

Public Comments on the Downtown Oakland Specific Plan (DOSP) Draft Zoning Amendments, from 2022 to 2024

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Topic: Affordable Housing

CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Can we downzone of it's for the purpose of building affordable housing (exception to SB 330)?	No, there are instances where affordable housing can be encouraged to protect and preserve SROs or to allow inclusionary housing projects, but the exception does not apply to induce density bonus projects. City attorneys have surveyed other jurisdictions on this provision as well.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Need to meet AB 686 requirement to Affirmatively Further Fair Housing by building affordable housing downtown and address racial disparities by building a higher percentage of affordable housing to market rate; it seems like we've achieved less than 2% affordable units downtown recently.	<p>(1) Affordable projects applying for Affordable Housing Trust Fund (AHTF) will receive priority points if they are in the DOSP area.</p> <p>(2) A major challenge with building affordable units is that it is far more costly downtown due to high land costs. Housing dollars build more units in other areas. If funds were allocated to downtown only, the risk is that they would sit unused for years because affordable housing developers rarely propose projects there.</p> <p>(3) The ZIP is designed to supplement affordable housing in downtown, with a 10% discount given to encourage developers to provide affordable units on-site.</p> <p>(4) The City needs sources of funding far beyond the capacity of development to meet its affordable housing needs.</p>

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Topic: Arts & Culture

Hiroko Kurihara: Art & Garage District	Shared a document to DOSP which revised the listed document	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan- Phase I: Implementation Both New and Existing Buildings; Land Use Relaxations Section	Allow for on-line, simplified process for obtaining permits for temporary/permanent artesian production	The proposed changes permit artisan production commercial activity by right in ground floor spaces throughout downtown.
Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to the DOSP staff	8/18/2022	General Questions to the DOSP working group; Special Meetings with Larger Topics; Art and Culture	How are the BAMBD guidelines differentiated from Arts + Garage ‘District’ guidelines? How will other Cultural Overlays or zones respond to different Cultural “district” Areas’ needs/requirements?	These are not guidelines, but regulations. The BAMBD is an overlay zone combined with base zoning and applies regulations including requiring space set aside for cultural uses in new development, whereas the Art + Garage District Zone is a standalone zone in a very limited area that regulates uses, in which arts and manufacturing uses are encouraged, work/live space is encouraged in upper stories, and residential development is limited to reduce development pressure on existing arts/manufacturing uses.

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Oscar Edwards, BAMBD	General letter about Zoning	15-Jun-21	General Comments about the BAMBD	<p>1. If we're trying to save businesses downtown, we need residents from the community; they need to be able to afford to live there - mix of commercial and residential. Residential needs to be community-developed. Need to bring the new residents into the BAMBD, to understand it. How can we find ways to keep residents down here (not necessarily affordable housing)? Who are the people who we should be providing housing for downtown? Seniors, transitional housing/SROs (folks that were in W. Oak or DT). Mix of people who have just heard great things about Oakland and are coming now, plus the people who have been here and dealt with adversity (changes, being priced out). Just because people are in the BAMBD doesn't mean they have to be African American - they represent their business also - they want them all to thrive.</p> <p>2. They don't want to be saturated by cannabis dispensaries. CUP for an alcohol license is hard - a small gym can't go in downtown without a CUP. E71. Smoke shops have been popping up all over the place - there are more smoke shops than convenience stores.</p>	<p>1. The DOSP includes a range of policies to address anti-displacement and housing affordability, and to allow for an increased diversity of housing types to accommodate all incomes and families of all sizes, including existing residents. By allowing increased density and an increased mixture of uses downtown (through zoning), the DOSP provides more opportunities for value capture on new development, generating funds for affordable housing and a range of City services. The ZIP allows increased density in return for community benefits, including below-market commercial space and affordable housing. The DOSP includes a policy to develop a citywide Cultural Districts program that could provide information to new residents about the culture and history of a neighborhood through wayfinding, signage, art, and other means. The BAMBD is the City's pilot cultural district.</p> <p>2. The Draft Zoning Amendments are attempting to add flexibility to allow many more uses without a CUP, including gyms.</p>

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Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	9/28/2021	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan- Phase I: Implementation for both New and Existing Buildings; Artesian Production	1). Add criteria for minimum hours/day of operation 2). Add permanently affordable live/work by right, as with any cultural district.	1). An hour minimum can be considered as the City develops its cultural districts program. The DOSP zoning proposal has built in a requirement for Artisan Production uses to contain a retail element, which requires that they are open to the public, in order to develop a more active pedestrian area. 2). Live/work is permitted everywhere except in the Downtown Pedestrian Zone, the Jack London Industrial Zone, and the Employment Priority Combining Zone. The City is currently prioritizing housing funding for very and extremely low income residents in order to address the homelessness crisis, so there is no funding prioritized for affordable work/live units.
Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to the DOSP staff	8/18/2022	General Questions to the DOSP working group; Special Meetings with Larger Topics; Art and Culture	Can combining zone boundaries extend beyond the boundary of the DOSP if natural boundaries spill into other areas such as BVDSP or LMAP?	The DOSP and its associated zoning amendments only apply to the Plan area. However, application of the combining zones in the Plan to areas outside the Plan could be considered as part of the update to the General Plan - Land Use and Transportation Element. This update will begin in late 2023.

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<p>Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann</p>	<p>Letter to the DOSP staff</p>	<p>18-Aug-22</p>	<p>General Questions to the DOSP working group; Special Meetings with Larger Topics; Art and Culture</p>	<p>(1) How and when will areas like the AGD and Chinatown, etc. be adopted by the city council as official Arts + Cultural districts? What is the Cultural Affairs Commissions’ role here? (2) How has the Cultural Affairs Dept. been involved in crafting or reviewing the latest Arts + Culture elements of the DOSP draft? How will they be involved in implementation?</p>	<p>The adoption of Arts and Cultural Districts is under the control of the City Council. If arts and cultural communities would like to see additional cultural districts designated and a more robust Arts & Culture District program developed, advocacy for this would be an important role for the Arts Commission, supported by the Cultural Affairs Division of the Oakland Economic and Workforce Development Department. The Cultural Affairs Commission has received a presentation about the DOSP, provided comments on the Plan, and has reviewed and provided comments on the Draft Zoning Amendments. The Cultural Affairs Commission might be consulted for DOSP implementation actions such as developing criteria for selecting tenants that meet the equity goals of the DOSP to receive commercial rent subsidies under the Zoning Incentive Program (ZIP), or for advising on what land uses should be considered “arts and cultural” uses.</p>

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Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan - Phase II: Future Implementation Added language to list	<p>1). Coordinate development permits to reduce, where possible, impacts to businesses, with first right of refusal to return to new ground floor spaces affordably.</p> <p>2) Require developers and property owners to review a list of local artisan producers or industrial fabricators as part of the permit process in the sustainable 'green' section of the application.</p>	<p>1) DOSP near-term implementation policy LU-1.6 would coordinate new development to ensure that construction does not interfere with streets and public spaces or negatively impact businesses. The City does not have authority to dictate tenants to a private property owner. Under the ZIP, a BMR property would be reserved for a tenant meeting low income criterion.</p> <p>2) Staff can provide developers with such a list if/when it is available.</p>
Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan - Phase I: Implementation for New Buildings; Arts and Cultural Overlay Section	<p>Add subsections and language to Arts and Overlay Zone:1. "Evidence of dedication for cultural easements deeded to the city wherein a developer would have the right to operate the Arts and Cultural uses under a deed restriction that would allow the City to activate the space with a new organization if it does not have an eligible use for more than 2 years."2. "Establish methods to verify dedicated arts space and track cultural displacement, equity" 3. Require art and cultural signage AND streetscape treatments to be "consistent w/art overlay zone or business improvement district"</p>	<p>Verifying dedicated arts and cultural space will be part of the implementation process, and allowed uses will be enforced by code compliance. Tracking and verifying cultural displacement and equity is not a function of zoning.</p>

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Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan - Phase I: Implementation Both New and Existing Buildings; Land Use Limitations Section	Prohibit residential unless its live/work or its in return for permanent affordable artist housing (25% affordable artist housing at 50% AMI) or hotels with a select number of rooms available to visiting artists	We are implementing community benefits through the Zoning Incentive Program. The City is prioritizing housing for low-income and unsheltered residents.
Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan - Phase I: Implementation for Both New and Old Buildings; Work Live Provisions	Include live/work provisions in public land developments, other cultural hubs/districts/zones, and cultural easements in any cultural district or citywide as land reparations	These can be considered as the City develops its Cultural District program. In the BAMBD, the City's pilot cultural district, live/work is allowed and dedicated cultural space is required.
Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	9/28/2021	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan - Phase I: Implementation for New Buildings: Zoning Incentive Program	Dedicate all ground floor spaces within the DT area as arts, artisan production, performance, and cultural space by right. Require hours of public operation. Allow live/work by right.	Given the current economic climate and commercial vacancy rate, we have proposed an amount that we believe is feasible. Live/work is a permitted everywhere except in the D-DT-P Zone, the Jack London Industrial Zone, and the Employment Priority Zone.
Jennifer Renk, Zoning Update Committee (ZUC) Commissioner	ZUC Public Meeting	5/2/2023	Tower Design, DOSP - Draft Zoning Amendments	Tower standards don't work; standards can immediately be waived under State Density Bonus law.	Tower Regulations have been retained, with modifications to provide flexibility. Further modifications will be developed through Objective Design Standards.

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Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan - Phase 1: Implementation for New Buildings; Added Sections 2 and 3	<p><u>Section 2:</u> Tiered increases of development capacity: Permanently dedicate 1 sq/ft of ground floor space to Affordable Arts & Cultural uses for each additional sq. ft. of space over the allowed as-of-right zoning. Outdoor public space deeded to the City or "Qualified Cultural Arts Asset Management Organizations" shall qualify for an additional 1/4 ft space. A minimum of 10,000 square feet of interior space must be deeded for qualified uses.</p> <p><u>Section 3:</u> defines "Qualified Cultural Arts Asset Management Organizations " as nonprofits that own a larger number of sq ft of comparable space and have a track record of successful operation for over 10 years.</p>	We are providing for this as part of the Zoning Incentive Program, which has been studied as economically being feasible by Hausrath Economics Group (HEG).
Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan- Phase II: Future Implementation	Build on and revise the resolution to formally name the AGD to include a citywide naming of all cultural districts at one time, with the option to include others as they develop.	Development of a Cultural Districts Program is proposed in the DOSP. This is not a function of zoning.

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Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUC	16-Sep-22	General Comments about rezoning proposals for the ZUC; Art and Culture	Prohibition of “Work-Live” uses in “Arts & Culture Districts” seems to be a grievous oversight. For “Work-Live” uses, staff’s proposal that “work activity” and “live activity” must be separated by one floor level is both unreasonable and unrealistic. Such a regulation would limit “work-live” use to either a townhouse, or the rare situation where the artist is wealthy enough to rent two connected floors in the same building – a situation that does not exist. A more rational resolution would be to require a certain minimum floor area to be visible to walking traffic or be a “picture window at the street-front with decorative displays. The ultimate users of “ZIP benefits” should be involved in the initial ZIP selection process.	Work/live is allowed throughout the downtown except on the ground floor in the CBD-Pedestrian and AGD zones, as such units typically become residential and closed off to public view. Staff is not aware of a requirement that the "work" and "live" portions would be separated by a floor level. The Draft Zoning Amendments newly allow locating Work/Live units in new buildings and additions to existing buildings at strategic locations. The regulations were developed to allow artist/production housing while ensuring that these units are not used solely as residences but are a viable option for artisans to support their crafts while living affordably.

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<p>Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann</p>	<p>Letter to the DOSP staff</p>	<p>18-Aug-22</p>	<p>General Questions to the DOSP working group; Special Meetings with Larger Topics; Work/Live</p>	<p>1). Are work/live uses permitted in the AGD? Is it correct that work/live is not permitted on the ground floor in this district?</p> <p>2). Can we allow for light-industrial throughout DT as an optional ground floor use to make up for the lost light-industrial throughout the City?</p>	<p>1). Work/live uses are only permitted above the ground floor of existing buildings and upper story additions within the Arts + Garage District & CBD-Pedestrian zones. This is because these areas are designed to be an active, pedestrian-oriented space, whereas work/live units often close themselves of from public view. The goal is to limit residential uses in the AGD to avoid these uses displacing arts, garage, and artisan production activities.</p> <p>2). The DOSP has developed an Artisan Production Commercial classification that allows most artisan manufacturing uses throughout the downtown so long as they have a retail component.</p>

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<p>1). Eric Arnold, Oakulture, 2). Christopher Buckley, AICP, City Planning Consultant, Oakland Heritage Alliance (OHA), 3). Tiffany Eng of Old Oakland Neighbors and Family Friendly Oakland, 4). Tim Frank, Executive Director of Center for Sustainable Neighborhoods, 5). Hiroko Kurihara Art + Garage District Group, 6). Jeffrey Levin, Policy Director for East Bay Housing Organizations, 7). Naomi Schiff, OHA board member and co-founder of Coalition of Advocates for Lake Merritt, 8). James Vann</p>	<p>Letter to the ZUC</p>	<p>22-Aug-22</p>	<p>General Comments/ Concerns about the Draft Zoning Amendments to members of the ZUC</p>	<p>A number of questions about the proposed Arts & Culture Combining Zone and the overall program for culture keeping, particularly in the Black Arts Movement and Business District and the Arts and Garage District</p>	<p>Specific questions about the Arts and Cultural zoning have been responded to elsewhere. Culture Keeping is a pivotal component of the DOSP; our artist community and small businesses, which contribute greatly to the unique character and economy of downtown, are threatened by high and rising rents. In addition to these zoning strategies, the DOSP includes policy actions and planning strategies to preserve and enhance arts and cultural spaces within downtown.</p>

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Topic: Design Standards

Christopher Buckley	Email to the DOSP team	20-Sep-22	DOSP Tower Design Standards (FAR)	Regarding SB 330/SB8; existing height areas 6 and 7 have no height limit, but through a 20.0 non-residential FAR establish to defacto height limit depending on floor plate size; a building with all floor plates equal to 50% of the lot area will have a de facto height limit of 40 stories. For this approach to work for residential development, FAR would probably need to be applied to residential as well as non-residential floor areas, which we are recommending anyway to facilitate TDR. Alternatively, assumptions could be made regarding typical sizes of residential units to determine the assumed floor area of a given number of units to determine an equivalent FAR. Is this viable, then by right residential density could be increased in some areas in exchange for height reductions in other areas.	The request received here is to apply FAR to residential towers in addition to non-residential in order to limit their height in areas that otherwise have no height limit. The City does not apply FAR to residential but limits residential development with density controls. Staff has designated the areas where tall buildings are most appropriate and does not believe it is necessary to limit residential height in these limited areas. Although these areas have no height limit, they are still limited by density, and by FAR if mixed-use.
Dan T	Konveio	24-Aug-22	Draft Planning Code Amendments - Table 17.101K.04 Development Standards for Downtown District Zones; Minimum and Maximum setbacks; Minimum front setback	Front setbacks should not be required anywhere downtown.	There is a 0 ft setback everywhere downtown except in the residential zone which allows for a small landscaping area (setback of 5 ft.)

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John	Letter	17-May-22	DOSP Draft Planning Code Amendments - 17.101K.130 – General Design Standards A. The following regulations apply to newly constructed principal buildings.2. Base designsection I on Pg. 23	"Context" is not an objective standard. Suggest rephrasing to a threshold of buildings on block.	The word "context" is not used in the proposed code. A threshold of 60% of street frontage will be added into zoning amendments or addressed in ODS.
Oakland Heritage Alliance (OHA)	Letter to LPAB	28-Aug-22	General comments about tower design standards	Do not delete the existing dimension limits, such as maximum building width. Standards used in San Francisco, Seattle, Vancouver, and possibly other downtowns with distinctive skylines should be starting points. The developing downtown Oakland skyline is remarkably uninspired. Retain discretionary design review, with improved design guidelines for projects other than 2/3 residential, especially high-rise.	Numeric design standards have been retained in the new D-DT Zoning Chapter and are a placeholder while we develop objective design standards for the City. Improved design standards, including dimensional standards, will be reviewed in detail as part of the objective design standards. We propose continuing to apply the dimensional standards for residential until the ODS are complete and applying the interim standards for nonresidential buildings.

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James Vann on behalf of Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUC - 09/2023R eiteration of Previous Email to ZUC 05/2023	16-Sep-229-May-23	Draft Zoning Amendments, Development Standards	At Chapter 17.101K.130 – General Design Standards, Section B.,3., Tower Design: The current proposal requires a “Wedding Cake” appearance where the building’s tower must successively “set- back” from the property line as the building height increases. The “Wedding Cake” form is obsolete and creates an unattractive form. Strong consideration should be given to discarding this proposed “mis-fitting” standard.	These design standards are a placeholder while we develop objective design standards for the City. The proposed articulation requires a base and tower, not a wedding cake form (no repeated setbacks on all sides of building). A setback is required at 15' from 2 sides, not all four sides. An exception to the design review procedure can be made based on two criteria: if within an employment priority combining zone (no setback needed) and as a requirement for design integration with the base. This allows flexibility.
Oakland Heritage Alliance	OHA Response s to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendm ents	4-May-23	Draft DOSP Zoning Amendments (per ZUC Supplemental) - Changes to Tower Design Standards	Volumetric design standards, such as the tower regulations, should be kept in one document, (i.e., the Planning Code, where e.g., height limits, minimum setbacks, FAR, etc. are located), rather than spilling over to a second document (the objective design review standards); Which should be focused on the surficial aspects (façade composition, materials, windows, etc.) of building design. But regardless of whether the tower regulations are in the Planning Code or the objective design standards, we continue to recommend that they be similar to San Francisco’s.	Numerical requirements in Table 17.58.04 of the Planning Code for new towers have been retained, with modifications to provide flexibility. Further modifications will be developed through Objective Design Standards. Planning staff have been looking at SF and Seattle examples.

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Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to the DOSP staff	18-Aug-22	General Questions to the DOSP working group; Special Meetings with Larger Topics; TDR	Re Tower Standards, Why does staff consider all the existing dimension limits (such as maximum building width), to be “unwieldy” and is therefore eliminating these standards?	The current dimensional standards restrict office development from occurring because office projects require large floor plates. It does not make regulatory sense to include a requirement for which many projects must receive a variance. These design standards are a placeholder while we develop objective design standards for the City. Improved design standards, including dimensional standards, will be reviewed in detail as part of the objective design standards. We propose continuing to apply the dimensional standards for residential until the ODS are complete and applying the interim standards for nonresidential buildings.

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Topic: General Comments

Cultural Affairs Division	Letter to the DOSP staff	21-Jul-22	DOSP Draft Zoning Amendment	Overall, we are pleased to see the zoning amendments identify 'culture keeping' as a primary focus of promoting equity.	No response needed
Franklin Plaza	Chalkboard	1-Nov-22	What's one thing we can do to improve the quality of life downtown?	<ol style="list-style-type: none"> 1. Stop Gentrifying Oakland 2. End Gentrification 3. Give everyone Affordable Housing 4. Be fair to everyone 5. Support the Youth 6. Love and Respect 	Current and long-time Oaklanders remain an important part of the community. The DOSP process was re-started in 2017 with a focus on racial equity, including countering displacement of Oakland's residents and business of color. The intent of the DOSP housing strategy and the zoning policies that help implement it is to ensure that sufficient housing is built and retained to meet the varied needs of current and future residents. This includes expanding the production and diversity of housing unit types to address growing pressures and creating new mechanisms to fund and expand residential and commercial space affordability.
Franklin Plaza	Chalkboard	18-Oct-22	What's one thing we can do to improve the quality of life downtown?	<ol style="list-style-type: none"> 1. Public Safety 2. Police Programs 3. Better Bike Infrastructure 4. Portable Bathrooms for the Homeless 5. Jobs with living wage 6. Safety Ambassadors 	The Draft Zoning Amendments address aspects of bicycle infrastructure, restrooms, and employment training. Other aspects of improving the downtown are included in the DOSP itself.

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Franklin Plaza	Chalkboard	4-Oct-22	What's one thing we can do to improve the quality of life downtown?	1. Graffiti is everywhere 2. More block-by-block ambassadors 3. More safety patrols 4. Mental Health first responders 5. Late night dining 6. More slow streets for walking 7. Get the homeless off the street 8. Stop market rate housing	The Draft Zoning Amendments address aspects of pedestrian infrastructure and housing production at all affordability levels. Other aspects of improving the downtown are included in the DOSP itself.
Ronak Dave Okoye; SPUR Acting Oakland Director & Chief of Strategic Initiatives	Letter to the DOSP	5-Dec-22	General Comments about the DOSP	Should the proposed Waterfront Ballpark at Howard Terminal project move forward, Jack London will become heavily impacted by pedestrian traffic and will likely attract more commercial and residential activity. It is important that zoning for the D-DT-JLI Downtown District Jack London Industrial Zone properly knits together Jack London and Howard Terminal to facilitate circulation between these areas and to properly accommodate future growth.	The zoning amendments include the creation of a new transitional light industrial zone between the Jack London residential and West Oakland heavy industrial areas, the establishment of new special districts. Were a ballpark to move forward, zoning changes and additional infrastructure improvements would be brought forward at the same time to address these needs.
Eric Arnold	General Email about the DOSP	1-Jun-22	General Concerns focused on Lower Broadway	Lower Broadway needs more connectivity to JLS and mid-Broadway. Hands may be tied with 12th St. city center -- which is a black hole for foot traffic, esp. on weekends.	The freeway underpass zones are designed, along with transportation improvements, to better connect lower Broadway with mid-Broadway for pedestrians. The City has also been involved the County's RFP to redevelop its two properties on Broadway south of I-880; infrastructure improvements as part of that redevelopment can improve this connection. The City Center development is also considered a future opportunity site for redevelopment in a way that would provide more activity than the current design.

