

**August 29, 2022**

<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>Assessor's Parcel Number(s):</b>	N/A
<b>Proposal:</b>	Amend the 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>Phone Number:</b>	N/A
<b>Owner:</b>	N/A
<b>Case File Number:</b>	SP16001
<b>Planning Permits Required:</b>	N/A
<b>General Plan:</b>	<b><u>Land Use and Transportation Element (LUTE)</u></b> 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 <b><u>Estuary Policy Plan (EPP)</u></b> 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
<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 City of Oakland has prepared an Environmental Impact Report (EIR) for the Downtown Oakland Specific Plan project, which includes the proposed amendments. The Draft EIR 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 Draft EIR (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, Planning Code and General Plan Amendments were released for public review in two parts: Part 1 (including the Zoning Map, Activity Table, and Special Districts) was released April 29, 2022, and Part 2 (including height and intensity maps, a Zoning Incentive Program, Transfer of Development Rights program and development standards) was released July 5, 2022.
<b>Staff Recommendation</b>	Provide comments on the Draft Downtown Oakland Specific Plan Zoning Map, Planning Code and General Plan Amendments and receive public comments.
<b>Action to be Taken:</b>	Staff will introduce the Draft Downtown Oakland Specific Plan Zoning Map, Planning Code and General Plan Amendments and receive public and LPAB member comments.
<b>For further information:</b>	Joanna Winter, Planner IV, (510) 238-2166, <a href="mailto:jwinter@oaklandca.gov">jwinter@oaklandca.gov</a>

**SUMMARY**

The purpose of this public meeting is to solicit comments from the Landmarks Preservation Advisory Board (“LPAB”) 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

The Draft Zoning Amendments are only one implementation mechanism out of many that the DOSP’s Implementation Matrix identifies, but the proposed code amendments respond to a significant number of the DOSP’s objectives. These amendments are intended to be adopted in parallel with adoption of 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 Draft 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 Specific 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 (TDR) 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 a meeting of the DOSP's Community Advisory Group (CAG). Staff are also soliciting feedback from stakeholder focus groups such as the Chinatown Coalition, Black Arts Movement and Business District (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, LPAB and public comment. The full package containing the revised Zoning Amendments, the General Plan Amendments and the Final Draft Plan will be brought to Planning Commission for recommendation and then to City Council for consideration of adoption.

The proposal also includes General Plan Amendments that were reviewed as part of the Public Review Draft DOSP and Draft Environmental Impact Report (DEIR). 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 the 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 has been scheduled for September 13, 2022 to discuss the Part II topics: Development Standards, Height and Intensity Areas & Zoning Incentive Program.

A meeting of the DOSP CAG has also been scheduled for September 19, 2022 to receive feedback on the full Draft Zoning Amendments. To focus additional attention on key downtown stakeholder groups, Planning staff have presented the proposal to the Chinatown Coalition, and are working to share information with and receive feedback from stakeholders associated with the BAMBD, the Malonga Casquelord Center for the Arts, the Art + Garage District and the chambers of commerce, including the ethnic chambers through meetings and/or surveys.

## **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.

#### ***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 between Oak Street and Lake Merritt Channel south of I-880 while maintaining lower intensity in areas such as Old Oakland, the Produce Market and 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 incentivize the protection of historic buildings in the DOSP area by allowing their owners to sell unused development rights (some or all of the difference between the existing building’s height, density, and/or floor area and the maximum allowed by zoning) to owners of sites in less historic areas of Downtown. These sending locations are described in the Planning Code rather than mapped, but receiving areas must be within the Zoning Incentive Program (ZIP) area.

Floor Area Ratio (FAR) and density at receiving sites may not exceed the maximum allowed by the ZIP, and only half the development capacity allowed under the ZIP may be achieved through the TDR program (to encourage participation in ZIP). The project at the receiving site requires a Conditional Use Permit (CUP) and must meet the finding that the height and bulk of the proposal for the receiving site is consistent with the desired character of the block and area.

The buying and selling of development rights would be arranged privately, with agreements approved by the City Attorney and filed with the Alameda County Recorder. Consistent with Oakland Heritage Alliance (OHA)'s recommendations, the TDR program was developed by staff along with the Draft Zoning Amendments rather than as an implementing measure after adoption of the DOSP.

#### 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 development regulations 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 help to reduce the scale of buildings, provide visual interest and are sufficiently flexible to allow a variety of designs. Exceptions to base/tower requirements 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 the breaking up of 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 and the public.

Since the ZUC reviewed the study, additional analysis has been completed to assess the value created by participation in the ZIP program and the cost of identified benefits. Building on this analysis, maps have been created to identify benefit areas for both residential and non-residential development and Planning Code amendments proposed that establish 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/ 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> <li>• Incentives for developments to include 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>• Incentives for developments to include 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>• Incentives for developments to include 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> <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>

**Consistency with Environmental Impact Report (EIR)**

The Draft Zoning Amendments proposed are consistent with the Intensity Map (Figure LU-10a) proposed in the Public Review Draft DOSP and studied in the DEIR and Response to Comments. The LPAB reviewed and provided comment on these documents at their meetings on September 23, 2019 and October 14, 2019. The DEIR identified potential impacts to Cultural Resources and accompanying mitigation measures; these were presented in the September 23, 2019 Staff Report. Since that time, some changes have been made to the proposed Intensity Map, including lowering heights at the western edge of Old Oakland (from Clay to Jefferson) from 85’ to 65’, as well as lowering heights from 2<sup>nd</sup> to 4<sup>th</sup> Streets on both sides of Broadway from 85’ to 55’. An industrial transition to the West Oakland Industrial Area was also developed on the western side of the Jack London District, increasing heights along 3<sup>rd</sup> Street from Brush to Jefferson from 45/55’ to 85’, decreasing heights from 175’ to 85’ adjacent to Howard Terminal, and restricting development to light industrial uses.




## 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 area 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**.

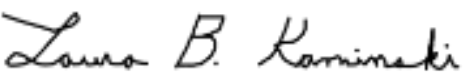
## RECOMMENDATION

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


Prepared by:

  
\_\_\_\_\_  
Joanna Winter, Planner IV

Reviewed by:

  
\_\_\_\_\_  
Laura Kaminski, Strategic Planning Manager  
Bureau of Planning

Approved for forwarding to the Landmarks Preservation Advisory Board:

  
\_\_\_\_\_  
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

**Attachment A**  
**Summary of Key Proposed**  
**Zoning Changes**



City of Oakland

# A Guide to Rezoning Proposals for the Downtown Oakland Specific Plan

The Downtown Oakland Specific Plan (DOSP) is the City's first ever specific plan for Downtown Oakland. The DOSP was informed by years of community involvement to fulfill locally relevant objectives such as new and equitable housing production, economic opportunity, social justice, culture keeping, quality urban form, climate-friendly mobility and climate-responsive development. One strategy established by the DOSP to achieve these objectives is amending Title 17, Planning Code, of the City's Municipal Code. Title 17 is commonly referred to as the zoning code.

Zoning includes the standards and regulations that shape development. The zoning code informs the location of buildings, their form, how they relate to each other and the surrounding context, and how well they are adapted to social and environmental conditions. Zoning changes are vital to achieving the objectives of the DOSP. They will be supported by targeted studies and plans, ongoing committee and community leadership, new City initiatives and funding sources, implementation of CEQA mitigation measures, City staffing allocations, increased development fees and revised standard Conditions of Approval.

The DOSP has undergone revisions in response to extensive community review of the Public Review Draft in late 2019. It will be presented in Final Draft form to City Council in late 2022. As such, these implementation strategies are subject to revisions.

This document summarizes proposed amendments to the Oakland Planning Code in support of the DOSP. The majority of the proposed amendments are part of the transformation of existing Chapter 17.58 – CBD Central Business District Zones Regulations, to Chapter 17.101K D-DT Downtown District Zones Regulations. The full amendments and associated zoning and additional maps can be reviewed in full at the DOSP website: [bit.ly/OakDOSP](https://bit.ly/OakDOSP).

This document is organized by the DOSP objectives and the draft zoning amendments that will help achieve them.

## 1. DOSP Vision and Equity Goal

The DOSP sets out a central vision for downtown: *Downtown Oakland serves as the setting for a remarkable array of lived experiences. It is both home and gathering space to people of all income levels, races, cultures, and ethnicities. It supports a wide spectrum of community assets, serving not only local residents, but also visitors and workers from around the bay area and the globe. Its economy drives social innovation and reflects the cultures, political movements, and people who are its heritage.*

To achieve this vision, the DOSP's overarching equity goal is to reduce racial disparities by shaping a downtown that provides fair and equitable access to the opportunities that

permeate throughout Oakland. This includes countering forces that have led to the displacement of people, businesses, cultures, and communities of color.

The following high-level zoning amendments, combined with others in this guide, are designed to achieve these broad goals:

- » ***New and expanded statement of Objectives.*** The current Objectives of Chapter 17.58 are focused on supporting downtown as regional, high-density mixed-use center. These have been broadened in Chapter 17.101K D-DT Downtown District Zones Regulations to include equity, opportunity and housing. New objectives include:
  - Create opportunities for economic growth and security for all Oaklanders.
  - Ensure sufficient housing is built and retained to meet the varied needs of current and future residents.
  - Make downtown’s streets comfortable, safe, and inviting and improve connections to the city as a whole so that everyone has efficient and reliable access to downtown’s jobs and services.
  - Encourage diverse voices and forms of expression to flourish.
  - Provide vibrant public spaces and a healthy environment that improve the quality of life downtown today and for generations to come.
  - Develop downtown in a way that meets community needs and preserves Oakland’s unique character.
  
- » ***Diversified Zoning Map.*** The current Central Business District includes four (4) zoning districts: One residential zone (CBD-R), one retail zone (CBD-P), one commercial zone (CBD-C) and one mixed commercial zone (CBD-X). Primary zoning districts in the amended Downtown District will increase to 10, each with development standards and allowable uses tailored to specific conditions, objectives and geography. The new zoning map will facilitate greater participation in cultural, housing and economic opportunities for all residents. New districts include:
  1. D-DT-P Downtown District Pedestrian Commercial Zone. The intent of the D-DT-P Zone is to create, maintain, and enhance the downtown core for pedestrian-oriented and active uses on the ground floor. Upper stories are intended for a wide range of commercial and residential activities.
  2. D-DT-C Downtown District General Commercial Zone. The intent of the D-DT-C Zone is to create, maintain, and enhance areas of Downtown appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended for a wide range of commercial and residential activities.
  3. D-DT-CX Downtown District Mixed Commercial Zone. The intent of the D-DT-CX Zone is to designate areas of downtown appropriate for a wide range of residential, commercial, and compatible service and production activities.

4. D-DT-R Downtown District Residential Zone. The intent of the D-DT-R Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential development with small-scaled compatible ground-level commercial uses.
  5. D-DT-RX Downtown District Mixed Residential Zone. The intent of the D-DT-RX Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential and mixed-use buildings.
  6. D-DT-CPW Downtown District Planned Waterfront Development Commercial Zone. The intent of the D-DT-CPW Zone is to encourage and facilitate comprehensively planned public space, streets and residential and commercial developments that contribute to the Estuary and Lake Merritt Channel waterfronts and help connect Brooklyn Basin to Downtown.
  7. D-DT-CW Downtown District Estuary Waterfront Commercial Zone. The D-DT-CW Zone is intended to create, maintain, and enhance areas of the Estuary Waterfront District to have a mix of marine, office, and other commercial uses.
  8. D-DT-AG Downtown District Art and Garage Commercial Zone. The intent of the D-DT-AG Zone is to create, preserve, and enhance commercial areas in downtown's Art and Garage District that are appropriate for specific service and production activities and provide adaptable space for artisans and craftspeople.
  9. D-DT-PM Downtown District Produce Market Commercial Zone. The intent of the D-DT-PM Zone is to create, preserve, and enhance mixed industrial/commercial areas in Jack London's historic Produce Market District that are appropriate for a wide range of retail, work/live, and commercial and wholesale establishments.
  10. D-DT-JLI Downtown District Jack London Industrial Zone. The intent of the D-DT-JLI Zone is to create, maintain, and enhance mixed industrial/commercial areas along the western edge of the Jack London District to provide a transition between the more intensive West Oakland industrial area south of I-880 and the Jack London commercial area to the east. Development here will require enhanced design and site plan review to ensure it does not adversely impact adjoining zones.
- » ***New Combining Zones.*** DOSP zoning amendments include the creation of four new combining zones. Combining zones are overlays in which the regulations of underlying zones are combined with other regulations to achieve new objectives in tailored areas. The new combining zones are:
1. Arts & Culture Combining Zone. Includes regulation to support arts- and culture-related businesses and organizations.
  2. Office Priority Combining Zone. Includes regulation to promote job creation in strategic downtown areas.
  3. Green Loop Combining Zone. Includes regulation to improve walkability and pedestrian experience on key corridors.
  4. Sea Level Rise Combining Zone. Includes regulation to ensure the adaptability of future development in areas impacted by sea level rise.
- » **Creation of a Zoning Incentive Program.** The Planning Code will include a voluntary Zoning Incentive Program (ZIP) for areas of the downtown. Under this program, developers may elect to provide one or more community benefits, or pay a fee to the City to fund such benefits, in exchange for increases in allowable building height and/or density. Benefits allowed under the ZIP

were selected to increase housing affordability, provide affordable rent for small businesses, train Oakland's workforce, and create resources that support public health. They include:

- On-site affordable housing units;
- Below market-rate ground floor commercial space;
- Streetscape improvements;
- Public Restrooms; and
- Construction training, apprenticeships and/or job placement support programs (exact mechanism is under review)

## 2. Economic Opportunity

**DOSP GOAL: Create opportunities for economic growth and financial security for all Oaklanders.**

The following zoning amendments will increase economic opportunity in Downtown Oakland:

- » ***Creation of the Zoning Incentive Program.*** The previously-described ZIP will stimulate economic opportunities for businesses with fewer resources, community-serving organizations and workers seeking good jobs and career development. Oaklanders harmed by racial disparities will directly benefit from the program.
- » ***Allowing a Greater Variety of Ground Floor Businesses.*** The proposal permits 25 percent of the block in the D-DT-Pedestrian Zone for activities such as gyms, yoga studios, and medical offices. These businesses are always conditionally permitted in the current pedestrian zone.
- » ***Creation of an Office Priority Combining Zone.*** Properties in the Office Priority Combining Zone must dedicate at least sixty percent of building floor space to office uses before other uses are allowed. This combining zone will facilitate job creation at strategic downtown sites.
- » ***Preservation of Industrial Land.*** The DOSP recognizes the Port of Oakland as a unique driver of the local economy and job base. The zoning amendments include the creation of the Downtown District Jack London Industrial Zone, which will extend from Jack London Square southwest toward the Port of Oakland to protect Port-related businesses and jobs.
- » ***Creation of a Downtown Arts & Culture Combining Zone.*** As described further in Section 5. Culture Keeping, this combining zone is proposed to be piloted in the Black Arts Movement and Business District (BAMBD). It establishes regulations that favor the location of arts and culture and their supportive services on the ground floor of buildings. The zone will serve as an economic driver by providing jobs and drawing patrons to the district and its surrounding area.
- » ***Creation of Artisan Production Commercial Activity.*** The new Downtown District zoning code establishes a newly-defined Artisan Production commercial activity. It includes the small-scale

creation, exhibition, and on-site sale of art and artisan products. It will support a vibrant sector of the local creative economy. Allowable activities include (but are not limited to):

- Painting
- Drawing
- Sculpture
- Small-scale jewelry, metalworking and woodworking production
- Photography, picture framing, printshop and digital printing
- Fashion design, sewing, and textiles fabrication

- » ***Creation of a new Boat and Marine-Related Sales, Rental, Repair and Servicing Activity.*** This is an example of a new activity that will be permitted to support relevant industries in specific zones. *Boat and Marine-Related Sales, Rental, Repair and Servicing* will be permitted near the waterfront.

### 3. Housing & Homelessness

**DOSP GOAL: Ensure sufficient housing is built and retained to meet the varied needs of current and future residents.**

The following zoning amendments will facilitate the development of dense housing, especially affordable units, in Downtown Oakland:

- » ***Creation of New Housing-Supportive Downtown District Zones.*** As previously noted, DOSP planning code amendments include the creation of ten new primary zones. The housing-supportive benefits of these zones includes:
  - Permitting dense housing by right in the new Planned Waterfront Development Commercial Zone in parts of the Estuary Policy Plan area where there were previous conflicts.
  - Permitting greater housing density in strategic areas of downtown, to be achieved through participation in the previously-described Zoning Incentive Program.

*Residential uses are permitted by right in the following zones:*

1. D-DT-P Downtown District Pedestrian Commercial Zone: Upper story residential permitted.
2. D-DT-C Downtown District General Commercial Zone: Upper story residential permitted.
3. D-DT-CX Downtown District Mixed Commercial Zone: Range of residential types permitted.
4. D-DT-R Downtown District Residential Zone: Residential development with small-scaled compatible ground-level commercial uses permitted
5. D-DT-RX Downtown District Mixed Residential Zone: Higher density residential and mixed-use structures permitted.



6. D-DT-CPW Downtown District Planned Waterfront Development Commercial Zone: Comprehensively planned residential development that contributes to the Estuary and Channel waterfronts permitted
7. D-DT-CW Downtown District Estuary Waterfront Commercial Zone: Residential and other development that enhances the Estuary Waterfront District permitted

*Residential uses are permitted in existing residential facilities in the following zones:*

1. D-DT-IX-1 Downtown District Art and Garage Zone
  2. D-DT-IX-1 Downtown District Produce Market Mixed Industrial/Commercial Zone
- » ***Permitting of High-Density Efficiency Units.*** The rezoning includes allowances for efficiency units (dwelling units of 600 square feet or less) at a higher density than regular dwelling units.
- » ***Allowing for Work/Live Units in Newly Constructed Buildings.*** Regulations for locating Work/Live Units in new buildings and additions to existing buildings at strategic locations have been created for consistency with DOSP housing goals. The regulations were developed to ensure that these units are not used solely as residences but are a viable option for artisans to support their crafts while living affordably.
- » ***Permitting of Supportive and Transitional Housing.*** Permanent supportive and transitional housing has been expanded into areas such as Planned Waterfront Development Commercial that newly allow residential uses, and would be permitted, by right, in those areas. Moreover, transitional, supportive and emergency housing would be conditionally permitted in existing residential buildings in the Art and Garage, and Produce Market Mixed Industrial/Commercial Zones.

## 4. Mobility

**DOSP GOAL: Make downtown streets comfortable, safe, and inviting connections to the rest of the city so that everyone has efficient and reliable access to downtown’s jobs and services.**

Although the bulk of the transportation improvements in the DOSP will be implemented through the Department of Transportation, the following zoning amendment will benefit pedestrian mobility in Downtown Oakland:

- » ***Creation of a Green Loop Combining Zone.*** The proposed Green Loop Combining Zone will provide safe, inviting pedestrian connections between commercial, cultural, recreational, natural and entertainment areas of the Downtown District. The Zone includes regulations for the provision of pedestrian-oriented amenities along ground-floor storefronts and development standards for attractive, inviting open space between buildings and sidewalks.

## 5. Culture Keeping

DOSP GOAL: Encourage diverse voices and forms of expression to flourish.

The following zoning amendments will support new and more diverse cultural activities in Downtown Oakland:

- » ***Creation of Special Regulations for Group Assembly Activities.*** The regulations allow more group cultural activities without requiring a Conditional Use Permit.
  
- » ***Creation of Arts & Culture Overlay Combining Zone.*** The intent of the Arts and Culture Combining Zone is to foster a sense of belonging for all Oaklanders, highlight Oakland's rich history and diverse cultures, celebrate and strengthen ethnic enclaves, support communities harmed by racial inequities, and increase access to artistic and cultural expression. These regulations provide a new definition of Arts and Culture Use that includes the production, display, and dissemination of all types of artistic and cultural expression, as well as all activities that unify Oakland communities. New development would be required to dedicate at least fifty percent of ground floor space to Arts and Culture activities.
  
- » ***Creation of Artisan Production Commercial Activity.*** This previously-described activity would be permitted by right across all new Downtown District zones, expanding where local artists and makers are allowed to create and sell their products on site by right.

## 6. Community Health & Sustainability

DOSP GOAL: Provide vibrant public spaces and a healthy built, natural, and social environment that improves the quality of life downtown today and for generations to come.

The following zoning amendments will support human health and promote current and future environmental quality of life in Downtown Oakland:

- » ***Development Standards for Lots Adjacent Lake Merritt Channel.*** These standards would respect and protect natural and aesthetic resources of the Lake Merritt Channel. Construction would be restricted within 60 feet of Channel banks and Design Review findings would be expanded to ensure that new development respects and enhances environmental resources.
  
- » ***Creation of Interstate 880 Zones Regulations.*** The amended zoning code includes new regulations for the use of California Department of Transportation (Caltrans) owned areas beneath Interstate 880. The regulations would prevent blight by maximizing the potential of Caltrans' property with safe, high-quality activities and gatherings.

- » ***Creation of Sea Level Rise Combining Zone.*** This combining zone includes DOSP parcels that are projected to be inundated by sea level rise. Regulations in this overlay ensure the safety and adaptability of new development by requiring design that can withstand flooding.

## 7. Land Use & Urban Form

**DOSP GOAL: Develop downtown to meet community needs and preserve Oakland's unique character.**

The following zoning amendments will improve the quality and aesthetic of the built environment in Downtown Oakland, and the degree to which it benefits all residents:

- » ***Creation of General Design Standards.*** Chapter 17.101K D-DT Downtown District Zones Regulations will include design standards for new construction. The standards are intended to create development that is attractive from the pedestrian perspective, regardless of building height. They cover ground floor design, materials, frontage and façade; limitations on the placement of non-active uses (parking, utilities, etc.); building base form and context; and tower integration and design, among other components.
- » ***Refinement of Allowable Uses and Development Standards.*** Two sets of zoning regulations that are central to all zoning districts are allowable activities, such as commercial and residential, and standards for physical development. As part of the DOSP rezoning process, both have been carefully calibrated to reflect the intended character of the new zoning districts. The type of activities permitted in each zone and standards for new construction have been amended to maximize housing production; increase density; tailor lot size to development type; encourage arts, entertainment and maker uses; improve the interaction between private development and the public realm; ensure the creation of attractive spaces; and reduce vacancies of ground floor storefronts.
- » ***Establishment of an Industrial Transition.*** As noted above under 2. Economic Opportunity, the amendment process includes the Downtown District Jack London Industrial Zone. The zone will bridge Jack London Square and the Port of Oakland, extending from Jefferson Street to Market Street, between 5<sup>th</sup> Street and the Embarcadero. It will permit a mix of industrial and commercial uses, all of which will require enhanced design and site plan review to ensure they do not adversely impact adjacent uses.
- » ***Establishment of Zoning Incentive Program (ZIP).*** As has been described, the ZIP would allow development above base intensity levels close to transit centers in return for community benefits, such as affordable housing and small commercial spaces, public restrooms, and streetscape improvements.

- » ***Creation of Transfer of Development Rights (TDR) Program.*** 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.
  
