

# **DOWNTOWN OAKLAND SPECIFIC PLAN (DOSP)**

**Zoning Amendments & Environmental Impact Report (EIR)**

**Planning Commission**

**June 5, 2024**





# Presentation

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- **Brief Recap of DOSP & Process**
- **General Plan Amendments**
- **Zoning Amendments**
- **Environmental Impact Report**
- **Responses to May 15<sup>th</sup> Planning Commission Questions**

### 3 | OVERALL PROCESS & TIMELINE

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#### Project Initiation

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

#### Plan Drafting & Iteration

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



#### Racial Equity Re-Launch

Interviews & Focus Groups  
Disparity Analysis  
Expanded Outreach & CAG Membership  
Social Equity Working Groups & Creative Solutions Labs  
Accessibility Survey Collaboration with Senior and Disability Advocates

#### Final Plan, Zoning & Adoption

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

# 4 | COMMUNITY INVOLVEMENT



Project Initiation



Plan Drafting & Iteration



2015-2016

2017-2018

2018-2019

2020-2023



Racial Equity Re-Launch



Final Plan, Zoning & Adoption





## 5 | PLAN REVISIONS & ZONING DEVELOPMENT 2019-2024

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### Public Review Draft Plan

Public meetings, pop-ups at community events

LPAB, Cultural Affairs Commission, PRAC, BPAC,  
Commission on Aging, MCPD, Library Commission, ZUC &  
Planning Commission meetings

4 CAG meetings: Review of Preliminary Draft comments,  
implementation, how feedback has been incorporated,  
initial ZIP feasibility study

### Zoning Drafting & Review

3 community meetings on zoning topics, online survey,  
targeted meetings w/BAMBD, Chinatown & Jack London

2 LPAB & 3 ZUC meetings

3 CAG meetings: Zoning, policy objectives & affordable  
housing/ZIP study session



2019-2020

2020-2021

2021-2023

2024

### Plan & CEQA Revision & ZIP Analysis

Reviewing community comments & revising Plan & EIR

Economic analysis for Zoning Incentive Program (ZIP)

3 CAG meetings: Community benefits prioritization, ZIP  
structure and benefits, housing & implementation  
strategies

### Zoning Revisions & Adoption

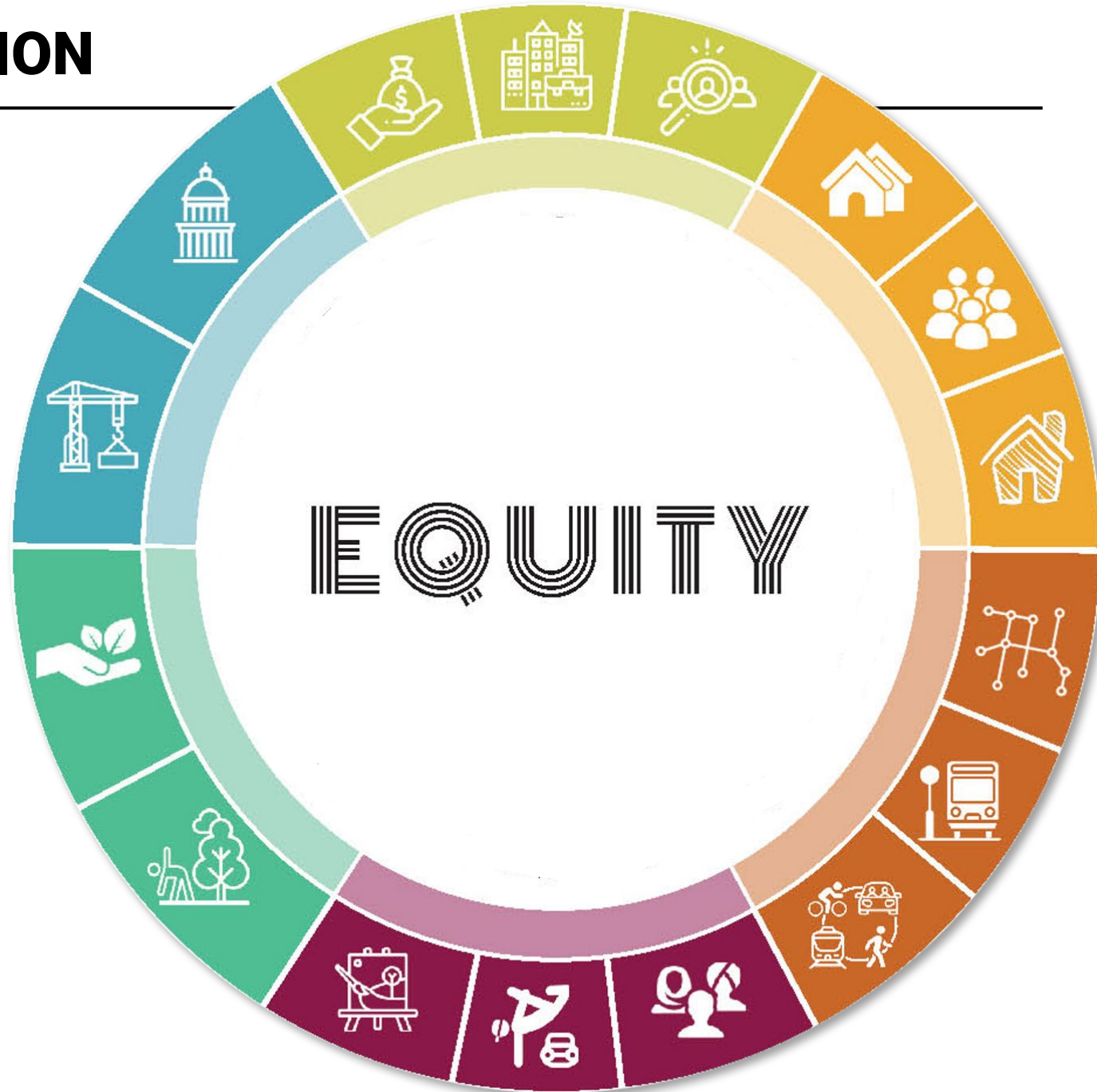
LPAB meeting, 2 Planning Commission meetings

2 CAG meetings: plan & zoning

Adoption hearings: CED & Council

## 6 | RECAP: PLAN GOALS & VISION

- Economic Opportunity
- Housing & Homelessness
- Mobility
- Culture Keeping
- Community Health & Sustainability
- Land Use
- Implementation & Engagement





# 7 | RECAP: HOW WILL THE DOSP ACHIEVE THESE GOALS?

## DOSP Contains:

- Policy that all City actions must be consistent with
- Process for inclusive implementation and ongoing engagement
- A detailed work plan (Implementation Matrix)
- Outcomes monitoring

