

# Downtown Oakland Specific Plan (DOSP) & Zoning Amendments

## Frequently Asked Questions

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# I. Downtown Oakland Specific Plan

## About the Plan

### What is the Downtown Oakland Specific Plan?

A specific plan is a policy document that shapes the look, feel, and quality of life within a specific geographic area of a city. Its policies affect both private development and public infrastructure. The Downtown Oakland Specific Plan (DOSP) includes detailed regulations and recommendations to guide future City actions in determining the amount and type of development that will occur downtown over the next twenty years. The Plan is a result of input from community members and responds to all aspects of development in the area, such as: how new buildings support activity on the sidewalks; how many units of affordable housing will be produced, preserved and/or protected; how the neighborhoods tie into public transportation; what kind of jobs the City will encourage; and what programs will be put in place to ensure business thrive, arts and entertainments flourish, and people can afford to live in downtown.

The DOSP development process was guided by a set of community-developed goals to achieve an overall vision for an equitable, vibrant and sustainable downtown. The DOSP outlines strategies and policies to achieve these goals as well as action steps for the City and community partners to implement them. Once adopted, City staff, elected officials, business developers, and community members will implement and experience the outcomes of the plan.

### What is the planning boundary? How does this plan relate to recently adopted plans?

The DOSP is the sixth area plan process undertaken in Oakland in recent years, and the first ever for downtown. It weaves together the recent specific plans for West Oakland, upper Broadway areas adjoining downtown (Broadway-Valdez Specific Plan), and Chinatown (Lake Merritt Station Area Plan) as they are linked via streets, public transit and neighborhood activities.

The DOSP encompasses approximately 930 acres bounded by 27<sup>th</sup> 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 5<sup>th</sup> Avenue to the east. Although considered within the fabric of the downtown, Chinatown is not included in the Downtown Plan Area because it previously went through its own specific planning process that led to the Lake Merritt Station Area Plan (2014), just prior to the start of the DOSP process.

The following page includes a map of the planning boundary.

Map of DOSP Boundaries & Adjacent Specific Plans



## What are the goals of the DOSP?

1. **Economic Opportunity:** Create opportunities for economic growth and financial security for all Oaklanders.
2. **Housing and Homelessness:** Ensure sufficient housing is built and retained to meet the varied needs of current and future residents.
3. **Mobility:** Make downtown streets comfortable, safe, and inviting connections to the rest of the city so that everyone has efficient and reliable access to downtown jobs and services.
4. **Culture Keeping:** Encourage diverse voices and forms of expression to flourish.
5. **Community Health & Sustainability:** Provide vibrant public spaces and a healthy built, natural, and social environment that improves the quality of life downtown today and for generations to come.
6. **Land Use & Urban Design:** Develop downtown to meet community needs and preserve Oakland's unique character.
7. **Implementation & Ongoing Engagement:** Partner with community stakeholders and institutions to implement and realize the Plan's many goals, outcomes and supportive policies.

## What key changes have been made since the 2019 Draft?

Staff received thousands of comments on the Public Review Draft Plan, including recommendations for changes. The adopted DOSP was revised in response to these. Revisions include new data, strategies & policies, primarily addressing COVID-19 impacts & recovery. They also include preservation of industrial land uses closest to the West Oakland industrial area, updated affordable housing targets to reflect the City's revised Permanent Access to Housing (PATH) Framework, updated maps, a chapter dedicated to Implementation & Engagement, a new illustrated vision for Lake Merritt Boulevard, and new appendices. The new appendices detail development frameworks for Victory Court, a new mixed-use residential community in Jack London, along the Lake Merritt Estuary and 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 Public Review Draft include slight reductions 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. These reflect a new light industrial area near Howard Terminal that transitions between the Jack London District and the West Oakland industrial area. Housing projections have remained the same. Many of the comments on the Public Review Draft specifically addressed height and zoning, and these have been integrated into the implementing Zoning Amendments that have been developed since 2019, were reviewed by the public and then revised in 2022-2023, and will be brought to Planning Commission and City Council for adoption alongside the DOSP. The height and intensity maps show in in the Plan itself are illustrative only; the amended Planning Code and Zoning Maps, including the height and intensity maps, are more specific and fine-grained, and supersede the Plan's illustrative maps.

