

# DOWNTOWN OAKLAND SPECIFIC PLAN ZONING

BAMBD Meeting, October 24, 2022



City of Oakland





# INTRODUCTIONS

## INTRODUCTION TO DOSP & ZONING

## BAMBD ZONING AMENDMENTS

## ZONING INCENTIVE PROGRAM

## DISCUSSION

## NEXT STEPS & MORE INFORMATION



City of Oakland

## OVERVIEW

# DOSP PROCESS

### Project Initiation

Existing Conditions Research & Profile Report  
10-Day Public Design Charrette & Open Studio  
Community Advisory Group (CAG) Launch  
Plan Alternatives Report & Comment Memo  
Stakeholder Meetings & Online Survey  
Youth Summit

### Plan Drafting & Iteration

Plan Options Report & Equity Assessment  
Preliminary Draft Plan & Public Review  
Public Review Draft Plan/EIR\* & Public Hearings  
Initial Zoning Incentive Program (ZIP) analysis

2015-2016

2017-2018

2018-2019

2020-2023

### Racial Equity Re-Launch

Disparity Analysis  
Expanded Outreach & CAG Membership  
Social Equity Working Group Meetings  
Creative Solutions Labs  
Accessibility Survey

### Final Plan, Zoning & Adoption

Final Draft Plan  
Planning Code (Zoning) Amendments & Public Review  
General Plan Amendments  
Adoption Hearings





## OVERVIEW

# DOSP OBJECTIVES

1. Overarching Vision: Equity and Access
2. Economic Opportunity
3. Housing & Homelessness
4. Mobility, Safety & Connectivity
5. Culture Keeping
6. Community Health & Sustainability
7. Land Use & Urban Form





## OVERVIEW

# RELATED POLICY OBJECTIVES

1. State Housing & Community Development housing goals
  - Remove barriers to market rate and affordable housing production
2. Draft Oakland Housing Element housing goals
  - Increase housing production generally, provide a diversity of housing types, prevent displacement, reduce racial housing segregation, provide affordable housing
3. Oakland Equitable Climate Action Plan
  - Facilitate transit use with dense housing and employment
4. Grow revenues for public services throughout Oakland, including through the Equitable and Progressive Business Tax and Affordable Housing Infrastructure Bond
  - Generate taxes and boomerang funds downtown to fund services and affordable housing production citywide



