previous drafts of the zoning for the Central Business District. However, staff believes that a complete elimination of height limits outside of historic districts would create a less interesting skyline by removing the height progression from the downtown core to the outer parts of downtown. Many of the proposed height limits also create important transitions from small scale historic districts on the outskirts of downtown to the tallest height areas. Finally, defining the City's expectations for new buildings provides certainty and transparency to developers, the public, and the City.

Prepared by:

NEIL GRAY, Planner III

Approved for forwarding to the
Zoning Update Committee of the
City Planning Commission

ERIC ANGSTADT
Strategic Planning Manager
Community and Economic Development Agency

ATTACHMENTS:

- A. [Proposed height/bulk/intensity map](#)
- B. [Proposed zoning text](#)
- C. [Proposed zoning text showing changes since the April 16, 2008 ZUC meeting.](#)
- D. [Map of Areas of Primary Importance \(APIs\).](#)