

Zoning Update Committee

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Location:	Regional Transit Corridors, Citywide
Proposal:	Consideration of Transit Corridor Overlay Zone
Applicant:	City Planning Commission
Staff recommendation:	Review and discuss whether a Transit Overlay Zone should be further developed.
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SUMMARY

This report is a position paper for the Zoning Update Committee consideration in discussing whether there a need for pursuing a Transit Corridor Overlay zone at this time as part of the Zoning Update process. Based on analysis of the General Plan *Land Use and Transportation Element* (LUTE) intentions, earlier consultant and Zoning Update Committee deliberations on the topic, and assessment of existing/already proposed zoning tools, staff finds that much of the intentions for transit corridor land use and development standards articulated in the General Plan will be met through the zoning update proposals already in discussion and therefore a specific transit corridor overlay zone may not be necessary unless the Zoning Update Committee finds that there is in fact an appropriate development climate to increase support for transit improvements along Oakland’s main corridors through private development trade-offs for added density, height, intensification.

BACKGROUND

Overlay zones are typical tools used by planners to achieve desired land use or development outcomes that go beyond what is prescribed in a particular base zone. They are useful in that they can be applied in focused geographic areas to address specific conditions.

While the City’s General Plan does not mention specific zoning tools, it does discuss a transit corridor overlay as a way to revitalize the main transit corridors. The intent of the General Plan is consistent with the City’s Smart Growth and Sustainable Development policies which are to encourage higher residential density along corridors with multiple modes of transit and reduce urban sprawl. This would enable people, through pedestrian friendly street amenities, to utilize mass transit and reduce dependence on autos. The idea of sustainable urban development and corridor revitalization is a key part of the City’s General Plan and comes out of the larger new urbanism and “smart growth” movements. It is grounded in sensible economic development

strategies to increase the concentration of residential units in a geographic market area to encourage viable commercial investment.

The General Plan also incorporates the City's Transit First! Policy adopted in 1996. This policy declares Oakland's support for public transit and other alternatives to single-occupancy vehicles along "transit preferential streets" or "transit streets" and is seen as complementary to the New Urbanism/Sustainable Development strategies.

The integrated transportation-land use goals adopted in the LUTE were further discussed as part of the zoning update process in 2000 to determine how best to address these intents through existing or new zoning. Staff and the Zoning Update Committee in 2000 introduced the idea of a transit corridor overlay as a potential tool that would help achieve the intentions of the General Plan. The question analyzed in this report, as part of the ZUC's recent focus on transit-oriented land uses, is whether a Transit Corridor Overlay Zone should be pursued as part of the zoning update process. The need for a new overlay zone was evaluated along with other existing and proposed zoning efforts including the proposed Urban Residential Mixed Use Corridor Zone (RUX) presented to the ZUC on September 25, 2003.

POLICY CONTEXT

Intent of General Plan Land Use and Transportation Element (LUTE, 1998)

One of the major issues discussed in the LUTE is the linking of key transit corridors with different areas of the City (City Structure Diagram, p. 7). "These long, undifferentiated corridors are the target of strategies to bring them back into use." They are "envisioned as mixed-use urban environments...with concentrations of commercial and civic uses linked by segments to multi-family housing. In this way, sustainable economic growth is fostered by the strategic location of housing, related to transit and neighborhood revitalization efforts."

Relevant transportation policies listed in the LUTE include:

- T2.4 - Encourage transportation improvements that facilitate economic development
- T3.1 – The City should define a hierarchical network of public transit corridors
- T3.6 - The City should encourage and promote use of public transit in Oakland by expediting the movement of and access to transit vehicles on designated "transit streets."
- T4.2 - Through cooperation with other agencies, the City should create incentives to encourage travelers to use alternative transportation options
- T6.2 - The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented.

Chapter 3: *Policies in Action*, describes the transportation diagram in greater detail including local and regional transit street hierarchies and incorporates the Transit First policies to reduce dependence on automobiles and provide greater transit infrastructure improvements. The transit streets identified are candidates for transportation infrastructure improvements such as pedestrian waiting areas, traffic signals, lane improvements, curb alterations, to name a few (see Attachment B). The one land use regulatory related action listed would be reducing parking requirements. These improvements are presented as amenities that would “assist” the goals of “reuse and intensification of corridor development” by making the corridors safer, quicker, and more transit-oriented.