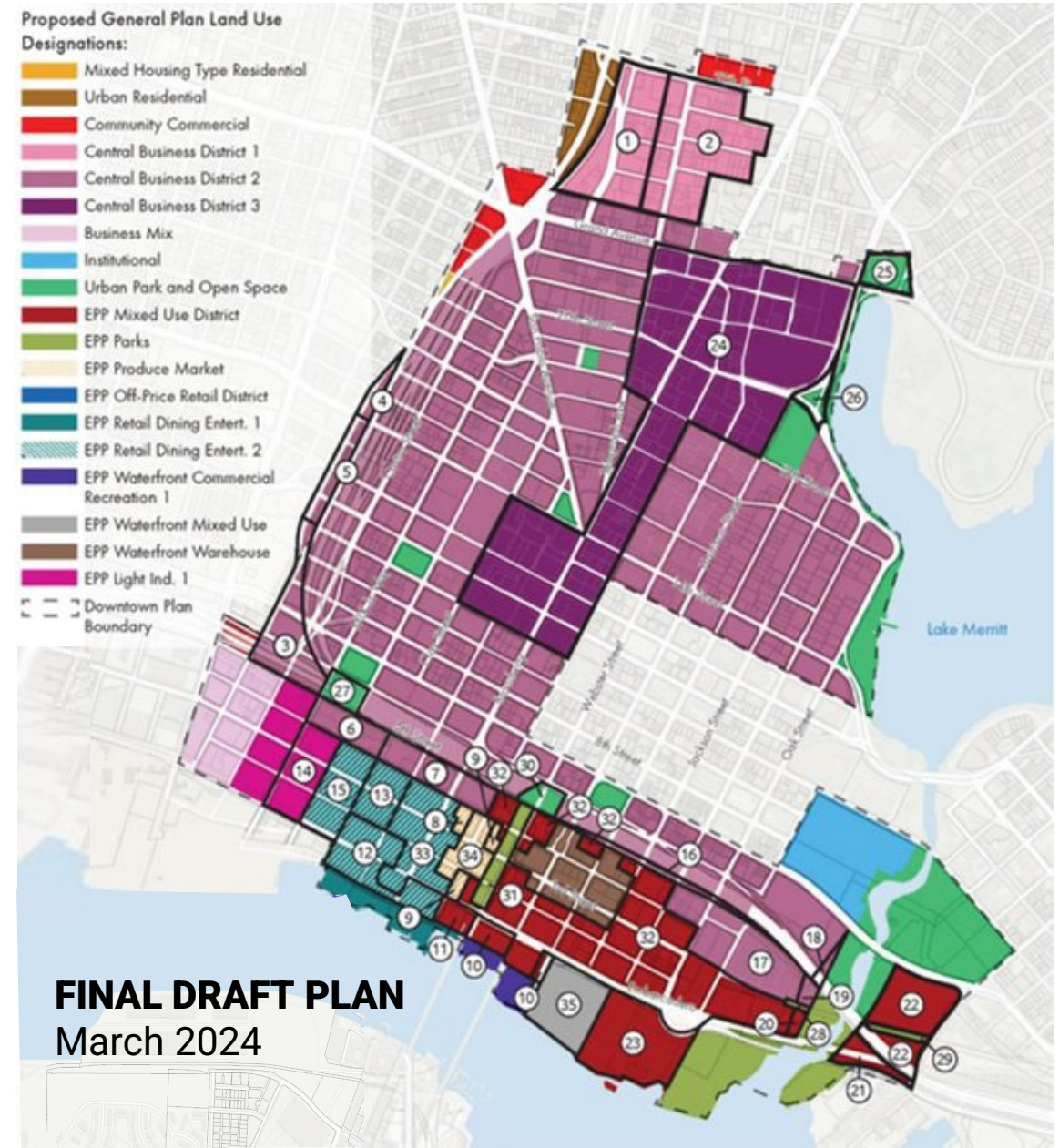
## Immediate and concurrent actions to be adopted with the Plan:

- General Plan Amendments
- Zoning Map and Planning Amendments
- Final Environmental Impact Report (EIR)



## 8 | GENERAL PLAN AMENDMENTS: OVERVIEW

- Split the “Central Business District (CBD)” General Plan designation into three different CBD General Plan categories with three corresponding levels of development intensity
- Increase the amount of land designated as Central Business District (“CBD”)
- Reclassify some parcels (just south of I-880) under the EPP Land Use designations
- Minor changes to intensity (consistent with the 2023 General Plan Update amendments)





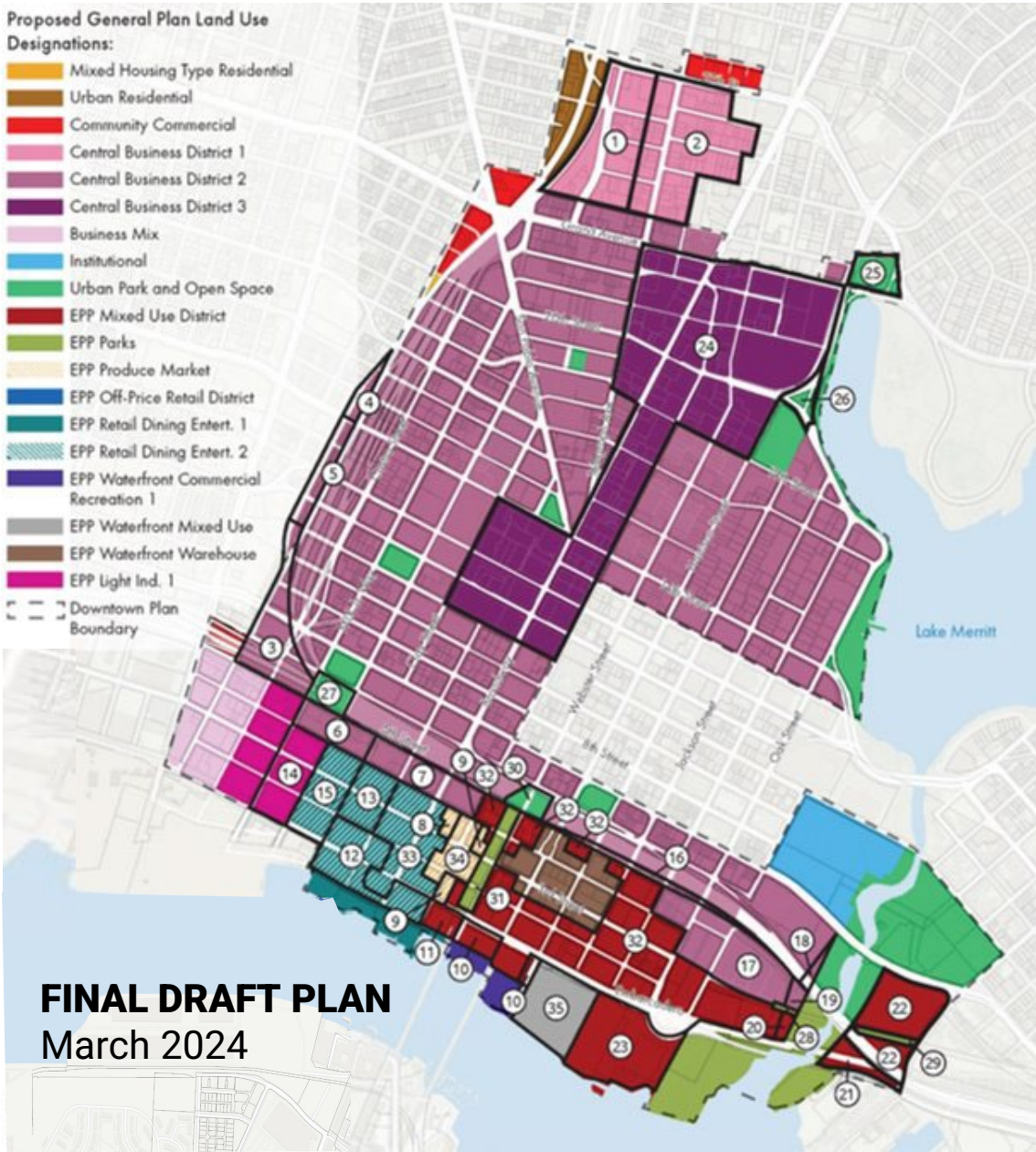
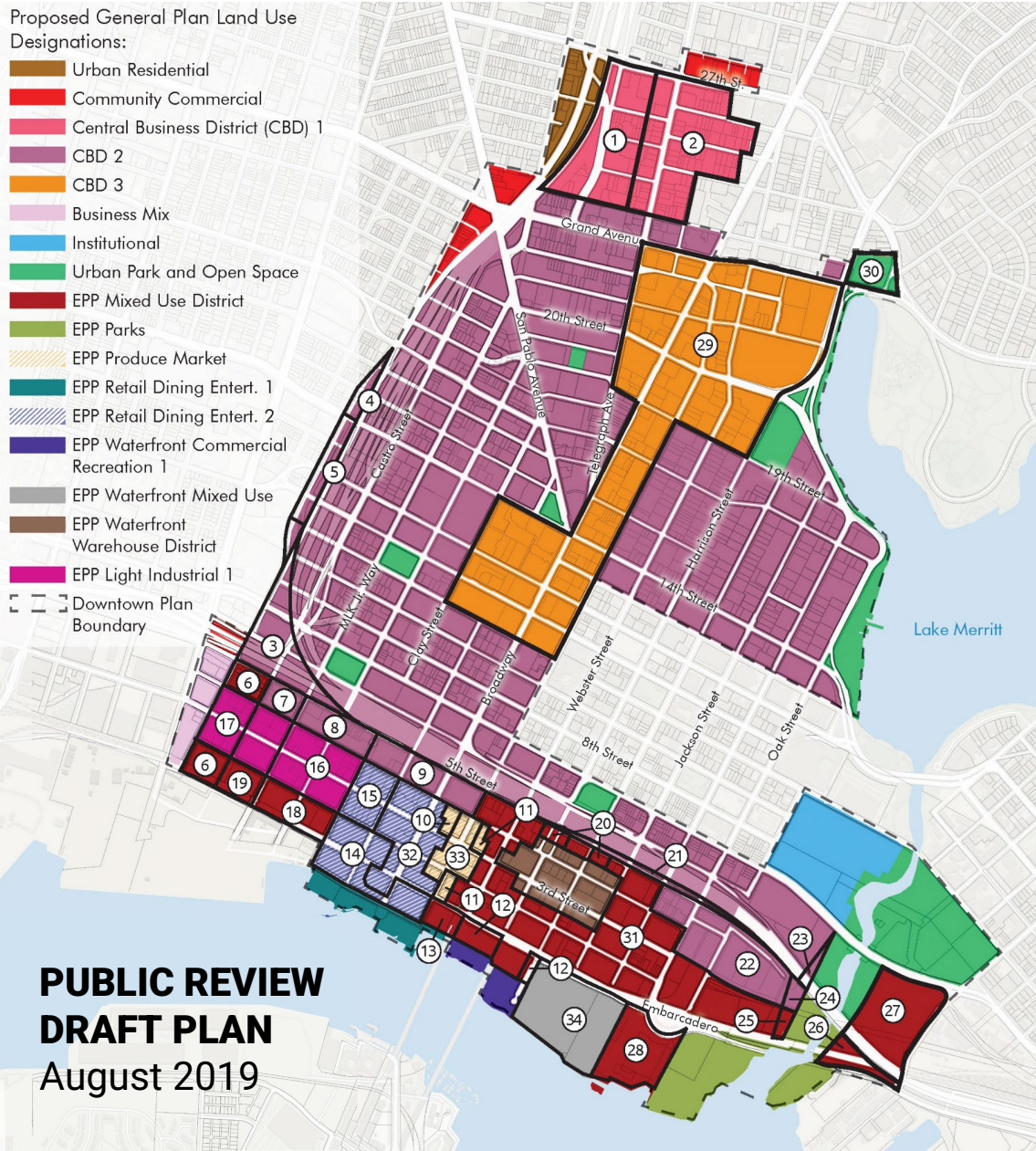
## 9 | GENERAL PLAN AMENDMENTS: *CHANGES SINCE 2019 DRAFT*

