

July 13, 2022

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| <b>Location:</b>                    | Area bounded generally by 27th Street to the north, I-980 and Brush Street to the west, the Jack London estuary waterfront to the south, and Lake Merritt and the Lake Merritt Channel to the east.   |
| <b>Proposal:</b>                    | Amend the Oakland Zoning Map, Planning Code and General Plan to implement the Downtown Oakland Specific Plan, with the Final Draft Amendments accompanying the Final Draft Downtown Oakland Specific Plan (Draft Plan) for adoption consideration.  |
| <b>Applicant:</b>                   | City of Oakland   |
| <b>Case File Number:</b>            | ZA22006   |
| <b>General Plan:</b>                | <p><b><u>Land Use and Transportation Element (LUTE)</u></b></p> <p>Business Mix; Central Business District; Community Commercial; General Industry and Transportation; Institutional; Mixed Housing Type Residential; Neighborhood Center Mixed Use; Urban Park and Open Space; Urban Residential</p> <p><b><u>Estuary Policy Plan (EPP)</u></b></p> <p>Light Industry 1; Mixed Use District; Off-Price Retail District; Parks; Planned Waterfront Development 1; Planned Waterfront Development 4; Produce Market; Retail Dining Entertainment 1; Retail Dining Entertainment 2; Waterfront Commercial Recreation 1; Waterfront Mixed Use; Waterfront Warehouse District</p> |
| <b>Zoning:</b>                      | C-40, C-45, CBD-C, CBD-P, CBD-R, CBD-X, CC-1, CC-2, CC-3, CIX-1A, CIX-1B, D-LM-2, D-LM-3, D-LM-4, D-LM-5, D-OTN, IG, M-20, M-30, M-40, OS(LP), OS(NP), OS(RCP), OS(RCA), OS (AF), OS (AMP), OS(SU), R-80, RU-3, RU-4, RU-5, S-2   |
| <b>Environmental Determination:</b> | The proposed amendments are consistent with the revised DEIR for the Downtown Oakland Specific Plan. The DEIR was available for public review (SCH No. 2019012008) on August 30, 2019, and brought before the Planning Commission on October 2, 2019, with a 45-day public review and comment period ending October 15, 2019. The Response to Comments on the DEIR (comprising the Final EIR) will be brought before the Planning Commission, for recommendation on certification, along with the Final Draft Downtown Oakland Specific Plan and the Final Draft Zoning Map, Planning Code and General Plan Amendments.   |
| <b>Historic Status:</b>             | 52 Landmarks, 21 Areas of Primary Importance (API); 27 Areas of Secondary Importance (ASI)  |
| <b>City Council District:</b>       | 2, 3  |
| <b>Status:</b>                      | The Draft Plan and DEIR received public review and comment in 2019, have subsequently been revised, and will be finalized and brought before the Planning Commission in late 2022. The Draft Zoning Map and Planning Code Amendments are available for review on the project website at <a href="http://bit.ly/OakDOSP">bit.ly/OakDOSP</a> .  |
| <b>Action to be Taken:</b>          | Staff will introduce the draft amendments to the Oakland Zoning Map, Planning Code and General Plan to implement the objectives of the Downtown Oakland Specific Plan (DOSP), and receive public and committee member comments. Following this meeting, staff will return to present revisions to the Draft Amendments based on the comments received at this meeting.  |

## SUMMARY

The purpose of this public meeting is to solicit comments from the Zoning Update Committee (“ZUC”) and the public on the draft amendments to the Oakland Planning Code Zoning Map (“Draft Zoning Amendments”) and General Plan to implement the objectives of the Downtown Oakland Specific Plan (DOSP) in the DOSP’s topic areas of:

- Equity & Access
- Economic Opportunity
- Housing & Homelessness
- Mobility, Safety & Connectivity
- Culture Keeping
- Community Health & Sustainability
- Land Use & Urban Form

Zoning Amendments are only one implementation mechanism out of many that the DOSP’s Implementation Matrix identifies, but the proposed amendments respond to a significant number of the DOSP’s objectives. These amendments are intended to be adopted alongside the Final Downtown Oakland Specific Plan to ensure that all new development approved upon adoption is consistent with the intent of the DOSP. A summary of the Draft Zoning Amendments’ key proposals is provided in Attachment A. The full proposed amendments are provided in Attachment B.

The General Plan Amendments bring the General Plan’s Land Use and Transportation Element (LUTE) and Estuary Policy Plan (EPP) into conformance with the Final Draft DOSP’s intent for each district’s character and intensity, as studied in the Draft Environmental Impact Report (DEIR) and Response to Comments. The Draft General Plan Amendments are provided in Attachment C. The Draft Zoning Amendments are consistent with the Draft General Plan Amendments.