- » ***Revised Height/Intensity Standards.*** Intensity and development standards for the seven existing Downtown Height/Intensity Areas have been revised to promote a more attractive, refined building and tower design and promote streamlined residential development. Specifically:
  - The number of Height /Intensity Areas has been increased to be better tailored to DOSP policy for specific areas of the Downtown District, and the map of existing areas has been expanded to cover the entire DOSP area, including Jack London Square.
  
  - Height, density and bulk regulations, currently uniform across applied to all development types, have been separated for commercial buildings and residential/mixed-use buildings. This is due in part to new State housing legislation, which establishes that only objective design and development standards can be used to disapprove, or reduce the density of, multifamily and mixed-use development. As described above, the amended code induces new General Design Standards for commercial construction.
  
- » ***Creation of the D-DT-IX-2 Downtown District Produce Market Commercial Zone.*** This new zone respects a unique, defining component of Downtown Oakland’s built diversity, the historic Produce Market. Development standards and allowable uses in this new zone have been designed to preserve the historic vitality of Produce Market resources and prevent encroachment of inconsistent uses.

**Attachment B**  
**Draft Planning Code and**  
**Zoning Map Amendments**

## **Attachment B: D-DT Zones Text Amendments**

The following is a corrected version of the 7/13/22 Zoning Update Committee draft of the D-DT Downtown District Zones. Non-substantive changes made throughout the Planning Code that are associated with the D-DT Downtown District Zones are not included in this version but will be included in the package presented to the Planning Commission.

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Section A: Planning Code Amendments

CHAPTER 17.101K – D-DT DOWNTOWN DISTRICT ZONES REGULATIONS

**Sections:**

Article I – Title, Intent and Applicability of the D-DT Zones

Article II – Special Permit Requirements

Article III – Use Requirements

Article IV – Development and Design Standards

Article V – D-DT Combining Zones

**Article I – Title, Intent and Applicability of the D-DT Zones**

Section 17.101K.010 – Title, intent, and applicability.

**Section 17.101K.010 – Title, intent, and applicability.**

- A. Title, intent, and applicability. The provisions of this Chapter shall be known as the D-DT Downtown District Zones Regulations. These regulations shall apply to the corresponding zones on the Zoning Map. The intent of the D-DT Zones is to implement the Downtown Oakland Specific Plan (DOSP). These zones are consistent with the following goals of the DOSP:
  - 1. Create opportunities for economic growth and security for all Oaklanders;

2. Ensure sufficient housing is built and retained to meet the varied needs of current and future residents;
3. Make downtown's streets comfortable, safe, and inviting and improve connections throughout the city so that everyone has efficient and reliable access to downtown's jobs and services;
4. Encourage diverse voices and forms of expression to flourish;
5. Provide vibrant public spaces and a healthy environment that improve the quality of life downtown today and for generations to come; and
6. Develop downtown in a way that meets community needs and preserves Oakland's unique character.

B. **Intent of primary zones.** This Chapter establishes land use regulations for the following ten (10) primary zones as established on the Zoning Map:

**1. D-DT-P Downtown District Pedestrian Commercial Zone.** The intent of the D-DT-P Zone is to create, maintain, and enhance the downtown core for pedestrian-oriented and active uses on the ground floor. Upper stories are intended for a wide range of commercial and residential activities.

**2. D-DT-C Downtown District General Commercial Zone.** The intent of the D-DT-C Zone is to create, maintain, and enhance areas of Downtown appropriate for a wide range of ground-floor commercial activities. Upper-story spaces are intended for a wide range of commercial and residential activities.

**3. D-DT-CX Downtown District Mixed Commercial Zone.** The intent of the D-DT-CX Zone is to designate areas of downtown appropriate for a wide range of residential, commercial, and compatible service and production activities.

**4. D-DT-R Downtown District Residential Zone.** The intent of the D-DT-R Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential development with small-scaled compatible ground-level commercial uses.

**5. D-DT-RX Downtown District Mixed Residential Zone.** The intent of the D-DT-RX Zone is to create, maintain, and enhance areas of downtown that are appropriate for residential and mixed-use buildings.

**6. D-DT-CPW Downtown District Planned Waterfront Development Commercial Zone.** The intent of the D-DT-CPW Zone is to encourage and facilitate comprehensively planned public space, streets and residential and commercial developments that contribute to the Estuary and Lake Merritt Channel waterfronts and help connect Brooklyn Basin to Downtown.

**7. D-DT-CW Downtown District Estuary Waterfront Commercial Zone.** The D-DT-CW Zone is intended to create, maintain, and enhance areas of the Estuary Waterfront District to have a mix of marine, office, and other commercial uses.

**8. D-DT-AG Downtown District Art and Garage Commercial Zone.** The intent of the D-DT-AG Zone is to create, preserve, and enhance commercial areas in downtown's Art and Garage District that are appropriate for specific service and production activities and provide adaptable space for artisans and craftspeople.



**9. D-DT-PM Downtown District Produce Market Commercial Zone.** The intent of the D-DT-PM Zone is to create, preserve, and enhance mixed industrial/commercial areas in Jack London’s historic Produce Market District that are appropriate for a wide range of retail, work/live, and commercial and wholesale establishments.

**10. D-DT-JLI Downtown District Jack London Industrial Zone.** The intent of the D-DT-JLI Zone is to create, maintain, and enhance mixed industrial/commercial areas along the western edge of the Jack London District that will act as a transition between the more intensive West Oakland industrial area south of I-880 and the Jack London commercial area extending to the east. This transitional industrial area requires enhanced design and site plan review to ensure that future development does not adversely impact adjoining zones.

C. **Intent of Combining Zones.** This Chapter establishes land use regulations for the following combining zones as established on the Zoning Map. All land located a combining zone is subject to regulations of the primary zone unless specifically modified by provisions of regulations in this Chapter.

**1. Employment Priority Combining Zone.** The intent of the Employment Priority Combining Zone is to require office and other employment creating activities in certain areas of the Downtown District.

**2. BAMBD Combining Zone.** The intent of BAMBD Arts and Culture Combining Zone is to celebrate and support Oakland’s Black and African-American community, culture and heritage. In doing this, the zone fosters a sense of belonging for all Oaklanders; highlights Oakland’s rich history and diverse cultures, celebrates and strengthens an ethnic enclave; supports a community harmed by racial inequities; and increases access to cultural expression. In particular, the intent of the Zone is to:

- A. Support a critical mass of arts and entertainment establishments, which are essential to nurture and retain all residents including the creative workforce essential to recruiting and retaining employers in the modern economy;
- B. Animate the public space, rejuvenate the streetscape, improve local business viability, improve public safety, and bring diverse people together to inspire and be inspired by the legacies and contemporary manifestations of Black owned businesses and arts rooted in the Black cultural experience;
- C. Support a healthy and flourishing arts community, driving civic engagement, community involvement and public health;
- D. Serve and strengthen ethnic and racial communities harmed by racial disparities; and
- E. Accomplish the General Plan’s historic preservation goal to preserve, protect, enhance, perpetuate, and prevent the unnecessary destruction or impairment of properties or physical features of special character or special historic, cultural, educational, architectural or aesthetic interest or value.

**3. The Green Loop Combining Zone.** The intent of the Green Loop Combining Zone is to:

- a. Provide safe, landscaped, inviting connections between commercial, cultural, recreational, natural, entertainment areas of the downtown and its adjacent neighborhoods; and
- b. Create an enhanced pedestrian experience with distinctive storefront and landscaping enhancements.

4. **Sea Level Rise Combining Zone.** The Sea Level Rise Overlay Zone is intended to ensure finished floor heights of new construction and infrastructure account for scientifically accepted future rises in sea level to ensure the health and safety of future occupants and the long-term viability of new construction.

## **Article II – Special Permit Requirements**

17.101K.020 – Conditional Use Permit for large-scale developments.

17.101K.030 – Required Design Review process.

17.101K.040 – Planned Unit Development Permit in the D-DT-CPW Commercial Zone.

### **17.101K.020 – Conditional Use Permit for large-scale developments.**

No development that involves more than two hundred thousand (200,000) square feet of new floor area, or a new building or portion thereof of more than two hundred seventy-five (275) feet in height, shall be permitted except upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). This requirement shall not apply to developments that have been approved according to the Planned Unit Development procedure (see Chapter 17.140 for the PUD procedure).

### **17.101K.030 – Required Design Review process.**

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

### **17.101K.040 – Planned Unit Development Permit in the D-DT-CPW Commercial Zone.**

No development in the D-DT-CPW Zone that involves construction at or above one hundred (100) feet in height shall be permitted except upon the granting of a Planned Unit Development Permit (see Chapter 17.140 for the Planned Unit Development (PUD) Procedure and Chapter 17.142 for PUD Requirements). In addition to the general PUD criteria contained in Section 17.140.080, these proposals must also meet the following criterion:

- A. The proposal is consistent with planned street and other infrastructure improvements in the Downtown Oakland Specific Plan, particularly those that create an enhanced connection to the rest of the Jack London District to the west and adapt to and protect the public from sea level rise.

## **Article III – Use Requirements**

17.101K.050 – Permitted and conditionally permitted activities.

17.101K.060 – Permitted and conditionally permitted facilities.

17.101K.070 – Special Regulations for D-DT Work/Live Nonresidential Facilities.

**17.101K.050 – Permitted and conditionally permitted activities.**

A. The following activity classifications are added for the purposes of this Chapter only. The descriptions of the other activity classifications listed in Table 17.101K.01 are contained in Chapter 17.10.

1. Artisan Production Commercial Activities.

Artisan Production Commercial Activities include the creation, exhibition, and on-site sale of art and artisan products. This includes street-oriented displays of artistic products and publicly accessible studio and sales spaces. These activities do not include manufacture, fabrication or production processes that produce noise, vibration, air pollution, fire hazard, or noxious emissions that could disturb or endanger neighboring properties. This classification also does not include the production of alcoholic beverages classified in Section 17.10.550 Custom Manufacturing Industrial Activities. Artisan Production Activities include, but are not limited to:

- a. Painting, drawing, photography, and sculpture with the on-site sale of the art;
- b. Small-scale jewelry, metalworking and woodworking production and on-site sales;
- c. Picture framing, and digital printing and on-site sales;
- d. Fashion design with custom sewing, textiles, and clothes fabrication and on-site sales;
- e. Custom furniture making with hand tools and on-site sales; and
- f. Food production and on-site sales (excluding the production of highly pungent, odor-causing items, such as vinegar and yeast) in areas with five thousand (5,000) square feet or less of floor area.

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

2. Boat and Marine-Related Sales, Rental, Repair and Servicing Commercial Activities.

Boat and Marine-Related Sales, Rental, Repair and Servicing Commercial Activities include the sale, rental, leasing and incidental cleaning, servicing, and repair of boats and other vehicles and facilities associated with water- and marine-based travel and movement. This classification also includes activities associated with docks and marinas where boats and ships are anchored, moored, rented, sold or serviced. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

B. Permitted, conditionally permitted, and prohibited activities

Table 17.101K.01 lists the permitted, conditionally permitted, and prohibited activities in the D-DT Zones. The descriptions of these activities are contained in Chapter 17.10 and in Subsection A, above.

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

"L" designates activities subject to certain limitations or notes listed at the bottom of the Table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.010.040.

**Table 17.101K.01: Permitted, Conditionally Permitted, and Prohibited Activities**

Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
<b>Residential Activities</b>												
Permanent	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	--(L1)(L4)	--(L1)(L4)	--(L4)	P(L27)	
Residential Care	P(L1)(L3)	P(L1)(L3)	P(L3)	P(L3)	P(L3)	P(L2)(L3)	--(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	--(L4)	P(L27)	17.103.010
Supportive Housing	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	C(L1)(L4)	C(L1)(L4)	--(L4)	P(L27)	
Transitional Housing	P(L1)	P(L1)	P	P	P	P(L2)	--(L4)	C(L1)(L4)	C(L1)(L4)	--(L4)	P(L27)	
Emergency Shelter	C(L3)	C(L3)	C(L3)	C(L3)	C(L3)	C(L2)(L3)	--(L4)	C(L1)(L3)(L4)	C(L1)(L3)(L4)	--(L4)	C(L3)	17.103.010
Semi-Transient	C(L1)	C(L1)	C	C	C	C(L2)	--(L4)	C(L1)(L4)	C(L1)(L4)	--(L4)	P(L27)	
Bed and Breakfast	P	P	P	P	P	--	--(L4)	C(L1)(L4)	C(L1)(L4)	--(L4)	--	17.103.125
<b>Civic Activities</b>												
Essential Service	P	P	P	P	P	P(L2)	P	P	P	P	P	
Limited Child-Care Activities	P	P	P	P	P	P(L2)	P	--	--	--	P	
Community Assembly	C(L7)	C	C	C	C	C(L2)	C	--	--	C	C	
Recreational Assembly	P	P	P	P	P	P(L2)	P	--	C	C	P	
Community Education	P(L16)	P(L18)	P	P(L4)(L5)	P	P(L2)	--	--	--	--	--	
Nonassembly Cultural	P	P	P	P(L5)(L8)	P	P(L2)	P	P(L5)	C	P(L4)	P	
Administrative	P(L16)	P	P	P(L5)(L8)	P	P(L2)	C	P(L22)	P(L17)	P	C	
Health Care	P(L5)(L6)	P(L5)	P(L5)	P(L5)(L8)	P(L5)	P(L2)	--	P(L22)	--	C	--	
Special Health Care	C(L6)(L9)	C(L9)	C(L9)	--	C(L9)	C(L2)(L9)	--	--	--	C(L9)	--	17.103.020
Utility and Vehicular	C	C	C	C	C	C(L2)	C	C	C	C	C	
Extensive Impact	C	C	C	C	C	C(L2)	C	C	C	C	C	
<b>Commercial Activities</b>												
General Food Sales	P	P	P	P(L5)(L8)	P	P(L2)	P	P(L19)	P	P(L5)	P	

D-DT Zones Text Amendments – **DRAFT**

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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Full-Service Restaurants	P	P	P	P(L5)(L8)	P	P(L2)	P	P(L19)	P	C(L5)(L8)	P	
Limited Service Restaurant and Café	P	P	P	P(L5)(L8)	P	P(L2)	P	P(L19)	P	P(L5)	P	
Fast-Food Restaurant	C	C	C	--	C	C(L2)	C	--	--	C	C	17.103.030 and 8.09
Convenience Market	C	C	C	C(L8)	C	C(L2)	C	C	C	C	C	17.103.030
Alcoholic Beverage Sales	C	C	C	C(L8)	C	C(L2)	C	C	C	C	C	17.103.030 and 17.114.030
Mechanical or Electronic Games	P	P	P	--	P	P(L2)	P	--	P	--	P	
Medical Service	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P	--	--	C	P	
General Retail Sales	P	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P	P	
Large-Scale Combined Retail and Grocery Sales	--	--	--	--	--	--	--	--	--	--	--	
Consumer Service	P(L5)(L10)	P(L10)	P(L10)	P(L5)(L8)(L10)	P(L10)	P(L2)(L10)	P(L10)	P(L10)	P(L10)	P(L10)	P(L10)	
Consultative and Financial Service	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P	P(L5)	P(L17)	_	P	
Check Cashier and Check Cashing	C(L11)	C(L11)	C(L11)	--	--	C(L2)(L11)	--	--	--	--	--	17.103.040
Consumer Cleaning and Repair Service	P(L5)	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P	P	
Consumer Dry Cleaning Plant	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L2)(L20)	P(L20)	P(L20)	P(L20)	P(L20)	P(L20)	
Artisan Production	P(L28)	P(L28)	P(L28)	P(L5)(L8)(L28)	P(L28)	P(L28)	P(L28)	P(L28)	P(L28)	P(L28)	P(L28)	
Group Assembly	P(L5)(L12)	P(L12)	P(L12)	P(L8)(L12)	P(L12)	P(L2)(L12)	P(L5)(L12)	C(L12)	C(L12)	C(L12)	P(L5)	
Personal Instruction and Improvement Services	P	P	P	P(L8)	P	P(L2)	P	C	C	C	P	

D-DT Zones Text Amendments – **DRAFT**

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Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Administrative	P(L6)	P	P	P(L5)	P	P(L2)	C(L21)	P(L5)(L22)	P(L5)(L22)	--(L23)	P	
Business, Communication, and Media Services	P	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P	P	
Broadcasting and Recording Services Commercial Activities	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P	P	P(L22)	P	P	
Research Service	P(L16)	P	P	P(L5)(L8)	P	P(L2)	P	P	P	P	P	
General Wholesale Sales	--	--	C	--	--	C(L2)	--	--	P	P	C	
Transient Habitation	C	C	C	C	C	C(L2)	C	--	--	--	--	17.103.050
Building Materials Sales	--	--	--	--	--	--	--	--	--	--	--	
Boat and Marine-Related Sales, Rental, Repair and Servicing	--	--	C(L13)	--	--	C(L2)	P	--	--	P(L13)	--	
Automobile and Other Light Vehicle Sales and Rental	--	--	C(L13)	--	--	--	--	C	--	C(L13)	--	
Automobile and Other Light Vehicle Gas Station and Servicing	--	C(L13)	C(L13)	--	--	--	--	C(L13)	--	P(L13)	--	
Automobile and other light Vehicle Repair and Cleaning	--	--	--	--	--	--	--	P	--	P(L13)	--	
Taxi and Light Fleet-Based Services	--	C(L13)	C(L13)	--	--	C(L2)(L13)	--	C(L13)	--	C	--	
Automotive Fee Parking	C(L14)	C(L14)	C(L14)	C(L14)	C(L14)	C(L2)	--	--	--	C	--	
Animal Boarding	--	--	--	--	--	P(L2)(L24)	--	--	--	C	--	
Animal Care	C(L7)	P	P	C	P	P(L2)	P	--	P(L22)	P	P	



Activities	Primary Zones										Combining Zone	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
Production, Storage, and Waste Management												
<b>Agriculture and Extractive Activities</b>												
Limited Agriculture	--	P(L15)	P(L15)	P(L15)	P(L15)	P(L2)(L15)	--	--	--	P(L15)	--	
Extensive Agriculture	--	--	--	--	--	--	--	--	--	--	--	
Plant Nursery	--	--	--	--	--	C	--	--	--	P	--	
Mining and Quarrying	--	--	--	--	--	--	--	--	--	--	--	
Accessory off-street parking serving prohibited activities	C	C	C	C	C	C	C	C	C	C	--	17.116.075
Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone	C	C	C	C	C	C	C	C	C	C	C	17.102.110

**Limitations on Table 17.101K.01:**

\* The Employment Priority Combining Zone activity regulations supersede the regulations of the base zone.

**L1.** See Table 17.101K.02 for limitations on the construction of new ground-floor Residential Facilities and new Residential Facilities in the Employment Priority Zone.

**L2.** See Table 17.101K.02 for requirements and limitations regarding the construction of Residential Facilities, principal buildings, D-DT-Work/Live Nonresidential Facilities, additions, and accessory structures in the D-DT-CPW Zone.

**L3.** Residential Care is permitted if located in a One-Family Dwelling Residential Facility; conditionally permitted if located elsewhere (see Chapter 17.134 for the CUP procedure). No Residential Care or Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any other such Activity or Facility. See Section 17.103.010 for other regulations regarding Residential Care and Emergency Shelter Residential Activities.



**L4.** These activities are only permitted in existing Residential Facilities. For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior the effective date of this Chapter.

**L5.** With the exception of parcels facing Broadway, San Pablo Avenue, Telegraph Avenue, and 14th Street, the total floor area devoted to these activities on the ground floor by any single establishment may only exceed seven thousand five hundred (7,500) square feet upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure).

**L6.** With the exception of retail bank branches and coworking spaces with one hundred (100) percent transparent windows, if located both on the ground floor of a building and within thirty (30) feet of the principal street facing façade (see Section 17.101K.080 for how to identify the principal street), these activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this Conditional Use Permit requirement. In addition to the general CUP criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:

- a. The proposal will not impair a generally continuous wall of building facades; and
- b. The proposal will not weaken the concentration and continuity of ground-floor commercial and will not impair the retention or creation of an important shopping frontage.

**L7.** These activities are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure). In addition to the criteria contained in Section 17.134.050, when these activities are located within thirty (30) feet of the front of the ground floor of the principal building (with the exception of incidental pedestrian entrances that lead to one (1) of these activities elsewhere in the building), the proposed activities must also meet the criteria contained in Note L6., above.

**L8.** These activities shall only be located on or below the ground floor of a building with the following two (2) exceptions:

- a. An activity is permitted anywhere above the ground floor if the floor area devoted to the activity is three thousand (3,000) square feet or less; and
- b. An activity located on the ground floor may extend to the second floor of a building if both: 1) the activity on the second floor is the same as, or accessory to, the ground floor activity and part of the same business or establishment; and 2) there is a direct internal connection between the ground floor and the second story activities.

**L9.** No new or expanded Special Health Care Civic Activity shall be located closer than two thousand five hundred (2,500) feet from any other such activity, or five hundred (500) feet from any K-12 school or Licensed Emergency Shelters. See Section 17.103.020 for further regulations regarding Special Health Care Civic Activities.

**L10.** See Section 17.102.170 for special regulations relating to massage services. Also, no new or expanded laundromat shall be located closer than five hundred (500) feet from any existing laundromat. See Section 17.102.450 for further regulations regarding laundromats.

**L11.** No new or expanded Check Cashier and Check Cashing Commercial Activity shall be located closer than one thousand (1,000) feet from any other such activity or five hundred (500) feet from any Community Education, Community Assembly, or Recreational Assembly Civic Activity; State or Federally chartered bank, savings association, credit union, or industrial loan company; or certain Alcoholic Beverage Sales Commercial Activities. See Section 17.103.040 for further regulations regarding Check Cashier and Check Cashing Commercial Activities.

**L12.** No new or expanded Adult Entertainment Activity shall be located closer than one thousand (1,000) feet to the boundary of any Residential Zone or three hundred (300) feet from any other Adult Entertainment Activity. See Section 17.102.160 for further regulations regarding Adult Entertainment Activities.

**L13.** These activities, including accessory activities, are only allowed to be performed indoors. This requirement includes but is not limited to: vehicles stored before and after servicing, general storage, vehicle and other repair, and automotive cleaning. This requirement excludes parking for customers currently at the business and automotive fueling.

**L14.** Automotive fee parking is permitted upon the granting of Conditional Use Permit (see Chapter 17.134 for the CUP procedure) if it is in either a parking structure or in a below-grade parking lot. Automotive fee parking is otherwise prohibited.

**L15.** Limited Agriculture is permitted if the activity occupies less than five thousand (5,000) square feet of land area and any sales area is less than one thousand (1,000) square feet; conditionally permitted if the activity is larger in either land or sales area (see Chapter 17.134 for the CUP procedure). In the D-DT-JLI Zone, applicant must receive approval from Alameda County that the soil is suitable for limited agriculture.

**L16.** On the ground floor, no more than twenty-five (25) percent of the length of the block on the subject side of the street shall be devoted to these activities, and these activities shall not be in a tenant space that is adjacent to two streets. Incidental pedestrian entrances that lead to one of these activities elsewhere in the building is not included in this calculation. For this requirement, the length of a block is measured from street corner to street corner. Also, all ground floor window space on the ground floor facade shall be clear, non-reflective, and allow views into the indoor space.