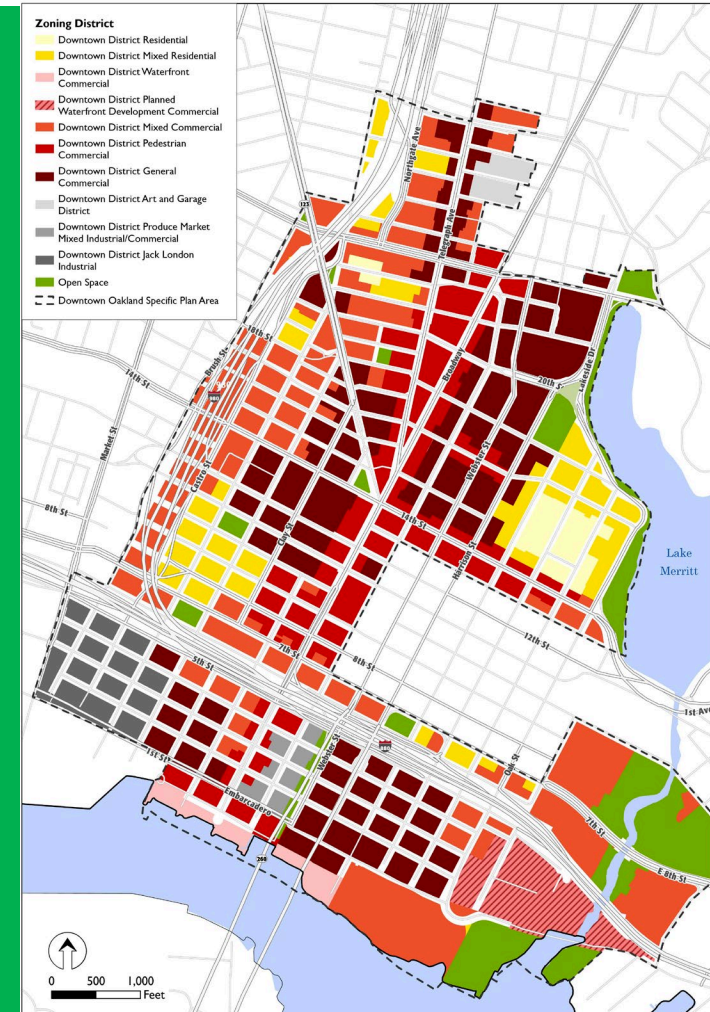


## OVERVIEW

# ROLE OF ZONING IN THE DOSP

## ■ Implementing the DOSP

1. Targeted studies
2. Impact & development fee reassessment
3. City investment in housing, infrastructure, etc.
4. Initiatives and funding strategies
5. City staff allocations
6. Compliance with CEQA mitigation
7. Ongoing community monitoring and transparency
8. **Update zoning to reflect Plan objectives**





## OVERVIEW

# KEY ZONING COMPONENTS

- **Updated Land Use Activity Regulations**
  - Revised Zoning Map, including primary zones that match the goals of the DOSP and the Estuary Policy Plan
  - Updated Activities Table – amends the activities that are allowed by right
- **Special Districts**
  - Sea Level Rise Overlay
  - Arts & Culture Overlay (Black Arts Movement and Business District)
  - Employment Priority Sites
  - Green Loop & Lake Merritt Channel
  - Freeway Zoning
- **Zoning Incentive Program & Development Standards**
  - Revised building design standards, upcoming objective design standards
  - New height areas with increased height, residential density and nonresidential floor area ratio (FAR), if participating in the ZIP
  - Zoning Incentive Program (ZIP) to provide community benefits in return for increased development intensity
  - Transfer of development rights (TDR) program

