

<b>Location:</b>	Central Business District (see Attachment B).
<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 is an introduction to the new regulations proposed for the Central Business District. The proposed zoning text amendments are part of a citywide effort to replace all the existing zones in the Planning Code with ones that implement the intent of the General Plan.

This report is an introduction to the proposal and an opportunity for the ZUC to ask staff for clarification regarding the regulations. Staff proposes that specific issues be discussed at the next ZUC meeting, scheduled for April 16, 2008.

## **PROJECT DESCRIPTION**

The proposal is comprised of four main components:

- A new chapter of the Zoning Ordinance that contains four new zones for the Central Business District (CBD). Attachment A contains the proposed zoning district regulations;
- Mapping the new CBD zones on the Zoning Maps. Attachment B contains the proposed maps;
- Amendments to the document “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” to reflect the new CBD zones; and
- Text amendments related to the creation of the new CBD zones.

## **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 (General Plan). The General Plan 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. In general, a city’s zoning code and maps implement its general plan 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 General Plan, creating several conflicts between the General Plan, the Planning Code, and the zoning maps. Shortly after the adoption of the General Plan, 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 General Plan 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 General Plan classification; a proposed adoption of four zones to implement the Business Mix and General Industrial and Transportation classifications was heard in front of the Community and Economic Development Committee of the City Council on March 11, 2008.

The subject of this report is the proposed regulations for the Central Business District (CBD). The proposed regulations are based on the policies of the General Plan, the current downtown context, regional policies regarding infill development, historic preservation, and design considerations.

There have been two community meetings devoted to downtown zoning. The first meeting, one March 1, 2008, discussed the proposed heights. Several people encouraged greater restrictions in height than proposed by staff due to shadow concerns, to preserve views to and from the Lake, and preserve the lake's status as a wildlife refuge. Others felt that height along the lake is required to attract residents to downtown. Several people complained that those who were in favor of height along the lake were developers with a vested interest. Others stated that there should be more time between the March 17 meeting and this March 19, 2008 Zoning Update Committee meeting. There was consensus that height in the Broadway core of downtown should be encouraged. Other comments encouraged a greater allowed height in Chinatown. The second meeting was March 17. Staff will report the results of this meeting at the March 19, 2008 ZUC meeting.

## **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 23<sup>rd</sup> Street to the north. The planning area does not include the Jack London area. This 580 acre area is a 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.

Broadway is the major commercial and transit spine of downtown, connecting Chinatown, City Center, Old Oakland, and the Kaiser Center Business District. 14<sup>th</sup> 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.

Downtown also has many historic neighborhoods, landmarks, and highly rated historic buildings including the Old Oakland, Gold Coast and Chinatown Historic Districts; City Hall; the Paramount and Fox Theatres; the African American Museum; the Lake Merritt Hotel; 1330 Broadway; the Rotunda Building; and several others.

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

The CBD has experienced a number of significant new major developments in recent years. Some of the major projects recently constructed or under construction include:

- The Uptown Project: 665 units and 14,000 square feet of commercial in the area bounded by Telegraph Avenue, San Pablo Avenue, 18<sup>th</sup> Street, and 20<sup>th</sup> Street.
- Thomas Berkeley Square Housing: 83 residential units and three commercial spaces on Thomas Berkeley Way at San Pablo Avenue.
- 8 Orchids: 157 residential units and 3,600 square feet of retail space on Broadway at 6<sup>th</sup> Street.
- Madison Lofts: 76 residential units and 2,666 of retail space on 14<sup>th</sup> Street and Madison Street.
- Housewives Market: 80 residential units and 14,000 square feet of flexible space.
- Rehabilitation of the Historic Fox Theater.
- 100 Grand: 241 Residential Units at Grand and Webster Streets.
- 901 Jefferson: 75 condominium units at Jefferson and 9<sup>th</sup> Streets.
- Broadway West Grand: 421 residential units and 4,710 retail space on the corner of Grand and Broadway.

## **GENERAL PLAN ANALYSIS**

The General Plan envisions a downtown with 24-hour pedestrian activity, active retail nodes, a strong high-rise office center, urban-density residential neighborhoods, and significant cultural and recreational amenities. The document also calls for the preservation of historic resources, a clearer identity for the neighborhoods, and preservation of views in and out of downtown. High quality design and enhancement of the skyline are also priorities of the General Plan

The maximum floor area ratio in the General Plan for the CBD is 20.0; the maximum residential density is 300 dwelling units per gross acre (one unit per 87 square feet of lot area). This development intensity has been conditionally permitted for all development in the CBD since the 1998 adoption of the document “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations” (General Plan Guidelines).