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Ronak Dave Okoye; SPUR Acting Oakland Director & Chief of Strategic Initiatives	Letter to the DOSP	5-Dec-22	General Comments about the DOSP	Should the proposed Waterfront Ballpark at Howard Terminal project move forward, Jack London will become heavily impacted by pedestrian traffic and will likely attract more commercial and residential activity. It is important that zoning for the D-DT-JLI Downtown District Jack London Industrial Zone properly knits together Jack London and Howard Terminal to facilitate circulation between these areas and to properly accommodate future growth.	The zoning amendments include the creation of a new transitional light industrial zone between the Jack London residential and West Oakland heavy industrial areas, the establishment of new special districts. Were a ballpark to move forward, zoning changes and additional infrastructure improvements would be brought forward at the same time to address these needs.
Leal Charonnat, Architect of Charonnat Design	Email to the DOSP inbox	26-May-23	Proposed overlay: preamble/rationale to text - Add the (attached) Section to the DOSP as its own separate section: § 76543210 OVERLAY	..."the Jack London Warehouse district is a dystopian nightmare of living above parking; the ground floor spaces of most buildings are devoted and cater to the automobile, not the residents; in central downtown, the automobile reigns king, displacing valuable mercantile ground floor space; storage for smaller vehicles - bicycle, mopeds, etc. - are given priority over valuable mercantile ground floor space; and elevators in residential facilities that accommodate ambulance stretchers can accommodate a cargo bike."	City policy agrees with the approach to encouraging development that supports multimodal transportation.
Franklin Plaza	Chalkboard	25-Oct-22	What's one thing we can do to improve the quality of life downtown?	1. Portable Restrooms for the Unhoused 2. Slower Streets, more speed bumps 3. Free parking lots 4. Build more housing 5. Fix Potholes	The Draft Zoning Amendments address aspects of restrooms and housing production. Other aspects of improving the downtown are included in the DOSP itself.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Franklin Plaza	Chalkboard	11-Oct-22	What's one thing we can do to improve the quality of life downtown?	<p>1. Reduce the number of cars 2. Humane Housing 3. Leave Unhoused People 4. Public Bathrooms 5. Outdoor Events 6. Free Bus Pass 7. Support Local Business</p>	<p>1. The DOSP prioritizes active transportation. The proposed zoning amendments are designed to increase density within the most transit rich area of Oakland, reduce parking minimums on residential units, and allow for the full range of businesses and services that residents depend on. These are policies intended to reduce car dependency, increase the stock and affordability of housing downtown, and build ridership to support public transit. 2, 3, 4. The DOSP includes a set of policies to help address displacement and homelessness. The zoning incentive program includes the provision of affordable housing and publicly accessible restrooms and drinking water in exchange for increased density, as well as in-lieu fees that could potentially provide for city-operated of public restrooms or contribute to the development of deeply affordable housing and housing services. 5. The DOSP team is working in coordination with the office of economic development to activate public spaces and allow for increased opportunities of outdoor events within the downtown area. 6. The DOSP supports expansion of the regional Clipper card low-income transit pass pilot program. 7. The DOSP includes an "Economic Opportunity" chapter to address good jobs and support for local business.</p>

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Steve Lowe, VP of West Oakland Commerce Association, Jack London District Association Board member, Old Oakland Neighbors Co-Chair, HT-CBA Transportation Cohort Coordinator, WOJLOO!, Member of West Oakland Community Advisory Group, WOSP Steering Committee Member, and Co-Founder (1974) of Old Oakland Project	General Email about the DOSP	2-Jun-22	General Concerns focused on Lower Broadway	Far greater attention needs to be given to the Lower Broadway portion, stretching from 9th St. and down to Jack London Square, the entire length is in dire need of a more complete planning overhaul to accommodate the changes that the Port's impending infrastructure upgrade cannot but mandate. More attention to Lower Broadway from City Center down to Jack London Square, all of it the most prominent main thoroughfare of the East Bay, as well as the produce market, as well as more attention to the waterfront.	Staff has developed freeway underpass zones, new zoning that connects Jack London/lower Broadway with the other side of I-880 and worked w/the County on redevelopment of their buildings that anchor the top of lower Broadway. Staff is unclear how the Port's infrastructure upgrade impacts land use in this area and would invite specific recommendations. More specifics about what to address with these zoning changes would be helpful.
Ada Chan, former Library Commissioner	General Note	9-Sep-22	General comment about library expansion	In the up-zoning of the fire alarm building could you please note that the library is interested in the site for the expansion of the main library? Planning failed to include this in the notes from the Lake Merritt Station Specific plan - and it is how the site was lost to the museum. It is not in the current plan.	Zoning isn't an appropriate place to include this note. It will be added into staff reports and the DOSP.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Leal Charonnat, Architect of Charonnat Design	Email to the DOSP inbox	26-May-23	Proposed overlay; overlay text; Details in 2-3 page source document (this is high level summary) - Add the (attached) Section to the DOSP as its own separate section: § 76543210 OVERLAY	This overlay applies to the entire area of the DOSP and may be used in replacement of other zoning regulations. This overlay has specific minimum requirements that must be followed with no exceptions including (see source document for details): No above grade use for vehicle storage; full-size basements, minimum/maximum of 6 stories - 5 residential over mercantile use; Residential floors shall have the following characteristics: Maximum area of 3630 sq ft, Single Exit stairwell with elevator with direct access to public way, maximum of 5 dwellings units per floor, North American floor numbering system, Required floor Plate Heights:, Required setbacks; underground vehicle storage; Elevators sized to accommodate ambulance stretchers; and Facade treatments.	It appears that the recommendations are attempting to mimic the existing Paris context. Oakland's street pattern and parcel sizes are very different, and Oakland requires its own unique development pattern. The draft zoning regulations, in tandem with other City infrastructure investments discourage auto-only development and encourage transit, including parking maximum reductions. A six-story limit throughout the downtown would not meet the City's needs for housing development during a homelessness crisis and would be a considerable downzoning looked upon unfavorably by the State. Much of this input would require changing the Building Code, which is not in the purview of this project or the City of Oakland.
Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to the DOSP staff	18-Aug-22	General Comments/ Questions to the DOSP working group; Information Requests	What percentage of recent downtown market-rate buildings utilized density bonuses? Is there a recent inventory of vacant ground floor spaces in the Downtown area, including the AGD? Could we work with the Real Estate Department?	Staff provided data about density bonus usage in a response on 11/22/22. Economic Development has provided CoStar data about retail vacancies but does not have an inventory. The Real Estate Division is involved in conversations about the development of the DOSP's Tenanting/Master Leasing program.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
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Topic: Increase Height

Andrew Alden, Oakland Resident	Email to the DOSP inbox	13-Sep-22	Draft Zoning Amendments	Policy D10.7: I suggest that "height" be struck from this section. Central Business District-1 and CBD-2: I see no rationale for limiting high-density residential development more strictly than elsewhere in downtown. The limit should be at least 400 units/acre everywhere downtown.	The height is already unlimited. Allowing unlimited density would preclude the zoning incentive program and remove any incentive to provide larger-sized, family-friendly units. 400 du/ac is also beyond what was studied under the EIR.
Dan T	Konveio	4-Aug-22	Draft General Plan (LUTE-EPP) Amendments - Objective D10; Policy D1.9 Creating Infill Housing (Pg. 3 on the bottom, but Page 72 above that)	This language is too vague and could be interpreted in many different ways. Existing building sizes should not limit the scale of new development. Downtown Oakland should become denser, and that means that new buildings should be larger than existing buildings. This language could be used to say that new buildings should not be any larger than existing buildings.	More specific regulations are included in the zoning, and in many places allow a significant increase in density.
Gavin Lohry	Konveio	12-Jul-22	Draft General Plan (LUTE-EPP) Amendments - Chapter 3: Policies in Action - Land Use Diagram, Land Use Classifications; Pg. 154; Institutional; Intensity/Density	Too few units per acre. 250 du/ac should be the base for this area.	This site is Laney College property, and it will be used for educational purposes; it is not considered a housing opportunity site. 250 du/ac is also beyond what was studied under the EIR.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Dan Tischler	Konveio	10-Aug-22	Draft Base Height and Intensity Area Map - Intensity Area 14 Near 2nd and Broadway	45' is unreasonably low for the area surrounding Broadway in Jack London Square. This area should not be limited to such low heights. The blocks facing Broadway should have allowable heights of at least 90' to accommodate the current trend in Downtown Oakland of 5 floors stick over three floor concrete.	The lot has a recently constructed building (the Ellington). The density allowed on this site is significantly higher than the surrounding, adjacent API historic area.
Gavin Lohry	Konveio	12-Jul-22	Draft General Plan (LUTE-EPP) Amendments - Table 4: Summary of Land Use Classifications Pg. 159; Corridor Mixed Use Classifications	I used to live in this area. Would be much more lively and safe with more people. Please allow much greater density, heights of at least 150 feet, and commercial ground floor. 250 du/ac at least.	The proposed density is consistent with the adjoining properties included in the West Oakland Specific Plan. In addition, 250 du/ac is beyond what was studied under the EIR, and changing the Urban Residential land use classification would have citywide implications.
Gavin Lohry	Konveio	12-Jul-22	Draft General Plan (LUTE-EPP) Amendments - Table 4: Summary of Land Use Classifications Pg. 159; Special Mixed Use Classifications	CBD should allow the market to decide on du/ac and FAR. Should be unlimited.	The height is already unlimited. Allowing unlimited density would preclude the zoning incentive program and remove any incentive to provide larger-sized, family-friendly units.
Gavin Lohry	Konveio	12-Jul-22	Draft General Plan (LUTE-EPP) Amendments - Estuary Plan Amendments; Fig. III -3 Central Jack London Illustrative Development Strategy; Pg. 12 (bottom of the page, but above that its stating page 57).	Best way to encourage mixed-use residential development would be to allow dense high-rise (150'+) housing developments with ground floor retail in these areas.	This comment is consistent with what is proposed.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Gavin Lohry	Konveio	12-Jul-22	Draft General Plan (LUTE-EPP) Amendments - Chapter 3: Policies in Action - Land Use Diagram, Land Use Classifications; Pg. 150; Community Commercial; Intensity/Density	125 units per acre is too low for anywhere near downtown. We are in a housing crisis and need to make sure high-density development can be built in all areas around downtown. While I don't believe dwelling units per acre should be regulated, in this area they should be at least 250 du/ac.	Community commercial is limited to very small locations on the outskirts of the DOSP area due to adjacent conditions. Other community commercial locations have been amended to be included in the CBD at higher densities. This is still one of the higher density areas in the city; 1 unit per 220 per sq ft of lot area (110 for efficiency units) is very high density. 250 du/ac is also beyond what was studied under the EIR, and increasing density for the Community Commercial designation would have citywide implications.
Dan Tischler	Konveio	9-Aug-22	Draft Base Height and Intensity Area Map - Intensity Area #8 Near Jefferson and Clay Street.	This area of Old Oakland currently has a height limit of 85'. This map shows the area as being downzoned to 65'. I am strongly opposed to any changes that would reduce allowed height or density in my neighborhood. The city should be upzoning these parcels, not downzoning them.	Old Oakland is one of the few areas where we are proposing reductions due to its historic significance and consistent height context.
Dan T	Konveio	24-Aug-22	Draft Planning Code Amendments - Table 17.101k.05 Base Height and Intensity Area 1-11: Maximum Density (Sq. Feet of Lot Area Required Per Unit) and Regular Dwelling Units	Zone 8 should have allowable height of 85' and sf per unit of less than 200. If this is not changed, then this will be a significant downzone for non-historic parts of Old Oakland. Th city should not be downzoning Old Oakland or any other part of Downtown.	This area is part of the Old Oakland API. Staff recommends moving 7th Street-only into Height Intensity Area 9 (85'), with the exception of the 7th and Washington Street intersection, which has a clear historic height context.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Dan Tischler	Konveio	10-Aug-22	Draft Base Height and Intensity Area Map - Intensity Area #16 Near Valley Street	Both sides of Grand Ave between Telegraph and Valley should have taller base heights. The north side of Grand Ave is currently empty lots and given the existing context should have a base height of at least 90'. A 55' height limit on the north side of Telegraph is out of place given the context of taller buildings to the north and a tower approved directly across the street to the south.	Staff agrees and revised the proposal to designate the half of this block to the north of and facing Grand Ave as Height Intensity Area (HIA) 18 in the Base Map - this is consistent with what is allowed today.
Dan T	Konveio	24-Aug-22	Zip Height & Intensity, Commercial and Residential Benefit Area Maps - Intensity Area B* (base 10; Maximum height: 90	A-C maximums are too low. These should be the base zoning limits. If developers participate in the ZIP, they should be able to build to heights that some people might find uncomfortable. It would be a huge waste of downtown land to build at densities lower than these heights and densities, but that is what we would get if developers don't participate in the optional ZIP.	A significant portion of area A is in the Arts + Garage District where we are trying to protect the existing uses and existing artists. Area B includes historic and civic buildings, the Fire Alarm Building, the Main Library, and the historic Hotel Oakland. Area C is at the waterfront, where we want to preserve views. This is what was studied under the EIR; additional intensity would go beyond this.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
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Topic: Green Loop

Phil Banta & Norman Hooks, West Oakland Walk	Email to DOSP	10-May-23	Response to ZUC May 10 Public Meeting	<p>Please include into the DOSP all the collateral Map material we have developed that illustrates the benefits of the West Oakland Walk for the Downtown and the rest of District 3 that it connects to.</p> <p>It would be useful to note that the West Oakland Walk is part of the West Oakland Specific Plan.</p> <p>Please note the attached revised Maps diagram which adjusts the original pathway from 19th St. up to 20th</p>	<p>The DOSP is including the map that has been revised due to discussion between City Staff and West Oakland Walk (WOW) advocates. The Plan includes the WOW and points to the WOW for further details. The WOW has been incorporated into the Green Loop as well as the Green Loop Combining Zone.</p>
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Topic: General Plan

Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan - Phase II: Future Implementation	Reflect the outcomes of the DOSP Art and Cultural policies into the General Plan update process.	Feedback provided to the DOSP has been shared with the GPU team.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Question about what the Housing Element (HE)'s goals are for downtown	HE goals are not broken down by geographical area, but the DOSP incorporated the RHNA into its housing goal.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
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Topic: Labor Standards

<p>1. Eric Arnold, Oakulture 2. Christopher Buckley, AICP, City Planning Consultant, OHA 3. Tiffany Eng of Old Oakland Neighbors and Family Friendly Oakland 4. Tim Frank, Executive Director of Center for Sustainable Neighborhoods 5. Hiroko Kurihara Art + Garage District Group 6. Jeffrey Levin, Policy Director for EBHO 7. Naomi Schiff, Oakland Heritage Alliance board member and co-founder of Coalition of Advocates for Lake Merritt, 8. James Vann</p>	<p>Letter to the ZUC</p>	<p>22-Aug-23</p>	<p>General Comments/ Concerns about the Draft Zoning Amendments to members of the ZUC</p>	<p>Lack of high road labor standards</p>	<p>Labor advocates have proposed a requirement that all construction projects in the DOSP abide by labor standards such as local hire and paid health care. Planning staff do not believe such a blanket requirement is allowable under State law (because it could be seen as a constraint on housing) and has proposed instead incentivizing such labor benefits through participation in the ZIP, which is allowable. However, because the financial value of opting into these labor standards is difficult to quantify, staff has instead proposed an in-lieu fee option that would support employment programs. This would benefit not only construction workers during project construction but meet the DOSP’s goals for providing employment resources to ensure that all Oaklanders are able to benefit on an ongoing basis from new jobs in all sectors created downtown under the DOSP.</p> <p>Also, the City cannot justify creating labor standards and local hire requirements for projects in the downtown only (as opposed to citywide). Thus, such efforts are better justified on a citywide basis for consideration through the City’s legislative process.</p>
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Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
John Dalrymple and Andreas Culver for the Building and Construction Trades Council of Alameda County (BCTC)	Letter to DOSP: Joanna Winter and William Gilcrest	30-May-23	ZIP Program	Include the following High Road Local Jobs benefits: Support for Apprenticeship Programs with Affirmative Action Plans; Skilled and Trained Workforce Requirement consistent with Public Contract Code Section 2600, et seq, which increases local demand for apprenticeship graduates and improves project safety and quality by requiring a certain percentage of workers to have graduated from state approved apprenticeship programs; 30 percent Local Hire Requirement, Area Standard Wages, Family Health Insurance and Retirement Benefits; and demonstration that the project developer has entered into a Community Workforce and Training Agreement or similar project labor agreement with the Alameda BCTC.	BCTC has proposed is a point system, which is a different overall system for community benefits than the ZIP system proposes. The purpose of the ZIP is to dedicate a portion of the in-lieu fees to employment training programs, benefiting not only construction workers during project construction but meet the DOSP’s goals for providing employment resources to ensure that all Oaklanders are able to benefit on an ongoing basis from new jobs in all sectors created downtown under the DOSP. The cost of providing the benefits that the ZIP prioritizes was studied in relation to the value created by the increased development capacity allowed through the ZIP. The current approach was developed over a three-year process, where city staff, consultants working with the Citizen’s Advisory Group, and public input identified specific community benefits. It is too late in the process to substantially change the approach and overall system as is requested here. Staff appreciates the well thought out proposal, supports local hire and jobs with living wages and healthcare, and believes that this issue should be addressed on a citywide basis for consideration through the City’s legislative process. Any programs should be consistent with the City’s policy priorities and based on data and racial equity impact analysis for the local hire ordinance.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
<p>Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann</p>	<p>Letter to the DOSP staff</p>	<p>18-Aug-22</p>	<p>Questions to the DOSP working group; Special Meetings with Larger Topics; Labor</p>	<p>Can the proposed DOSP Community Construction Impact Mitigation measures (labor standards for construction projects in the DOSP) be addressed and incorporate State law precedents? If labor standards were to be required, would this be in the zoning ordinance, or would the Plan call this out as a required condition of approval?</p>	<p>The zoning amendments do not include impact mitigation measures – environmental mitigation measures are done through the EIR, and other impacts are addressed with fees that are developed through their own citywide nexus study process. Labor advocates have proposed a requirement that all construction projects in the DOSP abide by labor standards such as local hire and paid health care. Planning staff do not believe such a blanket requirement is allowable under State law (because it could be seen as a constraint on housing) and has proposed instead incentivizing such labor benefits through participation in the ZIP, which is allowable. However, because the financial value of opting into these labor standards is difficult to quantify, staff has instead proposed an in-lieu fee option that would support employment programs. This would benefit not only construction workers during project construction but meet the DOSP’s goals for providing employment resources to ensure that all Oaklanders are able to benefit on an ongoing basis from new jobs in all sectors created downtown under the DOSP. Also, the City cannot justify creating labor standards and local hire requirements for projects in the downtown only (as opposed to citywide). Thus, such efforts are better justified on a citywide basis for consideration through the City’s legislative process.</p>

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
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Topic: Limit Height

Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUC	16-Sept-22	DOSP - Draft Zoning Amendments - Development Standards	The height of 90 (or 95) feet is proposed for residential or commercial development of the Fire Alarm Building parcel. Neither the proposed use nor building height is rational. A 90-95 ft high building would unfavorably compete with and will literally destroy the scenic view of the iconic 110 ft high Alameda County Courthouse. Development of the Fire Alarm Building site – to be appropriate – should be a civic use and should not exceed the currently zoned height of 45 ft.	Staff revised the proposal to increase the Fire Alarm Building height limit to 65’ rather than 90’ to allow redevelopment of the Fire Alarm Building site with a Jazz Museum, as desired by the City and community members. This height is consistent with the neighboring Oakland Museum of California (OMCA), Oakland Public Library, County Courthouse, and the adjacent BAMBD along 14th Street. Additionally, the City owns the Fire Alarm Building land and will have control over design review of this site. The Library is also interested in this site for expansion.
Seung-Yen Hong, Bart	Email to the DOSP inbox	15-Sep-22	Development Standards and Zoning Incentive Program	For APN 001-0131-008-01, the proposed base zoning map shows that the height limit would be 65’. This BART-owned parcel is subject to AB2923, which means that the minimum height should allow 12 stories. There are other development standards that AB2923 requires. Please double check that the proposed development standards and zoning for the following parcels are consistent with AB2923: APN 001-0131-008-01, APN 008-0649-011-00 & APN 008-0660-052-03.	These three properties, currently serving as parking lots, are listed as "Exempt Public Agency."