**L17.** These activities are not permitted if both located on the ground floor of a building and within fifty (50) feet of a front property line; incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this restriction.

**L18.** The activities are limited to daycare and elementary schools occupying less than ten thousand (10,000) square feet of floor area or daycare and elementary schools occupying more than ten thousand (10,000) square feet of floor area that include an approved circulation plan, including passenger loading areas and student pickup and drop-off sites.

**L19.** These activities are only permitted if they occupy less than fifty percent (50%) of the total ground floor of a building.

**L20.** These activities are only permitted as accessory to Consumer Cleaning and Repair Service facilities.

**L21.** These activities shall only be located on the ground floor of a principal building if they provide services to the public.

**L22.** These activities are not permitted on the ground floor of a building.

**L23.** Administrative activities accessory to an Industrial Activity are limited to twenty percent (20%) of floor area in the D-DT-JLI Zone.

**L24.** These activities are only permitted as accessory activities to an Animal Care Commercial Activity.

**L25.** These activities shall only be permitted if they have ground floor space dedicated to General Retail Sales Commercial Activity within the front thirty (30) feet of the principal building.

**L26.** These activities are only permitted in existing buildings. For the purposes of this limitation, a facility is considered existing if it received its certificate of occupancy or passed its final building inspection on its building permit prior to the effective date of this Chapter.

**L27.** Residential activities are only permitted in the Employment Priority Combining Zone if the project meets the nonresidential floor area requirements contained in Table 17.101K.02, note L6.

**L28.** During operating hours, ground floor Artisan Production Commercial Activities shall be open to the public to purchase and view items produced on site. On other floors, these activities shall either be open to the public during operating hours or available by appointment to view and purchase items produced on site.

**17.101K.060 – Permitted and conditionally permitted facilities.**

A. The following facility classifications are added for the purposes of this Chapter only. The descriptions of the other facility classifications listed in Table 17.101K.01 are contained in Chapter 17.10.

1. D-DT Work/Live Nonresidential Facilities.

D-DT Work/Live Nonresidential Facilities include permanently fixed buildings, or those portions thereof, that accommodate or are intended to accommodate D-DT Work/Live Units as defined in Section 17.101K.070. This classification also includes certain facilities accessory to the above, as specified in Section 17.10.070.

B. Table 17.101K.02 lists the permitted, conditionally permitted, and prohibited facilities in the D-DT Zones. The descriptions of these facilities are contained in Chapter 17.10 and in Subsection A, above.

“P” designates permitted facilities in the corresponding zone.

“C” designates facilities that are permitted only upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in the corresponding zone.

“L” designates facilities subject to certain limitations listed at the bottom of the Table.

“—” designates facilities that are prohibited.

**Table 17.101K.02: Permitted, Conditionally Permitted, and Prohibited Facilities**

Activities	Primary Zones										Combining Zone*	Additional Regulations
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority	
<b>Residential Facilities</b>												



Activities	Primary Zones										Combining Zone*	Additional Regulations	
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority		
Realty Signs	P	P	P	P	P	P	P	P	P	P	P	P	17.104
Civic Signs	P	P	P	P	P	P	P	P	P	P	P	P	17.104
Business Signs	P	P	P	P	P	P	P	P	P	P	P	P	17.104
Advertising Signs	--	--	--	--	--	--	--	--	--	--	--	--	17.104

**Limitations on Table 17.101K.02:**

\* If a D-DT Primary Zone also has the Employment Priority Combining Zone, the Employment Priority regulations supersede the Primary Zone.

**L1.** See Chapter 17.114, Nonconforming Uses, for additions and alterations to legal nonconforming Residential Facilities; provided, however, that Accessory Dwelling Units are permitted when there is an existing applicable Residential Facility on a lot, subject to the provisions of Section 17.103.080 and Chapter 17.88.

**L2.** See Section 17.103.080 for regulations regarding permitted Accessory Dwelling Units.

**L3.** Except as indicated in a., below, construction of new ground-floor Residential Facilities and D-DT Work/Live Nonresidential Facilities is not permitted within thirty (30) feet of the principal street facade:

- a. Buildings not located within thirty (30) feet of the principal street facade and incidental pedestrian entrances that lead to one of these activities elsewhere in a building are exempted from this requirement. See Section 17.101K.080 for how to identify the principal street.

**L4.** These facilities may only be established if sixty (60) percent or more of the maximum FAR is developed with Enclosed Nonresidential Facilities.

**L5.** No Conditional Use Permit (CUP) is required to accommodate Civic Activities, Limited Agriculture, seasonal sales, or special events.

**L6.** See Section 17.101K.070 for special regulations for D-DT Work/Live Units.

**L7.** These facilities are only permitted on the ground floor.

**L8.** These facilities are only permitted above the ground floor of existing buildings or in upper story additions to existing buildings.

**L9.** No Residential Facility, principal building, D-DT-Work/Live Nonresidential Facility, addition, or accessory structure shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height. This minimum height is measured to the floor of the top story.

**17.101K.070 – Special Regulations for D-DT Work/Live Nonresidential Facilities.**

A. Definition of a D-DT Work/Live Unit. D-DT Work/Live Units are units contained within D-DT Work/Live Nonresidential Facilities that are designed to contain working space with accessory living space, are used for living and working, and meet the requirements of this Section.

- B. A D-DT Work/Live Nonresidential Facility must meet all applicable regulations contained in this Section. Section 17.102.190 relating to the conversion of buildings originally designed for Commercial or Industrial Activities into Joint Living and Working Quarters (JLWQs) does not apply to the D-DT Zones.
- C. D-DT Work/Live Units are nonresidential facilities and counted towards the nonresidential floor area ratio, not the residential density.
- D. All D-DT Work/Live Units shall be designed under the Building Code to have customers and employees. In the D-DT-AG and D-DT-PM Zones, D-DT Work/Live Units shall be designed under the Building Code to allow manufacturing activities.
- E. At least two-thirds of each unit shall be designated for working activities. Working and living activities shall be designated according to the following requirements:
1. In unpartitioned kitchens or work areas that include kitchen fixtures and appliances, the following areas are considered living space: the counters, cabinets, eating space, sink and appliances in the area that will function as a kitchen and the floor area that is four (4) feet in front these items.
  2. If there is only one bathroom, half the bathroom shall be counted as living space and half shall be counted as work space. Otherwise, bathrooms are counted as living space if their access is through living space. For instance, a bathroom in a loft is considered living space if the loft is a sleeping area. If the bathroom is accessed directly from the workspace, the bathroom shall be counted as workspace. If accessed directly from both, half the bathroom is considered living space and the other half commercial.
  3. Interior hallways and closets shall be counted as part of the space to which they are adjacent.
  4. Living and working spaces shall be within the same Work/Live Unit and be directly connected.
  5. To accommodate flexible work activities, working areas shall be open and with as few interior walls as possible. "Offices" enclosed by four walls are considered living space because they are indistinguishable from bedrooms and cannot be used flexibly for different working activities.
  6. All ground-floor units adjacent to the front façade shall have a street entrance directly into the working area. For these units, the working area shall be adjacent to the street right-of-way.
- F. Regular Design Review required. Establishment of a D-DT Work/Live Unit shall only be permitted upon determination that the proposal conforms to the Regular Design Review criteria set forth in the Design Review Procedure in Chapter 17.136 and to each of the following additional criteria:
1. Units on the ground-floor level of a building have a business presence on the street, including signage. For units in Commercial Zones, this includes a storefront-style façade as described in 17.101K.130(d). For units in Industrial Zones, this includes extra wide entrances and, if feasible, roll-up doors. For units in Residential Zones, this includes a business door that is oriented towards the street.
  2. The layout of nonresidential floor areas within a Work/Live Unit provides a functional open area for working activities.
  3. The floor and site plan for the project includes an adequate provision for the delivery of items required for a variety of businesses, including artist's work. This may include, but is not necessarily limited to, the following:
    - a. Service elevators designed to carry and move oversized items;
    - b. Extra large slop sinks;
    - c. Doors, corridors, and stairwells wide and/or straight enough to deliver large items; and
    - d. Loading areas located near stairs and/or elevators;

- G. Activity, auto parking, bicycle parking, loading, open space, and unit size standards. Table 17.101K.03 below prescribes special regulations for D-DT Work/Live Units in applicable D-DT zones.

**Table 17.101K.03 Special Regulations for D-DT Work/Live Units**

<b>Standard</b>	<b>Requirement</b>	<b>Notes</b>
<b>Activities allowed in a Work/Live Unit</b>	Same permitted and conditionally permitted activities as described in Section 17.101K.050 for the applicable primary zone. For Residential Zones, activities permitted as Home Occupations are also permitted. Chapter 17.112 contains the Home Occupation regulations.	
<b>Minimum size of a Work/Live Unit</b>	800 square feet	
<b>Required auto parking</b>	No auto parking spaces required	
<b>Required bicycle parking</b>	One long-term space for each unit; minimum requirement is four long-term spaces. Five short-term spaces for each 20 units; minimum requirement is four short-term spaces.	1
<b>Required usable open space</b>	For new D-DT Work/Live Units that are completely or partially outside the envelop of an existing building, the usable open space requirements for regular dwelling units are applied (see Section 17.101K.150 for these open space requirements). No additional usable open space is required for D-DT Work/Live Units that are completely within the envelop of an existing building. For these conversions, maintaining existing usable open space to at least the minimum standards for regular dwelling units is required.	
<b>Required loading</b>		1,2
Less than 25,000 sf.	No berth	
25,000—99,999 sf.	One berth	
100,000—199,999 sf.	Two berths	
200,000 sf. or more	Three berths	

**Notes:**

1. See Chapter 17.117 for bicycle parking standards.
2. Loading requirements apply to new construction and additions only. For conversion of existing buildings, maintaining existing loading to at least these minimum number of berths is required. Also, see Chapter 17.116 for loading standards.

**Article IV – Development and Design Standards**

17.101K.080 – Determination of Principal and Secondary Streets.

17.101K.090 – Lot, Setback, and Ground Floor Requirements

17.101K.100 – Base Height and Intensity Standards

17.101K.120 – Zoning Incentive Program

17.101K.130 – General Design Standards

17.101K.140 – Development Standards for New Construction on Lots Adjacent to the Lake Merritt Channel

17.101K.150 – Usable Open Space Standards

17.101K.080 – Determination of Principal and Secondary Streets.

- A. This section describes how to determine the principal street abutting a lot.
- B. For lots with one abutting street, the abutting street is the principal street.
- C. On lots with more than one frontage, streets intended to have a high volume of pedestrian traffic and/or ground-floor commercial activity shall be principal streets for the purpose of this Chapter. In order of priority, the following shall be principal streets when they abut a development site:
  - 1. Broadway, Telegraph Avenue, and San Pablo Avenue;
  - 2. Streets in the D-DT-P Zone;
  - 3. Thomas Berkley Way and 20<sup>th</sup> Street;
  - 4. Streets in the Arts and Cultural Combining Zone;
  - 5. Streets in the Green Loop Combining Zone;
  - 6. Streets in the D-DT-C Zone; and
  - 7. All other streets.
- D. For lots with two frontages, one (1) abutting street shall be the principal street and the other the secondary street. In this case, the street with the highest priority as described in Subsection (C) shall be the principal street. When the two streets have the same priority, then the Planning Director or their designee shall determine the principal street based on the development pattern, street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and traffic control of intersections.
- E. For lots with more than two (2) abutting streets, only one (1) street shall be determined to be a secondary street and the remaining shall be principal streets unless a determination is made by the Planning Director or their designee that an additional secondary street(s) is required to accommodate loading, parking, circulation, and utility placement. The principal street(s) shall be chosen as prioritized in Subsection (C). When streets have the same priority, then the Planning Director or his or her designee shall determine the principal street(s) based on the development pattern, street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and traffic control of intersections.

17.101K.090 – Lot, Setback, and Ground Floor Requirements

Table 17.101K.04 below prescribes development standards specific to individual zones. The number designations in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the standard is not applicable to the specified zone.

**Table 17.101K.04 Development Standards for Downtown District Zones**

	Primary Zones										Combining Zone	Notes
	D-DT-P	D-DT-C	D-DT-CX	D-DT-R	D-DT-RX	D-DT-CPW	D-DT-CW	D-DT-AG	D-DT-PM	D-DT-JLI	Employment Priority*	
<b>Minimum Parcel Requirements</b>												



	Primary Zones										Combining Zone	Notes
Lot Width Mean	50 ft.	50 ft.	50 ft.	25 ft.	25 ft.	50 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft.	1
Frontage	50 ft.	50 ft.	50 ft.	25 ft.	25 ft.	50 ft.	50 ft.	25 ft.	50 ft.	50 ft.	100 ft.	1
Lot Area	7,500 sf.	20,000 sf.	7,500 sf.	3,000 sf.	3,000 sf.	20,000 sf.	7,500 sf.	3,000 sf.	7,500 ft.	7,500 sf.	30,000 sf	1
<b>Minimum and Maximum Setbacks</b>												
Minimum front setback	0 ft.	0 ft.	0 ft.	5 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	2
Maximum front and street side setback for the first story	5 ft.	5 ft.	5/10 ft.	N/A	5/10 ft.	5/10 ft.	5 ft.	5 ft.	5 ft.	N/A	10 ft	3
Minimum interior side setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Minimum street side setback	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	
Rear setback	0 ft.	0 ft.	0 ft.	10 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0/10 ft.	0 ft.	4
<b>Ground Floor Requirements</b>												
Minimum façade transparency for ground floor Nonresidential Facilities	65%	65%	55%	55%	55%	65%	65%	55%	55%	N/A	65%	5
Minimum height of ground floor Nonresidential Facilities	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	N/A	N/A	6
Minimum separation between the grade and ground floor living space	N/A	N/A	2.5 ft.	2.5 ft.	2.5 ft.	2.5 ft.	N/A	N/A	N/A	N/A	N/A	7

Additional Regulations for Table 17.101K.04:

\* If a D-DT Primary Zone also has the Employment Priority Combining Zone, the Employment Priority regulations supersede the Primary Zone.

1. See Sections 17.106.010 and 17.106.020 for exceptions to lot area, width and street frontage regulations.

2. No building shall be constructed within sixty (60) feet of the top of the bank of the Lake Merritt Channel. See Section 17.101K for other requirements for development adjacent to the Channel.
3. The following notes apply to the maximum yard requirements:
  - a. In the D-DT-RX, D-DT-CX, and D-DT-CPW Zones, the maximum front and street side setback for the first story is five (5) feet for Commercial Facilities and ten (10) feet for Residential Facilities.
  - b. The requirements only apply to the construction of new principal buildings and to no more than two property lines. One of these property lines shall abut the principal street (see Section 17.101K.080 for how to identify the principal street).
  - c. The requirements do not apply to new construction of facilities containing Civic Activities, Agricultural Activities, or Automobile and Other Light Vehicle Gas Station and Servicing Commercial Activities as principal activities.
  - d. These maximum yards apply to seventy-five percent (75%) of the principal street facade and fifty percent (50%) on secondary streets, if any (see Section 17.101K.080 for how to identify the principal and secondary streets). All percentages, however, may be reduced to fifty percent (50%) upon the granting of Regular Design Review (see Chapter 17.136 for the Design Review procedure). In addition to the criteria contained in Section 17.136.050, the proposal must also meet the following criterion:
    - i. Any additional yard area abutting the principal street is designed to accommodate publicly accessible plazas, sidewalk cafes, or restaurants, or to transition to the front setback of a neighboring Designated Historic Property or Potentially Designated Historic Property (see Section 17.101K.080 for how to identify the principal street).
4. The rear setback in the D-DT-JLI zone is zero (0) feet for properties that do not abut parcels with Residential Facilities and ten (10) feet for properties that abut parcels with Residential Facilities.
5. This percentage of transparency is only required for principal buildings that include ground floor Nonresidential Facilities, and only applies to the principal street facade. On all secondary street facades, the requirement is one-half ( $\frac{1}{2}$ ) the standard for the principal street facade (see Section 17.101K.080 for how to identify the principal and secondary streets). The area of required transparency is between two (2) feet and nine (9) feet in height of the ground floor and must be comprised of clear, non-reflective windows that allow views out of indoor commercial space or lobbies. Glass block does not qualify as a transparent window. Exceptions to this regulation may be allowed by the Planning Director, or his or her designee, for unique facilities such as convention centers, gymnasiums, parks, gas stations, theaters and other similar facilities.
6. This height is required for new principal buildings that include ground floor Nonresidential Facilities and is measured from the sidewalk grade to the second story floor.
7. This regulation only applies to ground floor living space located within fifteen (15) feet of a street facing facade.

#### 17.101K.100 – Base Height and Intensity Standards

Downtown Specific Plan Base Height and Intensity Standards. Table 17.101K.05 below prescribes height and intensity standards in the D-DT Zones for projects not participating in the Zoning Incentive Program (ZIP), which

is described in Section 17.101K.110. The numbers in the right-hand column refer to the additional regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified Height and Intensity Area.

The base height and intensity standards may be exceeded through the ZIP and/or through State Density Bonus Law (CA Gov’t Code Section 65915 et seq.). Refer to Section 17.101K.110 for the D-DT Zoning ZIP Height and Intensity Regulations, which specify the maximum amount of development if a project participates in the ZIP. Refer to Section 17.107.040 for the City’s Density Bonus regulations.

**Table 17.101K.05 Base Height and Intensity Regulations, Height and Intensity Areas 1-11**

Regulation	Base Height and Intensity Area (HIA)										Notes
	1	2	3	4	5	6	7	8	9	10	
<b>Maximum Density (Square Feet of Lot Area Required Per Unit)</b>											
Regular Dwelling units	1,000	900	450	300	1,000	250	260	250	225	110	1, 2
Rooming Units	500	450	225	150	500	125	130	130	110	55	1, 2
Efficiency Dwelling Units	500	450	225	150	500	125	130	130	110	55	1, 2
<b>Maximum Nonresidential Floor Area Ratio</b>	1.0	2.0	2.5	2.0	3.5	5.0	7.0	5.0	5.0	7.5	2
<b>Maximum Height</b>	45	45	45	45	55	65	65	65	90	90	3, 4
<b>Minimum Height</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4, 5, 6

**Table 17.101K.05 (continued), Height and Intensity Areas 13-25**

Regulation	Base Height and Intensity Area									Notes
	11	12	13	14	15	16	17	18		
<b>Maximum Density (Square Feet of Lot Area Required Per Unit)</b>										
Regular Dwelling units	N/A	250	110	110	100	90	90	90	90	1, 2
Rooming Units	NA	125	55	55	50	45	45	45	45	1, 2
Efficiency Dwelling Units	NA	125	55	55	50	45	45	45	45	1, 2
<b>Maximum Nonresidential Floor Area Ratio</b>	7.5	5.0	8.0	12.0	14.0	17.0	20.0	20.0	20.0	2
<b>Maximum Height</b>	90	135	175	175	275	275	450	No Limit	No Limit	3, 4
<b>Minimum Height</b>	N/A	100	45	45	65	65	110	110	110	4, 5, 6

Notes:

1. See Chapter 17.107 for affordable and senior housing density incentives.
2. For mixed use projects in the Downtown District (D-DT) Zones, the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.

3. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
4. In the D-DT-CPW Zone, no new additions, accessory structures, or principal buildings shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities. Also, see Section 17.101K.040, which requires the granting of a Planned Unit Development Permit for all new construction one hundred (100) feet or taller in the D-DT-CPW Zone.
5. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities.
6. The minimum height limit of properties within the Employment Priority Combining Zone is 175 feet.

17.101K.110 – Zoning Incentive Program (ZIP)

Zoning Incentives in Exchange for Community Benefits. Under the Zoning Incentive Program (ZIP), projects may exceed the base height and intensity standards in Section 17.101K.100 up to the standards described in Subsection A, provided they contribute the benefits described in Subsection B. Projects may only participate in the ZIP if they are in one of the ZIP areas designated in the Zoning Map.

- A. Maximum Height and Density under the ZIP. Table 17.101K.06 shows the maximum permitted height and intensity in each ZIP Height and Intensity Area for projects participating in the ZIP. These ZIP Height and Intensity Areas are designated on the Zoning Map. ZIP Height and Intensity Area maximums may only be exceeded if the applicant utilizes the State Density Bonus Law or the City’s Density Bonus regulations. If an applicant chooses to utilize both the ZIP and the State Density Bonus Law, the State Density Bonus is calculated from the density established through the ZIP.

**Table 17.101K.06: Maximum Height and Intensity in the ZIP Areas**

Regulation	Zoning Incentive Program (ZIP) Height and Intensity Areas (HIA)									Notes
	A (same as Base HIA 8)	B (same as Base HIA 10)	C	D (same as Base HIA 14)	E (same as Base HIA 15)	F (same as Base HIA 16)	G (same as Base HIA 17)	H	I	
<b>Maximum Density (Square Feet of Lot Area Required Per Unit)</b>										
Dwelling units	250	110	200	110	100	90	90	80	65	1,2
Rooming Units	125	55	100	55	50	45	45	40	30	1,2
Efficiency Dwelling Units	125	55	100	55	50	45	45	40	30	1,2
<b>Maximum Non-Residential FAR</b>	5.0	7.5	7.5	12.0	14.0	17.0	20.0	22.0	30.0	2

Regulation	Zoning Incentive Program (ZIP) Height and Intensity Areas (HIA)									Notes
	A (same as Base HIA 8)	B (same as Base HIA 10)	C	D (same as Base HIA 14)	E (same as Base HIA 15)	F (same as Base HIA 16)	G (same as Base HIA 17)	H	I	
<b>Maximum Height (ft)</b>	65	90	90	175	275	275	450	No height limit	No height limit	3
<b>Minimum Height (ft)</b>	NA	NA	NA	45	65	65	110	110	110	4

Notes:

1. See Chapter 17.107 for additional affordable and senior housing density incentives.
  2. For mixed use projects the allowable intensity of development shall be measured according to both the maximum nonresidential Floor Area Ratio (FAR) allowed by the zone and the maximum residential density allowed by the zone. The total lot area shall be used as a basis for computing both the maximum nonresidential FAR and the maximum residential density.
  3. See Section 17.108.030 for allowed projections above height limits and Section 17.108.020 for increased height limits for civic buildings.
  4. In the D-DT-CPW Zone, no new additions, accessory structures, or principal buildings shall be constructed unless they are either: 1) part of a project that includes the construction of a principal building that is at least one hundred (100) feet in height, or 2) on a site that contains an existing principal building that is at least one hundred (100) feet in height. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities. Also, see Section 17.101K.040, which requires the granting of a Planned Unit Development Permit for all new construction one hundred (100) feet or taller in the D-DT-CPW Zone.
  5. This minimum height excludes the height of the allowed projections into the height limit contained in Section 17.108.030, Sign Facilities, and Telecommunications Facilities.
  6. The minimum height limit of properties within the Employment Priority Combining Zone is 175 feet.
- B. Community Benefit Contributions. To exceed the base maximum height and intensity requirements for a project through the ZIP, applicants must utilize at least one of the following: Option (1), which requires the applicant to provide one or more of the community benefits in Subsection 1; or Option (2), which requires the payment of ZIP in-lieu fees identified in Subsection 2. An applicant may provide a combination of Option (1) and Option (2).