The following is a more detailed summary of the goals, objectives, and policies devoted to the Central Business District in Chapter 2 of the General Plan, the Policy Framework. Attachment C contains the complete text in the General Plan regarding the Central Business District.

The overall goals of the General Plan 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 summary of the objectives and policies that correspond to these goals.

- Objective D1 emphasizes enhancing the identity of the distinct districts of downtown. The objectives contain specific policies that encourage the enhancement of the unique character of Chinatown as a regional destination point with a mixed housing type component; Old Oakland's historic, pedestrian oriented character; and the conservation of the character of the historic Gold Coast District. The Policies also emphasize connecting the Kaiser Center with Broadway and enhancing and rehabilitating the Gateway area as a mixed housing type and urban density district.
- Objective D2 is to enhance the "visual quality of downtown by preserving and improving existing housing stock and encouraging new, high quality, development". The policy related to this objective discusses a visually interesting downtown that harmonizes with its surroundings, preserving important views in and out of downtown, enhancing the pedestrian orientation of downtown, and improving the City's skyline.
- Objective D3 is to promote a pedestrian friendly downtown through pedestrian oriented commercial areas and appropriate parking design.
- Objective D4 is to increase the economic vitality of downtown through infrastructure improvements and attract new businesses and employment.
- Objective D5 is to enhance the safety and perception of downtown through twenty-four hour pedestrian activity.
- Objective D6 is to eliminate blight through constructing on vacant land and rehabilitating underused buildings.
- Objective D7 is to promote downtown's position as a primary office center and public transportation hub at the state and regional planning levels.
- Objective D8 is to build on the office nodes near the 12<sup>th</sup> and 19<sup>th</sup> Street BART stations. Policies related to Objective D8 include attracting office development to

- these areas, respecting Lake Merritt and Snow Park, and directing office development along the Broadway Spine.
- Objective D9 is to establish, promote, and retain businesses that serve the needs of downtown workers and residents. Policies emphasize destination shopping along Broadway, shopping geared toward the needs of local residents, and pedestrian friendly ground floor treatments.
  - Objective D10 is to maximize housing opportunities in the downtown to create a better sense of community. Policies state that housing should be located within walking distance to BART stations; have an urban density with the exception of a few pockets of lower density areas; have attractive, safe, and high quality design; enhance attractive streetscapes; respect the history of downtown; and include live/work developments.
  - Objective D11 is to foster mixed use developments in commercial areas to promote a lively and diverse downtown.
  - Objective D12 is to make downtown a regional designation for education, culture, art, and entertainment. Policies focus on placing larger institutions along Broadway and smaller venues throughout the District where the impacts will not disturb residents.
  - Objective D13 is to integrate regional and local transportation into downtown by providing convenient public transit and parking facilities.

The Transportation section of the policy framework also has relevant policies including concentrating development near the 12<sup>th</sup> and 19<sup>th</sup> Street BART stations to connect transit with office commuters. Other policies include the following:

- Policy T2.5 states that transportation options should be linked to centers of recreation, job centers, commercial nodes and social services.
- Policy T3.3 calls for accepting congested intersections downtown to promote transit and a pedestrian orientation.
- Policy T3.8 encourages screening downtown parking behind storefronts, parks, landscaping or other means.

Chapter 3 of the General Plan contains descriptions of the 14 different General Plan land use classifications, including the Central Business District. The following is the General Plan's intent for the CBD classification, desired character and uses, and intensity/density:

**Intent:** The Central Business District classification is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary high technology, retail, entertainment, and transportation in Northern California.

**Desired Character and Uses:** The CBD classification includes a mix of large-scale offices, commercial, urban (high rise) residential, institutional open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

**Intensity/Density:** For sites in the CBD, the maximum floor area ratio (FAR) is 20.0, and the maximum allowable residential density is 300 units per gross acre. In some areas identified by the Policy Framework, such as the Broadway spine, the highest FAR may be encouraged, while in other areas such as near Lake Merritt and Old Oakland, lower FARs may be appropriate.

According to the General Plan Guidelines, this intended density is equal to one unit per 87 square feet of lot area.

