

# **IV** Moving Forward



## Steps Toward Implementing the Estuary Policy Plan

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The Estuary Policy Plan establishes the context, vision, goals, objectives and policies that will guide the transformation of the waterfront:

- It presents the history of the Estuary area and its relationship to the City, providing a context for future changes.
- It identifies issues to be addressed and opportunities to improve the Estuary's attractiveness and public use.
- It provides policy direction for the Estuary as a whole, and subdistricts in particular. Included are recommendations to change the physical appearance of the Estuary, and enhance it as a community asset.

However, implementing this plan's vision is a complex challenge. It will take a long time, and demand significant and constant commitments of effort and involvement. It requires coordinated initiatives by many public agencies, interest groups, the private sector, and individual citizens. And, in addition to commitments of interest and time, realizing the ideas presented in the plan will also require the dedication of extraordinary amounts of financial and other resources, phased over many years.

In shifting focus from planning to implementation, it is important to reaffirm a basic premise about the Estuary. Preparation of this plan was based on a recognition that the Oakland Estuary is one of Oakland's -- and the region's -- most important resources. Successful implementation also depends on a

broad awareness of this fact. The major products of this planning process are not only planning documents and projects. Rather it is a community-wide "Estuary Consciousness"; a dedication to work together to achieve the great potential of the waterfront.

Guided by this philosophy, a strategy for implementation requires that several initial steps be undertaken immediately. These include the following initiatives:

- ❑ To begin with, the plan should be sanctioned by the key decision-making bodies which have the responsibility to oversee the waterfront. Specifically, the City Planning Commission, City Council, and Board of Port Commissioners should review and approve (as appropriate) the Estuary

Policy Plan and other supporting documents as they are developed.

- ❑ Coordinated staff follow-through is very important. Specific priorities, identification of immediate and catalyst projects, development strategies, programs, funding, institutional arrangements, and other means of implementing recommendations should be identified, assessed, documented, and undertaken.
- ❑ Appropriate regulatory controls which reflect the recommended land use patterns and development intensities should be established and enforced. In addition, the overall quality of design should be promoted via specific project review procedures.
- ❑ The implications of this plan on private property rights should be clarified.

***POLICY MF-1: ADOPT THE ESTUARY POLICY PLAN INTO THE OAKLAND GENERAL PLAN.***

The update of the General Plan's *Land Use and Transportation Element* (March 1998) was prepared and adopted while the Estuary Plan was underway. Anticipating completion of the Estuary Plan, the General Plan recommends (in Objective W-8) that the city... "Provide (for) a comprehensive planning framework... (for the mixed use waterfront area). In addition to...(General Plan) objectives and policies, the Estuary Plan, which will be adopted as part of the General Plan, will provide additional detail..."

The Estuary Policy Plan achieves this objective. The Oakland Planning Commission and City Council should take steps to formally incorporate it as an element of the General Plan.

***POLICY MF-2: DEVELOP A COMPANION DOCUMENT TO THE ESTUARY POLICY PLAN, TO BE CALLED THE ESTUARY PLAN IMPLEMENTATION GUIDE.***

The Estuary Plan Implementation Guide should be developed and used as a resource by Port and City decision-makers, as well as the public, in initiating and evaluating waterfront-related projects or programs. The Implemen-

tation Guide should be a compendium of specific recommendations, ideas, strategies, standards, City/Port organizational relationships, funding, financing, and other implementation techniques which can be used to carry out the policies of the Estuary Policy Plan.

As opportunities to implement waterfront projects present themselves, the Implementation Guide should be used to clarify Estuary Policy Plan recommendations and establish basic direction for decisions and actions. It should be used by Port and City staff and decision-makers as the basis for initiating and evaluating waterfront projects.

Work programs for critical initiatives should be established, project managers should be identified, and commitments by agencies and stakeholders should be identified and documented in the Implementation Guide. The Implementation Guide should also be used to evaluate development projects proposed by other public agencies and the private sector. Therefore, it should assess and document appropriate design guidelines suggested by the Estuary Policy Plan. The guidelines should also form the basis of enforceable regulatory controls, to be drafted

and enforced by the City and/or the Port within their respective jurisdictions. (See Policy MF-3).

Implementation of significant project initiatives such as those identified in the Estuary Policy Plan typically take time, and undergo several twists and turns over their lifetimes. For that reason, the Implementation Guide should not be a static document that presents a single way of implementing initiatives. Rather, it should be a 'working document', updated on a regular basis, to reflect unforeseen opportunities or constraints to implementing projects. Specific recommendations should be continually assessed and periodically re-evaluated, based on current market conditions, economic feasibility, site-specific physical characteristics, funding options, etc.

