



CITY OF OAKLAND

AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: William Gilchrist
Director, Planning and
Building

SUBJECT: Downtown Oakland Specific Plan
(DOSP)

DATE: May 28, 2024

City Administrator Approval


Jestin Johnson (Jun 13, 2024 20:46 PDT)

Date:

Jun 13, 2024

RECOMMENDATION

The City Administration recommends that the City Council take the following legislative actions:

(1) Adopt a Resolution, as Recommended by the City Planning Commission, To:

(A) Adopt The Downtown Oakland Specific Plan And Related General Plan Text and Map Amendments, Including Amendments to the Estuary Policy Plan and the Land Use and Transportation Element; and

(B) Certify the Environmental Impact Report For the Downtown Oakland Specific Plan And Associated Legislative Actions And Making Related California Environmental Quality Act Findings;

(2) Adopt an Ordinance, as Recommended by the City Planning Commission, To: (a) Make Oakland Planning Code and Oakland Municipal Code Text and Map Amendments And (b) Amend the City of Oakland Master Fee Schedule (Adopted By Ordinance Nol. 13747 C.M.S., As Amended) To Adopt the Central District Entertainment Venue Fees.

EXECUTIVE SUMMARY

The Downtown Oakland Specific Plan (DOSP) is a comprehensive approach to land use planning in Downtown Oakland for the next twenty years. The DOSP has been eight years in the making and included an in depth, collaborative approach with community stakeholders and a renewed focus on equity. The DOSP's main objectives focus on new and equitable housing production, economic opportunity, social justice, culture keeping, quality urban form, climate-friendly and accessible transportation, and climate-responsive development.

CED Committee
June 25, 2024

The [DOSP](#) and a more user-friendly summary, the [DOSP Handbook](#) (available in English, Spanish and Chinese), are available on the DOSP website: oaklandca.gov/DOSP.

This report describes the following items as elements of the DOSP package:

1. Final Draft DOSP;
2. General Plan Text and Map Amendments;
3. Planning Code and Zoning Map Amendments;
4. Final Environmental Impact Report (EIR)/Response to Comments;
5. Oakland Municipal Code (OMC) Amendments; and
6. Master Fee Schedule Amendments

These documents together provide policy guidance, an implementation plan, land use changes, procedural changes and environmental mitigation measures that will ensure new development in the project area meets the City of Oakland (City), regional and community goals identified through the planning process.

BACKGROUND / LEGISLATIVE HISTORY

Legislative History

On November 18, 2014, the City Council adopted [Resolution No. 85272 C.M.S.](#) authorizing the City Administrator to apply for and appropriate a grant funding from the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) for the initiation and preparation of a specific plan for Downtown Oakland.

City Council [Resolution No. 85584 C.M.S.](#), adopted on April 30, 2015, authorized the City Administrator to negotiate and execute a Professional Services Agreement with Dover, Kohl Partners for development of the Downtown Oakland Specific Plan and EIR.

City Council [Resolution No. 86588 C.M.S.](#), adopted on February 7, 2017, authorized the City Administrator to execute a Professional Services Agreement with the Institute for Sustainable Economic, Educational and Environmental Design team of consultants to prepare an Equity Assessment and conduct additional community engagement, and to apply for, accept and appropriate funds from the Federal Transit Administration for enhanced transportation, economic and environmental analysis to develop a comprehensive transit-oriented development strategy for Downtown Oakland.

Background

The DOSP is the City's first ever specific plan for Downtown Oakland. It will result in an update to City policies that guide downtown development to meet Oakland's social and environmental needs and accommodate its projected growth needs over the next 20 years. The DOSP is designed to help prevent displacement of both people and culture, while encouraging downtown's development in ways that assist all Oaklanders to safely and affordably access housing, transportation, recreation, healthy lifestyles and good jobs.

A specific plan for Downtown Oakland was originally proposed in 2015 with the intention of drawing commercial investment to the downtown and shaping the public investments and resulting development to develop a better public realm for Oaklanders to enjoy. Since that time, both the world and the planning field have changed, and the DOSP has changed along with them. While the DOSP is still designed to meet that original intent of facilitating quality development, its goals and strategies evolved to address racial justice, displacement, climate change, culture keeping, and the impacts of a global pandemic.

The City extended the timeline for completion of the DOSP to allow for expanded community outreach and public comment opportunities, explicitly refocusing engagement on underserved communities and racial inequities. The City also changed the project scope to enhance analysis and incorporate innovative approaches to address racial equity through additional research, outreach, analysis, and recommendations to be adopted in the DOSP. It applied an early, modified version of Oakland's Racial Equity Impact Assessment (REIA) model for the first time to a planning process at the City, and may have been the first formal racial equity assessment ever conducted for a specific plan. The assessment and engagement significantly shaped the resulting policies: the equity work resulted in expanded participation from communities of color; integration of racial equity data, analysis, policies and measures of success; and sections addressing homelessness, culture keeping, and community health.

The DOSP has been through several iterations, from the original *Alternatives Report* to the *Plan Options Memo*, the *Preliminary Draft Plan* and finally the *Public Review Draft of the DOSP* (Draft Plan) and *Draft EIR* published for review in late 2019. The comment period was extended on the Draft Plan and Draft EIR, and the City received thousands of community comments.

As the DOSP was being finalized and the implementing zoning developed, the COVID-19 pandemic hit. Many of the DOSP's policies and strategies already focused on concerns exacerbated by the pandemic, such as the shift in retail toward online retailers and away from brick and mortar stores that occupy downtown areas, racial inequities in housing access and economic opportunity, and the need to become a more vibrant, culturally active twenty-four-hour downtown with more to offer than office buildings. However, these issues had accelerated and conditions had changed, and the planning team took a step back to assess the plan and what might need to shift or be emphasized given the changed conditions and need for economic recovery.

At the same time, Staff worked to develop amendments to the City's Planning Code and Zoning Map that would help implement the revised plan. An additional economic consultant was brought onto the planning team to help develop the Zoning Incentive Program (ZIP), which is one of the more complex elements of the DOSP zoning implementation.

The DOSP, its environmental review document and its accompanying General Plan, Planning Code, Zoning Map and Municipal Code amendments have undergone thoughtful development and scrutiny for over eight years. Downtown Oakland is more than ready for these much-needed strategies to be implemented to respond to future development needs.

Planning Commission Review and Recommendation

The Planning Commission provided feedback on the DOSP at many different stages of its development. In April 2016, the Planning Commission reviewed and provided feedback on the

Draft Alternatives Report. In 2017, the Planning Commission received two informational Director's Reports to inform the Commission about the shift in the Planning Bureau's approach to equity, addition of a racial equity consultant, and addition of new grant funds to enhance the plan's transportation, economic and environmental analysis. The Planning Commission held three sessions reviewing the *Preliminary Draft Plan* in January 2019. The Planning Commission held a two-session hearing on the Draft Plan in late 2019.

The Planning Commission's Zoning Update Committee provided comments on the initial ZIP Feasibility Study in December 2019, and then held a public hearing on the Draft Zoning Amendments that began in 2022, was continued twice with requests for further analysis of the ZIP, and was completed in May 2023 when this additional analysis, as well as a technical peer review of the analysis, was available. The committee found that Planning staff had adequately addressed public feedback and passed a motion to forward the Draft Zoning Amendments, upon revision, to the full Planning Commission for review. Those revisions were made and presented at the June 5, 2024 Planning Commission hearing.

Staff presented the full Planning Commission with the DOSP on May 15, 2024 and the DOSP Zoning Amendments, General Plan Amendments and Final EIR/Response to Comments Document on June 5, 2024. At its June 5, 2024 session, Planning Commission voted to recommend the entire DOSP package to City Council for adoption consideration with changes, including those proposed by staff at the June 5, 2024 meeting to respond to public and Planning Commissioner comments and questions. Changes include removing the Green Loop and other non-industrial improvements from Howard Terminal, adding a policy to facilitate reuse of existing space for new arts and work/live uses, clarifying housing measures, removing the historic Floral Depot building parcel from the Zoning Incentive Program (ZIP) area, and clarifying that a new train station could be either BART or Capital Corridor, consistent with the regional Link 21 project. The presentation slides and recording are available on the [Planning Commission Website](#). Letters received on the DOSP between publication and June 11, 2024 will be provided on the website.