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- **Removes Howard Terminal as a Transitional Opportunity Area**
- **Land Use Changes**
  - Two areas; along 6th Street between MLK Jr. Way and Jefferson, and along 6th Street between Webster and Franklin, were identified in the 2019 Draft as Central Business District 2 and are now Urban Park and Open Space
  - Four blocks, including an EPP Mixed Use District (between 5th and 4th Street, and between 2nd and Embarcadero West) and EPP Light Industry 1 (between 4th and 2nd streets) have been changed to Business Mix
  - South of 2nd Street to Embarcadero West from MLK Jr. Way to Jefferson was EPP Mixed Use District and is now EPP Light Industry 1
  - South of 4th Street to Embarcadero West was EPP Mixed Use District/EPP Light Industry 1 and is now Retail Dining Entertainment 2
  - Along Webster Street south of the I-880, all the way to Water Street has been changed from EPP Mixed Use District to EPP Parks
  - South of 880 on Harrison Street and south of 880 on Alice Street has been changed from Mixed Use District to EPP Waterfront Warehouse District
  - South of Embarcadero West between Madison Street to Estuary Park has been changed EPP Waterfront Mixed Use to EPP Mixed Use District west of the Portobello Marina
  - Increase in overall number of blocks to seven that are designated Industrial west of Broadway
- **Development Program: increase in flex industrial square footage and removal of opportunity sites in response to public feedback**



# 10 | GENERAL PLAN AMENDMENTS: OVERVIEW AND CHANGES





# 11 | ZONING: DOSP GOALS & ZONING STRATEGIES

DOSP Objective	Zoning Approach
Economic Opportunity	<ul style="list-style-type: none"> <li>Flexibility in ground floor uses</li> <li>Employment priority overlay zone</li> <li>Preservation of industrial land &amp; industrial transition in western Jack London, R&amp;D uses in central core</li> <li>Zoning Incentive Program below market-rate commercial space benefit</li> </ul>
Housing & Homelessness	<ul style="list-style-type: none"> <li>Increased residential density with community benefits, including affordable housing funds</li> <li>Allowing high-density residential in Victory Court (South Jack London Area) with sea level rise adaptation</li> <li>Permitting high-density efficiency units and work/live units</li> </ul>
Mobility, Safety & Connectivity	<ul style="list-style-type: none"> <li>Green Loop pedestrian/bicycle/landscaping infrastructure improvements</li> <li>Freeway zones to improve pedestrian experience</li> <li>Infrastructure improvements (primarily implemented by DOT)</li> </ul>
Culture Keeping	<ul style="list-style-type: none"> <li>BAMBD Arts &amp; Culture overlay zone to support a thriving district with concentration of relevant activities</li> <li>Arts &amp; Garage District zoning to protect artists &amp; small-scale manufacturers</li> <li>Relaxed rules to permit entertainment and performance venues, revised process for alcohol permits</li> <li>Permitting artisan production commercial activities by right</li> </ul>
Community Health & Sustainability	<ul style="list-style-type: none"> <li>Sea Level Rise overlay zone to require large scale comprehensive sea level rise adaptation plans</li> <li>Green Loop to encourage walking, biking, and use of green/recreational space</li> <li>Standards to protect Lake Merritt Channel for nature and recreation</li> </ul>
Land Use & Urban Form	<ul style="list-style-type: none"> <li>Revised design standards for towers, storefronts, Green Loop and other key frontages</li> <li>Trading of development rights (TDR) program to preserve historic buildings</li> </ul>

# 12 | ZONING: OVERVIEW

## ***Updated Land Use Activity Regulations***

- Zoning Map
- Activities Table

## ***Updated Development Standards***

- Zoning Incentive Program
- Transfer of Development Rights Program
- Increased height, density and floor area ratio (FAR) in ZIP areas

## ***Updates to Downtown Core Districts***

- Mixed-Use, Commercial, and Pedestrian Downtown Core Districts

## ***New Special Districts***

- Sea Level Rise Overlay
- BAMBD Arts & Culture Overlay
- Employment Priority Sites
- Green Loop & Lake Merritt Channel
- Freeway zones to activate underpasses



# 13 | ZONING: CHANGES TO ACTIVITIES TABLE

## *Highlights*

- Relaxed ground floor and entertainment restrictions
- New land use activities such as Artisan Production and Boat and Marine-Related activities
- “Artisan Production” commercial use allowed by right throughout the downtown (adopted for GPU Phase 1 amendments)
- Reduced restrictions for Group Assembly Commercial activities
- Reserve work/live units for active commercial uses

## *Changes since Draft*

- Clarifying/allowing Research Services
- Conversion of alcohol CUP to special permit
- 6’ required landscape setbacks for residential facilities
- Reducing boundary of D-DT-P the most restrictive pedestrian-oriented zone
- CUP required for large office uses greater than 10,000 sf. in the Produce Market area or Art + Garage District (AGD) Zone
- Added a setback required for upper-story additions in the AGD and Produce Market zones
- In AGD, permitting restaurants in shared cultural space, auto repair or manufacturing (previous proposal permitted with occupation below 50% of total floor)

