

Oakland 2045 General Plan Update

Phase I Draft Environmental Impact
Report (DEIR)

April 19, 2023

Planning and Building Department



**CITY OF
OAKLAND**



Agenda

- Overview of CEQA
- Phase I “CEQA Project”
- Findings of the Draft EIR
- Next Steps

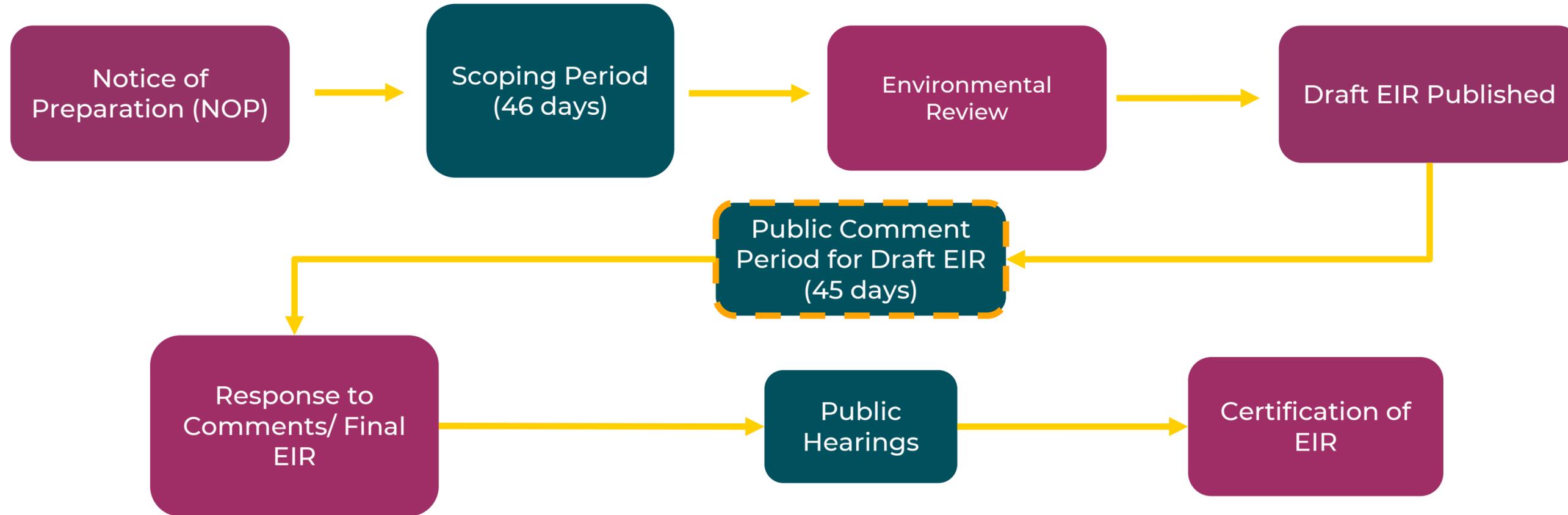
Objectives

- Hold PC hearing during Draft EIR public review period
- Accept verbal and written comments on Phase I Oakland 2045 General Plan Update Draft EIR
- Written comments accepted until May 9, 2023

CEQA Process: Objectives

- California Environmental Quality Act (CEQA)
 - Identify environmental impacts
 - Identify ways to mitigate or avoid impacts, if feasible
 - Consider alternatives
 - Inform the public and decision makers
 - Does not require that projects with significant impacts be denied
 - If City finds economic, social or other conditions, justify approval

CEQA Timeline



Note: Public hearings are encouraged, but not required as an element of the CEQA process

 = opportunity for public input

 = where we are now

Phase I Components

“Proposed Project”

- Planning Code, Zoning Map, and General Plan text and map amendments that implement the 2023-2031 Housing Element
- Environmental Justice (EJ) Element
- Safety Element Update



Project Objectives

1. Remove regulatory development constraints and provide development incentives
2. Reduce racial segregation and disparities in housing opportunities and outcomes
3. Replace segregated living patterns with truly integrated and balanced living patterns, and transform racially and ethnically concentrated areas of poverty into areas of opportunity
4. Encourage a diversity of housing types in currently single-family-dominated neighborhoods, and along corridors, transit-proximate areas, and high-resource neighborhoods; and remove constraints on the development of housing
5. Create and preserve affordable housing restricted for extremely low-, very low-, low-, and/or moderate-income households
6. Minimize risks posed by natural and human-caused hazards that may impact residents' health
7. Reduce pollution exposure, including the improvement of air quality;
8. Promote equitable access to public facilities, healthy food, safe and sanitary homes, and physical activity
9. Reduce barriers to inclusive engagement and participation in the public decision-making process
10. Prioritize improvements and programs that address the needs of Environmental Justice Communities