The amount of community benefits and/or in-lieu fees required per incentive depends on in which ZIP Benefit Area the project is located and whether the project is receiving a residential (dwelling units) or commercial (nonresidential floor area) incentive. The Residential and Commercial ZIP Benefit Areas are designated on the Zoning Map.

The increase in the maximum permitted dwelling units and/or nonresidential floor area depends on the amount of community benefits and/or in-lieu fees provided, as shown in Tables 17.101K.07 through 17.101K.15. Regardless of the community benefit contribution, the number of dwelling units or amount of nonresidential floor area cannot exceed the maximums prescribed in Subsection B.

1. Option (1). The applicant shall provide one or more of the community benefits described in Subsections a-d.

- a. On-Site, Below Market Rate Ground-Floor Commercial Space Benefit.

- i. This benefit includes the provision of ground floor space to provide fifty (50) percent of market rental rate discounts for qualified retail, commercial, arts, and non-profit tenants that meet the City’s tenanting priorities for tenants that achieve the City’s goals to reduce racial inequities. In the BAMBD Arts & Culture Combing Zone (see Section 17.101K.010), such tenants should also meet the intent of the district. A development requires a minimum of five hundred (500) square feet commercial space to qualify for this incentive.
- ii. The following tables describe how many additional dwelling units or how much nonresidential floor area over the maximum base intensity can be established per one hundred (100) square feet of on-site rent-restricted ground floor commercial space provided in each ZIP Benefit Area.

**Table 17.101K.07: Number of Dwelling Units Greater than the Base Maximum Permitted for Each 100 Square Feet of Ground Floor Rent Restricted Commercial Space**

	ZIP Residential Benefit Area		
	R-A	R-B	R-C
Number of Dwelling Units	1.5 dwelling units	2.1 dwelling units	2.7 dwelling units

**Table 17.101K.08: Amount of Nonresidential Floor Area Above the Base Maximum Permitted for Each 100 Square Feet of Ground Floor Rent Restricted Commercial Space**

	ZIP Commercial Benefit Area		
	C-A	C-B	C-C
Amount of Nonresidential Floor Area	1,611 sf	2,148 sf	3,222 sf

- iii. Each incentive requires its own benefit. For example, at a site in the R-A and C-A Benefit Areas, each 100 square feet of rent restricted ground floor commercial space allows an additional 1.5 dwelling units or 1,611 square feet of nonresidential floor area, but not both.

- b. On-Site Affordable Dwelling Units Benefit.

- i. This benefit includes the provision of on-site affordable dwelling unit(s) affordable to Extremely Low-, Very Low-, Low- and/or Moderate-Income residents, as defined by State law. It also includes providing ongoing operating procedures such as monitoring, annual reporting and tenant qualification.
- ii. This benefit only increases the number of permitted dwelling units, not the permitted amount of nonresidential floor area at a site.
- iii. The following table describes how many additional dwelling units over the maximum base density can be established for each affordable dwelling unit provided in a development in each ZIP Residential Benefit Area.

**Table 17.101K.09: Number of Dwelling Units Greater than the Base Maximum Permitted for Each Affordable Housing Unit**

	Type of Unit Provided	ZIP Residential Benefit Area		
		R-A	R-B	R-C
Extremely Low Income Unit	Studio	32 dwelling units	47 dwelling units	59 dwelling units
	1 Bedroom	39	57	72
	2 Bedroom	52	77	96
Very Low Income Unit	Studio	26	39	48
	1 Bedroom	32	47	59
	2 Bedroom	45	65	82
Low-Income Unit	Studio	23	34	43
	1 Bedroom	29	42	53
	2 Bedroom	41	60	75
Moderate-Income Unit	Studio	9	12	16
	1 Bedroom	12	18	22
	2 Bedroom	22	32	40

iv. When the amount of incentive desired requires a fractional amount of affordable housing units, the number of required affordable units shall be rounded up to the nearest whole number.

c. Public Restroom Facility Benefit.

i. This benefit requires the provision of on-site, ground floor, gender-neutral restroom facilities that are open to the public during work hours.

ii. The following tables describe how many dwelling units or the amount of nonresidential floor area over the maximum base intensity can be established per two (2) publicly available restrooms provided in a development in each ZIP Benefit Area.

**Table 17.101K.10: Number of Dwelling Units Above the Base Maximum Permitted for Each Two Publicly Accessible Bathrooms.**

	ZIP Residential Benefit Area		
	R-A	R-B	R-C
Number of Dwelling Units	51 dwelling units	74 dwelling units	93 dwelling units

**Table 17.101K.11: Amount of Nonresidential Floor Area Above the Base Maximum Permitted for Each Two Publicly Accessible Bathrooms.**

	ZIP Commercial Benefit Area		
	C-A	C-B	C-C
Amount of Nonresidential Floor Area	55,556 sf of nonresidential floor area	74,074 sf of nonresidential floor area	111,111 sf of nonresidential floor area

iii. If the application of this subsection creates an obligation to construct a fractional public restroom, that fraction shall be converted into a proportional in-lieu fee payable under Option 2 (below).

- iv. Each incentive requires its own benefit. For example, at a site in the R-A and C-A Benefit Areas, providing two publicly accessible bathrooms allows an additional 51 units or 55,556 square feet of nonresidential floor area, but not both.

d. Streetscape, Open Space and Flood Control Improvements Benefit.

- i. This benefit includes the implementation of public streetscape and/or open space improvements that are consistent with the Downtown Oakland Specific Plan and exceed City requirements. It also includes the implementation of flood control improvements that serve areas beyond the project site, including in areas adjacent to or surrounding the site. Public streetscape and open space improvements include streetscape improvements such as pedestrian right-of-way and open space improvements such as landscaping, tree planting and public art installation. Flood control improvements include raising public lands, construction of drainage facilities and retaining walls, and other similar improvements.
- ii. A developer that provides a public improvement called for in the Downtown Oakland Specific Plan with a value exceeding that required under the Zoning Incentive Program may receive reimbursement for the additional value above that required, subject to the same agreement process as in Section 15.74.120 (Credits and reimbursement for developer constructed facilities).
- iii. The following tables describe how many additional dwelling units and how much additional nonresidential floor area over the maximum base intensity can be established per \$10,000 worth of Streetscape, Open Space, and/or Flood Control Improvements in each ZIP Benefit Area.

**Table 17.101K.12: Number of Dwelling Units Above the Base Maximum Permitted for Each \$10,000 Spent on Streetscape, Open Space and Flood Control Improvements**

	ZIP Residential Benefit Area		
	R-A	R-B	R-C
Number of Dwelling Units	5.1 dwelling units	7.4 dwelling units	9.3 dwelling units

**Table 17.101K.13: Amount of Nonresidential Floor Area Above the Base Maximum Permitted for Over the Base Maximum for each \$10,000 spent on Streetscape, Open Space and Flood Control Improvements**

	ZIP Commercial Benefit Areas		
	R-A	R-B	R-C
Amount of Nonresidential Floor Area	5,556 sf of nonresidential floor area	74,074 sf of nonresidential floor area	111,111 sf of nonresidential floor area

- iv. Each incentive requires its own benefit. For example, at a site in the R-A and C-A Benefit Areas, each \$10,000 spent allows an additional 5.1 dwelling units or 5,556 square feet of nonresidential floor area, but not both.

- 2. Option (2). In lieu of providing the community benefits specified in Subsection 17.101K.110(1), an applicant can participate in the ZIP by paying a fee for the applicable ZIP Benefit Area as specified in Table 17.101K.14 for residential development and Table 17.101K.15 for commercial development. The



ZIP Residential and Commercial Benefit Areas are designated on the Zoning Map. In lieu fees shall be used by the City to pay for the community benefits described in Option (1) or for job training programs.

**Table 17.101K.14 Zoning Incentive Program In-Lieu Fees for Residential Development**

	ZIP Residential Benefit Areas		
	R-A	R-B	R-C
In Lieu Fee for either: 1. 100 square feet of rent-restricted ground floor commercial space; 2. One affordable housing unit; 3. Two publicly available restrooms; <u>or</u> 4. \$10,000 spent on streetscape, open space, and flood control improvements.	\$22,000	\$15,000	\$12,000

**Table 17.101K.15 Zoning Incentive Program In-Lieu Fees for Commercial Development**

	ZIP Commercial Fee Areas		
	C-A	C-B	C-C
In-lieu fee per square foot of nonresidential floor area	\$20	\$15	\$10

17.101K.120 – Increased density and floor area ratio through the trading of development rights in the D-DT Zones.

A. Definitions. the following definitions shall apply to this Section:

1. “Development Rights” means the maximum allowed dwelling units and floor area established in the zoning regulations for a specific lot.
2. “Net Development Rights” means the difference between: 1) the development rights on a lot, and 2) the existing floor area and number of dwelling units on the same lot. For example, if the underlying zoning permits a maximum of fifty (50) dwelling units on a lot, and the same lot contains forty (40) dwelling units, then the net development rights for density available for transfer is ten (10) dwelling units.
3. “Transfer of Development Rights” means the transfer of some or all of the net development rights from a sending site to a designated receiving site, resulting in an increase in the number of dwelling units and/or amount of floor area than would otherwise be permitted at the receiving site. For example, a transfer of development rights for number of dwelling units has occurred if the sending site described in definition (2), above, transfers all its net development rights to allow a receiving site to construct ten (10) dwelling units more than normally permitted in the zoning regulations. In this case, the sending site would not be permitted to contain more than the existing forty (40) dwelling units, because it transferred the site’s net development rights to the receiving site.
4. Receiving Site. A development site that receives net development rights from a sending site.
5. Sending Site. A lot that sends some or all its net development rights to another proposed development site.

B. The only net development rights permitted to be transferred are for floor area and number of dwelling units.

- C. For all transfers of development rights, the owners of the sending site shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating the restricted development rights.
  
- D. Transfer of development rights is permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in all D-DT zones that permit, by right, Multifamily Residential Facilities. Transfer of Development Rights is prohibited where Multifamily Residential Facilities are either prohibited or conditionally permitted. In addition to the CUP criteria contained in Section 17.134.050, development right transfers must meet the following additional criterion:
  - 1. The height and bulk of the proposal for the receiving site is consistent with the desired character of the block and area.
  
- E. Transfer of development rights within a D-DT Zone must meet the following requirements:
  - 1. Both the receiving and sending sites must be within a D-DT Zone.
  - 2. The sending site must be: 1) either a Designated Historic Property (DHP) or a Potentially Designated Historic Property (PDHP) that contributes to an Area of Secondary Importance (ASI) or Area of Primary Importance (API); and 2) within the same or lower Height Area established in the zoning regulations as the receiving site.
  - 3. The receiving site must: 1) be within the D-DT Zoning Incentive Area; and 2) neither be a Designated Historic Property nor contribute to an ASI or API.
  - 4. The number of units and/or floor area greater than what is permitted under the base density at a receiving site achieved through a trading of development rights shall not be more than half of the maximum of what could be achieved through the D-DT Zoning Incentive Program (ZIP). For example, if the ZIP allows twenty (20) more units and fifty thousand (50,000) more square feet than what is normally allowed by the base intensity regulations at a site, then the maximum a transfer of development rights can achieve is ten (10) units and twenty-five thousand (25,000) square feet over what is allowed under the base intensity at the site.
  - 5. The intensity achieved through the TDR program plus the intensity achieved under the ZIP shall not exceed the maximum permitted under the ZIP.
  - 6. Construction at a receiving site above the maximum height that is permitted in the applicable base zone may be permitted through the granting of the same Conditional Use Permit that allows the trading of development rights (see Subsection D, above). This increase over the maximum height shall meet both of the following requirements:
    - a. The additional height shall be limited to only that required to physically accommodate the transferred net development rights.
    - b. The maximum height shall not be greater than that permitted under the ZIP described in Section 17.101K.110.

#### 17.101K.130 – General Design Standards

- A. The following regulations apply to newly constructed principal buildings.
  - 1. Ground Floor Treatment
    - a. Entrance. Buildings shall have at least one prominent pedestrian entrance on the ground floor principal street façade (see Section 17.101K.080 for how to identify the principal street). Entrances

at building corners facing both the principal street and a secondary street may be used to satisfy this requirement. Building entrances include doors to one or more shops, businesses, lobbies, or living units. Entrances shall be made prominent through some combination of recessing the door area, change in material, an awning above a door, additional detailing, stairs leading to the door, and/or other features. The entrance for Nonresidential Facilities shall be at grade.

- b. **Ground Floor Materials.** All ground-floor building materials shall be durable, of high quality, and display a sense of permanence. Such materials include stone, tile, brick, metal panel systems, glass, and/or other similar materials.
- c. **Distinguishing Ground Floor.** The ground level of the building shall be designed to enhance the visual experience for pedestrians and distinguish it from upper stories. This shall be achieved by designing a ground floor facade that is distinct from the rest of the building through some combination of change of material, enhanced detailing, lighting fixtures, cornices, awnings, canopies, and/or other elements.
- d. **Ground Floor Commercial Façade Elements.** For buildings with ground floor commercial space, the ground floor shall be modulated into a regular cadence of storefront sized windows and entrances and contain a window base or kickplate, and transom windows. The design of these elements shall be consistent with the style of the building. Ground floor commercial facades shall be within five (5) feet of the front property line.
- e. **Active Space Requirement.** Parking spaces; locker areas; utility, storage, and trash rooms; and similar non-active spaces shall not be located within thirty (30) feet from the principal ground floor street facade except for incidental entrances to such activities elsewhere in the building. Exceptions to this requirement can be made through the Regular Design Review Procedure (See Section 17.136.050). In addition to the criteria contained in Section 17.136.050, the exception must also meet both of the following criteria:
  - i. There is no other feasible location for the non-active space and the amount of non-active space in the front thirty (30) feet of the building is minimized to the maximum amount practically achievable; and
  - ii. When feasible, active space is placed between the non-active space and the street.
- f. **Trash and Storage.** Trash and storage shall be in the garage, underground, or be otherwise concealed from view of the public right-of-way. Trash and storage shall not be placed adjacent to the principal street facade unless the proposal is on an interior lot (see Section 17.101K.080 for how to identify the principal street).
- g. **Utilities.** Backflow prevention devices and utility meters shall not be placed on the principal street façade unless the proposal is on an interior lot (see Section 17.101K.080 for how to identify the principal street). These elements shall be placed in a building alcove, underground, landscaped area, or utility room, and completely screened from view from the public right-of-way unless required otherwise by a department of the City. Whenever feasible, transformers shall be placed out of public view and not on the principal street facade. If this is infeasible, transformers shall be screened by landscaping. Transformers shall never be placed above ground in the right-of-way.
- h. **Parking and Loading Access Location.** Access to parking and loading facilities through driveways, garage doors, or other means shall not be from the principal street when alternative access is feasible from a secondary street facade or an alley (see Section 17.101K.080 for how to identify the

principal street). Open parking areas shall not be located between the sidewalk and a principal building.

2. Base Design.

a. Base Requirements and Exceptions. For buildings one hundred (100) feet tall or more, a building base shall be established at or near the edge of each right-of-way. This base shall be a minimum and maximum of forty-five (45) and eighty-five (85) feet tall, respectively. Exceptions to this requirement can be made through the Regular Design Review Procedure (See Section 17.136.050). In addition to the criteria contained in Section 17.136.050, the exception must meet at least one of the following criteria:

- i. The site is in the Employment Priority Combining Zone or there is a clear context of buildings over eighty-five (85) feet in height on the block without a building base; or
- ii. The height of part of the base is lower than forty-five (45) feet to transition to a lower scale neighboring Potentially Designated Historic Property or Designated Historic Property; or
- iii. Setbacks are required to create plazas or other public areas or for buildings designed for particular activities, as described in Table 17.101K.04, note 03.

b. Transition to Historic Buildings. The design of the building base shall create a transition to adjacent lower scale Designated Historic Properties and Potentially Designated Historic Properties. This shall be accomplished through stepping down the base, matching cornice lines and floor heights, and/or creating volumes at the façade of the base that relate to the scale of the historic building.

c. Building Base Articulation. The façade(s) of the base that are more than one hundred (100) feet in width and visible from the street shall use plane offsets and material changes that create shadows and relief.

d. Windows and Façade Treatment. Each building base façade facing a street shall contain windows. Expanses of solid walls without windows on these facades shall not exceed twenty (20) feet in width. Solid walls visible from the street on any facade shall contain enhanced materials, deep reveals and scoring, prominent textures, and/or public art.

3. Tower Design. The following standards apply to towers, which is defined as construction above the base of a building.

a. Tower Setback. Towers shall be set back at least fifteen (15) feet from both: 1) at least one (1) side façade of the building base; and 2) either the rear or the front building base façade. Exceptions to this requirement can be made through the Regular Design Review Procedure (See Section 17.136.050). In addition to the criteria contained in Section 17.136.050, the exception must meet both of the following criteria:

- i. The site is in the Employment Priority Combining Zone, there is a clear context of buildings over eighty-five (85) feet in height on the block without a setback from a base, or the regulation would require floor plates of less than fifty thousand (50,000) square feet for the towers of commercial buildings or twenty-five thousand (25,000) square feet for the towers of residential buildings. For this finding, a residential building means a building that devotes at least two-thirds of its floor area to Residential Facilities and a commercial building means a building that devotes more than one third of its floor area to Nonresidential Facilities.

- ii. Each façade includes a variety of fenestration, sculpting, volumes, articulation, and material patterns to reduce the perception of building mass and avoid the appearance of repeated identical floors.
  - b. Design Integration with Base. Design elements of a tower shall vertically integrate with and/or extend to building base façades. This technique shall be used to avoid the appearance of towers being isolated from the street and the base.
  - c. Windows. Each visible tower facade shall contain windows, including façades facing interior and rear property lines. Expanses of solid walls without windows that are visible from the street shall not exceed 20 feet in width.
4. General buildings design requirements.
- a. Massing. The mass of buildings shall be broken up into smaller forms to reduce the scale and enhance the visual interest of the streetscape. The massing requirements contained in this section shall be applied on all visible facades and achieved through some coordinated combination of one or more of the following: changes in plane, sculpting, building articulation, varied materials, contrasting window patterns and treatments, varying roof heights, separating upper-story floor area into two or more towers, contrasting colors, a distinct base, middle, and top, or other methods.
  - b. Heavily tinted bronze, black, or gray glass shall not predominate on or be a signature feature of facades.
  - c. Building Terminus. The top of buildings shall include elements that provide a distinct visual terminus. The visual terminus shall be integrated into the overall architectural design concept of the building. Examples include, but are not limited to, curvilinear or stepped forms that soften the truncated tops of buildings, cornices, and other architectural forms. These rooftop elements shall be sized, shaped, and sited to also screen all rooftop mechanical equipment from view.

17.101K.140 – Development Standards for New Construction on Lots Adjacent to the Lake Merritt Channel

- A. The regulations of this section apply to the new construction of principal buildings on parcels that are adjacent to the Lake Merritt Channel or its adjacent open space.
- B. The following definition only applies to this Section:
  - 1. Lake Merritt Channel Facade - Lake Merritt Channel Facade refers the façade and private and public space that abuts either: 1) the Lake Merritt Channel; or 2) existing and/or planned parks and open spaces that border the Lake Merritt Channel.
- C. No building shall be constructed within sixty (60) feet of the top of the bank of the Lake Merritt Channel.
- D. In addition to the findings required in Chapter 17.136, the following Regular Design Review findings are required to be met for all development projects that include the construction of a new principal building on a lot that is adjacent to the Lake Merritt Channel open space area:
  - 1. The project contributes to and protects the unique environmental resources at the Channel and coordinates with ongoing and proposed capital improvements and restoration projects associated with the Lake Merritt Channel.
  - 2. The project landscaping integrates with and visually transitions to existing or planned adjacent natural and open spaces.
  - 3. The Lake Merritt Channel façade provides visual interest for pedestrians at the Lake Merritt Channel.

- E. New development shall comply with the following building orientation, facade, and landscape requirements:
  1. Whenever feasible, no Lake Merritt Channel Facade shall include utility meters, utility boxes, or vehicle entryways. If it is unavoidable to place utility meters and/or boxes on the Lake Merritt Channel Façade, they shall be screened by dense landscaping. No garages shall face the channel.
  2. Developments shall include open spaces in the form of walkways, landscaped passive recreation areas or terraced plazas between the Lake Merritt Channel Facades and the Channel.

**17.101K.150 – Usable Open Space Standards**

- A. General. This Section contains the usable open space standards and requirements for residential development in the D-DT Zones. These requirements supersede those in Chapter 17.126.
- B. Definitions of D-DT usable open space types. The following includes a list of available usable open space types eligible to fulfill the usable space requirements of this Chapter and the definitions of these types of open space:
  1. "Private Usable Open Space". Private usable open space is accessible from a single unit and may be provided in a combination of recessed and projecting exterior spaces.
  2. "Public Ground-Level Plaza". Public ground-level plazas (plazas) are group usable open space located at street-level and adjacent to the building frontage. Plazas are publicly accessible during daylight hours and are maintained by the property owner. Plazas shall be landscaped and include pedestrian and other amenities, such as benches, fountains and special paving.
  3. "Rooftop Open Space". Rooftop open space, a type of group usable open space, includes gardens, decks, swimming pools, spas and landscaping located on the rooftop and accessible to all tenants.
  4. "Courtyard". A courtyard is a type of group usable open space that can be located anywhere within the subject property.
- C. Standards. All required usable open space shall be permanently maintained and shall conform to the following standards:
  1. Area. On each lot containing Residential Facilities with a total of two or more living units, usable open space shall be provided for such facilities at a rate of at least seventy-five (75) square feet per dwelling unit and thirty-eight (38) square feet per rooming unit and efficiency unit.
  2. Size and Shape. An area of contiguous space shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than the dimensions shown in the following table:

**Table 17.101K.12: Required Dimensions of Usable Open Space**

Type of Usable Open Space	Minimum Dimension	Notes
Private	10 ft	
Public Ground-Level Plaza	10 ft	
Courtyard	15 ft	
Rooftop	15 ft	Areas occupied by vents or other structures which do not enhance usability of the space shall not be counted toward the above dimension.

3. Openness. There shall be no obstructions above the space except for devices to enhance its usability, such as pergola or awning structures. There shall be no obstructions over ground-level private usable open space except that not more than fifty percent (50%) of the space may be covered by a private balcony projecting from a higher story. Above-ground-level private usable open space shall have at least one exterior side open and unobstructed, except for incidental railings or balustrades, for eight (8) feet above its floor level.
4. Location. Required usable open space may be located anywhere on the lot.
5. Usability. A surface shall be provided which prevents dust and allows convenient use for outdoor activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, asphalt or other serviceable, dust-free surfacing. Slope shall not exceed ten percent (10%). Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Adequate safety railings or other protective devices shall be erected whenever necessary for space on a roof but shall not be more than the minimum height required by the Oakland Building Code.
6. Accessibility. Usable open space, other than private usable open space, shall be accessible to all the living units on the lot. It shall be served by any stairway or other accessway qualifying under the Oakland Building Code as an egress facility from a habitable room. Private usable open space may be located anywhere on the lot. Above-ground-level space may be counted even though it projects beyond a street line. All private usable open space shall be adjacent to, and not more than four (4) feet above or below the floor level of, the living unit served. Private usable open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
7. Landscaping requirements. At least ten percent (10%) of rooftop, courtyard, or public ground-level plaza usable open space area shall include landscaping enhancements. Landscaping enhancements shall consist of permanent features, such as trees, shrubbery, decorative planting containers, fountains, boulders or artwork (sculptures, etc.) The remainder of the space shall include user amenities such as seating, decorative paving, sidewalk cafes, or playground structures.

