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3. LAND USE

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STRATEGIC STATEMENT

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Land use sets the framework for most dimensions in the Downtown Area Plan. In its narrowest sense, "Land Use" identifies the amount of development and the types of uses (or permitted activities) allowed on a particular parcel of land or in a given area. But effective Land Use policies must go further. Land Use policies create a framework on which other planning objectives are supported. Land Use policies (and the measures that implement them) must be consistent with and reflect the goals and policies of the larger Plan. To be effective, Land Use policies must also focus on fundamental determinants – both obstacles and encouragements -- for key uses and their intensity, such as economic feasibility, building standards and incentives, or project approval procedures.

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For the Downtown Area Plan, overarching intentions for the Land Use chapter include:

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- **Sustainability.** Downtown presents unique and significant opportunities to reduce transportation energy use and greenhouse gas emissions associated with residential and commercial development. This is especially true given Downtown's position as a regional transit hub. To the degree the City meets its share of regional growth in transit rich locations such as Downtown, there is a significant reduction in greenhouse gas generation per-household relative to growth in more auto-reliant locations – including other locations in Berkeley. New residential and commercial development can also contribute to making it a more walkable place, as an increasing number of residents, workers and visitors encourage more goods and services to be offered locally.

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- **Livability.** Sustainability is not only measured in tons of carbon, but also by the quality of persons' lives. Downtown's mix of uses brings homes and workplaces within walking distance of shops, services and entertainment. Furthermore, public amenities, landscaping and open space must accompany new growth, so that recreational needs can also be met. In recognition of the impacts that it may bring, new development should help pay for those amenities and open spaces. New development should also be arranged to minimize its impacts like the shading of public places, while yielding increased economic vitality.

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- **Economic Vitality.** Downtown must build on its competitive advantages as a destination, especially its cultural, educational and historic assets, and additional cultural, recreational and educational activities and institutions should strengthen these functions of Downtown. Housing and employment growth is also needed to bring new residents and workers who will patronize Downtown businesses, as do visitors who stay at Downtown hotels. **To attain a vibrant Downtown, the City should set a target of housing an additional 5000 residents during the 15- to 20-year timeframe of this plan.**

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- **Business Synergies.** Downtown is a major job center with many spin-off businesses from the University. Downtown should play a role in supporting start-up businesses, and retaining expanding businesses. New commercial development must be accompanied by new housing to avoid exacerbating Berkeley's jobs-housing imbalance.

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- 1433 – **A Great Neighborhood.** Housing forms a cornerstone for a successful Downtown, because
1434 Downtown needs lots of people, day and night, to be vibrant. Housing brings activity to
1435 Downtown streets and patrons to Downtown stores, services, restaurants, and theaters.
1436 Housing and residents also contribute to comfort and safety. With a special emphasis on
1437 affordability, diverse housing options make Downtown a place for families and individuals of
1438 all ages.
- 1439 – **History.** Conserving Downtown's historic resources and main-street character maintains
1440 connections with the past, and helps give Downtown a unique sense of place. New
1441 construction can heal the scars posed by unsightly properties, but care must be taken not to
1442 overwhelm Downtown's historic jewels.
- 1443 – **University as Partner.** Downtown offers opportunities to celebrate the city's connections to
1444 the University. The University should be encouraged to strengthen Downtown by contributing
1445 new cultural uses (such as the University's Berkeley Art Museum), community services (such
1446 as a new Health Campus), and a large Downtown work force to support economic activity. At
1447 the same time, Downtown can encourage uses important to the University and its students
1448 and staff, such as hotels, restaurants, shops, and entertainment.

1449 **URBAN FORM**

1450 **Development Opportunities.** The Downtown Area contains a mix of commercial, residential,
1451 cultural, and institutional uses. While the extent of future development under the Downtown Area
1452 Plan is not precisely known, the Downtown Area Plan establishes parameters for future development
1453 that may take place. Most, if not all, of this development will take place on parcels that are vacant or
1454 have a relatively low level of improvement. These underutilized development "opportunity sites"
1455 comprise about one-third of all parcels Downtown. –These sites include vacant, surface parking lots,
1456 one-story buildings, and two-story buildings near BART. Two-thirds of available land is not likely to
1457 change, except for renovations and adaptive re-use of older buildings. Very few opportunity sites
1458 have been identified in the residential areas in the northwest and southwest portions of the Downtown
1459 Area where the Plan encourages retention of the existing character. Because of limited land
1460 availability -- and the protections already in place for historic resources -- change will come to only a
1461 fraction of the Downtown Area, and will occur incrementally.