ANALYSIS AND POLICY ALTERNATIVES

City Council Priorities

The proposed DOSP package takes a comprehensive approach to developing Downtown Oakland and therefore advances all citywide priorities:

Holistic Community Safety: Provides policies and relaxations to land use regulations to help fill ground floor retail vacancies and bring pedestrians to downtown streets, increasing activity and "eyes on the street" to prevent crime; improves freeway underpass safety and walkability with lighting, active land uses and pedestrian improvements; includes policies addressing Crime Prevention Through Environmental Design (CPTED) and community-based safety initiatives, including anti-bias training,

Housing, Economic & Cultural Security: Devotes entire chapters to Housing and Homelessness, Economic Opportunity and Culture Keeping, with strategies to increase dense housing supply near transit, boosting deed-restricted affordable housing, grow a vibrant economy with good jobs that Oakland residents can access, and protect and support Downtown Oakland's

vibrant cultural communities and residents, preventing displacement and building community wealth, particularly for residents harmed by racial disparities.

Vibrant, Sustainable Infrastructure: Builds out infrastructure for transportation, parks, open space and a more people-friendly public realm in tandem with private development, including shoring up the local and regional transit systems with new ridership and transit improvements; supports health and hygiene with public restrooms and drinking fountains.

Responsive, Trustworthy Government: In addition to having been developed with an extensive, transparent community process, promotes ongoing community oversight and participation in implementation through regular reporting, clear measures of success and an implementation steering committee with inclusive community representation.

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. Chinatown is not included in the DOSP boundary because the Lake Merritt Station Area Plan (LMSAP) was completed the same year as the DOSP began. The DOSP nonetheless necessarily includes Chinatown in policies relating to connectivity through and throughout downtown. There are small areas of overlap at the edges where the DOSP supersedes the LMSAP, largely to provide new planning possibilities along the Broadway, 14th Street, and I-880 freeway corridors, and at the Laney College and Peralta College District Administration sites. See **Attachment A: Map of Plan Area** and **Map DOSP Overlap with LMSAP**.

Downtown Oakland plays many important roles in the City and the entire Bay Area, including serving as a regional employment center, transit hub, civic and cultural center, and visitor destination. The Downtown area is the largest employment center in Oakland and the East Bay, and its economic activity generates tax revenues that support municipal services throughout Oakland. Hotel, retail, and office uses, as well as arts, entertainment and nightlife all generate significant fiscal benefits for the entire city since visitors, shoppers, employers, arts patrons and nightlife revelers pay a variety of taxes and fees, as well as supporting local businesses.

While downtown is a resource for all of Oakland and the broader East Bay region, it is also a series of unique neighborhood districts with distinct character, needs and opportunities. Downtown's success as an economic, social, and cultural engine for the city is also dependent on the success of its neighborhoods and commercial hubs.

Specific Plan Overview

The DOSP sets forth bold strategies for physical improvement projects and supporting policies that balance community priorities, attend to the City's most vulnerable residents, and carefully shape the design of downtown to accommodate necessary growth in housing, jobs, business and cultural innovation while protecting residents and businesses from displacement, preserving our most important historic resources, and activating public spaces that celebrate Oakland's community and unique heritage. The DOSP provides a vision, goals and strategies to grow downtown in its role as a major regional employment, cultural and residential center while meeting the needs of its most vulnerable stakeholders. It encourages dense development by increasing

development capacity and also addresses community priorities for a sense of place, shelter, economic opportunity, cultural belonging, and mobility.

Development under the DOSP could add approximately 18.3 million square-feet of new commercial space, 1.3 million square-feet of new institutional space, and 500,000 square-feet of new industrial space resulting in approximately 57,000 jobs and \$41 million in Impact Fees to fund affordable housing and transportation improvements. If fully developed, it would also add 29,000 housing units, including approximately 4,000-7,000 income-restricted affordable units, resulting in \$480-544 million in Impact Fees to fund additional affordable housing.

The DOSP identifies opportunity sites – typically parking lots and underutilized, low-scale buildings – that could be redeveloped over the next 20 years to accommodate job-generating land uses and much-needed housing, while capitalizing on downtown’s excellent transit assets, central location, and beautiful waterfront setting. It also focuses on bringing people downtown and activating the streets to support businesses and safety, including by bringing attention to enhanced landscaping and pedestrian amenities and through culture-keeping policies that would encourage arts space, marketing and wayfinding for arts and cultural activities to keep downtown the cultural center of the region, including supporting the Black Arts Movement and Business District (BAMBD).

The goals, policies and implementation actions of the DOSP are intended to guide development, set a workplan for the City to implement through interdepartmental, interagency and community partnerships, and provide a clear vision to help the City make policy and allocate resources. They also provide a specific vision that indicates community concord to potential funding agencies and other sources, bringing implementing projects closer to “shovel ready” and therefore helping eligibility and priority for grants.

Key Changes to DOSP Since the 2019 Draft Plan

Revisions to the 2019 Draft Plan include new data, strategies and policies, primarily addressing COVID-19 impacts and recovery, preservation of industrial land uses closest to the West Oakland industrial area, updated Affordable Housing targets to reflect the City’s new [Permanent Access to Housing \(PATH\) Framework](#) and Strategic Action Plan, updated maps, a chapter dedicated to Implementation and Engagement, a new illustrated vision for Lake Merritt Boulevard, and new Appendices (B and C) detailing development frameworks for Victory Court (a new mixed-use residential community in Jack London, along the Lake Merritt Channel) and the Green Loop (a series of streetscape and mobility improvements to fill in gaps within the existing network and connect downtown and surrounding neighborhoods with waterfront, cultural and entertainment areas).

Key changes to the DOSP’s development program since the 2019 Draft Plan include a slight reduction in office and flex commercial space, reduction in retail and neighborhood serving commercial space, and a large increase in light industrial space, with updated maps to reflect changes to land use character and building intensities. Most of these changes were made in the western Jack London District area to encourage an employment-generating light industrial transition between the West Oakland industrial area and the mixed-use areas of the Jack London District. Overall housing projections have remained the same.

There are a limited number of development intensity changes to the 2019 Draft Plan, all clustered within five small areas. The intensity changes occur within portions of the West of San Pablo Planning sub-area, specifically from Grand Avenue to 20th Street and east to Martin Luther King Jr. Way (height increases from 85 feet to 175 feet in the Final Draft Plan, 7.5 FAR to 12.0, and from 200 square feet of lot area per unit for residential density to 110 square feet of lot area per unit), as well as between 14th and 15th Street between MLK Jr. Way and Jefferson Street (height increases from 175 feet to 275 feet in the Final Draft Plan, 12.0 FAR to 12.0/17.0, and from 110 square feet of lot area per unit for residential density to 90 square feet of lot area per unit). Several decreases in intensity are also proposed within the Jack London District, Laney College area, and Old Oakland through the Central Core.

Details of the revisions to DOSP policies and development concepts are shown in **Attachment B** (DOSP 2019-2024 Policy Comparison Table) and **Attachment C** (DOSP 2019-2024: What's Changed and What's New).

Planning Code and Zoning Map Amendments

The DOSP identifies programmatic and legislative policies to forward a collective vision that is based on analysis and community feedback, including Planning Code amendments that bring the General Plan into consistency with the DOSP and corresponding new Zoning Amendments that help achieve the DOSP's robust development vision.

The Planning 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. The Draft Zoning Amendments include amendments to both the Planning Code and Zoning Map, primarily focusing on the creation of a new Downtown District. OMC Chapter 17.58 D-DT Downtown District Zones Regulations (Exhibit A to the Ordinance) will replace the existing Chapter 17.58 Central Business District (CBD) Zones.