The Draft Zoning Amendments include a full rezoning of the entire Downtown Plan area, with updated activity tables, changes to height and intensity, new development standards, as well as several new special districts and programs. The key elements of the Draft Zoning Amendments are:

- I. Maps
  - a. Height and Intensity Area Maps (updated)
  - b. Downtown Zoning Districts (updated)
- II. Planning Code
  - a. Land Use Activities (updated)
  - b. Special Districts (new)
  - c. Transfer of Development Rights program (new)
  - d. Development Standards (updated)
  - e. Zoning Incentive Program (new)

Two public meetings have already been held to discuss the Draft Zoning Amendments, focusing on the proposed Land Use Activities and Special Districts, respectively, and an additional public meeting will be held to discuss the remaining topics. This will be followed by one meeting of the

DOSP's Community Advisory Group (CAG). Staff are also soliciting feedback from stakeholder focus groups such as the Chinatown Coalition, BAMBD Merchant's Association, BAMBD CDC, Malonga Center stakeholders and ethnic chambers of commerce. After public review is closed sometime in late summer (August/September), the amendments will be revised to respond to ZUC and public comment and brought back to the ZUC for review.

The proposal also includes General Plan Amendments that were reviewed as part of the Public Review Draft DOSP. The proposal ensures the LUTE, EPP, the map, and zoning are all consistent.

## **PLAN AREA**

The DOSP generally encompasses the area bounded by 27th Street to the north; I-980 and Brush Street to the west; the Jack London estuary waterfront to the south; and Lake Merritt, Channel, and 5th Avenue to the east.

## **PROJECT BACKGROUND**

The Public Review Draft of the DOSP and Draft Environmental Impact Report (DEIR) were published for review in late 2019. The DOSP sets forth bold strategies for physical improvement projects and supporting policies to meet the needs of its most vulnerable stakeholders while addressing community priorities for a sense of place, shelter, economic opportunity, cultural belonging, and mobility. It offers guidance upon which to base future City investments, as well as benchmarks to evaluate success. It contains an implementation plan that includes many implementation mechanisms, including policy revisions, studies, programs, coordination, and oversight of mitigation measures.

One of the DOSP's key implementation strategies is to update the Planning Code and Zoning Map to align downtown zoning with DOSP objectives. Since public review in 2019, Planning staff and consultants have revised DOSP to respond to comments and address the global COVID-19 pandemic, and have used this revised document as the basis to develop the Draft Zoning Amendments.

The Draft Zoning Amendments build on the extensive community feedback received through the process of developing the Draft DOSP from 2015 to 2019, as well as input received at meetings of the Community Advisory Group (CAG) in 2020.

Part I of the Draft Zoning Amendments was published April 29, 2022, and staff held two online meetings in May to discuss the key topics proposed:

- May 11: Land Use Activities & Zoning Map
- May 16: Special Districts

Part II was published July 6, 2022, and an online meeting will be scheduled to discuss the Part II topics: Development Standards, Height and Intensity Areas & Zoning Incentive Program.

A meeting of the DOSP CAG will also be scheduled to receive feedback on the full Draft Zoning Amendments. To focus additional attention on key downtown stakeholder groups, Planning staff has presented the proposal to the Chinatown Coalition, and is working to share information with

and receive feedback from stakeholders associated with the Black Arts Movement and Business District (BAMBD), the Malonga Casquelord Center for the Arts, the Art + Garage District and the chambers of commerce, including the ethnic chambers.

## **PROJECT DESCRIPTION**

The Draft Zoning Amendments are designed to implement the objectives of the DOSP, and include both text amendments to the Planning Code and changes to the associated zoning maps.

### **Elements of the Draft Zoning Amendments**

The zoning approaches to implement the DOSP are articulated in the following key updated and/or new elements of the Draft Zoning Amendments:

- III. Maps (updated)
  - a. Height and Intensity Area Maps (updated)
  - b. Downtown Zoning Districts (updated)
- IV. Planning Code
  - a. Land Use Activities (updated)
  - b. Special Districts (new)
  - c. Transfer of Development Rights program (new)
  - d. Development Standards (updated)
  - e. Zoning Incentive Program (new)

### ***Maps***

#### Height and Intensity Area Maps (updated)

The Height and Intensity Area (HIA) maps have been updated to reflect the DOSP's goals for height and intensity, focusing additional intensity in the Lake Merritt Office District, City Center and the new Victory Court mixed-use area while maintaining lower intensity in areas such as Old Oakland, the Art + Garage District. To implement the Zoning Incentive Program (ZIP) (see below), these have been separated into two maps:

- Maximum height and intensity for projects not participating in the ZIP ("Base HIA Map")
- Maximum height and intensity in the ZIP areas for projects that choose to participate in the ZIP ("ZIP HIA Map")

#### Downtown Zoning Districts Map (updated)

The proposed Zoning Map in Attachment A revises the existing CBD designations updated in 2009 to the north of Interstate 880 and the older zoning in the Estuary Policy Plan area to the south of Interstate 880, creating a unified system of Downtown District zoning designations.