***POLICY MF-3: ADOPT AND ENFORCE DEVELOPMENT REGULATIONS WHICH REFLECT THE LAND USE POLICIES ESTABLISHED BY THE ESTUARY POLICY PLAN.***

Eighteen unique land use classifications are recommended by the Estuary Policy Plan. They should form the basis of future

regulatory controls to be enforced to insure project consistency with the Estuary Policy Plan (and ultimately, with the General Plan.)

The new classifications should supersede the single "Waterfront Mixed Use" classification currently in the Land Use and Transportation Element of the General Plan. They should also be incorporated into city zoning regulations and Port development controls.

Each classification is unique in terms of land uses, desired character, relationship with the waterfront, and ability to achieve the goals and objectives of the Estuary Policy Plan. (See Land Use Classification Map and Summary Matrix, pages 132-135)

The intensity and density standards should be considered as maximums. For residential uses, the density maximums are not entitlements that apply to every property within a given classification. Similarly, for non-residential uses, the floor-area-ratios (FARs) are overall maximums; not entitlements that apply to every property within a given classification. Because there are not specific parcels or definite lot-line delineations, FARs in the Port area should be applied on an area-wide basis, while

in the City area and privately-owned parcels within the Port area, they should be applied by parcel.

Ultimate densities of specific projects should consider many factors beyond these maximums, including the context of each individual district, neighborhood character, zoning regulations, parking, open space, height limits, and all relevant policies of the General Plan.

The Port and the City have separate powers for regulating land uses within their respective jurisdictions. The City should amend its zoning codes, and the Port should amend or otherwise establish development standards and restrictions that reflect these classifications. Furthermore, the two agencies should enforce their respective controls in a consistent manner, to insure that a uniform approach to development is achieved.





## Summary of Estuary Policy Plan Land Use Classifications

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Land Use Classification	Intent	Desired Character	Maximum Intensity
LI-1: Light Industrial	Maintain light industrial and manufacturing uses that provide support to the adjacent maritime area and downtown, but are compatible with the adjacent West Oakland neighborhood.	Future development in this area should be primarily industrial and manufacturing in nature.	FAR of 2.0 per parcel. 30 units per gross acre.
ORD: Off Price Retail	Promote the expansion of off-price and home improvement retail stores that can further establish this area a retail destination complementary to the Jack London waterfront and downtown.	Future development in this area should be primarily commercial, with retail, restaurant, other public-oriented active uses.	FAR of 2.0 per parcel. 30 units per gross acre.
RD&E-1: Retail, Dining, Entertainment (Phase 1: JLS)	Intensify and enhance public-oriented uses and activities that strengthen the attractiveness of the area as an active and pedestrian-friendly waterfront destination.	Future development in this area should be primarily retail, restaurant, entertainment, marina support, cultural, hotel, upper level offices, parks, and open space with active uses on the ground level of principle streets. Water uses also included.	Average FAR over entire area of 3.5.
RD&E-2: Retail, Dining, Entertainment (Broadway)	Enhance and intensify Lower Broadway as an active pedestrian-oriented entertainment district that can help to create stronger activity and pedestrian linkages with downtown Oakland, Old Oakland, and Chinatown.	Future development in this area should be primarily retail, restaurant, entertainment, hotel, upper level office, cultural, parks, public open space, and any other use that is complementary to active public-oriented ground-level uses.	FAR of 7.0 per parcel. 125 units per gross acre.
WCR-1: Waterfront Commercial Recreation (Phase II)	Extend public-oriented waterfront activities west from Webster Street to Alice Street, in conjunction with enhanced public access, open space, and recreational opportunities.	Future development in this area should be primarily retail, restaurant, cultural, office, hotel, commercial-recreational, conference, exhibition, performances, shows, parks, and public open spaces, and recreational opportunities with active public-oriented uses on ground floors on streets and adjacent to open space areas. Water uses also included.	Average FAR over entire area of 3.0.

### Definition of Terms:

**Intent:** the purpose of the classification

**Desired Character of the Area:** a broad description of the character, types of uses, and activities that are desired in areas designated with the classification. This is descriptive and not an exclusive definition of use or activity.