## 14 | ZONING: ZONING INCENTIVE PROGRAM

### Highlights

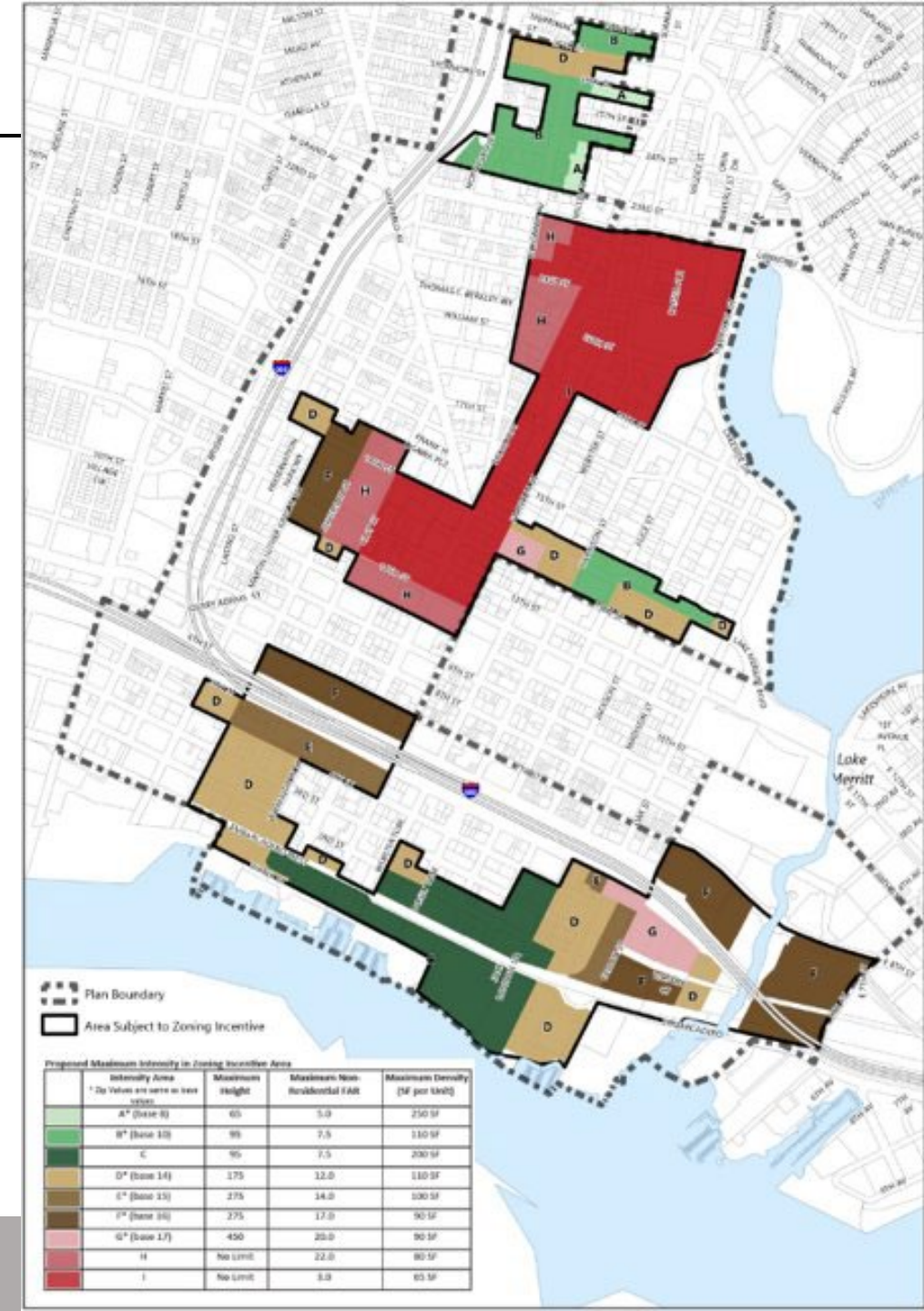
- Developers provide community benefits in exchange for increases in allowable building height, density and/or FAR. The amount of benefit is set by the zoning, based on a financial analysis of the value to be created by the additional development capacity.
- Benefits to be provided through the ZIP can either be built on site or provided through fees, in any combination that meets the total amount of required:
  - **On-Site Benefits:** Below market-rate (50%) ground floor commercial space, Streetscape improvements, and Public restrooms
  - **In-Lieu Fee:** 50% toward preservation, protection and production of affordable housing, 25% toward streetscape improvements, 25% toward employment training, including a set-aside for construction training and apprenticeships
- Density bonus can be used “on top of” or after the ZIP program
- Benefit amount based on analysis of value capture, including sensitivity analysis based on changed economic conditions
- Hausrath Economic Group (HEG) ZIP Economic Analysis & Technical Appendix
  - Peer reviewed by urban economics and affordable housing development experts: EWD Department, SPUR, Economic & Planning Systems, East Bay Housing Organizations (EBHO) and Street Level Advisors



# 15 | ZONING: ZONING INCENTIVE PROGRAM






## Changes since Draft

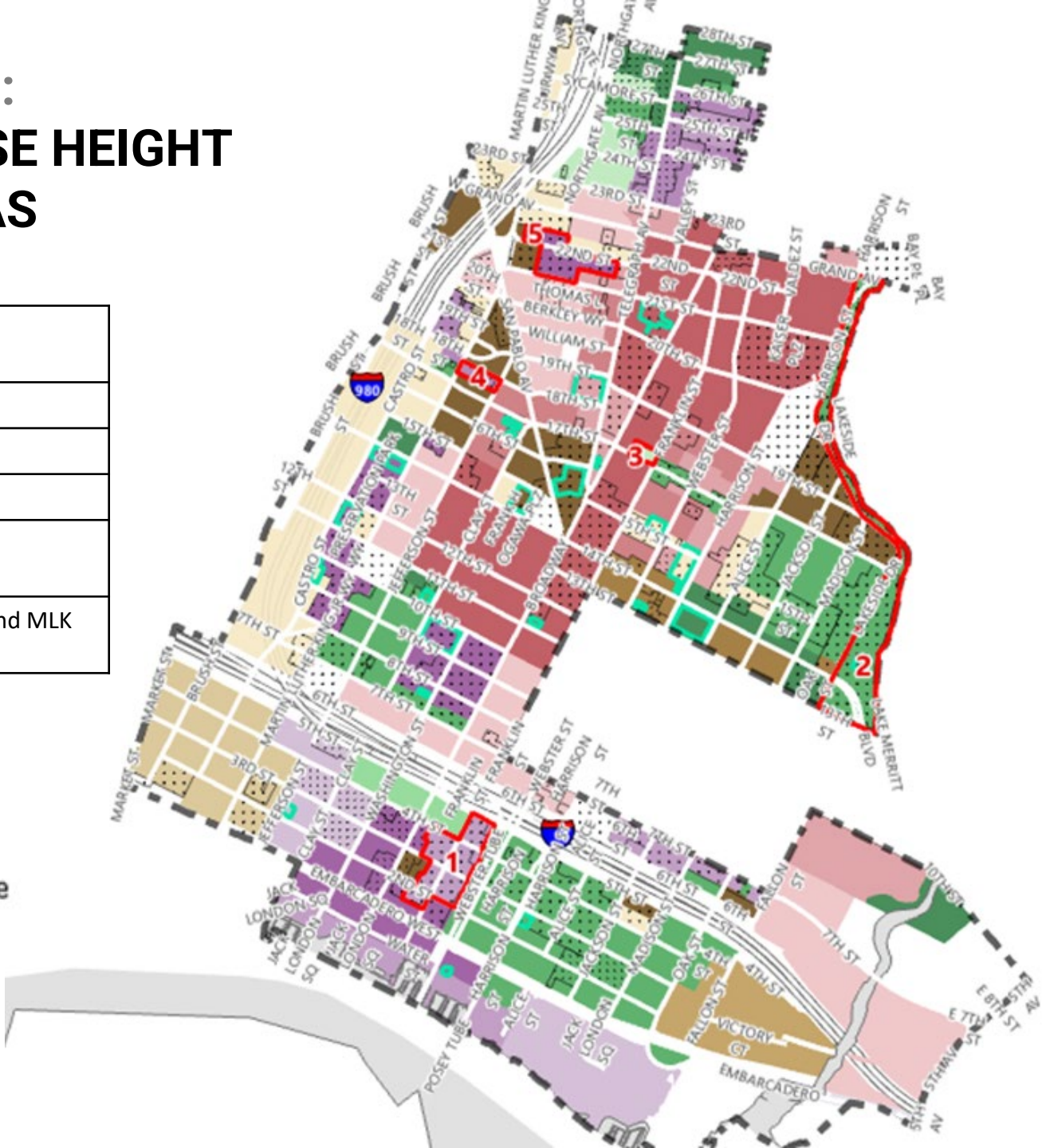
- Changes to ZIP Boundary; removed the Fire Alarm Building, Main Library and the Floral Depot Building
- Changes to maximum height and intensity areas: mostly targeted reductions to base height and intensity areas for historic preservation
- Simplified ZIP Benefits Table
- Require that the affordable housing ZIP benefit be provided as a fee (eliminating the 10% on-site discount)
- Allocation of ZIP fees
- Allowing only 50% of the ZIP maximum height and density to be provided through the TDR program





















