

1.	Location:	Central Business District
	Proposal:	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.
	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:	Informational Presentation – Landmark Board questions and comments. Item will be reviewed at a future LPAB meeting to provide recommendations to the Zoning Update Committee and Planning Commission on protection of historic resources, including potential incentives and regulations.
	For further information:	Contact: Neil Gray at 238-3878 or email ngray@oaklandnet.com

INTRODUCTION

The Planning Commission, Zoning Update Committee (ZUC) has requested that the Landmarks Preservation Advisory Board (LPAB) review the proposal to amend the zoning regulations to create four new zones and a height/bulk/intensity map for the Central Business District (CBD). The ZUC seeks the LPAB’s advisory comments and recommendations on potential strategies, regulations and incentives to retain and protect historic resources in the CBD.

The first step of this request is a presentation to provide the Board with an introduction to the proposed amendments to the zoning regulations. This presentation offers an opportunity for the LPAB to ask staff questions and to get clarification on the proposed regulations.

Also included in this report is background information on existing historic preservation policies and regulations. The CBD encompasses many historic districts and individual resources. A summary of each of the mapped (Attachment A) historic districts' characteristics is also provided.

Staff proposes that the LPAB meet again on July 14th, 2008 to consider and discuss possible specific strategies to provide incentives and to protect historic resources in the Central Business District.

BACKGROUND

In March of 1998, the City of Oakland adopted the Land Use and Transportation Element of the General Plan, including an associated land use map (LUTE). The LUTE lays out the City's vision for its future development and represents the land use "constitution" for the City. All of the City's land use decisions and plans must be consistent with this document. A city's zoning code and maps should implement its LUTE through consistent development standards such as maximum height, allowed uses, and maximum density. However, revisions of these zoning documents were not made at the time of the passage of the LUTE, creating several conflicts between the LUTE, the Planning Code, and the zoning maps. Shortly after the adoption of the LUTE, the City began a process to adopt a new Planning Code, but that effort was not continued due to the personnel requirements of evaluating new developments accompanying the increased construction activity over the last decade.

Updating the zoning ordinance has again become a priority for the City. On December 11, 2007, the City Council approved a work plan to replace the existing zones in the Planning Code by the end of 2009. The plan describes a process to adopt new zones that implement each of the LUTE land use classifications in the following order:

1. Housing and Business Mix
2. Business Mix and General Industrial and Transportation
3. **Central Business District** (current proposal)
4. Urban Residential, Community Commercial and Neighborhood Center Mixed Use
5. Regional Commercial, Hillside Residential, Mixed Housing Type and Detached Unit Residential
6. Institutional, Resource Conservation and Urban Park and Open Space

The City Council has already adopted three zones to implement the Housing and Business Mix, Business Mix, and General Industrial and Transportation classifications. Staff and the Zoning Update Committee (ZUC) are currently in the process of developing regulations for the Central Business District (CBD).

Staff has met in front of the ZUC on March 19, April 16, and May 21, 2008 to discuss draft regulations (see Attachment C for the proposed draft regulations). During these discussions, preservation of historic resources has become a major issue of concern. Due

to the complexity of historic preservation issues, the ZUC and staff have proposed that the task of evaluating methods of historic preservation be the responsibility of the Landmarks Preservation Advisory Board (LPAB) and then be referred, with recommendations, to the Zoning Update Committee.

This report is an introduction to the proposed regulations and description of historic resources in the CBD.

DESCRIPTION OF PLANNING AREA

The CBD is bounded by Interstate 980 to the west, 880 to the south, Lake Merritt and Fallon Street to the east, and 23rd Street to the north (see Attachment B and B-1). The planning area does not include the Jack London area. This 580 acre area is an East Bay hub for private offices, public agencies, BART and AC Transit Service and, increasingly, high density residential buildings. As described below, the CBD is a diverse collection of neighborhoods, new construction, historic resources, retail areas; and recreation space.