1462 **Core Area.** The Downtown Area Plan allows for the tallest buildings in the Core Area, because of its
1463 exceptional transit access, its shops and amenities, convenience to UC's campus, and its history of
1464 pedestrian activity and taller buildings (see Figure LU-2, Land Use Map). The heart of Downtown has
1465 unique advantages that make it especially appropriate to high densities and the taller buildings that
1466 are needed to reach them. The "Core Area" contains BART, an exceptional convergence of bus
1467 lines, unique cultural resources, and the highest volume of foot traffic in the East Bay. The "Center
1468 Street" in Downtown offers the most direct route to the center of UC's campus. The Core Area also
1469 contains two tall buildings: the Wells Fargo Building (173 feet) and the Great Western Building (179
1470 feet).

1471 Consideration was given to maximum allowable building heights that are less than are permitted
1472 under the Downtown Area Plan, however an economic feasibility study showed that buildings above
1473 75 feet and below about 160 feet are unlikely to be built, because height thresholds within the building
1474 code have a dramatic impact on construction costs. As a consequence, it is likely to take buildings of

1475 a certain size to generate sufficient income to justify the increased costs (Downtown Berkeley
1476 Development Feasibility Study, Strategic Economics, 2008). An exceptionally large construction site,
1477 an especially strong economy, and public subsidies may make possible otherwise infeasible heights,
1478 but such conditions are rare.

1479 **Downtown District.** Downtown includes the area near BART, and parcels on and near Shattuck
1480 Avenue and University Avenue. In these areas, higher densities are also desirable for a variety of
1481 economic, social and environmental reasons, but the tallest buildings should be excluded in order to
1482 avoid significant shading and crowding of residential neighborhoods. The Downtown District also has
1483 advantageous proximity to transit and walk-to conveniences, but a short walk to BART is necessary
1484 for regional transit service .

1485 The Downtown District contains most of major University development sites, including the former
1486 Department of Health Services (DHS) site (east of Shattuck and between Hearst and Berkeley Way)
1487 and the site at the northwest corner of University and Oxford. The University is the largest landowner
1488 of opportunity sites in Downtown, and has planned 800,000 square feet of development in the
1489 Downtown Area and the adjacent Tang parking lot (east of Oxford between Durant and Bancroft).
1490 Policies in the Land Use chapter and throughout the Downtown Area Plan encourage University
1491 development that will leverage major benefits and minimize impacts.

1492 **Corridor-Buffer.** Further from BART, buildings that are less tall than are preferred, especially where
1493 they abut surrounding residential neighborhoods.

1494 **Residential Neighborhoods.** Few opportunity sites exist in residential-only areas, but when
1495 development does occur it will be subject to residential zoning. Many residents have expressed their
1496 desire to maintain the scale and character of these residential areas. To reduce development
1497 pressures that could result in inappropriate development, Plan policies call for downzoning the
1498 southwest portion of the Downtown Area from R-4 to R-3. Furthermore, the contrast in scale from
1499 denser districts to residential neighborhoods is reduced through policies, Zoning standards and
1500 design guidelines.

1501 **Open Space.** The Downtown Area Plan also calls for the creation of major new public open spaces,
1502 adding to the existing opportunities afforded by Civic Center Park and the Berkeley High School open
1503 space. The "Park Blocks," will trade the space devoted to diagonal parking and back-up lanes on
1504 Shattuck for an 80-foot wide linear park with new recreational opportunities (see Streets and Open
1505 Space chapter). Several small plazas are also called for, most notably the creation of Center Street
1506 Plaza, on Center between Shattuck and Oxford.

1507 **GOALS, POLICIES & ACTIONS**

1508 **GOAL LU-1: ENCOURAGE A THRIVING, LIVABLE DOWNTOWN THAT IS A FOCAL POINT FOR**
 1509 **THE CITY AND A MAJOR DESTINATION FOR THE REGION, WITH A UNIQUE**
 1510 **CONCENTRATION OF HOUSING, JOBS AND CULTURAL DESTINATIONS NEAR TRANSIT,**
 1511 **SHOPS AND AMENITIES.**

1512 **Policy LU-1.1: Urban Uses & Intensities.** Allow and encourage uses and urban intensities that
 1513 contribute positively to Downtown as a vibrant urban center and allow people who live, work and learn
 1514 in Downtown to meet daily needs on foot.