# 16 | ZONING MAPS: REVISIONS TO BASE HEIGHT & INTENSITY AREAS

Map Label	Base Height Area Revision
1	Produce Market: from 5 to 3
2	Gold Coast: from 10 to 8
3	Franklin & 17th St: from 5 to 4
4	18th Street between MLK and Jefferson: from 18 to 6
5	22nd St. Between Telegraph and MLK from: 8 to 5

-  National Register
-  Areas of Primary Importance
-  Areas of Secondary Importance
-  Plan Boundary
-  Revisions



	Intensity Area	Maximum Height
	1	45
	2	45
	3	45
	4	45
	5	55
	6	65
	7	65
	8	65
	9	95
	10	95
	11	95
	12	135
	13	175
	14	175
	15	275
	16	275
	17	450
	18	No Limit



# 17| ZONING: TRANSFER OF DEVELOPMENT RIGHTS

## Highlights

- Incentivizes the protection of historic buildings by allowing owners to sell unused development rights for historic properties to owners of sites in less historic areas of downtown.
- May include some or all of difference between the existing building's height, density, and/or floor area and the maximum allowed by zoning
- Transfer results in increased dwelling units and/or floor area than would otherwise be permitted at the receiving site
- Agreements are set up privately but approved by the City and recorded with the County
- TDR rights from a single sending site may be transferred as a group to a single receiving site or in separate increments to several receiving sites
- Receiving and sending sites must be within a D-DT Zone:
  - Receiving sites must be in the ZIP, half of development capacity allowed under the ZIP may be achieved through TDR
  - The proposed height and bulk for the receiving site must be consistent with the desired character of the block and area
- Receiving sites granted added density over the base must be in a location permitting Residential, and a receiving site granted added nonresidential floor area over the base must be at a location that permitting Nonresidential

# 18 | ZONING: TRANSFER OF DEVELOPMENT RIGHTS

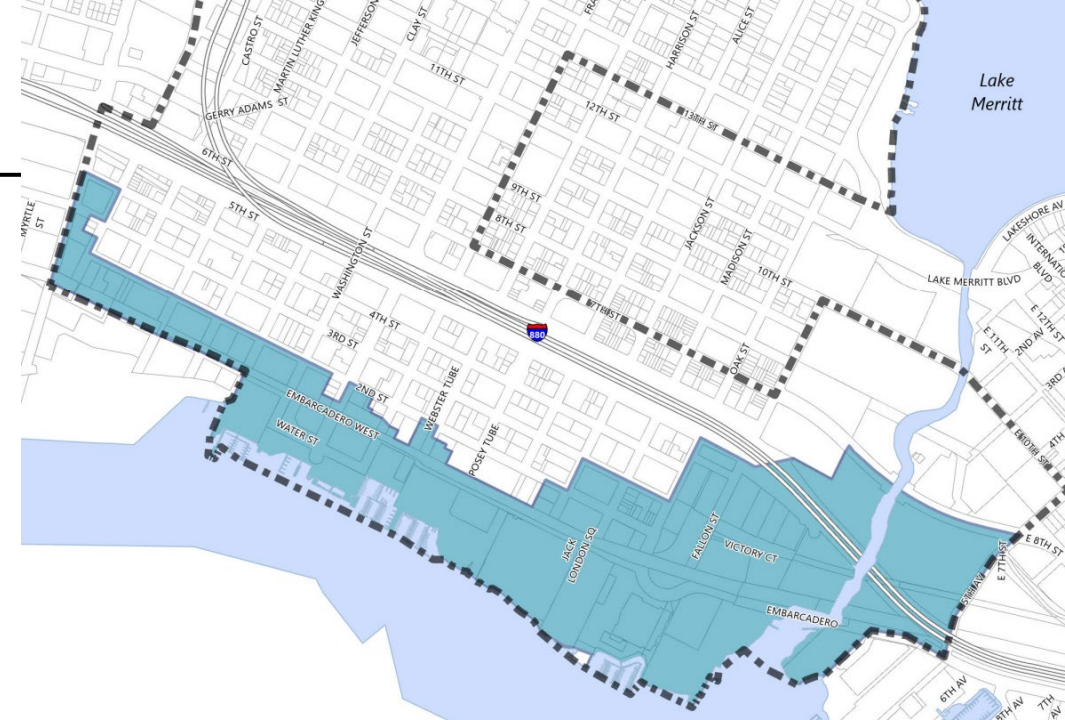
## ***Changes since Draft***

- Expand receiving sites from zones permitting residential uses to all DOSP zones
- Allow standalone “A” or “B” Designated Historic Properties as sending sites
- Replace the requirement for a Conditional Use Permit to trade development rights with requirement for Design Review approval for construction at the receiving site
- Require maintenance agreement for sending site
- Prohibition of the demolition of the principal building at the sending site
- Clarification: the new density for a receiving site establishes the base density for the purpose of the State Density Bonus Law
- Clarification: additional height above the height maximum for the receiving site is based on the average size of dwelling units and can be achieved through the Design Review process



# 19 | ZONING: Special Districts

- **Sea Level Rise Combining Zone:** Requires Adaptation Plans for new construction, including planned unit development (PUD) and infrastructure upgrades in Victory Court.
  - **Changes:** more details on required sea level rise adaptation plans.
- **I-880 Freeway Zoning:** Creates three separate zones within the freeway right-of-way to allow broad uses adjacent to industrial areas while providing a more pedestrian-friendly environment in key pedestrian under-crossings. Prohibits storage uses; requires curb, gutter and landscaping requirements for parking facilities; and encourages Caltrans to allow pop-up stores and recreational uses to activate the spaces under and adjacent to the freeway.
  - No significant changes
- **Employment Priority Sites:** For projects at designated key sites near transit to establish dwelling units, a project must include at least 40% of the maximum non-residential FAR.
  - **Changes:** requirement for non-residential FAR required in order to build residential units reduced from 60% to 40%.





