

Location:	Citywide
Assessor's Parcel Number:	Citywide
Proposal:	Conduct a public hearing and solicit/provide comments on the Draft Environmental Impact Report (Draft EIR) for Phase 1 of the Oakland General Plan Update, which analyzes potential physical environmental impacts of the proposed City of Oakland Planning Code, Zoning Map, and General Plan text and map amendments implementing its 2023-2031 Housing Element, updates to its Safety Element and its adoption of a new Environmental Justice Element.
Applicant:	City of Oakland
Phone Number:	N/A
Owner:	N/A
Case File Number:	GP21002; ZA 23002; GP21002-ER01
Planning Permits Required:	N/A
General Plan:	Citywide
Zoning:	Citywide
Environmental Determination:	The City of Oakland's Bureau of Planning issued a Notice of Preparation (NOP) for a Draft EIR on March 30, 2022. The City has prepared a Draft EIR for the Project in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code §§21000 et. seq.) and the State CEQA Guidelines (Guidelines) (California Code of Regulations, Title 14, Division 6, Chapter 3, §§15000 et. seq.).
Historic Status:	N/A
City Council district:	All
Status:	The Draft EIR was published (SCH Number 2022020800) on March 24, 2023. The Draft EIR and its appendices may be viewed or downloaded from the City of Oakland's website: https://www.oaklandca.gov/topics/general-plan-update . The 45-day comment period begins on March 24, 2023, and ends on May 9, 2023, at 5:00 PM.
Staff Recommendation:	Receive public and Planning Commission comments on the Draft EIR.
Finality of Decision:	No decisions will be made at this hearing
For further information:	Lakshmi Rajagopalan: Phone: (510) 238-6751; email: generalplan@oaklandca.gov .

SUMMARY

The purpose of this public hearing is to solicit comments from the Planning Commission and the public on the Draft Environmental Impact Report (Draft EIR) for Phase 1 of the Oakland 2045 General Plan

Update. The City of Oakland (City) has prepared this Draft Environmental Impact Report (Draft EIR) for the City's updates to its Safety Element and adoption of a new Environmental Justice Element. In addition, this Draft EIR addresses proposed Planning Code, Zoning Map, Height Map, and General Plan text and map amendments, including several Housing Element Implementation (HEI) actions contained in the City's recently adopted 2023-2031 Housing Element. The adoption of the General Plan Safety Element and new Environmental Justice Element; and the proposed Planning Code, Zoning Map, Height Map, and General Plan text and map amendments with the HEI actions constitute the "Proposed Project" that is the subject of this Draft EIR. This Proposed Project, along with the recently adopted 2023-2031 Housing Element, constitutes Phase 1 of the Oakland 2045 General Plan Update.

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq.), this Draft EIR has been prepared to evaluate the anticipated environmental effects of the Proposed Project. The City of Oakland is the lead agency and the public agency that has the principal responsibility for approving the Proposed Project. Under CEQA, a lead agency may proceed directly with EIR preparation, without an Initial Study, if it is clear that an EIR will be required. As the City has made such a determination for this project, no Initial Study has been prepared.

The Notice of Availability (NOA) for the Draft EIR was published on March 24, 2023 (see **Attachment A**). The 45-day comment period began on March 24, 2023, and will end on May 9, 2023, at 5:00 PM. In addition to comments received at this public hearing, written comments will be accepted until May 9, 2023, at 5:00 PM. Written comments are encouraged in order to provide an accurate record of public comments and should be submitted via email to Lakshmi Rajagopalan, Planner IV at generalplan@oaklandca.gov. Alternatively, comments may also be submitted in writing by hand delivery or mail to Lakshmi Rajagopalan, Planner IV, City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612. All written comments must be received not later than 5.00 PM on May 9, 2023. After all comments are received, a Final EIR/Response to Comments document will be prepared and the decision-making body will consider certification of the Final EIR at a later meeting.

Publication and Distribution of Draft EIR and Related Documents

The Notice of Availability (NOA) for the Draft EIR was distributed to State and local agencies and mailed to Interested Parties. The NOA was posted in the office of the County Clerk on March 24, 2023. The 45-day comment period began on March 24, 2023, and will end on May 9, 2023, at 5:00 PM.

The Draft EIR and appendices are available on the City's 2045 General Plan Update website at: <https://www.oaklandca.gov/topics/generalplan-update>, and on its Current Environmental Review Documents webpage at <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents2011-2022>.

The public review drafts of the Environmental Justice Element and the Safety Element are also available on the Oakland 2045 General Plan Update website at: <https://www.oaklandca.gov/topics/generalplan-update> for a 90-day review period between March 24, 2023, to June 22, 2023.

The draft zoning text amendments were published on the City's General Plan Update Website on March 3, 2023, at: <https://www.oaklandca.gov/topics/oakland-2045-general-plan-zoning-amendments> and will be available for public comment until May 9, 2023.

A hard copy of the Draft EIR, public review draft Environmental Justice Element and public review draft Safety Element are also available at the Main Branch of the Oakland Public Library Circulation Desk at 125 14th Street, Oakland, CA 94612.

SCOPE AND ORGANIZATION OF THE DRAFT EIR

On March 30, 2022, the City published the [Notice of Preparation \(NOP\)](#) of an Environmental Impact Report (EIR) on Phase 1 of the Oakland 2045 General Plan Update. A scoping session was held before the Oakland Planning Commission on April 20, 2022. The NOP and comments that the City received in response to the NOP are included as [Appendix B in the Draft EIR](#), which address all comments received in response to the NOP that are relevant to environmental issues.

Subsequent to publication of the NOP, the City determined that one component of Phase I of the Oakland 2045 General Plan Update, adoption of the 2023-2031 Housing Element, is exempt from CEQA review pursuant to each of the following as an independent basis: (1) it can be seen with certainty that there is no possibility that adoption that the 2023-2031 Housing Element may have a significant effect on the environment (the “common sense” exemption, CEQA Guidelines Section 15061(b)(3)), because the 2023-2031 Housing Element involves policies, programs, and actions to meet the City’s regional housing needs allocation (RHNA) that either would not cause a significant effect on the environment or incorporates ongoing, existing actions being taken by the City; (2) the 2023-2031 Housing Element is a planning document that serves to implement the City of Oakland’s regional housing needs allocation by identifying sites available for construction of housing under existing zoning (CEQA Guidelines Section 15283 and California Government Code Section 65584(g)); (3) the 2023-2031 Housing Element is a planning study containing actions that will require independent review, environmental determination, and adoption by the Oakland City Council prior to their implementation (CEQA Guidelines Section 15262 and California Public Resources Code Sections 21102 and 21150); and (4) the 2023-2031 Housing Element seeks to assure the protection of the environment by reducing greenhouse gas emissions per capita in the City through infill development, which is consistent with research, local and regional planning on the most impactful measures local governments can take in response to climate change (CEQA Guidelines Section 15308).