1515 a) Allow and encourage uses in Downtown that contribute to a vibrant, active Downtown
 1516 environment (see Figure LU.1: Allowable Building Heights, and Table LU-1: Allowable Building
 1517 Heights).

1518 **TABLE LU-1. ALLOWABLE BUILDING HEIGHTS.**

	Minimum Building Height (1)	Generally Allowed Maximum	With Use Permit for Increased Height (3)	Taller Exceptions (2)	
				With Use Permit for Increased Height (3)	Maximum Number of Taller Exceptions
Core Area	60'	65'	85' (3)	225'	2 (hotels only)
				180'	4
				120'	6 (4)
Downtown District (5)	45'	65'	85' (3)	120'	
Corridor-Buffer (5)		50'	65'	not allowed	
R-3 (downzone from R-4)	none	see Zoning ordinance		not allowed	
R-2A					

- 1526 (1) City, entertainment, libraries and museum buildings are exempt from minimum height requirement.
 1527 (2) For building parts above 85 feet, setbacks apply to non-UC development; standards to be defined.
 1528 (3) UC projects not subject to Use Permit, and may be built to 100 feet in Core Area and Downtown District.
 1529 (4) 120-foot exceptions not to exceed a total of six (6) in all areas where allowed (see Figure LU-2).
 1530 Two buildings of up to 120' reserved for UC property in Core Area or Downtown District.
 1531 (5) Stepback provisions apply where abutting residential-only areas (see Policy LU-6.2).

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1530 b) The following uses are allowed in Core Area, Downtown District, and Corridor-Buffer areas,
 1531 except as where further limited by provisions: “d)” for Public-Serving Frontages, and “e)” for uses
 1532 on upper-floors :

- 1533 – commercial uses (such as retail, restaurants, offices, cinemas, nightclubs, hotels, personal
 1534 services, professional services, fitness centers);
- 1535 – multifamily residential uses (such as apartments, condominiums, townhouses, and “live-work”
 1536 lofts/townhouses);

- 1537 – cultural & community uses (such as libraries, theaters, museums, art galleries, visitor
1538 services, supportive services, childcare, government uses, health care and health-related
1539 facilities);
- 1540 – educational uses (such as classrooms, student and staff services, recreation facilities, and
1541 research facilities); and
- 1542 – public and private open space.
- 1543 c) A detailed list of allowable, conditionally allowed and excluded uses shall be defined in revised
1544 Zoning provisions.
- 1545 d) Where it is desirable to have high levels of foot traffic and visual/physical connections between
1546 public and interior space, not all allowable uses are appropriate along sidewalks at street-level.
1547 Where designated by Figure #, Public-Serving Frontage Required, appropriate street-facing
1548 street-level uses include:
- 1549 – active commercial uses (such as retail, restaurants, offices, nightclubs, hotels, and personal
1550 services, but not cinemas, professional services, or fitness centers); and
- 1551 – active cultural & community uses (such as libraries, theaters, museums, art galleries, visitor
1552 services, supportive services, and childcare, but not government uses, health care or health-
1553 related facilities);
- 1554 – active educational uses (such as student and staff services, but not recreation facilities,
1555 research facilities or classrooms);
- 1556 – similarly intensive pedestrian-/visitor-/customer-based activities; and
- 1557 – lobbies and reception areas (including those that serve uses that are generally not
1558 appropriate).
- 1559 e) Residential uses are not appropriate at the street-level where Public-Serving Frontages are
1560 required. A detailed list of allowable, conditionally allowed and excluded uses shall be defined in
1561 revised Zoning provisions.
- 1562 f) Minimize discretionary review for street-level uses that are appropriate to Public-Serving
1563 Frontages (see “c” above), except when needed to address negative impacts.
- 1564 g) Non-residential uses may not be appropriate in all Corridor-Buffer locations. Consider if upper-
1565 story uses in certain locations should be limited to multi-family residential and supportive services
1566 for residents, but allow community-serving uses such as health care and health-related facilities
1567 with findings and conditions that minimize the impacts of such uses on nearby residentially-zoned
1568 areas (see LU-7.1).
- 1569 h) Refer to Berkeley’s Zoning Ordinance for uses allowed and excluded in residential-only areas
1570 (see LU 6.1).
- 1571 i) Encourage a full-service grocery store in or near Downtown by working with property owners and
1572 real estate brokers and creating incentives, such as modifications to Zoning standards and impact
1573 fee waivers (see ED-1.4).