#### **Article V – D-DT Combining Zones**

17.101K.160 – Downtown Arts and Culture Combining Zone Regulations

17.101K.170 – Green Loop Combining Zone

17.101K.180 – Sea Level Rise Combining Zone.

17.101K.160 – Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone Regulations

- A. The regulations of this section apply to areas designated to be within the Black Arts Movement and Business District (BAMBD) Arts and Culture Combining Zone on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Definitions. The following definitions shall apply for purposes of this Section.

1. BAMBD Arts and Culture Types of Activities. Arts and Culture Types of Activities produce, display, sell, foster, support or disseminate artistic and cultural expression representative of the multi-ethnic character of the BAMBD. These types of activities also include operations that increase cultural awareness, serve and strengthen ethnic communities harmed by racial disparities, and educate Oakland residents about art and cultural practices and histories. All Arts and Culture Types of Activities are categorized in one of the following two subclassifications:
  - a. BAMBD Administrative Arts and Culture. These types of activities support the intent of this overlay through general administrative functions. These include, but are not limited to, administrative support for art- and culture-related non-profit educational organizations, institutions, and businesses. These activities also include organizations that have a mission to strengthen, serve, and educate underrepresented communities, particularly communities represented by the BAMBD and/or harmed by racial disparities.
  - b. BAMBD Active Arts and Culture. These types of activities provide pedestrian-oriented, accessible, active and/or high visibility functions. These uses include, but are not limited to, the following:
    - i. Public and private performance spaces, including dance, theater and spoken-word venues;
    - ii. Schools focusing on arts and/or cultural education;
    - iii. Artisan Production Commercial Activities, as described in Section 17.58.040.
    - iv. Art studios;
    - v. Libraries;
    - vi. Museums and galleries; and
    - vii. Retail stores, bookstores, consumer services such as barber shops and salons, cafes, restaurants and bars that display rotating visual art, host performances and/or are oriented toward the specific cultures or ethnicities identified in the intent of this Combining Zone.
- C. Determination of an Arts and Culture Type of Activity.

The determination of whether a proposal is Arts and Culture Type of Activity shall be made by the Planning Director, or his or her designee. Such determination shall be subject to the right of appeal pursuant to the administrative appeal procedure in Chapter 17.132.
- D. Activity Regulations.
  1. Arts and Culture Types of Activities that are permitted in the primary zone are permitted in the Arts and Culture Combining Zone.
  2. Arts and Culture Types of Activities that are conditionally permitted in the primary zone are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).
  3. Ground floor non-Arts and Culture Types of Activities that are permitted or conditionally permitted in the primary zone are only permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP process).
  4. Activities prohibited by the primary zone are prohibited regardless of whether they are an Arts and Cultural Type of Activity.
- E. Developments that include the construction of a new principal building or principal buildings that are increasing footprint area by one hundred (100) percent or more shall dedicate the following ground floor area to Arts and Culture Activity Types:



1. At least fifty (50) percent of the leasable floor area on the ground floor of all new principal buildings.

#### 17.101K.170 – Green Loop Combining Zone

- A. The regulations of this section apply to areas designated to be within the Green Loop Combining Zone on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Green Loop Frontage Regulations. The following regulations are required for developments that include the construction of a new principal building:
  1. Buildings that include ground-floor commercial storefronts shall be designed to accommodate at least one (1) form of outdoor seating and/or tables for patrons. Examples include parts of a building frontage setback for full-service tables, built in benches, and plazas.
  2. Entrances and/or storefronts shall provide awnings at the ground floor to provide weather protection and sense of enclosure for pedestrians. Umbrellas or other shade structures shall be made available for patrons using benches or table.
  3. Space shall be provided between any ground floor residential façade and the sidewalk for the placement of landscaping.
  4. Ground floors shall be illuminated by building-mounted hooded decorative lights.
  5. New development of a principal building that is three (3) stories or more shall incorporate at least one (1) of the following vertical facade treatment(s):
    - a. Vining plant supports for vertical or hanging gardens; or
    - b. Trellises or other structural additions.
- C. Green Loop Landscape Standards. Development that includes the new construction of a principal building shall be landscaped according to the following standards:
  1. At least seventy-five percent (75%) of any ground floor open space area between the principal building and the sidewalk shall be improved with features such as decorative paving, stepped planter formations that act as seating, and/or decorative planting containers.
  2. At least fifteen percent (15%) of any courtyard usable open space between the principal building and the sidewalk shall include planting, as described in Section 17.101K.150.
  3. Landscaping shall be composed of a combination of trees, plants, and shrubbery that is suited to the Oakland climate.
  4. Fencing or other screening feature shall not create a significant visual barrier between the public right-of-way and any publicly accessible ground floor open space area.

#### 17.101K.180 – Sea Level Rise Combining Zone.

- A. The regulations of this section apply to areas designated to be within the Sea Level Rise Combining Zone on the Zoning Map. The intent of the Zone is described in Section 17.101K.010.
- B. Developments that include the construction of any new principal building within the Sea Level Rise Combining Zone shall be required to submit a Sea Level Rise Adaptation Plan. The plan shall specify an area-specific adaptation response to projected sea level rise and the associated increase in flood risk. This regulation does not establish specific requirements for all projects because each site condition is unique. Instead, each new development shall be required to develop and maintain an individual Sea Level Rise Adaptation Plan to prepare for changes in rising sea level and related groundwater intrusion. In all plan assessments, the City will consider Base Flood Elevations, future potential inundation level, storm surge, and

groundwater table changes due to rising sea levels. Where feasible, the minimum height of the finished floor of the bottom story of new buildings should be at least twenty-four (24) inches higher than the future potential inundation level.

- C. The specific strategies included in any individual Sea Level Rise Adaptation plan will depend on the location of the building. One size will not fit all, so resilience capacity building will be tailored to the local context. However, whenever any new development is approved or infrastructure investments made in the Sea Level Rise Combining Zone, future sea levels must be accounted for, and all structures and infrastructure elements designed to be resilient to flood impacts.

DRAFT

**The following are proposed new zones to regulate uses under the I-880 freeway. These zones are only currently proposed to be mapped under the I-800 Freeway in Downtown but may be mapped in other areas in the future.**

## Chapter 17.98 – S-16 INTERSTATE ZONES COMMERCIAL ZONES REGULATIONS

### Sections:

17.98.010 – Title, intent and description

17.98.020 – Required Design Review Process

17.98.030 – Permitted and conditionally permitted activities.

17.98.040 – Permitted and Conditionally Permitted Facilities.

17.98.050 – Property development standards.

### **17.98.010 – Title, intent and description**

A. Intent. The provisions of this Chapter shall be known as the S-16 Interstate **Commercial** Zones Regulations. The intent of the Interstate 880 (S-16) Zones is to maximize the community potential of California Department of Transportation (Caltrans) Freeway Lease Areas (FLA) under Interstates 880 (I-880) and 980 (I-980) by allowing the creation of safe, high-quality activities in FLAs. These regulations shall apply to the S-16 Zones.

B. Description of Zones. This Chapter establishes land use regulations for the following three (3) zones:

- 1. S-16A Commercial Zone.** The S-16A Zone is intended to enhance areas beneath and adjacent to I-880 and I-980 by providing opportunity for activities that support community functions.
- 2. S-16B Commercial Zone.** The S-16B Zone is intended to accommodate a range of uses beneath and adjacent to I-880 that are compatible with adjacent residential and commercial areas.
- 3. S-16C Commercial Zone.** The S-16C Zone is intended to accommodate a range of uses beneath and adjacent to I-880 that are compatible with adjacent industrial and mixed commercial areas.

### **17.98.020 – Required Design Review Process**

Except for projects that are exempt from design review as set forth in Section 17.136.025, no Building Facility, Designated Historic Property, Potentially Designated Historic Property, Telecommunications Facility, Sign, or other associated structure shall be constructed, established, or altered in exterior appearance, unless plans for the proposal have been approved pursuant to the design review procedure in Chapter 17.136, and when applicable, the Telecommunications regulations in Chapter 17.128, or the Sign regulations in Chapter 17.104.

### **17.98.030 – Permitted and conditionally permitted activities.**

Table 17.98.01 lists the permitted, conditionally permitted, and prohibited activities in the S-16 Zones. The descriptions of these activities are contained in Chapter 17.10. Section 17.10.040 contains permitted accessory

activities. Any proposed activity also requires approval from the California Department of Transportation (Caltrans).

"P" designates permitted activities in the corresponding zone.

"C" designates activities that are permitted only upon the granting of a Conditional Use permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates activities subject to certain limitations or notes listed at the bottom of the table.

"—" designates activities that are prohibited except as accessory activities according to the regulations contained in Section 17.10.040.

**Table 17.98.01: Permitted and Conditionally Permitted Activities**

Activities	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
<b>Residential Activities</b>				
Permanent	—	—	—	
Residential Care	—	—	—	
Supportive Housing	—	—	—	
Transitional Housing	—	—	—	
Emergency Shelter	C(L1)(L2)	C(L1)(L2)	P(L3)	17.07.060A
Semi-Transient	—	—	—	
Bed and Breakfast	—	—	—	
<b>Civic Activities</b>				
Essential Service	P	P	P	
Limited Child-Care Activities	—	—	—	
Community Assembly	—	—	—	
Recreational Assembly	P	P	—	
Community Education	—	—	—	
Nonassembly Cultural	C(L1)	C(L1)	—	
Administrative	—	—	—	
Health Care	—	—	—	
Special Health Care	—	—	—	
Utility and Vehicular	—	P(L4)	P(L4)	
Extensive Impact	—	—	—	
<b>Commercial Activities</b>				
General Food Sales	—	—	—	
Full-Service Restaurants	—	—	—	
Limited-Service Restaurant and Cafe	P(L5)	P(L5)	—	Chapter 9.52
Fast-Food Restaurant	—	—	—	
Convenience Market	—	—	—	
Alcoholic Beverage Sales	—	—	—	
Mechanical or Electronic Games	—	—	—	
Medical Service	—	—	—	
General Retail Sales	P(L5)	P(L5)	—	Chapter 9.52
Large-Scale Combined Retail and Grocery Sales	—	—	—	
Consumer Service	—	—	—	

Activities	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
Consultative and Financial Service	—	—	—	
Check Cashier and Check Cashing	—	—	—	
Consumer Cleaning and Repair Service	—	—	—	
Consumer Dry Cleaning Plant	—	—	—	
Group Assembly	P(L5)	P(L5)	—	Chapter 9.52
Personal Instruction and Improvement Services	—	—	—	
Administrative	—	—	—	
Business, Communication, and Media Services	—	—	—	
Broadcasting and Recording Services	—	—	—	
Research Service	—	—	—	
General Wholesale Sales	—	—	—	
Transient Habitation	—	—	—	
Building Material Sales	—	—	—	
Automobile and Other Light Vehicle Sales and Rental	—	—	—	
Automobile and Other Light Vehicle Gas Station and Servicing	—	—	—	
Automobile and Other Light Vehicle Repair and Cleaning	—	—	—	
Taxi and Light Fleet-Based Services	—	P(L4)	P(L4)	
Automotive Fee Parking	—	P(L4)	P(L4)	17.103.055
Animal Boarding	—	—	—	
Animal Care	—	—	—	
Undertaking Service	—	—	—	
<b>Industrial Activities</b>				
Custom Manufacturing	—	—	—	
Light Manufacturing	—	—	—	
General Manufacturing	—	—	—	
Heavy/High Impact	—	—	—	
Research and Development	—	—	—	
Construction Operations	—	—	—	
Warehousing, Storage and Distribution-Related	—	—	—	
Regional Freight Transportation				
<b>Trucking and Truck-Related</b>				
A. Freight/Truck Terminal	—	—	—	
B. Truck Yard	—	—	C(L1)(L6)	
C. Truck Weigh Stations	—	—	—	
D. Truck and Other Heavy Vehicle Sales, Rental and Leasing	—	—	—	
E. Truck and Other Heavy Vehicle Service, Repair and Refueling	—	—	—	
Recycling and Waste Related	—	—	—	
<b>Agricultural and Extractive Activities</b>				

Activities	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
Limited Agriculture	C(L1)(L7)	—	—	
Extensive Agriculture	—	—	—	
Plant Nursery	C(L1)	—	—	
Mining and Quarrying	—	—	—	
<b>Accessory off-street parking serving prohibited activities</b>	—	C(L1)	C(L1)	
<b>Activities that are listed as prohibited, but are permitted or conditionally permitted on nearby lots in an adjacent zone</b>	—	—	—	

**Limitations on Table 17.98.01:**

**L1.** In addition to the provisions Chapter 17.134 of Conditional Use Permit (CUP) procedure established in Chapter 17.134, activities seeking a CUP in the S-16 Zones shall also meet the following use permit criterion:

- a. The proposed activity will not introduce safety or environmental hazards to visitors, pedestrians, or drivers.

**L2.** Except as may be permitted in Section 17.07.060A, no Emergency Shelter Residential Activity shall be located closer than three hundred (300) feet from any Residential Care Residential Activity or other Emergency Shelter Residential Activity or Facility. See Section 17.103.010 for other regulations regarding these activities.

**L3.** Emergency Shelters are permitted by-right within the I-880 Freeway Lease Areas (FLAs) in direct proximity to the area surrounding Third Street described in Section 17.103(A)(5)-specifically the FLA areas bounded by Martin Luther King Jr. Way to the east, Fifth Street to the south, Sixth Street to the north and Union Street to the west, subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L2 above.

**L4.** Utility and Vehicular Civic Activities shall be limited to public parking only. The site shall be improved with pavement, curb, and gutter, and landscaping shall be provided within the parking and setback areas. All plantings shall be of a type that will survive in the environment under the freeway.

**L5.** General Retail Sales, Limited-Service Restaurant and Café, and Group Assembly Commercial Activities are restricted to temporary “pop-up” establishments approved through a city Special Event permit.

**L6.** Truck Yards shall be primarily for the purpose of truck parking and not include other storage or repair activities. The site shall be improved with pavement, curb, and gutter, and landscaping shall be provided within the parking and setback areas. All plantings shall be of a type that will survive in the environment under the freeway.

**L7.** Limited Agriculture shall occupy less than one (1) acre of land.

**17.98.040 – Permitted and Conditionally Permitted Facilities.**

Table 17.98.02 lists the permitted, conditionally permitted, and prohibited facilities in the S-16 Zones. The descriptions of these facilities are contained in Chapter 17.10. Any proposed facility also requires approval from the California Department of Transportation (Caltrans).

"P" designates permitted facilities in the corresponding zone.

"C" designates facilities that are permitted only upon the granting of a Conditional Use Permit (CUP) in the corresponding zone (see Chapter 17.134 for the CUP procedure).

"L" designates facilities subject to certain limitations listed at the bottom of the Table.

"—" designates facilities that are prohibited.

**Table 17.98.02 Permitted and Conditionally Permitted Facilities**

Facilities	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
<b>Residential Facilities</b>				
One-Family Dwelling	—	—	—	
Two-Family Dwelling	—	—	—	
Multifamily Dwelling	—	—	—	
Rooming House	—	—	—	
Vehicular	—	—	P(L3)	17.07.060A; 17.103.085
<b>Nonresidential Facilities</b>				
Enclosed Nonresidential	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	
Open Nonresidential	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	
Sidewalk Cafe	—	—	—	
Drive-In	—	—	—	
Drive Through	—	—	—	
<b>Telecommunications Facilities</b>				
Micro Telecommunications	—	—	—	
Mini Telecommunications	—	—	—	
Macro Telecommunications	—	—	—	
Monopole Telecommunications	—	—	—	
Tower Telecommunications	—	—	—	
<b>Sign Facilities</b>				
Residential Signs	—	—	—	
Special Signs	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	17.104
Development Signs	—	—	—	
Realty Signs	—	—	—	
Civic Signs	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	17.104
Business Signs	C(L1)(L2)	C(L1)(L2)	C(L1)(L2)	17.104
Advertising Signs	—	—	—	

**Limitations on Table 17.98.02:**

L1. No new construction of permanent buildings is permitted except those built by a public agency for transportation purposes. The construction of subgrade foundations, pilings, grade changes, retaining walls, and concrete structures are not permitted.

L2. Only transportation-related facilities installed by a public agency can be permanently or temporarily affixed to any component of the freeway, including columns, footings, beams and roadbeds.

**L3.** Vehicular Residential Facilities are permitted only when part of an approved Emergency Shelter Activity within the I-880 Freeway Lease Areas (FLAs) in direct proximity to the area surrounding Third Street described in Section 17.103(A)(5)-specifically the FLA areas bounded by Martin Luther King Jr. Way to the east, Fifth Street to the south, Sixth Street to the north and Union Street to the west, subject to the development standards in Section 17.103.015(B); permitted upon the granting of a Conditional Use Permit elsewhere in the zone subject to Limitations L1 and L2 in Table 17.98.01.

**17.98.050 – Property development standards.**

Table 17.98.03 below prescribes development standards specific to individual zones. The number designations in the "Additional Regulations" column refer to the regulations listed at the end of the Table. "N/A" designates the regulation is not applicable to the specified zone.

**Table 17.98.03: Property Development Standards**

Development Standards	Zones			Additional Regulations
	S-16A	S-16B	S-16C	
<b>Minimum Setbacks</b>				
Front	0 ft.	10 feet	10 feet	1
Interior side	0 ft.	4 ft.	4 ft.	1
Street side	0 ft.	4 ft.	4 ft.	1
Rear	0 ft.	4 ft.	4 ft.	1
<b>Maximum Height</b>	14 ft.	14 ft.	14 ft.	1

**Additional Regulation for Table 17.98.03:**

1. Transportation facilities constructed by a public agency are exempt from maximum height and minimum setback requirements.



**The following are miscellaneous text changes proposed for the Planning Code that are associated with the D-DT Zones. Additions are underlined and deletions are in ~~striketrough~~. This is not a comprehensive listing of the changes that will be required throughout the code to insert the new D-DT Zones. Those changes will be distributed for public review prior to the first public hearing at the Planning Commission.**

## Chapter 17.09 – DEFINITIONS

### 17.09.040 – Definitions

#### **17.09.040 – Definitions.**

“Coworking Space” means a facility that contains workspaces that are made available to individuals and businesses for short-term intervals through a membership or rental basis. These spaces include shared business resources such as internet and office equipment and shared social, networking, conferencing and gathering spaces. A coworking space may also include an accessory café or other retail component and other amenities.

"Principal street" means:

For any lot that abuts only one street, the street that abuts a lot.

On lots that are outside the D-DT Zones and abut more than one street, the street(s) that abuts the lot that is highest on the street hierarchy as defined in the Land Use and Transportation Element (LUTE) of the General Plan. Where streets have the same street hierarchy, the principal street or streets shall be determined by the Planning Director or his or her designee based on development patterns, street widths, traffic capacity, land uses, transit activity, bicycle and pedestrian uses, and traffic control of intersections.

For lots that are within the D-DT Zones and abut more than one street, see Section 17.101K.080.

"Principal street facade" means the façade facing a principal street.

“Secondary street” means the street(s) abutting a lot that are not principal streets. There is at least one secondary street on a corner lot.

"Secondary street facade" means the façade(s) facing a secondary street.

**17.10.420 Research Service Commercial Activities.**

Research Service Commercial Activities include research and development of a scientific, medical, pharmaceutical, or small scale industrial nature leading to the development of new products and processes. These activities generally occur in an office or laboratory setting. This classification does not include activities that fall into the Research and Development Industrial Activities classification and laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (see Section 17.10.580 Heavy/High Impact Manufacturing Activities).

This classification includes certain activities accessory to the above, as specified in Section 17.10.040.

**17.10.581 Research and Development Industrial Activities.**

Research and Development Industrial Activities include large scale industrial research and product prototype development in advance of full-scale manufacturing of final products. These activities take place in an industrial setting. The only manufacturing uses in this classification consist of the creation of prototype processes, products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale.

This classification excludes laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4") (see Section 17.10.580 Heavy/High Impact Manufacturing Activities).

This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

## Chapter 17.106 – GENERAL LOT, DENSITY, AND AREA REGULATIONS

### **106.050 – Use permit criteria for increased density or Floor-Area Ratio with acquisition of abutting development rights outside of the D-DT Zone.**

Except as indicated in the D-DT Zone, any proposed increase in the number of living units or Floor Area Ratio through the acquisition of nearby development, may only be permitted where provided for in applicable zones upon the granting of Conditional Use Permit (CUP), and upon determination that the proposal conforms to the general use permit criteria set forth in the Conditional Use Permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

- A. That the applicant has acquired development rights from the owners of abutting lots, restricting the number of living units or the amount of floor area which may be developed thereon so long as the facilities proposed by the applicant are in existence;
- B. That the owners of all such abutting lots shall prepare and execute an agreement, approved as to form and legality by the City Attorney and filed with the Alameda County Recorder, incorporating such restriction;
- C. That the resultant reduction in potential number of living units or amount of floor area on the abutting lots is sufficient in amount and is so located as to cause the net effect upon the surrounding neighborhood to be substantially equivalent to that of the development which would be allowable otherwise.

In the D-DT Zone, any proposed increase in the number of living units or Floor Area Ratio (FAR) through the acquisition of development rights shall be reviewed instead according to the applicable regulations in Chapter 17.101K.

Chapter 17.116 – OFF-STREET PARKING AND LOADING REQUIREMENTS

**17.116.060 Off-street parking—Residential Activities.**

2. **Maximum Parking for Permanent and Semi-Transient Residential Activities.** No more than the following amounts of off-street parking are permitted for all Permanent and Semi-Transient Residential Activities when located in the indicated zones and occupying the specified facilities:

<b>Residential Facility Type</b>	<b>Zone</b>	<b>Maximum Number of Parking Spaces</b>
One-Family Dwelling. Two-Family Dwelling. Multifamily Dwelling.	CBD, S-15, D-LM, and D-CO Zones.	One (1) parking space per dwelling unit.
	All other zones.	No maximum parking requirement.
Rooming House.	CBD, S-15, D-LM, and D-CO Zones.	One (1) parking space per each two Rooming Units.
	All other zones.	No maximum parking requirement.
Vehicular.	All zones.	See Section 17.103.085.
Bed and Breakfast.	CBD, S-15, D-LM, and D-CO Zones.	One (1) parking space per each two guest rooms, plus the maximum allowed parking for a One-Family Dwelling in the underlying zone.
	All other zones.	No maximum parking requirement.