**Intensity:** the maximum intensity of building form, or density in terms of housing units per gross acre. Gross acreage includes all land in the neighborhood, including streets and parks. To calculate permitted density on any given lot, refer to the Ordinance No.12054 C.M.S.: *Guidelines for Determining General Plan Conformity 100-31.*

Land Use Classification	Intent	Desired Character	Maximum Intensity
PM: Produce Market (Franklin Street b/w 2 <sup>nd</sup> & 4 <sup>th</sup> Streets)	Retain the historic architectural character and integrity of the Produce Market District, and promote uses that maintain the viability, life, and activity of the area.	Future development in this area should be primarily wholesale food, retail, restaurants, office, work/live lofts, cultural, outdoor markets, parks, and public open spaces and light industrial, warehousing, and other uses that are complementary.	FAR of 1.0 per parcel. 30 units per gross acre.
WWD: Waterfront Warehouse District	Encourage the preservation and adaptive reuse of existing buildings and new infill development that preserve and respect the area's unique character and historic flavor, within a context of commercial and light industrial/manufacturing uses.	Future development in this area should be primarily joint living and working quarters, residential, light industrial, warehousing, wholesale, office, artist/artisans studios, neighborhood serving commercial uses, including local small scale restaurants with manufacturing, assembly, and other uses that are compatible with adjacent uses.	FAR of 5.0 per parcel 100 units per gross acre
MUD: Mixed Use District	Encourage the development of nontraditional higher density housing (work/live, lofts, artist studios) within a context of commercial and light industrial/manufacturing uses.	Future development in this area should be primarily light industrial, warehousing, wholesale, retail, restaurant, office, residential, work/live, lofts units, parks, and public open spaces with manufacturing, assembly, and other uses that are compatible with adjacent uses.	FAR of 5.0 per parcel. 125 units per gross acre.
WMU: Waterfront Mixed Use (Site B, Lincoln Properties, KTVU, Portobello)	Allow for a mixture of uses that complement the waterfront setting, and maintains and enhances views and public access to the waterfront.	Future development in this area should be primarily residential, office, retail, and restaurants, parks, and public open spaces. Water uses also included.	FAR of 2.0 per parcel. 40 units per gross acre.

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Land Use Classification	Intent	Desired Character	Maximum Intensity
PWD-1: Planned Waterfront Development (Estuary Park to 9 <sup>th</sup> Ave)	Provide for the transformation of maritime and marine industrial uses into a public-oriented waterfront district that encourages significant public access and open space opportunities. Encourage a unique mix of light industrial, manufacturing, artist lofts and workshops, hotel, commercial-recreation, cultural uses, and water-oriented uses that complement the recreational and open space character of the waterfront.	Future development in this area should be primarily public recreational uses including boating clubs, community and cultural uses, parks, and public open spaces; with primary uses including light industrial, manufacturing, assembly, artist workshops, cultural, work/live studios, offices, neighborhood commercial, and restaurants; and including hotel, conference, restaurant, commercial-recreational, and cultural. Water uses also included.	FAR of 1.0 and 30 units per gross acre for privately owned parcels.  Average FAR over entire area of 1.0. Average 30 units per gross acre.
WCR-2: Waterfront Commercial Recreation (Embarcadero Cove/Union Point)	Encourage a mix of hotel, commercial-recreational and water-oriented uses that complement the recreational and open space character of the waterfront, enhance public access, and take advantage of highway visibility.	Future development in this area should be primarily hotel, restaurant, retail, marine services and boat repair, boat sales, upper level office, parks, and public open spaces with water uses.	Average FAR over entire area of 1.0.
LI-2: Light Industrial (Brooklyn Basin)	Maintain light industrial, food processing and manufacturing uses, allowing a limited amount of office, residential, institutional or commercial uses.	Future development in this area should be primarily light industrial, food processing, wholesale, distribution, work/live, residential, parks, and public open spaces.	FAR of 2.0 per parcel. 30 units per gross acre.
PWD-2: Planned Waterfront Development (Con-Agra/Lone Star/Ready Mix)	Provide for the continuation of existing industrial uses, allowing for their future transition to a higher density mix of urban uses if the existing uses prove to be no longer viable in this area.	Future development in this area should be primarily industrial, manufacturing in nature, and other uses that support the existing industrial uses.	FAR of 2.0 per parcel. 40 units per gross acre.