The following environmental topics are addressed in detail in the Draft EIR for Phase 1 of the Oakland 2045 General Plan Update:

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|--|------------------------------------|
| 1. Aesthetics, Shadow, and Wind | 10. Land Use and Planning |
| 2. Air Quality | 11. Noise and Vibration |
| 3. Biological Resources | 12. Population and Housing |
| 4. Cultural Resources | 13. Public Services |
| 5. Energy | 14. Recreation |
| 6. Geology, Soils, and Paleontological Resources | 15. Transportation and Circulation |
| 7. Greenhouse Gas Emissions | 16. Tribal Cultural Resources |
| 8. Hazards and Hazardous Materials | 17. Utilities and Service Systems |
| 9. Hydrology and Water Quality | 18. Wildfire |

Draft EIR Organization

The Draft EIR for Phase 1 of the Oakland 2045 General Plan Update is organized into seven chapters:

- **Chapter 1, Introduction** presents an overview of the process by which this Draft EIR will be reviewed and used by the decision-makers in their consideration of the Proposed Project.
- **Chapter 2, Summary** includes a brief project description and a summary table that lists the environmental impacts, proposed mitigation measures, the level of significance after mitigation, and a summary of the alternatives to the Proposed Project.
- **Chapter 3, Project Description** describes the project location and boundaries; lists the project objectives; and provides a general description of the technical and environmental characteristics of the Proposed Project. This chapter also includes a list of required approvals for the Proposed Project and other agencies that may be responsible for approving aspects of the Proposed Project.
- **Chapter 4, Environmental Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures** contains a description of the environmental setting (existing physical environmental conditions), the regulatory framework, and the environmental impacts (including cumulative impacts) that could result from the Proposed Project. It includes the thresholds of significance used to determine the significance of adverse environmental effects and identifies the mitigation measures that would avoid or substantially lessen these significant adverse impacts. The impact discussions disclose the significance of each impact both with and without implementation of mitigation measures.
- **Chapter 5, Alternatives to the Project** evaluates a range of reasonable alternatives to the Proposed Project and identifies an environmentally superior alternative, consistent with the requirements of CEQA. The alternatives analysis evaluates each alternative's ability to meet the project objectives and its ability to reduce environmental impacts.
- **Chapter 6, Impact Overview and Growth Inducement** addresses growth-inducing effects, significant irreversible environmental changes, and significant unavoidable environmental effects of the Proposed Project.
- **Chapter 7, Report Preparers** identifies the authors of the Draft EIR. Persons and documents consulted during preparation of the Draft EIR are listed at the end of each analysis section.
- **Appendices.** The appendices include environmental scoping information and technical reports and data used in the preparation of the Draft EIR.

The Draft EIR and appendices are available on the City's Oakland 2045 General Plan Update website at: <https://www.oaklandca.gov/topics/generalplan-update>, and on its Current Environmental Review Documents webpage at <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents2011-2022>. A hard copy of the Draft EIR is also available at the Main Branch of the Oakland Public Library Circulation Desk at 125 14th Street, Oakland, CA 94612.

PROJECT DESCRIPTION AND OBJECTIVES

The Oakland 2045 General Plan Update consists of two main phases following adoption of the 2023-2031 Housing Element. Phase I includes the following:

- Housing Element Implementation (HEI) (includes amendments to the Oakland Planning Code, Zoning Map, Height Map, and General Plan Map and text);
- Safety Element update;
- *New* Environmental Justice Element; and
- Industrial Lands Zoning Changes in support of the new Environmental Justice Element.

The City has prepared this Draft EIR for updates to its General Plan Safety Element and adoption of a new Environmental Justice Element. In addition, this Draft EIR addresses the proposed Planning Code, Zoning Map, Height Map, and General Plan text and map amendments, including several Housing Element Implementation (HEI) actions contained in the City’s recently adopted 2023-2031 Housing Element. The adoption of the General Plan Safety Element and new Environmental Justice Element; and the proposed Planning Code, Zoning Map, Height Map, and General Plan text and map amendments with the HEI actions constitute the “Proposed Project” that is the subject of this Draft EIR. This Proposed Project, along with the recently adopted 2023-2031 Housing Element, constitute Phase 1 of the Oakland 2045 General Plan Update.

Project Description

This EIR addresses the City’s updates to its General Plan Safety Element and adoption of its new Environmental Justice Element. In addition, it addresses the impacts of proposed Planning Code, Zoning Map, Height Map, and General Plan text and map amendments, including several Housing Element Implementation (HEI) actions contained in the City’s recently adopted 2023-2031 Housing Element, and proposed changes to the Planning Code and Maps to minimize impacts to sensitive receptors in close proximity to industrial land uses.

Housing Element Implementation (HEI)

The Housing Element Implementation (HEI) component of the Proposed Project analyzed in this Draft EIR would include adoption of Planning Code, Zoning Map, Height Map, and General Plan text and map amendments to implement goals, policies, and actions related to housing contained in the Housing Element of the City’s General Plan. The HEI Planning Code amendments include specific proposals to reduce and eliminate those constraints and otherwise incentivize the construction of housing. Most significantly, the HEI proposes to redefine certain zoning designations and change development standards in certain zoning districts that have historically served as single-family neighborhoods to allow for “missing middle” housing¹ development; rezone a variety of neighborhood areas that have been identified as appropriate for additional infill housing; increase allowed heights in commercial zones along corridors and near BART stations; adopt an Affordable Housing Overlay (AHO) Zone that would provide for ministerial approval and other incentives to qualifying affordable housing developments; create a “by right” or ministerial approval process for qualifying housing development located on sites identified in

¹ Missing middle Housing is a range of house-scale buildings with multiple units (e.g., duplexes, triplexes, fourplexes, cottage courts, and multiplexes) that are compatible in scale and form with detached single-family homes and are located in a walkable neighborhood. More information is available at missingmiddlehousing.com.

the 2015-2023 Housing Element housing sites inventory; and revise the Planning Code and Zoning Map to minimize impacts to sensitive receptors in proximity to industrial land uses. The proposed amendments to the Planning Code and Zoning Map would also facilitate the production of unique, special housing types. The proposed General Plan text and map amendments include conforming changes to ensure that the policies, allowed uses, and allowed densities included in the Planning Code and Zoning Map are consistent with General Plan designations and policies. See **Figure 1** and **Figure 2** (Figures 3-12 and 3-13 in the Draft EIR) for proposed changes in permitted heights and density of sites.

The Proposed Project's Affordable Housing Overlay (AHO) has been analyzed for potential application to a broad area of the City, including portions of the Very High Fire Hazard Severity Zone Area located within 1,000 feet of the Highway 13 and I-580 corridor that are outside of the S-9 Fire Safety Protection Combining Zone.² See **Figure 3** (Figure 3-14 in Draft EIR) for the zoning districts and buffer areas analyzed for potential application of the AHO and **Figure 4** (Figure 3-15 in Draft EIR) for the proposed General Plan Amendments.

