

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; and 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 and provide direction to staff.
For further information:	Contact: Neil Gray at 238-3878 or email ngray@oaklandnet.com

SUMMARY

On July 16, 2008, staff received input from the Zoning Update Committee that the recommendations regarding the Central Business District rezoning proposal provided by staff should be generally adopted, except that the maximum heights for Greater Chinatown/Lake Merritt BART Station area and the Gold Coast should be further studied. The ZUC also requested that staff present a more simplified set of height areas. This staff report is a response to those requests and also recommends some additional adjustments to the proposal.

OVERVIEW/BACKGROUND

Current proposal. On July 16, 2008, staff presented a list of alternative zoning regulations to the Zoning Update Committee. After taking testimony from the public, the ZUC accepted staff's recommendations for all areas except for Height Area 2 (the Gold Coast) and the greater Chinatown Area (see Issue Areas 1-6 on Attachment A). In particular, the ZUC recommended that the Gold Coast north of the Essex residential tower (17th Street) have a designation that would allow a greater height than the rest of Height Area 2. The ZUC also requested that staff present a more simplified set of height areas.

This report provides additional analysis, alternatives, and staff recommendations for these issues and minor issues that staff has identified since the July ZUC meeting, including adjustments to the proposed zoning map, restrictions on single family homes and duplexes, the height of ground stories, and other design regulations.

Historic Resources. On August 11, 2008, the Landmarks Preservation Landmarks Board (LPAB) was presented a menu of techniques to preserve historic structures downtown (see Attachment B). At that meeting, the Board recommended the following techniques:

1. Development standards relief for rehabilitation or additions to historic buildings (Item I-2 in LPAB staff report);
2. Providing relief from Zoning Activities Requirements (Item I-3 in LPAB staff report);
3. More restrictive demolition and alteration findings (Item I-5 in LPAB staff report);
4. A more fine-grained and detailed height map to be to reflect historic buildings and neighborhoods (Item I-7 in LPAB staff report);
5. Design guidelines and standards for transitioning new construction from historic buildings (Item II-9 in LPAB staff report);
6. Exploration of methods to allow additions to buildings without loss of historic status (Item III-10 in LPAB staff report);
7. Expansion of the Mills Act program (Item III-14 in LPAB staff report);

The LPAB considers items 1 – 4 short term techniques, item 5 and intermediate term techniques; and 6 – 7 long term techniques.

The LPAB also adopted a motion that the Planning Commission not make a decision on the proposal until the LPAB has had adequate time to study and review the proposal. They proposed to hold a workshop regarding the proposal prior to the October LPAB meeting.

KEY ISSUES AND IMPACTS

The following shows the alternatives and recommendations requested by the ZUC and other issues identified by staff.

Issue Area 1

Issue Area 1 is located south of the Essex residential tower (see Attachment A). This area includes the following characteristics:

- The area to the south of 14th 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 14th Street and south of 17th 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 17th Street and Lakeside Drive to the approximately 170-foot tall apartment building at 1503 and 1515 Lakeside Drive.
- A large part of the area is considered an Area of Primary Importance (API) by the City of Oakland Office of Heritage Survey.

Alternatives: Staff proposes the following alternatives be considered for Issue Area 1:

ALTERNATIVES FOR ISSUE AREA 1			
	Alternative 1	Alternative 2	Alternative 3
Height Area	1	2	2
Maximum Height			
Building base	55 ft	55 ft	55 ft
Total	55 ft	170 ft	275 ft
Average per story lot coverage above the base	NA	50% of site area or 7,500 sf, whichever is greater	50% of site area or 7,500 sf, whichever is greater
Maximum average area of tower floor plate	NA	10,000 sf	10,000

Recommendation: Alternative 2.

Rationale: Staff recommends 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 an analysis of these issues:

- *Solar access:* Shadow studies for the Essex building (see Attachment C) 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 (see Attachment D).
- *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, staff believes that 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 issue 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 issue area.

Issue Area 2

Issue Area 2 includes the 220-foot tall Essex building, Snow Park, and a historic neighborhood known as the 244 Lakeside Drive Group (see Attachment A). 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 Issue Area 2: the Schilling Gardens site and the parking lot at the corner of Alice and 17th 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.

As mentioned, the ZUC recommended at the July 16 meeting that Issue Area 2 as shown in Attachment A be designated with a higher height limit than the previously recommended Height Area 2

Staff has identified the following alternatives for this issue area:

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

Staff recommendation: Alternative 1.

Analysis: Staff recommends this alternative because its height is most consistent with the other buildings in the neighborhood, particularly the 244 Lakeside Drive Group API. Staff believes that 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. Finally, 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 Area 3

This area is on the eastern side of Madison Street between 14th and 17th Streets and contains two- to five-story apartment buildings and the parking lot for the Scottish Rite Center (see Attachment A). The western side of Madison Street has a similar character and is currently proposed to be in Height Area 1, a designation with a 55-foot height limit. Issue Area 3 is partly in the Lakeside Apartment District API.

Recommendation: Staff recommends that Issue Area 3 be designated Height Area 1 on the height map.