## How does the Downtown Plan relate to the other City initiatives and other agencies' projects currently under development and consideration?

The Final Draft Plan's recommendations have emerged through eight years of community input, technical analysis, and review of the existing City policies. The DOSP planning process included a comprehensive review of relevant past and concurrent planning and programmatic efforts, existing and projected data, and community input. It also involved cross-departmental and interagency coordination. This review and collaboration is intended to ensure consistency in ideas, policies and strategic efforts, and has continued throughout the development of the plan. Examples include:

- As an effort concurrent to the Citywide General Plan Update (GPU) Phase 1, DOSP and GPU staff coordinated to ensure consistency across projects. Several ideas, including the community engagement processes piloted through the DOSP, have been applied to GPU Phase 1 and will continue to be applied to the GPU Phase 2 and its zoning amendments.
- DOSP staff has coordinated with partner departments to integrate other plans into the DOSP (and vice versa), such as the Bicycle Master Plan, the Equitable Climate Action Plan (ECAP) and the Permanent Access to Housing (PATH) plan to address homelessness.
- Some policies that were raised in the context of the DOSP development process have been implemented through other City projects such as revisions to the Façade Improvement Program to facilitate equitable use of these funds. In other cases, the DOSP highlights the importance of continuing and in some cases enhancing existing programs, such as Just Cause for Eviction.
- DOSP staff have collaborated with and used DOSP policies to help inform relevant partner agencies' projects such as Caltrans' Vision 980 project to reconsider the role of Interstate 980, the regional Link21 project's possible alignments for a second transbay crossing, and Alameda County's request for proposals for development at their properties on Broadway south of Interstate 880.

The Plan relates supportive programs, policies, physical improvements, and measures of success. It includes an implementation plan of specific action items to embrace opportunity, address racial disparities, and move downtown toward a future that seizes Oakland's capacity to serve its many residents, workers, and visitors while also protecting what makes downtown "authentically Oakland." Many City departments are involved in implementing these strategies, as are partner agencies and community-based organizations, with ongoing feedback from the community. Implementation also occurs via private development that conforms to the Plan and its associated land use and zoning regulations. In other words, implementation of the DOSP will lead to new programs and initiatives led by numerous City departments and partners. These are outlined in Chapter 7 of the Final Draft DOSP.

## Specific Concerns

### How does the DOSP address housing affordability and homelessness?

To meet the needs of all current and future residents of downtown, DOSP housing & homelessness strategies focus on generating and deploying public funding resources to retain and expand affordable housing, providing additional services and shelter for unhoused residents, and strengthening protections to retain downtown's rental housing stock. The intent of these strategies is to ensure that current and long-time Oaklanders remain an important part of the Downtown Oakland community and that sufficient housing is built and retained downtown to support the full range of incomes, lifestyles, and choices essential to Oaklanders.

The DOSP targets producing, preserving and protecting 4,365-7,275 units in the DOSP area as affordable, equivalent to 15-25% of the anticipated total number of housing units intended to be produced under the DOSP. The priority for these units is consistent with the City's overall housing equity and homelessness policies, prioritizing housing for residents with very and extremely low incomes. Key policies to achieve the DOSP's housing goals include:

- Encourage the production of diverse housing unit types.
- Rezone opportunity areas such as Jack London's Victory Court area and portions of Laney College to allow dense residential development and encourage infill.
- Strengthen protections, including the Condominium Conversion Ordinance, for retaining downtown's rental housing stock.
- Develop new sources of funds and increase existing resources to assist in the creation of new affordable and accessible housing, such as impact fees, Enhanced Infrastructure Financing Districts, and DOSP Zoning Incentive Program community benefits.
- Direct public policies, funding sources and resources to assist in the creation of new affordable and accessible housing in downtown by leveraging publicly-owned land for housing, co-locating affordable housing and public facilities, expediting approvals for affordable housing, creating habitability standards, and increasing accessibility requirements.
- Encourage homeownership in downtown Oakland through shared equity homeownership, first-time homebuyer programs, and proactive assistance to vulnerable homeowners.
- Increase protections and assistance for low-income renter households and other residents at risk of displacement through implementation of policies such as a potential tenant subsidy program, renter services and counseling, rent adjustment & Just Cause eviction enforcement, support for economically displaced residents, and creation of an affordable housing centralized online waiting list.
- Provide additional shelters and services for homeless residents through Permanent Access to Housing (PATH) strategy updates, SRO Rehab & Acquisition partnerships, homeless housing priority in NOFAs, supportive services in affordable housing, and encampment management & services.

- Provide resources and amenities for the unsheltered residents of downtown such as storage lockers, publicly accessible restrooms/drinking water, and expansion of library partnerships & outreach programs.
- Prevent further displacement of Oakland’s artist, cultural and creative community by encouraging affordable live-work and commercial cultural spaces and protecting existing and encouraging new affording live/work in cultural districts.

***Why isn’t it mandatory for developers to provide affordable housing with any new development?***

The City requires that residential projects pay affordable housing impact fees to support construction of affordable units at other locations or provide a minimum percentage of affordable units on site, while State law allows a density bonus for affordable projects. The DOSP recommends the provision of funds for affordable housing as a community benefit under the Zoning Incentive Program. These would be in addition to the local Impact Fee requirements and State density bonus.

The City made the decision to implement affordable housing impact fees because at the time it was not legal to require inclusionary housing for rental units. O.M.C. Chapter 15.72 provides an option to provide affordable housing on site, but there is no inclusionary housing requirement in the City of Oakland. The DOSP recommends studying an inclusionary housing policy for the downtown as part of the Impact Fee Nexus Study update, which is currently underway. Even if there is an inclusionary housing requirement, most cities have the option to pay a fee instead.

**How does the DOSP address public safety and support for small businesses?**

The DOSP lays out much needed strategies to stem cultural displacement and revitalize businesses, which help contribute to safety in downtown by bringing activity and people to the streets. These policies are embedded throughout the plan, and include:

- New opportunity areas for increased housing and flexible office space to help downtown thrive
- Policies to support the Black Arts Movement and Business District (BAMBD), including zoning requirements, improvements to the public realm, commercial retail space subsidies and other cultural district-focused improvements that will contribute to the area as a regional destination
- Transportation priorities promote pedestrian friendly streets through features such as wider sidewalks and plazas, better lighting, traffic calming treatments, and various disability improvements
- Identification of potential funding sources to provide below market-rate commercial space to support small businesses
- Developing Planning Code amendments to allow for flexibility and encourage active uses on ground floors to increase foot traffic and make it easier to fill vacant spaces (resulting policies included in the proposed Zoning Amendments include reducing requirements for

Conditional Use Permits for service, office, medical facilities and Group Assembly Activities such as music venues, clubs, theaters and other performance space)

- Developing Planning Code amendments that expand the geographic area and streamlining for permissible arts and cultural uses (resulting policies included in the proposed Zoning Amendments include including expanded provisions for live/work, pop-up businesses and public events and redefining arts and cultural uses to include artisan production or maker uses)

In addition, DOSP policies that specifically address public safety, which benefits businesses and their patrons, include updated Crime Prevention Through Environmental Design (CPTED) guidelines; expansion of community safety initiatives, including strengthened community safety partnerships, expanded bias training for police and other neighborhood peacekeepers, partnerships with mental health service providers, expanded support for community-based service and workforce development organizations serving at-risk youth and re-entry populations, business and BID partnerships to deter crime, and restorative justice programs and methods; and implementation of recommendations provided through the Reimagining Public Safety Task Force as appropriate downtown to prevent violence, reduce bias in law enforcement, and support long-term relationships between OPD, local businesses, entertainment venues and other community members.