The draft zoning text amendments were published on the City's General Plan Update Website on March 3, 2023, at: <https://www.oaklandca.gov/topics/oakland-2045-general-plan-zoning-amendments> and will be available for public input until May 9, 2023.

Safety Element Update

The Safety Element Update presents a framework for minimizing risks posed by natural and human-caused hazards that may impact health and welfare. The City's Safety Element, adopted in 2004 and comprehensively amended in 2012, must be updated every eight years concurrent with the Housing Element update. As part of this Proposed Project, the City is preparing a comprehensive update to the General Plan Safety Element that builds on the City's 2021- 2026 Local Hazard Mitigation Plan; addresses all State requirements including requirements of California Assembly Bill 747 (2019) and Senate Bill 99 (2019) regarding evacuation routes as well as Senate Bill 379 (2016) requiring inclusion of climate adaptation and resiliency strategies; and serves as a central reference point for the City's efforts to address safety and climate change. The policy development focuses on wildfire, toxic and hazardous materials, seismic risk, flooding, climate change adaptation and resilience, and drought. The Safety Element Update includes actionable strategies for addressing identified critical facility needs and enabling climate-smart development.

The public review drafts of the Safety Element update are available on the Oakland 2045 General Plan Update website at: <https://www.oaklandca.gov/topics/generalplan-update> for a 90-day review period between March 24, 2023, to June 22, 2023.

Environmental Justice Element

California Senate Bill 1000, also referred to as the 2016 Planning for Healthy Communities Act, requires that cities with "disadvantaged communities" or "Environmental Justice Communities" (EJ Communities) adopt environmental justice policies or an Environmental Justice Element as

² The intent of the S-9 Fire Safety Protection Combining Zone is to promote the public health, safety and welfare by ensuring that activities that are located, in whole or part, within Very High Fire Hazard Severity Zones, and accessed from streets or cul-de-sacs that do not meet emergency access standards, develop in such a manner as not to be a serious threat to public health or safety.

part of its General Plan. Specifically, SB 1000 requires general plans to “identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities”. The Proposed Project includes the City’s first Environmental Justice (EJ) Element with the purpose of addressing the unique or compounded health risks in EJ Communities within the City of Oakland. Building on issues identified in the City’s 2045 Environmental Justice and Racial Equity Baseline, the EJ Element measures include, but are not limited to, measures to improve air quality; and measures to promote public facilities, food access, safe and sanitary homes, and physical activity. In addition, the element serves to promote civic engagement in the public decision-making process and prioritize improvements and programs that address the needs of these communities.

The public review drafts of the Environmental Justice element are available on the Oakland 2045 General Plan Update website at: <https://www.oaklandca.gov/topics/generalplan-update> for a 90-day review period between March 24, 2023, to June 22, 2023.

While the Proposed Project does not propose specific private developments, construction would be a reasonably foreseeable future outcome of its adoption. For the purposes of environmental review, this Draft EIR establishes the Phase 1 Oakland 2045 General Plan Update Buildout Program (Buildout Program), which represents the maximum feasible housing development that the City has projected can reasonably be expected to occur through 2030. The Buildout Program assumes approximately 41,458 new housing units would be developed under the Proposed Project during the projection period ending in 2030, although the actual pace of development will depend on market conditions, property owner interest, and— in the case of affordable housing— available funding and/or other incentives.

Project Objectives

CEQA requires that a project description state the objectives sought by the proposed project. The statement of objectives describes the underlying purpose of the project and may discuss the project’s benefits.

The objectives of the Proposed Project include the following:

1. Remove regulatory development constraints and provide development incentives so that the City can meet the housing needs of all Oaklanders for the 6th Housing Element cycle;
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 such as flats, duplexes, triplexes, fourplexes, townhomes/rowhouses, and accessory dwelling units 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 and welfare by protecting residents, workers, and visitors from seismic and geologic hazards, fire hazards, hazardous materials, flooding, and other potential hazards that risk life and property;
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; and
10. Prioritize improvements and programs that address the needs of Environmental Justice Communities.

SIGNIFICANT ENVIRONMENTAL IMPACTS

As stated previously in this report, the Draft EIR analyzes potentially significant environmental impacts in the following categories: Aesthetics, Shadow, and Wind, Air Quality, Biological Resources, Cultural Resources, Energy, Geology, Soils, and Paleontological Resources, 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 Cultural Resources, Utilities and Service Systems, and Wildfire.

All impacts, and draft Mitigation Measures identified in the Draft EIR are presented in the various subsections within Chapter 4, Environmental Setting, Impacts, Standard Conditions of Approval, and Mitigation Measures and summarized in Table 2-1 at the end of Chapter 2, Summary, of the Draft EIR. Table 2-1 of the Draft EIR is included as **Attachment B** to this staff report.

The Proposed Project would result in significant and unavoidable impacts to Aesthetics (Wind and Shadow), Air Quality, Cultural Resources, Hazards and Hazardous Materials, and Wildfire most of which could not be reduced below adopted thresholds of significance by standard conditions of approval and/or mitigation measures. The following impacts of the Proposed Project would remain significant even with implementation of identified mitigation measures:

Aesthetics (Wind and Shadow)

Impact AES-4: Shadows – *Adoption of the Proposed Project and future development under the Proposed Project 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 adequate light.*

The Proposed Project could include mid- and high-rise buildings that may cast shadow on public open spaces, solar collectors, and/or historic resources. Given that there are not sufficient details available to analyze specific shadow impacts, it cannot be known with certainty that development facilitated by the Proposed Project would not cause significant shadow impacts that impair the function of a building using passive solar collection; impair the beneficial use of a public or quasi-public park, lawn, garden, or open space; impact the integrity of an historic resource with sunlight-sensitive character defining features, or otherwise results in inadequate provision of light.

The Draft EIR analysis includes Mitigation Measure AES-1, which would require project sponsors with proposed projects with a height of 50 feet or greater to either present evidence that the specified resources are not within the project's potential shadow path or complete a site-specific shadow study when individual projects are proposed. Under this Mitigation Measure AES-1, if the shadow study provides support to determine that the proposed project building design would adversely affect the described resources, the project sponsor would be required to modify the building design and placement and provide a revised shadow study to support the determination that the revised new project shadow would minimize and/or avoid shadow effects adversely affecting the described resources.

The effectiveness of Mitigation Measure AES-1 cannot be determined with certainty because there are not sufficient details available to analyze specific impacts. As such, the Draft EIR concludes that adoption of the Proposed Project, even with adherence to existing Standard Conditions of Approval (SCAs) and Mitigation Measure AES-1, would result in a significant and unavoidable impact related to shadows.

In addition, Planning Staff is of the opinion that Mitigation Measure AES-1 is infeasible based on it conflicting with the objectives of the Proposed Project, including: 1) to remove constraints on the development of housing; 2) encourage more housing along corridors and in transit-proximate areas; and 3) create more affordable housing restricted for extremely low-, very low-, low-, and/or moderate-income households. 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 as stated in the Housing Element. As such, Planning Staff recommend that this Mitigation Measure not be adopted and seek feedback from this body on this recommendation.