Downtown is home to several distinct neighborhoods: Chinatown is a 150 year old historic business and residential district; City Center contains many state, federal, and local government offices and other activities; the Kaiser Center Business District contains several high rise office towers; the Gold Coast District is a historic neighborhood with urban style housing; and Old Oakland is a historic commercial neighborhood with carefully restored Victorian style buildings. Neighborhoods range in scale from pockets of single family Victorian homes in the western and southeast of downtown to the high rises in the Kaiser Center and City Center neighborhoods. The uptown neighborhood is burgeoning with new developments and commercial activity. The next section contains a description of historic neighborhoods and resources.

Broadway is the major commercial and transit spine of downtown, connecting Chinatown, City Center, Old Oakland, and the Kaiser Center Business District. 14th Street is a major east-west artery connecting West Oakland to Lake Merritt. San Pablo and Telegraph Avenues are also major mixed use transit corridors that radiate from downtown to Berkeley, El Cerrito, and Richmond.

Lake Merritt, just to the east of the CBD, is downtown's major recreational resource. This 155 acre tidal estuary is home to several species of birds and is considered a wildlife refuge by the state. The 3.4 mile path around the lake is well used by joggers, walkers, and bikers. Other parks in the CBD include Snow Park, Frank Ogawa Plaza, Lafayette Park, Jefferson Park, Lincoln Park, Madison Park, and Harrison Park.

Several pockets of active pedestrian oriented commercial areas thrive in downtown such as Old Oakland, 19th and 17th Streets near Webster Street, and Chinatown. Broadway has a series of small to medium sized retail storefronts.

HISTORIC RESOURCES AND NEIGHBORHOODS

There are numerous historic districts and individual historic resources in the Central Business District proposal area, including two National Register Districts¹, three designated Local Historic districts² (S-7 Zone), Areas of Primary Importance (APIs), Areas of Secondary Importance (ASIs), Landmarks, and Potential Designated Historic Properties (PDHP's). See Attachment D for definitions.

Conceptually, historic residential development that reflects the historic growth of Oakland forms a U-shaped band around the edges of the CBD proposal area, surrounding the Broadway commercial corridor. And similarly, the different stages of the city's commercial historic growth are reflected along the Broadway corridor, beginning with the Old Oakland area of the 1870's, the Downtown District of the early 1900's and the Uptown Shopping and Entertainment District reflecting the 1920's-30's.

Outlined below are characteristics of each of the Central Business Historic Districts. See Map, Attachment A.

- Cathedral District
 - a. occupies portions of two blocks (bounded by 21st Street, Grove (MLK) Street, West Grand Avenue and Telegraph Avenue);
 - b. constructed between 1872 and 1916;
 - c. mostly detached one and two-story, closely-spaced one-family and multiple family residences on narrow (25' – 40' wide) lots;
 - d. varied range of architectural styles - primarily Stick, Queen Anne and Colonial Revival.
- Grove-Castro-19th St. Residential District
 - a. occupies portions of two blocks [bounded by 18th, Castro, 20th and Grove (MLK) Streets];
 - b. fragment of a larger, late 19th and early 20th century residential neighborhood which developed northwest of downtown on narrow lots;
 - c. modest, yet substantial one and two-story houses;
 - d. longest most intact frontage, two blocks along Castro Street;
 - e. Predominately Italianate and Stick.
- Grove-Castro-18th Street Residential District
 - a. occupies south side of 18th Street between Grove (MLK) and Jefferson Streets, with half block of Grove Street (MLK);
 - b. 1883-1903;
 - c. 8 houses are all wood-frame, 1 and 2-story with raised basements on 25' wide lots, and one commercial brick building along Jefferson;
 - d. predominately Queen Anne.