While the transit infrastructure improvement strategies clearly target the vast network of transit streets (approximately 19), the “sustainable corridor development” intents of the LUTE seem to be more focused on specific corridors. In describing the General Plan land use classifications that should be mapped (the foundation for designing the zoning code), the LUTE identifies a “Corridor Mixed Use Classification” which corresponds with the four designated Regional Transit corridors that join Oakland’s neighboring cities: Telegraph Ave., San Pablo Ave., International Blvd., and Foothill-East MacArthur Blvd. Each of these regional transit corridors contains combinations of three General Plan land use categories: Urban Residential, Community Commercial and Neighborhood Commercial Mixed use. In fact, they are the only corridors that contain these land uses exclusively. These regional transit streets also correspond to AC Transit’s high-frequency bus lines (service of 7 minutes all day) though the latest rapid bus lines are scheduled to be implemented only on International, San Pablo, and Telegraph.

These corridors are the primary target for the policy of “promoting multi-use commercial districts linking segments of multifamily housing” (see page 148-150, LUTE). It is important to note that the Urban Residential and Neighborhood Commercial Mixed-Use classifications are intended to generally encourage pedestrian-oriented mixed-uses, the Community Commercial classification is primarily intended for more intensive commercial uses.

Year 2000 Zoning Update Committee Policy Framework Briefs

The ZUC policy briefs discuss a travel corridor overlay zone (TCO) as an option for transit corridor revitalization during the rezoning process. The discussion focuses on streets that served as potential for future light rail lines and served as main travel connections to neighboring cities. Although this reflects the language for regional transit streets used in the LUTE, the ZUC expanded the discussion to include other streets such as Mandela Parkway and San Leandro Ave.

The issue of a transit corridor overlay zone was discussed (see Attachment C, Question #5) as an opportunity for: introducing **design review** and incorporating more restrictive **design standards** to promote streetscape and pedestrian related objectives for “major travel corridors;” providing additional allowances for **increased heights**; encouraging commercial intensification; allowing **reduced parking standards** and specifying a maximum number of parking spaces (e.g. no more than 125% of required standards); and **encouraging pedestrian amenities** such as weather protection, arcades, seating areas. Increasing development intensity, such as offering **FAR bonuses**, was proposed as a trade-off for developer contributions towards pedestrian improvements such as bus shelters, waiting areas, public art, water features, plazas, pocket parks, and transit information kiosks. The ZUC did mention that the 45 height limit was a disincentive to development.

SIGNIFICANT ISSUES AND ASSUMPTIONS

- *Which transit corridors should staff focus on for application of a potential Transit Overlay Zone?*

The “Transit First Policy” approach targets corridors for public infrastructure investment and transit improvements on all transit streets, including local and regional streets (see Attachment B). This policy focuses on parking reductions and infrastructure improvements and not on the sustainable “smart growth” revitalization and land use intensification/density/height issues raised elsewhere in the LUTE. Staff does not believe that all streets mentioned in the Transit First Policy should be candidates for an overlay zone. Instead, staff believes it is appropriate to concentrate on the regional transit corridors – those with the corridor mixed use land use designations assigned in the LUTE. However, in further analysis of these regional corridors, staff believes that Foothill Blvd.- East MacArthur, although a transit intensive corridor, does not have the right-of-way width or the regional connections to other major thoroughfares to warrant the same type of transit corridor overlay considerations as the other designated Regional Corridors. **Therefore, staff believes that International Blvd., Telegraph Ave., and San Pablo Avenue are the three regional transit corridors that would be appropriate for consideration for a transit overlay zone.**

- *Should an Overlay Zone be considered, or can the intent of the General Plan be accomplished with existing zoning regulations?*

The first assumption in considering a potential overlay zone is that the provisions of such an overlay zone would not affect the land uses or activities within the base zone but rather would address the development standards. For example, a transit corridor overlay could address zoning development regulation standards such as: height limits, density, floor area ratio (FAR), parking, setbacks, streetscape design and amenities. The second assumption is that we would not provide the same level of incentives for increases in residential density in the commercial zones as is proposed for the RUX (Urban Residential Mixed Use Corridor Zone). Staff believes that the residential incentives would compete with the residential infill development incentives targeted for the Urban Residential segments of the corridor and that too much housing may prove threatening to the integrity of traditional commercial zones along the corridors (especially the more intensive ones such as C-30 or C-40). Furthermore, according to the City’s draft Housing Element, Oakland is meeting and exceeding its housing allocation and thus there is no pressing need for even more housing beyond what the RUX will allow. We would, however, allow such development incentives, including parking reductions, as a trade-off for pedestrian-transit infrastructure improvements.