Impact AES-6: Wind Hazards – *Adoption of the Proposed Project could create winds that exceed 36 mph for more than one hour during daylight hours during the year.*

The Proposed Project could include structures that are 100 feet or greater in height and located adjacent to a substantial body of water or in the Downtown area. The City of Oakland requires a wind analysis for such proposed structures based on their potential to redirect or alter wind speeds, and thus the potential to substantially increase wind speeds, potentially creating wind-hazard impacts.

The EIR analysis includes Mitigation Measure AES-2, which would require project sponsors to complete a site-specific wind analysis, prepared by a qualified wind consultant approved by the Oakland Planning & Building Department, when individual projects are proposed. This would be required for proposed projects with a height of 100 feet or greater, measured to the top of the building roof at any point, and one of the following conditions exist:

- The project is located adjacent to a substantial water body (i.e., Oakland Estuary, Lake Merritt, or San Francisco Bay); or
- The project is located in Downtown, (Downtown is defined in the Land Use and Transportation Element of the General Plan, p. 67, as the area generally bounded by West Grand Avenue to the north, Lake Merritt and Channel Park to the east, the Oakland Estuary to the south, and I-980/Brush Street to the west.)

If the wind analysis demonstrates that the building design would not create a net increase in hazardous wind hours or locations compared to then-existing conditions, no further review would be required. However, if the wind analysis determined that the building's design would increase the hours of wind hazard (36 mph for one hour of the year) or the number of test points subject to hazardous winds compared to existing conditions, the project sponsor would be required to work with the wind consultant to identify feasible mitigation strategies, including design changes (e.g. setbacks, rounded/chamfered building corners, stepped facades, landscaping and/or installation of canopies along building frontages), to eliminate increased hours of wind hazards. The mitigation strategies would then need to be tested and presented in a revised wind report to demonstrate a reduction in wind hazards as compared to the then-existing conditions.

Implementation of a wind analysis that includes design recommendations to reduce ground level wind speeds could reduce the severity of wind impacts. The effectiveness of this cannot be determined with

certainty because there are not sufficient details available to analyze specific impacts, as such the impact is conservatively significant and unavoidable.

In addition, Planning Staff is again of the opinion that Mitigation Measure AES-2 is infeasible based on it conflicting with the City's goals and objectives. Based on the City's proposal to adopt objective design standard review and other streamlining measures that would allow for greater numbers of ministerially approved projects, this mitigation measure would be infeasible to impose on a project-by-project basis. Requiring a project to revise its design in a manner that could 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 as stated in the Housing Element. As such, Planning Staff recommend that this Mitigation Measure also not be adopted and seek feedback from this body on this recommendation.

Impact AES-7: Cumulative Aesthetics, Wind, and Shadow – *Future development under the Proposed Project, combined with cumulative development, could result in significant cumulative impacts to aesthetics, wind, and shadow.*

The Proposed Project, combined with cumulative sources in the Plan Area and areas in the immediate vicinity of City boundaries, could contribute to cumulative aesthetics, wind, and shadow impacts. Future development under the Proposed Project could impact scenic vistas of the hills and shoreline in areas surrounding Oakland. However, the cumulative effects would not result in a significant adverse aesthetics impact, due to past, present and future developments' adherence to the General Plan policies, SCAs, and Municipal Code. Due to the uncertainty of effectiveness of available mitigation, and concerns regarding the feasibility of these mitigation measures, the Proposed Project would result in significant cumulative impacts to shadow and wind.

Air Quality

- **Impact AIR-3: Criteria Pollutant Emissions from Construction and Operation of the Proposed Project** – Construction and operation associated with future development under the Proposed Project could result in average daily emissions of criteria pollutants that would exceed the City's construction significance thresholds of 54 pounds per day of reactive organic gases (ROG), oxides of Nitrogen (NOX), and particulate matter with a diameter of less than 2.5 micrometers (PM_{2.5}), or 82 pounds per day of and particulate matter with a diameter of less than 10 micrometers (PM₁₀). Mitigation Measure AIR-1 proposes text changes to the City's current standard condition of approval (SCA) pertaining to criteria air pollutant controls. In addition, the majority of project would be under the Bay Area Air Quality Management District's operational and construction criteria pollutant screening for potential subsequent development. Nevertheless, without specific details about future development under the Proposed Project, it is impossible to know for certain whether individual projects could generate emissions of criteria air pollutants that would exceed the applicable thresholds of significance. Mitigation Measure AIR-1, proposed policies, and SCAs would reduce emissions, but not to less-than-significant levels.
- **Impact AIR-5: Toxic Air Contaminants** – The Proposed Project could introduce sensitive receptors near existing major sources of TACs including major highways I-580, I-880, and I-980, the Oakland Ferry Terminal, the Oakland Airport, and the Port of Oakland. Mitigation Measure AIR-2 proposes text changes to the City's current standard condition of approval pertaining to toxic air contaminants. The impact would be addressed with adherence to Title 24 Building Code requirements, proposed policies, SCA 23, and the implementation of Mitigation Measure AIR-2; however, without specific details about where future projects would site new sensitive receptors

and what the specific health risks would be at these locations, the impact would remain significant and unavoidable.

- **Impact AIR-6: Exposure of Sensitive Receptors to Substantial Pollutant Concentrations from Construction and Operation** – Construction and operation associated with future development under the Proposed Project could generate TAC emissions that could cause significant health risk impacts. Mitigation Measures AIR-3, AIR-4, AIR-5, AIR-6 propose text changes to the City’s current standard conditions of approval pertaining to construction-related diesel particulate matter controls, toxic air contaminants, stationary sources of air pollution, and truck-related risk reduction measures, respectively. Project-specific information for future development under the Proposed Project is not yet available and health risk impacts cannot be evaluated at a project-specific level at this time. Proposed Mitigation Measures as well as proposed policies and SCAs would reduce the health impacts from future projects, but not to a less-than-significant level.
- **Impact AIR-8: Cumulative Exposure of Sensitive Receptors to Substantial Levels of Fine Particulate Matter (PM_{2.5}) and TACs** – The contribution of future projects that could be developed under the Proposed Project could combine with risks from existing TAC sources and the resulting community health risks could exceed BAAQMD cumulative risk thresholds. However, without specific details about future development under the Proposed Project, it is impossible to determine whether future projects would generate TAC emissions that could cause significant health risk impacts or whether health risks at new receptor locations would exceed the applicable thresholds of significance. Proposed policies in addition to Mitigation Measures would reduce this impact but not to a less-than-significant level.