Proposed Project: Program EIR

- Draft EIR is a **Program** EIR (CEQA Guidelines Section 15168)
- Analyzes general potential impacts of the Phase I Oakland 2045 General Plan Update without site-specific proposals until 2030
 - Buildout Program = ~41,450 units
 - ~5,200 units from Planning Code and Zoning Map changes/amendments
 - ~36,270 units could occur with or without project (RHNA requirement)
- Policies in EJ and Safety elements relevant to the physical environment



EIR Scope

- DEIR analysis focused on relevant topics, including:
 - Aesthetics, Shadow*, Wind*
 - Air Quality
 - Biological Resources
 - Cultural Resources
 - Geology, Soils, and Paleontological Resources
 - Energy and Greenhouse Gas Emissions
 - Hazards and Hazardous Materials
 - Hydrology and Water Quality
 - Land Use and Planning
 - Noise and Vibration
 - Population and Housing
 - Public Services
 - Recreation
 - Transportation and Circulation
 - Tribal and Cultural Resources
 - Utilities and Service Systems
 - Wildfire

* = City-specific CEQA thresholds of significance.



Significant Impacts

- Under CEQA, a *significant* effect is defined as substantial, or potentially substantial, adverse change in the physical environment
- Utilized City's thresholds for significance
- Conducted impact analysis by assessing the net change between existing conditions and Proposed Project conditions
- Compared outcome to established thresholds/criteria



Conclusions

- All significant impacts, and mitigation measures identified in the Draft EIR are summarized in Table 2-1 in the Draft EIR
- **Significant and Unavoidable impacts:**
 - Three Significant Unavoidable (SU) impacts related to **Aesthetics, Shadow, and Wind**
 - Four SU impacts related to **Air Quality**
 - Two SU impacts related to **Cultural Resources**
 - Two SU impacts related to **Hazards and Hazardous Materials**
 - Two SU impacts related to **Wildfire**



EIR Conclusions: Aesthetics, Wind, and Shadow

- **Three SU impacts to Aesthetics, Wind and Shadow:**
- Could result in **substantial new shadow** that would shade solar collectors, passive solar heaters, public open space, or historic resources, or otherwise result in inadequate provision of light (Impact AES-4)
- Could result in **winds** that exceed 36 mph for more than one hour during daylight hours during the year (Impact AES-6)
- Could result in **cumulative impacts** to shadow and wind (Impact AES-7)

EIR Mitigation: Aesthetics, Wind, and Shadow

- Adopt new Standard Condition of Approval (SCA) requirement that any applicant with project over 50 ft. provide **annotated aerial photo evidence or a site-specific shadow study**/modified building design and placement, if necessary (MM AES-1*).
- Adopt new SCA that requires any applicant with projects over 100 ft. to prepare a **wind analysis** if certain conditions exist/include feasible mitigation strategies, if necessary (MM AES-2*).

**Based on the City's proposal to adopt objective design review and other streamlining measures that would allow for greater numbers of ministerially approved projects, these mitigation measures may not be feasible to impose on a project-by-project basis.*

EIR Conclusions: Air Quality

- **Four SU impacts to Air Quality:**
- Could result in **criteria air pollutant emissions** exceeding the City's construction and operational significance thresholds: 54 pounds per day of ROG, NOx, or PM2.5 or 82 pounds per day of PM10 or maximum annual emissions of 10 tons per year of ROG, NOx, or PM2.5 or 15 tons per year of PM10 (Impact AIR-3)
- Could expose future on-site sensitive receptors to **Toxic Air Contaminants** (Impact AIR-5)
- Could expose sensitive receptors to **substantial pollutant concentrations** (emissions of PM2.5 and Toxic Air Contaminants) (Impact AIR-6)
- In conjunction with **cumulative sources**, the project could expose sensitive receptors to **substantial pollutant concentrations** (PM2.5 and Toxic Air Contaminants) to sensitive receptors (Impact AIR-8)

EIR Mitigation: Air Quality

- Change SCA 21 to **require the preparation of an air pollutant assessment for projects that exceed BAAQMD screening levels and require reduction measures** if the assessment finds the project will exceed the significance **threshold for construction and operations related activity**. Reduction measure could include: using cleaning equipment, green consumer products, electric vehicle charging, and more. (MM AIR-1)
- Change SCA 22 to **require the project to reduce health risks to sensitive receptors from particulate matter less than 2.5 microns in diameter by preparing a Health Risk Assessment (HRA) or incorporating health risk reduction measures** such as using Verified Diesel Emission Control Strategies, electric engines, and any other technology to reduce emissions. Measures must be submitted to City for review and approval. (MM AIR-3)

EIR Mitigation: Air Quality, Cont'd.

