



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA ▪ SUITE 2340 ▪ OAKLAND, CALIFORNIA
94612-2031

Planning and Building Department

(510) 238-6402

www.oaklandnet.com

FAX (510) 238-2959

TDD (510) 238-3254

Memorandum

To: Oakland City Council

From: Planning and Building Department, City of Oakland
William A. Gilchrist, Director

Date: May 5, 2020

Subject: Response to April 6, 2020 DOSP Working Group Letter

As directed by Council on April 7, 2020, this memo responds to the concerns enumerated in the April 6, 2020 letter from the Downtown Oakland Specific Plan (DOSP) Working Group, an advocacy group composed of some of the DOSP Community Advisory Group (CAG) members and other community members. The Working Group raises very important points about the remaining planning process, and we are providing responses to each question here. Please note that many of these concerns pertain to the proposed zoning amendments/community benefit incentive program that are being led under a distinct contract and by a different consultant than Dover, Kohl & Partners, whose contract was approved for amendment at the April 7 City Council meeting. This memo does respond to concerns for both scopes of work that were raised, as well as all other questions that were posed.

Q: What specific outreach will Dover Kohl now undertake? Given that Dover Kohl's prior outreach resulted in community complaints and the hiring of additional equity consultants, how will the efficacy of additional outreach by the same firm be guaranteed?

Planning staff have undertaken significant outreach, including attendance at nearly one-hundred public sessions, stakeholder meetings and community events since the Downtown Oakland Specific Plan (DOSP) process was relaunched with a racial equity lens in 2017. The Dover, Kohl & Partners (DKP) consultant team has supported and participated in this expanded community outreach, but has not led the

public engagement process since the initial 2017, pre-relaunch phase of the Plan. Dover Kohl will continue to provide technical support for the City's continued planning and outreach work.

With the close of the comment period on the Draft Plan in the fall of 2019, the outreach elements for zoning development will focus on increasing turnout at Community Advisory Group (CAG) meetings, and eliciting broad participation in the area-specific community meetings. We shall need ongoing guidance from the CAG to ensure that constituent groups are reached. This more robust outreach with CAG guidance will ensure as the DOSP process approaches this final phase, that outreach efforts effectively inform the development of draft zoning amendments and zoning incentive program that will implement the DOSP and are intended to be adopted concurrently with the final version of the DOSP. Outreach prior to adoption will also focus on developing an inclusive implementation steering committee to support and guide the long-term implementation and monitoring of the DOSP.

Q: How will Dover Kohl specifically outreach to and ensure sufficient input from communities of color and historically-underserved stakeholders?

Outreach in this remaining phase shall be critical as previously cited. City Staff shall be on point for community outreach. Dover, Kohl & Partners will support the City Staff and CAG through their analysis and submittal of content for our consideration in this final phase of the work.

As stated in the question response above, the remaining outreach for the Plan will be led by City Staff and focus on gathering input on the development of draft zoning amendments and zoning incentive program and developing an inclusive implementation steering committee. Building on the outreach methods utilized by the City's Office of Race and Equity as well as the equity consulting team brought in during the project relaunch, the DOSP planning staff have changed their approach to community engagement by switching from large public workshops to sending staff to smaller meetings of existing organizations; offering food and childcare whenever we host issue-specific meetings; and attending public events attended by people of all ages, particularly targeting historically underserved communities of color; and requesting demographic information to track participation of underserved populations in order to socialize the DOSP process to constituents who may not attend other scheduled meetings and who would otherwise be unaware of this project. The City will continue to apply and extend principles of inclusion and equity when developing these upcoming DOSP outreach efforts.

Q: Among the many strategies and recommendations, how will equity be prioritized?

Equity has been prioritized in the Plan with a set of measurable equity indicators, which track policies, programs, and projects that are intended to reduce disparities corresponding to these indicators. These measures shall be reviewed regularly for their performance, efficacy, and continued relevance, including meetings with community stakeholders to give guidance and to ground-truth the equity outcomes. We will look at successful models like the City's equity approach to forming its Capital Improvements Program (CIP) as a means of feedback to establish implementation priorities. Moreover, equity outcomes are embedded across the Plan elements and not relegated solely as a separate, stand-alone consideration.

Q: How will Community Advisory Group recommendations be fully developed, and then upheld?

A: The Community Advisory Group's recommendations are essential. The Final Draft Plan will document how the revisions respond to community comments on the Draft Plan and Draft EIR, including those provided by the CAG. The CAG will also continue to be consulted on Plan implementation, with multiple meetings to understand the group's collective preferences for zoning; priorities for the outcomes of the zoning incentive program; and advice for structuring zoning amendments including incentives, affordable housing, and transfer of development rights (TDR). The CAG will be instrumental in the formulation of the steering committee that guides the post-adoption implementation.

Q: What accountability and transparency measures will there be to ensure meaningful implementation of equity?

The Plan calls for the creation of an ongoing implementation steering committee that includes community and agency membership to oversee implementation, which is particularly important given the fact that this Plan has centered racial equity as its priority. A primary focus of the work under the April 7th contract amendment will be to more fully develop the implementation strategy of the Plan, which includes formulating the structure of the steering committee. It will be important for community and City leadership to collaborate with implementing comprehensive services to respond to equity issues through specific approaches (i.e., greater internal City department/public agency/private philanthropy coordination). The implementation steering committee will be composed of stakeholders representing the community, with specific attention to including communities of color and other marginalized communities, such as youth, people with disabilities, and older adults.