To answer this question staff has evaluated the benefits and disadvantages two approaches: (1) designate a proposed Transit Corridor Overlay (TCO) zone that is based on the development standards of the proposed RUX zone, or (2) utilize existing or other proposed zoning sections to achieve the intentions of the General Plan.

Approach 1: Designate Certain Regional Transit Corridors as appropriate for an Overlay Zone that would combine transit improvement incentives and development incentives.

In this alternative, an overlay zone would be applied on San Pablo, Telegraph, and International and could include the following standards (derived from standards proposed for the RUX, see staff report from Sep. 25, 2003):

- Reduced Parking for residential development from 1.0 to 0.5 spaces/unit (and perhaps reduce further if located within 1,000 feet of major bus stops or with a CUP) and place a maximum parking cap of 1space per unit
- Reduced Parking for commercial and civic uses (no specific standard considered at this time)
- Increased Building Heights from a base height of 55 feet, up to 90 feet for a mixed use project (with a conditional use permit)
- Increased Residential densities up to 125 units/gross acre or 1 dwelling unit per 275 square feet of total lot area (to provide more continuity for transitions between urban residential and commercial zones)
- Design Review for all commercial and mixed-use developments
- Requirement for transit infrastructure, pedestrian or streetscape improvements as a trade-off for parking reductions, density/height increases in commercial zones¹

¹ Staff does not feel FAR incentives are necessary in commercial zones as they are already sufficiently high, see Appendix A).

**Effect of an Overlay on the Different Types of Zones
 Found Along the Regional Transit Corridors**

Note: Shaded areas are specific zoning standards where key changes would result with an overlay zone as proposed above.

Land Use Classification	Urban Residential		Neighborhood Center Mixed Use		Community Commercial
	Med-High Residential	Mixed-Use Resid.	Mixed Use Pedestrian Commercial	Medium Intensity Commercial	Higher Intensity Commercial
Types of Zones					
Zones along selected Regional Transit Corridors that are consistent with the General Plan	NA	RUX	C-28	C-30 C-35	C-30 C-40 C-45
Types of Affects					
Density (units per total sq. foot of lot area)	NA	Same	Changes from 1/450 to 1/275 for mixed-use projects and with trade-offs	Changes from 1/450 to 1/275 for mixed-use projects and with trade-offs	Changes from 1/450 to 1/275 for mixed-use projects and with trade-offs Note: C-45 already matches this density
Height		Same (allows up to 90 feet w/CUP)	40' to 55' (90' w/CUP and w/trade-offs)	Gen. not affected (C-30 – heights above 40 ft must be stepped back)	Not affected
Parking	NA	.75 spaces to .5	Changes from 1 space per dwelling unit to .5 space per unit and reduction in commercial and civic parking standards with trade-offs		
General Design Review for Commercial	NA	Same	Same	Changes from No to Yes	Changes from No to Yes

Approach 2: Utilize existing and already proposed zoning regulations to achieve the intentions for the Regional Transit Corridors

The recently proposed RUX Urban Residential Mixed Use Corridor zone would provide incentives for mixed use development along approximately 33% of the regional transit corridors identified with the same standards suggested for the overlay zone above. Given that the proposed RUX zone would not address any other residential zones on these corridors (though none exist at this time), nor the nodes and stretches of commercial land uses, other existing and proposed overlays could be employed to address specific concerns such as design review and parking reductions. For example, the S-4 Design Review overlay could be applied on the

commercial areas that do not have design review, a parking reduction overlay could also be applied along the corridors, or, alternatively, the specific commercial or parking zoning chapters could be amended to reflect these desired intentions along the regional transit corridors. For the purposes of establishing continuity in the height differences between the Residential/Mixed Use (RUX) areas and the Commercial areas with lower heights such as the C-28 zone, this district chapter could be modified to incorporate the same height (and even density) standards to match the RUX when designated along Regional Transit Corridors. This approach, however, would not provide any zoning means to encourage developer contributions for pedestrian-transit infrastructure improvements along the corridor although these too could be written into existing zoning chapters for projects on regional transit corridors.