¹ Downtown Historic District, Coit Building Group

² Victorian Row, Preservation Park, Preservation Park Extension

- Lafayette Square District
 - a. occupies portions of 15 city blocks, includes Preservation Park area (bounded roughly by Castro Street, Jefferson Street, 14th Street and 6th Street w/ Grove Street as its spine)
 - b. 1853-1915 (20 buildings from the 1870s – railroad dev., 17 from the early 1900s-earthquake dev.);
 - c. Northwest corner of the original Town of Oakland laid out in 1853, including two public squares;
 - d. one of two major areas of early residential development within original Oakland;
 - e. includes 1 and 2-story wood frame Victorian and Colonial Revival houses, with some 3-story Colonial Revival and 1920s apt. buildings.
- Old Oakland
 - a. 6 blocks (bounded by 10th, Broadway, 7th and Clay Streets);
 - b. downtown commercial center of the 1870's and 1880's with some early 20th century commercial;
 - c. one to four stories high occupying entire lots at the street frontage;
 - d. 31 contributing buildings;
 - e. stores on the ground floor, with upper residential hotels and or offices above;
 - f. primarily two to three story brick commercial blocks in Italianate style with heavy bracketed cornice, paneled frieze, topped by a false Mansard, elaborate window surrounds, cast-iron pilasters.
- Chinatown Commercial District
 - a. four square blocks which meet at Webster and 8th Streets, plus a panhandle extending east one block;
 - b. One to three stories on small lots (25' wide);
 - c. 29 of the 45 buildings contribute to the district;
 - d. Predominately early simple 20th century commercial of stucco, brick, glazed tile;
 - e. Chinese architectural motifs are rare except as new construction or remodeling;
 - f. Storefronts open to the store, stalls in front, long narrow shop spaces, high ceilings, bright colors, upturned roofs, balconies, use of tiles.
- 7th St/Harrison Square Residential District
 - a. properties along five blocks of 7th Street and the cross streets from Harrison to Fallon, extending in some places to 8th Street and 6th Street;
 - b. remnant of a much larger neighborhood developed in the decades just after 1900s;
 - c. almost entirely housing and one city park;
 - d. one to two-story detached wood-frame structures setback from the sidewalk line;
 - e. far from intact – industrial buildings and modern apartment buildings intrude on the residential picture;
 - f. predominately Queen Anne cottage, Queen Anne house, Colonial Revival house or cottage, a few Stick and Italianates.

- Lake Merritt District
 - a. consists of Lake Merritt itself, the parklands on its shores, the buildings within those parks, and all buildings fronting on the lake which were constructed over 50 years ago;
 - b. includes a number of public structures such as the Alameda County Courthouse;
 - c. most of the private structures surrounding the lake are low-rise apartments dating from 1908 to the present, often with a tropical or Mediterranean character.
- Lakeside Apartment District
 - a. occupies portions of five blocks (bounded by 14th Street, Harrison Street, 17th Street and Lakeside Drive on the eastern edge of Central District commercial core)
 - b. between 1907 – 1927-28 (earthquake – Depression), best concentration of medium-scale early 20th century apartments;
 - c. 27 contributing buildings including 23 apartments and rooming houses;
 - d. Beaux-Arts derivative with Renaissance and Baroque ornamentation, mixed with Mediterranean elements and various Arts & Crafts; and in the recent past, appropriately scaled Modern apartment buildings.
- 17th Street Commercial District
 - a. both sides of one city block between Webster and Franklin Streets, plus one building across the cross street (325-43 17th Street);
 - b. 1920's commercial with heights of 29-36 feet, characterized by low and long commercial buildings of brick or reinforced concrete constructions with glazing covering the majority of each façade, plate-glass display windows at ground level and modifications of Chicago-style windows above; simple ornament with references to Spanish Baroque, Italian Renaissance, Art Nouveau or Art Deco;
 - c. streetscape treatment of building—high trees and light fixture bases and shafts that are contemporary with the buildings set the District off as a unified enclave, an island in time.
- Uptown Shopping/Entertainment District
 - a. 18th Street to 21st Street along Broadway at the north end of Oakland's Central Business District, including 3 blocks of the triangular gore between Broadway and Telegraph Avenue;
 - b. represents a distinct phase of expansion of the central Oakland business district in the 1920's and 30's, a new luxury shopping and entertainment center to the north of the turn-of-the-century downtown;
 - b. buildings are all attached with no setback and mainly low to medium height (1 to 5 stories); includes one 11-story building, the Ray Building on the east side of Broadway;
 - c. includes two large theaters, the Fox and the Paramount, and the I. Magnin and the Floral Depot buildings;
 - d. primary styles are Beaux-Arts derived and the historicist brownstone and terra cotta loft buildings from the 20's, and the colorful Art Deco terra cotta buildings from the 30's.