### How does the DOSP address preservation of arts, culture and support for local artists and culture keepers?

Artists and culture makers and keepers are a critical element to downtown's character and continued success. Sustaining downtown's identity and multicultural heritage into the future will require focused effort in the face of ongoing changes in the racial, cultural, and income makeup of downtown. In addition to providing more affordable housing and commercial space to retain individual residents and businesses, the recognition and support of cultural districts is one way to support a sense of belonging and connection among diverse people, customs, and forms of expression and to help address concerns about cultural displacement. In addition to a range of zoning tools, the DOSP includes a policy to establish a Citywide Cultural Districts Program to develop and formalize a collaborative partnership between the City and cultural communities; identify resources to stabilize vulnerable communities; preserve, strengthen, and promote the City's cultural assets and diverse communities; and support entertainment districts. New policy priorities in the DOSP will be followed by proposed zoning and other tools to create and incentivize new space for arts and culture uses downtown, including:

- Creating new land use categories and definitions for arts and culture uses in new downtown zoning to permit and encourage these uses throughout the downtown
- Piloting new zoning regulations and public investment in the Black Arts Movement and Business District (BAMBD), the City's first officially designated cultural district



- Providing affordable housing for income-qualified artists
- Requiring ground floor arts and culture space in new development in certain areas
- Including arts and cultural infrastructure and uses under streetscape and below market-rate commercial benefits within the Zoning Incentive Program
- Encouraging and protecting live/work units in cultural districts
- Supporting artists by facilitating below market-rate commercial arts space through a master leasing/tenanting program
- Zoning changes to allow more flexible use and sharing of retail space
- Investing in culturally relevant streetscape elements, such as wayfinding, signage, historical markers and public art
- Investing in new and improved public spaces that can be used to host festivals and cultural gatherings, and that feature public art
- Reducing barriers (such as permit costs, business license and finger-printing requirements) for outdoor vendors, particularly within arts and culture districts, parks, and public gathering spaces
- Proposed expansion of the geographic area and streamlining for permissible arts and cultural uses (including expanded provisions for live/work, pop-up businesses and public events) and the re-definition for arts and cultural uses to include artisan production or maker uses

### How does the DOSP protect historic properties and landmarks?

The DOSP includes many policies that balance community priorities 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 following approaches are proposed in the plan to protect historic properties and landmarks:

- Developing Planning Code revisions that assert a clear development hierarchy according to adjacent street and improve public space, frontage, and building form standards.
- Regulations that facilitate preservation and adaptation of historic buildings downtown to help retain and create new spaces for arts and culture uses.
- Provisions to facilitate the reuse of older and underutilized buildings by relaxing typical building and zoning requirements, providing flexibility in the approval and permitting process when buildings are converted to new uses, and encouraging use of the California Historical Building Code (CHBC).

- Zoning modifications to encourage incremental infill development and prioritize employment sites within key areas of existing office concentrations near BART such as City Center and the Lake Merritt Office District.
- Institution of a Transfer of Development Rights (TDR) Program to include floor area ratio (FAR), height limits, residential density changes, and other zoning changes proposed in the Plan to encourage the retention of the smaller-scale buildings that are prevalent in downtown and are at high risk for redevelopment and demolition.
- Establishment of a Citywide Cultural Districts Program to increase funding and support for arts & culture programs, and strengthen and connect downtown’s cultural assets and districts by investing in branding and culturally relevant streetscape elements, such as wayfinding, historical markers, and public art.
- Expansion of the City Downtown Façade Improvement Program for both commercial and residential properties including SROs, with a focus on assisting businesses and nonprofit organizations that meet criteria for income, length of the time in the downtown, and location in established cultural districts.
- Regulations and processes for new downtown development projects near current and future public spaces to both enhance and improve access to those community amenities; maintain design, frontage type, and land use requirements for new developments; and to protect and enhance existing resources, including Lake Merritt and the Channel, estuary waterfront areas, and parks/plazas/open spaces by requiring natural buffer areas and protective setbacks.
- Inclusive representation on the specific plan implementation steering committee and annual review to evaluate whether the strategies are achieving the desired equity and other outcomes.