Benefits and disadvantages for each approach

Designating certain regional corridors with an overlay zone as discussed above provides a way to consistently address the intent of the General Plan with respect to transit corridor development. The overlay zone provides greater residential development allowances for residential zones other than RUX (if applied during the zoning mapping process); it allows parking reductions and increased mixed-use/residential density in the commercial zones offering these as incentives for trade-offs that contribute or help fund pedestrian transit-oriented improvements on the corridors; and finally, it allows more continuity between the different heights, residential density and design review standards now existing in the different zones designated along the corridors. Staff believes, however, that aside from the trade-offs for transit improvements and parking reductions, these overlay benefits would only be marginally significant.

The proposed trade-offs as incentives for increases to height and density and reductions for parking may be seen as problematic given the existing development climate. Although they do provide flexibility for negotiating development standards, to be effective, such trade-off policies need to be written carefully with very specific examples of what incentives can be gained for what type of trade-offs. Focusing on only certain land uses may suggest an unfair treatment between the commercial and residential zones. Most troubling, the idea of adding pedestrian transit amenities brings up issues of maintenance costs and the unfortunate potential for undesired activities and vandalism.

The overlay zone would provide the most consistent change to the parking standards per the City's Transit First! Policy. If, in the end, the parking reductions are seen as the principle driving reason to justify the overlay, there are other overlays zones that could be created that address parking reductions in certain areas. For example, an overlay zone could be created which applies to a certain distance from a transit stop such as within a ¼ mile or 1,000 foot distance between housing and key transit stops. In fact, if there is interest for applying a separate transit-oriented parking reduction overlay that extends beyond the confines of the corridor, this type of overlay should be pursued instead of a Transit Corridor Overlay since most of the other desired aspects of development intensification can be achieved through other zoning methods.

The approach of addressing the intent of revitalizing the regional corridors through existing and proposed zoning methods, although not as comprehensive as the overlay zone approach and certainly more of a piece-meal approach, does have the advantage of keeping the Zoning Code more efficient by not requiring additional zoning chapters which will need to be cross-referenced

or adding another overlay which may begin to clutter the zoning map making them actually more confusing to discern. This approach also allows room for flexibility and further study of how to treat the transit corridors as the zoning update process comes together. For example, it is probably a good idea to evaluate the success of the RUX zoning standards and how new development contributes to the corridor revitalization intentions of the General Plan and it is also worthwhile to better understand how pedestrian-transit amenities can be implemented in a sustainable manner. The concept of the overlay should be kept in reserve and revisited if it is deemed necessary. Finally though, this approach, in its need for a specific mapping reference, would require some refinement to the transportation structure mapped in the LUTE so that the designated regional transit corridors actually match those that are appropriate for intensification.

RECOMMENDATIONS

At this time, staff does not believe that it is necessary to adopt a transit corridor overlay zone as part of the zoning update process. The proposed RUX zone in combination with the existing zoning chapters begins to meet the basic transit corridor oriented improvement intent of the General Plan. Other overlays (such as the existing S-4 design review overlay and a parking reduction overlay) could be applied and/or modifications to specific zoning code sections relevant to the regional transit corridors (such as the parking standard section and the C-28 zoning chapter) could also be pursued to meet the intent of the transit corridor policies.

The outstanding policy question underlying this recommendation is whether regulations in the zoning code should be written to encourage pedestrian-oriented transit improvements to the corridors through trade-offs with developers for increased density, heights, or reduced parking. Should such street transit improvements be expected to be implemented solely by the City (possibly in concert with other agencies) as the most pragmatic means to attract economic investment or, should transit improvement costs be shared by the City and private investors for mutual gain in balancing economic and on-going transit improvement needs?

If development trade-offs are determined to be a viable and desired policy approach, and if achieving the desired transit-oriented parking reductions cannot be done through the existing parking code or other existing or proposed Overlays Zones, then the Transit Corridor Overlay will make sense to pursue.

Staff recommends that the Zoning Update Committee:

- Affirm staff's determination of the three regional corridors to be focused upon for transit corridor improvements and intensification consistent with the General Plan
- Recommend whether to pursue the creation of a Transit Corridor Overlay Zone
- Direct staff to further analyze the different existing and proposed strategies for achieving transit-oriented parking reductions in relationship to the identified Regional Transit Corridors

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ATTACHMENTS:

- A. Transit Corridor Commercial Zone Standards Comparison Table
- B. Maps of Transit Streets from General Plan
- C. Zoning Update Committee Policy Framework Issue Brief (June 7, 2000)