## **Chapter 17.142 PLANNED UNIT DEVELOPMENT REGULATIONS**

### Article I – Title, Purposes and Applicability

#### 17.142.004 Applicability.

##### **17.142.004 – Applicability.**

These regulations shall apply to all:

- A. Mini-Lot Planned Unit Developments (Mini-Lot PUDs) located on a single tract of land of less than sixty thousand (60,000) square feet, and containing lots which do not meet the minimum size or other requirements applying to individual lots in the zone where it is located; and
- B. Planned Unit Developments (PUDs) located either:
  - 1. On a single tract of land of sixty thousand (60,000) square feet or more, or on two (2) or more tracts of land equaling sixty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way; or
  - 2. In the D-DT-CPW Zone and involving construction at or above one hundred (100) feet in height.

### Article III – Planned Unit Developments

#### 17.142.020 Definition of Planned Unit Development.

#### 17.142.030 Developments for which Planned Unit Development permit approval is required or requested.

##### **17.142.020 – Definition of Planned Unit Development.**

- A. A "Planned Unit Development" (PUD) is a large, integrated development adhering to a comprehensive plan and located either:
  - 1. On a single tract of land of sixty thousand (60,000) square feet or more, or on two (2) or more tracts of land equaling sixty thousand (60,000) square feet or more in total which may be separated only by a street or other right-of-way; or
  - 2. In the D-DT-CPW Zone and involving construction at or above one hundred (100) feet in height.
- B. In developments that are approved pursuant to the Planned Unit Development regulations in this Chapter, certain uses may be permitted in addition to those otherwise allowed in the underlying zone, certain of the other regulations applying in said zone may be waived or modified, and the normally required design review process may also be waived for developments at the time of initial granting of a Planned Unit Development (PUD) permit. Unless otherwise specified in the PUD permit, any future changes within the Planned Unit Development shall be subject to applicable design review regulations.

##### **17.142.030 – Developments for which Planned Unit Development permit approval is required or requested.**

- A. The following developments are permitted only upon the granting of a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140.
  - 1. Any Planned Unit Development incorporating any of the bonuses set forth in Section 17.142.100.
  - 2. Any integrated development which is primarily designed for or occupied by Commercial Activities, which is located in any Commercial Zone, and which is developed under unified control, in accordance with a

comprehensive plan, on a single tract with sixty thousand (60,000) square feet or more of land area, or on two (2) or more tracts which total such area and which are separated only by a street or other right-of-way.

3. Any development in the D-DT-CPW Zone involving construction at or above one hundred (100) feet in height.
- B. Unless required by the Planning Director, other large, integrated developments involving the same minimum land area thresholds of a Planned Unit Development, as defined in Section 17.142.020, are permitted without such a permit. However, an applicant for such a development may request a Planned Unit Development permit pursuant to the Planned Unit Development procedure in Chapter 17.140.

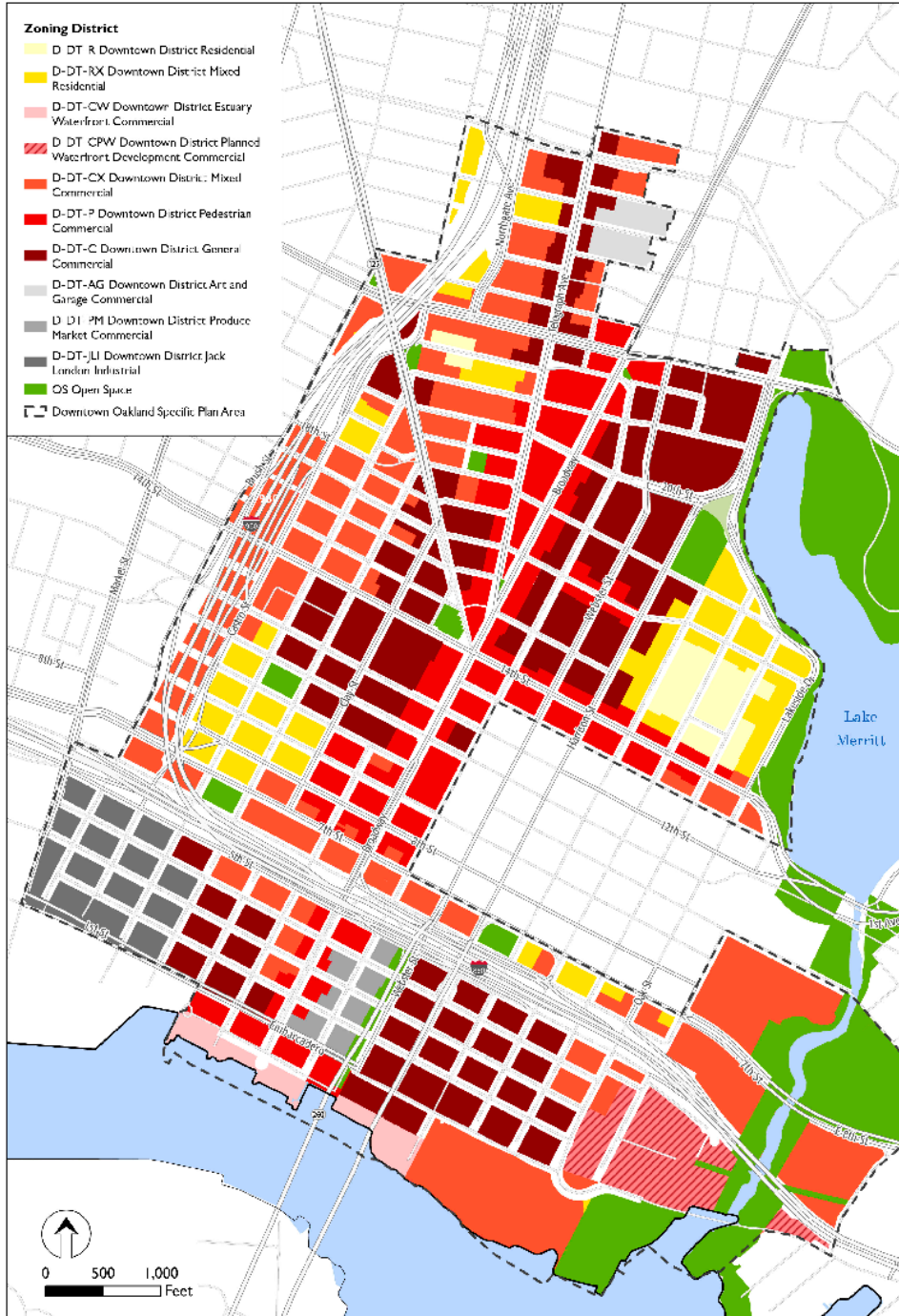
DRAFT

Section B: Maps

Zoning

Zoning Map: Downtown Districts (17.101K.010)

DRAFT

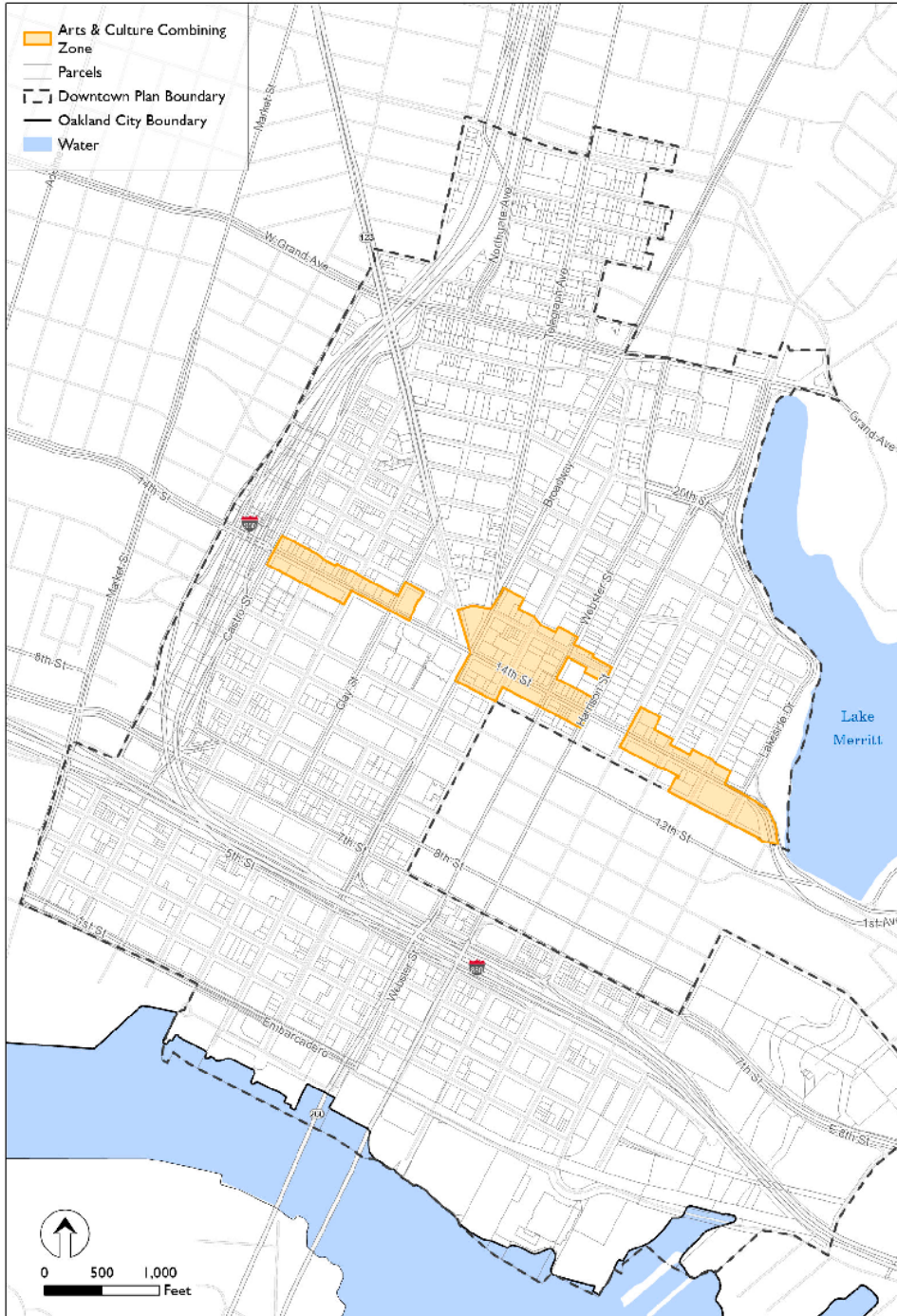


**Downtown Oakland Plan Area Proposed Zoning**



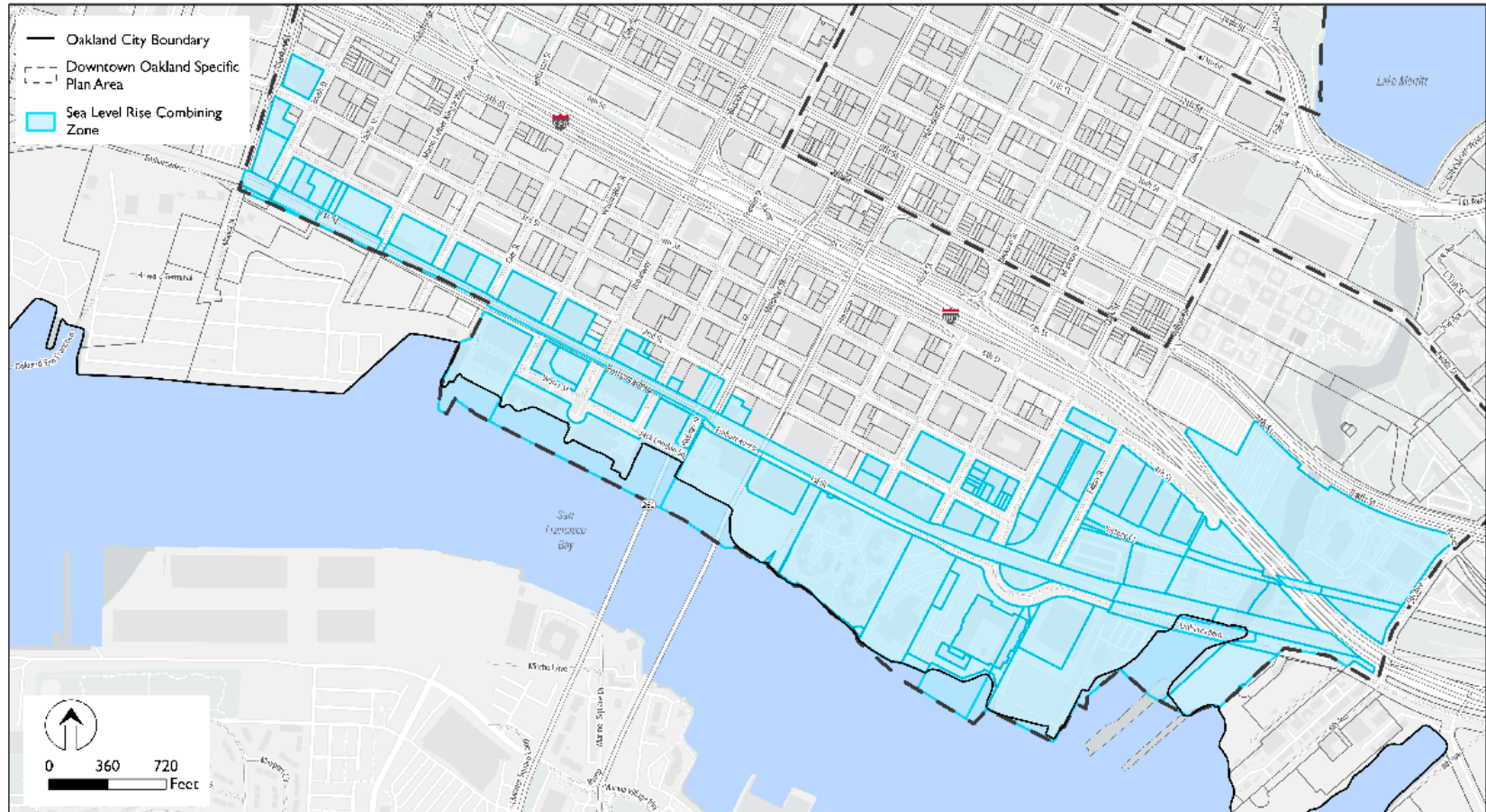
Special Districts

BAMBD Arts & Cultural District Combining Zone (17.101K.160)



**Arts & Culture Combining Zone**

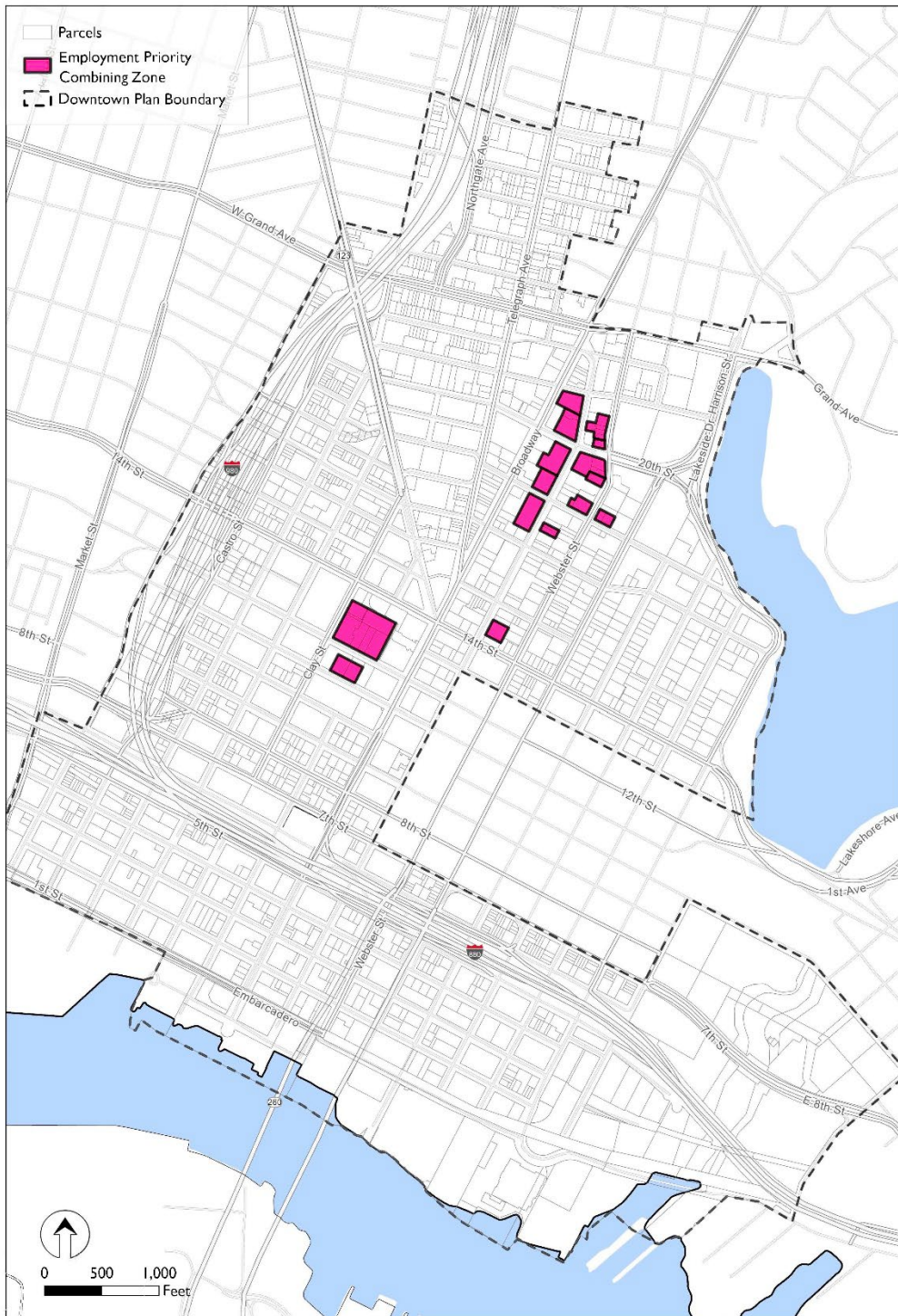
Sea Level Rise Combining Zone (17.101K.180)



Sources: City of Oakland, PlaceWorks, 2022

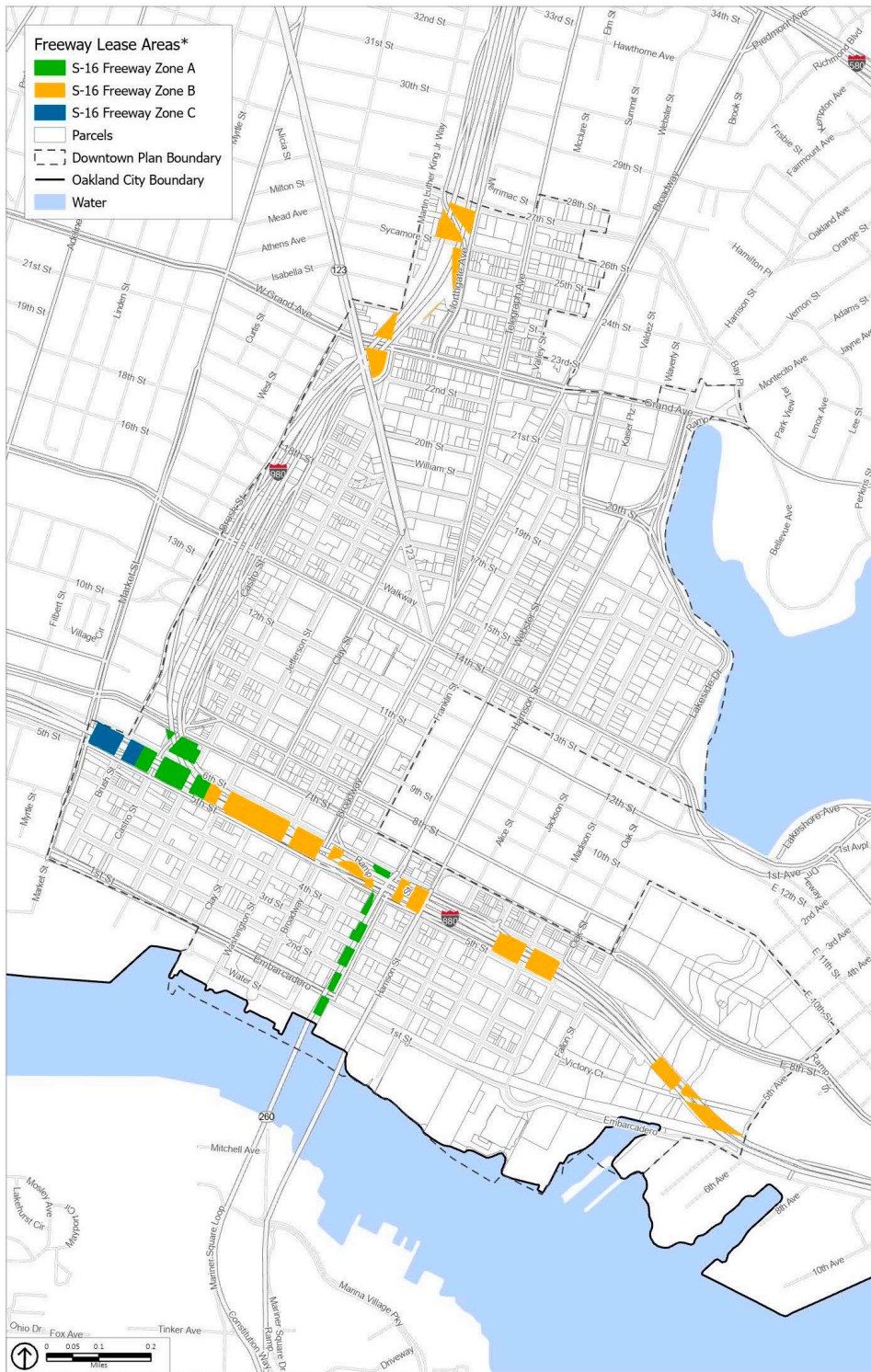
**Sea Level Rise Combining Zone**





**Employment Priority Combining Zone**

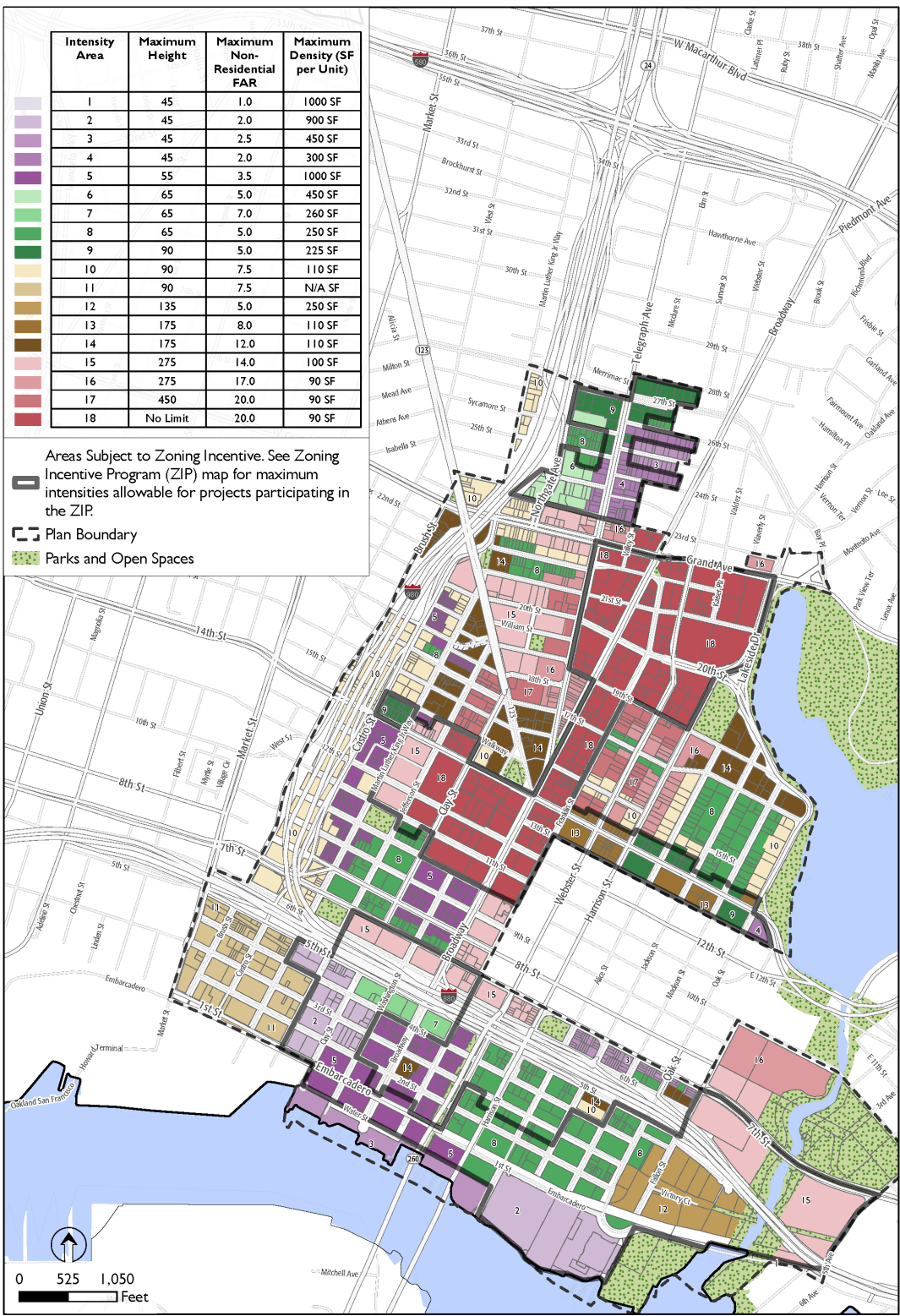
Interstate (Freeway) Zones Commercial Zones (17.98 S-16)