## Community Involvement

### How did community input help shape the DOSP?

Community engagement in the development of the DOSP and its implementing zoning has involved thousands of Oakland residents, over 250 different engagement activities, and stretched over eight years. 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 and creative solutions labs
- A survey focusing on older adults and people with disabilities, guided by disability advocates
- Public events such as Lunar New Year, farmers’ markets and the Black Joy Parade

- General public meetings in person and online
- Public hearings of City boards and commissions including the City Council, Planning Commission, Parks and Recreation Advisory Commission, Mayor’s Commission on Persons with Disabilities, Bicycle and Pedestrian Advisory Committee, Mayor’s Commission on Aging, Landmarks Preservation Advisory Board
- Online surveys
- Use of an online tool (Konveio) to receive comments on draft documents
- Focused meetings with groups such as the Black Arts Movement and Business District (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
- A Technical Advisory Committee
- An ongoing Community Advisory Group (CAG)

See the Equity section below for more information about how the City engaged historically underrepresented populations in the process. The public has reviewed multiple drafts of the DOSP, including the initial Alternatives Report, a Preliminary Draft Plan and the Draft Plan.

### Where can we see community comments?

Comments received through engagement activities have been catalogued, summarized and addressed through new iterations of the plan, shaping the goals and policies now proposed. All comments are available to the public via the Draft Plan Comments Summary and Comments Spreadsheet on the [Community Input](#) section of the project website. Upon publication of the Final Draft DOSP, the website will also include a memo documenting how the revisions respond to community comments on the Draft DOSP, including those provided by the Community Advisory Group (CAG). Similar memos will be provided for comments on the Draft EIR and Draft Zoning Amendments.

## Equity

### How does the DOSP address social and racial equity? How will accountability and transparency measures ensure meaningful implementation of social and racial equity?

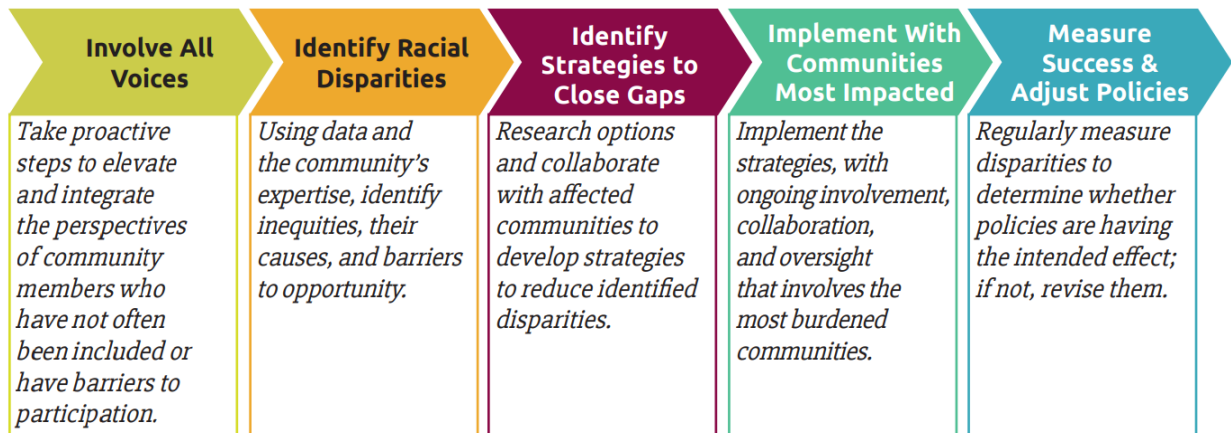
Oakland recognizes that due to institutionalized racial discrimination, Oaklanders of color – particularly Black and Indigenous Oaklanders – are harmed by inequities across different aspects of life. Social and racial equity are not just a piece of the plan but a lens we use to view the process and expected outcomes. The DOSP includes an equity framework that is designed to reduce those racial disparities that a specific plan for a downtown can affect. Toward this end, all the goals, outcomes, and supporting policies meet a shared vision, consider equity impacts, and aim to reduce disparities – or at the very least, not widen them.