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Andrew Alden, Oakland Resident	Email to the DOSP inbox	13-Sep-22	Draft Zoning Amendments	I believe the Oak-to-Ninth Avenue district should emphasize open space and low-rise developments oriented toward water access, including residential marinas. I urge that language referring to these geologic hazards be specifically added to this section to underline the reasons for strictly regulating this area.	Oak to 9th (aka Brooklyn Basin) is outside the study area. Large developments that would be required to significantly upgrade infrastructure are proposed for the Victory Court area. The infrastructure and buildings would be required to be resilient to sea level rise and geologic hazards.
James Vann et al, CALM	Email Regarding ZUC May 10, 2023 - Reiteration of Previous Comments	9-May-23	Draft Zoning Amendments - ZUC May 10 2023	1). 65 ft. height is still much too high; competes with iconic Courthouse; and, with Density bonus development could rival the Courthouse. The existing height codified in the Lake Merritt BART Station Specific Plan of 45 ft. should be retained. 2). Additionally, the 55 ft height adopted by City Council for the “Gold Coast” neighborhood should be retained.	1). Staff has revised its original proposal to increase the Fire Alarm Building height limit to 65’ rather than 90’. This would allow redevelopment of the site with a Jazz Museum, as desired by the City and community members. This height is consistent with 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. 2). Staff has revised its original proposal to increase the height limit to 65’ rather than 90’. There are very few opportunity sites here, and some additional height would support development here. The Gold Coast area has buildings of varying scales; there are as many 12-story buildings as it has 5-story buildings, with some of them 20 story. The buildings are also set back from the lake with open space and the street.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Oakland Heritage Alliance	Letter to Planning Commission	28-Aug-22	DOSP Public Draft	Reduce existing excessive by-right zoning intensities (floor area ratios or FARs, height limits and residential densities) in most areas and allow increased, or “bonus” intensities in exchange for community benefits, including affordable housing and, for historic buildings, transferable development rights (TDRs).	Per state law, the City cannot reduce base intensities (and associated height limits) without meaningful increases elsewhere. Staff does not consider Increasing the permitted FAR and Density in areas with no maximum height limits a meaningful increase in intensity. Further, staff has not proposed a significant increase in development intensity in historic districts with a consistent height context.
Christopher Buckley	Email to the DOSP team	20-Sep-22	DOSP Tower Design Standards (FAR)	From a purely historical preservation point of view, examples of areas that would be good candidates for increased by right intensity, would include the area roughly bounded by Lake Merritt, Grand Avenue, 20th St. and Broadway (the area bounded by 14th, 11th, Jefferson and Broadway). These areas have unlimited height, but as noted above, FAR and possibly residential density could be increased to compensate for reduced limits elsewhere. Most of the west side of Jefferson Street between 11th and 14th could also be included, which is in existing Height Area 4 with a 275 foot height limit and 14.0 FAR.	Per state law, the City cannot reduce base intensities (and associated height limits) without meaningful increases elsewhere. Staff does not believe that increasing the permitted FAR and Density in areas that already have no maximum height limits would be considered a meaningful increase in intensity. Further, staff is proposing lower intensity in historic districts with a consistent height context. Objective design standards will require upper story step backs on stories over the height context.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Can we downzone if we upzone elsewhere?	This is possible, but no areas have been proposed. The ZIP is not considered upzoning as it is not allowed by right.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Oakland Heritage Alliance (OHA) has identified areas they believe could have the base (or by-right) intensities upzoned with little or no adverse impacts in exchange for downzoning vulnerable areas elsewhere. OHA would like to discuss their downzoning proposals with staff	Per state law, the City cannot reduce base intensities (and associated height limits) without meaningful increases elsewhere. Staff does not consider Increasing the permitted FAR and Density in areas with no maximum height limits a meaningful increase in intensity. Further, staff has not proposed a significant increase in development intensity in historic districts with a consistent height context. Further, reducing zoning to levels below current intensity essentially would make participation in the ZIP mandatory to achieve what is allowed now by right. This is not legal under SB 8 and SB 330.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Concern that downzoning in historic areas undermine the TDR program and desire to keep heights as they were in the Lake Merritt Station Area Plan.	The principal goal of the TDR program is to preserve the character of historic districts with a consistent height context, which can also be achieved by limiting development intensity. Also, we have not downzoned ASI's or API's; in most cases, heights in historic areas w/ a consistent height context has been increased by a story, which provides incentive to participate in the TDR program.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Naomi Schiff, Oakland Heritage Alliance and Coalition of Advocates for Lake Merritt	Public Meeting: Landmarks Preservation Advisory Board	29-Aug-22	DOSP - Draft Zoning Amendments	1). The base and densities are being increased rather than reduced, which works against the ZIP. We think there needs to be some strategic downzoning or else the ZIP program isn't going to happen and the SDB won't get used. We think there is some functional limitations to that the way this thing is constructed. Please integrate DOSP provisions with previously zoned heights in the Lake Merritt specific areas. Keep the height as it was in the Lake Merritt Station Area Plan. 2). Don't include civic uses in opportunity sites.	1). Per state law, the City cannot reduce base intensities (and associated height limits) without meaningful increases elsewhere. Staff does not believe that increasing the permitted FAR and Density in areas that already have no maximum height limits would be considered a meaningful increase in intensity. Further, staff has not proposed a significant increase in development intensity in historic districts with a consistent height context. Reducing zoning to levels below current intensity essentially would make participation in the ZIP mandatory to achieve what is allowed now by right. This is not legal under SB 8 and SB 330. 2). Civic sites have been removed; they are now being given their intended height/intensity in the base map.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Christopher Buckley	Email to the DOSP team	20-Sep-22	DOSP Tower Design Standards (FAR)	We can provide additional areas that we consider appropriate for by-right intensity increases? The DOSP maximum by-right intensity map is showing height and FAR reductions in some areas; most of the blocks bounded by 15th, 17th, Franklin and Harrison streets, which are now mostly unlimited height and 20.0 FAR, but are proposed for 275 feet/14.0 and 400 feet/ 17.0, although no residential density reduction. What intensity increases are proposed to offset this? Or is the fact that there are no residential density reduction sufficient to exempt the height/ FAR reductions from SB330/SB8?	Per state law, the City cannot reduce base intensities without meaningful increases elsewhere; many areas already have no maximum height limits. Staff is not proposing a significant increase in development intensity in historic districts with a consistent height context. Intensity has been increased to allow for context-sensitive development on vacant lots, small context-sensitive additions, and development of lots with non-historic resource buildings that fit the character of these areas. 15th Street does not have consistent height context. Buildings range from one to six stories. Staff has designated the areas where tall buildings are most appropriate and does not believe it is necessary to limit residential height in these limited areas. Although these areas have no height limit, they are still limited by density, and by FAR if mixed-use.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Christopher Buckley, OHA	Public Meeting: Landmarks Preservation Advisory Board	29-Aug-22	DOSP - Draft Zoning Amendments	(1) We are asking that strategic downzoning be included in the ZIP; the base intensities are too high as an incentive. (2) As comparison for maximum intensity, Oakland’s 20.0 seems very problematic, and the max is 30 with the ZIP TDR program. The program should be modeled closely to SF’s: in 2019 they identified specific areas at risk because the height/FAR is too high. (3) SB8 allows reduction if up zoning elsewhere	1) Per State law, the City cannot reduce base intensities (and associated height limits) without meaningful increases elsewhere; reducing below existing intensities in order to exact higher community benefits is not consistent with State policy. 2) Staff is not clear on what is problematic; these maximum densities are limited to the parts of Oakland and downtown that are most appropriate for high density development. 3) The proposals for upzoning elsewhere do not meet State requirements. Staff does not believe the State would consider increasing the permitted FAR and density in areas with no maximum height limits, a meaningful increase in intensity. Reducing zoning to levels below current intensity essentially would make participation in the ZIP mandatory to achieve what is allowed now by right. Staff does not believe this is legal under SB 8 and SB 330. Further, staff has not proposed a significant increase in development intensity in historic districts with a consistent height context.
Oakland Heritage Alliance	Letter to Planning Commission	Received Aug 28, 2022; written Nov 6, 2019	DOSP Public Draft	Ensure that new development within or in proximity to Areas of Primary and Secondary Importance (APIs and ASIs) do not exceed the scale of contributing historic buildings within the APIs and ASIs. Provide a robust TDR program.	Staff is proposing lower intensity in historic districts with a consistent height context. Objective design standards will require upper story step backs on stories over the height context.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Board Member Mollette-Parks, Landmarks Advisory Board (LPAB)	Public Meeting: Landmarks Preservation Advisory Board	29-Aug-22	DOSP - Draft Zoning Amendments	(1) 90' at Fire Alarm Building is out of proportion w/the site and relationship to lake and historic fabric (2) Consider reducing height to pre-2009 levels in Old Oakland and Produce Market (3) Include standalone buildings in TDR (4) Selective zoning to help ZIP	1). Staff has lowered the proposed max height of the Fire Alarm Building from 90' to 65' and proposed to take the site out of the ZIP area. 2). The height proposals for Old Oakland are based on existing height limits of 55' in the interior of the district and 65' along 7th Street. This allows for minor height increases to allow adaptive reuse, and also allows buildings in the area to take advantage of the Transfer of Development Rights program. If heights were lowered, the TDR option would be removed for one of Oakland's most iconic historic districts. Staff does not recommend changing this. Staff has lowered the proposed HIA for the Produce Market area from HIA 5 (55', FAR 3.5) to HIA 2 (45', FAR 2.0). This includes a modest change from the existing FAR 1.0 to allow building owners to add second story additions that might help improve the economic viability of maintaining the market. 3) The proposed TDR program has been revised to include standalone historic buildings. 4) The ZIP zoning has been carefully selected block by block to maximize capacity where it is most appropriate (e.g., in close proximity to transit).

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Oakland Heritage Alliance	OHA Responses to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental) - Maintain or Reduce heights/ FARs in APIs and ASIs: 15th Street between Broadway and Harrison	This area and other portions of the Downtown National Register District along with APIs/ASIs and freestanding PDHPs should not be included in the ZIP area; expand the ZIP elsewhere to compensate. The existing height limit between Franklin and Harrison Streets is 85' rather than unlimited. Existing buildings are 35' or lower, except for the former YWCA which is about 65'. OHA's concern regarding 15th St. is limited to the portion between Broadway and Webster Street plus the south side of 15th Street between Webster and Harrison, where the White Building and Coit Hotel are located. We therefore continue to recommend that the height limit for these frontages be 55', except for the Coit hotel and adjacent vacant parcel where the existing 85' height limit appropriately reflects the height of the hotel.	15th Street does not have consistent height context. Buildings range from one to six stories. Downzoning areas without a consistent height context does not contribute to the District's historic pattern. Any significant historic buildings proposed for demolition would require CEQA analysis and meeting the City's demolition findings.
Oakland Heritage Alliance (OHA)	Letter to LPAB regarding staff-proposed 1-10-23 Revisions to Draft Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental)- Maintain or Reduce heights/FARs in APIs and ASIs: Victorian residential neighborhood on MLK (7th-11th Streets)	55' is too high. See response to 3a (above)	This is the existing height limit; no increase is proposed.

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Oakland Heritage Alliance	OHA Responses to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental) - Maintain or Reduce heights/ FARs in APIs and ASIs: Victorian residential neighborhood on 22nd Street (Telegraph-MLK) "Response 3a"	The 55' existing limit and it is already excessive and allows new residential height up to 85' or more with a state density bonus. See the out of scale new building at 570-602 21st Street/585 22nd Street, which is a major disruption to the Cathedral Neighborhood API and shown in the lower photo on page 10 of our 8/28/22 comments. Buildings that are even more massive and disruptive can be developed using the state density bonus law. the maximum height in APIs/ASIs should be no greater than the predominant maximum height of contributing buildings, which for 22nd St. are wall heights of about 30' and roof heights of about 40'. We continue to recommend 30'/40'.These (auto garage and post office) are at the center of the API. Over scaled new buildings on these sites will be an integral part of the 22nd Street streetscape and significantly disrupt the API.	Staff does not recommend reducing housing capacity to prevent full use of the State Density Bonus. This is inconsistent with the purpose of the State Density Bonus. These low-height historic buildings are the exception rather than the rule in this area.
Oakland Heritage Alliance Daniel Levy, OHA Speaker at LPAB	Letter to LPAB regarding staff-proposed 1-10-23 Revisions to Draft Zoning Amendments	28-Aug-22 24-May-23	Maximum intensity map for projects not participating in the ZIP	Do not increase height/FAR limits for APIs and ASIs. Reduce existing height/FAR limits in some APIs/ASIs, such as Old Oakland and portions of the Downtown Oakland National Register District that were inappropriately upzoned in 2009.Reduce heights in Old Oakland and National Register areas - to compensate, upzone other areas	The minor increase over the existing height context would not encourage demolition of historic buildings; the intent is to encourage infill development in parking lots, such as at 8th & Washington, as encouraged in community comments.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Oakland Heritage Alliance (OHA)	Letter to LPAB regarding staff-proposed 1-10-23 Revisions to Draft Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental) - OHA Recommendations Considered and Not Adopted 5/11/2023: Increase by-right intensity in the following areas	Increasing the allowed height beyond the predominant maximum height of contributing (National Register) buildings invites taller intrusive new buildings that can visually overwhelm the contributing buildings and disrupt or destroy the sense of time and place and the architectural consistency that currently exists. The OHA-recommended height limit range of 35' to 150' within the National Register District seeks to reflect the predominant height of contributing buildings within the various portions of the District.	Staff is proposing lower intensity in historic districts with a consistent height context; wherein minor increases over the existing height context occur, the intent is to encourage infill development of parking lots. Staff does not recommend lowering heights for entire neighborhoods of the CBD based on existing low-height historic buildings in locations where dense housing and workplace development is desired, i.e., in transit- and service-rich areas. Staff have proposed strategies to protect and restore historic properties through a carefully designed TDR program. In addition, citywide objective design standards will help to preserve visual character by including transitions between differing height contexts and can include upper story step backs or other design transitions on stories over the height context within historic districts.
Oakland Heritage Alliance (OHA)	Letter to LPAB regarding staff-proposed 1-10-23 Revisions to Draft Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental)	Reduction of the proposed increase to 65' and taking the site out of the ZIP area as discussed by staff below is appreciated, but the OHA recommendation was to retain the 45' height limit, so the section heading that the OHA recommendation was adopted is incorrect. The Fire Alarm Building site height limit should be lower than the Lakeside/Gold Coast neighborhood, since the site partially functions as open space and as a transition from the library and courthouse to Lakeside Park.	65' height max is proposed to accommodate the Jazz Museum, which is potentially an important element of the BAMBD. The area is not zoned as open space and new construction will not block important views of the Courthouse. There is a significant distance between the Fire Alarm Building site and the Lake.

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John Klein, CALM	Letter to the ZUC	13-Jul-22	Introduction of draft amendments to the Oakland Zoning Map, Planning Code and General Plan	Regarding the Fire Alarm Building Site, I urge the ZUC to reject this proposal and to allow the current height limit to remain at 45'. The citizens of Oakland have always supported the acquisition and improvement of parkland in all areas of Lake Merritt. Moreover, they have consistently demonstrated the wish to keep parkland free of commercial or non-park uses and free of tall buildings.	65' height max is proposed to accommodate the Jazz Museum, which is potentially an important element of the BAMBD. The area is not zoned as open space and new construction will not block important views of the Courthouse. There is a significant distance between the Fire Alarm Building site and the Lake.
Oakland Heritage Alliance	OHA Response to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental) - Maintain or Reduce heights/ FARs in APIs and ASIs: Between Franklin and Harrison	The existing 55' height limit should be retained. Why are vertical additions that could disrupt downtown Oakland's relatively limited number of well-integrated architectural ensembles considered desirable along with disruptive, significantly taller new buildings? These especially well-integrated ensembles are among Downtown Oakland's most important urban design assets. There are vast portions of the DOSP area outside APIs/ASIs that lack these ensembles and where substantially larger and taller buildings would not have adverse urban design impacts.	See above answer re: 15th Street. These areas are near a BART Station and critical to achieving the City's housing goals.

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Coalition of Advocates for Lake Merritt	Letter to the ZUC	9-Jul-22	General: Fire Alarm Building	The Coalition of Advocates for Lake Merritt strongly protests the Department’s inappropriate attempt to re-zone the “Fire Alarm Building Parcel” at 1310 Oak Street. CALM considers a height of 90ft as directly competing with the Courthouse and wholly inappropriate for the Fire Alarm Building parcel. CALM therefore urges that the existing height limit of 55ft for this area, as previously established by the City Council, be retained. Why is the FAB parcel again being targeted despite the unanimous action of the City Council?	65' height max is proposed to accommodate the Jazz Museum, which is potentially an important element of the BAMBD. The area is not zoned as open space and new construction will not block important views of the Courthouse.
Oakland Heritage Alliance	OHA Response s to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendm ents	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental)	The reduction of the proposed height limit to 65’ is appreciated, but OHA’s recommendation was to retain the existing 55’ height limit, so the section heading that the OHA recommendation was adopted is incorrect	Staff revised its original proposal to increase the height limit to 65’ rather than 90’ within the Gold Coast and Lakeside area. There are very few opportunity sites here, and some additional height would support development here. The Gold Coast area has buildings of varying scales; the lake edge has as many 12-story buildings as it has 5-story buildings, with some of them 20 story. The buildings are also set back from the lake with open space and the street. Further, staff does not recommend reducing housing capacity to prevent full use of the State Density Bonus. This is inconsistent with the purpose of the State Density Bonus. These low-height historic buildings are the exception rather than the rule in this area.

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Oakland Heritage Alliance	OHA Responses to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental) - Maintain or Reduce heights/FARs in APIs and ASIs: Lake Merritt residential area (“Gold Coast”)	We continue to recommend the existing 55’, which allows new residential development height that could be 85’ or more with a state density bonus. We appreciate staff’s proposed reduction of the new maximum height from 90’ to 65’ but increasing the height to 65’ exacerbates the density bonus scenario. And yes, there are two or three attractive older buildings with height between 55’ and 65’ within the subject area, but these are outliers and the interplay with the state density bonus law needs to be considered.	Staff has revised its original proposal to increase the height limit to 65’ rather than 90’. There are very few opportunity sites here, and some additional height would support development here. The Gold Coast area has buildings of varying scales; there are as many 12-story buildings as it has 5-story buildings, with some of them 20 story. The buildings are also set back from the lake with open space and the street. Further, staff does not recommend reducing housing capacity to prevent full use of the State Density Bonus. This is inconsistent with the purpose of the State Density Bonus. These low-height historic buildings are the exception rather than the rule in this area.

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Oakland Heritage Alliance	OHA Responses to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental) - OHA Recommendations Considered and Not Adopted 5/11/2023; Maintain or Reduce heights/FARs in APIs and ASIs 5/11/2023: Old Oakland API.	The existing contributing buildings in Old Oakland are all about 45' or less, so the existing 55' height limit (which resulted from the misguided 2009 upzoning) is already too high. Being a full story higher than the tallest contributing buildings; it is hardly a "minor" increase. The height limit should reflect the predominant maximum height of existing contributing buildings. Again, the interplay with density bonus projects needs to be considered. The TDR program is intended for historic buildings that are less than the by-right height, but height limits in APIs/ASIs should not be purposely set above the maximum prevailing height of contributing buildings just to generate TDR opportunities for historic buildings. Instead, the prevailing maximum height of contributing buildings should be the major factor in determining the height limit in APIs/ASIs. The height limit itself should be considered the major preservation tool, with TDR as a backstop for buildings that are below the prevailing height of contributing buildings, and therefore below the height limit, even if lower by only one or two stories. But for freestanding DHPs and PDHPs, TDR should be considered the primary preservation tool.	Staff is proposing lower intensity in historic districts with a consistent height context; based on existing height limits, HIA 5 (55') is proposed for the interior of the district, and HIA 6 (65') along 7th Street. The proposed heights would not encourage demolition of historic buildings; the intent is to encourage infill development in parking lots, as encouraged in community comments. Further, citywide objective design standards are in the process of being updated; upper story step backs on stories over the height context and transitions to height beyond the height context will be addressed. In addition to encouraging infill, the proposed height increases allow buildings in the area to take advantage of the Transfer of Development Rights program. The TDR program allows standalone historic building to be sending sites and can help fund restoration of historic properties. If heights were lowered, the TDR option would be removed for one of Oakland's most iconic historic districts. An additional preservation purpose of the TDR program is to provide owners of historic buildings with revenues to maintain those buildings. Staff therefore does not recommend reducing these heights.

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Oakland Heritage Alliance (OHA)	Letter to LPAB	28-Aug-22	Maximum intensity map for ZIP areas	<p>(1). Delete APIs/ASIs and freestanding PDHPs such as the following from the ZIP area map:</p> <p>(2). Telegraph Avenue north of 23rd Street.</p> <p>(3). the First Christian Science Church. (4). Wakefield Building at the northwest corner of 17th and Franklin.(5). the Downtown National Register District. (6). Expand the ZIP area to include and/or upzone portions of the areas bounded by Franklin, 14th, 19th and Harrison and west of Telegraph.</p>	<p>(1). Staff is proposing lower intensity in historic districts with a consistent height context: the proposed TDR program has been revised to include standalone historic buildings, and zoning for the ZIP has been carefully selected block by block to maximize capacity where it is most appropriate (e.g., in close proximity to transit). The City is developing objective design standards that will go into depth about the historical districts. Amendments will protect the buildings and the character of the uses. Further, any significant historic buildings proposed for demolition would require CEQA analysis and meeting the City's demolition findings.2) This area has been designated the lowest heights in the ZIP already; staff does not feel there is a need to remove them from the ZIP as this area has many opportunity sites; the alternative would be to increase the height in the base. The most critical historic district in this area, the Art + Garage District, has been protected with lower heights and not included in the ZIP. The City has removed 3 & 4. [Some APIs don't have a consistent height context, so height is not an issue.](4). <u>17th Street between Franklin and Harrison</u>: Staff proposes reducing the northeast half of the block between Broadway and Franklin (the office building at 426 17th street and the church at 1701 Franklin) from HIA 18 (No Limit) to HIA 6 (65'). Between Franklin and</p>

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					<p>Harrison is already only 65’ on both sides of the street; this allows space for a one to two-story addition. Staff does not recommend changing. (5). <u>Portions of the Downtown Oakland National Register District</u>: Staff do not recommend changes; this is the urban core of Downtown Oakland, serviced by BART and extensive bus connections; there is no character-defining height context, and it is one of the most appropriate locations in the city for high rise, dense development. Heights in the draft amendments are reduced from the highest heights in the areas to the west, north and east of Frank H. Ogawa Plaza. Staff does propose to reduce the height of the property adjacent to City Hall to 90’ to maintain the architectural significance and primacy of City Hall.(6). These areas include historically significant areas with consistent height context, such as 15th and 17th Streets.</p>

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James Vann, CALM	Public Meeting: Landmarks Preservation Advisory Board	29-Aug-22	DOSP - Draft Zoning Amendments	The fire alarm building site is located in the lakeside API district, specifically dedicated to the City, inappropriately treated in the draft of the DOSP, a 90ft height building will destroy the scenic view. The fire alarm building is a civic landmark, instead of being treated as an "opportunity site for private development," the site should be rezoned as civic use and the building height should not exceed 45 ft. The ENA that was given by the city happened long before the rezonings of the parcel and the rezoning plan, we feel that historic areas are primary importance.	Staff revised the proposal to increase the Fire Alarm Building height limit to 65' rather than 90' to allow redevelopment of the Fire Alarm Building site with a Jazz Museum, as desired by the City and community members. This height is consistent with the neighboring Oakland Museum of California (OMCA), Oakland Public Library, County Courthouse, and the adjacent BAMBBD along 14th Street. Additionally, the City owns the Fire Alarm Building land and will have control over design review of this site. The Library is also interested in this site for expansion.