1574 j) Encourage day care facilities in and near Downtown by: working with property owners, real estate
1575 brokers, and UC Berkeley to promote Downtown childcare facilities; by maintaining development
1576 fees for child care (as described under Goal LU-#); and by allowing increased floor areas for
1577 providing child care as is provided under a State density bonus. Consider incentives for other
1578 neighborhood services.

1579 k) Create new public open spaces such that there is a park or plaza within a few blocks of every
1580 resident. (see chapter on Streetscapes & Open Space).

1581 l) Encourage hotels in the Core Area through incentives, including permitting additional height than
1582 would otherwise be allowed (see Table LU-1 and ED 1.9).

1583 m) Parking and other transportation policies should support this policy. (see Access chapter.)

1584 **Policy LU-1.2: Culture & Entertainment.** Encourage unique cultural and entertainment uses that
1585 serve the city and region (see ED-1.5).

1586 a) Adopt incentives to retain and support the expansion of culture and the arts in Downtown,
1587 especially in the "Arts District".

1588 b) Retain and support Downtown's cinemas. Consider incentives for upgrading existing movie
1589 theater facilities.

1590 c) Recruit uses that complement Downtown as an evening destination, including new cinemas,
1591 restaurants, art and entertainment venues.

1592 d) Work with the Convention & Visitors Bureau and Downtown Berkeley Association, promote
1593 events and festivals that capitalize on Downtown's unique cultural strengths, such as arts, movie,
1594 and music festivals, "town-gown" activities, and art installations.

1595 **Policy LU-1.3: Complementary Businesses.** Cultivate synergy between restaurants, small shops
1596 and businesses, combined with Downtown's focus on cultural and educational uses to encourage a
1597 thriving and diverse retail environment.

1598 a) Strengthen retail in Downtown by supporting an increase in the number of: people working and
1599 living Downtown, cultural and arts uses, better connections to UC, and attractive streets and
1600 public spaces (see ED-1.2).

1601 b) Implement and coordinate public improvements, historic preservation, and other efforts to
1602 emphasize Downtown as a pedestrian-friendly environment with a strong sense of place. (see
1603 Historic Preservation and Urban Design chapter).

1604 **Policy LU-1.4: Civic Focus.** Focus City government and civic activity in the Civic Center area, and
1605 recognize Downtown's central role in providing community services.

1606 a) Maintain the present assemblage of civic buildings (including the High School) in the Civic Center
1607 area, and require new buildings to face Civic Center Park and streets with active, community-
1608 serving uses near street level.

1609 b) Encourage governmental, social service and other community uses that serve all Berkeleyans in
1610 and near the Civic Center area, so that these community-serving uses are centrally and
1611 conveniently located.

1612 c) Maintain and enhance Civic Center Park with physical improvements and enhanced maintenance
1613 (see OS-1.2).

1614 d) Seek funding to retrofit the Veterans Building to resist earthquakes and, in addition to supporting
1615 veterans activities, recruit a community-serving use for its main floor.

1616 **GOAL LU-2: CULTIVATE DOWNTOWN AS AN ATTRACTIVE RESIDENTIAL NEIGHBORHOOD**
1617 **WITH A RANGE OF HOUSING OPPORTUNITIES, AND AN EMPHASIS ON AFFORDABLE**
1618 **HOUSING AND FAMILY HOUSING.**

1619 **Policy LU-2.1: Housing Needs.** Accommodate a significant portion of Berkeley's share of regional
1620 housing growth as defined by Regional Housing Needs Assessments (RHNA) within the Core Area,
1621 Downtown District, and Corridor-Buffer areas, as compared with other appropriate subareas within
1622 the City

1623 **Policy LU-2.2: Housing Diversity & Affordability.** Offer diverse housing opportunities for persons
1624 of different ages and incomes, households of varying size and the disabled, and give Downtown a
1625 significant role in meeting Berkeley's continuing need for additional housing, especially affordable
1626 housing.

1627 a) Significantly increase the capacity for new housing development in Downtown, as provided for in
1628 this chapter.

1629 b) Encourage affordable housing, (as described in the chapter on Housing and Community Health &
1630 Services).