With technical support from the City’s Department of Race and Equity in scoping the effort and the assistance of the DOSP’s equity consultant, the DOSP included analysis of disparity data, proposed equity-related outcomes, and evaluated possible policy directions. This work was based on the racial equity impact assessment (REIA) and results-based accountability (RBA) models, which together involve identifying and measuring indicators of racial disparities; including affected communities in identifying and designing solutions to those disparities; and assessing proposed strategies to determine whether they might close or widen the identified disparity gaps. The DOSP’s approach is highlighted in the figure below.

The “equity indicators” that the DOSP uses to measure these racial disparities include **housing cost burden, homelessness, displacement, disconnected youth** (unemployed and not in school), **unemployment** rate and **median income**. The DOSP includes policies that are explicitly designed to improve these disparities. The City has also designed the DOSP to reduce the possibility that the other policies and strategies in the plan would worsen the disparities.

In addition to relevant equity policies, each topic chapter includes racial equity “measures of success” so that the City and community can measure the DOSP’s impact over time. Further, the DOSP’s implementation actions and programs will be developed and reviewed using Oakland’s Racial Equity Impact Assessment approach. A detailed description of the DOSP’s equity framework and equity indicators and a matrix of the key policies with equity impacts is found on Pages 22-29 of the Final Draft DOSP.

**DOSP Racial Equity Approach**



**How did the City involve historically underrepresented populations to support development of the Downtown Plan?**

Oaklanders of color expressed concerns early in the planning process that a downtown plan might exacerbate the gentrification and displacement already occurring in Oakland. In response to community feedback, the project team expanded engagement efforts in Spring of 2017 to reach a broader, more representative section of the community, including members of Oakland’s most vulnerable communities. This effort was supported by an equity consultant led by I-SEED (the

Institute for Sustainable Economic, Educational and Environmental Design) and advised by the City's Department of Race and Equity. This equity-focused relaunch used a racial equity lens to guide analysis, outreach, and the creation of equity-related goals and policies to address disparities in life outcomes.

As a result, additional community members representing residents and business owners of color, as well as cultural groups, were invited to the Community Advisory Group. I-SEED conducted a set of focus groups including groups such as Asian Health Services, East Oakland Building Healthy Communities and the Oakland Food Policy Council. They also conducted 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. Many of these interviews were recorded and viewable on the DOSP website: [bit.ly/OakDOSP](https://bit.ly/OakDOSP). Outreach also included work with local youth services and partnerships with UC Berkeley's Y-PLAN program to ask students from local public high schools to share their ideas for making downtown more equitable, youth-friendly and sustainable; online forums such *Speak Up, Oakland!* and *Streetwyze*; and in-depth engagement with community-based organizations.

In response to concerns that people with disabilities were not represented or visible in early versions of the plan, staff brought together a group of advocates for people with disabilities and older adults to develop a survey (provided online and in paper versions) to reach this significant group of Oaklanders. As a result, the plan now incorporates people with disabilities in both policy and imagery.