## **EXISTING ZONING**

Downtown Oakland has a complicated patchwork of twelve different zones (see Attachment D). The main downtown commercial zones are the C-51 Central Business Service and C-55 Central Core Commercial Zones. The C-51 zone is mainly located western area of downtown and Chinatown; C-55 is located in the core of downtown and the Kaiser Center area. Both C-51 and C-55 allow a wide array of commercial and residential activities without any restrictions on ground floor activities. Neither zone requires design review for nonresidential construction or contains guidance regarding evaluating the design of buildings. Both zones have a base floor area ratio (FAR--the ratio of floor area to lot area) of 7.0, a maximum density of one unit per 150 square feet of lot area, and no height limit. As mentioned previously, downtown developments can reach the General Plan FAR of 20.0 and density of one unit per 87 square feet of lot area through the conditional use permit process.

The main residential zones for downtown are the R-80 High-Rise Apartment and R-90 Downtown Apartment Residential Zones. All commercial activities in these zones require a conditional use permit and are restricted to spaces only accessible through lobbies of apartment buildings. Both these zones have a base FAR of 7.0. The maximum densities of the R-80 and R-90 zones are one unit per 300 and 150 square feet of lot area, respectively. Like the C-51 and C-55 zones, development can reach the maximum General Plan FAR and density of 20.0 and one unit per 87 square feet of lot area upon the granting of a conditional use permit.

The C-52 zone is a special zone for Old Oakland. This zone is similar to C-55 except it restricts the height of new construction to 50 feet. Old Oakland also has an S-7 Preservation Combining Zone to require special design review for this historic district. The S-7 zone is also applied to Preservation Park.

The CBD has two other significant overlay zones. The S-8 Urban Street Combining Zone is combined with the C-55 on Broadway to preserve the ground floor for retail commercial activities. The S-17 Residential Open Space Combining Zone provides flexible and reduced open space requirements throughout the CBD.

## **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. This separation allows the number of zones to be reduced from the current eight to four base zones and from four to one combining zone. This technique is fairly common and currently used in San Francisco, San Diego, Seattle, and Portland. Several other zoning tools that are new to Oakland are also proposed, including maximum setbacks, required ground floor window space (transparency) for commercial activities, and several design related standards.

### 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). The following is a summary of the zones.

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. In general, the zone requires a use permit for businesses greater than 7,500 square feet to protect the character of residential neighborhoods and mitigate impacts from larger businesses. Development regulations for the CBD-R zone reflect a more residential emphasis including no maximum front yard setback, a required grade separation between the floor level of residential units and the street, and only a fifty percent ground floor transparency requirement for commercial storefronts.

The CBD-P zone is proposed to be located in the Chinatown commercial district, Old Oakland, along 14<sup>th</sup> Street, various existing retail nodes, and areas identified by the City to be potential retail nodes. The CBD-P zone would also replace the S-8 overlay along Broadway. The intent of the zone is to create retail nodes and streets by encouraging ground level, pedestrian oriented, active storefront uses. This zone requires new development to have ground level retail space with a storefront appearance. Upper story spaces are allowed to contain a wide range of office and residential activities. Service oriented office activities such as medical services, real estate offices, and recording services would be allowed on the ground floor upon the granting of a conditional use permit except on Broadway, where they would be permitted outright. This exception is made on Broadway because it has several underused storefronts and a less cohesive retail streetscape. Purely administrative offices and residential activities would not be allowed on the ground floor in the CBD-P zone. Special design requirements for the CBD-P zone include:

- A relatively high ground floor transparency requirement of 70 percent to create a more active and interesting streetscape;
- A minimum 14-foot ground floor height to create a human scale at the street; and
- A maximum setback requirement of five feet from the sidewalk for the first three stories of a building. This regulation establishes a street edge that creates a

comfortable pedestrian scale and a unified the street space. This setback requirement is required over 75 percent of the lot line and has further exceptions for plazas and outdoor seating.

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. Residential activities would not be permitted on the ground floor in the CBD-C zone. 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-C zone has design requirements that are similar to CBD-P zone except it has a ground floor transparency requirement of 60 instead of 70 percent. This reduction is made because the CBD-C zone is expected to have more administrative activities and lobbies than 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. This zone has a minimum transparency requirement of 60 percent for ground level commercial facilities and a maximum setback requirement for only the ground floor.

The following table summarizes the information provided above:

	<b>CBD-R</b>	<b>CBD-P</b>	<b>CBD-C</b>	<b>CBD-X</b>
<b>Location</b>	See Attachment B	See Attachment B	See Attachment B	See Attachment B
<b>Intent</b>	Development of residential neighborhoods	Development of pedestrian retail nodes and streets	Encourage general commercial activities	Allow a mix of building types and activities
<b>Ground floor uses</b>	Small ground level commercial facilities including offices, retail, and residential	Small pedestrian oriented commercial retail and restaurant activities	Wide variety of commercial activities	Wide variety of commercial and residential activities
<b>Upper story uses</b>	Residential	Commercial or residential	Commercial or residential	Commercial or residential
<b>Maximum setback from sidewalk for bottom three stories*</b>	Not regulated	5 feet*	5 feet*	5 feet, but only on ground floor*
<b>Percent transparency in front of ground floor commercial facilities</b>	50 percent	70 percent	60 percent	50 percent
<b>Minimum ground floor height</b>	12 feet	14 feet	14 feet	14 feet

\* Only required over 75 percent of the street frontage. Further exceptions are included for plazas and open restaurant seating areas.