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<p>1). Eric Arnold, Oakulture, 2). Christopher Buckley, AICP, City Planning Consultant, Oakland Heritage Alliance (OHA), 3). Tiffany Eng of Old Oakland Neighbors and Family Friendly Oakland, 4). Tim Frank, Executive Director of Center for Sustainable Neighborhoods, 5). Hiroko Kurihara Art + Garage District Group, 6). Jeffrey Levin, Policy Director for East Bay Housing Organizations, 7). Naomi Schiff, OHA board member and co-founder of Coalition of Advocates for Lake Merritt, 8). James Vann</p>	<p>Letter to the ZUC</p>	<p>22-Aug-23</p>	<p>Draft Zoning Amendments</p>	<p>Proposed increases to by-right height and FAR limits in historic Areas of Primary and Secondary Importance (APIs and ASIs).The need to reduce many of the proposed and existing height and floor area ratio (FAR) limits, which are too excessive to incentivize developers to use the Zoning Incentive And Transferable Development Rights Programs.</p>	<p>Per state law, the City cannot reduce base intensities (and associated height limits) without meaningful increases elsewhere. Staff does not believe that increasing the permitted FAR and Density in areas that already have no maximum height limits would be considered a meaningful increase in intensity. Intensity has been increased to allow for context-sensitive development on vacant lots, small context-sensitive additions, and development of lots with non-historic resource buildings that fit the character of these areas. This provides additional development capacity for historic buildings that they may trade in return for funds to help preserve their buildings through the TDR program. We're developing objective design standards that will go into depth about the historical districts. Amendments will protect the buildings and the character of the uses. The way it's written now shifts development from less intense areas to more intense areas, and so it's not out of scale with what's in the receiving site, but we want input on that and may revisit allowing sending sites to be historic buildings outside APIs/ASIs</p>

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Oakland Heritage Alliance	OHA Response to Staff-Proposed 1-10-23 Revisions to Draft Zoning Amendm ents	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental) - Maintain or Reduce heights/FARs in APIs and ASIs: Produce Market	Thank you for the reduction, but a doubling of the existing FAR is not “modest”, especially with a 45’ height limit that is about triple the existing predominant building heights. If the intent is to allow second-story additions, why is 45’ even proposed, when 25’ should be sufficient? But some increase might be appropriate if not within the front 15–20’ of the buildings. To accommodate this, we are amending our original 1.0 FAR/25’ height recommendation to a 1.2 FAR/25’ height.	These are some of our highest rated buildings, and new residential will not be allowed, with work/live only allowed as an addition to additional buildings. These buildings are therefore protected from demolition. 45’ is just enough to add a small addition. The objective design standards can include a step back on upper floors so additions will not dominate the existing context.

Topic: Planning Process

Naomi Schiff, Oakland Heritage Alliance, and Coalition of Advocates for Lake Merritt	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Request for more CAG meetings and dialog between community groups and developers.	Since September 2022, the DOSP has held several additional public meetings, including two CAG meetings, and assembled a technical advisory committee (TAC) to review the ZIP and its economic assumptions.
Ronak Dave Okoye; SPUR Acting Oakland Director & Chief of Strategic Initiatives	Letter to the DOSP	5-Dec-22	Comments about the DOSP	While not directly within the DOSP’s boundaries, it is likely that the DOSP will affect Oakland’s Chinatown due to its close proximity. We are of course aware that Chinatown has its own specific plan (the Lake Merritt Station Area Plan). It is important that the planning staff considers this adjacent specific plan and that, upon the DOSP’s completion, the two plans complementary to each other. We urge your team to bring the plan to the Oakland Planning Commission and City Council as soon as possible.	The DOSP has carried many of the recommendations of the LMSAP forward, including transportation improvements in Chinatown. After the DOSP is completed, the City will begin work on updating the citywide Land Use and Transportation Element (LUTE) of the General Plan. At that time any land use/zoning changes made for the DOSP could be considered for other parts of the city as appropriate. Staff plans to bring the DOSP to Commission and Council Fall 2023.

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Cultural Affairs Division	Letter to the DOSP staff	July 21st, 2022	DOSP Draft Zoning Amendments; Recommendation #3 (On page 35 of the Draft Zoning Amendments under 17.101K.160)	We recommend that the Cultural Affairs Division be consulted by Planning staff on the determination of an “arts and culture activity” for more informed decision-making.	Cultural Affairs has been active in the development of the DOSP and its zoning amendments.
Landmarks Advisory Board (LPAB)	LPAB Public Meeting	29-Aug-22	DOSP - Draft Zoning Amendments	Generally, agreement: Need more time and space to review these ideas, would like to see Staff come back to LPAB, and would like to be updated on the changes that are made	The LPAB Public Hearing is scheduled for May 2024. Staff will present the changes made to the zoning amendments.
ZIP-Study-Session	Summary of the ZIP Study Session Notes	29-Mar-23	ZIP Study Session Meeting Notes	What is the estimated timeline for adoption of DOSP and ZIP	We are looking at Fall 2023 for adoption.
Jeff Levin, East Bay Housing Organizations	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	What's the schedule for future meetings? The September ZUC meeting was canceled - does that allow more time for CAG and other meetings to allow a more thorough public review of ZIP and other zoning amendments? When will the final plan, zoning amendments and EIR go to Planning Commission and City Council?	Multiple additional stakeholder meetings have taken place to discuss the zoning and Zoning Incentive Program since this comment was provided, including a Technical Advisory Committee review of the ZIP and a study session of the Community Advisory Group focused on affordable housing and the ZIP. The final ZUC public hearing was held 5/10/2023. We will be setting up some further meetings in advance of our next public hearing with the LPAB and prior to finalizing zoning revisions. We expect the final DOSP, zoning amendments, the EIR will go to Council for approval during Summer 2024.

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Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUC	16-Sep-22	Rezoning proposals for the ZUC General Comments and public process observations	If ZUC’s consideration of the Rezoning proposals conclude before the Department has finalized its recommendations, how will ZUC’s input affect the Department’s final proposals? How does this affect the overall timing of these amendments? Concerns with the amount of time each speaker gets during the ZUC	The ZUC provided input at a third and final ZUC hearing on May 10, 2023. This occurred after additional CAG and stakeholder meetings were held. The DOSP team updated the ZUC regarding proposed changes in advance of May 10th. The ZUC's input will be used and incorporated into the final draft, which will be taken to LPAB and planning commission prior to City Council for adoption of the full Plan and EIR. Speaker time is intended to provide an opportunity for all members of the public to speak should they wish to. We understand that this may be limiting and therefore provide opportunities for public input via various channels; comments submitted in advance of public hearings are considered and reviewed by the City as part of the public hearing process.

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Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP	the Zoning Program Technical Review notes from the meeting on March 1, 2023, which were not published until Friday, May 5... fail to identify who made which comments or whether there was consensus among the group.	Staff often provides summaries rather than transcripts of public meetings. These capture a summary of points discussed at a meeting, identifying comments and questions from participants and responses from staff, and it is true that these summaries typically do not include the names of the participants who made the comments. This summary attempted to capture a full picture of the discussion that took place, including trying to reflect all the differing opinions that were heard. Planning staff, the City Attorney and the DOSP economic consultant all reviewed the notes and provided further information to ensure that staff provided the full and correct responses.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Peter Logan	Email Inquiry	24-Apr-23	Interactive Zoning Map/ZIP, ZIP Guidance	<p>1. Can you elaborate on the relationship between the Oakland General Plan and the DOSP? Which will eventually be incorporated into the new zoning code? DSOP shows new zoning classifications (D-DT-**) that the Interactive General Plan does not have, and the General Plan does not seem to change the zoning of the parcel. 2. When will the zoning adjustments come into effect?4. From a DSOP FAQ I read that "ZIP will not supersede the maximum intensities allowed by the General Plan." Could you interpret this statement based on what you believe the General Plan indicates as the maximum intensity for this parcel?</p>	<p>The General Plan Zoning Amendments and the DOSP will be consistent with one another, and if adopted will both be incorporated into the Planning Code. If the DOSP amendments are adopted, these will increase the intensity allowed under the zoning and the General Plan. If they are not, then the GP zoning amendments will be based on existing zoning intensity. These changes would come into effect if and when Council adopts the DOSP and the accompanying zoning amendments, which we anticipate will happen this fall. Regarding superseding, zoning never exceeds the intensity and uses allowed under the General Plan; the intensity allowed under the zoning is either the same as or less than that allowed for in the General Plan, but is applied in a more area-specific, finer-grained approach.</p>

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to the DOSP staff	18-Aug-22	General Comments/ Questions to the DOSP working group; Immediate Questions	When will the zoning amendments and final Plan go to the Planning Commission, CED Committee and Council? How will implementation plans be developed (per 2019 DRAFT) with funding and responsible parties / departments? Will DOSP CBAs + ZIP guidelines supersede the General Plan?	1). The plan will go to commission and council during Fall 2023. 2). The implementation matrix in the DOSP identifies responsible parties and roles, relying on partnerships/cross-collaboration within the City and with other agencies, businesses, and community-based organizations. 3). Nothing will supersede the General Plan; the General Plan will be amended for the downtown area boundaries. The ZIP maximum is consistent with these amendments, as studied under the Environmental Impact Report. The GP is also currently undergoing an update that will incorporate the feedback received for the DOSP; both plans will be consistent with one another. To clarify, there is no Community Benefits Agreement (CBA) associated with the DOSP; these are one-off, private negotiated agreements. Instead, the DOSP adopts a consistent policy for community benefits.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
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Topic: Transfer of Development Rights (TDR) Program

Christopher Buckley	Email to the DOSP Team	14-Sep-22	DOSP Tower Design Standards	<p>1. Base TDR just on floor area rather than number of residential units. This will require application of FAR to residential floor areas, rather than just to the proposed non-residential floor areas.</p> <p>2. Expand the ZIP (so as to also expand the TDR receiving areas) but reduce ZIP in certain areas (so the ZIP does not include APIs and important PDHPs and ASIs)</p>	<p>1. The General Plan and Planning Code uses floor area for commercial and units for residential. Changing this would require an entire overhaul of the Planning Code and would need to be done through the General Plan update to the LUTE.</p> <p>2. We are expanding sending sites to all DOSP zones and allowing standalone Designated Historic Properties to be sending sites but are not restricting heights in APIs w/out consistent height context. The increased heights in the ZIP are where Staff believe increased height is appropriate.</p>
Christopher Buckley, Oakland Heritage Alliance	Email Regarding OHA Responses to Revisions	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental)	Can DOSP staff can meet with us before the May 10 ZUC meeting to compare notes on our reply to your January 10 responses? We believe that some of the unresolved issues, such as aspects of the TDR program, would be fairly simple to sort out. We would like to reflect any agreements that we can reach on the unresolved issues in the comments we will send to the ZUC for the May 10 meeting.	A meeting was scheduled with OHA during June 2023, with a follow-up in July 2023. There was not sufficient time to meet ahead of the ZUC, but the meetings occurred ahead of final revisions and the LPAB.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Oakland Heritage Alliance	OHA Response to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions to Draft DOSP Zoning Amendments (per ZUC Supplemental) - OHA Recommendations Considered and Not Adopted 5/11/2023:	TDRs work best when expressed in terms of building volume, rather than the number of residential units. FAR is therefore a more appropriate vehicle than residential units for TDR purposes. It is also not clear why applying a residential FAR would require a General Plan update to the LUTE.	The Planning Code and the General Plan base intensity on FAR for non-residential properties and residential density. Changing this would therefore require sweeping changes throughout the Planning Code and General Plan.
Board Member Mollette-Parks, Landmarks Advisory Board (LPAB)	LPAB Public Meeting	29-Aug-22	DOSP - Draft Zoning Amendments	What zoning changes protect historic districts? Can you talk specifically about the zoning that are intended to help with those protections, where are they coming from.	We're developing objective design standards that will go into depth about the historical districts. Amendments will protect the buildings and the character of the uses. The way it's written now shifts development from less intense areas to more intense areas, and so it's not out of scale with what's in the receiving site, but we want input on that and may revisit allowing sending sites to be historic buildings outside APIs/ASIs
Board Member Rice, Landmarks Advisory Board (LPAB)	LPAB Public Meeting	29-Aug-22	DOSP - Draft Zoning Amendments	Any distance limit on the transfer? Has seen long-distance transfers devaluing more adjacent transfers (but if we do allow long distances, not concentrating them to value other opportunities closer by). Would be good to keep them in a limited area - if there's an intended outcome but a transfer from far away would increase it, it could be an unforeseen consequence.	There is no limit currently, the distance is limited by having them in the API/ASI. We agree with including individual properties. And as a 20 year plan we can have the fees go up with inflation the way we do for impact fees

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Oakland Heritage Alliance Daniel Levy, OHA Speaker at LPAB	Response to Staff-Proposed Revisions to Draft Zoning Amendments, LPAB and ZUC	29-Aug-22 4-May-23	Proposed Revisions to Draft Zoning Amendments (per May 10, 2023, ZUC Supplemental), DOSP - Draft Zoning Amendments - OHA Recommendations Considered and Not Adopted 5/11/2023:	OHA's recommends using the San Francisco program as a starting point for the TDR Program and modify the zoning text as needed so that it works in Oakland.	San Francisco has a different rating system than Oakland so it is difficult to directly apply their program. Staff intends to study the procedural requirements in the San Francisco program and include appropriate provisions in an administrative instruction after the Zoning is adopted. One of the features of the San Francisco program that has been mentioned favorably is that their by-right maximum intensity is only about half that of Oakland's. That is the existing context San Francisco was working with when it developed its TDR program. Oakland is working with a very different context, in which the existing by-right maximum intensity is significantly higher. As addressed elsewhere, the City does not believe it is legally defensible to reduce its existing by-right intensity in order to require a developer to participate in a program like TDR or ZIP in order to buy it back. This would be considered a downzoning of existing uses, and counter to the State and City's goals to encourage development near transit and to remove barriers to the production of housing.
Oakland Heritage Alliance (OHA)	Response to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions per ZUC Supplemental - TDR Section D	2. ... Potentially Designated Historic Property (PDHP) that , including PDHPs that contributes to an Area of Secondary Importance (ASI) or Area of Primary Importance (API).	Complete

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
<p>1). Eric Arnold, BAMBD, CDC; CCED, 2). Christopher Buckley, OHA (Preservation Committee) 3). Ener Chiu, East Bay Asian Local Development Corp., 4). Rick DaSilva, LOH Real Estate + Investments, Chinatown Chamber of Commerce, 5). Tiffany Eng, Old Oakland Neighbors, Friends of Lincoln Square Park, 6). Tim Frank, Center for Sustainable Neighborhoods, 7). Hiroko Kurihara, Arts + Garage District Group (Co-Founder), 8). Jeff Levin, EBHO (Policy Director), 9). Naomi Schiff, Oakland Heritage Alliance (Board Member), 10). James Vann, Oakland Tenants Union</p>	<p>Letter to the DOSP CAG members</p>	<p>19-Sep-22</p>	<p>Draft Zoning Amendments</p>	<p>Can the Transfer of Development Rights (TDR) program to help protect historic buildings be more like San Francisco’s highly successful program? San Francisco allows development rights from historic buildings to be transferred to BOTH residential and nonresidential sites, not just to residential sites. Will the ZIP and TDR program be useful in the many downtown areas with very high by-right density? Can we reduce by-right density in some areas and increase it in others, to make these programs more likely to succeed and better protect historic properties? This option hasn’t been considered.</p>	<p>San Francisco has a different rating system than Oakland so it is difficult to directly apply their program. Staff has to study the procedural requirements in the San Francisco program and have included some in the proposed zoning and will follow up with an administrative instruction containing others. One of the features of the San Francisco program that has been mentioned favorably is that their by-right maximum intensity is only about half that of Oakland’s. That is the existing context San Francisco was working with when it developed its TDR program. Oakland is working with a very different context, in which the existing by-right maximum intensity is significantly higher. As addressed elsewhere, the City does not believe it is legally defensible to reduce its existing by-right intensity in order to require a developer to participate in a program like TDR or ZIP in order to buy it back. This would be considered a downzoning of existing uses, and counter to the State and City’s goals to encourage development near transit and to remove barriers to the production of housing. Staff are proposing modifications to the TDR program, including expanding receiving sites to all DOSP zones; allowing standalone Designated Historic Properties to be sending sites; and removing the requirement for a Conditional Use Permit to trade development rights. This would be replaced by a requirement for Design Review approval for construction at the receiving site.</p>

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Oakland Heritage Alliance, Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to DOSPLetter to LPAB	18-Aug-22 and28-Aug-22	DOSP Zoning Amendments - TDR Program, 17.10K.120	Use the highly successful San Francisco program as a starting point. Do not limit receiving zones to those that allow multi-family residential by right. Do not require a conditional use permit. Base TDRs on floor area rather than number of residential units. Analyze the interaction between the ZIP, the state density bonus program, the City’s density bonus program and the TDR program. Do not require sending sites to be within the same or lower height/FAR zone as receiving sites. Allow sending sites to include free-standing Potential Designated Historic Properties (PDHPs)	Receiving sites are no longer limited to zones that permit multifamily residential by right. We no longer require a CUP to participate in the program. The planning code bases intensity on FAR and residential density. We are only allowing the TDR to be achieve 50% maximum density under the ZIP. Staff will incorporate language regarding TDR brokers similar to San Francisco. Requiring sending sites to be within the same or lower height area encourages development to be transferred from lower intensity historic districts to higher intensity areas. Staff proposes to depend on existing demolition findings to protect freestanding PDHPs.
Board Member Rice, Landmarks Advisory Board (LPAB)	LPAB Public Meeting	29-Aug-22	DOSP - Draft Zoning Amendments	(1) Transfer rights extended to individual properties (2) Portland case: zoning allowed more density downtown, bought some from historic property across river, illustrated that there wasn't enough limitation (3) If the FAR limits are too generous program won't be valuable	1) Staff is modifying the TDR program to allow standalone A or B rated Potentially Designated Historic Properties (PDHPs) to be sending sites.2) Thank you for providing the Portland example.3) The economic analysis studied prototype projects across many different height and intensity area base and ZIP combinations to determine the feasibility of the program. In some areas, the ZIP will achieve less additional intensity and value than in others. Intensity has been increased to allow for context-sensitive development on vacant lots and lots with non-historic resource buildings that fit the character of these areas. This provides additional development capacity for historic buildings that they may trade in return for funds to help preserve their buildings through the TDR program.

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Board Member Andrews, Landmarks Advisory Board (LPAB)	LPAB Public Meeting	29-Aug-22	DOSP - Draft Zoning Amendments	(1) The TDR is concerning. Would like to understand the context in which we raise and lower height limits. Needs more context when height limits change and understand the development climate. Not versed in the planners' logic. (2) The concerns of the fire alarm building need to be looked at. Would like Staff to come back with more context.	1) Intensity has been increased to allow for context-sensitive development on vacant lots, small context-sensitive additions, and development of lots with non-historic resource buildings that fit the character of these areas. This provides additional development capacity for historic buildings that they may trade in return for funds to help preserve their buildings through the TDR program. (2) Staff has revised the Fire Alarm Building proposal to allow development up to 65' instead of 90' to allow development of a Jazz Museum or expansion of the Oakland Public Library.
Oakland Heritage Alliance	Response to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions per ZUC Supplemental	Allowing standalone designated historic properties to be sending sites was in the original staff proposal. Why were standalone PDHPs not added? As noted in our August 28, 2022 letter, freestanding PDHPs include such outstanding buildings as the old First Christian Science Church, and the Breuner's building at 22nd and Broadway.	Staff has modified the TDR program to allow standalone A or B rated Potentially Designated Historic Properties to be sending sites
Oakland Heritage Alliance (OHA)	Response to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions per ZUC Supplemental - TDR Section D	The receiving site must: 1) be within the D-DT Zoning Incentive Area; and 2) neither be a Designated Historic Property nor a PDHP nor within contribute to an ASI or API.	Complete

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Naomi Schiff Oakland Heritage Alliance	Letter	28-Aug-21	DOSP Arts & Culture Zoning Measures & Applicability to the General Plan - Phase I: DOSP Zoning Amendments (Zoning Strategies to Implement the DOSP); Items within government’s control to implement now, as part of DOSP approvals; Land Use Limitations in the Art and Garage District Zone (Other Cultural Zones may have other Guidelines); Land Use Relaxations (Sec. 1)	About historic buildings: we should figure out how to word this so it coordinates with the historic preservation element. Suggestion: 3.2 Buildings more than 50 years old and/or buildings considered PDHP, rated A, B, C and above in the Oakland Cultural Heritage Survey, landmarks, or API or ASI contributors should be prioritized for reuse and kept intact. Require review by the Landmarks Preservation Advisory Board. Create zoning protection to prevent "facadectomy" treatments, perhaps by mandating substantial setbacks and providing incentives such as TDRs for retaining buildings intact.	Per General Plan EIR, the City will establish and maintain an Historical and Architectural Inventory which covers all of Oakland. The Inventory will investigate all individual pre-properties and areas throughout the City that are 45 years or older and will evaluate each property and area according to the table entitled "Historical and Architectural Inventory Rating System." To facilitate the protection of architectural historic resources, the City shall create a ministerial process involving a screening assessment incorporated into the basic application to determine when a building or structure is an eligible historic resource. The screening assessment shall be reviewed and approved by a City of Oakland Preservation Planner. In addition, the City is developing objective design standards that will protect the buildings and the character of the uses in historical districts, preserving visual character by including transitions between differing height contexts and can include upper story step-backs or other design transitions on stories over the height context within historic districts.