The Zoning Amendments respond to a significant number of the DOSP's objectives and are intended to be adopted in parallel with the Final DOSP to ensure that all new development approved after adoption is consistent with the intent of the DOSP. The proposed Zoning Amendments include a full rezoning of the entire DOSP area, as described in the Planning Code and boundaries shown in the Zoning Map, with updated activity tables, changes to height and intensity, new development standards, and several new special districts and programs, including a Transfer of Development Rights (TDR) Program and a ZIP. The rezoning includes ten base zoning districts that are designed to promote and preserve desired activities and allow for spatial transitions between these activities. The base zones permit more housing, facilitate pedestrian activity, preserve industrial activities near the Port, promote waterfront development, support new artisan activities, allow flexible ground-floor activities, and protect cultural and historical districts. Additionally, many aspects of the Zoning Amendments are designed to support historic preservation of or mitigate impacts to Downtown Oakland's historic resources, particularly the TDR Program, which permits an owner of property to sell their development rights to another developer or property owner in an area that would not impact historic resources.

The following sections summarize the highlights of the proposed Zoning Map and Planning Code Amendments and identify the key revisions to these proposals since release of the Draft Plan.

Zoning Map Amendments and Revisions to the Draft Zoning Amendments (2022)

- Height and Intensity Area Maps
- Downtown Zoning Districts
- Targeted Height Revisions

Height and Intensity Area Maps

The Zoning Amendments update existing Height and Intensity Area (HIA) Maps to focus height and 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 to accommodate necessary growth, while maintaining lower height and intensity in Old Oakland, the Produce Market and the Art + Garage District to preserve valuable historic and cultural resources. To implement the ZIP, these have been separated into two maps: the “*Base HIA Map*” identifies maximum height and intensity, composed of residential density and Floor Area Ratio (“FAR”), for projects not participating in the ZIP; and the “*ZIP HIA Map*” identifies maximum height and intensity in the ZIP areas for projects that choose to participate in the ZIP.

Exhibit C to the Ordinance (Height Intensity Areas and ZIP Benefit Area Maps) includes a series of maps that highlight the 2024 revisions to the 2022 Draft Base HIA and ZIP HIA maps, and provide close-up versions of the Base HIAs in color and black and white.

Downtown Zoning Districts Map

As proposed in the Draft Zoning Amendments (2022), the “Downtown Zoning Districts Map” revises existing zoning CBD designations that were updated in 2009 to the north of Interstate 880 and older zoning within the Estuary Policy Plan area to the south of Interstate 880, to create a unified system of Downtown District zoning designations, including three Downtown Core Districts; Downtown Core I: Mixed-Use District (D-DT-X), Downtown Core II: Commercial District (D-DT-C), and Downtown III: Pedestrian District (D-DT-P). Recent changes have updated the proposed D-DT-P and D-DT-C zone boundaries and limitations to relax restrictions on ground floor land uses in all but key pedestrian areas with the intention of helping fill vacant ground floor commercial spaces.

Targeted Height Revisions

Fire Alarm Building: The Fire Alarm Building was originally proposed to increase in height from the 55’ limit to a 90’ limit. This has been revised down to 65’ as a height that would allow redevelopment of the site, potentially as a Jazz Museum or as an expansion of the Main Library. This height is consistent with the permitted height for the neighboring Oakland Museum of California, Oakland Public Library, County Courthouse, and the adjacent BAMBD along 14th Street. Additionally, the City owns the land and will have control over design review of this site. This site is not currently under consideration for market-rate housing; it is in the early stages of review to be used for public purposes, as desired by the City and community members.

Lakeside/Gold Coast Area: The Lakeside/Gold Coast Area had an originally proposed increase in height from the existing 55' limit to a 90' limit. This has been revised down to 65' 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 already taller than 65', this reduced height limit will allow for desired infill that is consistent with many of the area's existing beautiful 4- to 6-story multifamily residential buildings.

Height Reductions to Protect Historic Character: Height reductions to protect historic character have been made where there is a consistent height context. Staff does not recommend lowering heights for entire neighborhoods of the core of downtown based on the presence of individual or scattered historic buildings. These are locations where dense housing and workplace development is desired, i.e., transit- and service-rich areas. Staff have proposed strategies to protect and restore historic properties through a carefully designed TDR Program, where owners of historic properties will be able to market their density to other off-site properties that do not impact historic resources. In addition, Citywide Objective Design Standards (currently under development) will help to preserve visual character by including design transitions between differing height contexts. Where there is a consistent height context for historic buildings, targeted reductions have been proposed, these include:

- *17th Street between Franklin and Harrison:* Reducing the northeast half of the block between Broadway and Franklin (office building at 426 17th St. and church at 1701 Franklin) from HIA 18 (No Limit) to HIA 6 (65').
- *15th Street between Broadway and 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 Street.
- *Victorian residential neighborhood on 22nd St. (Telegraph-MLK):* Changing HIA 6 (65') to HIA 5 (55') where there is a consistent height context in the Area of Primary Importance on the south side of 22nd and the north side near MLK. 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; it is not part of an Area of Primary Importance.
- *Victorian residential neighborhood on 18th St. (Jefferson-MLK):* Changing the south side with Victorians from HIA 5 (55') to HIA 4 (45').
- *Produce Market:* Removing two already-developed parcels from the boundary and then revising the height proposal for this area from HIA 5 (55', FAR 3.5) to HIA 3 (45', FAR 2.5), which includes 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 buildings; adding design standards for the Produce Market to include a step-back for upper floor additions.

Planning Code Amendments and Revisions to the Draft Zoning Amendments (2022)

The following section describes key components of the DOSP Planning Code amendments as follows:

- Land Use Activities and Facilities Tables

- Special Districts
- Transfer of Development Rights Program
- Development Standards
- Zoning Incentive Program

The full text of the Downtown Zoning District proposed for amendment into the Planning Code, as well as changes to related chapters of the Oakland Planning Code for consistency, is shown in Exhibits A-C of the Ordinance (Planning Code Amendments and associated maps).

Land Use Activities and Facilities Tables

Land Use Activities and Facilities Tables have been updated to reflect the proposed Zoning Map. They include recently added land use activity of Artisan Production Commercial and a new land use activity of 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 reducing restrictions for Group Assembly Commercial activities (such as entertainment venues).

Highlights of changes to the use tables since 2022 include:

- Clarifying the definition of Research Services to encompass more types of activities so more research and development uses such as life sciences are allowed in downtown;
- More comprehensively describing what constitutes principal and secondary streets;
- Allowing schools and daycare in most areas by right with a pick-up and drop-off plan;
- Requiring 6' landscaped setbacks for residential facilities;
- Mapping D-DT-P, the most restrictive zone, to fewer areas to create more flexibility on the ground floor in other areas, while tightening restrictions on the ground floor in key areas to promote pedestrian activity and safety;
- Allowing coworking by right on the ground floor (previously office uses were not permitted);
- Increasing threshold for a Conditional Use Permit (CUP) for Group Assembly from 7,500 square-feet to 10,000 square-feet to facilitate entertainment uses, while requiring a CUP in residential areas for outdoor Group Assembly;
- Requiring a CUP for large office uses greater than 10,000 square-feet in the Produce Market area;
- In the Art + Garage District Zone, permitting restaurants if they are shared with a cultural space, auto repair or manufacturing (previously the proposal was to permit them if they occupy less than 50 percent of the total floor), encouraging arts and cultural activities instead of office uses on the ground floor, and allowing auto uses by right, so long as they are indoors;
- Permitting animal care in residential and pedestrian zones;
- Allowing indoor storage more broadly in the D-DT-CPW zone;
- Reduced loading requirements for work/live facilities;
- Added a setback requirement for upper-story additions in the Art + Garage and Produce Market zones;
- Requiring a CUP for non-livestock agricultural uses over 20,000 square-feet.; and
- In the downtown zones permitting Alcoholic Beverage Sales, replacing the Major CUP requirement from downtown arts, entertainment, and cultural uses that wish to serve alcohol as part of their ongoing operation with a requirement to instead obtain a newly

created “Entertainment Venue” Permit that will replicate the City’s current “Cabaret” permitting process in OMC Chapter 5.12 (described further in the “Municipal Code Amendments” section).