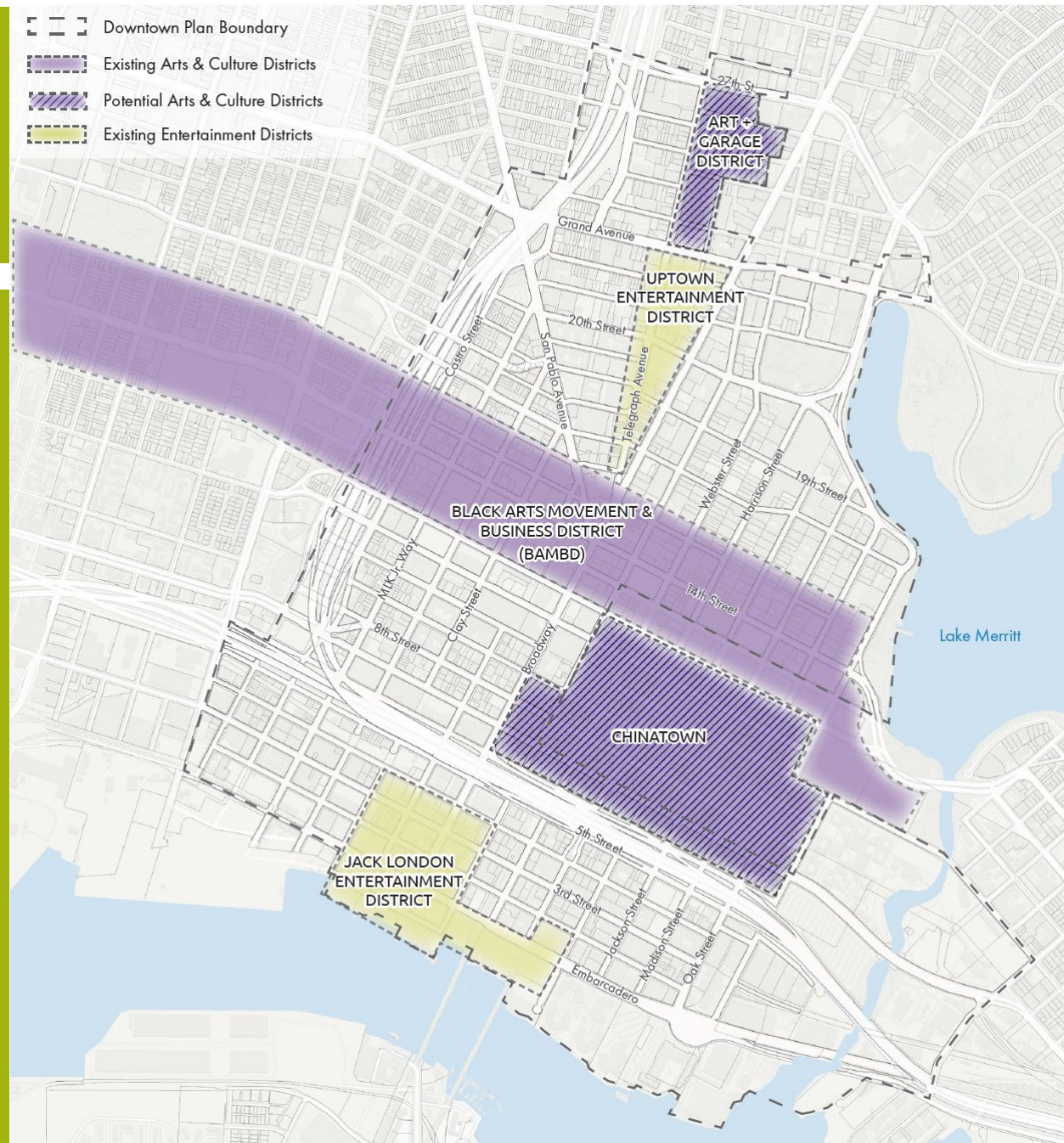






# BAMBD

- Cultural District adopted by City Council resolution in 2016
- Administrative Zoning Code Bulletin released for staff use in January 2021
- Overlay zone proposed in 2022 DOSP Draft Zoning Amendments







# BAMBD CONCERNS

- BIPOC-owned businesses being displaced by rising commercial rents
- BIPOC residents being displaced by rising housing prices
- Artists and arts businesses and organizations (theaters, galleries, etc.) being displaced by rising rents
- Hard to get permits for performance/entertainment spaces





# BAMBD ZONING AMENDMENT STRATEGIES

DOSP Objective	Zoning Approach
Economic Opportunity	<ul style="list-style-type: none"><li>• Flexibility in ground floor uses</li><li>• Arts &amp; Culture overlay in BAMBD</li><li>• Artisan production commercial activity</li><li>• ZIP: below-market rate commercial space, employment training and other workforce programs</li></ul>
Housing & Homelessness	<ul style="list-style-type: none"><li>• Increased residential density with community benefits, including affordable housing – in addition to raising funds for extremely/very low-income housing through Affordable Housing Impact Fees</li><li>• ZIP: affordable housing &amp; public restrooms</li></ul>
Culture Keeping	<ul style="list-style-type: none"><li>• Arts &amp; Culture overlay in BAMBD to protect and foster broad cultural uses</li><li>• Relaxed rules to permit entertainment and performance venues</li><li>• Permitting by right of artisan production commercial activities</li><li>• ZIP: below market-rate commercial space &amp; infrastructure improvements</li></ul>



# BAMBD ARTS & CULTURE OVERLAY

## Objectives

- Foster arts and cultural activities in the Black Arts Movement and Business District (BAMBD)
- Protect businesses and institutions in the BAMBD from displacement
- Reduce the cost of commercial space for arts, culture and related community uses