Cultural Resources

- **Impact CUL-1: Historic Architectural Resource** – Development facilitated by streamlining actions and policies within the HEI could result in damage to or destruction of historic architectural resources. Similarly, the Safety Element would not directly approve any physical development but would implement policies that could result in structural improvements to existing historic-age buildings that may not be subject to discretionary review, which could result in damage to or destruction of historic architectural resources. While existing regulations, policies, and standard conditions of approval are designed to protect architectural historic resources by requiring projects to identify and mitigate impacts to potential architectural historic resources, there remains the potential for construction activities to damage or destroy architectural historic resources. Further, even with implementation of the protective policies and standard conditions of approval, there remains the possibility that the City could approve the demolition of a previously unidentified or currently underrated historic building or structure either to implement the goals and policies of the Housing Element or by taking advantage of the Proposed Project’s streamlining policies and actions. Therefore, the Proposed Project would result in a significant impact to historic architectural resources. Mitigation Measure CUL-1 would require the City to create a ministerial process involving a screening assessment incorporated in the City of Oakland basic application for development review to determine when a building or structure is an eligible historic resource. General Plan policies, SCAs, and Mitigation Measure CUL-1 would reduce but not avoid this significant impact if these resources were permanently lost.
- **Impact CUL-4: Cumulative Historic Architectural Resource Impacts** – Future development under the Proposed Project, combined with cumulative development citywide, could result in cumulatively considerable impacts to historic architectural resources. Mitigation Measure CUL-1 as well as SCAs would be incorporated into all development projects but would not reduce impacts to a less-than-significant level.

Hazards and Hazardous Materials / Wildfire

- **Impact HAZ-6 and Impact WLD-1: Impair Implementation of an adopted Emergency Response Plan or Emergency Evacuation Plan** – Six evacuation scenarios (tsunami, dam failure, 100-year/500-year flooding, and three wildfire) were modeled and determined that in each scenario evacuation traffic would have a significant impact on area roadways. The increased housing density throughout the City would impair emergency evacuation because it causes congestion and exacerbates over-capacity problems that preclude timely and safe evacuation. No additional mitigation has been identified that can feasibly reduce this impact to less than significant. Therefore, the Proposed Project would result in a significant and unavoidable impact related to emergency response plans or emergency evacuation plans.

PROJECT ALTERNATIVES

Chapter 5, Alternatives to the Project, of the Draft EIR includes the analysis of two alternatives beyond the “No Project Alternative” to the Project that meets the requirements of CEQA. The CEQA alternatives analyzed in Chapter 5 include:

- **Alternative 1: The No Project Alternative:** The No Project Alternative includes the existing conditions at the time the Notice of Preparation (NOP) of an EIR was circulated for public review and includes the assumption that the existing conditions would not be changed because the project would not be adopted. An estimated 36,774 residential units would be developed under the No Project Alternative during the projection period ending in 2030. This results in approximately 5,000 fewer units when compared with the Proposed Project Buildout Program. In addition, this development would occur without new or more stringent policies related to environmental justice or safety, and the City’s 2004 Safety Element would apply.
- **Alternative 2: The No Affordable Housing Overlay Buffer Zone on parcels in the Very High Fire Hazard Severity Zone Alternative:** Alternative 2 would include all components of the Proposed Project, including most of the provisions of the Affordable Housing Overlay (AHO), with the exception of parcels in the Very High Fire Hazard Severity Zone (VHFHSZ) within the AHO 1,000-foot buffer area surrounding the Highway 13 and I-580 corridor as shown in **Figure 5** (Figure 5-1 in Draft EIR). Buildout of Alternative 2 is estimated to result in 250 fewer affordable units when compared with the Proposed Project Buildout Program.
- **Alternative 3: The No Missing Middle Alternative:** Alternative 3 would include all components of the Proposed Project with the exception of the proposed Housing Element Implementation (HEI) Planning Code amendments to change development standards for the existing lower density residential zoning districts (RD, RM, RU and RH-4). Buildout of Alternative 3 is estimated to result in approximately 1,500 fewer units when compared with the Proposed Project Buildout Program.

The No Project Alternative would not reduce any of the Proposed Project’s significant and unavoidable impacts to a less than significant level and would meet only some of the basic objectives of the Proposed Project. Alternatives 2 and 3 would not increase the severity of significant impacts but would neither avoid nor substantially lessen the significant effects of the Proposed Project. These alternatives would meet some but not all of the Proposed Project objectives (more than the No Project Alternative) and would meet some objectives more effectively than others.

The Draft EIR concludes that the No Project Alternative would have the ability to meet eight of the basic objectives of the Proposed Project, although four to a lesser degree, and would not meet four of the basic objectives of the Proposed Project. Alternative 2 would have the ability to meet all of the basic objectives of the Proposed Project, although four to a lesser degree. Alternative 3 would meet nine of the basic objectives of the Proposed Project, although four to a lesser degree, and would not meet one of the basic objectives of the Proposed Project.

Based on the Draft EIR evaluation in Chapter 5, the No Project Alternative would be environmentally superior to the Proposed Project. However, the No Project Alternative would meet only some of the basic objectives of the Proposed Project and would run counter to the requirements of State Law. CEQA Guidelines require that a second alternative be identified when the “No Project” alternative is the environmentally superior alternative. The Draft EIR concludes that Alternative 3: The No Missing Middle Alternative is the Environmentally Superior Alternative. However, this alternative would again not meet the City’s objectives for the Proposed Project and would fail to achieve implementation of City of Oakland Resolution No. 88554, requesting Planning Bureau Staff study and the Planning Commission to consider allowing fourplexes in areas currently designated for single-family residences. In addition, this alternative would not be consistent with Goals 3, 4, and 5 of the Housing Action Plan in the City’s adopted 2023-2031 Housing Element to address systemic housing inequity and further fair housing.

CONCLUSION

The Planning Commission is being asked to provide feedback to Planning staff on the Draft EIR. All comments received on the Draft EIR will be considered by the City prior to finalizing the EIR. Comments on the Draft EIR should focus on the regarding the sufficiency of the Draft EIR and discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the Project in light of the EIR’s purpose to provide useful and accurate information about such factors. Comments received at this Planning Commission meeting will help further shape the preparation of the final documents. 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).

Over the next several months, staff will be seeking feedback on the draft Planning Code, Zoning Map, Height Map, and General Plan text and map amendments, and the public review drafts of the Environmental Justice and Safety Elements. Once the Final Planning Code and General Plan amendments, and Environmental Justice and Safety Element are prepared, integrating public feedback, and incorporating any feedback on the Draft EIR, the formal adoption process, the FEIR (response to comments), and EIR certification process will commence in Summer 2023. The process will begin with the Planning Commission and continue with the Community and Economic Development (CED) Committee of City Council, before presenting to the full City Council for final adoption consideration.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff recommends that the Planning Commission

1. Take public testimony on the Draft EIR and provide comments to staff on the Draft EIR;
2. Close the public hearing with respect to receipt of oral comments; written comments will be accepted until May 9, 2023, at 5:00 PM.