### ***Planning Code***

#### Land Use Activities (updated)

The Land use Activities and Facilities tables have been updated to reflect the proposed Zoning Map. They include additional land use activities such as Artisan Production Commercial and Boat and Marine-Related activities. The limitations have been revised to reflect DOSP zoning goals such as activation of ground floor uses, reserving work/live units for active commercial uses, and reduced restrictions for Group Assembly Commercial activities (such as entertainment venues).

#### Special Districts (new)

Several special districts have been developed and mapped, including:

- **Sea Level Rise Overlay:** Requires Adaptation Plans for new construction & planned unit development (PUD) and infrastructure upgrades in Victory Court
- **Arts & Culture Overlay (Black Arts Movement and Business District):** Includes three initial nodes along 14th as a pilot; requires new projects dedicate 50% of ground floor to cultural uses, with broad definition to include business; and requires CUP for non-arts & cultural uses on ground floor. Supported by Zoning Incentive Program's below market-rate commercial space benefit.
- **Employment Priority Sites:** Requires key large sites near transit be developed with 60% of the maximum FAR non-residential uses
- **Green Loop & Lake Merritt Channel:** Requires frontage and landscaping elements along the Green Loop, and a 60' landscaped setback from the Lake Merritt Channel.
- **I-880 Freeway Zoning:** Prohibits storage uses; requires curb, gutter and landscaping requirements for parking facilities; and encourages Caltrans to allow pop-up stores and recreational uses to activate under freeways

#### Transfer of Development Rights program (new)

The TDR program is designed to protect historic buildings from demolition by allowing their owners to sell development rights to owners of sites in less historic areas of Downtown. These sending and receiving locations are described in the Planning Code rather than mapped.

#### Development Standards (updated)

Proposed development regulations include the following:

- Height (minimum and maximum), intensity (residential density and non-residential Floor Area Ratio), and open space requirements have been developed to correspond to the Zoning Incentive Program (see below) and Base Height and Intensity Area Maps.
- A set of requirements for the ground floor of buildings relating to fenestration, materials, ground floor, height, active space, and parking and loading location are included in the proposal to ensure an engaging pedestrian experience.
- Regulations for tall buildings requiring a base between 45 and 85 feet and a tower setback from the base is included in the proposal. The base and height regulations will reduce the scale of buildings, provide visual interest and are sufficiently flexible to allow a variety of designs. Exceptions to base/tower requirement are included for office towers, small lots, transitions to historic buildings, and contextual reasons.
- Expanses of blank walls on elevations visible from the street are not permitted.

- Regulations discouraging the heavy use of tinted windows and requiring breaking up the volume of buildings and creating a building terminus are provided in the proposal.
- A decrease of the maximum parking allowed in residential development from 1.25 to 1 space per unit.

Additional design standards will be developed for the downtown through the process underway to create citywide Objective Design Standards.

#### Zoning Incentive Program (new)

The ZUC reviewed the initial proposal for the Zoning Incentive Program (ZIP) in December 2019. This program establishes a program to capture value from development projects receiving additional development capacity, with a defined menu of community benefits that fulfill unmet community objectives while also providing transparency to developers.

Since the ZUC reviewed the study, additional analysis has been completed to assess the value created by participation in the program and the cost of identified benefits. Building on this analysis, the Planning Code amendments include a program with maps to identify benefit areas for both residential and non-residential development and a schedule of community benefits and in-lieu fees to be provided in return for additional development capacity, as well as an associated map of the incentive area and the maximum heights and intensities that may be achieved through participation.

#### **Consistency with the Downtown Oakland Specific Plan (DOSP)**

The key proposals of the Draft Zoning Amendments respond to the DOSP's topics and objectives in the following ways:

| <b>DOSP Topic/<br/>Objective</b> | <b>Zoning Approach</b>   |
|----------------------------------|--|
| Equity & Access                  | <ul style="list-style-type: none"> <li>• Equity integrated throughout all of the zoning approaches</li> <li>• New and expanded statement of objectives to match DOSP goals</li> <li>• Creation of a new Zoning Incentive Program (ZIP) that would allow additional development capacity in return for one or more community benefits from a defined menu of benefits that fulfill unmet community objectives</li> </ul>  |
| Economic Opportunity             | <ul style="list-style-type: none"> <li>• Flexibility in ground floor uses to fill/prevent vacancies</li> <li>• Arts &amp; Culture overlay to encourage BAMBD-related uses</li> <li>• Art + Garage District zone to protect arts/maker spaces in a limited but distinctive area</li> <li>• Employment priority combining zone to protect a few key locations near transit for intense employment development</li> <li>• Artisan production commercial activity allowed throughout downtown</li> </ul> |