1631 c) Encourage market-rate ownership housing that increases longer-term Downtown residents (see
1632 HC-3.4). Use fees generated by market rate housing to increase the supply of affordable
1633 housing within development projects and/or in lieu fees for the construction of very low income
1634 housing with supportive services.

1635 d) Encourage adaptive reuse of older buildings by promoting their rehabilitation, and allow
1636 intensification, where appropriate (see HD-1.1 and HD-1.2).

1637 e) Consider a model affordable housing and green building project on the City-owned Berkeley Way
1638 parking lot site (see HC-4.2 and ES-2.5).

1639 f) Provide sufficient usable open space for residents within new residential projects, including
1640 courtyards, roof gardens, community gardens, etc. (see OS 3.2 and HC 1.2).

1641 **GOAL LU-3: NEW DEVELOPMENT SHOULD ENHANCE DOWNTOWN'S VITALITY, LIVABILITY,**
1642 **SUSTAINABILITY, AND CHARACTER THROUGH APPROPRIATE LAND USE AND DESIGN.**

1643 **Policy LU-3.1: Transit-Oriented Development.** Encourage use of transit and reduction in regional
1644 GHG emissions, and encourage efficient use of available development sites, by allowing buildings of
1645 the highest appropriate intensity and height near BART and bus service along Shattuck and
1646 University Avenues. Require efficient use of available sites and help attain goals related to vitality.

1647 a) Adopt minimum and maximum building heights consistent with Policy LU 1.1

1648 **Policy LU-3.2: Development Compatibility.** Encourage compatible relationships between new and
1649 historic buildings, and reduce localized impacts from new buildings to acceptable levels. The size and
1650 placement of new buildings should: reduce street-level shadow, view, and wind impacts to acceptable
1651 levels; and maintain compatible relationships with historic resources (such as streetwall continuity in
1652 commercial areas). (See ES-4.7 and HD-4.2 .)

1653 a) Revise zoning provisions and amend the Downtown Design Guidelines to provide for appropriate
1654 controls on setbacks and -building bulk (such as through the use of floor area ratios and
1655 maximum horizontal dimensions), and rules for street-level open space and other devises.
1656 Emphasize measurable standards that are easy to understand and apply. See also HD-4.1 .

1657 **Policy LU-3.3: Historic Resources.** Encourage preservation of Landmarks and Structures of Merit
1658 (see HD-1.1).

1659 a) Allow flexibility in parking and other Zoning standards, such as exemption from on-site open
1660 space requirements, when such buildings are substantially and appropriately preserved or
1661 restored as part of a development project. Review and, if necessary, revise standards that may
1662 discourage historic rehabilitation and adaptive reuse.

1663 **GOAL LU-4: ENHANCE DOWNTOWN AS A CENTER FOR EMPLOYMENT AND INNOVATIVE**
1664 **BUSINESSES.**

1665 **Policy LU-4.1: Office Space.** Encourage new office space to serve the growth needs of existing and
1666 start-up businesses, encourage private-sector spin-offs from the University, and provide jobs for
1667 Berkeley's existing workforce (such as professionals and high-tech workers who now commute
1668 elsewhere).

1669 a) Encourage new office and research space to have floor plates of a size that will help retain
1670 growing local businesses in Berkeley by reviewing zoning provisions for possible encumbrances
1671 to the creation of contiguous floor areas exceeding 10,000 square feet, and consider their
1672 elimination.

1673 b) Review zoning provisions for possible encumbrances to the creation of small office and research
1674 spaces that are suitable for start-up businesses, and may include the sharing of equipment and
1675 facilities (such as reproduction facilities, conference rooms, Internet connections) among multiple
1676 tenants. Consider the elimination of such encumbrances.

1677 c) Encourage start up businesses (see ED-8.2).

1678 **GOAL LU-5: ENCOURAGE UNIVERSITY USES IN DOWNTOWN THAT WILL BENEFIT THE**
1679 **GREATER DOWNTOWN AREA.**

1680 **Policy LU-5.1: University Land Uses.** Encourage the University to use its Downtown sites for uses
1681 that serve the public or are of general interest. To the extent possible, UC buildings should line
1682 streets and public open spaces with retail and other public-serving uses that encourage activity and
1683 meet needs of Downtown residents, workers, and visitors. (See HD-5.1, ED-1.5 and HC- 7.1.)