## Adoption & Implementation

### When will the DOSP be adopted?

The DOSP will be brought for review in spring 2024 by the Planning Commission, followed by the Community and Economic Development Committee of the City Council, and then the full City Council. To find out the specific dates of the hearings and how to participate, please sign up for the DOSP mailing list at: <https://www.oaklandca.gov/topics/downtown-oakland-specific-plan>

### How will the plan be implemented?

City departments and staff will use the plan to guide policy decisions, resource allocation, departmental workplans, regional and state level plans, and advocacy and community partnerships. Responsible City Departments will include Planning & Building; Economic & Workforce Development; Fire; Housing & Community Development; Human Services; Library; Parks, Recreation & Youth Development; Police; Public Works; Race & Equity; Transportation; and Violence Prevention.

The DOSP will be implemented in partnership with community organizations, through interdepartmental and inter-agency cooperation, and in ongoing engagement with the community via a Specific Plan Implementation Steering Committee. The Plan includes an implementation

chapter with an Implementation Matrix that identifies related plan policies and equity indicators as well as action steps needed for implementation. Action steps identify implementation mechanisms (legal, administrative or regulatory steps needed), lead agencies and potential partners, estimated costs and funding sources, and anticipated timeframe.

Having a vision will make DOSP projects eligible for grants and allow the City to request assistance from philanthropic foundations. The Plan's Environmental Impact Report will clear development for approval that meets the goal of the plan and follows mitigation measures.

### How can community members stay involved to ensure plan accountability?

Community members and relevant community-based organizations will continue to be consulted and engaged in the process of implementing the specific actions of the DOSP. The City will continue to use the DOSP mailing list to notify the community about upcoming implementation efforts.

In addition, the City will establish a Specific Plan Implementation Steering Committee to advise the Planning Bureau on community priorities, develop partnerships for implementation, maintain ongoing communication about Plan progress, and respond to changing conditions. Participants will represent Oakland's diverse residents, partner agencies, community organizations and City departments, and include representatives from areas that have not yet adopted specific plans. This Plan is intended to be a living document, with the Implementation Steering Committee helping the City monitor and adapt recommendations and actions as needed, based on new information and evaluation of how well measures of success are being met through implementation. Having such a committee in place should give momentum to achieving immediate and near-term actions. Community members will be invited to apply to join this committee.

## II. Implementing Zoning Amendments

### About the Zoning Amendments

#### What is zoning and how does it relate to the DOSP?

Zoning ([see terms for more information](#)) is a method of urban planning in which a city divides land into areas called “zones,” specifying the kind of existing and new development that can occur within each zone. Within each zone, a set of regulations permit, conditionally permit, or prohibit activities or “uses” to ensure compatibility. It is a tool that can be used to encourage desired outcomes by guiding the shape and form of buildings, the types of land use activities in an area, and the way structures and spaces complement each other. In Oakland, “zoning” refers to both the Planning Code (Title 17 of the Oakland Municipal Code) and its associated Zoning Map, which contains boundaries and layers of regulation such as allowed height, density and land uses.

Amendments to zoning are one of the first implementation steps for the DOSP. The final draft for these amendments will be published after the DOSP itself in spring 2024 and brought with the plan for adoption consideration. When the DOSP and General Plan amendments are adopted, the intention is to bring the amendments to the Planning Code and Zoning Map, which implement the DOSP, at the same time for adoption. The reason for this is to avoid a period where the zoning does not conform to the changes that were made in the General Plan. Zoning is only one tool of many that are needed to implement the plan. There are many other tools, including regulations, programs, partnerships, initiatives and funding sources needed to fully implement the plan.

#### What changes were made to zoning?

As the first step to implement the DOSP, the Zoning Amendments contain detailed enforceable regulations, including heights, densities and floor area ratios, to implement the more general and illustrative maps contained in the DOSP itself.