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<p>1). Eric Arnold, Oakulture, 2). Christopher Buckley, AICP, City Planning Consultant, Oakland Heritage Alliance (OHA), 3). Tiffany Eng of Old Oakland Neighbors and Family Friendly Oakland, 4). Tim Frank, Executive Director of Center for Sustainable Neighborhoods, 5). Hiroko Kurihara Art + Garage District Group, 6). Jeffrey Levin, Policy Director for East Bay Housing Organizations, 7). Naomi Schiff, OHA board member and co-founder of Coalition of Advocates for Lake Merritt, 8). James Vann</p>	<p>Letter to the ZUC</p>	<p>22-Aug-23</p>	<p>Draft Zoning Amendments</p>	<p>An inadequate Transfer of Development Rights program, including a failure to consider San Francisco’s highly successful program as a model.</p>	<p>Staff is proposing modifications to the TDR Program to expand its useability: expanding receiving sites to all DOSP zones; allowing standalone Designated Historic Properties to be sending sites; and removing the requirement for a Conditional Use Permit to trade development rights. This would be replaced by a requirement for Design Review approval for construction at the receiving site. San Francisco has a different rating system than Oakland so it is difficult to directly apply their program. Staff intends to study the procedural requirements in the San Francisco program and include appropriate provisions in an administrative instruction after the Zoning is adopted.</p>

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Oakland Heritage Alliance (OHA)	Response to Staff-Proposed 1-10-23 Revisions to Draft DOSP Zoning Amendments	4-May-23	Proposed Revisions per ZUC Supplemental - TDR Section D	TDRs work best when expressed in terms of building volume, rather than the number of residential units. FAR is therefore a more appropriate vehicle than residential units for TDR purposes. It is not clear to us why applying a residential FAR would require an "entire overhaul "of the Planning Code or General Plan update to the LUTE.	The General Plan and Planning Code uses floor area for commercial and units for residential. Changing this would require an overhaul of the Planning Code and would need to be done through the General Plan update to the LUTE.

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Topic: Zoning

Cultural Affairs Division	Letter to the DOSP staff	21-Jul-23	DOSP Draft Zoning Amendments. Recommendation #1 (pg. 6 of the Draft Zoning Amendments under 17.101K.050).	Permitted and conditionally permitted activities, we recognize that this is not an exhaustive list, but would like for the often-used artisan production activity of “printmaking” to be included.	The Planning Code proposal has been amended to include printmaking
Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUC	16-Sep-22	General (Comments about rezoning proposals for the ZUC); Zoning Classification	Oakland should add the zoning categories of "CIVIC" and/or "INSTITUTIONAL." Classifying public uses or parcels as “commercial” (such as the Oakland Main Library, County Courthouse, and similar buildings, confuses development scenarios and potential proposals).	The draft will be amended as suggested.
Matt Weber, Ellis Partners, and CAG member	Email to the DOSP inbox	14-Oct-22	Zoning Update Comments, 17.101K.090 – Lot, Setback, and Ground Floor Requirements: Subsection 4, which reads: The rear setback in the D-DT-JLI zone is zero (0) feet for properties that do not abut parcels with Residential Facilities and ten (10) feet for properties that abut parcels with Residential Facilities.	Could this be clarified to state “10’ from existing residential buildings”? Without this clarification, a property zoned residential, or a small residential building not close to the property line could hamper the development potential of the adjacent property, and the building code already stipulates required distances from property lines.	We should keep it the way it is currently written because residential lots require a 10’ buffer from new buildings.

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Oakland Heritage Alliance (OHA)	Letter to LPAB	28-Aug-22	General	Provide a red line version of the proposed zoning text so that changes to the existing text can be identified.	The red line version is not useful because almost all of the text is being changed.
Dan Tischler	Konveio	10-Aug-22	Draft Zoning Map (Zoning Districts) - D-DT-JLI Downtown District Jack London Industrial	This area should support mixed use land uses, not just industrial. If Howard Terminal is redeveloped in the future, it would be inappropriate to reserve this entire area solely for industrial activities. Higher intensity (non-industrial) land uses would be appropriate to take advantage of Howard Terminal-related infrastructure investments. Heavier industrial activities that are incompatible with residential land use should be located west of Market Street.	The JLS industrial district is a light industrial zone that allows a mix of industrial and commercial uses, acting as a transition between the residential area to the east and the industrial area to the west. If/when Howard Terminal is redeveloped, a rezoning will be considered at that time.
Dan T	Konveio	8/24/2022	Draft General Plan (LUTE-EPP) Amendments - Retail, Dining & Entertainment District; Policy JL-1; Pg. 58 at the top	This area should also encourage residential uses. More residents would increase foot traffic, enhance vibrancy and support the retail/dining/entertainment uses.	Residential is allowed everywhere near JLS outside of waterfront/tidelands trust lands. Tidelands trust lands are to be used for public purposes and enjoyment.

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Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)	Letter Attachment via Email to DOSP inbox	26-May-23	DOSP Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st St - D-DT-JLI Downtown District Jack London Industrial Designation	PMSA supports the inclusion of D-DT-JLI. We are pleased that the DOSP has been revised to create and clearly delineate this zoning district which acknowledges and continues the necessity of maintaining an industrial buffer zone in this location. The DT-JLI is consistent with WOSP’s designation of the “3rd Street Opportunity Area”, the City’s Industrial Land Use Policy (ILUP) which currently zones these parcels at Commercial Industrial (CIX-1B) or general industrial (M-30), and the Estuary Policy Plan.	No response needed.
Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)	Letter Attachment via Email to DOSP inbox	26-May-23	DOSP Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st St - D-DT-JLI Downtown District Jack London Industrial Permitted and Conditional Uses Table 17.101K.01	With respect to Permitted, Conditionally Permitted, and Prohibited Activities (Table 17.101K.01) in the D-DT-JLI area, the draft Zoning Amendments are largely successful at achieving a good balance of uses.	No response needed.

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Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)	Letter Attachment via Email to DOSP inbox	26-May-23	DOSP Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st St D-DT-JLI Downtown District Jack London Industrial Permitted and Conditional Uses Table 17.101K.01 Commercial Activities	Regarding “Commercial Activities,” we generally agree with all use limitations, but recommend changing the following uses that are traditionally associated with a residential commercial service as opposed to a business or visitor commercial service from Permitted (P) to Conditionally Permitted (C): General Food Sales, Limited Service Restaurant and Café, Consumer Service, Consumer Cleaning and Repair Service, Consumer Dry Cleaning Plant, and Animal Care. These uses should be “Conditional” to ensure consistency with “Policy JL-6” which requires that while “retail uses should be encouraged” they should nonetheless “be carefully screened to ensure that they are compatible with existing industrial activities.	These uses are not limited to residential services. Staff believes that it is appropriate to include eating places and other consumer services for employees of the industrial and commercial business and allow by right other uses that have less pedestrian activity such as dry cleaning plants and veterinary services. We have also received considerable input that we should streamline permitting and reduce CUP requirements for uses that are appropriate in a location.

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Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)	Letter Attachment via Email to DOSP inbox	26-May-23	DOSP Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st StD-DT-JLI Downtown District Jack London Industrial Permitted and Conditional UsesTable 17.101K.01Industrial Activities	Regarding “Industrial Activities,” we generally agree with all use restrictions proposed, but suggest the following be added as Conditionally Permitted (C): Regional Freight Transportation and Trucking and Truck-Related. Provided that this area is on the 3rd St Overweight Corridor and proximate to a PG&E substation these properties may be necessary to be activated as ZE-emissions electric truck charging locations or hydrogen fueling stations, and as such uses would be beneficial to improvements in regional air quality, such uses should be Conditionally Permitted in the light industrial buffer zone.	See response line 209.

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Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)	Letter Attachment via Email to DOSP inbox	26-May-23	DOSP Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st St D-DT-JLI Downtown District Jack London Industrial Permitted and Conditional Uses Table 17.101K.01	Adding new Conditional Uses and revising non-industrial activities to Conditional Uses will provide the greatest amount of consideration for future policy development and application. For instance, we have not yet seen the Industrial Lands Policy Recommendation Study or the EJ Element proposals that are in preparation by City planning staff as part of the Oakland GPU 2045. Because the Industrial Lands Policy, EJ element, WOCAP, and Port policies will provide additional context and direct policies for when and how industrial uses could be permitted, “conditional use” designations are appropriate in this zone	The Planning Code will be revised to apply the 7,500 threshold to General Retail as well.

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Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)	Letter Attachment via Email to DOSP inbox	26-May-23	DOSP Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st StD-DT-JLI Downtown District Jack London Industrial Permitted and Conditional Uses	We recommend that the uses disallow Conditional Permitting in the DT-JLI for “Activities that are listed as prohibited but are permitted or conditionally permitted on nearby lots in an adjacent zone.” This would unintentionally undermine the effectiveness of the industrial buffer zone and the application of L4 to residential uses in the DT-JLI. The uses which are prohibited should remain prohibited activities, especially given the concern that we have regarding the potential change to language regarding TDR that may result in a lack of clarity surrounding the right to develop residential uses in this zone that would otherwise be strictly prohibited (see below).Sea Level Rise Combining Zone in DT-JLI Zoning: We support the application of the SLR Combining Zone to the DT-JLI zoning district.Prohibition of TDR in DT-JLI Zoning: We support the restriction on the use of TDR as currently proposed in 17.101K.120.D. (prohibited where Multifamily Residential is prohibited/conditionally permitted). Yet, in the DOSP Zoning Amendments FAQ at page 10, #3 this restriction is intended to be removed by Staff in a final version. Green Loop Combining Zone Should be Removed from DT-JLI Zoning and Re-Routed: designations and requirements should be removed from parcels in the DT-JLI zoning district as proposed. The DT-JLI and West Oakland “3rd Street Opportunity Area” light industrial use areas make the proposed Green Loop Combining	Oakland continues to plan for public improvements in the Jack London industrial area. Infrastructure must allow people walking, biking, driving vehicles, and driving trucks to coexist; many truck routes throughout Oakland also have heavy pedestrian and bicycle usage. It is State and City policy to encourage people who work in the DT-JLI zone to reduce vehicle miles traveled (e.g., walk, bike, and take transit) and the Green Loop will provide a safe way for that to happen in the context of the industrial activity. The exact route for the Green Loop is subject to change; however, the suggestion to move the route to 4th St. would not work; the plan is to connect to Embarcadero and/or the Bay Trail, and MLK via 2nd St and Market via 3rd. The City and Port have installed significant bike and pedestrian infrastructure on Port property itself – trails and parks that exceed the scope of the Green Loop. This equips staff with evidence that this can work. Prohibition is not necessary to protect industrial land from incursion by residential uses. The DT-JLI zone is not a receiving site for the TDR program, only a sending site, so a project elsewhere could not send residential capacity to a site in the JLI zone. New residential development is not allowed in the JLI zone. Staff suggests addressing these concerns by clarifying in the TDR

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
				<p>Zone out of place and inconsistent with the character of the zone. These specific portions of the industrial zone, which are in the heavyweight truck corridor and regularly see high volume truck traffic, should not be forced to make mandatory dedications for additional public right-of-way for landscaping and pedestrian seating areas.</p>	<p>section that if residential is not allowed in a zone, a receiving site there could not receive a transfer of residential density.</p>
<p>Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)</p>	<p>Letter Attachment via Email to DOSP inbox</p>	<p>26-May-23</p>	<p>Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st StD-DT-JLI Downtown District Jack London Industrial Permitted and Conditional Uses</p>	<p>Prohibition of TDR in DT-JLI Zoning: The removal of this explicit prohibition language may lead to an unintended interpretation of the language in 17.101K.120.D given that TDR is permitted in all D-DT zones and some residual right to multi-family residential could be alleged based on usage of the “nearby lots” conditional use provisions. If the broader prohibition language on TDRs is eliminated, this explicit prohibition should remain in place for the DT-JLI zone. As such, we would recommend the following amendment to 17.101K.120.D.:TDR is permitted upon the granting of a Conditional Use Permit (see Chapter 17.134 for the CUP procedure) in all D-DT zones that permit, by right, Multifamily Residential Facilities. Transfer of Development Rights is prohibited in the D-DTJLI zone. In addition to the CUP criteria contained in Section 17.134.050, development right transfers must meet the following additional criterion: 1. The height and bulk of the proposal for the receiving site is consistent with the desired character of the block and area</p>	<p>This change is not necessary to protect industrial land from incursion by residential uses. The DT-JLI zone is not a receiving site for the TDR program, only a sending site, so a project elsewhere could not send residential capacity to a site in the JLI zone. New residential development is not allowed in the JLI zone. Staff suggests addressing these concerns by clarifying in the TDR section that if residential is not allowed in a zone, a receiving site there could not receive a transfer of residential density.</p>

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Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)	Letter Attachment via Email to DOSP inbox	26-May-23	Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st StD-DT-JLI Downtown District Jack London Industrial Permitted and Conditional Uses	Green Loop Combining Zone-designated “Green Loop Connection” designations should be removed from the DOSP DT-JLI. This includes the Market St portions in both the DOSP and in the WOSP 3rd St. Opportunity Area, and the MLK Connection past 4th St. These designations should also be removed from the Howard Terminal property. The Green Loop Connection does not need to terminate in a dead-end at MLK and 4th St, rather the City should consider as an alternative, turning the Loop eastward down 4th St, where it will pass through Mixed Commercial and Pedestrian Commercial districts and end at the proposed Webster Green open space. This alternative pathway would activate spaces where there is ground-floor retail and active pedestrian spaces. (See letter for illustration and add'l details).Green Loop Combining Zone designations for “Green Loop Connection” and “Waterfront Improvements” must be removed from the Howard Terminal property, which remains outside of the scope of the DOSP, as inconsistent with the purpose of the DT-JLI.	Although currently there’s no ballpark concretely planned for the Howard Terminal site, the site is intended for new development in the future. As such and because connections are necessary regardless of future development, Oakland continues to plan for public improvements in the Jack London industrial area. Infrastructure must allow people walking, biking, driving vehicles, and driving trucks to coexist; many truck routes throughout Oakland also have heavy pedestrian and bicycle usage. It is State and City policy to encourage people who work in the DT-JLI zone to reduce vehicle miles traveled (e.g., walk, bike, and take transit) and the Green Loop will provide a safe way for that to happen in the context of the industrial activity. The exact route for the Green Loop is subject to change; however, the suggestion to move the route to 4th St. would not work; the plan is to connect to Embarcadero and/or the Bay Trail, and MLK via 2nd St and Market via 3rd. The City and Port have installed significant bike and pedestrian infrastructure on Port property itself – trails and parks that exceed the scope of the Green Loop. This equips staff with evidence that this can work.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Mike Jacob, Vice President & General Counsel, Pacific Merchant Shipping Association (PMSA)	Letter Attachment via Email to DOSP inbox	26-May-23	Draft Zoning Amendments, within industrial buffer to the west of Jack London – the industrial zone bounded by 880 to the North and Clay St to the East, and the DOSP boundaries along Market and Embarcadero West/1st StD-DT-JLI Downtown District Jack London Industrial Permitted and Conditional Uses	We are aware of no basis upon which the City should speculate a change to the industrial uses and industrial zoning which governs uses at Howard Terminal at this time. If there are any other remnants in the DOSP which were included in anticipation of the need to accommodate the prior-proposed Oakland A's development at Howard Terminal these too should be removed as the A's no longer have any cognizable rights or interests in the property having allowed their Options, ENA, and non-binding term sheet with the Port of Oakland to expire.	Although there is no ballpark concretely planned for the Howard Terminal site, this site received environmental clearance and is intended for future redevelopment.
Author Unknown	Letter to the DOSP staff	11-Jul-22	General (ZIP Area 6)	In the 6/29 map it's "7" and it's 65' 5.0 FAR and 250 SF In the 6/30 map it's "6" and it's 65' 5.0 FAR and 450 SF - it looks like we combined it with what was previously "8" - 65' 5.0 FAR and 250SF	Planning and zoning (including visualization in maps) for the DOSP has been an iterative process involving feedback from a range of stakeholders, including community members, partners, as well as cross departmental city functions. The Base Height and Intensity Area Map which was released in November 2022 as part of the DOSP Draft Zoning Amendments shows Area 6 is 65', 5.0 nonresidential FAR and 450 SF maximum density per unit. For Area 7 it is 65', 7.0 nonresidential FAR and 260 SF maximum density per unit. For Area 8 it is 65', 5.0 nonresidential FAR and 250 SF maximum density per unit. If further changes are made these will be released with the full DOSP package during Spring 2024.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
<p>Jamie Flaherty EvansPrincipal CHROMATA Retail</p>	<p>Email to DOSP</p>	<p>30-May- 23</p>	<p>Email to DOSP forwarded on behalf of Steve Snider- Executive DirectorUptown & Downtown CBDs/ Oakland Central: Zoning/DOSP Inquiry</p>	<p>The CUP process is impactful on leasing ability. Businesses have trouble locating Downtown, due to zoning restriction/ CUP requirements. These are generally easier build outs; to go through the CUP process is time and money that is hard to justify. This includes fitness use, and medical uses of all sorts, which crop up as an alternative to mainstream hospitals/ doctor offices that want prominent locations.New residents living Downtown want the same services found in any neighborhood; those businesses should be allowed by right to create the thriving Downtown we all want to see. A big hold-up to a lot of these is the L5 requirement: If located both on the ground floor of a building, and within thirty (30) feet from any street-abutting property line, a CUP is required.Encouraging and welcoming businesses by allowing more uses by right, we will see them open up sooner, start hiring employees, paying taxes, and limiting blight and vacancies. This is worth much more than the couple of thousand dollars in CUP submittal fees and months of time to process.</p>	<p>The DOSP will go farther to liberalize ground floor allowances than even the changes recently adopted as part of the Housing Element. Instead, the DOSP zoning changes dramatically decrease the downtown areas designated with the strictest ground floor limitations (D-DT-P) and expand the areas where a broad spectrum of uses are allowed by right on the ground floor - including gyms, financial services, research, broadcast & recording and medical offices.</p>

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Matt Weber, Ellis Partners, and CAG member	Email to the DOSP inbox	14-Oct-22	General (Zoning Update Comments about specific tables). See source file.	<p>17.101.K.090: Combining Zone, Min Height – What does N/A mean for height – should it be 0’ or refer to another section? 17.101K.120-D: TDRs – I believe it is noted in the FAQs that this program will be expanded to non-residential properties as well. Do I understand correctly? 17.101K.130.A.2a: In my opinion, 45’ minimum would be tall for a base for a building that about 100’ tall (as the base could be 45% of the building height). Could this be reconsidered (perhaps to 20’ minimum)? 17.101K.130.A.2d & 3c: It seems that the provision would not allow 2 wide loading docks or parking entrances/exits + the adjacent columns, as they could easily 20’ or more wide – could there be exceptions for these elements? Table 17.101K.01: Fast Food Additional Regulations – is section 8.09 reference a typo, as I can’t seem to find in the update or the existing municipal code? Note 27 refers to Table 17.101K.02, note L6 – should this reference be note Table 17.101K.02, note L4 instead?</p>	Staff will review possible errors and correct. 2d: will include "walls without windows or other fenestration."

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Matt Weber, Ellis Partners, and CAG member	Email to the DOSP inbox	14-Oct-22	Zoning Update Comments: Table 17.101K.04. See source file.	Table 17.101K.04 Combining Zone, Lot Area Min of 30k. Some existing sites of this type (i.e., 1919 Webster) are smaller than this min size. Specifically, 1919 Webster combining zone is comprised of two lots that when merged would be slightly over 25k, which would not meet this requirement and possibly not meet exception 17.106.010a, as they are currently two lots. Would you consider adjusting this minimum lot size to 25k? Rear setback – could this be updated to “minimum rear setback” for clarity?	This will not affect development on any existing lots.
Andrew Alden, Oakland Resident	Email to the DOSP inbox	13-Sep-22	Draft Zoning Amendments	"Community Business District-2" appears to be a mistake. Should it be "Central Business District-2"? The same with CBD-3. This occurs elsewhere in the document.	Staff will review possible errors and correct.
Board Member Andrews, Landmarks Advisory Board (LPAB)	LPAB Public Meeting	29-Aug-22	Draft Zoning Amendments	Are the changes being looked at for the removal of 980 in terms of reconfiguring in the context of an overall traffic study and freeway removal study?	DOSP is recommending study of the removal of 980; DOT is beginning to work on the process. If that study recommends preliminary feasibility and 980 becomes a potential project, we will likely revisit zoning in the corridor. We won't know until there is a preliminary design of its replacement.
Oakland Heritage Alliance (OHA)	Letter to LPAB	28-Aug-22	General Comments about Maps	Show ASIs and APIs, as well as DHPs and PDHPs, on height/FAR and zoning maps. Zoning revisions must take historic importance into account, so as to preserve Oakland's architectural character. See the attached map of APIs and ASIs.	APIs and ASIs were shown on the interactive version of the zoning map along with the height and intensity areas. These historic areas have been addressed through the EIR and have been considered when designating height and intensity areas and developing the TDR program.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
James Vann et al, CALM	Email Regarding ZUC May 10, 2023 - Reiteration of Previous Comments	9-May-23	Comments on Draft Zoning Amendments - ZUC May 10 2023	There should not be a one-floor separation between “live” activity and “work” activity. Instead, reasonable divisions can be required to distinguish “commercial” areas from “living” functions.	Staff is not aware of a requirement that the "work" and "live" portions be separated by a floor level.
Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to the DOSP staff	18-Aug-22	Intensity Area Map	On the Intensity Area map, why are base heights/FAR increased for some APIs and ASIs, including the Gold Coast, fire alarm building, some of the Victorian residential neighborhoods and some of the low-rise historic commercial areas?	Heights have been increased somewhat from the maximums allowed under existing zoning to encourage infill of vacant lots, allow context-sensitive additions, and encourage participation in the TDR program. The proposal has been revised to reduce proposed heights in many of these areas to more modest increases.

