

<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/bulk/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; and</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; R-90 Downtown Apartment Residential Zone; C-40 Community Thoroughfare Commercial; C-45 Community Shopping Commercial Zone C-51 Central Business Service Commercial Zone; C-52 Old Oakland Commercial; C-55 Central Core Commercial S-2 Civic Center; S-4 Design Review Combining; S-7 Preservation Combining; S-8 Urban Street Combining; S-17 Residential Open Space Combining Zones
<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 and provide direction 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 staff report provides a context for a meeting among groups that have participated in the rezoning of the Central Business District (CBD). The objective of the meeting is to allow groups active in the rezoning process thus far with an opportunity to be heard and ask questions of each other; to allow the ZUC to discuss issues/interests presented to them and to provide the ZUC with information to make recommendations on the rezoning proposal.

Discussion will center around four issues:

1. Maximum height south of 17<sup>th</sup> Street near Lake Merritt (see Attachment A);
2. Maximum height north of 17<sup>th</sup> Street near Lake Merritt (see Attachment A);
3. Maximum height in the greater Chinatown area (see Attachment A); and
4. Techniques to preserve and protect downtown historic resources.

## **OVERVIEW/BACKGROUND**

The rezoning of the CBD is part of a larger program to revise the Oakland zoning ordinance to conform to the 1998 General Plan, and to provide a more effective and forward-thinking Code. CBD rezoning was initiated in January 2008. There have been several community workshops, a walking tour, and multiple meetings of the ZUC during 2008.

On August 20, 2008, staff received direction from the ZUC to organize a discussion between groups that have been most active in providing input at public meetings regarding the proposed rezoning. These groups include the Chinese Chamber of Commerce, Oakland Heritage Alliance, Oakland Builders Association (OBA), Coalition of Advocates for Lake Merritt (CALM), and East Bay Housing Organizations (EBHO). The October 29, 2008 ZUC meeting is the result of that request.

The ZUC directed that the following four issues be discussed at this meeting:

1. Height maximum south of 17<sup>th</sup> Street near Lake Merritt (see Attachment A);
2. Height maximum north of 17<sup>th</sup> Street near Lake Merritt (see Attachment A);
3. The greater Chinatown area (see Attachment A); and
4. Techniques to preserve and protect downtown historic resources.

These items were chosen because they are the most controversial outstanding issues surrounding the rezoning proposal.

The objective of the meeting is to allow groups an opportunity to be heard and ask questions of each other; to allow the ZUC to discuss issues/interests presented to them and to provide the ZUC with information to make recommendations on the rezoning proposal. The proposal currently recommended by staff is included in Attachment A-C.

### *Landmarks Preservation Advisory Board (LPAB)*

The LPAB has held a series of meetings, including a joint meeting with the ZUC on October 6, 2008, to formulate advice for the ZUC and the Planning Commission regarding preservation of historic resources in the Central Business District. The LPAB has reviewed seventeen potential short, intermediate and long term strategies suggested by LPAB staff for review and consideration. The LPAB has recommended nine of the strategies (see Attachment C). Much of their discussion has been focused on Strategy #5 – the “Fine-Grain Strategy Approach” to the Central Business District height map. This strategy distinguishes and preserves Areas of Primary Importance (API’s--the City’s highest rated historic districts) by relating maximum heights in or adjacent to these districts to their prevalent heights. Only districts where building height is part of the historic context would be considered for this approach. The LPAB is still in the process of refining their recommendation regarding this fine-grain strategy.

**MEETING ISSUES AND ORGANIZATION**

Organization

The meeting will be facilitated by Surlene Grant, a professional meeting facilitator. Staff, Ms. Grant, and the ZUC have developed the following structure for the meeting:

Each group will coordinate will be given 3-5 minutes to present the following information:

1. Identification of the group
2. The group’s vision
3. The value or interest of the group
4. The solution proposed by the group

There will be a larger dialogue following the presentations, discussion and question and answer period facilitated by Ms. Grant.

**Discussion Issues**

The following is a description of the four issues that are the focus of the meeting. These descriptions include staff’s most recent alternatives and recommendations, where applicable.