Prepared by:

Lakshmi Rajagopalan

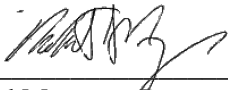
Lakshmi Rajagopalan, Planner IV
Strategic Planning Division

Reviewed by:

Laura B. Kaminski

Laura B. Kaminski, Strategic Planning Manager

Approved for forwarding to the
Planning Commission by:

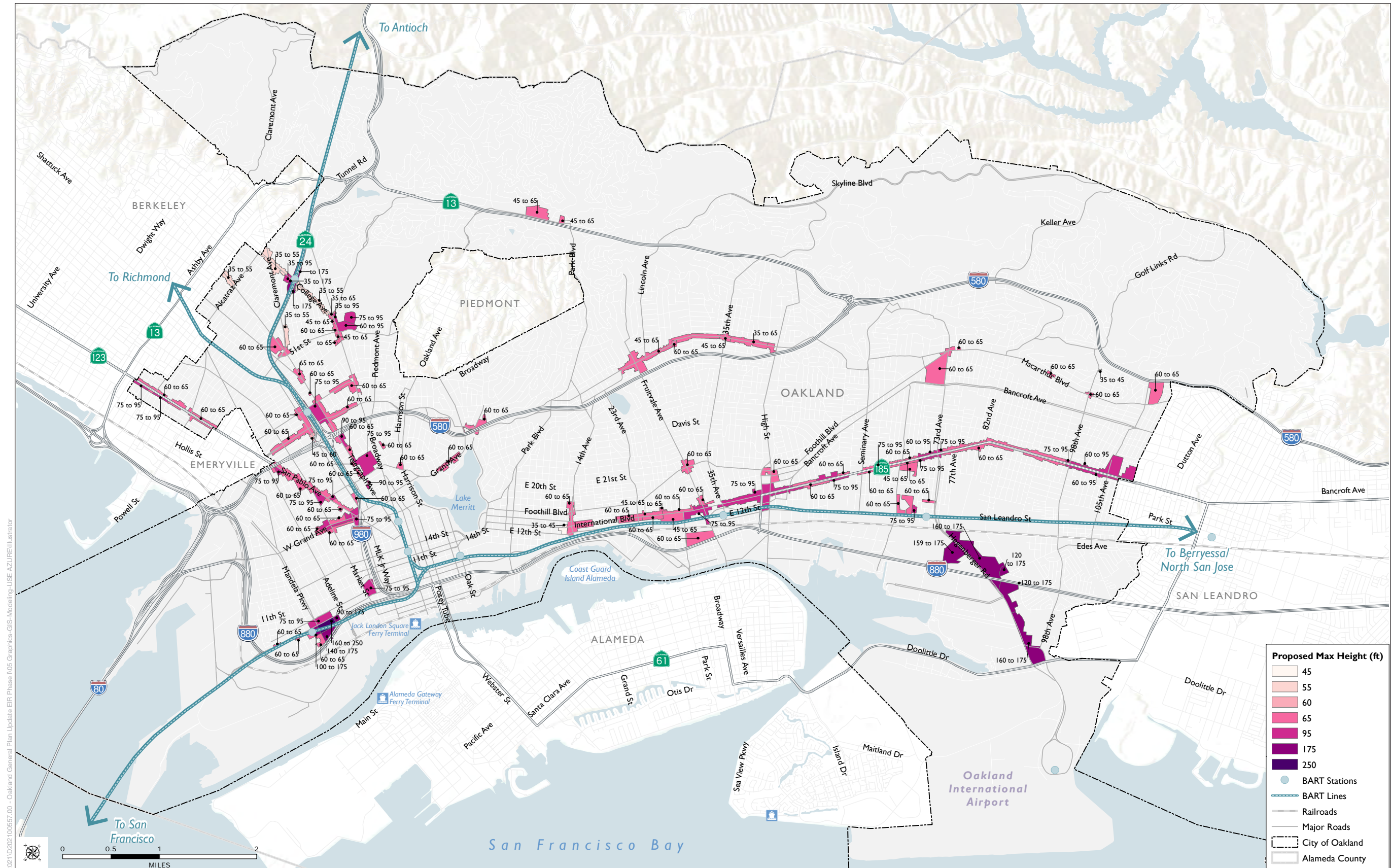


for

Ed Manasse, Deputy Director of Planning

ATTACHMENTS:

- A. Notice of Availability (NOA)
- B. Draft EIR Table 2-1 Summary of Impacts and Standard Conditions of Approval and Mitigation Measures for the Project