Special Districts

The following Special Districts have been developed and mapped:

Sea Level Rise Combining Zone: Requires Adaptation Plans for new construction, with requirements for planned unit development (PUD) and infrastructure upgrades in Victory Court to allow development in an area that would otherwise be prone to flooding and sea level rise.

BAMBD Arts & Culture Combining Zone: Includes one initial node along 14th and 15th Streets between Broadway and Webster as a pilot; requires new ground floor activities to be a cultural use in order to be permitted by right, with broad definition that includes many cultural businesses and other institutions; and requires CUP for non-arts and cultural uses on ground floor. The BAMBD is also supported by the below market-rate commercial space benefit through the ZIP.

Employment Priority Sites: For projects at designated key sites near transit to establish dwelling units, a project must include at least 40 percent of the maximum non-residential FAR.

Green Loop & Lake Merritt Channel: Requires frontage and landscaping elements along the Green Loop and a minimum 60’ landscaped setback from the Lake Merritt Channel.

I-880 Freeway Zoning: Creates three separate zones within the freeway right-of-way to allow broad uses adjacent to industrial areas while providing a more pedestrian-friendly environment in key pedestrian under-crossings. 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 the spaces under and adjacent to the freeway.

Maps of the Final Draft Combining Zones are provided in Exhibit B (*Base and Combining Zones Maps*) to the Ordinance.

Highlights of changes to the use tables since 2022 include:

- Recent updates to the Sea Level Rise Combining Zone provide additional details on sea level rise adaptation plans required in areas at risk of sea level rise-related flooding.
- The original proposal for the BAMBD Arts & Culture Combining Zone required that new development dedicate 50 percent of ground floor space to BAMBD Arts & Culture Activities, defined broadly to include not only arts and entertainment uses, but any culture-enhancing business, such as a restaurant, barbershop or ethnic market, that contributes to the intent of the BAMBD. The revised Arts & Culture Combining Zone proposal includes three significant changes:
 - Instead of applying to all three originally mapped nodes, the Combining Zone applies to an initial pilot area for applicability of a new requirement for ground-floor uses to be arts and culture-related to be permitted by right, still with broad definition

that includes many cultural businesses and other institutions. This area focuses on 14th and 15th Streets from Broadway to Harrison.

- Instead of the land use requirements applying only to new development, they instead apply to all ground-floor land uses, in both new and existing buildings.
 - Instead of requiring 50 percent of space be dedicated to BAMBD Arts & Culture activities, all ground floor land uses must be BAMBD Arts & Culture Activities. Other activities would still be allowed, but they will require a minor CUP meeting additional findings that the use: 1) will not detract from the character of the BAMBD Combining Zone, 2) will not weaken the concentration and continuity of BAMBD activities at ground level, and 3) where located in a pedestrian zone, will bring customers to the area.
- Updates to the Employment Priority Combining Zone reduce the requirement for the amount of non-residential FAR required to be allowed to build residential units from 60 percent to 40 percent.
 - In response to concerns raised by the Port of Oakland and Port-related businesses, the Green Loop was rerouted away from Howard Terminal. Segments of the Green Loop & Lake Merritt Channel Combining Zone were removed consistent with this new alignment and the City's intention to support truck movement in and out of Howard Terminal.
 - No significant changes were made to the I-880 Freeway zones.

Transfer of Development Rights Program

A TDR Program has been designed to incentivize the protection of historic buildings in the DOSP area by allowing their owners to sell unused development rights, including 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.

The transfer of development rights from a single sending site may be transferred as a group to a single receiving site or in separate increments to several receiving sites. This transfer results in an increase in the number of dwelling units and/or amount of floor area than would otherwise be permitted at the receiving site. The rights can be transferred to the owner or a separate entity that holds them for a subsequent transfer at a different receiving site.

These transfers would be conducted privately, but a maintenance plan for the receiving site must be approved by the City prior to the transfer of development rights, and the principal building(s) on the sending site cannot be demolished unless there is an imminent danger to health and safety.

Both the receiving and sending sites must be within a D-DT Zone, and the sending site must be either a Designated Historic Property; rated "A" or "B" by the Office of Cultural Heritage Survey; or any Potentially Designated Historic Property that contributes to an Area of Secondary Importance or Area of Primary Importance. The receiving site must be within the D-DT ZIP Area; and neither be a Designated Historic Property, contribute to an Area of Primary Importance or Area of Secondary Importance, nor be rated "A" or "B" by the Office of Cultural Heritage Survey.

Only half the development capacity allowed under the ZIP may be achieved through the TDR Program (to also encourage participation in the ZIP and the inclusion of one or more of its defined community benefits that fulfill unmet community objectives). The project at the receiving site 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.

Changes to the TDR Program proposed since 2022 include:

- A requirement for a maintenance agreement for the sending site;
- A prohibition of the demolition of the principal building at the sending site;
- Allowing any “A” or “B” rated property to be a sending site;
- A clarification that the new density for a receiving site establishes the base density for the purpose of the State Density Bonus Law; and
- A clarification that the additional height above the height maximum for the receiving site is based on the average size of dwelling units and can be achieved through the Design Review process.

Development Standards

Development Standards have been revised to update height, intensity, and open space requirements to correspond to the ZIP and HIA Maps, and to establish development regulations for ground floors, building base and tower design, decrease maximum parking requirements, with the anticipation of additional design standards through Citywide Objective Design Standards.

- Ground floor regulations include fenestration, materials, height, active space, and parking and loading location details for buildings to ensure an engaging pedestrian experience.
- Regulations for tall buildings would require a base between 45 and 95 feet and a 10-foot tower setback from the base on two elevations. The base and height regulations will help to reduce the scale of buildings and provide visual interest; these regulations 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.
- The regulations require transitions to historic buildings, i.e., the building base must create a transition to adjacent lower scale Designated Historic Properties (DHPs) and Potentially Designated Historic Properties (PDHPs). The regulations state that this should 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.
- Expanses of blank walls on elevations visible from the street are not permitted.
- Regulations are included to discourage the heavy use of tinted windows and require breaking up of the volume of buildings and creating a building terminus.

Changes to design standards since 2022 include:

- Retaining existing Building Tower Regulations (Table 17.58.04 of the Planning Code) with modifications to provide more flexibility. Further modifications will be developed as part of the city’s currently underway Objective Design Standards process.

Zoning Incentive Program

The ZIP establishes a mechanism to capture value from development projects receiving additional development capacity, with a defined menu of community benefits that fulfill unmet community objectives. The program is based on an economic analysis that assesses the value created by participation in the ZIP and the costs of identified benefits. Building on this analysis, maps have been created to identify benefit areas for both residential and non-residential development. In addition, proposed Planning Code amendments establish a schedule of community benefits and in-lieu fees to be provided in return for additional development capacity. Staff have also generated an associated map of the incentive area and the maximum heights and intensities that may be achieved through participation.

To address stakeholder concerns in response to the draft Zoning Amendments, and particularly the ZIP, staff contracted with Hausrath Economics Group to explain the methodology and assumptions behind the ZIP and to conduct further analysis, including a comparison of ZIP and State Density Bonus housing outcomes and an analysis of the benefits of downtown development, comparing the value of the various revenue sources generated through new development.

Changes to the ZIP since 2022 include:

- Removing the Fire Alarm Building and Main Library from the ZIP; the proposed intensities will be applied to the Base Map instead. Removal will not result in loss of community benefits; these can be required under a Disposition and Development Agreement, Lease, Disposition and development Agreement or regulatory Development Agreement.
- Simplification of the ZIP Benefits Table to facilitate use.
- Requiring that the affordable housing ZIP benefit be provided as an in-lieu fee rather than allowing the developer to choose to provide either on-site or an in-lieu fee for affordable housing, and correspondingly eliminating the 10 percent on-site discount.
- Re-allocation of in-lieu fees as described in **Attachment D (ZIP Benefit Plan & In-Lieu Fee Disposition Proposal)** to:
 - 50 percent for affordable housing,
 - 25 percent for streetscape/public realm improvements,
 - and 25 percent for employment training and assistance, setting aside half of the employment training and assistance fees for construction training and apprenticeships.