**Summary of Height/Bulk/Intensity Regulations**

Introduction. The height/bulk/intensity map is separated into six basic geographic areas (see Attachment E). 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 building, particularly above the base, and a narrower tower is required. To encourage creativity, the regulations provide a significant amount of 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. Some exceptions are made to this pattern to account for historic neighborhoods, gateway locations, or existing neighborhood context.

FAR and density. Staff proposes that the General Plan maximum FAR of 20.0 be allowed near the downtown core (Height Areas 5 and 6) and be reduced to 4.5 in the least intense areas such as Old Oakland and the Lakeside Apartment District. The numbers were chosen to allow ample development opportunities, create the gradation of intensity described above, and to require narrower towers for the buildings that approach the proposed height maximums. Staff proposes that the maximum General Plan density be allowed in all the height areas except Height Area 1 because the regulations contain form and bulk regulations that will limit the number of units that can be in a building. Further, state, regional and General Plan policies encourage housing units to be in downtown due to the proximity of transit services, particularly BART.

Base and total height. The maximum height of the base ranges from 55 feet in Height Area 1 to 85 feet in Height Area 6. The maximum height of buildings, including the tower, ranges from an unlimited height in Height Area 6 down to 55 feet in Height Area 1 (Height Area 1 does not allow height above the base). Again, this range reflects the gradation of intensity from the core to the outer regions of downtown, the location of historic districts, and other contextual considerations.

Minimum height. A minimum height is proposed to assure a building intensity anticipated by the General Plan. The minimum height for Height Areas 2 through 6 is forty-five feet. Staff proposes a 35 foot height minimum for Height Area 1.

The following is summary of the FAR, density, and height regulations:

Regulation	Height/Bulk/Intensity Area					
	1	2	3	4	5	6
Maximum Floor Area Ratio (building sf/lot sf)	4.5	7.5	12	15	20	20
Maximum Building Base Height (ft)	55	55	65	75	85	85
Minimum Height of New Principal Buildings (ft)	None	35	45	45	45	45
Maximum Tower Height from grade (ft)	No tower permitted	115	205	305	405	No Height Limit

Tower bulk and dimension regulations. The regulations relating to the bulk and dimensions of the towers are designed to require some degree of articulation in a building in Height Areas 5 and 6 and more slender towers away from the core of downtown. The regulations assure slender towers near the lake. The bulk and dimensions of towers and floor area above the base are controlled by four basic regulations: the maximum average per story floor area above the base; the maximum average floor plate of an individual tower; the maximum building length of a tower, and the maximum diagonal length of a tower. The following table summarizes these regulations:

Regulation	Height/Bulk/Intensity Area					
	1	2a-2c	3	4	5	6
<b>Maximum Average Per Story Floor Area Above Base (percent of site area)</b>	Not applicable	50	60	60	70	80
<b>Maximum Average Tower Floor Plate Area (sf)</b>	Not applicable	2a: 15,000 2b: 10,000 2c: 15,000	15,000	15,000	20,000	30,000
<b>Maximum Building Length of Tower (ft)</b>	Not applicable	2a: 150 2b: 115 2c: 150	150	150	175	210
<b>Maximum Diagonal Length of Tower (ft)</b>	Not applicable	2a: 175 2b: 140 2c: 175	175	175	200	250

Note that there are three subareas within Height Area 2. 2a includes three areas in the western downtown containing a mix of Victorian flats, apartment buildings, and various public and institutional uses. Height Area 2b includes the area adjacent to Lake Merritt while Height Area 2c includes the commercial area of Chinatown (see Attachment E)

The maximum average per story floor area above the base is calculated as a percentage of the site area. In other words, if a parcel is 100,000 square feet, and a height area allows the average per story floor area above the base to be 80 percent, then the average story above the base cannot be more than 80,000 square feet. If there is more than one tower above the base, then the floor area of the comparable stories of each building are added together to determine the total floor area of that story. For example, if there are two towers above the base and the 5<sup>th</sup> story of one tower is 35,000 square feet and the 5<sup>th</sup> story of the other tower is 25,000 square feet, then the total floor area above the base of the 5<sup>th</sup> story is 60,000 square feet. Using the example above, if the average total floor area of all the stories stays at 80,000 square feet or below, the building meets the regulation. This regulation reduces upper story bulk and encourages building articulation; proposing the maximum to be an average allows design flexibility.