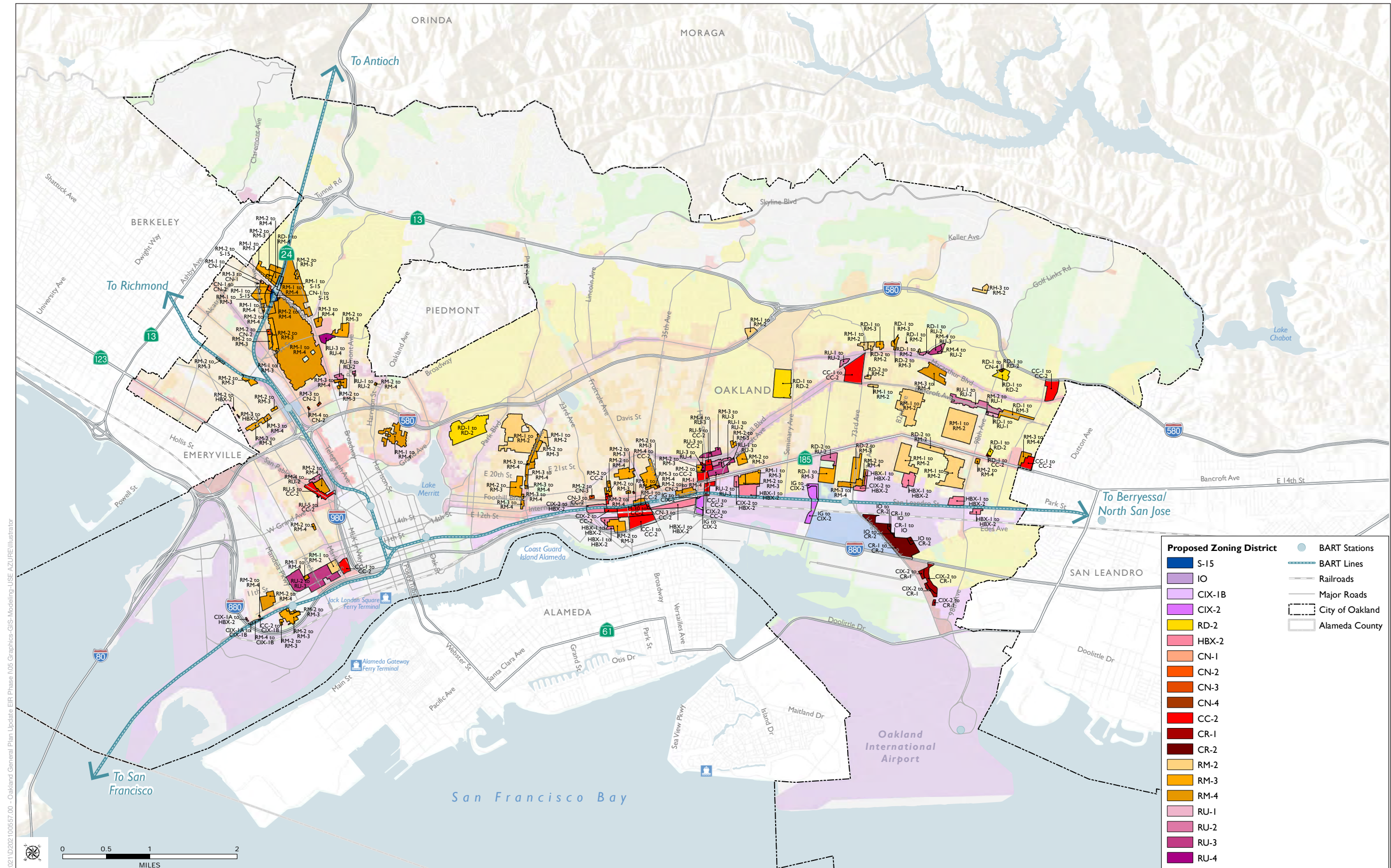
SOURCE: Dyett & Bhatia, 2022

Phase I Oakland 2045 General Plan Update EIR

Figure 3-12 Existing and Proposed Corridor Heights



FIGURE 2

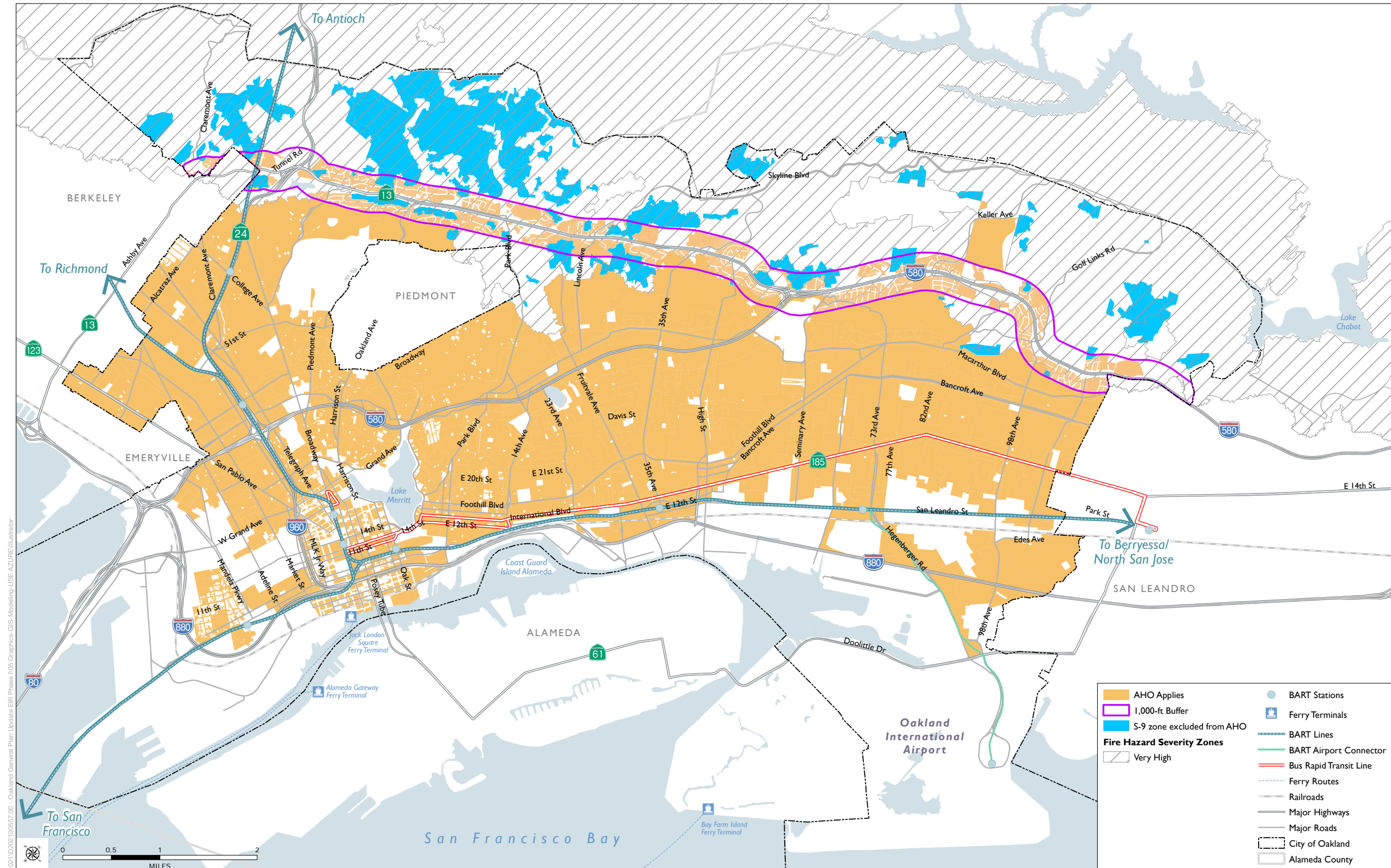


SOURCE: Dyett & Bhatia, 2022

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Figure 3-13 Existing Zoning and Proposed Zoning Changes