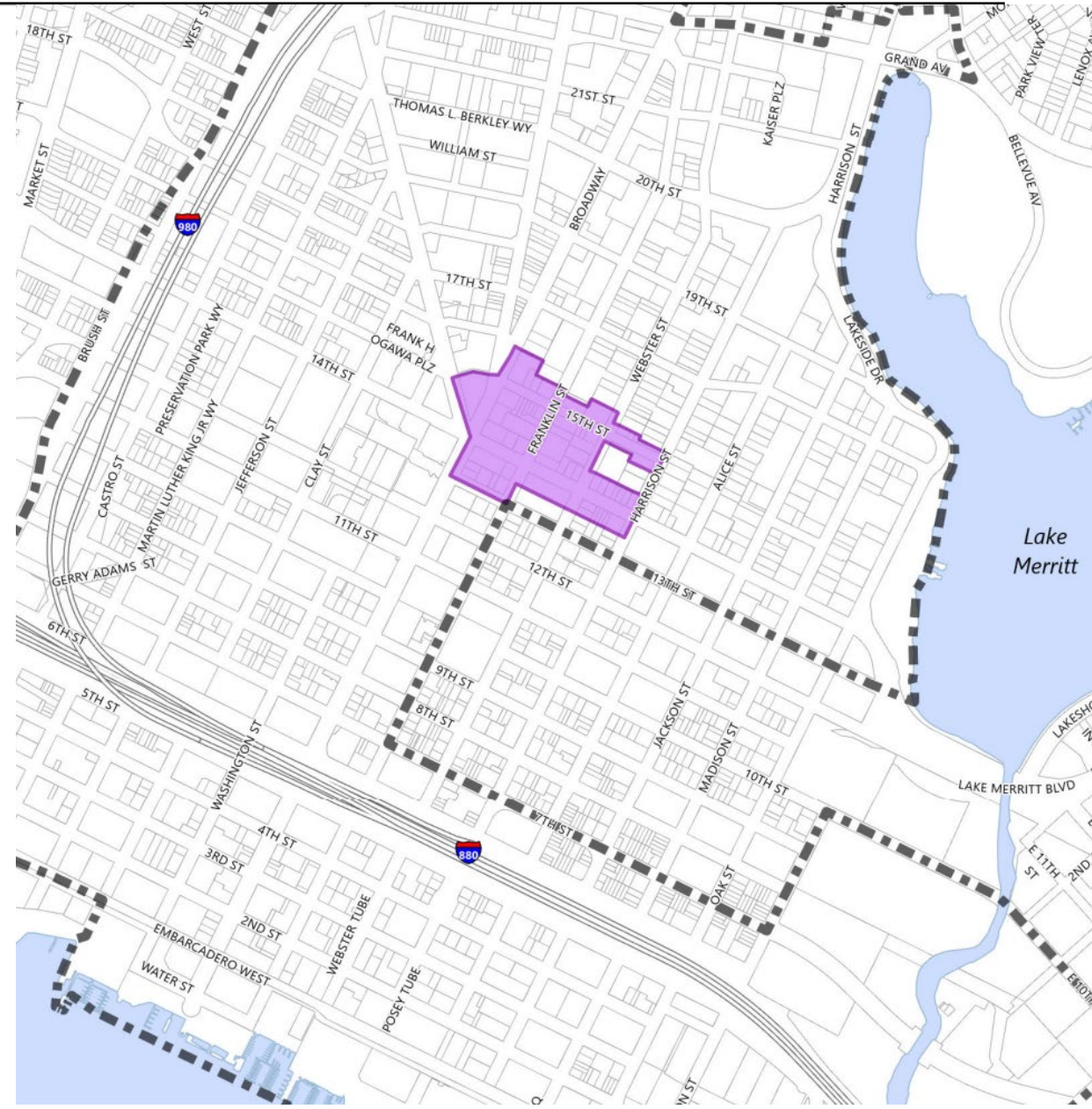
## 20 | ZONING: Special Districts

### Black Arts Movement and Business District (BAMBD) Arts & Culture Combining Zone:

- Subsection of the broader BAMBD
- Definition of BAMBD Arts & Culture activities is broad; includes many cultural businesses and other institutions
- Supported by ZIP below market-rate commercial space benefit & master leasing/tenanting program.

#### *Changes since Draft*

- Applies to an initial pilot area instead of three nodes
- Land use requirements apply to all ground-floor land uses instead of new development only
- Instead of requiring 50% of space be dedicated to BAMBD Arts & Culture activities, *all* ground floor land uses must be BAMBD Arts & Culture Activities to be permitted by right
- Other activities are possible with a minor Conditional Use Permit (CUP)





# 21 | ZONING: Special Districts

## ***Green Loop & Lake Merritt Channel:***

- Requires frontage and landscaping elements along the Green Loop and a minimum 60' landscaped setback from the Lake Merritt Channel.
- Green Loop includes a series of streetscape and mobility improvements to fill in gaps within the existing network and connect downtown and surrounding neighborhoods with waterfront, cultural and entertainment areas.
- *Proposed changes:*
  - *Remove Howard Terminal segment of loop and reroute up Clay to 2<sup>nd</sup> Streets*
  - *Remove overlay west of brush and up to the frontage along 4<sup>th</sup> Street*

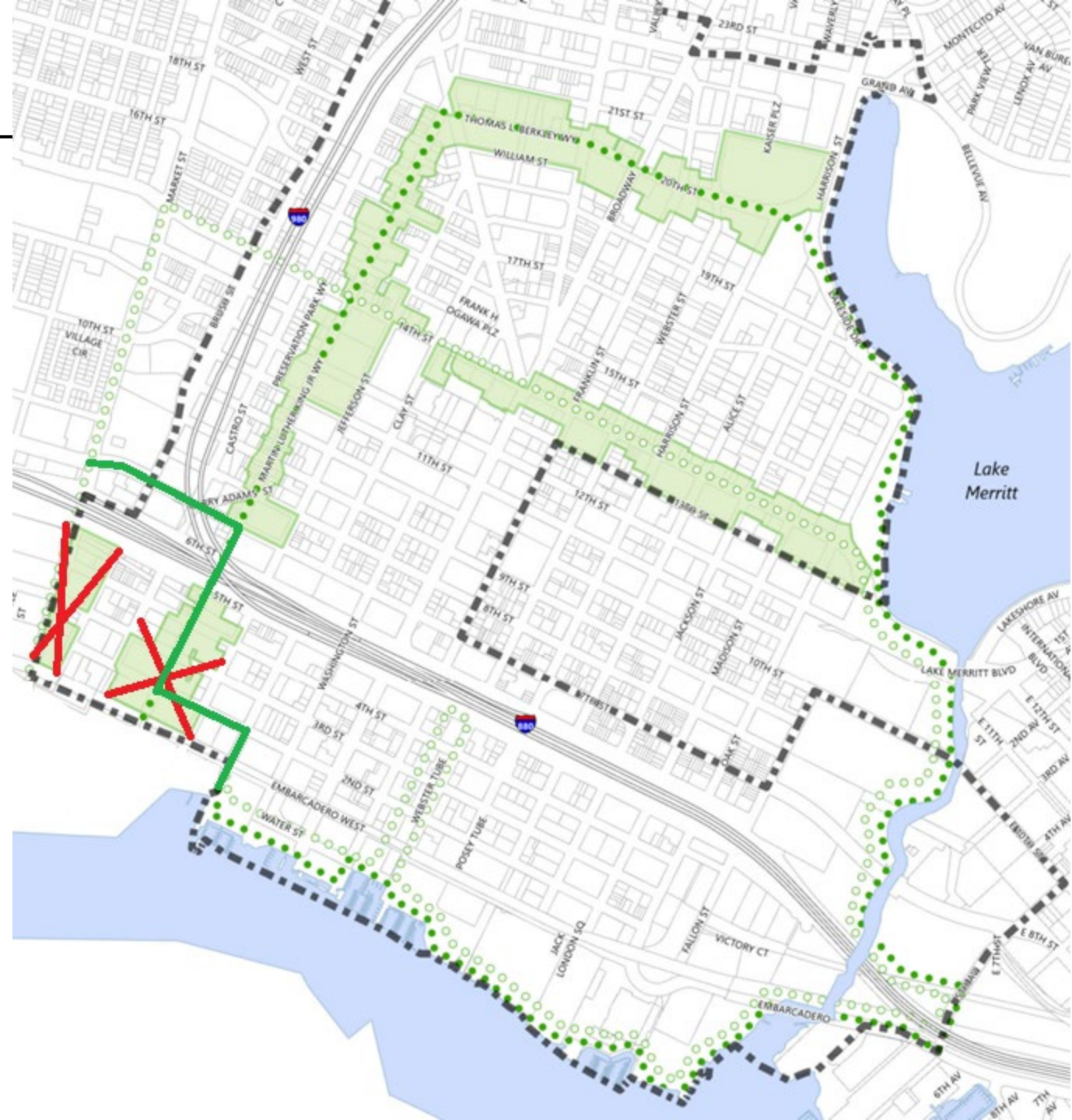




## 22 | ZONING: Special Districts

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## 23 | ENVIRONMENTAL IMPACT REPORT (EIR)