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Land Use Classification	Intent	Desired Character	Maximum Intensity
RMU: Residential Mixed Use (Kennedy Tract Waterfront)	Enhance and strengthen the viability and attractiveness of the Kennedy Tract as a mixed-use residential neighborhood of low to medium-density housing within a fine-grained fabric of commercial and light industrial uses.	Future development in this area should be primarily residential, work/live, light industrial, neighborhood-serving retail, offices, public parks, and open spaces.	FAR of 1.0 per parcel. 40 units per gross acre.
HI: Heavy Industrial (Owens-Brockway)	Retain the existing glass recycling and manufacturing functions within this area, and promote an enhanced relationship with the adjoining Kennedy Tract neighborhood, Fruitvale Avenue, and the waterfront.	Future development in this area should be primarily heavy industrial uses.	FAR of 0.75 per parcel.
GC-1: General Commercial (42 <sup>nd</sup> /High Street/ Super K-Mart)	Provide for the expansion of regional-serving retail and commercial uses that can benefit from freeway accessibility.	Future development in this area should be primarily retail, office, general commercial, hotel, light industrial, parks, and public open spaces.	FAR of 1.0 per parcel.
LI-3: Light Industrial (East of High Street/ North of Tidewater)	Maintain light industrial, wholesale/retail, manufacturing, and public utility uses while providing for enhancement of the waterfront environment.	Future development in this area should be primarily industrial, manufacturing, commercial, and a variety of other uses.	FAR of 0.5 per parcel.
PWD-3: Planned Waterfront District (East of High Street/ South of Tidewater)	Provide for the continuation of existing industrial uses on properties south of Tidewater Avenue, allowing for their transition to light industrial, research and development, and office uses in a waterfront business park setting.	Future development in this area should be primarily industrial, manufacturing, commercial, office, research and development, public parks, and open spaces.	FAR of 0.5 per parcel.
GC-2: General Commercial (from Oakport site to 66 <sup>th</sup> Ave)	Provide for commercial or light industrial uses that sensitive to the area's proximity to the Martin Luther King Jr. Shoreline Park, the I-880, 66 <sup>th</sup> Avenue, sports field, and adjacent industrial facilities.	Future development should be primarily light industrial, commercial, public utilities, park, or open space.	FAR of 1.0 per parcel.

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***POLICY MF-4: CREATE A JOINT CITY-PORT PROCESS FOR PROJECT DEVELOPMENT, REVIEW AND APPROVAL, WITH A SUITABLE FORUM FOR PUBLIC INPUT, TO PROMOTE HIGH QUALITY PROJECTS WITHIN THE PORT AREA (EXCEPT FOR SEAPORT AND AIRPORT PROJECTS) TO INSURE CONSISTENT, COMPLEMENTARY ACHIEVEMENT OF OBJECTIVES BETWEEN THE CITY AND THE PORT, WITHIN 90 DAYS OF APPROVAL OF THE ESTUARY POLICY PLAN. FAILURE TO COMPLY WITH THE FOREGOING SHALL RESULT IN ALL PROJECTS FOLLOWING THE CITY OF OAKLAND'S STANDARD DEVELOPMENT APPROVAL PROCESS.***

Neither the City nor the Port can achieve the objectives articulated in the Estuary Policy Plan by working alone. Consistent complimentary achievement of mutual objectives is required. To bridge these objectives and to promote high-quality projects, the two agencies will create a joint process for the review and approval of specific projects. The specifics of this process should be researched and detailed as quickly as possible, so as to give the Estuary area the high priority it deserves, and to avoid project

inefficiencies and incremental planning decisions.

***POLICY MF-5: CLARIFY THE IMPLICATIONS OF ADOPTING SPECIFIC MAPS AND TEXT IN THE ESTUARY POLICY PLAN ON PRIVATE PROPERTY RIGHTS.***

Several policies, maps and/or text presented in the Estuary Policy Plan make reference to privately-owned land and/or property rights. These policies, goals, objectives, text sections, and/or maps are NOT intended to establish absolute development criteria for specific parcels.

Further, the Estuary Policy Plan is not intended to and does not authorize, direct or mandate the City, Port or any other entity to acquire any specific parcel or property interest.

All policies, objectives, text sections and maps in this document shall be subject to the legal maxim that City and Port policies, regulations, and actions cannot deny an owner economically viable use of his or her property, and that such policies, goals, objectives, regulations, and actions cannot cloud private property titles or interests. Therefore, all policies, goals, objectives, text sections, and actions recommended by the Estuary Policy

Plan shall be interpreted to allow each property owner and each individual or entity holding a protected property interest an economically viable use for each parcel or property interest held by that property owner, individual, or entity.

The policies, goals, objectives, text, and maps of the Estuary Policy Plan, where they relate to private property or private property rights, are not intended to, and shall not be interpreted as extinguishing or otherwise changing any existing property right or interest. In particular, Estuary Policy Plan maps, including but not limited to maps relating to public access, public parks, public promenades, public streets and other public places, shall be considered only illustrative. Actual locations of such facilities shall be determined at a later date through a public process.

The Estuary Policy Plan is not intended to and shall not be interpreted as creating any property right for the Port, City, or the public that is greater than those rights existing prior to the adoption of this Plan.

The policies, goals, and objectives included in the Plan are intended to be implemented over time. It is assumed that lawfully existing land uses will continue. The Estuary Policy Plan does not require, nor does it specifically endorse, any property acquisition method or ac-

tion, including but not limited to, amortization, dedication, eminent domain, friendly purchase or gift, that will extinguish or diminish existing private property rights or interests.

In addition, the Estuary Policy Plan shall not prohibit the City or Port from accepting and processing development applications, including but not limited to General Plan amendments.