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Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to the DOSP staff	18-Aug-22	Mapping Requests	Consider black and white maps that include labels within the boundaries for zoning districts and, on separate maps, height and FAR limits (It is difficult to make out zoning with all 12 zone types shown on one map.) if possible, provide an interactive online map that allows users to turn individual zones on or off (separate layers) as well as zoom in. Indicate APIs and ASIs on maps. Provide the two height/intensity maps (with and without ZIP) at a larger scale for different sub-areas. Distinguishing 9-18 colors on a single map is difficult particularly for people with color vision deficiency (which affects approximately 8% or 1 in 12 of all men and 0.5% or 1 in 200 of all women).	This has been done. Staff created interactive maps that have been available for online review and final versions will be available within the City's online interactive zoning map. These include labels to aid color-deficient individuals.
Ronak Dave Okoye; SPUR Acting Oakland Director & Chief of Strategic Initiatives	Letter to the DOSP	5-Dec-22	General (Comments about the DOSP)	In order to support new housing and other desired development in the downtown core, the permitting process for zoning-compliant projects should be streamlined so that these projects can move forward.	The environmental clearance for the DOSP will streamline development approvals for projects consistent with the DOSP. In addition, the City is concurrently developing Objective Design Standards that will allow projects to be approved ministerially. There are also streamlining efforts underway led by the State and the City's Housing Element to streamline and increase affordable housing approvals, including an Affordable Housing Overlay Zone.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Matt Weber, Ellis Partners, and CAG member	Email to the DOSP inbox	14-Oct-22	Zoning Update Comments: Table 17.101K.04	Minimum separation between the grade and ground floor living space – I believe this could create issues for either live/work units or ADA units that are accessible from the front – would you consider exceptions for these uses? Additionally, one could create a useful stoop with only two steps (i.e., 1'), so could a 1' min separation be considered?	In the D-DT-CX, D-DT-R, D-DT-RX, D-DT-CPW, 2.5' separation is required, but only applies to ground floor living space located within fifteen (15) feet of a street facing facade. ADA access can be and has been in many cases addressed through ramps. This regulation wouldn't apply to work/live, as it is not a residential facility.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
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Topic: Zoning Incentive Program (ZIP)

<p>Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann</p>	<p>Letter to the DOSP staff</p>	<p>18-Aug-22</p>	<p>Comments/ Questions to the DOSP working group; Special Meetings with Larger Topics; Equity</p>	<p>How does the study balance the cost to the developer to provide benefits with the cost to the community of displacement related to BIPOC and creative economy contributors? Has the City attempted to quantify the latter in any way? What metrics will be collected and used to track equity achievements via ZIP, Cultural Zones and other programs to assess whether the gaps identified in the Disparity Study are being affected in any meaningful way? How is Oakland’s equity mandate served by these new policies? How will these new zoning changes make an impact? Will the anti-displacement and cultural preservation components of the DOSP move the needle on these inequities? Has staff looked at how discrimination factors into the development plan for Downtown? Is there an analysis of the underlying factors that create and maintain racial and economic disparities in the Downtown? How do the proposed zoning changes help to eliminate those factors?</p>	<p>The study looks entirely at value created by allowing increased development capacity; unlike the impact fees, which are required of new development, the ZIP is not based on impacts but value capture. The City will track benefits/fees provided through the ZIP and where the fees are expended, in addition to the equity measures of success in every chapter of the DOSP, in order to measure success and course correct if needed. See the Summary of Changes: A Guide to Rezoning Proposals for the Downtown Oakland Specific Plan for a detailed description of how the zoning elements address DOSP goals, including culture keeping and racial equity: https://cao-94612.s3.amazonaws.com/documents/DOSP-Zoning-Summary-Memo.pdf</p>
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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
<p>1). Eric Arnold, Oakulture, 2). Christopher Buckley, AICP, City Planning Consultant, Oakland Heritage Alliance (OHA), 3). Tiffany Eng of Old Oakland Neighbors and Family Friendly Oakland, 4). Tim Frank, Executive Director of Center for Sustainable Neighborhoods, 5). Hiroko Kurihara Art + Garage District Group, 6). Jeffrey Levin, Policy Director for East Bay Housing Organizations, 7). Naomi Schiff, OHA board member and co-founder of Coalition of Advocates for Lake Merritt, 8). James Vann</p>	<p>Letter to the ZUC</p>	<p>22-Aug-23</p>	<p>DOSP Draft Zoning Amendments</p>	<p>Shortcomings of the proposed Zoning Incentive Program, which provides far too little affordable housing in return for substantial increases in height and density, thereby undermining the existing State Density Bonus.</p>	<p>Affordable Housing Impact Fees will be applied to all new using units. In addition, the ZIP allows for additional density in return for additional community benefits, including affordable housing funds, in addition to these required fees. The voluntary ZIP program approach is permissive and consistent with the State’s policy direction to encourage housing density. The City Attorney confirms this analysis. The ZIP is designed to allow use of both the ZIP and the SDB. In a comparison of the SDB and ZIP; the City’s economic consultant found that although SDB requires more on-site affordable housing, because the ZIP generates more total housing units due to higher density potential, it can generate substantially more revenue for affordable housing, including through impact fees, tax revenues and boomerang funds for the Affordable Housing Trust Fund. These funds can be leveraged for more units and deeper subsidies than on-site units.</p>

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

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<p>1). Eric Arnold, Oakulture, 2). Christopher Buckley, AICP, City Planning Consultant, Oakland Heritage Alliance (OHA), 3). Tiffany Eng of Old Oakland Neighbors and Family Friendly Oakland, 4). Tim Frank, Executive Director of Center for Sustainable Neighborhoods, 5). Hiroko Kurihara Art + Garage District Group, 6). Jeffrey Levin, Policy Director for East Bay Housing Organizations, 7). Naomi Schiff, OHA board member and co-founder of Coalition of Advocates for Lake Merritt, 8). James Vann</p>	<p>Letter to the ZUC</p>	<p>22-Aug-23</p>	<p>DOSP Draft Zoning Amendments</p>	<p>1. Whether the equity goals set out for the plan will be met by these amendments, and how equity progress will be assessed.2. Whether the plan meets the legal requirement to affirmatively further fair housing</p>	<p>1. ZIP fees will be expended according to City policy, including Housing & Community Development and the DOSP’s racial equity goals. The City plans to review use of the program, program outcomes, and solicit feedback on needed changes.2. The DOSP is consistent with the City’s Housing Strategy, which prioritizes the housing needs of extremely low income and unhoused residents, who are disproportionately Black/African American.</p>

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Ronak Dave Okoye; SPUR Acting Oakland Director & Chief of Strategic Initiatives	Letter to the DOSP	5-Dec-22	ZIP program	The Economic Analysis for the ZIP has faced skepticism from many sides. To ensure its accuracy, we encourage your team to work with knowledgeable development partners to peer review this analysis and the assumptions it made. We suggest the city to assemble a Technical Advisory Committee to review the methodology and findings of the analysis and to give ongoing input into the ZIP as it is evaluated over time.	City staff responded to this suggestion by working with Hausrath Economic Group to conduct further clarifying analysis and assembled a two-part TAC process to review the work. The CAG was then invited to an Affordable Housing & ZIP study session to discuss this additional analysis and review.
Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP: "the principal affordable housing benefit from the ZIP is not the onsite units, but the requirement to pay the full affordable housing impact fee on the additional market-rate units..."	However, there is little difference between a scenario in which density and height are increased as part of the base zoning, and the ZIP program's provisions.	Yes, that is true, in this case the ZIP would provide additional housing/funding for housing.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP: "the City identified thousands of units of high end market-rate housing that already received entitlements."	There is no need to create new incentives for market rate housing. The focus of the ZIP should be to maximize the amount of community benefits that will be provided as part of the Downtown Oakland Specific Plan, in particular affordable housing for the lowest income and most vulnerable	The City, consistent with State policy, is encouraging the production of housing at all affordability levels (with subsidies for very low-income units) to mitigate the current undersupply leading to the housing affordability crisis. The ZIP incentive is not specific to market rate housing; it allows increased intensity in exchange for benefits, including affordable housing. The City conducted extensive economic analysis for the ZIP to determine how to maximize community benefits without discouraging the desired dense development downtown.

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Jeff Levin, East Bay Housing Organizations	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP	As proposed, the ZIP would yield very small numbers of affordable units in return for significant increases in the allowable number of unrestricted market-rate units... In general, the required number of affordable units ranges from 1% to 3% of the additional market-rate units.	The ZIP benefit amount is based on the amount of value created by allowing the increased development capacity, not on impacts. Separate Impact Fees already exist for the latter purpose and would apply to projects built under the ZIP. The amount of that created value that the City should capture from development projects is a balancing act: while the ZIP can use development incentives to generate important new targeted community benefits, we want to support development feasibility and the incentive to build higher density. Long-term annual tax revenue generated over the life of new development is many times larger over time than the funding from one-time impact fees and one-time funding under the ZIP. New development downtown not only generates tax revenue to cover the costs of services to the new development, but also provides funding for public benefits throughout the city. The higher the density of new development, the more annual tax revenue generated per square foot of land. This long-term tax revenue is many times larger over time than the revenue from one-time development fees. Ongoing annual revenues include the share of property tax revenue known as the Boomerang funds allocated to the City's Affordable Housing Trust Fund.

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Jeff Levin, East Bay Housing Organizations	Letter to ZUC	10-May-23	Pg 25 Zoning Amendments; Section 17.101K.110. B.1.b	<p>There is a need for more detailed language identifying the required rent and income restrictions. It is not sufficient to refer to “affordable housing as defined in State law.” The amendments should include language similar to the following: "Affordable units shall be provided at affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, or affordable rent, as defined in Section 50053 of the Health and Safety Code, to lower income households, as defined in Section 50079.5 of the Health and Safety Code. Rental units shall remain affordable to, and occupied by, lower income households for a period of at least 55 years. Ownership units shall remain affordable to, and occupied by, moderate income households for a period of at least 45 years. These requirements shall be contained in a covenant or restriction recorded against the project at the time the development application is approved, which shall run with the land, and shall be enforceable against any owner who violates a covenant or restriction and each successor in interest who continues the violation"</p>	<p>This suggestion has been partially added. Further requirement would be worked out through a contact with Housing.</p>

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Jeff Levin, East Bay Housing Organizations	Letter to ZUC	10-May-23	Pg 25 Zoning Amendments; Section 17.101K.110. B.1.b	Per above comment. It is not sufficient to refer to “affordable housing as defined in State law.” The City should also include provisions for third-party enforcement of these restrictions by lower income residents eligible to apply for residency in the development or by a qualified housing organization, similar to the provisions of the Housing Accountability Act (Government Code 65589.5(k))	Enforcement will be part of the contract the developer signs with Housing.
Nico Nagle, Housing Action Committee	Public Meeting: Landmarks Preservation Advisory Board	29-Aug-22	DOSP - Draft Zoning Amendments	(1) If the ZIP is not as useable as the SDB, it won't work, we'll end up with no housing and an ineffective plan; make sure the ZIP is competitive with the SDB. (2) Why there is downzoning from 85 to 65 on the edge of old Oakland.	<ol style="list-style-type: none"> 1. The City's Economic consultant conducted additional analysis to ensure that the ZIP is competitive with the SDB while also encouraging them to be used together. 2. There was no downzoning on the edge of Old Oakland over what is allowed today. The height limit for the north side of 7th Street along the edge of Old Oakland is currently 55 feet. The earlier DOSP zoning proposal included raising that area's height limit to 85 feet; the current zoning draft recommends a height limit of 65 feet, which is still a height increase over the 55 feet that is the maximum allowed today.
Peter Logan	Email Inquiry	24-Apr-23	Interactive Zoning Map/ZIP, ZIP Guidance	3. How does the Affordable Housing Overlay (AHO) interface with ZIP assuming one can already achieve a higher density with ZIP?	The Affordable Housing Overlay and the ZIP are two entirely separate programs – a project will not be allowed to use both. However, we mostly expect different audiences for them, since in most cases the AHO applies to 100% affordable projects and we anticipate the ZIP mostly being used by developers that want to build market-rate and/or commercial projects.

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ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	The City could consider increasing the requirements, such as the affordable housing impact fee.	We're having a separate process to look at the impact fees and potentially raising the fees, raising the on-site requirements, and changing zone boundaries. Raising it for ZIP projects or ZIP-eligible projects would both change the value that has been analyzed and incorporated into the ZIP benefits requirements table and impose a higher impact fee or on-site requirement without a rational basis.

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<p>Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann</p>	<p>Letter to the DOSP staff</p>	<p>August 18th, 2022</p>	<p>Comments/ Questions to the DOSP working group; Special Meetings with Larger Topics; Zoning Incentive Program</p>	<p>1). If the ZIP requires far fewer benefits for the same increases in height/intensity, how is this “on top of” existing programs? How does the ZIP interact with the Jobs/Housing Linkage Fee (JHLF), the Affordable Housing Impact Fee (AHIF), and the TDR Program? Do units produced for the ZIP program also count as units in lieu of fees for purposes of the AHIF? Or does one have to pay the existing fee, and then can earn additional units using the ZIP? Would the extra market-rate units gained through the ZIP also be subject to the AHIF? Would additional non-residential floor space be subject to the JHIF? How does the ZIP interact with State Density Bonus?</p>	<p>1). The ZIP affordable housing benefit would be an additional benefit in addition to existing programs such as the JHLF and AHIF. It seems that the comment is referring to affordable housing. The City has several mechanisms for building the affordable housing fund, including on-going tax revenue "boomerang funds," a recently voter-approved bond for affordable housing and the Affordable Housing Impact Fee assessed on development. The ZIP is in addition to these. 2). The JHLF, the AHIF and other impact fees are assessed independently of the ZIP program; these are separate programs unaffected by the ZIP. A developer will have to pay impact fees whether or not they use the ZIP and cannot double count units/fees. All new units and non-residential floor space is subject to respective impact fees. 3). The TDR program is intended to work in tandem with the ZIP program. To encourage use of the ZIP as well, the additional number of units and/or floor area at a receiving site would not be allowed to be more than half of the maximum of what could be achieved through the ZIP. 4). The ZIP is designed to allow use of both the ZIP and the SDB. Either or both programs can be used. Please see sub-topic SDB response above.</p>

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
John Dalrymple and Andreas Culver for the Building and Construction Trades Council of Alameda County (BCTC)	Letter to DOSP: Joanna Winter and William Gilcrest	30-May-23	ZIP Program	Proposal includes expanding the list of qualifying benefits and splitting them into three categories: (a) Affordable Housing; (b) Community Benefits, and (c) High Road Local Jobs	What’s being proposed is a point system, which is a different overall system for community benefits than the ZIP system proposes. The cost of providing the benefits that the ZIP prioritizes was studied in relation to the value created by the increased development capacity allowed through the ZIP. The current approach was developed over a three-year process, where city staff, consultants working with the Citizen’s Advisory Group, and public input identified specific community benefits. It is too late in the process to substantially change the approach and overall system as is requested here. The City opted for the purpose of the ZIP to dedicate a portion of the in-lieu fees to employment training programs. The in-lieu fee option could benefit not only construction workers during project construction but meet the DOSP’s goals for providing employment resources to ensure that all Oaklanders are able to benefit on an ongoing basis from new jobs in all sectors created downtown under the DOSP. Staff appreciates the well thought out proposal, supports local hire and jobs with living wages and healthcare, and believes that this issue should be addressed on a citywide basis for consideration through the City’s legislative process. Any programs should be consistent with the City’s policy priorities and based on data

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					and racial equity impact analysis for the local hire ordinance.
John Dalrymple and Andreas Culver for the Building and Construction Trades Council of Alameda County (BCTC)	Letter to DOSP: Joanna Winter and William Gilcrest	30-May-23	ZIP Program	Proposal eliminates in-lieu fees as the Alameda BCTC strongly believes that it is critical to capture actual benefits in the project itself rather than collect fees for undefined future benefits. Should in-lieu fees be included as an option to meet the required point total, projects should be required to still select at least two items from the Community Benefits section and at least two items from the High Road Contracting section in addition to the in-lieu fees.	We are not considering the elimination of in-lieu fees at this time. It is up to the developer whether they want to provide benefits on-site. In some cases, in-lieu fees may be the preferred option to providing comprehensive services and subsidizing the costs of living and operating a business in downtown. For example, in-lieu fees towards affordable housing can help leverage more deeply affordable units than would otherwise be provided onsite. We will be developing mechanisms to ensure that the benefits are captured downtown.
John Dalrymple and Andreas Culver for the Building and Construction Trades Council of Alameda County (BCTC)	Letter to DOSP: Joanna Winter and William Gilcrest	30-May-23	ZIP Program	Height, density, and FAR bonuses should be tied to commitments by developers to create not just affordable housing and public amenities, but also quality jobs that provide opportunities for local employment, maintain area wage standards, and opportunities for workforce development.	Much of the recent Tower development has used union labor; increased development has the potential to provide more union jobs. The City Council would need to take a lead on addressing stated labor issues as it is beyond the scope of planning. Further, there is a downside to establishing standard for specific areas of the city but not others as it increases costs of construction for those areas. We have addressed this concern to an extent by including JHIF as a ZIP community benefit.

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ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Providing small quantities of on-site housing is an expensive administrative monitoring task for both developers and the City's Housing and Community Development Department (HCD). Reconsider incentivizing on-site housing. Inclusionary requirements provide less units, and they are less deeply affordable.	Staff have revised the proposal in response to require that the ZIP affordable housing benefit be provided through fees rather than on-site units. This will also prevent double counting of on-site units when using the State Density Bonus in addition to (or "on top of") the ZIP.

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Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP	The proposed “menu” system allows developers to determine which public benefits they wish to provide. The City should make that determination. Accordingly, residential projects must provide affordable housing as a benefit and should not be allowed to provide non-residential benefits	<p>The ZIP is designed to allow flexibility to encourage developers to participate regardless of their marketing model. Feedback from developers is that some of them require more control than others and would be unwilling to participate if forced to provide a benefit that does not fit their concept. While they have no say over the in-lieu fees, if they provide benefits on site, staff recommends allowing them to select what benefit they provide. Planners will be involved with the selection process to ensure that benefits reflect community needs and DOSP goals and to ensure that the improvements benefit the community above and beyond what would normally be required. In particular, they will provide guidance on streetscape improvements that are needed in the specific area consistent with the DOSP.</p> <p>Due to feedback described elsewhere, the ZIP has been revised to require that the ZIP housing benefit be provided through fees, not on-site, to support provision of more and more deeply affordable units.</p>

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James Vann on behalf of Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUC	16-Sept-229-May23	General (Comments about rezoning proposals for the ZUC)Zoning Incentive Program	As a means of providing “community benefits,” a voluntary “Zoning Incentive Program (ZIP)” is fraught with myriad problems, including uneven and unpredictable development. Statutory option to utilize “the State bonus” – and bypass “ZIP;” voluntary ZIP selection could result in undesired or unsuitable benefits; enforcement problem if later the developer abandons the “ZIP benefit.” The ultimate users of “ZIP benefits” should be involved in the initial selection process. The quantity of benefits required by ZIP is minimal compared to the incentives / concessions being provided. A developer who desires to exceed the basic zoning could then select additional “incentives” to achieve the desired level of development.	A voluntary program is a legal means to achieving the benefits requested by the community. Both the SDB and the ZIP programs provide benefits in return for intensity within select areas where development is desired to meet housing needs, build the economy, and leverage existing infrastructure such as high-capacity transit. Each development, along with the benefits, would still undergo planning review. Planners will be involved with the selection process to ensure that benefits reflect community needs and DOSP goals. The quantity of benefits is calculated based on the value capture derived from higher density, including the ongoing tax benefits on new development; this response is addressed further above (Row 123).
Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUC	16-Sep-22	General (Comments about rezoning proposals for the ZUC)In-Lieu Fees	“In lieu” payments in place of “incentives” are discouraged. In practical terms, the monetary value of “in lieu payments” never equate to the value of the community benefit that is not being provided. If “in lieu” payments are insisted to be a developer option, the “in-lieu” payment should at least equal or exceed the value of the City’s current contribution in loans and grants to the construction of an affordable unit, which is currently appx \$300,000 each.	The in-lieu payments through the ZIP as proposed are exactly the same value as the equivalent benefits expected to be provided on site. In some cases, the in-lieu fees are actually higher, because (with the exception of affordable housing, which the City prefers to receive as fees) the ZIP provides a 10% discount to encourage developers to provide the benefits on site. The amount required under the ZIP is based on value capture, not the cost of providing housing. It would be indexed to inflation similarly to the existing Affordable Housing Impact Fee.