Issue 1

Issue 1 concerns the maximum height regulations south of the Essex residential tower (see Issue Area 1 on Attachment A). This area includes the following characteristics:

- The area to the south of 14<sup>th</sup> Street primarily contains approximately 40- to 87-foot tall government buildings, including the historically rated main branch of the Oakland Public Library and Alameda County Courthouse.
- Lakeside Drive north of 14<sup>th</sup> Street and south of 17<sup>th</sup> Street features a mix of historic and more recently constructed buildings such as the approximately 128-foot tall Scottish Rite Temple, 36 – 50-foot tall historic apartment buildings, and 12-16 story modern apartment buildings. Overall, the heights of buildings vary significantly from an approximately 25-foot-tall apartment building on the corner of 17<sup>th</sup> Street and Lakeside Drive to the approximately 170-foot tall apartment building at 1503 and 1515 Lakeside Drive.
- A large portion of the area is considered an Area of Primary Importance (API) by the City of Oakland Office of Heritage Survey.

*Alternatives:* Staff proposed the following alternatives at the August 20, 2008 ZUC meeting:

<b>ALTERNATIVES FOR ISSUE 1</b>			
	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>
<b>Height Area</b>	1	2	2
<b>Maximum Height</b>			
Building base	55 ft	55 ft	55 ft
Total	55 ft	170 ft	275 ft

<b>ALTERNATIVES FOR ISSUE 1</b>			
	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>
<b>Average per story lot coverage above the base</b>	NA	50% of site area or 7,500 sf, whichever is greater	50% of site area or 7,500 sf, whichever is greater
<b>Maximum average area of tower floor plate</b>	NA	10,000 sf	10,000

*Recommendation:* Staff recommended Alternative 2 at the August 20, 2008 ZUC meeting.

*Analysis:* Staff recommended this alternative because it will be beneficial for the area in terms of solar access for the lake, views to and from the lake, the effect on the skyline, existing context, and development potential. The following is the analysis of these issues contained in the August 20 staff report:

- *Solar access:* Shadow studies for the Essex building show that tall buildings in this area would have little solar impact on the lake due the alignment of the lots on this part of Lakeside Drive. The solar impact is additionally mitigated by the significant separation between the parcels and the lake edge.
- *View impacts:* Alternative 1 has a relatively low maximum height of 55 feet; alternatives 2 and 3 both require a narrow tower above 55 feet to minimize view impacts to and from downtown. Therefore, view impacts are minimal under each alternative.
- *Skyline:* Staff believes that the appearance of the skyline could be negatively impacted by Alternative 3. Staff’s proposal emphasizes the greatest heights toward the center of downtown and graduating down to the low-scale historic neighborhoods that ring downtown. Lower heights at the edge provide a foreground to display the taller buildings in the center of the downtown. Staff believes that 275-foot buildings at the edge of downtown near the lake would be too tall to allow a proper foreground to present the inner part of downtown, particularly for views from the eastern side of the lake.
- *Context:* As mentioned, there is currently an inconsistent height profile for the area because buildings range in height from approximately 25 to 170 feet. Due to this lack of a consistent height context, staff believes that a 55-foot height limit is not necessary to maintain the context of this neighborhood. On the other hand, the tallest buildings in the area are approximately 170 feet tall. Allowing additional buildings up to 170 feet will provide the potential for a consistent streetscape and foreground for the skyline of downtown.
- *Development Potential:* The General Plan emphasizes that the downtown should be zoned to allow intense development to create a vibrant downtown, reduce regional congestion, and promote transit opportunities. Alternative 3 provides the most development potential. The 170-foot height limit, would, however, provide ample development opportunities for the area. Further, there are few developable sites within the area.

Issue 2

Issue 2 concerns the maximum heights in the area shown as Issue Area 2 in Attachment A. This area includes the 220-foot tall Essex building, 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 residential properties, including the Regillus building, 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. According to the City’s Sanborn Maps, The Regillus is 110 feet tall and 244 Lakeside Drive is 131 feet tall. The area also includes the landmarked, 70-foot tall Lake Merritt Hotel.

There are two potentially developable sites in this area: the Schilling Gardens site and the parking lot at the corner of Alice and 17<sup>th</sup> Street. Schilling Gardens may be considered a potential development site because even though it is a historically rated property; the City currently has an application on file to develop the site.