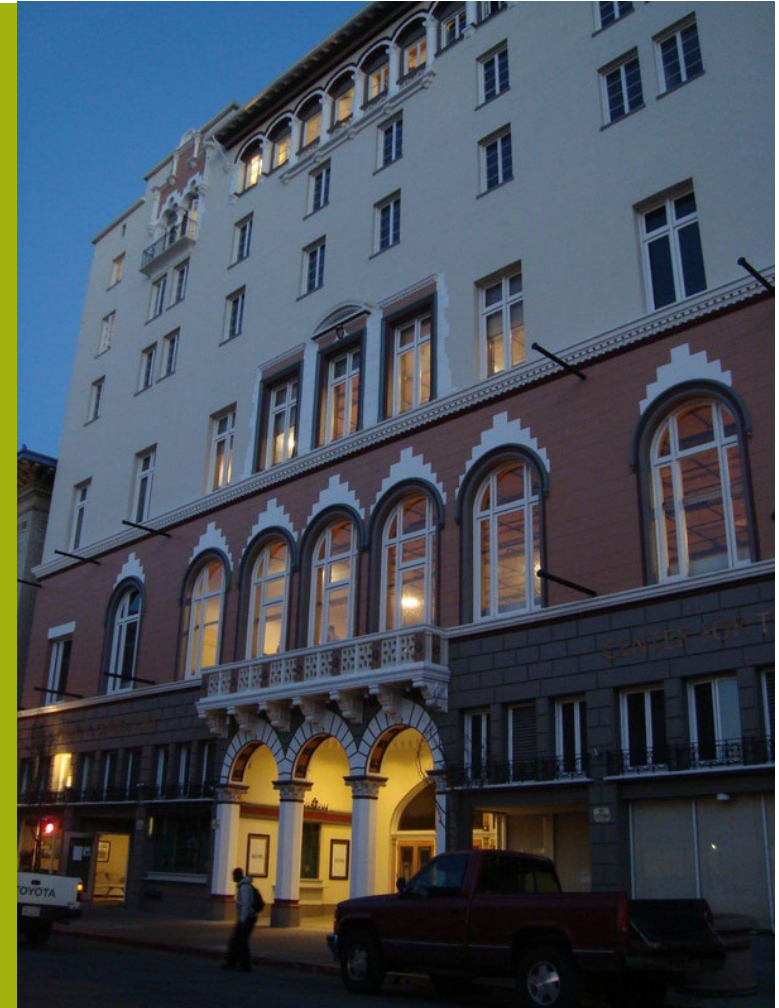




# BAMBD ARTS & CULTURE

## Additional Work Anticipated

- Marketing, banners and other cultural markers; AAMLO and Malonga Center improvements
- Development of a leasing/tenanting program to fill BMR commercial space
- Ongoing business development/façade and tenant improvements
- Application of combining zone to other cultural districts in the future





# BAMBD ARTS & CULTURE OVERLAY

## Zoning Tools

- Non-arts & culture uses on ground floor of key nodes require CUP
- New construction to dedicate at least 50% of ground floor to Arts & Culture
- New Artisan Production Commercial zoning activity and Arts & Culture activity
- Zoning Incentive Program to provide below-market rate (BMR) commercial space