The CAG will be engaged in helping to form the structure of this steering committee, whose composition and duties will be more fully developed in the final version of the Plan, incorporating detailed community feedback on the Plan policies and how the steering committee can ensure that these policies remain informed and responsive. It is important to realize that the adoption of the DOSP does not mean termination of ongoing planning. The post-adoption phase will be a dynamic period testing the Plan's effectiveness; therefore, the guidance and transparency of the Plan's implementation must continue over its entire life. This ongoing stewardship will be even more critical given the changing events locally, regionally, and globally that are occurring at the very time of this Plan's adoption.

Q: The community benefits discussion, though promised, has never really taken place. How will it be incorporated?

The discussion of community benefits under the zoning incentive program has started; there have been two meetings with the CAG to discuss the incentive program and associated community benefits, and a follow-up survey completed. There has been a delay in these meetings due to the current shelter in place order; however, planning staff will be moving forward with online meetings and other methods to solicit CAG and other stakeholder input. There will be further meetings and outreach with the CAG over the next several months to solicit more guidance on community priorities and feedback on the Plan's draft to guide the zoning recommendations that will implement land use regulations of the DOSP. This work is being led as a parallel scope by the City under a separate contract with Economic Planning Systems (EPS), distinct from the April 7th contract amendment with Dover, Kohn and Partners approved by City Council.

The DOSP proposes additional requirements on developments and other mechanisms to provide amenities to the community that are unrelated to the zoning incentive program. These will be incorporated into the zoning as well, where appropriate, or in the case of funding mechanisms such as an Enhanced Infrastructure Financing District, be discussed with the steering committee as part of implementation.

Q: How will discrepancies between consultant reports and issue experts (such as the economic feasibility of benefits), be addressed?

The data regarding the construction cost assumptions used to project economic feasibility of community benefits collected by Economic Planning Systems (EPS), the consultant team hired by the City to assist in studying the economic aspects of a zoning incentive program for the Downtown Plan area, appears to be consistent across consultant reports and affirmed by other sources.¹ We invite CAG members to identify any discrepancies. The work referred to here is not being conducted by the Dover Kohl & Partners, whose contract was amended on April 17th; rather the work is part of plan implementation and is proceeding under a separate contract with EPS.

Q: Most CBAs have an enforceability component involving ongoing community input. How will the DOSP's equity measures be enforced?

A: The Plan will ensure that downtown's continued growth and revitalization provides community benefits to local residents and the broader Oakland community. As part of the DOSP planning effort, the City is recommending creation of a zoning incentive program for downtown. The zoning incentive program would be adopted as part of the Oakland Planning Code and establish a defined approach to ensure that benefits from new downtown development fulfill unmet community objectives, while also providing transparency to the public and certainty for developers.

An adopted bonus program will establish a finite number of pre-defined community benefits that must be provided by developments in exchange for increases in building intensity, and will be enforced by the City through Conditions of Approval. Finalizing a development incentive program for downtown and its menu of pre-defined benefits will be done in partnership with the community.

Community Benefit Agreements, or CBAs, are not being considered as part of the zoning incentive program, because they often involve drawn-out singular negotiations toward uncertain benefits. As a result, CBAs do not guarantee the same transparency or certainty to the public or developers that an adopted incentive program with defined benefit requirements can provide.

Staff will continue to prioritize reducing racial disparities under the Plan's equity framework, which also calls for the creation of an ongoing steering committee that includes community and agency membership to oversee implementation and enforcement. It will be important for community and City leadership to assist with complicated and comprehensive service responses to equity issues and to craft solutions (i.e., greater internal city department/public agency/private philanthropy coordination). The Plan provides clear equity indicators and measures, which City leaders and community members will collaboratively address, report on their progress, and revise as needed.

¹ "Plan Bay Area 2050: Affordable Housing Needs Methodology," Regional Advisory Working Group Presentation, Metropolitan Transportation Commission, December 10, 2019.

Q: With gradually declining participation, the CAG meetings have seemed less and less effective, and may no longer truly represent the affected constituencies (if it ever did). Will ongoing outreach add additional CAG members who have not participated thus far and reinvigorate current members through focusing on substantive discussions which don't involve prescriptive and insufficient and/or underwhelming activities (such as discussing whether porta-potties constitute a community benefit)?

A: The fifteen CAG meetings held so far have had a range of attendance across the CAG's diversified stakeholders, ranging from about 15-50 people. During the current shelter in place order, planning staff intend to move forward with CAG meetings online with the goal of facilitating more participation. To encourage participation from affected constituencies, Staff will be reaching out directly to CAG members who have participated in the past, including those representing small business, the arts community, communities of color, and the Black Arts Movement and Business District. During the development of the draft zoning amendments, Staff will also be holding broader public meetings in different areas of the downtown. Staff invite CAG members to suggest topics for discussion at CAG meetings to ensure that the discussions reflect their priorities as well as the City's need for community input into the Plan and implementation.

Moreover, as has been stated in previous replies, the CAG will have to play an essential role in the recommending the formation of the steering committee for the DOSP that has long-term engagement to ensure the Plan's responsiveness and effectiveness over the term of its adoption. This focus will of necessity require an renewed engagement of the membership and, hopefully, new enthusiasm for their involvement.

Conclusion

Staff agrees with the Working Group that robust participation is needed from the CAG in developing the zoning, as well as a strong implementation strategy that focuses on racial equity and the changing conditions that will inevitably occur over the Plan's term post-adoption. Moreover, we recognize that the Plan' success will depend on the ongoing stewardship and implementation through its stakeholders well beyond its adoption and we are committed to seeing that process underway as we facilitate an inclusive process for development and vetting of the accompanying zoning amendments and zoning incentive program.

CC: Steven Falk – Interim City Administrator
Edward Reiskin – Assistant City Administrator