Rationale:

- The existing development along the street has a similar scale and character to the rest of the adjacent area currently designated Height Area 1.
- Allowing the same heights on both sides of the street provides for a consistent streetscape along Madison Street.
- The change does not significantly affect development potential because the only vacant space in this area is the parking lot of the Scottish Rite Center. The Scottish Rite Center is likely to keep the parking to serve their events.

Issue Areas 4 and 5

The Greater Chinatown/Lake Merritt BART Station Area is designated as Issues Area 4 and 5 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 7th Street/Harrison Square Residential District API is also located in this area (see Attachment A). This historic district contains a high concentration of 19th and early 20th historic structures that vary in quality but together constitute a neighborhood with a consistent historic character.

Staff had previously recommended that this area be designated Height Area 3, with the exception of part of the 7th Street/Harrison Square Residential District API, which was designated Height Area 1.

Recommendation: Staff recommends that this entire area be designated Height Area 3 on the height map.

Analysis: 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. Staff believes that designating Height Area 3 for this neighborhood provides ample development opportunity around the BART station but more study is required on how to protect and allow intense development compatible with the historic neighborhood. Therefore, staff proposes that the Lake Merritt BART Area Specific Plan further study and refine the regulations for this area.

Issue Area 6

The area is located on the southern side of 11th Street between Madison and Harrison Streets. The street has a mix of small and medium scale residential buildings, offices, vacant lots, and small commercial structures.

Recommendation: Staff recommends designating Issue Area 6 as Height Area 4.

Analysis: This adjustment allows a consistent streetscape across 11th Street accommodates development potential along this corridor.

Other Recommended Changes

Staff recommends the following further changes to the proposal:

- Staff recommends that the minimum separation from grade to habitable residential space be changed from three feet to two and one-half feet. This height accommodates ADA access into living units while still allowing enough of a grade separation to mitigate privacy concerns and require a stair connection to the street.
- Staff recommends disallowing the construction of new single family homes in downtown. This discourages low density construction in an area where the General Plan encourages intense development.

- Attachment E shows a series of small changes to the proposed zoning maps. These changes are a result of discussions with the City’s Downtown retail specialist in the Economic Development Division of CEDA. In general, the changes are a reflection of the current context in different parts of downtown. For instance, if a street has a solid retail presence but has ground floor regulations that allow residential or office activities, the map recommends a change to the CBD Pedestrian Zone.
- Previous proposals split Height Area 2 into two subareas: Height Area 2a and 2b. Height Area 2a was located near Interstate 980 and 2b was located near the lake. Both 2a and 2b would have a base height of 55 feet and a maximum height of 170 feet. The most significant difference between these two areas is Height Area 2a has a maximum average tower floor plate of 15,000 square feet and Height Area 2b has a maximum average tower floor plate of 10,000 square feet. Staff proposes to combine these two subareas by applying a maximum average tower floor plate of 10,000 square feet for all of Height Area 2. This change implements the ZUC’s direction of simplifying the height map and preserves views of downtown from the freeway.
- Staff proposes an 85-foot maximum height for the base of a building in Height Areas 3, 4, and 5 (the base of the building is where the regulations allow maximum floor plates that are the size of the lot) for the following reasons: The proposed regulations are shown in Attachment F. The scale of buildings on a street plays an important role in providing the appropriate “walls” to define the street space. Buildings facing each other across a wide street should have a larger scale to properly unify or define the public street space. Conversely, buildings with too great a perceived scale can overwhelm a narrow street. The general rule of thumb amongst urban designers is that the scale of buildings should be between one-half and equal the width street¹. With the exception of San Pablo Avenue, and small parts of Broadway and Telegraph Avenues, the right-of-ways in these height areas are between 60 and 80 feet wide. The 85-foot base height allows a scale tall enough to enclose, but not overwhelm the streets that are 80 feet or less in width. Staff further recommends that buildings that face the right-of-ways of Broadway, Telegraph Avenue, or San Pablo Avenue in these height areas be allowed a base that is equal to the widths of the right-of-way of these streets. For instance, a maximum height of a building base would be 100 feet for a building proposed for a part of San Pablo Avenue that has a 100-foot right-of-way. This allows an appropriate building scale on these wider streets.

¹ See Fundamentals of Urban Design by Richard Hedman and Andrew Jasewski, pages 57-59.

SUMMARY

Staff recommends that the ZUC discuss the alternatives and recommendations provided above and direct staff to bring the proposal to the full Planning Commission.

Prepared by:

NEIL GRAY, Planner III

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

ERIC ANGSTADT
Interim Deputy Director
Community and Economic Development Agency

ATTACHMENTS:

- A. [Proposed Height Map with Issue Areas.](#)
- B. [August 11, 2008 Landmarks Preservation Advisory Board meeting staff report.](#)
- C. [Shadow study for the Essex residential tower.](#)
- D. [Map showing distance of parcels to the shore of Lake Merritt.](#)
- E. [Proposed zoning map.](#)
- F. [Proposed zoning text.](#)
- G. [Public input. Attachment 1 Attachment 2](#)