The regulation applying to the core of downtown (Height Area 6) requires the least reduction of square footage above the base to encourage dense development and larger buildings to anchor the downtown. The required reduction in mass is meant to encourage articulation in the upper stories of a building, not to create slender towers. The regulations requires more reduction in mass near the lake and in neighborhoods farther from the central core.

The average floor plate of a tower is the average square footage of the stories within an individual tower. For instance, if a tower is four stories high, and two stories are 28,000 square

feet and two stories are 32,000 square feet, then the average floor plate of the tower is 30,000 square feet. This regulation is an average to maximize the design flexibility of the towers.

The core of downtown, Height Areas 5 and 6, has the greatest allowed floor plate at 20,000 and 30,000 square feet, respectively. The size of the allowed floor plate along the lake is 10,000 square feet. For comparison, the floor plate of the Tribune Tower is approximately 2,000 square feet, the new Rincon Tower at the foot of the Bay Bridge in San Francisco is approximately 10,000 square feet, one tower of the Federal Building is approximately 16,000 square feet, the Clorox Building in City Center is approximately 20,000 square feet, and the newly approved T12 building is approximately 26,000 square feet. Staff stresses that, with the exception of the T12 building, these are approximations based on aerial photographs.

The building length of a tower is the horizontal length of the side of a tower in elevation. In other words, if a tower has consistent floor plates that are a 100 by 200 foot rectangle with sides parallel to the property line, the building lengths of the tower are 100 feet and 200 feet. The diagonal length is the distance between the two most separated points of a building. These regulations assure that towers are not flat, slab-shaped structures that will block the sunshine and views in and out of downtown. Staff chose the maximum dimensions to also allow significant variation and creativity in design.

Special regulations. The proposal contains two special bulk regulations. A ten-foot setback above the base is required in Chinatown's commercial district to relate to the existing buildings in that historic neighborhood. The proposal also requires that new construction from the eastern side of Harrison Street to the lake (see Attachment E) cover no more than two-thirds (2/3) the length of any east or west side property line. This regulation is proposed to preserve views to and from the lake. Lots less than 90 feet wide are proposed to be excluded from this regulation to allow feasible development of towers on smaller lots.

#### Other Design Regulations

The following is a summary of proposed design regulations applying to new construction in all the zones:

- Entrance: Newly constructed principal buildings are proposed to have at least one prominent pedestrian entrance facing the principal street.
- Ground Floor Treatment: All ground floors are proposed to be constructed of durable and high quality exterior materials.
- Active Space Requirement: Parking spaces, locker areas, mechanical rooms, and other non-active spaces are proposed to be located outside the front thirty feet a building.
- Parking and Loading Location: Access to parking and loading facilities are proposed to be located from a secondary frontage or an alley, where possible.
- Massing: The proposal requires the mass of newly constructed principal buildings to be broken up into smaller forms to enhance the visual interest of the streetscape.

- Upper Story Windows: The proposal contains a provision requiring an ample placement of windows above the ground floor.
- Building Terminus: An element that provides a distinctive visual terminus is proposed to be required at the top of new buildings.
- Utility Storage: The proposal includes a provision requiring that areas housing trash, storage, or other utility services be located in the garage or otherwise completely concealed from view of the public right-of-way.

#### General Plan Guidelines and Other Text Amendments

The General Plan Guidelines will be required to be amended upon adoption of the new CBD zones because this document is only intended to be applied to zones that do not implement their General Plan land use classification. In other words, once the proposed zones are adopted, the General Plan Guidelines will no longer be required for the CBD. Further, text amendments related to the creation of the new CBD zones will be required throughout the zoning ordinance. For instance the parking and sign chapters of the zoning ordinance will need to be updated to make reference to the new zones. Staff will present these changes in future drafts of the proposal.

#### **KEY ISSUES AND IMPACTS**

This presentation is an introduction to the proposal and an opportunity for the ZUC to ask staff for clarification regarding the regulations. Staff proposes that specific issues be discussed at the next ZUC meeting, scheduled for April 16, 2008.

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. [Proposed new CBD Chapter Text](#)
- B. [Proposed CBD zoning map](#)
- C. Language in the General Plan regarding the CBD
- D. [Existing zoning](#)
- E. [Map of height areas](#)