- Downtown District
 - a. a roughly L-shaped area of 17 city blocks centering on the intersection of 14th Street and Broadway, City Hall and its plaza; a series of early 20th century 17 to 21-story skyscrapers occurring at intervals, punctuating lower construction;
 - b. 1900-1929, constitutes a well-preserved sample of the commercial architecture of larger American cities in the first quarter of the twentieth century; one of a series of distinct stages whereby Oakland's commercial center moved north along Broadway from its original waterfront location in the 1850's;
 - c. fairly narrow buildings, half to a third of a block on each frontage;
 - d. point towers, fully finished and ornamented on all 4 sides;
 - e. attached at ground floor level with no setbacks, brick and masonry surfaces, 2 or 3-part vertical composition or smaller loft buildings with high glass base; Beaux Arts-derived ornament, projecting terra cotta or metal cornices, skeletal articulation and Chicago-style windows.

GENERAL PLAN ANALYSIS

Land Use and Transportation Element. The LUTE envisions a downtown with 24-hour pedestrian activity, active retail nodes, a strong high-rise office center near the Broadway core and the Kaiser Center neighborhood, dense residential neighborhoods, and significant cultural and recreational amenities. The LUTE emphasizes intense infill development downtown to link people with transit opportunities, particularly BART. Preservation of historic resources, a clearer identity for the neighborhoods, preservation of views in and out of downtown, high quality building design, and enhancement of the skyline are also priorities of the LUTE.

Page 65 of the LUTE states that the overall goals for the CBD are:

- To promote downtown Oakland's position as a dynamic economic center for the region;
- To serve as a primary communications, office, government, high technology, retail, entertainment, and transportation hub for Northern California;
- To become a premier location in the region for urban residential living, by building upon existing neighborhoods, and by promoting and expanding a pedestrian-friendly, diverse and exciting range of housing, social, cultural, and arts opportunities;
- To further develop, support, revitalize, and promote the distinct, attractive, urban character of each of the downtown districts, and to respect historic resources.

The following is a summary of the policies contained in the LUTE that are devoted to historic preservation in the Central Business District.

D1.2 Identify District Districts. The downtown should be viewed as the compilation of a series of distinct districts, including but not limited to City Center, Chinatown, Old Oakland, the Broadway Corridor, Gateway Kaiser Center, Gold Coast, the Channel Park area south of Lake Merritt, and the Jack London Waterfront. A distinct identity for these downtown districts should be supported and enhanced.

D1.3 Planning for Chinatown. The unique character of Chinatown, as a center for Asian-American culture, a regional destination point, and a district with a mixed housing type residential component, should be supported and encouraged.

Policy D1.4 Planning for Old Oakland. Old Oakland should be respected and promoted as a significant historic resource and character defining element, with Washington Street as its core. Residential development in Old Oakland should be of mixed housing type, with ground-floor retail where feasible.

D1.7 Planning for the Gold Coast. The Gold Coast should be recognized and conserved as an established neighborhood providing urban density housing in a unique urban setting.

