



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.

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 5th 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.