As proposed, the existing Planning Code Chapter 17.01 (CBD - Central Business District) would be deleted and replaced with a new Chapter 17.01 (D-DT Downtown District). Key elements of this new chapter include:

- New downtown base zones with updated land use, design, and development standards
- A new zoning section for freeway zones under interstate 880
- New combining zones related to Downtown’s Black Arts Movement And Business District (BAMBD), sea level rise, Downtown employment priority sites, and development along a new downtown “green loop”
- New Height and Intensity Areas for the DOSP area
- A Zoning Incentive Program that allows increased development height and intensity in certain areas in return for defined community benefits
- A Transfer of Development Rights program to encourage historic preservation

- Changes to land use regulations to facilitate new businesses, including reducing the need for Conditional Use Permits, relaxing restrictions on allowed commercial uses and creating a new arts and culture land use category allowed throughout the DOSP area

The amendments also codify administrative practices, update references; clarify language, and make other conforming changes. The Zoning Map, including related height and intensity maps, has been updated consistent with this new chapter. The Final Draft DOSP Planning Code Amendments can be viewed on the DOSP website: [bit.ly/OakDOSP](http://bit.ly/OakDOSP).

## Zoning Incentive Program (ZIP)

### What is the ZIP?

The Zoning Incentive Program (ZIP) is designed to increase density downtown, where it is critical to achieve dense housing and employment near existing transit, while achieving community benefits beyond increases to the City's tax base for services and additional housing units provided through the Impact Fee program (on site or via leveraged in-lieu fees). Under this program, developers may elect to provide one or more community benefits to provide or pay a fee to the City to fund such benefits, in exchange for increases in allowable building height and/or density. [This link provides more information on how the ZIP Program works.](#)

### What are the community benefits, and how were they determined?

Benefits allowed under the ZIP were selected according to feedback heard from the community during DOSP meetings, including Community Advisory Group meetings. They are intended to increase housing affordability, provide affordable rent for small businesses, train Oakland's workforce, and create resources that support public health. Benefits (some provided on site and some provided by the City through fees) include:

- Affordable housing (amount dependent on affordability level)
- Below market-rate (50%), ground floor commercial space
- Streetscape, open space and other culturally-relevant neighborhood improvements
- Public restrooms in building lobby
- Job training, including construction training, and other programs to support equitable employment

### Why are there three different fee areas?

The fees are based on capturing the value that is created for a developer by allowing additional development capacity above what is allowed without participating in the ZIP. The value created is different for different projects, as shown in the economic analysis used to develop the ZIP. One of the main factors is where a project is located. In some areas of downtown land has a higher price and additional development capacity is more valuable than in other areas. A wide range of increases under the ZIP is possible depending on the base maximum zoning and the ZIP maximum



zoning on a particular site. The economic analysis studied a variety of example combinations to determine the value created, and then generalized these results to three fee areas.

## Transfer of Development Rights (TDR) Program

A Transfer of Development Rights (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.

### How does the TDR program work?

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. A receiving site being granted additional density over the base must be in a location that permits Residential Facilities, and a receiving site being granted additional nonresidential floor area over the base must be at a location that permits Enclosed Nonresidential Facilities. Additional guidelines include:

- Receiving and sending sites must be within the DOSP area.
- Sending sites include historic properties within an Area of Primary Importance (API) or an Area of Secondary Importance (ASI), standalone Designated Historic Properties (DHPs), rated A or B, and any Potentially Designated Historic Properties (PDHPs) that contributes to an API or ASI.
- Prior to the transfer, the owner of the sending site must submit a rehabilitation and maintenance plan that conforms to the Secretary of the Interior's Standards for the Treatment of Historic Properties, and Design Review approval for construction at the receiving site is required to trade development rights.

The buying and selling of development rights would be arranged privately, with agreements approved by the City Attorney and filed with the Alameda County Recorder. The regulations state that the transaction be made directly from the owners of the site or through a third-party broker.