Oakland Municipal Code Amendments

In addition to amendments to Title 17 (Planning Code), the DOSP package includes amendments to three other chapters of the OMC, shown in Exhibit D (*Oakland Municipal Code Amendments*) of the Ordinance:

- Chapter 5.12 (Cabarets/Entertainment Venues)
- Chapter 15.62 (Impact Fee)
- Chapter 15 (Affordable Housing Trust Fund)

Chapter 5.12 (Cabarets/Entertainment Venues)

Changes to Chapter 5.12 create a more streamlined procedure for downtown arts, entertainment, and cultural uses (including but not limited to: bars, cabarets, night clubs, pool halls, bowling alleys, mechanical or electronic games, museums, art galleries, performing arts centers, auditoriums, theaters, and other similar venues) to attain city permits to serve alcohol.

These changes remove the requirement for a Major CUP from Alcoholic Beverage Sales from the Planning Code and instead require downtown arts, entertainment, and cultural uses that wish to serve alcohol as part of their ongoing operation to obtain a newly created Entertainment Venue Permit. The newly created Central District Entertainment Venue permit will replicate the City's current Cabaret permitting process in OMC Chapter 5.12. A Central District Entertainment Venue Permit will establish conditions of approval, including but not limited to requirements to provide a security plan, parking plan, and set hours of operations. Importantly, safeguards against public nuisance will be enhanced through this new proposed process, as permittees will also need to submit a monthly calendar of events to the Special Activity Permits Division in the Economic and Workforce Development Department and to the special events unit of Oakland Police Department. A Central District Entertainment Venue Permit shall be subject to suspension or revocation according to the standards of OMC Chapter 5.02, and the owner/operator liable for excessive police costs related to enforcement.

These changes are consistent with the DOSP's Policy E-2.5, which states that the City should: "Pursue creation of a nightlife district and strategy in downtown locations with concentrations of bars, restaurants, nightclub, and entertainment venues, such as Uptown; design the strategy to accommodate these uses and destinations at a variety of price points, and support attraction of diverse populations." Another supportive DOSP Policy, C-2.2, addresses a past lack of clarity around the rules and regulations that govern entertainment venues, and the need to remove administrative obstacles and decrease the expense of bringing an event space into compliance.

Current zoning regulations only allow Alcoholic Beverage Sales as a permitted accessory activity in conjunction with a Full-Service Restaurant or Limited-Service Restaurant and Café Commercial Activity. All other activities that may wish to serve alcohol as part of their ongoing operation under current zoning regulations must first obtain a Major CUP, which currently requires over \$9,000 in Planning fees, and typically takes 8-12 months or more for the City to process (with a final decision by the Planning Commission at a public hearing).

The amendments to Chapter 5.12, Chapter 17.10, and the new Chapter 17.101K, contain new zoning regulations that will accompany adoption of the DOSP that will significantly streamline and simplify the process for an approved downtown arts, entertainment, or cultural use to attain City permits for the on-site sale and/or off-site sale of alcoholic beverages. Off-sale retail licenses that fall within the exception for CUP for Alcoholic Beverage Sales Commercial Activities listed in Table 17.101K.01, L.29 and are located in the Central District (defined in Section 17.09.040).

Chapter 15.62 (Affordable Housing Trust Fund)

Amendments to the Affordable Housing Trust Fund Funding Sources and Use of Funds sections are proposed to allow the Affordable Housing Trust Fund to accept the new funds anticipated to be generated by the ZIP and use them to preserve, protect and produce affordable housing, in the Downtown District (D-DT) whenever possible toward the explicit goal to maintain downtown as a mixed-income community.

A full description of the intended use of these and other ZIP funds is shown in **Attachment D**, (*ZIP Benefit Plan & In-Lieu Fee Disposition Proposal*).

Chapter 15.72 (Affordable Housing Impact Fee)

Amendments to the Affordable Housing Impact Fee Chapter of the OMC are proposed to clarify that for projects participating in the ZIP, the Affordable Housing Impact Fee must be paid for market-rate units that are part of the base project as well as the bonus housing units that were received from the ZIP, which would together constitute a new base for the purposes of the State Density Bonus Law. Consistent with State law, the Affordable Housing Impact Fee will not be required for any units above this new base allowed by the State Density Bonus Law.

FISCAL IMPACT

The DOSP anticipates generating 29,100 housing units and nearly 20 million square feet of new non-residential space resulting in 57,000 jobs. According to an economic report from Hausrath Economics Group,¹ new high-density development downtown generates substantial growth of the City's tax base each year over the life of each development:

- New development increases the value of property generating increased property tax revenue.
- Business activity in new office, hotel, and retail space generates business tax and sales tax revenue.
- Residents of new housing, workers in new commercial space, and visitors staying in new hotels bring increased spending that increases sales tax and business tax revenue in Oakland.
 - Parking operations pay parking tax.
 - New hotels increase transient occupancy tax.
 - New development also pays a number of special taxes, parcel taxes, and other taxes and assessments.

Annual tax revenue from new downtown development is many times larger than tax revenue from existing uses on development sites. The increases in tax revenue from new development in downtown Oakland are attributable to the larger buildings and higher densities of new development as well as greater occupancy, higher levels of activity, and associated increased property values. The higher the density of new development downtown, the more annual tax revenue generated per square foot of land area.

In addition to long-term annual tax revenues, the DOSP anticipates residential development would generate \$480-544 million in one-time impact fees to fund affordable housing and non-residential development would generate \$41 million in one-time impact fees to fund affordable housing and transportation improvements.

PUBLIC OUTREACH / INTEREST

¹ Hausrath Economics Group, "Tax Revenue and Other Funding Benefits from New Development in Downtown Oakland," March 2023

Summary of Community Process and Engagement

Community engagement in the development of the DOSP and its implementing zoning has stretched over eight years and involved thousands of Oakland residents. Engagement has included a ten-day public charrette and open house; large public presentations held at the Rotunda Building, Paramount Theater and Malonga Casquelourd Center for the Arts; racial equity-focused interviews and focus groups; topic-focused equity working groups, neighborhood design sessions; creative solutions labs; a survey focusing on older adults and people with disabilities; public events such as Lunar New Year, farmers' markets and the Black Joy Parade; general public meetings and hearings in person and online; online surveys; use of an online tool (Konveio) to receive comments on draft documents; focused meetings with groups such as the BAMBD and Chinatown stakeholders; staff attendance at standing meetings such as the Chambers of Commerce, Chinatown Coalition, Jack London Improvement District, Neighborhood Councils and SPUR; multiple sessions with UC Berkeley's Y-PLAN program in middle and high schools; a Youth Summit; and an ongoing Community Advisory Group.

The public has reviewed multiple drafts of the DOSP. Comments received through these activities have been catalogued, summarized and addressed through new iterations of the plan, shaping the goals and policies now proposed. The community engagement process to develop the Plan is shown in a timeline on pages 12 to 15 of the Final Draft DOSP.

Project Initiation and Re-launch (2015-2017)

The process to develop the DOSP began in 2015. The initial phase of the planning process culminated with the [Plan Alternatives Report](#) in Spring 2016, about which the City received thousands of comments from community members, stakeholders, and City partners. Comments included concerns regarding the displacement of communities of color, displacement of small businesses and community-serving non-profits, waning investment appeal downtown, the importance of economic activity downtown as a mechanism for generating revenue for funds critical to public services Citywide, and concern that all stakeholder voices Citywide be represented in the discussion.

In response, the City initiated a re-launch of the planning process in 2017 focused on racial equity by engaging a broader, more representative section of the community, including members of the City's most vulnerable communities. Critical to the success of racial equity work is engaging people of color who are impacted by these racial disparities. To this end, the City engaged a racial equity consultant team that assisted the City in reaching a broader, more representative section of the community, including members of Oakland's most vulnerable communities and communities of color. Activities to achieve this goal included:

- Inviting additional community members representing residents and business owners of color, as well as cultural groups, to the DOSP's Community Advisory Group;
- Conducting a set of focus groups including groups such as Asian Health Services, East Oakland Building Healthy Communities, the Oakland Food Policy Council and advocates for people with disabilities;
- Joining Human Services staff at focus groups during the development of the PATH Plan and having one-on-one conversations incentivized with gift cards with diners at the St.

