

<b>Location:</b>	Central Business District
<b>Proposal:</b>	<ol style="list-style-type: none"> <li>1) Amend the zoning regulations to create four new zones and a height/intensity map for the Central Business District (CBD);</li> <li>2) Amend the Zoning Maps to include the new CBD zones;</li> <li>3) Amend the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the new CBD zones;</li> <li>4) Text amendments related to the creation of the new CBD zones.</li> </ol>
<b>Applicant:</b>	City Planning Commission
<b>General Plan:</b>	Central Business District (CBD)
<b>Existing Zoning:</b>	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
<b>Environmental Determination:</b>	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).
<b>Case File Number:</b>	RZ08060, ZT08054
<b>Action to be taken:</b>	Discuss proposal and provide input to staff.
<b>For further information:</b>	Contact: <b>Neil Gray</b> at 238-3878 or email <a href="mailto:ngray@oaklandnet.com">ngray@oaklandnet.com</a>

**SUMMARY**

This report requests further input from the ZUC regarding the proposed zoning regulations for The Central Business District. Specifically, staff requests input regarding whether the current framework for regulations should be retained with adjustments made to particular regulations such as height maximums and tower regulations or other techniques should be utilized to implement the General Plan. Staff also requests input from the ZUC regarding whether regulations regarding the Lakeside Apartment District should be developed through a separate process than the rest of downtown.

## **BACKGROUND**

On March 19, 2008, staff presented an introduction to new zoning regulations for the Central Business District (CBD). Attachment A contains the staff report associated with that meeting, which includes a background of the effort and summary of the regulations. The ZUC voiced concerns at the March 19<sup>th</sup> meeting regarding the scope and intent of the regulation. This report requests input from the ZUC whether the current framework for regulations should be retained with changes made to particular regulations or other techniques should be utilized to implement the General Plan. This report also clarifies how the proposed regulations implement the objectives and policies of the General Plan and compares the proposed regulations to other cities. Finally, staff requests input from the ZUC regarding whether regulations for the Lakeside Apartment District should be developed through a separate process from the rest of downtown.

Attachment B contains the proposed regulations with text changes that make some sections more readable, particularly the section relating to the height, bulk, intensity, and dimensions of towers and buildings. Attachment C further clarifies the regulations by providing some proposed definitions related to the building base and tower. Staff has not made substantive changes to the regulations because we are awaiting specific input from the ZUC.

## **COMMUNITY MEETINGS**

Staff organized a meeting on March 17, 2008 that was attended by approximately 60 people. A variety of views were expressed at that meeting, particularly regarding height along the lake. Several people mentioned that downtown parking should be reduced. Comment cards from and a summary of the meeting are contained in Attachment D.

Staff attended a meeting organized by the Chinatown Chamber of Commerce on April 7, 2008. Approximately 110 people attended the meeting. The speakers spoke nearly unanimously in favor of higher height limits in Chinatown than contained in the proposal. Several people spoke in favor of no height limits. Concerns were expressed that the proposal would reduce land values, tax revenues, BART ridership, and business traffic. Support was also expressed regarding modifications to parking requirements, particularly for small lots. A summary of comments from that meeting are contained in Attachment E.

## **KEY ISSUES AND IMPACTS**

### Regulatory Framework

Attachment F contains a list showing the correlation between the policies contained in the General Plan and the proposed regulations. In particular, the list demonstrates that the regulations implement policies in the General Plan regarding the design of active and attractive ground floors; promotion of retail nodes; and development intensity along the Broadway spine, the Kaiser office district, and near the lake.

Attachment G is a chart comparing downtown development regulations in San Francisco, San Diego, Seattle, Portland, and Sacramento. The chart indicates that:

- These cities have height limitations similar to or more restrictive than those proposed;
- Other major cities have tower regulations for some all of their downtown area; and
- Other cities' downtown regulations have several more zones and height areas than the current proposal.

In addition, other cities' downtown regulations are significantly longer than currently proposed. For instance, San Diego's downtown regulations are 106 pages long; Portland's downtown regulations are 158 pages long; Sacramento's proposed regulations/guidelines are 63 pages long and the City of Chicago's regulations are 46 pages long. Staff's current proposal is 13 pages.

The current proposal splits the regulations into: 1) zoning designations that contain use and associated design regulations and 2) height, bulk, and intensity regulations. This framework reduces the number of required zones and facilitates different height and bulk regulations for neighborhoods requiring special treatment (historic districts, the downtown core, etc). Staff also believes that the framework of the tower regulations can accommodate a high degree of development intensity, preservation of light and views, design flexibility, a pedestrian orientation, and an attractive skyline. Staff analysis of the proposal also indicates that it allows significantly more mixing of uses than the current regulations, particularly in residential areas and the upper stories of buildings.

Staff understands, however, that there are several methods that can be utilized to implement the policies of the General Plan. One method mentioned by Commission Boxer at the March 19, 2008 ZUC meeting is to have few or no height or design regulations in the zoning regulations and instead depend on a set of design guidelines. This method would be a major departure from the framework proposed by staff. Staff believes that the most significant benefit of this approach would be greater flexibility for developers in the downtown. Further, the language of design guidelines can be less precise than regulations and, therefore, more easily understood by laypersons.

On the other hand, this approach would provide greater uncertainty to the public, staff, developers, and the Planning Commission regarding the City's expectations for the size and bulk and new buildings. This uncertainty would create more controversy for new downtown development proposals. Due to their subjectivity, design guidelines could also slow the development of retail nodes and create an incoherent streetscape. Finally, a comprehensive set of design guidelines would be an expensive document to produce and a draft would most likely take a year to complete.

It is critical that the ZUC provide staff early input indicating their preferred regulatory framework for downtown because a significant change will require time to implement. Some suggested options include:

- 1) Keep the current basic framework of the regulations and discuss modifications to specific regulations within the framework. This option could include major modifications to the regulations but preserve its basic framework. This option could also include the future development of design guidelines that support the regulations and the eventual removal of the more subjective design provisions of the proposal;
- 2) Pursue an alternative framework that includes dependence on design guidelines for height, bulk, and design issues; and
- 3) Pursue a hybrid of options 1) and 2) by removing the more subjective design aspects of the proposal and placing them in design guidelines.

Lakeside Apartment/Gold Coast District

Much of the current controversy regarding the proposal centers on the allowed height and bulk in the Lakeside Apartment/Gold Coast District (Height Area 2b). Staff proposes that the regulations regarding Height Area 2b be developed under a different process so that the debate over development near the lake does not slow down the overall downtown rezoning process. Staff requests input from the ZUC regarding this proposal.

Prepared by:

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

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**ATTACHMENTS:**

- A. [March 19, 2008, ZUC meeting staff report.](#)
- B. [Proposed Central Business District Regulations.](#)
- C. [Proposed definitions for building base and tower regulations](#)
- D. [Comment cards and summary from the March 17, 2008 community meeting. Part 2](#)
- E. [Summary of comments from the April 7, 2007 community meeting.](#)
- F. [List of how General Plan policies correlate with proposed regulations.](#)
- G. [Table comparing height and bulk regulations of other cities.](#)