1684 a) Museums. Encourage UC to move museums (such as the Lawrence Hall of Science and the
1685 Hearst Anthropology Museum), satellite museums and/or museum collections into Downtown.
1686 Support the relocation of the Berkeley Art Museum / Pacific Film Archive to the UC Press building
1687 and adjoining garage (bounded by Center, Oxford, and Addison). Locate museum entrances,
1688 cafes, and retail stores in ways that strengthen existing retail and cultural uses

1689 b) Retail Frontages. Encourage the University to locate retailing activities along the Shattuck and
1690 University Avenue frontages that it controls. Encourage UC to open branches of affiliated retail
1691 stores into Downtown, such as the Scholars Workstation and UC museum stores, and make
1692 these stores open to the general public. Retail frontages are encouraged along Shattuck and
1693 University Avenues at a depth of 100 feet, if feasible. Prior to development, the City and
1694 University should jointly consider how deep the retail space should be and work together to
1695 attract tenants to strengthen retail activity.

1696 c) Community Health & Services. Encourage the University to move programs that serve the
1697 general public to Downtown, such as health clinics, an optometry clinic, social work, community-
1698 based research, community outreach, auditoriums available for community events, and other
1699 community services

1700 d) University Avenue Gateway – South Side. To provide a new sense of arrival and gateway at the
1701 east end of University Avenue and to help transform Oxford Street, the City recommends
1702 additional development on the University Hall site and adjacent UC property just to the west.
1703 University Hall could be modified and/or additional building area could be added to contain visitor
1704 oriented uses such as a joint Visitor Center, an information center for UC and non-UC events, a
1705 multicultural center, and/or branches of University museums that would contribute to Addison
1706 Street as a cultural destination. If UC develops consolidated parking Downtown, the site west of
1707 University Hall is appropriate for this use (see AC-3.4 and 3.6).

1708 e) University Avenue Gateway – North Side. The City recommends near-term development of UC
1709 properties on the block bounded by Oxford, Walnut, Berkeley Way, and University Avenue,
1710 possibly as part of the University’s plans for “surge” space (to house functions now in campus
1711 academic buildings when they undergo seismic repair and later to be used for administrative
1712 offices). The University is encouraged to seek unified development of this block through the
1713 acquisition of non-UC properties -- with the exception of the apartment building at Berkeley Way
1714 and Walnut Street, and with the integration and preservation of a meaningful portion of the
1715 exterior of the landmarked garage building and forecourt at 1952 Oxford Street.

1716 f) Department of Health Services Site (between Shattuck, Hearst, Oxford, and Berkeley Way).
1717 Encourage near-term development of the former Department of Health Services (DHS) site,
1718 between Shattuck and Oxford, Hearst and Walnut. In addition to retail along Shattuck (see “b”),
1719 the ground floor of new buildings along Oxford should be pedestrian-friendly, and have frequent
1720 windows and entrances. The scale of new University buildings on the DHS site should be
1721 sensitive to their context, with lower building heights along part of its Hearst-facing frontage
1722 (between Shattuck and Walnut) as depicted in Figure LU-2: Land Use Map. Health services are
1723 encouraged on the DHS site (see LU—7.2).

1724 g) Health Services in Downtown (see LU-7.2).

1725 h) Tang Center Parking Lot. The parking lot site adjacent to the Tang Center between Bancroft and
1726 Durant is associated with UC planning in the Downtown Area, but is guided by the Southside
1727 Plan. Relative to sites located in Downtown Area, encourage UC to make the Tang Center site a
1728 relatively low priority for near-term development. A multicultural center is encouraged on the site,
1729 which could bring together Berkeley High School students, UC students and other young adults.
1730 Office and storefronts are considered appropriate ground-floor uses for the site facing Bancroft.
1731 The south side of the site is appropriate for housing at a scale that relates to nearby existing
1732 residential uses.

1733 i) Activity Facilities. Encourage the University to retain the Edwards Field track, tennis courts, and
1734 similar activity facilities near Downtown. Also encourage new activity facilities that will bring
1735 activity and amenities to locations in or adjacent to Downtown.

1736 j) Childcare. Encourage the University to add childcare facilities for faculty, staff, and students to its
1737 Downtown properties, and to consider making these facilities available to the general public.

1738 k) Golden Bear Parking Lot.

1739 **Policy LU-5.2: UC Housing.** Encourage the University to create more housing Downtown, possibly
1740 in cooperation with private developers.

1741 a) Encourage the University to replace the Banway building on Bancroft in the long term with
1742 housing for faculty, students (including undergraduate and graduate), or families (see HC-##).

