

Proposed Revisions to Draft DOSP Zoning Amendments

This document summarizes changes Planning staff are proposing to the original Downtown Oakland Specific Plan (DOSP) Draft Zoning Amendments, presented to the Zoning Update Committee on July 13, 2022) in response to Oakland Heritage Alliance (OHA) and CALM recommendations.

OHA Recommendations Adopted

Reduce height at Fire Alarm Building Site

Current height limit	Original Proposal	Revised proposal
45'	90'	65' (Height and Intensity Area 8)

The revised proposal reduces proposed heights to ensure that the County Courthouse continues to be a visible focal point in the area. The reduced height and intensity of HIA 8 may still allow redevelopment of the site with a Jazz Museum, as desired by the City and community members, and consistent with the neighboring Oakland Museum of California (OMCA) and the adjacent Black Arts Movement and Business District. It is also consistent with the revised heights proposed for the adjacent Lakeside neighborhood. The City owns this land and has control over design review of this site.

Reduce height in Lakeside/Gold Coast neighborhood along the lake

Current height limit	7/13/22 Proposal	Revised proposal
55'	90'	65' (Height and Intensity Area 8)

Proposed heights along the lakefront will be reduced due to concerns about an appearance of a solid wall of buildings along Lake Merritt blocking views of downtown. Although many of the existing lakefront buildings are taller than 65', changing to Height and Intensity Area 8 will allow additional development while maintaining a variety of building sizes. This will be consistent with the revised heights proposed for the adjacent Fire Alarm Building site.

Remove Fire Alarm Building Site & Main Library from ZIP

As requested, these City-owned sites will be removed from the Zoning Incentive Program (ZIP). The proposed intensities proposed for the ZIP will be applied to the Base map instead. This will not result in the loss of community benefits because the City owns these properties. Therefore, the City has the ability under the development agreement process to require community benefits at least as stringent as those allowed under the ZIP, consistent with the goals of the DOSP and other City goals.

Changes to the Transfer of Development Rights (TDR) Program

Staff is proposing the following modifications to the previously proposed TDR Program:

- Expansion of receiving sites to all DOSP zones;
- Allowing standalone Designated Historic Properties to be sending sites; and

- Removal of the requirement for the granting of a Conditional Use Permit to trade development rights. This has been replaced by a requirement for Regular Design Review approval for construction at the receiving site.

The following is the newly proposed text amendment. New text is underlined and deleted text is in ~~strikethrough~~.

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

A. - C. (No changes proposed)

D. A transfer of development rights is permitted in all D-DT zones if they meet the requirements of this Section. Approval of a Transfer of Development Rights

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 2) a Potentially Designated Historic Property (PDHP) that contributes to an Area of Secondary Importance (ASI) or Area of Primary Importance (API).
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 transfer 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. If an applicant chooses to utilize both the TDR program and the State Density Bonus Law, the State Density Bonus is calculated from the new base density established through the TDR plus any additional development generated under the Zoning Incentive Program.
7. Construction at a receiving site above the maximum height that is permitted in the applicable base zone shall only be permitted through the granting of Regular Design Review Approval. 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.

Changes to the Tower Regulations

Proposed text amendments to the current tower regulations have yet to be made. However, staff intends to retain numerical requirements in Table 17.58.04 of the Planning Code for new residential towers, with some modifications; but eliminate existing numerical requirements (i.e. retain the proposed amendments) for new nonresidential towers. Modifications to the existing numerical

requirements for residential towers have not been decided and will be developed through the Objective Design Standards project.

OHA Recommendations Considered and Partially Adopted

Maintain or Reduce heights/FARs in APIs and ASIs:

1. 17th Street between Franklin and Harrison
 - a. Staff proposes reducing the northeast half of the block between Broadway and Franklin (the office building at 426 17th street and the church at 1701 Franklin) from HIA 18 (No Limit) to HIA 6 (65')
 - b. Between Franklin and Harrison is already only 65' on both sides of the street; this allows space for a one to two-story addition. Staff does not recommend changing this.
2. 15th Street between Broadway and Harrison
 - a. Staff does not recommend changing the proposal for Broadway to Franklin; this is part of the main spine of Broadway and part of the ZIP. Buildings are appropriate to be tall and dense here.
 - b. Staff does not recommend changing the proposal for Webster to Harrison. Heights are already proposed to be reduced from the existing "No Limit" to HIA 10 (90') to be consistent with the other buildings along 15th.
3. Victorian residential neighborhood on 22nd Street (Telegraph-MLK)
 - a. Staff proposes reducing the proposal from HIA 6 (65') to HIA 5 (55') where there is a consistent height context in the API, on the south side of 22nd, and the north side near MLK.
 - b. Staff does not recommend reducing the remainder of the block. The HIA 10 (90') area is auto garage and postal facility that should be redeveloped, and is not part of API.
4. Victorian residential neighborhood on 18th Street (Jefferson-MLK)
 - a. Staff does not recommend changing the north side of the street, which is already developed with high density housing.
 - b. Staff proposes on the south side with Victorians, will reduce from HIA 5 (55') to HIA 4 (45').
5. Victorian residential neighborhood on MLK (7th-11th Streets)
 - a. Only the areas adjacent to the freeways are 90', the rest, the API north of 8th are 55' – no change
6. Produce Market
 - a. Staff recommends reducing the Produce Market area from HIA 5 (55', FAR 3.5) to HIA 2 (45', FAR 2.0). This includes a modest change from the existing FAR 1.0 to allow building owners to add second story additions that might help improve the economic viability of maintaining the market.
7. Much of the Lake Merritt residential area ("Gold Coast") bounded by 14th, Harrison and the Lake.
 - a. Staff proposes lowering the Gold Coast area along the lake from HIA (90') to HIA 6 (65') to be consistent with the rest of the residential area.
 - b. Staff does not recommend lowering the interior of the residential area, which is at HIA 6 (65') and includes many existing beautiful 4- to 6-story multifamily residential buildings.

Allow TDR sending sites to be freestanding PDHPs outside APIs and ASIs

We have updated the TDR program to include freestanding DHPs, but not freestanding PDHPs.

OHA Recommendations Considered and Not Adopted

Maintain or Reduce heights/FARs in APIs and ASIs:

1. Old Oakland API
 - a. Staff's proposal (based on existing height limits) is HIA 5 (55') in the interior of the district, and HIA 6 (65') along 7th Street. This allows for minor height increases, and also allows buildings in the area to take advantage of the Transfer of Development Rights program. If heights were lowered, the TDR option would be removed for one of Oakland's most iconic historic districts. Staff does not recommend changing this.
2. Portions of the Downtown Oakland National Register District
 - a. Staff do not recommend changes; this is the urban core of Downtown Oakland, serviced by BART and extensive bus connections; there is no character-defining height context, and it is one of the most appropriate locations in the city for high rise, dense development. Heights in the draft amendments are reduced from the highest heights in the areas to the west, north and east of Frank H. Ogawa Plaza. Staff does propose to reduce the height of the property adjacent to City Hall to 90' to maintain the architectural significance and primacy of City Hall.

Increase by-right intensity in the following areas

- The area roughly bounded by Lake Merritt, Grand Avenue, 20th St. and Broadway
- Much of the area bounded by 14th, 11th, Jefferson and Broadway

This proposal from OHA was intended to increase by-right intensity in some locations to reduce base intensities in other areas to achieve "no net loss" under SB 330, but still be able to require developers to "buy back" their capacity to develop to the same level allowed under current zoning.

These locations are not appropriate for lower intensity than originally proposed for two reasons: 1) the proposed reductions would remove a large section of the most potentially incentivizing areas (i.e. able to add intensity while maintaining the same building type) from the ability to participate in the ZIP, seriously hampering the viability of the ZIP to be able to provide meaningful benefits to the community; and 2) Such changes would also limit intensity of development in exactly where it is needed most to meet the City's environmental sustainability, housing and employment goals, by limiting in the most transit-rich and service-rich area of the City.

Apply the DOSP changes to the LMSAP and Broadway-Valdez

Changes to the LMSAP and Broadway-Valdez Specific Plan areas can be considered as part of the General Plan Phase II update to the Land Use and Transportation Element (LUTE). The current zoning

amendments, to be considered as the first implementation step to the DOSP, apply to the DOSP area only.

Use the highly successful San Francisco program as a starting point for TDR Program

San Francisco's TDR program is structured very different and has capacity that Oakland does not, including a separate organization that operates as a TDR broker, among other aspects. They also have a different rating system. If there are specific procedural elements of the SF TDR program that would be helpful and feasible for Oakland to adopt, please let us know what those are.

Base TDRs on floor area rather than number of residential units

The General Plan and Planning Code uses floor area for commercial and units for residential. Changing this would require an entire overhaul of the Planning Code and would need to be done through the General Plan update to the LUTE.