- **Final EIR = Draft EIR + Response to Comments (RTC)**
- **DEIR Comment period was extended from 45 to 75 days**
- **RTC documents and provides written responses to comments received on the Draft EIR** (comments at four public hearings, thirteen comment letters)
- **Identifies text revisions to the Draft EIR based on changes to mitigation measures**
- **Includes Standard Conditions of Approval and Mitigation Measures to mitigate, where possible, the environmental impacts of development**



## 24 | ENVIRONMENTAL IMPACT REPORT (EIR)

### EIR Findings:

- **No impacts or less than significant impacts with incorporation of mitigation measures or implementation of Standard Conditions of Approval (SCA):** Land Use and Planning; Greenhouse Gas Emissions; Aesthetics; Biological Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; Population and Housing; Public Services, Facilities, and Recreation; and Utilities
- **Significant and unavoidable impacts even with mitigation measures identified:** Traffic and Transportation; Air Quality; Cultural and Historic Resources; Aesthetics (shadow and wind)

### Overall, the project is intended to improve environmental impacts and meet ECAP goals:

- Reduce vehicle miles traveled, and accordingly greenhouse gas emissions and air quality impacts
- Provide ridership to support the existing transit system and allow for expansion and improvements
- Improve pedestrian and bicycle facilities to promote active transportation



## 25 | RESPONSE TO 5/15/24 PLANNING COMMISSION QUESTIONS

### 1) Can we remove Green Loop-related improvements from (and adjacent to) Howard Terminal?

Staff propose to remove the Green Loop from Howard Terminal and remove the Green Loop Overlay from truck priority routes (see slide 27).

### 2) Can we remove the pedestrian and bicycle safety improvements that are proposed and already funded for MLK Jr. Blvd between 2<sup>nd</sup> and 4<sup>th</sup> Streets?

The improvements are part of the City's adopted Bicycle Master Plan. Traffic analysis indicates that the improvements can be accommodated without causing delay or impact to Port operations. The DOSP is not proposing anything new for these improvements.

- ***Cycle Track along Embarcadero West***
  - Improves safety between bicycle and truck movements with completely separated paths
  - Bicycle signal at the intersections includes a bike/pedestrian only phase and a no right turn on red for trucks/vehicles
  - Truck/vehicles will know when cyclists approach and they'll get a green so they're complying w/bike only phase
- ***MLK Priority Bike Route***
  - MLK is a crosstown corridor that connects Oakland waterfront to Berkeley
  - Current grant-funded project will extend bike lanes across San Pablo
  - It has undergone extensive outreach and engagement, and design is 100% complete
- ***Improvements at 3rd Street and Adeline specifically support Port traffic***

## 26 | RESPONSE TO 5/15/24 PLANNING COMMISSION QUESTIONS

**3) What can be done to coordinate with the Building Bureau to ensure that conversion of space to work/live and other arts/maker space (particularly a change of occupancy) is feasible and can be done without the expense of upgrades to bring the entire building up to Building Code?**

Staff proposes adding a new policy to the Culture Keeping chapter of the DOSP to explore with both the Planning & Building Bureaus:

**Outcome C-1:** Downtown is a place where all of Oakland's residents have a sense of belonging, and can see and express themselves and their culture.

**Strategy:** Preserve downtown's arts and culture assets while providing additional incentives to expand these uses and make them accessible to all.

***Proposed New Policy C-1.13: Reducing Barriers to Reuse.*** Explore ways to reduce costs and other barriers to reusing existing buildings for new purposes, including work/live space.

**4) What additional building height reductions can be undertaken? What additional height increases can be undertaken to allow additional reductions with no net loss of development capacity?**

Staff has reviewed the OHA proposals, and *recommends that the historic Floral Depot building parcel be removed from the ZIP*. Staff does not recommend further changes; the additional sites recommended for by-right upzoning either: 1) Are not in the ZIP and were not studied under CEQA; or 2) Would not provide significant development capacity because they a) are already in the highest intensity zones, including ones with no height limit, or b) are very small areas (and in both cases have been left at low heights because they contain historic buildings)



## 27 | ADOPTION: MEETINGS & PUBLIC HEARINGS

**April 18  
& May 9**      **DOSP Community Advisory Group (CAG) Meetings**

**May 6  
& June 3**      **Landmarks Preservation Advisory Board**

**May 15  
& June 5**      **Planning Commission**

**June 25**      **Community & Economic Development (CED) Committee**

**July 2  
& July 16**      **City Council (1st & 2nd reading)**

# Appendix



## 29 | RECAP: WHAT WILL THE PLAN DO?

- **Modernize and broaden the role of downtown**
  - Mixed uses with housing and entertainment, R&D and industrial jobs rather than just office
- **Increase housing and jobs near transit**
  - Streamline and provide community benefits
- **Expand funding for public services**
  - One-time development impact fees and more significant long-term tax revenues
- **Revitalize local businesses and enhance public safety**
  - Stem cultural displacement, fill vacant ground floor spaces
- **Prepare for climate change and sea level rise**
  - Comprehensive infrastructure and adaptation plans in development projects and regionally
- **Reconnect West Oakland with Downtown**
  - Thoughtfully re-envision I-980 and repair harm done to Black community