1743 **Policy LU-5.3: Business Synergies.** Encourage University uses in Downtown that will enhance it as
1744 a center of employment and innovative businesses (see LU-4.1 and ED 8.2)

1745 a) Encourage University uses in Downtown to enhance it as a center of employment and innovative
1746 businesses. Encourage UC to site office, laboratory, cultural, and associated space (as
1747 anticipated in UC's Long-Range Development Plan) in the Downtown Area on sites already
1748 owned by the University.

1749 b) Encourage the University to locate East Bay Green Corridor Partnership uses in Downtown, to
1750 demonstrate the City's and the University's leadership in promoting sustainability (see ES-2.1)

1751 **GOAL LU-6: MAINTAIN THE EXISTING SCALE AND CHARACTER OF RESIDENTIAL-ONLY**
1752 **AREAS.**

1753 **Policy LU-6.1: Neighborhood Protections.** Seek to reduce development pressures in residential-
1754 only areas, to promote the preservation and rehabilitation of older structures, and conserve the scale
1755 of their historic fabric.

- 1756 a) Maintain the R-2A designation and downzone R-4 areas to R-3, as shown on the Land Use Map.
- 1757 b) Consider creation of design guidelines and public improvements that maintain and enhance the
1758 special character of residential neighborhoods.
- 1759 c) For the north side of Dwight Way east of Shattuck Avenue, parcel(s) should remain zoned R-4,
1760 except to encourage construction of affordable housing project(s) with supportive services, in
1761 which case the project site should be redesignated as Corridor-Buffer (see Figure LU-1: Land
1762 Use Map).

1763 **Policy LU-6.2: Transitions.** Avoid abrupt transitions between residential-only neighborhoods and
1764 projects built in Downtown District and Corridor-Buffer areas (see Figure ##, Land Use Map).

- 1765 a) For projects in Downtown District and Corridor-Buffer areas that immediately abut an existing
1766 residential building on a residentially zoned property, the new building should step down to be
1767 similar to the height of the existing residential building or 45 feet, whichever is greater. The
1768 required depth of this “stepback” shall be evaluated and determined as Zoning provisions are
1769 revised, and be sufficient for mitigating significant shadow impacts on abutting residentially zoned
1770 parcels.

1771 **GOAL LU-7: MAINTAIN AND EXPAND COMMUNITY HEALTH CARE FACILITIES AND SOCIAL**
1772 **SERVICES IN THE DOWNTOWN AREA.**

1773 **Policy LU-7.1: Herrick Site.** Encourage the retention of community-serving health services on the
1774 Herrick Hospital site. Work with Alta Bates Summit Medical Center to retain all or a portion of the
1775 Herrick site for health services to the extent feasible.

- 1776 a) If the owner of the Herrick site proposes to reduce provision of health services the City should
1777 encourage and work with the owner to include health services to the community as part of any
1778 redevelopment plan for the site (see HC-7.1).
- 1779 b) Consistent with its Zoning (see Policy LU-6-1), maximum allowable building heights and minimum
1780 setback requirements should respect the scale and character of the residential uses to the north
1781 of the site.
- 1782 c) Should a viable plan for a mixed use project (either vertically or horizontally mixed use)
1783 incorporating medical services to the community be proposed on the Herrick site, the City should
1784 consider redesignating the site to an appropriate Downtown Area Plan land use designation, such
1785 as Corridor-Buffer, that can feasibly and equitably accommodate both uses.

1786 **Policy LU-7.2: UC Health Services.** Encourage UC to move health services and programs that
1787 serve the general public into the Downtown Area.

1788 a) Work with the University as it considers moving health services and programs into the Downtown
1789 Area, such as health clinics, an optometry clinic, social work, community-based research,
1790 community outreach, auditoriums available for community events, and other community services.
1791 Consider the DHS site as a campus for providing a range of health services and health-service
1792 activities in the same location (see LU-5.1).

1793 **Policy LU-7.3: Other Care Providers.** Support public, non-profit and for-profit agencies in
1794 Downtown that provide health-related and social services (see HC-5.4 and HC-7.1).

1795 **GOAL LU-8: HAVE NEW DEVELOPMENT CONTRIBUTE ITS FAIR SHARE TOWARD**
1796 **DOWNTOWN IMPROVEMENTS.**

1797 **Policy LU-8.1: Open Space.** New development shall provide adequate on-site open space or help
1798 pay for off-site street-level open space improvements to meet the needs of residents, workers, and
1799 visitors, and benefit the character of Downtown (see OS-3.1).