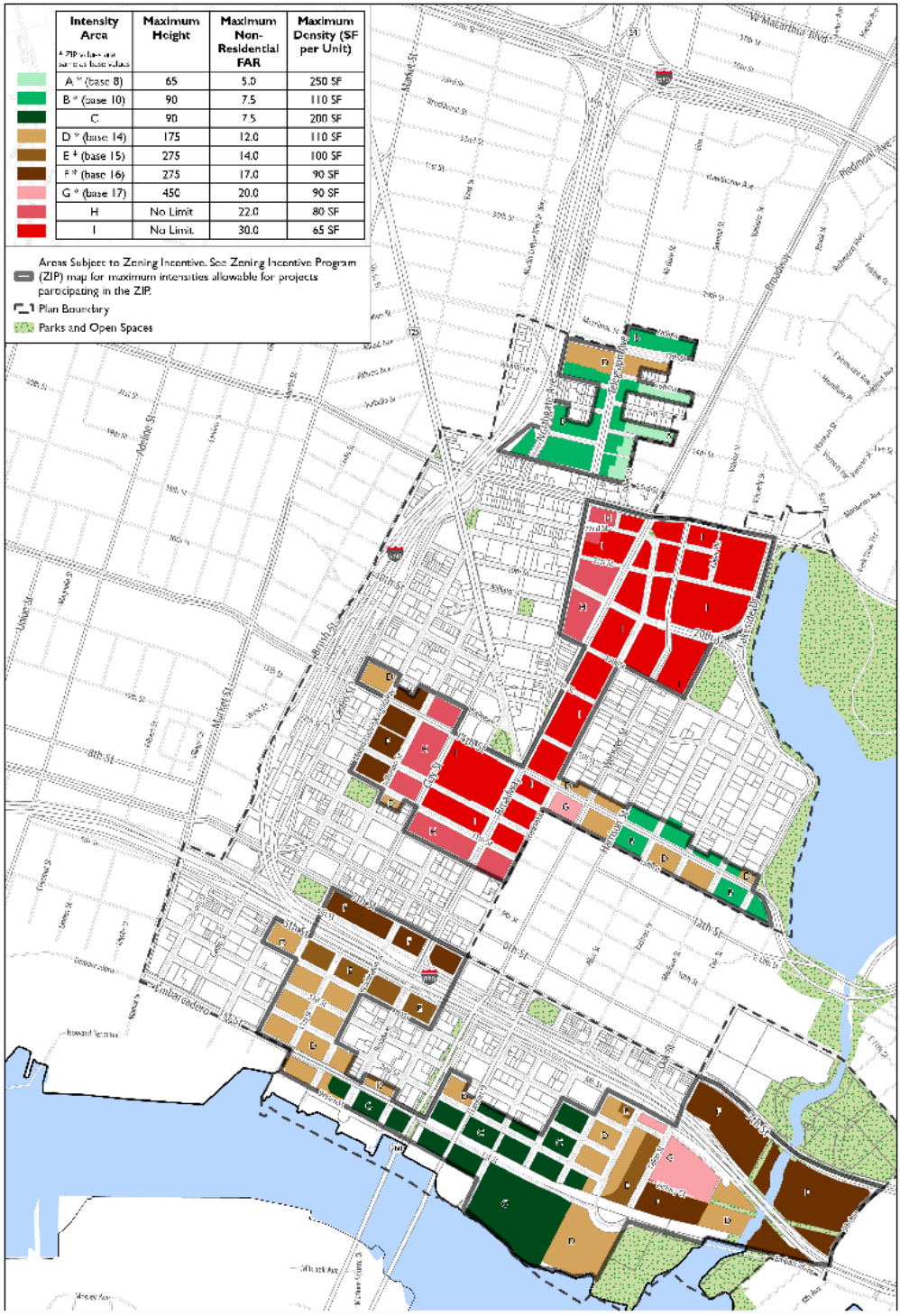
**S-16 Downtown Freeway Zones**

Zoning Incentive Program (ZIP)

Base Maximum Height and Intensity - for Projects not Participating in the ZIP (17.101K.100)

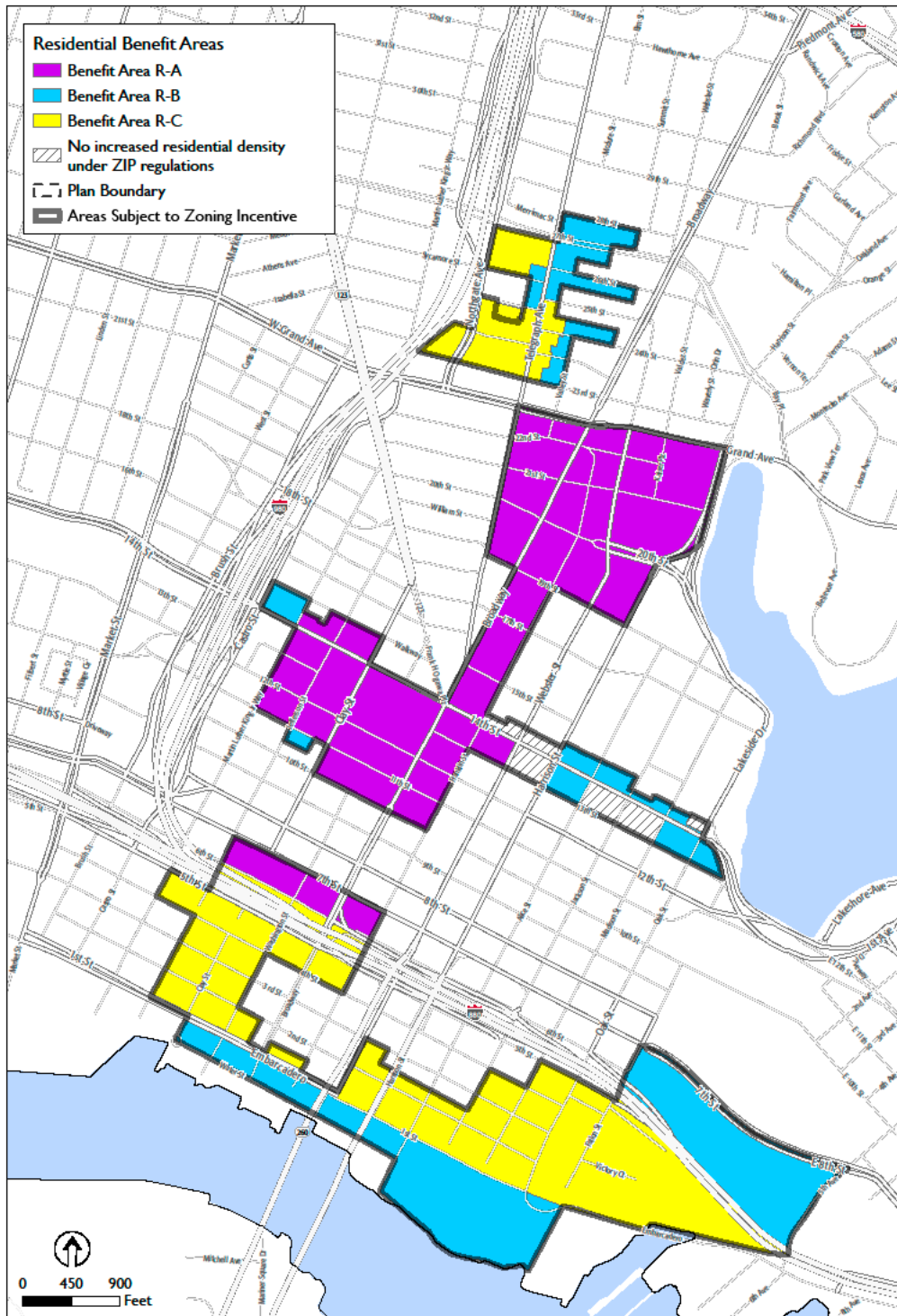


ZIP Maximum Height and Intensity (17.101K.120)



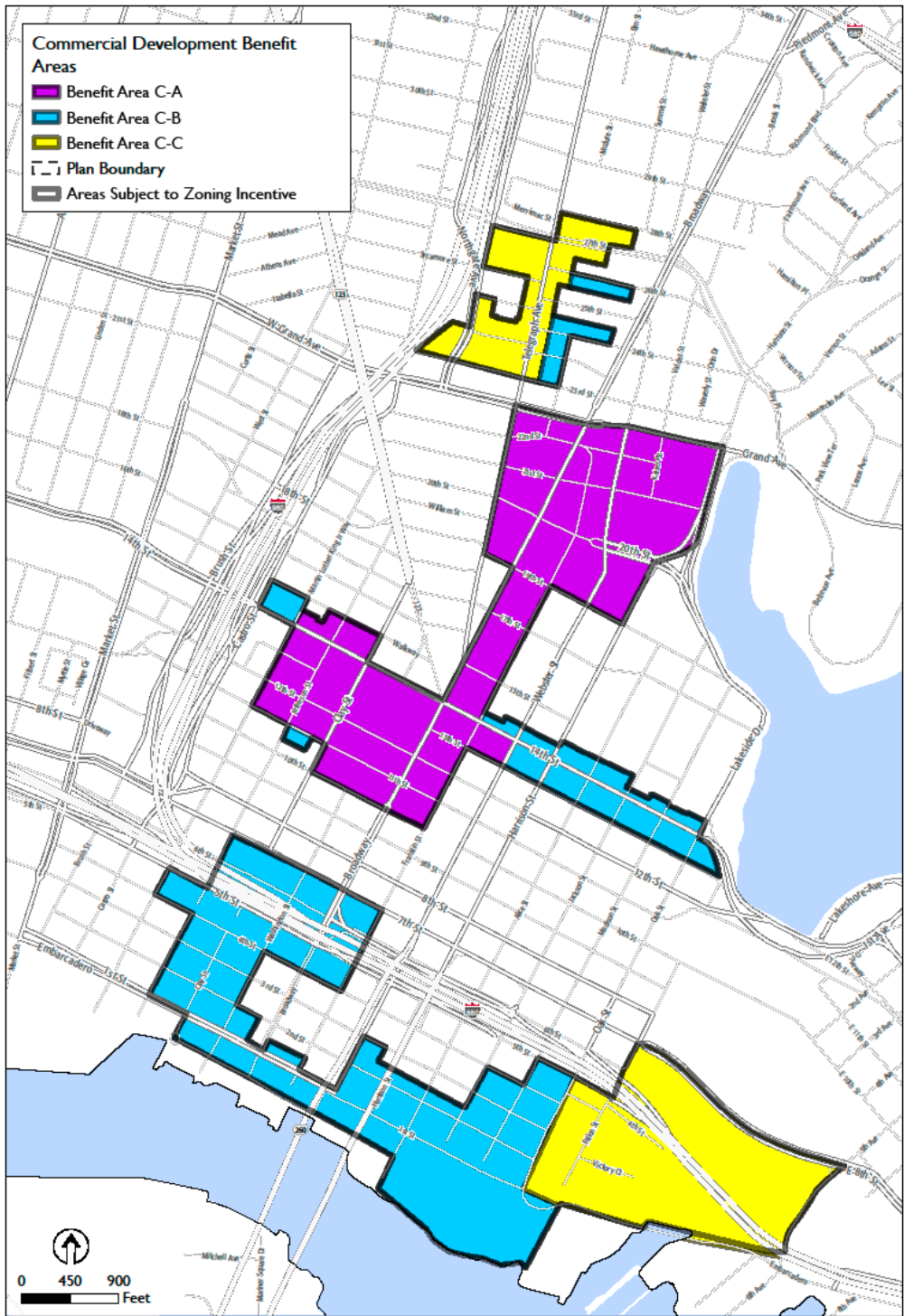
**Proposed Maximum Intensity in Zoning Incentive Areas**

ZIP Residential Benefit Areas (17.101K.110)



**Zoning Incentive Program Residential Benefit Areas**

ZIP Commercial Benefit Area (17.101K.110)



**Zoning Incentive Program Commercial Development Benefit Areas**



**Attachment C**  
**Draft General Plan**  
**Amendments**

## **Attachment C: General Plan Amendments**

Implementation of the Downtown Oakland Specific Plan (DOSP) will require amendments to the Land Use and Transportation Element (LUTE) and the Estuary Policy Plan (EPP) of the Oakland General Plan to ensure that broad City policy and specific development standards are consistent with the DOSP. These amendments will be adopted concurrently with the DOSP. Upon adoption, the objectives and policies contained in the DOSP will supersede goals and policies in the General Plan with respect to the Plan Area. In situations where policies or standards relating to a particular subject are not provided in the DOSP, the existing policies and standards of the City's General Plan and Planning Code will continue to apply. When future development proposals are brought before the City, staff and decision-makers will use the DOSP as guide for project review.

### **I. Land Use and Transportation Element (LUTE)**

#### **A. Text Amendments**

The following are proposed text changes to the General Plan LUTE. Additions to the Plan are underlined; deletions are in ~~strikeout~~.

#### **Chapter 2: Policy Framework Downtown Showcase**

Page 67

#### **Policy D1.2 Identify District Districts.**

The downtown should be viewed as the compilation of a series of distinct districts, including but not limited to Koreatown/Northgate (KONO), the Art + Garage District, City Center, Uptown,, Chinatown, Old Oakland, the Broadway Corridor, the Black Arts Movement and Business District (BAMBD), Lake Merritt Office District, Gold Coast, the Lake Merritt /Laney College area south of Lake Merritt, and the Jack London Waterfront. A distinct identity for these downtown districts should be supported and enhanced.

Page 68

#### **Policy D1.10 Planning for the Jack London District.**

Pedestrian-oriented entertainment, live-work enterprise, compatible light industry, moderate-scale retail outlets and offices, and mixed-use development should be encouraged in the Jack London Waterfront area.

Page 71

**Policy D8.1 Locating Office Development.**

New large scale office development should be prioritized near BART stations and existing office concentrations in the City Center and the Lake Merritt office districts. The height of office development should respect the Lake Merritt edge. Small scale offices should be allowed throughout the downtown.

Page 72

**Objective D10**

Ensure enough housing is built and maintained to meet the diverse needs of current and future downtown residents.

**Policy D10.1 Providing Housing for a Range of Needs.**

Housing in the downtown should not be geared toward any one housing market, but rather should be promoted for a range of incomes, ownership options, household types, household sizes, disability requirements and other needs.

**Policy D10.2 Supporting Affordable Homeownership.**

Implement programs supporting the ability of low- and moderate-income residents to purchase a home, including through cooperative partnerships.

**Policy D10.3 Acquiring and Converting Unrestricted Housing.**

Implement programs to support the acquisition of unrestricted housing and hotels/motels in the downtown area and conversion to deed-restricted affordable housing.

**Policy D10.4 Preserving and Rehabilitating Rental Housing.**

Continue to implement programs to deepen the affordability and extend the useful life of existing affordable rental housing in the downtown area.

**Policy D10.5 Encouraging Housing to Promote a 24-Hour Community.**

New housing production in the downtown serving all income levels should be encouraged as a vital component of a 24-hour community presence.

**Policy D10.6 Locating Housing.**

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## GENERAL PLAN AMENDMENTS

Housing of all types in the downtown should be encouraged in all areas where compatible with surrounding uses.

### **Policy D10.7 Framework for Housing Densities.**

Downtown residential areas should generally be within the Urban Density Residential and Central Business Districts 1, 2 and 3 density ranges where not otherwise specified. The height, bulk and design should reflect existing and desired district character, the overall city skyline, and the existence of historic structures or areas.

### **Policy D10.8 Designing Housing.**

Housing in the downtown should be safe and attractive, of high-quality design, and respect the downtown's distinct neighborhoods and its history.

### **Policy D10.9 Creating Infill Housing.**

Infill housing that respects surrounding development and the streetscape should be encouraged in the downtown to strengthen or create distinct districts.

### **Policy D10.10 Developing Live-Work Spaces.**

Locational and performance criteria should be developed for live-work developments, including criteria to ensure the commercial character of this housing type is retained for the life of the development to ensure preservation of this use.

### **Policy D10.11. Providing for At-Risk Residents.**

Housing in the downtown should include options for the unhoused and other at-risk residents, including shelters and temporary housing services.

Page 73

### **Policy D11.2 Locating Mixed-Use Development.**

Mixed use development should be allowed in all areas of the downtown where the residential component is compatible with the desired commercial functions.

## **Chapter 2: Policy Framework Waterfront**

Page 77:

A central component of the waterfront policies is direction for detailed planning along the estuary shore to guide future development and conservation. The Estuary Policy Plan, a joint effort of the Port and City of Oakland is the companion General Plan Land Use planning effort that focuses on the waterfront. The

## GENERAL PLAN AMENDMENTS

Estuary Policy Plan was completed in 1999 and is incorporated into the current General Plan Designations map.

### Chapter 3: Policies in Action The Land Use Diagram Land Use Classifications

Page 150:

#### Community Commercial

**Intensity/Density:** Except as indicated below, the maximum nonresidential FAR for this classification is 5.0. Maximum residential density is 125 units per gross acre.

- Within the Broadway Valdez District Specific Plan area, the maximum nonresidential FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.\*
- Within the Lake Merritt Station Area Plan area, the maximum nonresidential FAR for this classification is 12.0. Maximum residential density is 250 units per gross acre.\*\*
- Within the Coliseum Area Specific Plan area, the maximum nonresidential FAR for this classification is 8.0. Maximum residential density is 250 units per gross acre.\*\*\*
- Within the Downtown Oakland Specific Plan area, the maximum nonresidential FAR for this classification is 12.0. Maximum residential density is 300 units per gross acre.

\* Adopted by City Council on June 23, 2014 (Resolution No. 85056 C.M.S.).

\*\* Adopted by City Council on December 4, 2014 (Resolution No. 85276 C.M.S.).

\*\*\* Adopted by City Council on March 31, 2015 (Resolution No. 85491 C.M.S.).

Page 154:

#### Institutional

**Intensity/density:** Except as indicated below, the maximum nonresidential FAR for this classification is 8.0. Maximum residential density is 125 units per gross acre. Appropriate development standards that reflect the nature of the institutional facility and contain appropriate standards to address edge conditions adjacent to residential areas, and the need for expansion space, are all important factors that will be addressed by zoning.

- Within the Downtown Oakland Specific Plan area, the maximum nonresidential FAR for this classification is 12.0. Maximum residential density is 300 units per gross acre.

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## GENERAL PLAN AMENDMENTS

### Special Mixed Use Classifications

These classifications have been specifically developed for areas of the city that support a complex mix of uses. The Central Business Districts, the Mixed Use Waterfront District, and the Housing and Business Mix Classifications all reflect the intent of the Policy Framework and anticipate the adoption of further studies and regulations. The Mixed Use Waterfront classification was superseded by the City /Port's Estuary Policy Plan, which was adopted as a part of the General Plan Land Use Element in 1999. A new set of classifications specific to the waterfront area were developed as part of the Estuary Policy Plan and are described fully in that document. .

Page 155:

#### Central Business District1 (CBD-1)

**Intent:** The Central Business District-1 (CBD-1) classification is intended to encourage, support, and enhance the northern end of the downtown area as a mixed use urban center and a hub for business, communications, office, government, retail, entertainment, and transportation.

**Desired Character and Uses:** The CBD-1 classification includes a mix of commercial, urban (mid-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

**Intensity/Density:** For sites in the CBD-1, the maximum nonresidential FAR is 12.0, and the maximum allowable residential density is 250 units per gross acre. .

#### Community Business District-2 (CBD-2)

**Intent:** The Central Business District-2 (CBD-2) classification is intended to encourage, support, and enhance the area surrounding the downtown core area as a high density mixed use urban center..

**Desired Character and Uses:** The CBD-2 classification includes a mix of large-scale offices, commercial, urban (mid- and high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses.

**Intensity/Density:** For sites in the CBD-2, the maximum nonresidential FAR is 22.0, and the maximum allowable residential density is 300 units per gross acre.

#### Community Business District-3 (CBD-3)

**GENERAL PLAN AMENDMENTS**

**Intent:** The Central Business District-3 (CBD-3) classification is intended to encourage, support, and enhance the core of the downtown area as a high-density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California.

**Desired Character and Uses:** The CBD-3 classification includes a mix of large-scale offices, commercial, urban (high-rise) residential, institutional, open space, cultural, educational, arts, entertainment, service, community facilities, and visitor uses. The CBD-3 character is to be the core of the CBD with the most intensive development within this classification.

**Intensity/Density:** For sites in the CBD-3, the maximum nonresidential FAR is 30.0, and the maximum allowable density is 400 units per gross acre.