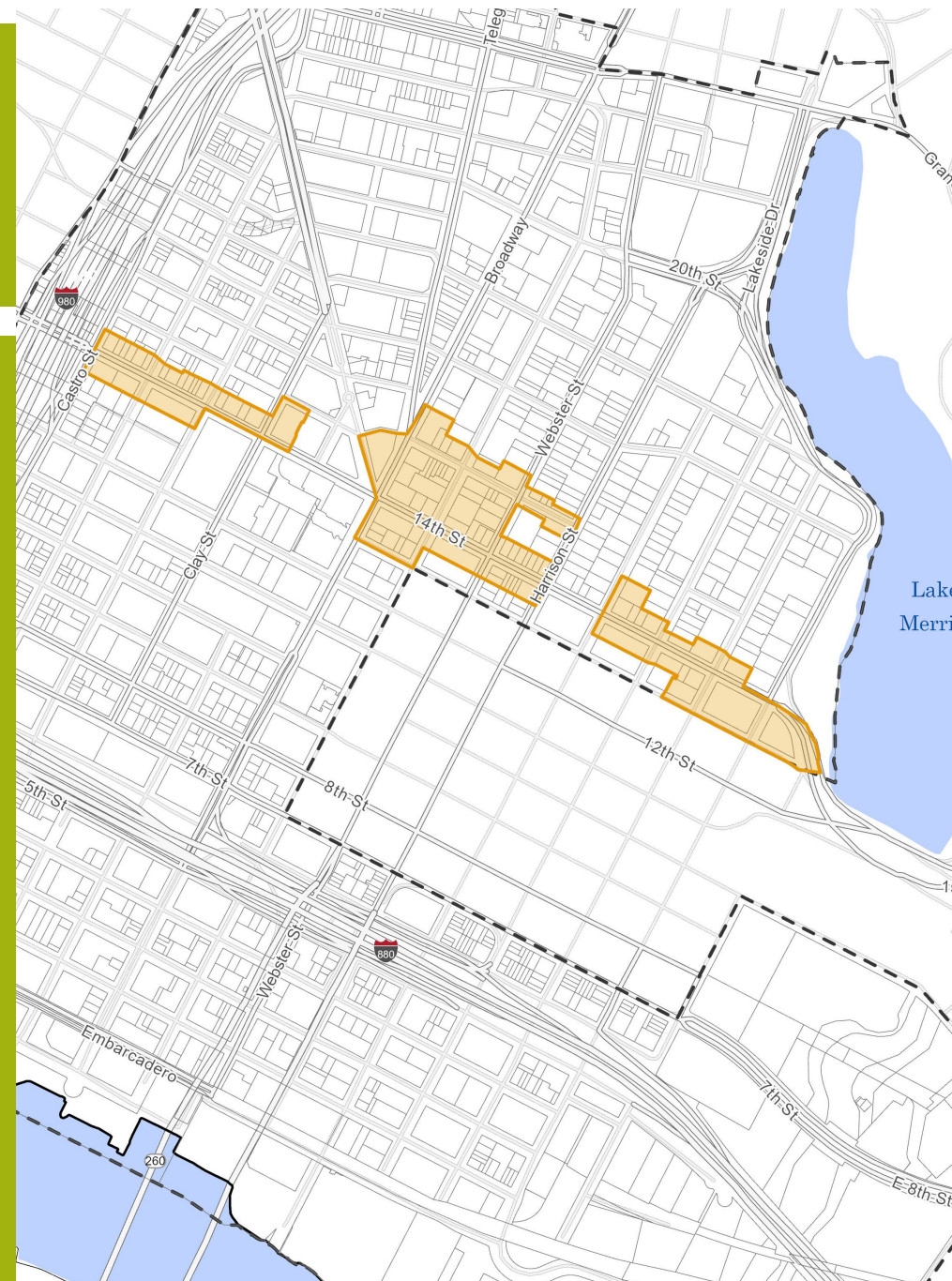




# BAMBD ARTS & CULTURE OVERLAY

## Area

- 3 Key nodes along 14<sup>th</sup> Street
- Is this too much? Too little?
- Additional area could be added in time if strategies are successful







# BAMBD ARTS & CULTURE OVERLAY

## Components

- Intent statement
- Definition of Arts & Culture Types of Activities
- Regulations





# BAMBD ARTS & CULTURE OVERLAY

## Intent

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.



# BAMBD ARTS & CULTURE OVERLAY

## Intent

- 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**.





# BAMBD ARTS & CULTURE OVERLAY

## **Definition: Arts & 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.



# BAMBD ARTS & CULTURE OVERLAY

## Definition: Arts & Culture Types of Activities

- BAMBD **Administrative** Arts and Culture
  - Admin support for art- and culture-related non-profit educational organizations, institutions, and businesses.
  - Includes: organizations that have a mission to strengthen, serve, and educate underrepresented communities, particularly communities represented by the BAMBD and/or harmed by racial disparities
- BAMBD **Active** Arts and Culture
  - Pedestrian-oriented, accessible, active and/or high visibility functions
  - Includes: performance space, arts/cultural education, retail stores, and consumer services 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.