Vincent de Paul lunch program to reach unsheltered and extremely low-income residents; and

- Conducting interviews with community leaders covering Black, Latinx, Asian, Multiracial, White, youth, small business owners, local food equity advocates, cultural and community arts advocates, affordable housing advocates, community organizers, local educators, entrepreneurs, grassroots and community organizers, nonprofit and social justice institute leaders.

Supported by the equity consultant and the City's newly formed Department of Race and Equity, the re-launch also included a racial equity assessment to guide analysis, outreach, and the creation of equity-related goals and policies to address disparities in life outcomes. This analysis, along with the feedback provided through this participation, helped to shift many of the policies in the DOSP to more explicitly and intentionally address the needs of Black, Indigenous and other people of color in Oakland, as well as the needs of older adults, unhoused residents and people with disabilities, as summarized in the DOSP's Equity Framework.

Draft Plan and EIR (2017-2019)

The Draft EIR and the Draft Plan were released for public review in late 2019. These drafts followed public review of multiple earlier iterations including the Plan Alternatives Report, the Plan Options Memo (which included a racial equity assessment), and the Preliminary Draft Plan.

The City released the Notice of Preparation (NOP) of an EIR on the Draft DOSP in January of 2019. Public scoping sessions were held before the Landmarks Preservation Advisory Board (LPAB) and Planning Commission the following month. The NOP and all relevant environmental comments received in response were addressed and included with the public Draft EIR, which was presented along with the Draft DOSP during Fall 2019 to the Planning Commission, the Zoning Update Committee, and the LPAB. Proposed General Plan Amendments to implement the Plan were included in the Draft EIR for public comment. The Draft EIR comment period was extended from the required 45 days to 70 days at the direction of the Planning Commission in response to requests of members of the public and the LPAB.

Final Draft DOSP, Final EIR and General Plan and Zoning Amendments (2020-2023)

After receiving comments on the Draft DOSP, Draft EIR and General Plan amendments, staff summarized these comments and worked with partner departments and the consultant team to revise these documents to reflect community and commission input, as well as to attend to changed conditions downtown resulting from the COVID-19 pandemic. A Response to Comments on the Draft EIR is provided as [Final EIR/Response to Comments](#) on the DOSP website.

At the same time, the Planning team began to develop the Draft Zoning Amendments that are intended to be adopted concurrently with the Final DOSP and are the first step toward implementing the DOSP. This included a multi-phase analysis to develop the proposed ZIP. The analysis helped staff understand the potential value of benefits that could be captured through increased development and evaluate the feasibility of requiring community benefits from developers in exchange for increased development capacity, while still incentivizing dense development within key areas of downtown.

In 2022, the City released the Draft Zoning Amendments in two parts and held a series of three topic-focused virtual public meetings to discuss key issues with community members. The Draft Zoning Amendments were made available for public review from April 27, 2022 (Part I) and July 6, 2022 (Part II) to May 26, 2023.

Between 2022 and 2023, staff presented to the Zoning Update Committee, LPAB, the DOSP Community Advisory Group, the Cultural Affairs Commission and a public session of SPUR. Planning staff held focused sessions with BAMBD, Chinatown, and Victory Court area stakeholders, as well as conversations with members from East Bay Housing Organization, Alameda County Building Trades Council (“BTC”), and Oakland Heritage Alliance. Additionally, Planning staff reached out to and where possible met with stakeholders associated with the BAMBD, the Malonga Casquelourd Center for the Arts, the Art + Garage District, Chinatown Coalition and the chambers of commerce, including the ethnic chambers. Additional feedback was collected via the Konvieo online tool and two in-person chalkboards set up for several weeks in both Uptown and Chinatown.

Staff presented the Draft Zoning Amendments at three hearings of the Planning Commission’s Zoning Update Committee, and two sessions of the LPAB. At the close of the August 29, 2022 LPAB Public Meeting, a motion was made and approved to revisit the DOSP Zoning Amendments and have staff present additional changes to LPAB prior to taking the Final Draft Plan to the Planning Commission and City Council for adoption. In response to LPAB feedback on the Draft Plan and Draft EIR, staff developed an expanded TDR Program that is to be implemented as part of the DOSP, reduced by-right intensity within key areas of historical significance, and reviewed opportunity sites with regards to historic issues. These items are included in the Final Draft Zoning Amendments. Staff presented these changes to the LPAB at a hearing on May 6, 2024, which was continued to June 3, 2024, at which time the LPAB voted to recommend the DOSP in entirety to the Planning Commission.

Staff presented the full Planning Commission with the DOSP on May 15, 2024 and the DOSP Zoning Amendments, General Plan Amendments and EIR on June 5, 2024. At its June 5, 2024 session, Planning Commission voted to recommend the entire DOSP package to City Council for adoption consideration with changes as described in the Planning Commission Review and Recommendation section.

COORDINATION

Interdepartmental Coordination

Although the DOSP planning effort was led by the Department of Planning and Building, many City departments have actively participated in the plan development, reviewed all iterations of the DOSP, and coordinated to ensure consistency between the plan and departmental plans and projects, including Economic and Workforce Development, Health and Human Services, Housing and Community Development, Parks, Recreation and Youth Development, Police, Public Works, Department of Transportation, Oakland Fire Department, and Department of Race and Equity. Staff from throughout the City were invited to participate throughout the development of the DOSP, including attending internal and public meetings and providing comments on several iterations of the DOSP.

A history of interdepartmental coordination is provided in **Attachment E** (*Interdepartmental Coordination Memo*).

Interaction with Other Plans and Processes

The DOSP has been developed in communication with other departments and agencies. As such, the goals and policies of the DOSP have been aligned with other local and regional plans, as discussed below.

General Plan: The General Plan Update (GPU) Phase I (covering the Housing, Safety, and Environmental Justice Elements) has been closely aligned with the DOSP, and the recently-adopted Planning Code amendments associated with GPU Phase I have been integrated into the proposed DOSP Planning Code amendments. Phase II of the GPU, particularly the Land Use and Transportation Element update, will provide an opportunity for other areas of Oakland outside downtown to integrate successful policies and strategies from the DOSP. Land use and zoning strategies that find success after being piloted in the DOSP area can also be adopted in other areas of the central business district where appropriate, including the adjacent Chinatown.

The Equitable Climate Action Plan (2020): The Equitable Climate Action Plan (ECAP) establishes actions that the City and its partners will take by 2030 to equitably reduce Oakland's climate emissions and adapt to a changing climate. The DOSP's policies to intensify development in parts of Oakland most served by transit and develop infrastructure improvements to support transit systems that support the ECAPs goals to reduce reliance on single occupancy vehicles, reducing vehicle emissions and their effects on both climate change and air quality related health problems. The DOSP and its associated zoning amendments also address climate adaptation with policies regarding regional and site-specific infrastructure improvements to respond to sea level rise.

Cultural Plan: The DOSP learned from the City's first cultural plan, *Belonging in Oakland*, which was developed concurrently with the DOSP. The DOSP focus on arts and culture changed from place-making to place-keeping and belonging – protecting and nurturing the people and cultural organizations and businesses that make Downtown Oakland a lively and innovative cultural center that is welcoming to people of different races, ethnicities and income levels.

Housing Strategic Plan: The DOSP has aligned with the *Oakland Housing and Community Development Department's 2023-2027 Strategic Plan* on housing policies to protect, preserve and produce affordable housing that center racial equity, prioritizing resources to address homelessness and the needs of very and extremely low-income residents. The DOSP addresses the need for housing at all income levels for all household types and sizes, while leaving housing for residents with moderate and above incomes to the private market and targeting limited affordable housing resources to residents with the fewest resources.