D2.1 Enhancing the Downtown. Downtown development should be visually interesting, harmonizing with its surroundings, respect and enhance important views in and of the downtown, respect the character, history, and pedestrian-orientation of the downtown, and contribute to an attractive skyline.

D6.1 Developing Vacant Lots. Construction on vacant land or to replace surface parking lots should be encouraged throughout the downtown, where possible.

Historic Preservation Element (Adopted 1994). Chapter 4 of the Historic Preservation Element (HPE) of Oakland's General Plan outlines 'Preservation Incentives and Regulations.' The objective of the Chapter is to develop a system of preservation incentives and regulations for specially designated significant older properties. Goals and recommendations from this Chapter are summarized below.

I. Preservation Incentives and Regulations – Goals

- 1) enhance economic feasibility for preservation;
- 2) provide a predictable and appropriate level of protection, based on each property's importance;
- 3) reasonably balances preservation with other concerns; and
- 4) operate efficiently, avoiding unnecessary regulatory procedures and review periods.

*II. Preservation Incentives and Regulations – Recommended
(for Designated Historic Properties)*

The HPE outlines the following Actions and Policies:

- 1) Design guidelines for Landmarks and Preservation Districts, based on the Secretary of the Interior’s Standards for the Treatment of Historic Properties. The guidelines will also address the below findings:
 - a. What types of alterations or new construction not conforming with the Secretary’s Standards will not adversely affect a Landmark or Preservation District.
 - b. What is “equal” design quality; and
 - c. What is a “special circumstance that overrides strict application of the Standards.”
- 2) Mills Act contracts for reducing property tax assessments (Two Year Pilot Program exists);
- 3) Conservation easements to reduce property tax assessments and, for National Register properties, to obtain income tax deductions;
- 4) A broader range of permitted or conditionally-permitted uses;
- 5) Transfer of development rights;
- 6) Priority for economic development and community development project assistance and eligibility for possible historic preservation grants for low-income housing;
- 7) Eligibility for acquisition, rehabilitation, and other development assistance from a possible historic preservation revolving fund or possible Marks historical rehabilitation bond program;
- 8) Fee waivers or reductions for City permits;
- 9) Incentives for compatible new development on vacant noncontributing Preservation District parcels.

Please see Attachment E for additional description and of each of these incentives.

LPAB ANNUAL GOAL SETTING MEETING RECOMMENDATIONS

The following strategies have been raised as potential preservation strategies at LPAB Goal Setting Meetings:

- 1) Locate available land for relocation of historic buildings when demolition is proposed;
- 2) Explore formulas for Mitigation Measures that require monetary contributions for the demolition of historic resources;
- 3) Consider an Ordinance based on Los Angeles’ Adaptive Reuse Ordinance;
- 4) Modification of the Demolition Ordinance;
- 5) Raising Awareness of Historic Preservation in Oakland;
 - i. LPAB Member Presentations - Landmark of the Month

- ii. Yearly LPAB Historic Preservation Recognition during Preservation Month, May
- iii. Work with schools, realtors and KTOP
- iv. OHA Presentation at the LPAB Meeting of OHA Partners in Preservation Awards
- v. Create Oakland Top Ten Endangered Historic Resources List

CURRENT HISTORIC PRESERVATION PROTECTION AND INCENTIVES

- 1) Historic Designation – (individual and district, Federal, State, Local)
- 2) Secretary of Interior’s Standards
- 3) California Environmental Quality Act
- 4) State Historical Building Code
- 5) Design Review Regulations/Findings
- 6) Demolition Postponement/Findings
- 7) Design review fee waiver for designated resources
- 8) Mills Act Pilot Program
- 9) Façade Grant Program

SUMMARY OF PROPOSAL

The regulations are split into three main parts: new zoning designations that contain use and associated design regulations; height, bulk, and intensity regulations; and other design related regulations related to all new construction. The height, bulk, and intensity regulations are separate from the regulations relating to use because often times the uses preferred at a location may not relate to a building’s overall size. For instance, pedestrian oriented commercial activities are appropriate for both Broadway and Old Oakland, even though the appropriate bulk of buildings in these areas are far different.