*Alternatives:* Staff proposed the following alternatives at the August 20, 2008 ZUC meeting:

<b>ALTERNATIVES FOR ISSUE 2</b>			
	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>
<b>Height Area</b>	3	4	5
<b>Maximum Height</b>			
Building base	80 ft	100 ft	110 ft
Total	275 ft	400 ft	Unlimited
<b>Average per story lot coverage above the base</b>	NA	75% of site area	75% of site area
<b>Maximum average area of tower floor plate</b>	15,000	20,000 sf	25,000

*Recommendation:* Staff recommended Alternative 1 at the August 20, 2008 ZUC meeting.

*Analysis:* Staff recommended this alternative for the following reasons:

- The alternative contains the height that is most consistent with the other buildings in the neighborhood, particularly the 244 Lakeside Drive Group API. Heights greater than alternative 2 would be out of scale with the other buildings in the API.
- Tall buildings near Snow Park could cast shadows on this historically rated public park.
- Height Area 3 provides appropriate transitions between Height Area 5 at the Kaiser Center and Height Area 1 in the Lakeside Apartment District and Height Area 2 on the Gold Coast.

Issue 3

Issue 3 concerns maximum height in the Greater Chinatown Residential/Lake Merritt BART Station Area (see Issue Area 3 on Attachment A). This area generally consists of low level single-family homes and apartment buildings, urban parks, the MetroCenter (headquarters for the Metropolitan Transportation Commission and the Association of Bay Area Governments), and

the Lake Merritt BART Station. The 7<sup>th</sup> Street/Harrison Square Residential District API is also located in this area. This historic district contains a high concentration of 19<sup>th</sup> and early 20<sup>th</sup> historic structures that vary in quality but together constitute a neighborhood with a consistent historic character.

*Recommendation:* Staff recommended this area be designated Height Area 3 at the August 20, 2008 ZUC meeting. Staff proposed that the Lake Merritt BART Area Specific Plan further study and refine the regulations for this area.

*Analysis:* Staff made this recommendation for the following reasons. As mentioned, this area contains a lower-scale historic neighborhood as well as a BART station. Policies in General Plan would encourage both preservation of the historic scale of the neighborhood and intense development near the BART station. Height Area 3 for this neighborhood would provide ample development opportunity around the BART station; however, more study is required on how to protect and allow intense development compatible with the historic neighborhood.

As noted above, the City will be preparing a Specific Plan for this area in 2009. The purpose of the Plan will be to develop more fine-grained recommendations to achieve multiple objectives, including historic preservation and transit-oriented development. The height recommendations currently being proposed will be refined through this process.

#### *Issue 4*

The fourth issue concerns the preservation of historic buildings in downtown. Whether a “fine grain” approach should be taken on the CBD height map is of particular concern. Such an approach would distinguish and preserve APIs by relating maximum heights in or adjacent to these districts to prevailing heights. Other historic preservation issues include:

- Providing relief from development standards for rehabilitation of and additions to historic buildings;
- Providing relief from zoning activity requirements
- Requiring more restrictive demolitions and alteration findings;
- Refining and strengthening protections for buildings of “secondary importance”;
- Incorporating historic vista and focal point preservation regulations into the CBD zone;
- Creating design guidelines for building scale and construction adjacent to historic buildings;
- Exploring adding height to historic resource buildings without a loss of its historic status; and
- Expansion of the Mills Act program in the CBD.

Staff has yet to make a recommendation regarding preservation of historic resources downtown. However, some of these issues extend beyond zoning and may be addressed through additional programs implementing policies in the General Plan Historic Preservation Element.

Attachment E contains detailed maps and description of the APIs and a summary of the process by which APIs are established. This information was requested by Commissioner Mudge at the August 6, 2008 joint meeting of the Zoning Update Committee and the Landmarks Board.

Prepared by:

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NEIL GRAY, Planner III

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

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**ATTACHMENTS:**

- A. [Proposed height map with Issue Areas.](#)
- B. [Proposed text of CBD zones.](#)
- C. [Proposed CBD zoning map.](#)
- D. [October 6, 2008 staff report for the joint ZUC/LPAB meeting.](#)
- E. Maps and description of the APIs in the CBD and summary of the process for the establishment of APIs. [Part 1](#), [Part 2](#), [Part 3](#), [Part 3c](#), [Part 4](#)
- F. Public comments. [Part 1](#), [Part 2](#), [Part 3](#), [Part 4](#)