# BAMBD ARTS & CULTURE OVERLAY

## Regulations: Arts & Culture Use Regulations

- New and Existing Development
  - Arts & Culture Types of activities allowed as they would be in the primary zone
  - All other activities on the ground floor require a Conditional Use Permit (CUP)
- New Development
  - Must dedicate 50% of leasable ground floor space to Arts & Culture Types of Activities





ZIP

# ZONING INCENTIVE PROGRAM (ZIP)

## Intent

- Achieve density in a walkable, transit-rich neighborhood
- Meet State and local goals for housing units, including providing affordable units on site or through Impact Fees
- Grow Oakland's economy and tax base to improve public services and fund community benefits citywide
- Achieve additional community benefits by capturing additional value development projects achieve through increased density
- Costs to developer based on analysis "value capture"



ZIP

# ZONING INCENTIVE PROGRAM (ZIP)

Under the Zoning Incentive Program (ZIP), developers provide community benefits in return for increased development intensity.

## On-Site Benefits:

- Affordable housing (amount dependent on affordability level)
- Below market-rate (50%), ground floor commercial space
- Streetscape, open space and other culturally-relevant neighborhood improvements
- Public restrooms in building lobby

## Optional Payment of In-Lieu Fee at higher cost:

- City may use in-lieu fees for any benefit listed above
- In-lieu fees may also be used for job training and employment programs