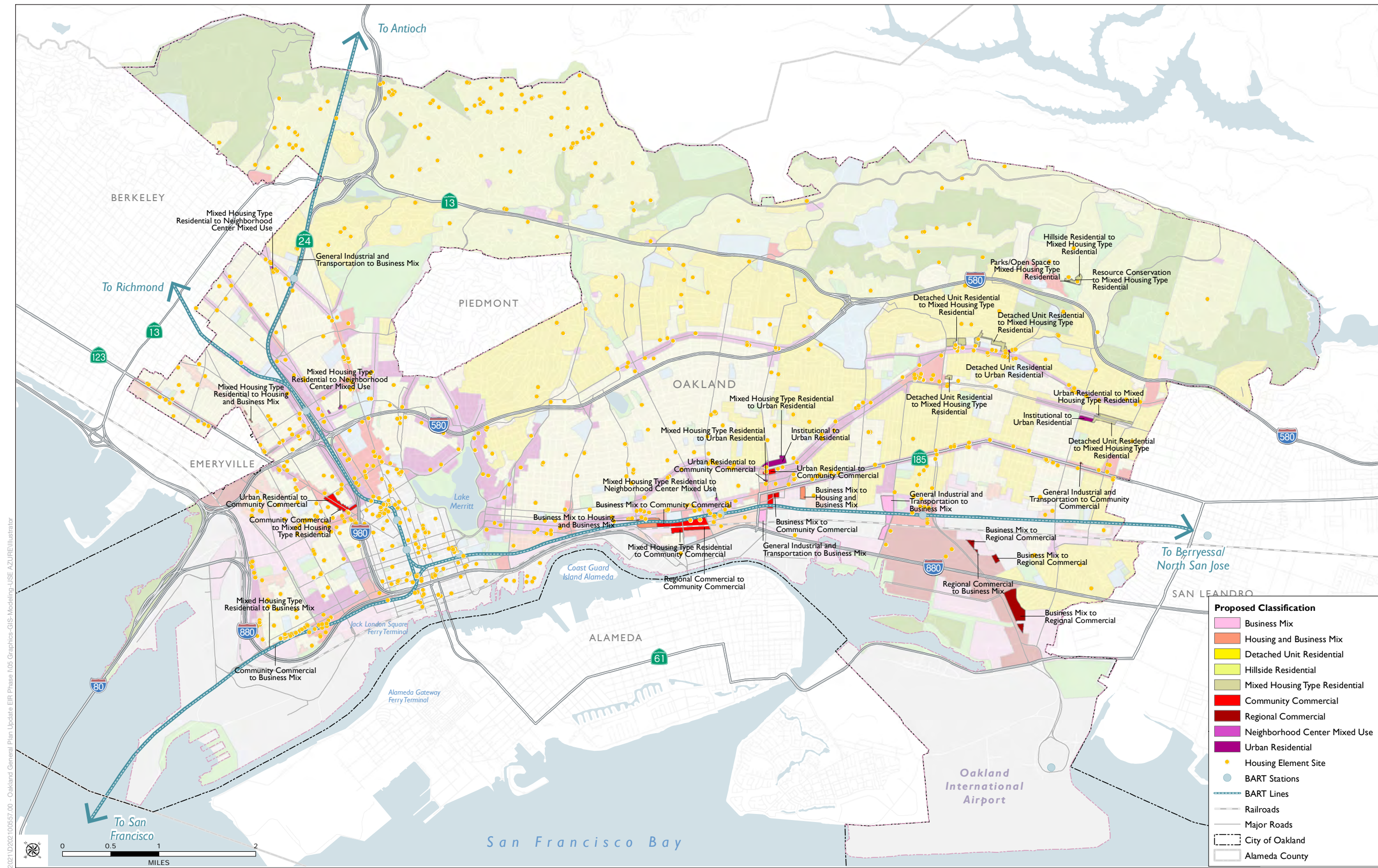
SOURCE: Dyett & Bhatia, 2022

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Figure 3-14
Affordable Housing Overlay



FIGURE 4



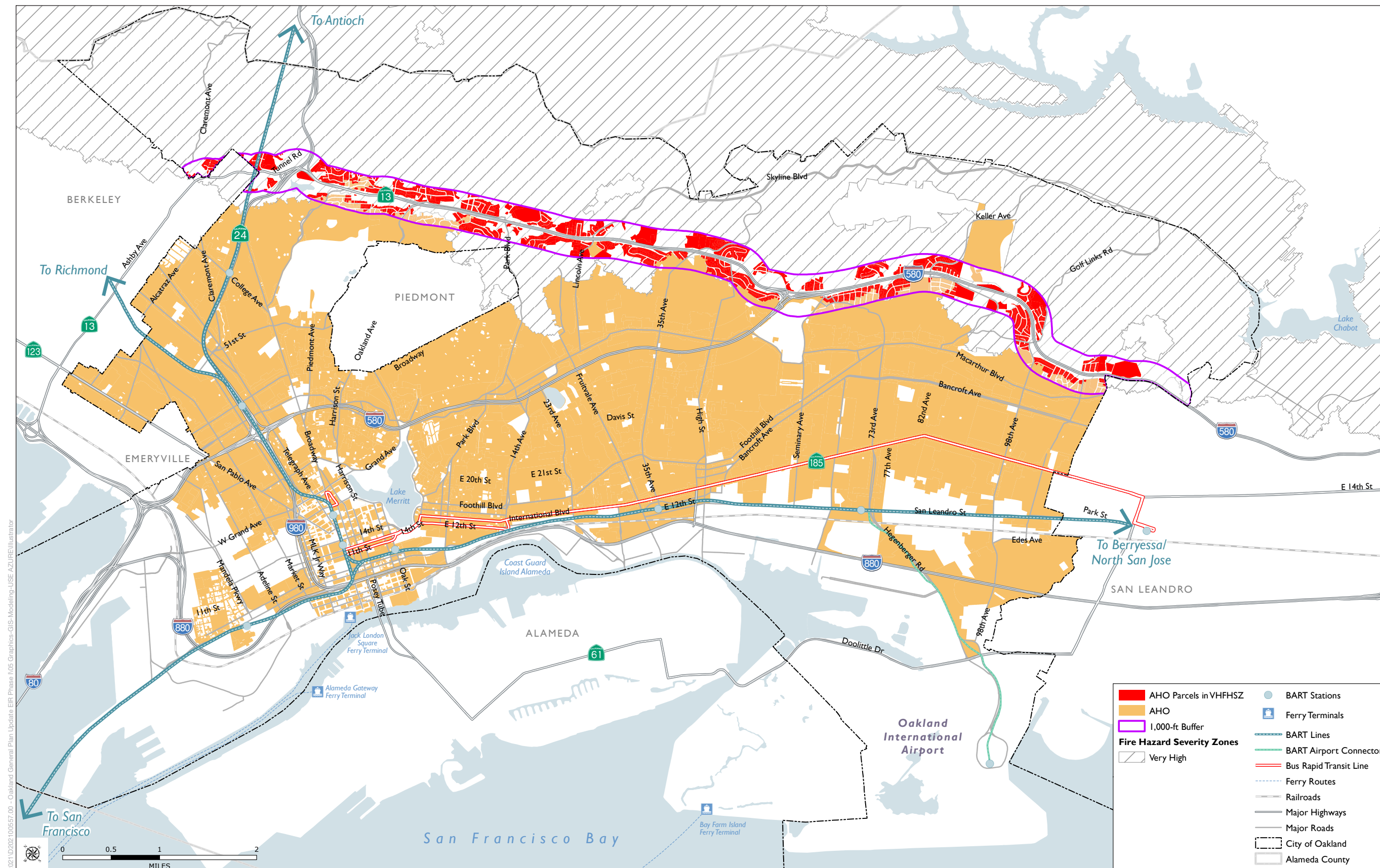
SOURCE: Dyett & Bhatia, 2022

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Figure 3-15
Proposed General Plan Amendments



FIGURE 5



SOURCE: Dyett & Bhatia, 2022

Phase I Oakland 2045 General Plan Update EIR

Figure 5-1
 Alternative 2: The Proposed Project with No Affordable Housing Overlay Buffer Zone on Parcels in the Very High Fire Hazard Severity Zone