1800 a) Establish minimum street-level open space requirements for the enjoyment of the public, for use
1801 by residents, and to capture urban runoff and retain rainwater.

1802 b) Except for minimum standards for resident open space, allow a fee in lieu of on-site open space
1803 requirements, provided that improvements can be implemented within 5 years of the acceptance
1804 of those fees and use such in-lieu fees for street enhancements and other open space
1805 improvements in the Downtown Area,.

1806 c) New development should help pay for on-going maintenance (including the rehabilitation and/or
1807 enhancement of existing Downtown open space) through fees, developer agreements, and
1808 enforcement mechanisms and/or resident/landowner involvement (see OS-3.3). Allocate
1809 portions of the revenue from the hotel transient occupancy tax (TOT) revenues toward street
1810 enhancements and other public open space improvements and maintenance

1811 d) Devote a significant portion of the additional revenue from Downtown Area parking (i.e., meters,
1812 publicly-owned garages, and parking taxes) into visible Downtown Area improvements,
1813 maintenance, and services (see AC-3.5).

1814 e) Consider a comprehensive Financing Plan as part of the Streets and Open Space Improvements
1815 Plan, which identifies potential sources of funding, projects potential revenues and prioritizes
1816 potential improvements and programs.

1817 f) Recognize that existing building owners, businesses and tenants, who will benefit from the
1818 improvements and maintenance, should assist in paying for them.

1819 **Policy LU-8.2: Provision of Public Benefits by Developers of Tall Buildings.** Buildings in excess
1820 of 85 feet must provide increased public benefits to the Downtown Area. A developer can choose to
1821 meet this objective by using one of two options set forth below.

- 1822 a) Option A. Development regulations (i.e., Zoning Ordinance provisions) established to implement
1823 this Plan should prescribe specific increases in floor area (i.e., height) that shall be given for
1824 specific permanent or very long term public benefits in excess of normal requirements. Public
1825 benefits to be addressed by development regulations include but are not limited to the following:
- 1826 – Publicly accessible street-level open space (see OS-3.1).
 - 1827 – Increased affordable housing beyond existing requirements.
 - 1828 – Adjacent sidewalk and landscaping improvements.
 - 1829 – Downtown Area street and other open space improvements (see OS-1.1 and OS-1.2).
 - 1830 – Traffic calming benefiting Downtown and/or surrounding neighborhoods.
 - 1831 – Permanent childcare facilities.
 - 1832 – Substantial restoration of a historic structure or other historic resource.
 - 1833 – Permanent space or other substantial contribution for cultural resources and/or the arts.
 - 1834 – Buildings substantially exceeding energy performance or other green building standards.
 - 1835 – Substantial additional fiscal benefits, such as those provided by a hotel.

1836 OR

- 1837 a) Option B. A developer may choose to offer a range of public benefits that may include items on
1838 or off the list of prescribed options found in “a”. On a case by case basis, before approving any
1839 project with increased height under this option, the Zoning Adjustments Board (and, on appeal,
1840 the City Council) shall clearly establish how the project has addressed this policy by setting forth
1841 the specific benefits that a project is permanently providing to Downtown in excess of normal
1842 requirements and how those benefits are reasonably equivalent to those that would have been
1843 received under the implementation of Option A.

1844 **Policy LU-8.3: Development Feasibility.** When establishing provisions for new fees and financing
1845 strategies, consider how fees and exactions may discourage development consistent with the intent
1846 of this Plan.

- 1847 a) Consider provisions described in this chapter, as well as fee and financing provisions under AC-
1848 3.5.

1849 **Policy LU-8.4: DAP Evaluation & Updates.** Regularly evaluate whether the land use regulations
1850 adopted in this Plan are having desirable impacts on aesthetics, livability, economic vitality, housing
1851 growth and affordability, sustainability, and other factors, and whether the negative impacts are
1852 acceptable. Consider adjustments to DAP policies and development regulations to better attain
1853 desirable impacts and address unacceptable negative impacts

- 1854 a) The Planning Commission should undertake a comprehensive evaluation of the DAP five (5)
1855 years after it has taken effect, and every five (5) years thereafter. Based on each evaluation, the
1856 Planning Commission may recommend that City Council adopt changes to DAP policies and
1857 development regulations.