Summary of Proposed Zones

Staff is proposing four new zones: the Central Business District Residential Zone (CBD-R), Central Business District Pedestrian Retail Commercial Zone (CBD-P), Central Business District General Commercial Zone (CBD-C), and Central Business District Mix Commercial Zone (CBD-X). A proposed map of these zones is contained in Attachment B-1.

The CBD-R zone is proposed to be designated in residential neighborhoods such as the Gold Coast District, the Uptown area, and neighborhoods containing low level apartment buildings and Victorian Homes near Chinatown and Jefferson Square. The zone allows a wide range of small ground level facilities including offices, retail, and residential, but preserves upper stories for residential units. Development regulations for the CBD-R zone reflect a more residential emphasis including no maximum front yard setback and a required grade separation between the floor level of residential units and the street.

The CBD-P zone is proposed to be located in the Chinatown commercial district, Old Oakland, along 14th Street, various existing retail nodes, and areas identified by the City to be potential retail nodes. The intent of the zone is to create and preserve retail nodes and streets by encouraging ground level, pedestrian oriented, active storefront uses. This zone encourages new development to have ground level retail space with a storefront appearance; upper stories can include either commercial or residential activities. Special design requirements promoting active, pedestrian scaled storefront spaces are included in the requirements.

The CBD-C zone is a general commercial zone that encourages a wide variety of ground floor commercial activities including office, retail, and service businesses. Upper story spaces are available for a wide range of commercial and residential activities. This zone is located in the Kaiser Center area and the core areas of downtown that are outside Broadway and the CBD-P zone.

The CBD-X zone is intended to flexibly adapt to a changing development environment by allowing a wide variety of building types and activities, including residential, commercial, and light industrial (light industrial activities would require a conditional use permit). Neither commercial nor residential activities are limited to any part of a building. This designation is proposed for areas still forming a distinct identity such as some eastern areas of downtown and the County Government Center.

Summary of Height/Bulk/Intensity Regulations

The height/bulk/intensity map is separated into six basic geographic areas (see Attachment B). Area 1 is the least intensive and Area 6 the most. Each height area allows a “base” of a building with no bulk restrictions and, with the exception of Height Area 1, a “tower” above the base with regulations relating to width and bulk. The lower the height area, the less bulk is allowed in a tower above the base. To encourage creativity, the regulations provide flexibility to designers regarding the location and shape of the tower.

In general, the greatest building intensity is proposed to be near the Broadway core and intensity graduates down to the eastern and western edges of downtown. The lower maximum heights away from the downtown core reflect the transition to low scale historic neighborhoods at the fringes of downtown and the LUTE’s goal of creating a varied and attractive skyline.

KEY ISSUES AND IMPACTS

This presentation is an introduction to the proposal and an opportunity for the LPAB to ask staff for clarification regarding the regulations. Staff proposes that the LPAB meet again on July 14th, 2008 to discuss specific proposals regarding methods to preserve historic resources in the Central Business District.

RECOMMENDATIONS

1. Receive any testimony from interested citizens;
2. Raise Board questions/clarifications on the proposal;
3. Request any specific data/information the Board determines would be required for further review and consideration of strategies to protect historic resources in the Central Business District;
4. Direct staff to agendize the proposal for further Board discussion to make comments/recommendations on appropriate strategies to protect historic resources in the Central Business District.

Respectfully submitted:

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Attachments:

- A: [Map – Central Business District \(Historic Properties\)](#)
- B: [Map - Central Business District \(Proposed Height, Bulk and Intensity Map\)](#)
- B-1: [Map – Central Business District \(Proposed New Zones\)](#)
- C: [Central Business District Regulations](#)
- D. Definitions
- E. Preservation Incentives

Ref: cbd- historic preservation LPAB report 6-9-08