- Change SCA 23 to **require new HRA standards and new standards for the installation of mechanical ventilation systems** as a health risk reduction measure. (MM AIR-2 and MM AIR-4)
- Change SCA 24 to better address **Stationary Sources of Toxic Air Contaminants by adding more health risk reduction measures** in addition to the option to install a non-diesel fueled generator. (MM AIR-5)
- Change SCA 25 to better address **Truck-Related Toxic Air Contaminants by adding more diesel truck emission reduction measures.** (MM AIR-6)

EIR Conclusions: Cultural Resources

- **Two SU impacts to Cultural Resources:**
- Could result in adverse change to the significance of **a historic architectural resource** pursuant to CEQA Guidelines Section 15064.5 (Impact CUL-1)
- Could result in cumulatively considerable impacts **for historical architectural resources combined with cumulative development** (Impact CUL-4)

EIR Mitigation: Cultural Resources

- Identify Architectural Historic Resources by incorporating **a screening assessment** into the basic application for development review. Demolition of eligible historic resources will be permitted by discretionary review once the screening process is established. (MM CUL-1)

EIR Conclusions: Hazards/Hazardous Materials

- **Two SU Impacts to Hazards/Hazardous Materials:**
- Could impair implementation of or physically interfere with an adopted **emergency response plan or emergency evacuation plan** (Impact HAZ-6)
- Combined with cumulative development could impair implementation of or physically interfere with an **adopted emergency response plan or physical evacuation plan** (Impact HAZ-9)

EIR Mitigation: Hazards/Hazardous Materials

- No Mitigation Measures are feasible
- SCA 75 is an existing standard condition of approval that requires obstruction permits and a traffic control plan for construction activity in the Public Right-of-Way

EIR Conclusions: Wildfire

- **Two SU Impacts to Wildfire:**
- Could substantially impair an adopted response plan or emergency evacuation plan because full buildout would impact **specific evacuation routes** (Impact WLD-1)
- Combined with cumulative development, could result in significant **cumulative impacts** related to wildfire on **evacuation routes** (Impact WLD-5)

EIR Mitigation: Wildfire

- No Mitigation Measures are feasible
- Existing Standard Conditions of Approval address the SU impacts of wildfire:
 - SCA 46: Fire Safety Phasing Plan: For projects conducted in phases and 150 feet from a fire hydrant, the project must submit a Fire Safety Phasing Plan that includes fire safety features, emergency vehicle access points, and implementation schedule
 - SCA 75: Construction Activity in the Public Right-of-Way
 - SCA 47: Designated Very High Fire Zone – Vegetation Management

EIR Findings - Alternatives

- The **No Project (Alternative 1)** means the Proposed Project would not proceed.
 - Results in approximately 5,000 fewer residential units than the Proposed Project.
 - Occurs without new or more stringent policies related to environmental justice and safety or mitigation measures of the Draft EIR
 - Hazards and Wildfire would not be reduced to *less than significant* impacts
- **No AHO Buffer Zone in VHFHSZ (Alternative 2)** excludes the AHO Overlay in any portion of the VHFHSZ
 - Results in approximately 250 fewer units in the Oakland Hills than Proposed Project
- **No Missing Middle (Alternative 3)** excludes Planning Code amendments that change development standards in the existing lower density residential zoning districts (RD, RM, RU and RH-4).
 - Results in approximately 1,500 fewer medium density units in the single-family neighborhoods than the Proposed Project

EIR Findings - Alternatives

- **Alternative 3** would reduce hazards and wildfire impacts, making it the Environmentally Superior alternative.
- **Alternative 2** would meet all ten basic objectives of the Proposed Project, four to a lesser degree than the Proposed Project
- **Alternative 3** would meet nine of ten of the basic objectives of the Proposed Project, four to a lesser degree than the Proposed Project

Staff Recommendation

- Mitigation Measures **AES-1** and **AES-2** are infeasible
 - Conflicts with objectives of the Proposed Project and City's proposal to adopt objective design standard review and other streamlining measures
 - Requiring a project to revise its design in a manner that would reduce the building's height or allowed residential density would be inconsistent with Planning Code requirements and the City's objectives for increased residential development
- Project **Alternative 3**
 - Will not meet the City's objectives for the Proposed Project
 - Fail to achieve implementation of City of Oakland Resolution No. 88554
 - Not be consistent with Goals 3, 4, and 5 of the Housing Action

Next Steps

- Close of Draft EIR Public Comment – **May 9, 2023**
 - Comments should focus on the adequacy and accuracy of the environmental analysis. Comments that fall outside the scope of environmental analysis will be considered as part of the decision-making process.
- Complete responses to comments and Final EIR
 - Final EIR includes comments received on Draft EIR, responses, and any changes to Draft EIR
- Planning Commission reviews the Final EIR and recommends action to the City Council
- City Council takes action to certify the Final EIR and consider project approval

Action Requested of Planning Commission

- Take public testimony on the Draft EIR
- Provide feedback to Planning staff on the Draft EIR.
 - Planning staff is also specifically seeking feedback on the feasibility of Mitigation Measure AES-1 (relating to shadow impacts) and Mitigation Measure AES-2 (relating to wind impacts)

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