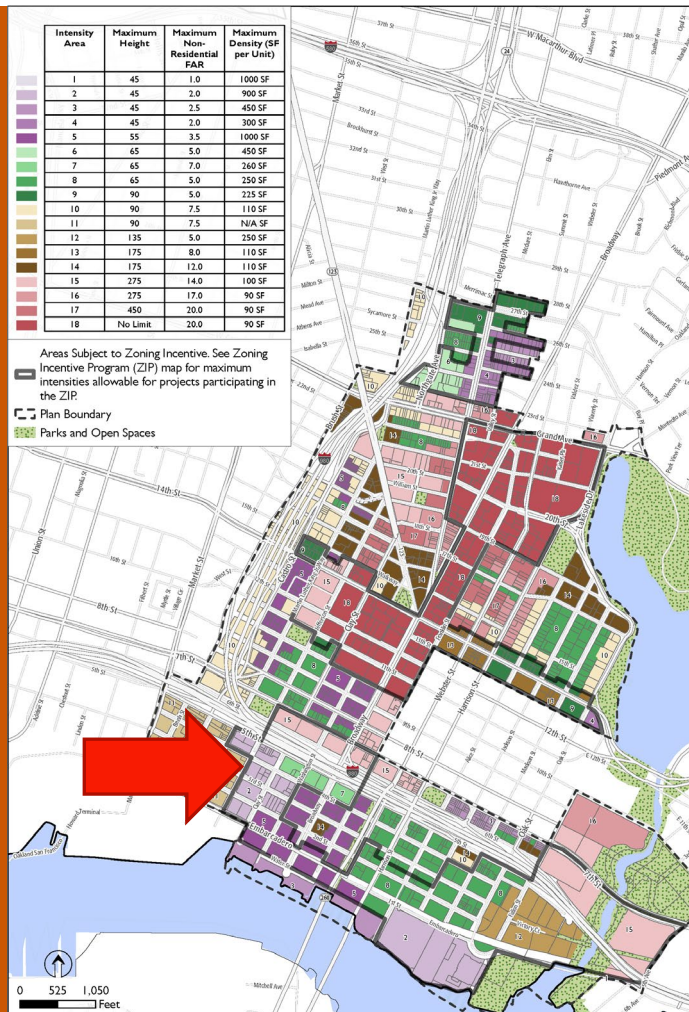
DOSP

# ZONING INCENTIVE PROGRAM (ZIP)

## Maximum Height and Intensity without Zoning Incentive Program (ZIP) Participation

### Example (Base):

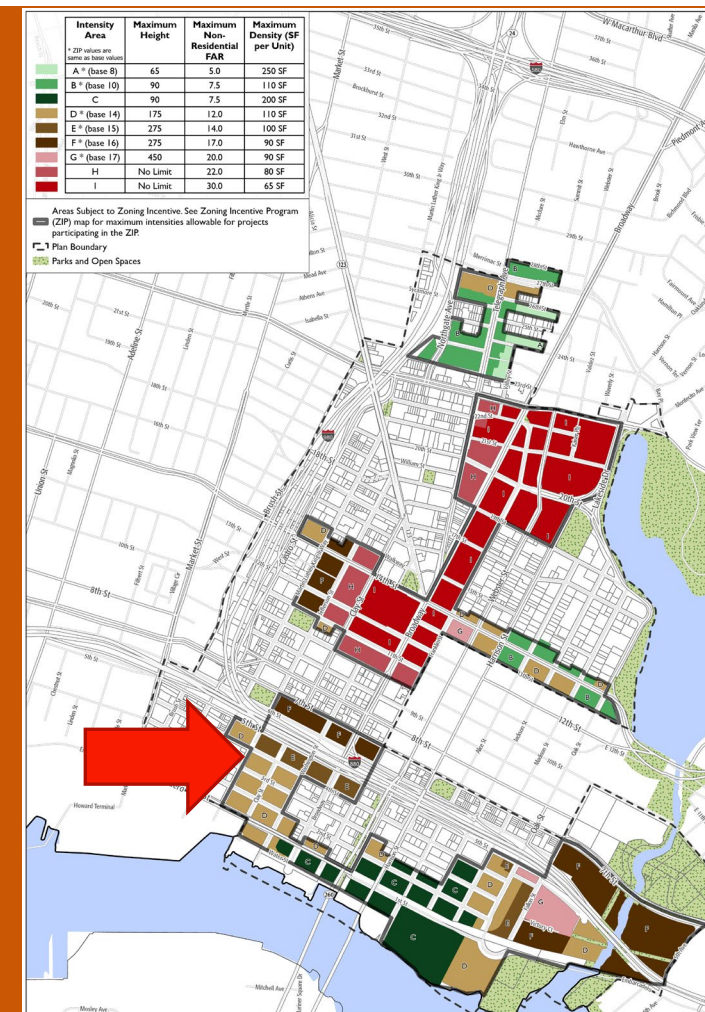
- Height: 45'
- Non-res FAR: 2.0
- Density: 900 SF



## Maximum Height and Intensity if participating in the ZIP

### Example (ZIP):

- Height: 175'
- Non-res FAR: 12.0
- Density: 110 SF







# DISCUSSION QUESTIONS & COMMENTS

1. Are the initial nodes of the BAMBD zoning overlay correct? Should they be reduced or expanded?
2. Do you think restricting ground floor space for arts & culture uses will be effective in supporting those uses?
3. Are we including the right activities to protect? How would you define an appropriate "cultural" use?
4. What other elements of the proposed zoning amendments do you have questions or concerns about?



# NEXT STEPS

- Complete public review
  - Affordable housing/ZIP study session
  - Online & chalkboard surveys
  - ZUC & LPAB Hearings
- Revise Draft Zoning Amendments
- Adoption Hearings for Final Draft Zoning Amendments & Final Draft DOSP
  - Planning Commission
  - CED Committee & Council





## NEXT STEPS

# MORE INFORMATION & FEEDBACK

- More information:
  - Website: [bit.ly/OakDOSP](https://bit.ly/OakDOSP)
  - Review a [summary of changes](#), [maps](#) & [text of amendments](#)
  - Read Zoning Incentive Program (ZIP) [economic report](#) and [comparison of housing outcomes for ZIP and State Density Bonus](#)
  - Watch [videos](#) about the DOSP and zoning
- Public Feedback Options
  - Comment on interactive draft ([Konveio](#))
  - Survey (sent to mailing list – sign up [here](#) and forward widely)
  - Email [PlanDowntownOakland@oaklandca.gov](mailto:PlanDowntownOakland@oaklandca.gov)



# DOWNTOWN OAKLAND SPECIFIC PLAN ZONING

BAMBD Meeting, October 24, 2022



City of Oakland