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|                                   | <ul style="list-style-type: none"> <li>• Zoning Incentive Program (defined menu of community benefits includes below market-rate commercial space and employment training benefits)</li> <li>• Protection of industrial uses in western Jack London Area</li> </ul>   |
| Housing & Homelessness            | <ul style="list-style-type: none"> <li>• Allowance for increased residential density in return for community benefits, including affordable housing</li> <li>• Allowing high-density residential in Victory Court (eastern Jack London Area)</li> <li>• Permitting high-density efficiency units throughout downtown</li> <li>• Zoning Incentive Program (defined menu of community benefits includes affordable housing units and public restrooms)</li> </ul>   |
| Mobility, Safety & Connectivity   | <ul style="list-style-type: none"> <li>• Improve the pedestrian experience along key connections between neighborhoods and connect the lake, channel and estuary waterfronts</li> <li>• Freeway zones to improve pedestrian undercrossing safety and activity</li> <li>• Extension of streets into Victory Court</li> <li>• Infrastructure improvements primarily implemented by DOT</li> </ul>   |
| Culture Keeping                   | <ul style="list-style-type: none"> <li>• Arts &amp; Culture overlay in BAMBD to foster cultural organizations and businesses and prevent displacement</li> <li>• Arts &amp; Garage District zoning to restrict redevelopment and protect historic spaces for artists &amp; small-scale manufacturers</li> <li>• Relaxed rules to permit entertainment and performance venues</li> <li>• New “artisan production commercial” activity allowed by right throughout downtown</li> <li>• Zoning Incentive Program (defined menu of community benefits includes below market-rate commercial space)</li> </ul> |
| Community Health & Sustainability | <ul style="list-style-type: none"> <li>• Sea Level Rise overlay zone to require adaptation plans and shared infrastructure improvements</li> <li>• “Green Loop” to encourage walking, biking, and use of green/recreational space</li> <li>• Reduce parking maximums from 1.25 per unit to 1 per unit to encourage greenhouse gas reduction, consistent with other jurisdictions</li> <li>• Standards to protect Lake Merritt Channel for nature and recreation while encouraging development and public access</li> </ul>  |
| Land Use & Urban Form             | <ul style="list-style-type: none"> <li>• Revised design standards for towers, storefronts, Green Loop streets and other key frontages (additional Downtown Oakland standards currently under development as part of the citywide Objective Design Standards project)</li> </ul>   |

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|  | <ul style="list-style-type: none"> <li>• Transfer of development rights (TDR) program to encourage protection of historic buildings</li> <li>• Planned unit development (PUD) requirement in Victory Court to encourage infrastructure needed to support housing density</li> <li>• Light industrial transition between Jack London and West Oakland Industrial Area</li> </ul> |
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## General Plan Amendments

The proposed General Plan Amendments bring the General Plan’s Land Use and Transportation Element (LUTE), Estuary Policy Plan (EPP) and DOSP into consistency. They include changes to the text and maps of both these documents. Key amendments include eliminating the “Off-Price Retail” designation in favor of extending the EPP Retail, Dining and Entertainment 2 designation; converting the Central Business District into three distinct intensity areas, which extend just south of Interstate 880 to tie the Jack London District to the rest of the downtown; and converting EPP Community Commercial to EPP Mixed Use. The amendments have been revised since the 2019 Public Review Draft DOSP to respond to issues raised during public review with changes such as incorporating the Webster Green as Open Space and providing a light industrial, non-residential transition between Jack London and the West Oakland Industrial Sanctuary. The Draft General Plan Amendments, including changes to the LUTE and EPP maps with accompanying tables describing the changes, are shown in Appendix C.

## RECOMMENDATION

Staff requests that the ZUC review and comment on the Draft Planning Code, Zoning Map and General Plan Amendments for the DOSP.

Prepared by:

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Joanna Winter, Planner IV

Reviewed by:


*Laura B. Kaminski*

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Laura Kaminski, Strategic Planning Manager  
Bureau of Planning



Approved for forwarding to the Zoning Update Committee:

  
[Edward Manasse \(Jul 7, 2022 16:58 PDT\)](#)

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Ed Manasse, Deputy Director  
Bureau of Planning

Attachments:

- A. Summary of Key Proposed Zoning Changes
- B. Draft Planning Code and Zoning Map Amendments
- C. Draft General Plan Amendments












# 2022-07-06 Staff Report DOSP Zoning (Final)

Final Audit Report

2022-07-07

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| By:             | Stephanie Skelton (SSkelton@oaklandca.gov)   |
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