Plan Bay Area: The DOSP is consistent with regional goals to focus development in designated Priority Development Areas (PDAs), including Downtown Oakland, which are well-served by transit, help connect the region, and in the case of Downtown Oakland, help leverage BART capacity in the reverse commute direction by encouraging more dense employment development. Although the urgency of this was reduced by changes after the COVID-19 pandemic, this is still anticipated to be a need as the Bay Area continues to grow. The DOSP was partially funded by a MTC/ABAG grant to this end.

Oakland Alameda Access Project: DOSP and Oakland Department of Transportation staff have been coordinating with Alameda CTC (the Project Lead) on the Oakland/Alameda Access Project, which will improve access and reduce vehicle pedestrian conflicts between I-880 and I-980, the Posey and Webster Tubes, Jack London, and the City of Alameda. The project aims to address multimodal safety and connectivity in Oakland Chinatown, Jack London District, and Alameda. It is currently in final design and right of way acquisition stages and various agreements are scheduled to be complete by October 2024.

Vision 980: This Caltrans-initiated effort is inspired by the DOSP and proposes to repair connections across the Interstate 980 freeway, including options to remove the freeway and replace the existing right of way with a multi-lane boulevard, opening up opportunity for residential and commercial development, and potentially an underground transit station. A reestablished connection between West Oakland and Downtown would improve access to essential resources and services in downtown for West Oakland residents. Caltrans will study and conduct community outreach to determine a strategy for reconnecting West Oakland with Downtown Oakland, improving multi modal mobility, and addressing past and ongoing injustices that led to the construction of the freeway through a once thriving black community. DOSP, Oakland Department of Transportation, and Department of Race and Equity staff have coordinated with the Caltrans Vision 980 team to inform the project scope and coordinate engagement efforts.

Link 21: Link 21 is a regional planning effort to create a seamless, more efficient passenger rail service experience across the larger 21-county Bay Area megaregion, including a second transbay crossing between the East Bay and San Francisco, with likely connections through Oakland and a potential connection through the City of Alameda. DOSP and Oakland Department of Transportation staff are coordinating with the Link 21 team to discuss rail alignment and station prioritization through Oakland to ensure consistency with the City's transportation, development and equity goals, and to weigh in on Link 21's public engagement process.

SUSTAINABLE OPPORTUNITIES

Economic: Development under the DOSP could add approximately 18.3 million square feet of new commercial space, 1.3 million square feet of new institutional space, and 500,000 square feet of new industrial space resulting in approximately 57,000 jobs and \$41 million in Impact Fees to fund affordable housing and transportation improvements. If fully developed, it would also add 29,000 housing units, including approximately 4,000-7,000 income-restricted affordable units, resulting in \$480-544 million in Impact Fees to fund additional affordable housing.

Environmental: One of the primary purposes of developing the DOSP was to develop a Transit-Oriented Development (TOD) strategy to encourage environmentally sustainable development in Downtown Oakland, which is one of the most transit-rich areas in the region. This was the intent of the \$750,000 grant from MTC. The DOSP provides policies to encourage dense housing and employment in the service of reducing vehicle miles traveled (VMT) and building transit ridership. Developing needed housing and jobs in this priority development area can reduce Greenhouse Gas emissions that contribute to climate change, poor air quality, increases in chronic disease as well as pedestrian and bicyclist injuries and fatalities, which is consistent with the City's ECAP.

The DOSP is also consistent with the City's Environmental Justice Element, adopted in 2023, which also calls for reductions in exposure to residents of toxic air contaminants, which

disproportionately harm residents of color due to environmental injustices that have located highly polluting freeways near residential neighborhoods. The DOSP has incorporated many environmental mitigation measures into the plan itself, while others will be made through the EIR's mitigation measures and the City's Standard Conditions of Approval.

Race and Equity: To address Oakland's stark and enduring racial inequities through the DOSP, a REIA process was integrated starting in 2017. The City conducted a [Disparity Analysis](#) in 2018 that assessed racial and other disparities in a wide range of quality of life outcomes, as well as exploring some of the historical reasons for these disparities. This report was developed prior to the *Oakland Equity Indicators Report*, but with the guidance of the Department of Race and Equity. The City also hired a racial equity consultant team, who, in addition to helping the City expand the community engagement process to ensure the voices of Black, Brown and other Oaklanders of color were front and center in contributing to the DOSP (as described in the Public Outreach section), reviewed the policies proposed in the mid-point iteration of the DOSP for their potential impacts on racial equity.

The equity assessment uses a set of "equity indicators," as surfaced in the Disparity Analysis, to understand existing racial disparities and assess policies proposed in the Plan Options Memo, the earlier iteration of the Preliminary, Public Review, and Final drafts of the DOSP. It assessed possible equity impacts for each policy and land use option, as well as making recommendations for policy prioritization and providing a set of additional recommendations to achieve equity. The [Plan Options Report](#) and [Equity Assessment](#) informed the recommendations of the Preliminary Draft Plan.

The equity indicators used in the assessment include housing cost burden, homelessness, displacement, disconnected youth (i.e. residents ages 16-24 who are unemployed and not in school), unemployment rate and median income. This analysis has shaped the work that has followed, shifting the focus of many of the policies toward responding to racial equities. The DOSP includes policies that are explicitly designed to improve these disparities and measures of success to track the DOSP's impact on the equity indicators over time. These policies and measures are distributed throughout every chapter of the DOSP, but a detailed description of the DOSP's equity framework and equity indicators and a matrix of the key DOSP policies designed to improve the outcomes measured by these equity indicators (and more generally improve racial equity) is found in the Equity Framework section of the introduction on Pages 22-29 of the Final Draft DOSP.

Some of the most critical aspects of ensuring the DOSP furthers racial equity will be found in the implementation process. Because the Equity Assessment determined that the impacts on racial equity of many of the draft DOSP policies would be dependent on how they are implemented, the Implementation & Ongoing Engagement chapter includes policies to utilize Racial Equity Impact Assessment in developing implementation programs and policies, conduct ongoing engagement, and create a Specific Plan Implementation Steering Committee with inclusive committee representation to advise on, assess and develop partnerships for implementation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City has prepared an EIR for the DOSP pursuant to CEQA and the State CEQA Guidelines to analyze potential physical environmental impacts of the proposed DOSP and its implementing Planning Code, Zoning and Height Area Maps, and General Plan text and map amendments.

The DOSP does not propose any specific private development projects, but establishes a Development Program, which represents the maximum feasible development that the City has projected can reasonably be expected to occur under the DOSP over a 20-year planning period. The EIR utilizes the Development Program to assess the potential impacts. Since publication of the [Draft EIR](#), the City has refined the Development Program, which is detailed in Table II-1 of the Final EIR/Response to Comments Document, Chapter II. Plan Revisions and Draft EIR Project Description. The analysis supports that the revisions would not substantially change the findings of the Draft EIR and that they do not trigger recirculation of the Draft EIR.

A summary of the environmental review for the project is as follows:

- NOP - initially published on January 4, 2019. The public comment period for the scope of the EIR lasted from January 4, 2019 to February 21, 2019 and was extended 19 days longer than the 30 days required by the CEQA Guidelines.
- EIR Scoping meeting - held before the LPAB on February 6, 2019.
- EIR Scoping meeting - held before the Planning Commission on February 4, 2019 and continued to February 20, 2019.
- Notice of Availability / Notice of Release of a Draft EIR - issued and Draft EIR published on August 30, 2019.
- Public comment period for the Draft EIR began on August 30, 2019 and was scheduled to end on Tuesday October 15, 2019. Ultimately the comment period was extended to November 8, 2019 (from the required 45 days to 70 days) at the direction of the Planning Commission in response to requests of members of the public and the LPAB.
- Two LPAB meetings on the Draft EIR - September 23 and October 14, 2019.
- Two Planning Commission hearings on the Draft EIR - October 2 and November 6, 2019.
- Public comment period on the Draft EIR closed on November 8, 2019.
- Notice of Availability/Release of a Final EIR/Response to Comments Document - published May 1, 2024. The Response to Comments Document together with the Draft EIR constitutes the Final EIR for the DOSP.