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Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP	<p>The City’s share of the incremental land value created by the ZIP should be 50% not 33%... We believe a 50/50 split between public benefit and private gain is more equitable and still provides sufficient incentive for developers</p>	<p>The amount of ZIP benefit the City should require of development projects is a balancing act. The proposed ZIP fees are structurally based on a percentage of the value created by allowing increased development intensity under the ZIP. If the City charges fees that are too low, the City is leaving potential benefits on the table that could help advance important community goals, as outlined in the DOSP. If the fees are too high, projects will not take advantage of the ZIP, leaving Oakland not only without the ZIP benefits, but also without the benefit of long-term tax revenues generated over the life of a new high-density development – including revenues that can be used for benefits that the ZIP cannot, such as services and maintenance. Lower density development also fails to meet the City and DOSP’s economic, housing and sustainability goals, including those promoted in the City’s Equitable Climate Action Plan (ECAP). Ultimately it depends on market conditions - in some conditions 33% may seem too low and leave benefits on the table, but in the current conditions where we are trying to facilitate development, 33% is too high. If market conditions improve such that 50% would not discourage development, we can revisit the amount.</p>

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<p>1). Eric Arnold, BAMBD, CDC; CCED, 2). Christopher Buckley, Oakland Heritage Alliance (Preservation Committee), 3). Ener Chiu, East Bay Asian Local Development Corp., 4). Rick DaSilva, LOH Real Estate + Investments, Chinatown Chamber of Commerce, 5). Tiffany Eng, Old Oakland Neighbors, Friends of Lincoln Square Park, 6). Tim Frank, Center for Sustainable Neighborhoods, 7). Hiroko Kurihara, Arts + Garage District Group (Co-Founder), 8). Jeff Levin, East Bay Housing Organizations (Policy Director), 9). Naomi Schiff, Oakland Heritage Alliance (Board Member), 10).</p>	<p>Letter to the DOSP CAG members</p>	<p>Received on September 19th, 2022. Written on September 16th, 2022</p>	<p>General (Questions about the Draft Zoning Amendments)</p>	<p>6. Where are the inputs and proformas used for the Hausrath report which provides the economic basis for the ZIP? It's important that we see the actual analysis and assumptions, not just the results.</p>	<p>In response to community member questions such as these about the ZIP Economic Analysis, Hausrath Economic Group developed a Technical Appendix with a description of the methodology and assumptions used, as well as the spreadsheets used, to calculate findings presented in the Economic Report. These were peer reviewed, presented to the CAG and posted for public review.</p>

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James Vann, Oakland Tenants Union					
Hiroko Kurihara: Art & Garage District	Shared a document with the DOSP team, revising the listed document.	28-Sep-21	DOSP Arts & Culture Zoning Measures and Applicability to the General Plan - Phase II: Future Implementation	Review and revise the work of the previous consultant that calculated the costs of implementation, incorporating different assumptions. And form a working group of values aligned for-profit and nonprofit developers and property owners (with CAG members) to review and transparently disclose pro-formas that reflect the viability of implementing these proposed zoning measures and possibly even pilot a development proposal to pilot these new zoning measures.	The consultant's work has been revised and peer reviewed by economists and a non-profit developer.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Are in-lieu fees based on the value of the real estate in a particular location within the DT? Concern that in-lieu fees being different in different parts of downtown could result in "red-lining" or "green-lighting."	The different price areas were developed to prevent that outcome. There are nuances between JLE and JLW whereby construction type can be higher or lower on a cost per square foot basis. If we used one fee across the entire downtown, developers would be super-incentivized to develop in the areas where they could earn the most value and completely disincentivized to develop in areas where paying the same fee as the expensive areas wouldn't make those areas worth developing. This benefit area approach adjusts the fee/required benefits to the market area, so development is relatively equally incentivized throughout the downtown.

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ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	The City needs to be clear to stakeholders what is required of development and what is optional. Presenting the ZIP benefits on their own doesn't show the full scope of the benefit that development provides for affordable housing (or other community needs) and can therefore appear inadequate.	This was addressed in the materials and presentation for the following Affordable Housing & Zoning Incentive Program Study Session.
James Vann et al, Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUCEmail Regarding ZUC May 10, 2023 - Reiteration of Previous Comments	9-May-23	General (Comments/ Questions about rezoning proposals for the ZUC)	(1) ZIP should not be applied to publicly owned properties; it is unwise to incentivize the sale or lease of public property by being included in the ZIP program. Even if alternate development is desired, this must conform to the State's Surplus Lands Act, which prioritizes affordable housing on surplus public land. A consequence of Surplus Lands Act standards is that community benefits must be a necessary requirement for any development on public parcels. (2) ZIP should not be applied to parcels in API (Area of Primary Importance) or ASI (Area of Secondary Importance) areas.	1). Some city-owned sites, such as the Library and Fire Alarm Building have been removed and have been given their intended height/intensity in the base map. Because these are City-owned, benefits will be achieved through a Development Agreement rather than through the ZIP.2). Some heights have been reduced within APIs and ASIs but removing areas entirely would undermine DOSP goals to address housing needs and foster economic growth within transit rich areas of downtown. Identified historic properties will still be subject to guidelines and protections regarding redevelopment, preservation, restoration, and adaptive reuse.
ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Be clear about the other sources of funding for affordable housing (e.g., Measure U, an Enhanced infrastructure Financing District, etc.)	This was addressed in the materials and presentation for the following Affordable Housing & Zoning Incentive Program Study Session.

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ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meetings notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Determining below-market rate for commercial space is tricky; a discount on a corner would be different from one down the street. Most developers are also subsidizing the ground floor space now.	Complete; we will take this into account.
ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Consider what happens if a developer can't find a tenant for a BMR commercial space.	Staff is working with Economic Development staff and nonprofit organizations to develop a program that would assist in tenanting. This will be included as we develop the lease master plan. This is a post plan adoption implementation step that will be implemented within the short-term time frame; it will include a procedure for circumstances when a tenant is not found.
ZIP-Study-Session	Summary of the ZIP Study Session Notes	29-Mar-23	ZIP Study Session Meeting Notes	What is the approximate height of a development that uses the maximum number of incentives?	It varies by area of downtown and the allowable heights under the ZIP. These are show on the ZIP Height and Intensity Map.
ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Be clear about obstacles to using funding mechanisms other than the General Fund that the ZIP fees could help with (e.g., impact fees can only be used for one-time investments, not maintenance, operating subsidies or below market-rate commercial space).	For the subsequent Affordable Housing & ZIP Study Session, staff attempted to clarify the difference in use of funds that are provided through nexus study impact fees vs. those provided through the voluntary ZIP. ZIP fees offer more flexibility and can be used to achieve outcomes that the other fees cannot (such as below market-rate commercial space).

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CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Desire to understand the value of the fees collected and how they will be used, and ensure that fees are used in the downtown, not elsewhere in the city.	If a developer elects to pay in-lieu fees rather than provide an on-site benefit; the fees would go towards affordable housing, below market-rate ground floor commercial space, streetscape, open space, and other culturally relevant neighborhood improvements, and job training programs. The in-lieu fees would not be placed into the General Fund. In-lieu fees dedicated to affordable housing would be transferred to the City’s Affordable Housing Trust Fund. In-lieu fees dedicated to employment would go to supplement the City’s existing employment programs. The remainder of the in-lieu fees would be held in a separate fund to meet the other objectives of the ZIP as opportunities arise, with implementation input from the community. The City is still working on the details of the benefits program and how best to ensure that the benefits are captured downtown.

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Ronak Dave Okoye; SPUR Acting Oakland Director & Chief of Strategic Initiatives	Letter to the DOSP	5-Dec-22	General (Comments about the ZIP program)	Given current supply chain issues and the high cost of construction materials that will support tall building heights, it is important that the ZIP does not disincentivize using other materials that are more affordable but have height limitations. These new, more affordable building types should be taken into account in the design of the ZIP. There should be incentives for developers to partake in the program and provide community benefits, even if they do not intend to take advantage of increased height requirements due to building material costs.	The program structure does not disincentivize affordable development construction/materials; this choice is up to the developer. Mass timber is possible up to at least 25 stories, which is a height the plan encourages.

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<p>Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann</p>	<p>Letter to the DOSP staff</p>	<p>18-Aug-22</p>	<p>General (Comments/ Questions to the DOSP working group) Immediate Questions</p>	<p>Is there any language indexing the in-lieu fees to inflation (building cost index?) in the same way that impact fees are indexed? Is there a recent inventory of vacant ground floor spaces in the Downtown area, including the AGD? How were the ZIP in-lieu fees calculated in the Hausrath report? Why are these not modeled after the way in-lieu fees are typically structured for inclusionary requirements, where the fee is calibrated to the cost to the City of providing the benefit that the developer is choosing not to provide? If the developer doesn't directly provide the benefit, and also doesn't provide enough funding for the City to do so instead, how can the City claim that the ZIP will actually produce meaningful community benefits?</p>	<p>1. In-lieu fees will be indexed to inflation, similarly, to impacts fees. 2. The ZIP is based on the idea that the City is creating additional value for a developer by allowing a project to build density beyond that allowed by right, and the community is entitled to a portion of that additional value. So, the value of the community benefits or in-lieu fees a development project must provide in order to achieve a zoning incentive are a portion of the additional value to the project. That additional value is estimated based on the increase in residential units or non-residential floor area over what a project would be allowed to build by right according to existing or "Base" zoning. The methodology is described in the Economic Report.</p> <p>This is a very different legal basis than an impact fee, which addresses the impact of development as determined, according to State law, by a nexus study. Without a nexus study, the City cannot leverage an impact fee. The City already has an Affordable Housing Impact Fee, supported by a nexus study, that addresses the impacts of development on affordable housing. It would not be legally supportable to leverage an impact fee on top of an impact fee for the same impact. That is not what the ZIP does.</p>

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					<p>The ZIP will only provide community benefits if it is priced to incentivize developers to use it. If it is, developers will either provide the benefit on-site, or will provide the same amount of funds as providing the benefit on site (minus the 10% on-site discount) to the City, which will leverage it to provide benefits prioritized under the DOSP.</p>
ZIP-Study-Session	Summary of the ZIP Study Session Notes	29-Mar-23	ZIP Study Session Meeting Notes	<p>When the city is calculating the onsite alternative, does it require it on the total number of units (market rate units and bonus units)? On-site units might not be enough to fully satisfy the impact fee on-site requirement. In many cases the density units are enough.</p>	<p>Prior to recent changes, the limit used to be 10% so you never had that issue. Now you can potentially have that issue, but then we'd require them to pay the balance in the actual fee.</p> <p>For purposes of estimating the number of affordable units that will be obtained through impact fees, what is the cost per unit currently is a charge of 15 percent of the fees when they are getting the building permit issued, and the rest later. On-site would be built at the same time as the project. If the units are being developed on-site, we know the number of units we will have right then and there.</p>

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Ronak Dave Okoye; SPUR Acting Oakland Director & Chief of Strategic Initiatives	Letter to the DOSP	5-Dec-22	General (Comments about the ZIP program)	We have concerns regarding the complexity of the Draft Zoning Amendment's ten zoning districts and four combining zones. We recommend that your team reevaluate whether this many zones are necessary to achieve the plan's intended outcomes. If the plan chooses to move forward with this plan, it is important to ensure that city staff are well resourced and trained properly to interpret the new zoning to relevant parties.	These are the zones/height areas that are appropriate for these areas. In implementation it will not be complicated, it will be mapped for each parcel. We will check in with staff to make sure guidelines and maps are clear.
Ronak Dave Okoye; SPUR Acting Oakland Director & Chief of Strategic Initiatives	Letter to the DOSP	5-Dec-22	General (Comments about the ZIP program)	The ZIP is an ambitious merging of the city's desire for more density downtown and increased community benefits, such as affordable housing. Because the program is optional, its success is not guaranteed and will be based on whether developers choose to participate or not. Until the program is implemented, we are unable to know which benefits developers will most commonly opt into. SPUR recommends that this program be reevaluated every 3-5 years in order to reassess feasibility and evaluate how it can be changed to attract more developers and bring optimal community benefits to Downtown Oakland.	We will re-evaluate the program when we update the General Plan (Phase 2). We will not update the study, but we will review use of the program, program outcomes, and solicit feedback on needed changes.

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Jeff Levin, East Bay Housing Organizations	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Could a SDB project piggyback with the ZIP? Would that increase feasibility in the current market conditions? Because I'm hearing in current market conditions neither the base nor the density is feasible? Is it possible in the current environment with the density bonus layered on top to make a project feasible?	Yes, a project can use the SDB on top of (i.e., after applying) the ZIP. Although the analysis showed that most projects are not feasible in the current market, the ZIP policy is designed to apply when projects become feasible. Right now, the gap between revenues and construction costs is very large. The allowance for use of SDB and ZIP is designed to encourage project feasibility and density. The regulatory concessions, timing and low impact fees associated with the SDB can improve feasibility, but it depends on the situation.
Jeff Levin, East Bay Housing Organizations	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Since we haven't seen any of the prototype or pro forma models, I'm wondering whether the analysis looked at the impact of the share of value going to developers, have they impacted their rate, and specifically the rate of return I don't know if that was part of your analysis or not.	That is in the analysis, yes. This information was made publicly available and can be found in the HEG ZIP Economic Analysis Technical Appendix.

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Jeff Levin, East Bay Housing Organizations	Letter to ZUC	10-May-23	DOSP - Draft Zoning Amendments and ZIP - Phase II: Future Implementation Phase (DOSP Strategies Beyond Zoning)	Other jurisdictions have provided alternative density programs where developers may choose to use either the SDB or the local program, but not both... Oakland should take the same approach, as it has done elsewhere with the proposed zoning changes for the Affordable Housing Overlay Zone, which allow developers to use either the AHO or Density Bonus, but not both.	<p>The ZIP is an alternative/addition to the SDB program, not a replacement for it. The proposal would allow a developer to choose between the ZIP and SDB program, or to stack the SDB on top of the ZIP, allowing for a density that, in accordance with State law, can exceed that studied under the EIR due to density mandated by State law. The DOSP EIR studied the maximum densities that can be achieved in the ZIP.</p> <p>The ZIP and SDB provide somewhat different incentives to a developer and are intended to generate different outcomes: The SDB is entirely intended to generate affordable housing, whereas the ZIP intends to produce affordable housing in addition to other community-desired benefits that otherwise do not have a source of funding. The ZIP allows additional market-rate units and commercial floor area, whereas the SDB provides several incentives in addition to additional market-rate units, including valuable waivers and concessions.</p>
Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP	(Table 17.101K.09 on page 26) contains too many variants and is difficult to understand. It should be replaced by simply requiring developments to pay the “in lieu” fee in return for an increase in the allowable number of units.	We are revising the Tables for clarity.

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ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	If you are considering the ZIP Maximum Density to be a "new base" for the State Density Bonus, wouldn't developers be able to treat the density allowable under Emeryville's program a new "base" for it as well? How would Oakland's program be any different?	Each jurisdiction may choose different approaches to facilitate additional housing density and community benefits. Oakland's program permits developers to add density through its local Zoning Incentive Program. In addition, a developer may add housing density beyond the ZIP on a given parcel by utilizing State Density Bonus Law. This is a policy decision that is being proposed for consideration by the Planning Commission through recommendation and the City Council for final approval.
ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meetings notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Be clear that developers have the option of choosing between the ZIP and SDB or both. Otherwise, the State will be concerned that you are preventing the SDB from being used.	This will be made clear in the Planning Code. The ZIP is an alternative/addition to the SDB program, not a replacement for it. The proposal would allow a developer to choose between the ZIP and SDB program, or to stack the SDB on top of the ZIP, allowing for a density that, in accordance with State law, can exceed that studied under the EIR due to density mandated by State law.

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ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	Mar 15th, 2023	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Half the projects using the State Density Bonus are 100% affordable projects using the SDB for concessions and waivers. Understanding how many market-rate projects so far are providing on-site units through the SDB could give some indication of how advantageous a developer sees the density incentive. Consider Offering concessions and waivers as part of the Zoning Incentive Program to make it more like that a developer will take advantage of it rather than the SDB. These are often the most valuable part of the SDB to a developer, not increased by the density itself.	The City wants to encourage projects to participate in both the ZIP and the SDB; allowing concessions and waivers would discourage them from participating in the State Density Bonus. The regulations that are waived under these regulations also serve a valid public purpose; waiving additional ones could be detrimental to the downtown public realm.
ZIP-Study-Session	Summary of the ZIP Study Session Notes	29-Mar-23	ZIP Study Session Meeting Notes	For a project that uses the State Density Bonus instead of using the impact fee, is the 5 or 10 percent calculated in the base zoning? Or is it of the total project?	For the SDB, they aren't paying impact fees because the affordable units are meeting the in-lieu fee. It's 5 percent of the base, so the total shown there includes affordable and it is the total onsite unit. That option isn't shown in the table. Prior, the density bonus law the limit was 10 percent. The SDB laws have gotten better and now there is a 5 percent calculation for the SDB law; an increase in the on-site affordable units' base on 5 percent.

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James Vann, CALM, Oakland Tenants Union	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	I think the ZIP is still a work in progress, how will it work how will it be administered, I think we need a more intensive study. The ZIP needs to see what alternatives there are. Would like you to look at other programs that can be funded?	A concern we have heard is that the ZIP will compete with and detract from the SDB; in reference to your question, Linda Hausrath (HEG) completed additional analysis to compare generally, they're different programs that offer different incentives and encourage developers to participate depending on what they were trying to achieve. They provide different benefits to the community. The SDB is focused entirely on affordable housing, the ZIP includes affordable housing and other community benefits that we don't have a mechanism for.
Ronak Davé Okoye, SPUR	Letter regarding the ZIP	29-Mar-23	ZIP	The affordable housing requirement should be increased for projects that are eligible for the ZIP, instead of relying on value capture to produce affordable units. According to the affordable housing nexus study, affordable housing impact fees could be much higher. We encourage the DOSP team to explore increasing the affordable housing requirements forebuildings that would otherwise qualify under the ZIP given this analysis	We're having a separate process to look at the impact fees and potentially raising the fees, raising the on-site requirements, and changing zone boundaries. Raising it for ZIP projects or ZIP-eligible projects would both change the value that has been analyzed and incorporated into the ZIP benefits requirements table and impose a higher impact fee or on-site requirement without a rational basis.
Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP	If the City does not convert the ZIP program to a straight fee requirement, then the zoning amendments should clearly state that the handful of affordable units provided under ZIP cannot be counted toward meeting the impact fee's provision for onsite units as an alternative to paying the impact fee.	The zoning proposal has been revised to require that the ZIP housing benefit be provided through fees, not on-site. This is partially to avoid "double-dipping" of one benefit to achieve multiple bonuses. This has been clarified in the Planning Code.

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ZIP-TAC-Meeting Summary	Summary of meeting notes	15-Mar	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	<p>The program may be too complex for a developer to be able to use easily. Complexity Includes:</p> <ul style="list-style-type: none"> -Three different fee areas - Dozens of combinations of base vs. ZIP maximum intensity. -Tables describing the amount of benefits are confusing to use the way they are currently presented. 	<p>These are the zones/height areas that are appropriate for these areas. In implementation it will not be complicated, it will be mapped for each parcel. We are also revising the Tables.</p>
Ronak Davé Okoye, SPUR	Letter regarding the ZIP	29-Mar-23	ZIP	<p>The ZIP is too complex and will be hard for the city to implement. There are too many zones and fee levels, making it difficult for city staff and developers to understand it without copious training and support. These complexities will delay implementation of the ZIP.</p>	<p>These are the zones/height areas that are appropriate for these areas. In implementation it will not be complicated, it will be mapped for each parcel.</p>
Peter Ziblatt	Konveio	28-Jul-22	9. Draft Base Height and Intensity Area Map - Maximum Intensity for Projects Not Participating in the Zoning Incentive Program; Intensity Area #6 on Pg. 1	<p>This exhibit is inconsistent with draft table 17.101K.05 Base Height and Intensity Regulations, Height and Intensity Areas 1-11 from the text amendments.</p>	<p>Staff will correct this error and ensure consistency prior to the final draft.</p>

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John Dalrymple and Andreas Culver for the Building and Construction Trades Council of Alameda County (BCTC)	Letter to DOSP: Joanna Winter and William Gilcrest	30-May-23	ZIP Program	Alameda BCTC proposes amendments to the ZIP to establish a point-system wherein a project will qualify for the bonuses under the ZIP upon reaching a minimum required point value. Each "Community Benefit Commitment" is assigned a specified point value. SEE EXHIBITS A and B.	Some community benefits programs, such as Emeryville's, use a point system. To ensure project feasibility and maximizing community benefits, Oakland planning staff instead chose to work with an economist to analyze the actual expected value created by the program incentives and use a portion of the actual anticipated dollar value of the increase as the benefit requirement in order to receive incentives.
Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann, Oakland Heritage Alliance	Letter to the DOSP staff	18-Aug-22	Comments/ Questions to the DOSP working group); Special Meetings with Larger Topics; ZIP	Can city-owned sites be removed from the ZIP program? The City can directly require benefits as a condition of sale or lease of those sites. Can such sites have a separate "civic" designation?	They have been removed from the ZIP. They are now being given their intended height/intensity in the base map.
ZIP-Study-Session	Summary of the ZIP Study Session Notes	29-Mar-23	ZIP Study Session Meeting Notes	Is there an option where every development is required to provide some level of community benefits or in other words, a floor of community benefits applicable to any development?	The floor of community benefits is the tax revenue and impact fees for housing, transportation, and capital benefits. The ZIP benefits would be above that.