Page 159:

**Table 4  
Summary of Land Use Classifications**

Classification	Primary Uses	Intensity/Density Maximum
<b>Corridor Mixed Use Classifications</b>		
Urban Residential	Housing, ground-floor commercial	125 units/gross acre
Neighborhood Center Commercial	Retail, housing, services, community facilities	125 units/gross acre; 4.0 nonresidential FAR
Community Commercial	Retail, health and medical, housing services, community facilities	125 units/gross acre; 5.0 nonresidential FAR* *250 units/gross acre, 12.0 nonresidential FAR within the Lake Merritt Station Area Plan area. *250 units/gross acre, 8.0 nonresidential FAR within the Broadway Valdez District Specific Plan area. *250 units/gross acre, 8.0 nonresidential FAR within the Coliseum Area Specific Plan area. *300 units/gross acre, 12.0 nonresidential FAR within the Downtown Oakland Specific Plan area.
<b>Industry, Commerce, and Institutional Classifications</b>		
Regional Commercial	Retail, recreation, visitor-serving uses	125 units/gross acre; 4.0 nonresidential FAR* *250 units/gross acre, 8.0 nonresidential FAR within the Coliseum Area Specific Plan area.
Business Mix	Light Industry, research and development, low-impact manufacturing	4.0 nonresidential FAR
General Industry and Transportation	Manufacturing, distribution, transportation	2.0 nonresidential FAR
Institutional	Educational, cultural, medical	125 units/gross acre; 8.0 nonresidential FAR* *300 units/gross acre, 12.0 nonresidential FAR within the Downtown Oakland Specific Plan area.

**GENERAL PLAN AMENDMENTS**

**Special Mixed Use Classifications**

Central Business District-1	Office, housing, retail, services, cultural facilities	250 units/gross acre; 12.0 nonresidential FAR
Central Business District-2	Office, housing, retail, services, cultural facilities	300 units/gross acre; 20.0 nonresidential FAR
Central Business District-3	Office, housing, retail, services, cultural facilities	400 units/gross acre; 30.0 nonresidential FAR
Mixed Use Waterfront District	Superseded by the Estuary Policy Plan, adopted June 1999	
Housing and Business Mix	Housing and low-impact businesses	30 units/gross acre; 3.0 non-residential FAR

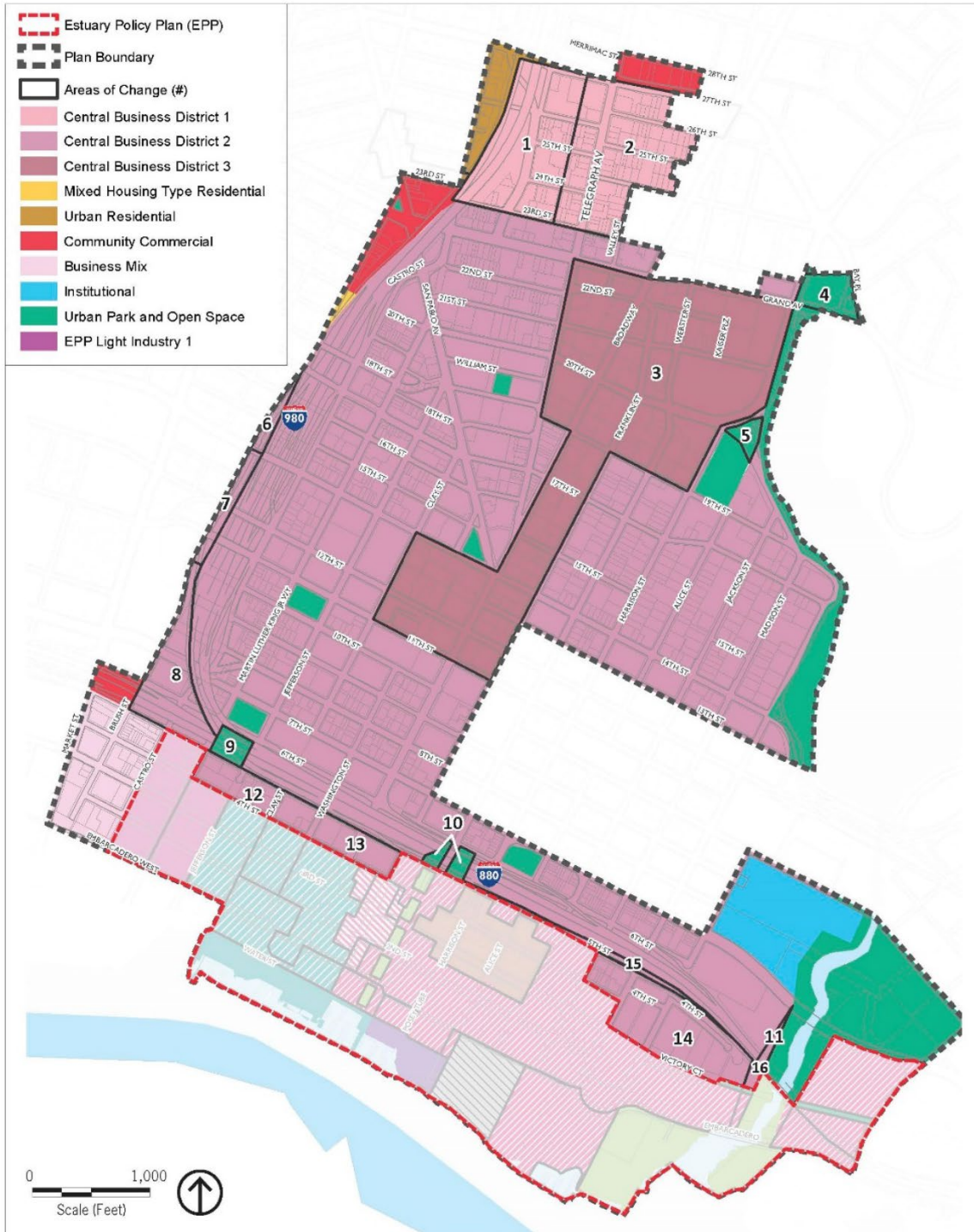
**Recreation and Open Space Classifications**

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**GENERAL PLAN AMENDMENTS**

**B. Map Amendments**



Source: City of Oakland, 2020. PlaceWorks, 2021.

Map Amendments to the City Of Oakland General Plan,  
Land Use & Transportation Element (LUTE)

**GENERAL PLAN AMENDMENTS**

DOSP General Plan Amendments Key (outside Estuary Policy Plan)

ID	Existing Designation	Proposed Designation
1	Urban Residential	Central Business District 1
2	Community Commercial	Central Business District 1
3	Central Business District (CBD)	Central Business District 3
4	Urban Residential	Urban Park and Open Space
5	Central Business District (CBD)	Urban Park and Open Space
6	Mixed Housing Type Residential	Central Business District 2
7	Urban Residential	Central Business District 2
8	Community Commercial	Central Business District 2
9	Central Business District (CBD)	Urban Park and Open Space
10	Central Business District (CBD)	Urban Park and Open Space
11	Urban Park and Open Space	Central Business District 2
12	EPP Off-Price Retail	Central Business District 2
13	EPP Retail Dining Entertainment District 2	Central Business District 2
14	Mixed-Use District	Central Business District 2
15	Unclassified	Central Business District 2
16	EPP Parks	Central Business District 2

## **II. Estuary Policy Plan Amendments**

### **A. Text Amendments**

The following are proposed text changes to the Estuary Policy Plan. Additions to the Plan are underlined; deletions are in ~~strikeout~~.

#### **Introduction**

##### **Plan Organization**

Page 8:

Section III of the plan recommends policies for each of the three districts within the Estuary planning area. As shown in Figure I-3, these districts include:

- 'Jack London District,' extending from Brush Street to Oak Street;
- 'Oak-to-Ninth Avenue District', from Oak Street to the Ninth Avenue Marine Terminal; and
- 'San Antonio/Fruitvale District', from 9<sup>th</sup> Avenue to 66th Avenue.

#### **Chapter II. Objectives**

##### **Land Use**

##### **Land Use Objectives**

Page 29:

Objectives for land use recognize the Estuary as an attractive location for development opportunities and intensification of a variety of activities. They are based on and reinforced by the objectives in the General Plan Elements addressing *Land Use & Transportation (1998)*, *Open Space, Conservation & Recreation (OSCAR; 1996)*, *Historic Preservation (1994)* and *Housing (1992)*; as well as the *Downtown Oakland Specific Plan (DOSP) (2021)*.

#### **Section III: District Recommendations**

##### **Jack London District**

##### **Land Use**

Page 53:

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**GENERAL PLAN AMENDMENTS**

The Jack London District encompasses approximately 165 acres of land situated between Brush Street on the west and Oak Street on the east. Properties within the district are predominantly in private ownership, but also include some large public land holdings (Figure III-1).

Page 56:

To the east of Broadway, new residential development that is compatible with the existing industrial use and character of the area should be encouraged. A residential population in this area can infuse new vitality into the district as a whole. West of Broadway to Jefferson Street, a mix of residential retail, dining and entertainment uses, and compatible light industrial and artisan production businesses should be encouraged. West of Jefferson Street (except for the block between 4th, 5th, Jefferson and MLK), light industrial activities should be maintained, including warehousing and distribution uses.

The entire Jack London District is within the boundary of the Downtown Oakland Specific Plan (DOSP). The DOSP provides additional guidance for properties in this District, including development strategies, policies, and standards, and a land use designation map.

Page 57:

This page is mistakenly numbered as page 58 in the adopted EPP. It is hereby renumbered as page 57. The map on this page is replaced with the map below:

GENERAL PLAN AMENDMENTS

ESTUARY POLICY PLAN AMENDMENTS



Source: City of Oakland, 2020. PlaceWorks, 2021.

Amendments to Estuary Policy Plan,  
Figure III-3: Central Jack London District Illustrative Development Strategy

Page 58:

For ease of discussion, the Jack London District has been subdivided into 8 subdistricts, which are shown on the *Central Jack London District Illustrative Development Strategy* map on page 57. Land use policies for each are presented as follows:

#### **Retail, Dining, & Entertainment District**

**Policy JL-1: Reinforce retail, dining and entertainment uses along the Jack London Square waterfront, and extend these uses north to 5<sup>th</sup> Street along Broadway and Washington to create a regional entertainment destination.**

The Jack London Square has been established as a significant regional destination for retail, dining and entertainment. The Estuary Policy Plan recommends that existing pattern of uses be expanded and intensified within the Phase I portion of Jack London Square (i.e., between Clay and Webster Streets), and that the district to be expanded northward between Jefferson and Franklin Streets to 5<sup>th</sup> Street (excluding areas of the Produce District west of Franklin).

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#### **Commercial-Recreation District**

**Policy JL-2: Encourage the redevelopment of Jack London Square between Webster and Alice streets from Water Street to the waterfront.**

This site is a viable opportunity to develop additional commercial and recreational uses, and add to the luster of Jack London Square as an area that facilitates the development of entertainment venues. However, development here requires extraordinary sensitivity to the waterfront location, the shoreline edge, and to surrounding activities. Specific policy direction is provided:

Page 60

Page 61

#### **Produce District**

**Policy JL-3: Preserve the historic character of the produce district, and encourage activities that create a viable urban mixed-use district.**

Page 62

### **Mixed Use District**

**Policy JL-4:** In areas from Franklin Street to the Lake Merritt Channel, outside the existing boundaries of the historic district (API) and the Produce District, encourage the development of a mix of uses, including housing, within a context of commercial, light industrial/manufacturing uses, and urban open spaces.

- Active, publicly oriented ground-level uses with windows and doors oriented toward the street, and build-to lines along streets are encouraged.
- A “greenway” composed of small, urban parks along Webster Street from Interstate 880 to the waterfront is encouraged to improve pedestrian experience from the Downtown to Jack London (see Policy JL-13.4).
- Redevelopment of the Victory Court area is encouraged to address its unique proximity to the waterfront, position connecting Brooklyn Basin with the downtown, and location in an expected sea level rise inundation area.
- Outside of the Victory Court area, use of industrial materials (e.g. corrugated metal, glass, steel) should be encouraged.

Page 63

### **Waterfront Warehouse District**

**Policy JL-5:** Encourage the preservation and adaptive reuse of existing buildings in a new waterfront warehouse district. Use of buildings and new infill development should include joint living and working quarters, residential, light industrial, warehousing & distribution, wholesaling, offices and other uses which preserve and respect the district’s unique character.

Page 64:

### **Light Industrial District**

**Policy JL-6:** Maintain light industrial and warehousing uses between Jefferson and Brush Streets.

The Estuary Policy Plan recommends maintaining light industrial activities, including warehousing and distribution uses, between Jefferson and Brush Streets (except for the block between 4th, 5th, Jefferson and MLK), where a concentration of industrial activities exist. Office and retail uses should be encouraged within this area as well, to promote economic diversity. These uses should be carefully screened to ensure that they are compatible with existing industrial activities and with the adjacent West Oakland neighborhood north of the I-880 freeway.

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## GENERAL PLAN AMENDMENTS

Light industrial and commercial artisan production uses should also be considered within other portions of the Jack London District, including the Produce District.

### Waterfront Mixed Use District

**Policy JL-7: Encourage a mix of uses east of Alice Street to promote land use compatibility, while maintaining and enhancing waterfront views and access.**

Along the waterfront East of Alice Street are two large residential developments (Portobello condominiums and the Landing at Jack London Square apartments), separated by the KTVU television station. Given the differentiation of land uses, and the large-scale, self-contained nature of each, development continuity is lacking. They should be better integrated with each other, with the surrounding area, and with the waterfront. These developments can be enhanced through a continuation of Water Street to the east as a pedestrian corridor, along with exterior site treatments which use common features (such as lighting and street furniture), coordinated landscaping and architecture, and other amenities. It is particularly important that Water Street and the waterfront promenade be a unifying feature which ties together the disparate developments and maintains continuity of waterfront access. At the same time, site enhancements should strive to strengthen connections between the waterfront and inland areas. In addition, the boundaries of these sites with the adjacent Jack London Square Phase II projects (See Policy JL-2) and Estuary Park (See Policy OAK-2.1) should be carefully considered as projects develop, to enhance compatibility.

Page 83:

### Oak-to-Ninth Avenue District

The “Oak-to-Ninth Avenue” District of the Estuary planning area is situated south of I-880, east of Oak Street, and west of Embarcadero Cove. Encompassing approximately 120 acres, the district includes two distinct sub-areas separated by the Embarcadero and the main line rail corridor. They are the properties between Fifth and Ninth Avenues, projecting into the Estuary south of the Embarcadero. The district includes Estuary Park, the landside areas between Oak Street and Lake Merritt Channel, and the Ninth Avenue Terminal.

The portion of the Oak-to-Ninth Avenue District bounded by Oak Street to the west, 5th Avenue to the east, the Estuary to the south and I-880 to the north is within the boundary of the *Downtown Oakland Specific Plan (DOSP)*. The DOSP provides additional guidance for properties in this portion of the Oak-to-Ninth Avenue District, including development strategies, policies, and standards, and a land use designation map.

Page 84



**GENERAL PLAN AMENDMENTS**

With ambitious plans to change land use, this area of the shoreline could be converted into a large-scale network of mixed uses and open spaces that extend for over 60 acres from Estuary Park to Ninth Avenue. The assemblage of parkland would create a major open space resource in Oakland and, at the same time, establish a recreation asset of regional significance. In areas adjacent to the open spaces, additional development of hotels, cultural activities; a high-density, high-intensity mix of waterfront-enhancing residential and commercial development extending from Central Jack London; and other attractions that take advantage of the unique setting, could help to energize the entire district.

**Lake Merritt Channel**

**Land Use**

Page 92

Public space is planned to be one of the primary new uses within the Oak-to-Ninth District, occupying much of the land along the shoreline and extending inland at Lake Merritt Channel, Clinton Basin, and a new ‘Crescent Park’. (See Policy OAK-2.4). Recreational use of the shoreline will be the most significant agent of change within the district. It will create a series of extraordinary amenities and recreational resources for the community, as well as an attractive setting for new and existing development.

**Mixed Use Development**

**OAK-4.5: North of the Embarcadero, encourage a higher-density mixed-use district.**

In the more traditional warehouse and industrial area north of the Embarcadero between the Lake Merritt Channel and Oak Street, a mixed-use district is encouraged. Emphasis should be placed on providing for higher density housing (including work/live and artist studios). This area is essentially an extension of a larger mixed-use district to the west, extending to Webster Street in the Jack London District.

**Chapter IV Moving Forward**

**Steps to Implementing the Estuary Policy Plan**

**Summary of Estuary Policy Plan Land Use Classifications**

Page 132:

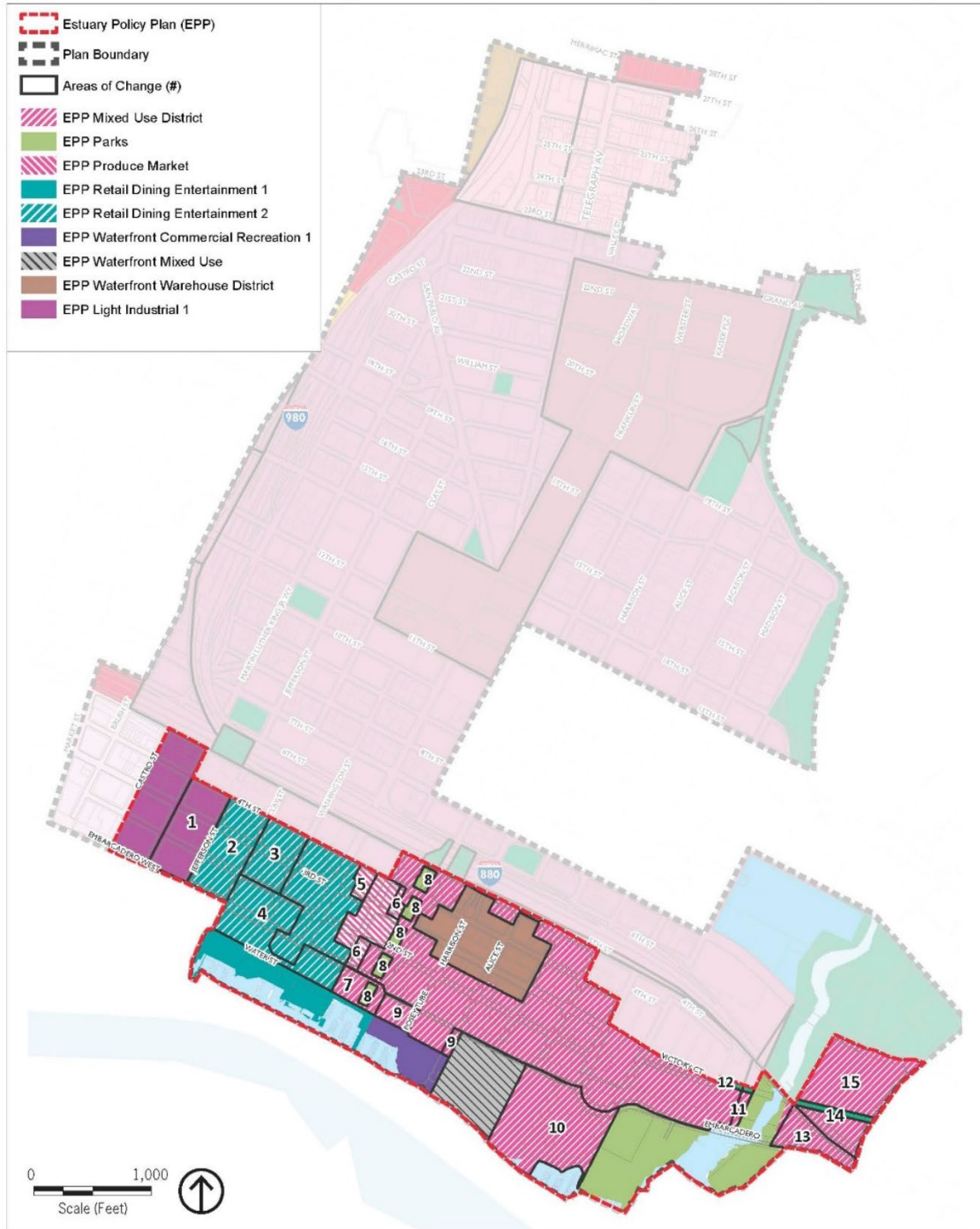
LAND USE CLASSIFICATION	INTENT	DESIRED CHARACTER	MAXIMUM INTENSITY
LI-1: Light Industrial	Maintain light industrial and manufacturing uses that provide support to the	Future development in this area should be primarily	Nonresidential FAR of 2.0 per parcel..

**GENERAL PLAN AMENDMENTS**

	adjacent maritime area and downtown, but are compatible with the adjacent West Oakland neighborhood.	industrial and manufacturing in nature.	
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.	Nonresidential FAR of 12.0 per parcel. Residential density of 300 units per gross acre.
PM: Produce Market (Franklin Street b/w 2nd & 4th 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.	Nonresidential FAR of 2.5 per parcel. Residential density of 40 units per gross acre.
MUD: Mixed Use District	Encourage the development of higher density housing (including work/live, lofts, and artist studios) within a context of commercial and light industrial uses.	Future development in this area should be primarily retail, restaurant, office, residential, work/live, lofts units, parks, and public open spaces with custom and light industrial uses that are compatible with adjacent uses.	Nonresidential FAR of 12.0 per parcel. Residential density of 300 units per gross acre.
WMU: Waterfront Mixed Use (Site B, Lincoln Properties)	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.	Nonresidential FAR of 8.0 per parcel. Residential density of 150 units per gross acre.
Parks	Identify, enhance and maintain an urban park, schoolyard and garden system which provides open space for outdoor recreation, psychological and physical well-being, and relief from the urban environment.	Urban parks, schoolyards, and other outdoor recreation spaces.	N/A

# GENERAL PLAN AMENDMENTS

## B. Map Amendments



Source: City of Oakland, 2020. PlaceWorks, 2021.

Map Amendments to the Estuary Policy Plan (EPP) area of the City Of Oakland General Plan, Land Use & Transportation Element (LUTE)

**GENERAL PLAN AMENDMENTS**

DOSP General Plan Amendments Key (inside Estuary Policy Plan)

ID	Existing Designation	Proposed Designation
1	EPP Off-Price Retail District	EPP Light Industry 1
2	EPP Off-Price Retail District	EPP Retail Dining Entertainment 2
3	EPP Off-Price Retail District	EPP Retail Dining Entertainment 2
4	EPP Retail Dining Entertainment 1	EPP Retail Dining Entertainment 2
5	EPP Retail Dining Entertainment 2	EPP Produce Market
6	EPP Mixed Use District	EPP Produce Market
7	EPP Retail Dining Entertainment 1	EPP Mixed Use District
8	EPP Mixed Use District	EPP Parks
9	EPP Waterfront Commercial Recreation 1	EPP Mixed Use District
10	EPP Waterfront Warehouse Mixed Use	EPP Mixed Use District
11	EPP Parks	EPP Mixed Use District
12	EPP Mixed Use District	EPP Parks
13	EPP Planned Waterfront Development 1	EPP Mixed Use District
14	Community Commercial	Urban Park and Open Space
15	Community Commercial	EPP Mixed Use District