## 30 | GENERAL PLAN AMENDMENTS

### DOSP General Plan Amendments Key

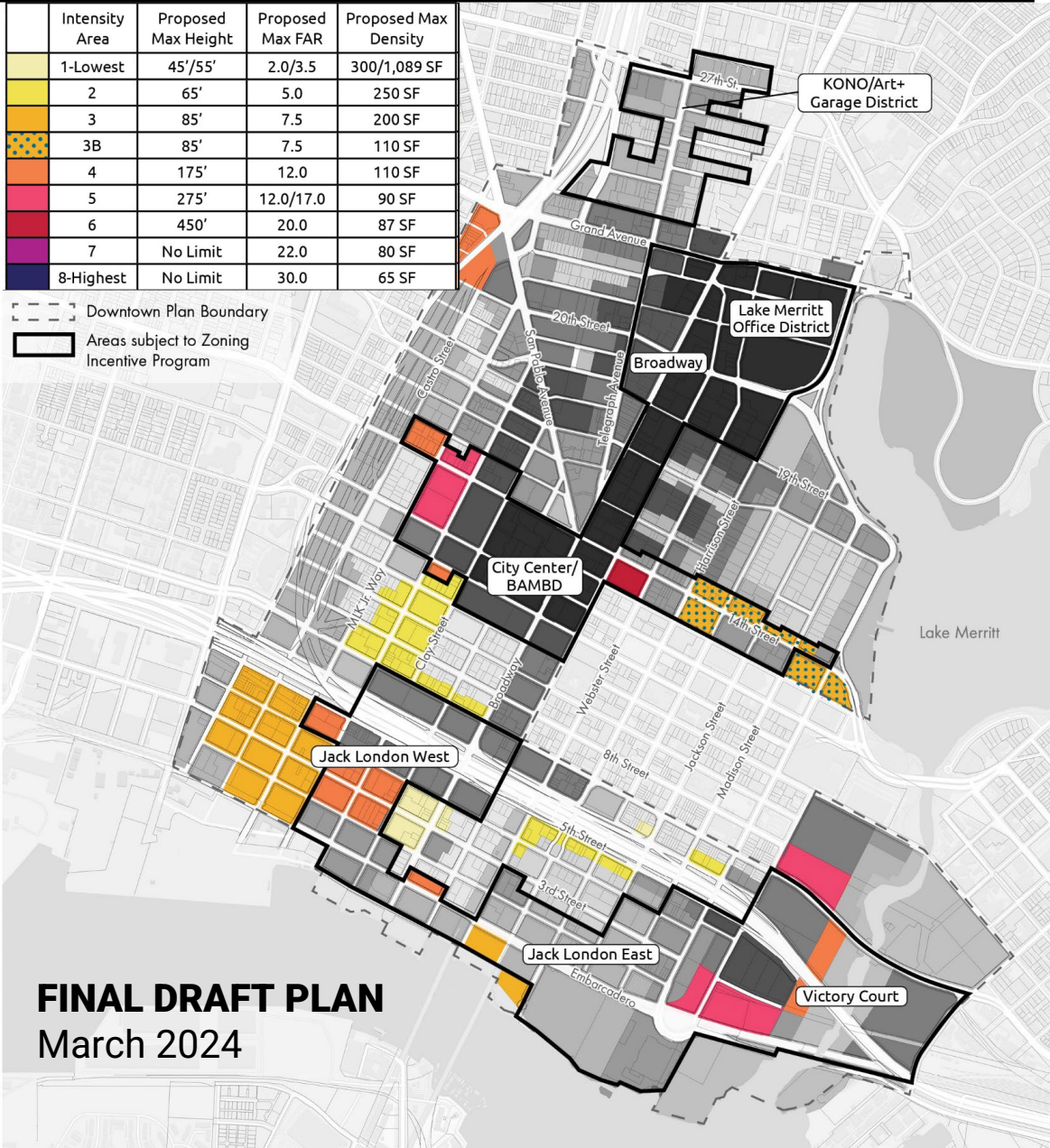
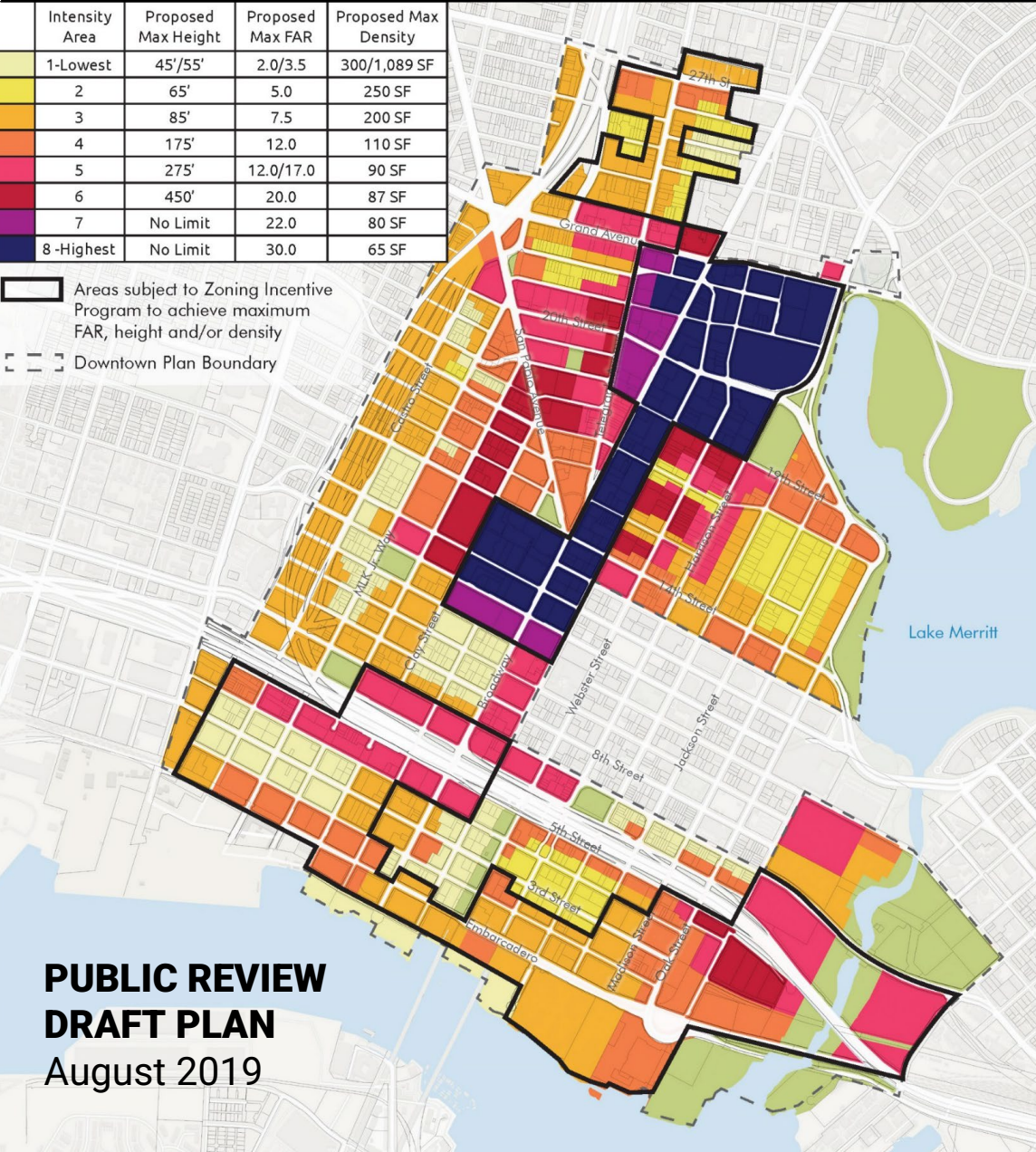
ID	Existing Designation	Proposed Designation
1	Urban Residential	Central Business District 1
2	Community Commercial	Central Business District 1
3	Central Business District (CBD)	Central Business District 3
4	Urban Residential	Urban Park and Open Space
5	Central Business District (CBD)	Urban Park and Open Space
6	Mixed Housing Type Residential	Central Business District 2
7	Urban Residential	Central Business District 2
8	Community Commercial	Central Business District 2
9	Central Business District (CBD)	Urban Park and Open Space
10	Central Business District (CBD)	Urban Park and Open Space
11	Urban Park and Open Space	Central Business District 2
12	Community Commercial	EPP Mixed Use District
13	Community Commercial	Urban Park and Open Space
14	EPP Off-Price Retail	Central Business District 2
15	EPP Retail Dining Entertainment District 2	Central Business District 2
16	Mixed-Use District	Central Business District 2
17	Unclassified	Central Business District 2
18	EPP Parks	Central Business District 2
19	EPP Off-Price Retail District	EPP Light Industry 1
20	EPP Off-Price Retail District	EPP Retail Dining Entertainment 2
21	EPP Off-Price Retail District	EPP Retail Dining Entertainment 2
22	EPP Retail Dining Entertainment 1	EPP Retail Dining Entertainment 2
23	EPP Retail Dining Entertainment 2	EPP Produce Market
24	EPP Mixed Use District	EPP Produce Market
25	EPP Retail Dining Entertainment 1	EPP Mixed Use District
26	EPP Mixed Use District	EPP Parks
27	EPP Waterfront Commercial Recreation 1	EPP Mixed Use District
28	EPP Waterfront Mixed Use	EPP Mixed Use District
29	EPP Parks	EPP Mixed Use District
30	EPP Mixed Use District	EPP Parks
31	EPP Planned Waterfront Development 1	EPP Mixed Use District



### **Intensity Map Changes**

- Clustered increases in area West of San Pablo and between 14th and 15th Street between MLK Jr. Way and Jefferson Street
- Several decreases in intensity proposed within the Jack London District, Laney College area, and Old Oakland through the Central Core

# 32 | WHAT'S CHANGED: INTENSITY MAP





# DOWNTOWN OAKLAND SPECIFIC PLAN

## City Planning Staff

- **William Gilchrist**, Director of Planning & Building
- **Ed Manasse**, Deputy Director of Planning
- **Laura Kaminski**, Strategic Planning Manager
- **Joanna Winter**, Project Manager
- **Michelle Matranga**, Planner (Strategic Planning)
- **Neil Gray**, Planner (Zoning)
- **Stephanie Skelton**, Public Service Representative

## Consultant Team

- **Plan lead:** Dover, Kohl & Partners
- **EIR lead:** Urban Planning Partners
- **Zoning:** PlaceWorks
- **Zoning Economic Analysis:** Hausrath Economic Group & EPS