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Tiffany Eng, Old Oakland Neighbors / Friends of Lincoln Square Park / Family Friendly Oakland	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	How will we achieve community benefits if no one participates in a voluntary program? Would increase in CIP fees cover costs of all unfunded CIP and transportation projects on the equity scored projects? How big of a bite would it make to our affordable housing goals? I worry it will be more segregated. Developers are building private rooftop parks and bragging about having the largest amount of private outdoor space downtown. I would love more incentives to fund amenities like these instead in public spaces.	All development projects will be required to pay Capital Improvement Impact Fees whether they participate in the ZIP or not, and public parks are included in what these funds can be used for. The benefits provided through the ZIP would be over and above these impact fees, and streetscape improvements - which could include plazas and other public outdoor spaces. Streetscapes are one of the potential community benefits included.
James Vann, CALM, Oakland Tenants Union	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	How does the community achieve "benefits" if developers do not desire additional density?	Development projects are still required to pay affordable housing, transportation, and infrastructure impact fees.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	What would be the relative increase in CIP fees that would go to parks, infrastructure to support that density? Carrying this example all the way through would help identify true community benefits. Are current CIP impact fees (not going into affordable housing) published? If we add that many more units, will there be more money for unfunded parks, and open space projects on the CIP list? Asking because it is currently hard to follow how any impact fees from last boom over last 7 years have benefited CIP projects in the downtown area.	Impact fees are charged by unit, so yes, each additional unit would contribute to additional impact fees. The adopted Capital Improvement Program for 2023 to 2025 shows the impact fees, it is available here: https://stories.opengov.com/oaklandca/published/_4Gyv58vCA_Link Additionally, there is an online map for current CIP projects available here: https://experience.arcgis.com/OPW and Oak DOT CIP - Community Experience Builder (arcgis.com)

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Ronak Davé Okoye, SPUR	Letter regarding the ZIP	29-Mar-23	ZIP	The ZIP analysis assumes that value will be created in the event that rents increase by 20% or more. In essence, this is stating an unfortunate assumption that the downtown area needs to become less affordable in order to obtain community benefits through the ZIP. In addition, developers can pay fees instead of building affordable housing. We urge the DOSP team to reconsider this narrative and the effects it could have on the people of Oakland.	The reality is that right now given construction costs and interest rates, it would require an increase in rents for development to pencil. The 20% in the analysis just represents a variable that changes by 20%; if costs were to go down or subsidies were to be made available from some source, development would also be feasible. This was the analysis, but we agree that there are some other ways that development could become more feasible than it is currently.
Ronak Davé Okoye, SPUR	Letter regarding the ZIP	29-Mar-23	ZIP	The ZIP program should be used to encourage additional community benefits that can't be obtained through impact fees.	We agree. That is the intent of program, along with the priority to provide additional funding for affordable housing.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
<p>1). Eric Arnold, Oakulture, 2). Christopher Buckley, AICP, City Planning Consultant, Oakland Heritage Alliance (OHA), 3). Tiffany Eng of Old Oakland Neighbors and Family Friendly Oakland, 4). Tim Frank, Executive Director of Center for Sustainable Neighborhoods, 5). Hiroko Kurihara Art + Garage District Group, 6). Jeffrey Levin, Policy Director for East Bay Housing Organizations, 7). Naomi Schiff, OHA board member and co-founder of Coalition of Advocates for Lake Merritt, 8). James Vann</p>	<p>Email to LPAB members</p>	<p>23-Aug-22</p>	<p>General (Concerns/ Questions about the Draft Zoning Amendments to members of the ZUC)</p>	<p>Why did the City not “downzone” to encourage more developer participation in providing community benefits?</p>	<p>We cannot downzone to incentivize developers. Both the City and the State have clear goals pertaining to the construction of housing and employment centers in areas that are well-served by transit, such as Downtown Oakland. The City’s goals in these areas are demonstrated in the Draft Housing Element and Equitable Climate Action Plan (ECAP). Oakland is prohibited under State law from reducing the development intensity of residential sites within the Downtown Plan area.</p>

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CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Do we need to max out densities in all the zones to achieve housing production goals of the plan? Or is there a target density below that is the most likely scenario?	The Development Program (describes the Plan’s goals for housing and employment space) is based on anticipated development under the maximum intensity scenario.
ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Community members will be concerned about any revenues that go into the General Fund. Benefits need to accrue to BIPOC and low-income communities to address affordability, homelessness, and displacement. Revenues in the General Fund are not guaranteed to do this.	ZIP funds will be set aside to achieve ZIP goals, not reallocated as part of the General Fund. ZIP residential fees will go to the Affordable Housing Trust Fund, and fees for public realm/streetscape improvements and employment training will go into a fund maintained by Economic and Workforce development for those purposes. The fees will be expended for the purposes described in the Planning Code according to City policy, including Housing & Community Development and the DOSP’s racial equity goals.
ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Consider a single fee instead of three. You would have to go to the lowest common denominator (for example, requiring \$12,000 instead of \$22,000 per unit for housing), but it would be simpler and this amount of precision is unnecessary given that other factors (construction type, size of site) will have more of an impact than the market area.	Planning staff does think this option would be supported by the community because it would leave benefits on the table. Staff believes the issue of multiple fees being confusing to developers will be resolved because the fee areas will be mapped and each parcel will have the relevant fee applied.

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Eric Arnold, Christopher Buckley, Rick DaSilva, Tim Frank, Hiroko Kurihara, Jeff Levine, Naomi Schiff, James Vann	Letter to the DOSP staff	18-Aug-22	General Comments/ Questions to the DOSP working group; Info Requests	Provide a clear explanation of the ZIP process and examples of how the Zip “menu” works, using different base zonings and sample projects. For residential projects, compare requirements under State Density Bonus law vs. ZIP for similar numbers of additional units or for concessions on height, intensity, etc.	This analysis and explanation were provided by our consultant HEG. The document was provided to the CAG and is available on the DOSP web page: Comparison of ZIP and Density Bonus Housing Outcomes.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Would part of the proposal value capture and refund money back to the developer. If so, would the City agree to that policy because they utilize the impact fees? Am I misunderstanding? The impact fees were applied to the basic development is that correct?	There is no refund to a developer. The increased development capacity under the ZIP is a benefit to the developer minus the cost of the land that would increase as well, and the City would require that a portion of this increased value be used for community benefits. Under the ZIP all of impact fees would be paid. Under SDB impact fees would not be collected by the City. SDB is oriented toward lowering the cost of housing. If a developer doesn’t do SDB, they pay affordable housing impact fees, transportation fees, etc. If they do SDB, they don’t pay affordable housing impact fees, but pay other impact fees.
Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP - Draft Zoning Amendments and ZIP	Fees for affordable housing should be deposited directly to the Affordable Housing Trust Fund	ZIP fees for affordable housing will be deposited directly to the Affordable Housing Trust Fund.

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Jeff Levin, East Bay Housing Organizations (EBHO)	Letter to ZUC	10-May-23	DOSP - Draft Zoning Amendments and ZIP	Fees for affordable housing should be restricted to assist affordable housing developments in the DOSP area or in any area designated by the California Tax Credit Allocation Committee as “highest opportunity” or “high opportunity.”	Fees for affordable housing will be prioritized for use in the DOSP area to preserve, protect and produce affordable housing production to maintain downtown as a mixed-income community. Ultimately, they will be allocated according to the City's housing strategy and related racial equity goals.
Jeff Levin, EBHO	Letter to ZUC	10-May-23	DOSP Zoning Amendments and ZIP	(Table 17.101K.14 on page 28) should be revised to clearly state that the existing Affordable Housing Impact Fee applies to the incremental units and not just the base units. Similar language is needed to ensure that nonresidential projects are subject to the Jobs/Housing Linkage Fee for the entire project including the incremental square footage obtained through the ZIP.	This information will be included in the Impact Fee section of the Oakland Municipal Code, with a reference in the Planning Code.

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Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
Oakland Heritage Alliance (OHA)	Letter to LPAB	28-Aug-22	General (Comments about the TDR/ ZIP Program)	<p>1. The base intensities are probably too high for either the Zoning Incentive Program (ZIP) or Transferable Development Rights (TDR) program to incentivize developers to use them. There must be strategic downzoning, not just more up zonings. 2). Integrate the DOSP provisions with those of the Lake Merritt BART/Chinatown and Broadway Valdez Specific Plan areas, especially the TDR program and ZIP.</p>	<p>1). Per state law, the City cannot reduce base intensities without meaningful increases elsewhere; increasing the permitted FAR and Density in areas that already have no maximum height limits would not be considered a meaningful increase in intensity. Reducing zoning to levels below current intensity essentially would make participation in the ZIP mandatory to achieve what is allowed now by right. This is not legal under SB 8 and SB 330. Staff has not proposed a significant increase in development intensity in historic districts with a consistent height context. Intensity has been increased to allow for context-sensitive development on vacant lots, small context-sensitive additions, and development of lots with non-historic resource buildings that fit the character of these areas. This provides additional development capacity for historic buildings that they may trade in return for funds to help preserve their buildings through the TDR program. If heights were lowered, the TDR option would be removed for one of Oakland’s most iconic historic districts. Staff therefore does not recommend reducing these heights.2). This is outside scope of DOSP but can be done as part of Land Use and Transportation Element updates to the General Plan, which are expected to kick off in Spring 2024.</p>

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Oakland Heritage Alliance (OHA)	Letter to LPAB	8-Aug-22	General Comments about the ZIP Program	Tables 17.101K.09 and .10 – The number of market rate units allowed for each affordable unit is too generous. Delete streetscape, open space, and flood control improvements from the ZIP.	<p>1) The table was phrased incorrectly and has been fixed.</p> <p>2) Direction from the ZUC was clear that if anything the list of benefits should be expanded and a catch-all benefit category included. The list is reflective of community input received during the DOSP process. To clarify, flood control improvements are not site-specific; those would be required independent of participation in the ZIP.</p>
Oakland Heritage Alliance (OHA)	Letter to LPAB	28-Aug-22	General Comments about the ZIP program	For ZIP bonuses, always require affordable residential units like Emeryville’s program or, for nonresidential projects, rent-restricted ground floor space.	<p>The ZIP will allow developers to choose from a list of benefits that serve to improve the livability, affordability, and economic vitality of downtown. Some of these include services that the City otherwise has no other mechanism to fund, such as on-site public restrooms. Requiring other benefits might preclude these. Maintaining affordable housing and below market ground floor commercial space in downtown will help reduce displacement of Oaklanders; a primary goal of the DOSP. The City received feedback that affordable units should be provided via fees rather than provided on site, and that affordable housing is a high priority. On-site housing is no longer proposed as an option for the ZIP: instead, 50% of all fees taken in through the ZIP are proposed to be allocated for affordable housing.</p>

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ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meeting notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Consider a simple table like Emeryville's, which has far fewer combinations of base and outcome. [Note: Emeryville's program was not based on a value capture analysis.]	DOSP staff investigated Emeryville's program and met with the City of Emeryville. Their program is constructed very differently and is not based on economic analysis but a point system. The DOSP ZIP program is based on value capture and the economic realities of Oakland. In addition, Emeryville's program covers a significantly smaller geography. The high number of base and ZIP maximum combinations is a result of the existing zoning that makes up the base and the varied height and intensities needed throughout the downtown. The different markets in different areas also result in different potential profit margins and value increases. While it is complex, the ZIP intensities are based on fine-grained mapping, and are the ones that Planning staff believe are most appropriate for the character of each area. In addition, this will all be shown on the City's interactive zoning map, so it will be simple to see the base and ZIP maximum for any given parcel.

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ZIP-TAC-Meeting Summary	Summary of the Zoning Program Technical Review meetings notes	15-Mar-23	Downtown Oakland Zoning Program Technical Review Meeting Notes - ZIP	Consider requiring the benefits for residential buildings be provided as housing and allowing non-residential projects to choose the other benefits. Another option would be to reserve the incentive program for all the non-housing benefits while increasing Affordable Housing Impact Fee.	In response to feedback, Staff has revised the ZIP proposal to require that the ZIP housing benefit be provided through fees, not on-site. This prevents double-counting of on-site units when using the State Density Bonus on top of the ZIP. These funds can then be used to support deeper affordability levels and could be used for new and/or acquisition and rehab affordable projects in the downtown.
Ronak Davé Okoye, SPUR	Letter regarding the ZIP	29-Mar-23	ZIP	The DOSP team should look into the state density bonus and whether it can be applied on top of the increased density allowed by the ZIP.	A developer can choose between the ZIP and Density Bonus program or stack the Density Bonus on top of the ZIP, allowing for a density that, in accordance with State density bonus law, can exceed that studied under the Environmental Impact Report (EIR). The maximum intensity studied in the DOSP EIR is the intensity that can be achieved through the ZIP.

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Coalition of Advocates for Lake Merritt (CALM)	Letter to the ZUC	15-Sep-22	General (Comments/ Questions about rezoning proposals for the ZUC); Interaction with existing fee and bonus programs	<ol style="list-style-type: none"> 1. How does the ZIP Incentive Program interact with the State Density Bonus? Do projects get to use ZIP in lieu of SDB? 2. If a “ZIP” program is to provide real incentives to gain additional development potential, the “base zoning” must be structured so that developers will willingly seek additional intensity in exchange for additional community benefits in order to gain a parcel’s maximum potential, or to gain additional desired development. 3. An unwieldy and unpredictable “ZIP” program must be balanced against a comprehensive program that assigns desired zoning together with a mandatory menu of applicable benefits – which is the desired algorithm for developers. Developers prefer to know ‘up front’ what the requirements of development are – which can then be input in their ‘proforma,’ in order to determine in advance whether a proposed project is or is not "financially feasible." 	<ol style="list-style-type: none"> 1. The ZIP may be used independently of or addition to the State Density Bonus program (if the latter, the ZIP must be applied before the SDB). 2. The base intensity is the existing zoning. Planning staff do not believe State law allows a downzoning of density for the purpose of extracting additional benefits. In some areas this means that there will be less incentive than others. 3. The ZIP is a comprehensive community benefits program that clearly specifies the value of community benefits to be provided for a specified bonus and allows a developer to choose how that benefit is provided from a set menu.

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<p>1). Eric Arnold, BAMBD, CDC; CCED, 2). Christopher Buckley, Oakland Heritage Alliance (Preservation Committee), 3). Ener Chiu, East Bay Asian Local Development Corp., 4). Rick DaSilva, LOH Real Estate + Investments, Chinatown Chamber of Commerce, 5). Tiffany Eng, Old Oakland Neighbors, Friends of Lincoln Square Park, 6). Tim Frank, Center for Sustainable Neighborhoods, 7). Hiroko Kurihara, Arts + Garage District Group (Co-Founder), 8). Jeff Levin, East Bay Housing Organizations (Policy Director, 9). Naomi Schiff, Oakland Heritage Alliance (Board Member), 10).</p>	<p>Letter to the DOSP CAG members</p>	<p>Received on September 19th, 2022. Written on September 16th, 2022</p>	<p>General (Questions about the Draft Zoning Amendments)</p>	<p>1. Where is equity in the Zoning Incentive Program (ZIP)? If the ZIP is used, will the share of affordable housing units go up or down? The current ZIP plan must place higher priority on demonstrably achieving affordability and anti-displacement goals. Otherwise, the recent trend towards an all-white, elite citizenry for Downtown is assured.</p> <p>2. Does the ZIP program provide useful incentives yielding effective community benefits? How does the voluntary ZIP assure that there will be any affordable units, affordable ground floor spaces, open spaces, or other key community benefits?</p> <p>3. How can we ensure that in-lieu fees are being expended properly? We must obtain data on how these have been calculated, and how they are expended and ensure accountability.</p>	<p>1. If the ZIP is used, the share of affordable housing units and/or fees would go up, as would the total number. The ZIP allows for use of the SDB, which specifically requires on-site affordable housing, and the ZIP requires that the developer provide benefits; with affordable housing being one of the benefits. This is in addition to Affordable Housing Impact Fees, which would be levied on units produced through the ZIP. Additionally, the increase in development contributes to increases in ongoing tax revenue that provide affordable housing Boomerang funds and increases in the one-time affordable housing impact fee. By allowing increased density, housing capacity overall would go up, reducing the pressure that is currently on the limited/existing housing stock, and making it more viable for Oaklanders to avoid displacement.</p> <p>2. Yes, the program allows for increased intensity in exchange for community benefits including each of those listed. This is in addition to required impact fees for affordable housing and capital improvements. Because the program must be voluntary, there is no guarantee that community benefits, such as affordable commercial space or public restrooms will be provided, however, staff has structured the program to incentivize its use.</p> <p>3. In-lieu fees dedicated to affordable</p>

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James Vann, Oakland Tenants Union					housing would be transferred to the City’s Affordable Housing Trust Fund. In-lieu fees dedicated to employment would go to supplement the City’s existing employment programs. In-lieu fees dedicated to public realm/streetscape improvements would go to Economic and Workforce Development to develop such improvements. All of these will be expended following the City and DOSP’s racial equity policies. Use of these funds will be tracked.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP Zoning Amendments	Every development should contribute to affordable housing	Every development pays an Affordable Housing Impact Fee (or provides affordable units on site). The optional ZIP housing would be in addition to this requirement.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP Zoning Amendments	Affordable housing is the primary concern of community members	The ZIP and zoning amendments are only one small part of the DOSP’s housing strategy, which includes mechanisms such as impact fees, an Enhanced Infrastructure Financing District (EIFD), an affordable housing infrastructure bond (underway), and General Fund revenues increased with new development. The ZIP is an effort to ensure that some of this housing is built downtown.
CAG Member/s	CAG Meeting	19-Sep-22	DOSP Zoning Amendments	Concern that uses of ZIP and Density Bonus will generate very tall buildings	The ZIP areas have been designated where tall buildings and high residential density is most appropriate. Other areas with a consistent historic height context, such as some Areas of Primary Importance, are not included in the ZIP boundaries or have been designated lower height and intensity areas.

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Mary Harper, OHA	Public Meeting: Landmarks Preservation Advisory Board	29-Aug-22	DOSP Zoning Amendments	<p>(1) For the ZIP program, affordable housing and below market commercial space are most important; concerned that developers could provide less affordable housing.</p> <p>(2) The number of affordable units needs to be increased.</p> <p>(3) Civic sites should not be included; it seems to appear to incentivize the City to sell off its sites.</p>	<p>1) Affordable housing and below market commercial space are priorities for most commentators. Planning staff have proposed a change that requires developers to pay fees rather than provide on-site units to fund more deeply affordable units and prevent double counting of on-site units when using the State Density Bonus in addition to, (or “on top of”) the ZIP, if they elect housing as a ZIP benefit. Staff have proposed that most of the ZIP in lieu fees be used for affordable housing.</p> <p>2) Confusing labeling on the ZIP benefits table was published, which caused many people to believe that far less affordable housing would be required than in reality (the amount required was per market rate unit, but this was not clear). This has been fixed in recent materials and the final Planning Code.</p> <p>The ZIP is based on the idea that the City is creating additional value for a developer, by allowing a project to build density beyond that allowed by-right, and the community is entitled to a portion of that additional value. So, the value of the community benefits, or in-lieu fees a development project must provide in order to achieve a zoning incentive; are a portion of the additional value to the project. That additional value is estimated based on the increase in residential units or non-residential floor area over what a project</p>

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					<p>would be allowed to build by right according to existing or “Base” zoning. The methodology is described in the Economic Report.</p> <p>3) The City has removed the Fire Alarm Building and Main Library, both City-owned sites, from the ZIP boundaries. Oakland does not have a “Civic” zoning designation; City-owned sites occur throughout Oakland and are zoned for the appropriate use in that location, typically allowing for civic activities. The City often leases or develops its properties rather than selling them; this is done in such a way as to maximize public benefit.</p>
CAG Member/s	CAG Meeting	19-Sep-22		Confusion about why the ZIP fees/requirements (e.g., for affordable housing) are so low relative to the need.	The ZIP fees are not based on impact or need. They are based on the value created by allowing additional intensity, and the amount able to be captured for community benefits.
Board Member Johnson, Landmarks Advisory Board (LPAB)	Public Meeting: Landmarks Preservation Advisory Board	29-Aug-22	DOSP - Draft Zoning Amendments	(1) Concerns around the ZIP in-lieu fees, the cost doesn’t seem to match. (2) Would like Staff to come back to LPAB and talk about the API and the ASI.	<p>1). The proposed ZIP fees are structurally based on a percentage of the value created by allowing increased development intensity under the ZIP. The fees will be equivalent to the costs a developer would pay to provide on-site benefits.</p> <p>2). Staff plan to return to LPAB May 2024.</p>

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CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Confusion about how the ZIP and Density Bonus programs interact if a developer does both.	A developer would apply the ZIP first and get its bonus, then apply the State density bonus to the total units generated under the ZIP. Impact fees would be paid on the ZIP units, not on the Density Bonus units, generating far more impact fees than under the base/existing regulations.

Public Comments of the DOSP Draft Zoning Amendments, 2022 – 2024

Name, Organization and/or Chalkboard Location	Source	Date	Document and Location	Comment or Question	Response
CAG Member/s	CAG Meeting	19-Sep-22	DOSP - Draft Zoning Amendments	Need clarity on how many units would be built under different scenarios	<p>Additional economic analysis prepared by Hausrath Economics Group (HEG) to help decisionmakers understand the likelihood of a developer opting to utilize the ZIP, the State Density Bonus or both, as well as potential impacts under these different scenarios to desired outcomes, such as density/total housing units and affordable housing funds and/or units. Under a base zoning scenario 4,489 units would be built and \$120M would be generated as affordable housing impact fees (AHIF), no affordable housing would be required. Under the ZIP 9,875 units would be built, with 117 of the units being very low income, \$140 AHIF would be generated and there would be a 123% increase of revenue to the Affordable Housing Boomerang Fund. Under the SDB a total of 5,393 units would be built, 223 would be very low income, no AHIFs would be generated, and the increase of Boomerang funds would be 21%. Key findings are that the SDB requires more on-site affordable housing, but because the ZIP generates more total housing units due to higher density potential, it can generate substantially more revenue for affordable housing, including through impact fees, tax revenues and boomerang funds for the Affordable Housing Trust Fund. These funds can be leveraged for more units and deeper subsidies than on-site units.</p>