The Final EIR/Response to Comments Document is available to the public at the project website: oaklandca.gov/DOSP. The Final EIR is also available at no charge at the Oakland Planning and Building Department, Strategic Planning Division, 250 Frank Ogawa Plaza, Suite 3315, Oakland, California, 94612.

LESS-THAN-SIGNIFICANT IMPACTS

As detailed in Chapter of the Draft EIR and Chapter 5 of the Response to Comments Document, the analysis found that there were no impacts or less than significant impacts with incorporation of mitigation measures or implementation of Standard Conditions of Approval for the following environmental topics: Land Use and Planning; Greenhouse Gas Emissions; Aesthetics; Biological Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Population and Housing; Public Services, Facilities, and Recreation; and Utilities. See Exhibit B of the Resolution (*CEQA Findings*) for a description of the less-than-significant impacts and applicable measure(s).

SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS

The DOSP will potentially result in significant and unavoidable impacts with the following environmental impacts: Traffic and Transportation; Air Quality; Cultural and Historic Resources; and Shadow and Wind. Therefore, in order to approve the DOSP, the City will have to adopt Statements of Overriding Consideration for these significant unavoidable impacts, finding that the benefits of the DOSP outweigh any significant and unavoidable impacts (see Exhibit B of the Resolution (*CEQA Findings*) for a description of significant and unavoidable impacts).

INFEASIBLE MITIGATION MEASURES

The City may reject a mitigation measure recommended in an EIR if it finds that it would be infeasible to implement because of specific economic, legal, social, technological, or other considerations. The City finds Mitigation Measure AES-1 and AES-2 to be infeasible (see Exhibit B of the Resolution (CEQA Findings)).

CEQA ALTERNATIVES

Chapter 7, Alternatives, of the Draft EIR includes the analysis of two alternatives beyond the “No Project Alternative” as follows:

- *Partially Mitigated Alternative* – Under this alternative, the Plan Area would be developed at a lower intensity throughout the Plan Area, such that all development (both commercial and residential) would be reduced by 25 percent. The Partially Mitigated Alternative could still result in significant and unavoidable historic resource impacts. The alternative would lessen Impacts CULT-1, CULT-2, and Cumulative Impact CULT-1, but would not entirely eliminate these impacts.
- *Reduced Office Alternative* – This alternative analyzes the development program from the January 2019 Preliminary Plan, which includes approximately the same number of residential units with a reduction of 2,814,500 square feet of commercial square footage. The Reduced Office Alternative could still result in significant and unavoidable historic resource impacts. The alternative would lessen Impacts CULT-1, CULT-2, and Cumulative Impact CULT-1, but would not entirely eliminate these impacts.

The Final EIR concludes that the No Project Alternative is the environmentally superior alternative. In instances where the No Project Alternative is the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified. Comparison of the environmental impacts associated with each alternative indicates that the Partially Mitigated Alternative would represent the next-best alternative in terms of the fewest significant environmental impacts. Implementation of the Partially Mitigated Alternative would result in slightly reduced environmental impacts but could still result in significant and unavoidable impacts to Traffic and Transportation, Air Quality, Cultural and Historic Resources, Shadow, and Wind.

However, this alternative would not meet the City’s objectives for the DOSP and would fail to achieve implementation of Resolution No. 85272 C.M.S. directing City Planning staff to develop a specific plan for Downtown Oakland to provide sound policy guidance on downtown development linking land use, transportation, economic development, open space, landscape design, historic preservation, cultural arts and social equity. It would also be inconsistent with economic and environmental sustainability policy directives in the Oakland General Plan and

ECAP to promote Downtown Oakland as a regional hub and support high levels of transit ridership.

City Planning staff therefore recommends the City Council adopt the CEQA findings in Exhibit B of the Resolution, which include certification of the EIR, rejection of two mitigation measures as infeasible, rejection of alternatives as infeasible, and a Statement of Overriding Considerations.

RESPONSES TO DRAFT EIR COMMENTS

During the 70-day comment period, which ended on November 8, 2019, the City received written comments from 6 government agencies, 16 organizations or businesses, and 3 individuals. The City also received verbal comments from four public meetings: the LPAB meetings on September 23, 2019 and October 14, 2019 and the Planning Commission meetings on October 2, 2019 and November 6, 2019. This Response to Comments Document includes a reproduction of each written comment letter (or email) received on the Draft EIR in its entirety and a summary of verbal comments made at the public hearing before the LPAB and Planning Commission. Written responses to each comment are provided in Chapter 4 of the Response to Comments and revisions to the Draft EIR are provided in Chapter 5, Text Revisions of the Response to Comments Document.

None of these changes to the Draft EIR involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from that presented in the Draft EIR. Recirculation of the Draft EIR is not warranted prior to certification of the EIR and Plan adoption.

LEVEL OF ANALYSIS AND STREAMLINING FUTURE ENVIRONMENTAL REVIEW

The City intends to use the streamlining/tiering provisions of CEQA to the maximum feasible extent, so that future environmental review of specific projects is expeditiously undertaken without the need for repetition and redundancy, as provided in CEQA Guidelines section 15152 and elsewhere. Specifically, pursuant to CEQA Guidelines Section 15183, streamlined environmental review is allowed for projects that are consistent with the development density established by zoning, community plan, Specific Plan, or general plan policies for which an EIR was certified, unless such a project would have environmental impacts peculiar/unique to the project or the project site. Likewise, Public Resources Code section 21094.5 and CEQA Guidelines Section 15183.3 also provides for streamlining of certain qualified, infill projects. In addition, CEQA Guidelines Sections 15162-15164 allow for the preparation of a Subsequent (Mitigated) Negative Declaration, Supplemental or Subsequent EIR, and/or Addendum, respectively, to a certified EIR when certain conditions are satisfied. Moreover, California Government Code section 65457 and CEQA Guidelines section 15182 provide that once an EIR is certified and a Specific Plan adopted, any residential development project, including any subdivision or zoning change that implements and is consistent with the Specific Plan is generally exempt from additional CEQA review under certain circumstances. The above are merely examples of possible streamlining/tiering mechanisms that the City may pursue and in no way limit the City's ability to conduct future environmental review of specific projects.

When a specific public improvement project or development application comes before the City, the proposal will be subject to its own, project-specific, environmental determination by the city

that either: 1) the action's environmental effects were fully disclosed, analyzed, and as needed, mitigated within the DOSP EIR; 2) the action is exempt from CEQA; 3) the action warrants preparation of a (Mitigated) Negative Declaration; or 4) the action warrants preparation of a supplemental or subsequent focused EIR limited to certain site-specific issues. Again, the above are merely examples of possible streamlining/tiering mechanisms that the City may pursue and in no way limit the City's ability to conduct future environmental review of specific projects.

ACTION REQUESTED OF THE CITY COUNCIL

The City Administration recommends and requests that the City Council take the following legislative actions:

(1) Adopt a Resolution, as Recommended by the City Planning Commission, To:

(A) Adopt The Downtown Oakland Specific Plan And Related General Plan Text and Map Amendments, Including Amendments to the Estuary Policy Plan and the Land Use and Transportation Element; and

(B) Certify the Environmental Impact Report For the Downtown Oakland Specific Plan And Associated Legislative Actions And Making Related California Environmental Quality Act Findings;

(2) Adopt an Ordinance, as Recommended by the City Planning Commission, To: (a) Make Oakland Planning Code and Oakland Municipal Code Text and Map Amendments And (b) Amend the City of Oakland Master Fee Schedule (Adopted By Ordinance No. 13747 C.M.S., As Amended) To Adopt the Central Business District Entertainment Venue Fees.

For questions regarding this report, please contact JOANNA WINTER, PROJECT MANAGER, at (510) 238-2166.

Respectfully submitted,

Albert Merid

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Attachments (5):

Attachment A, Map of Plan Area and Map of DOSP Overlap With LMSAP

Attachment B, DOSP Policy Changes Comparison Table

Attachment C, DOSP 2019-2024 What's Changed and What's New

Attachment D, ZIP Benefit Plan & In-Lieu Fee Disposition Proposal

Attachment E, Interdepartmental Coordination Memo