

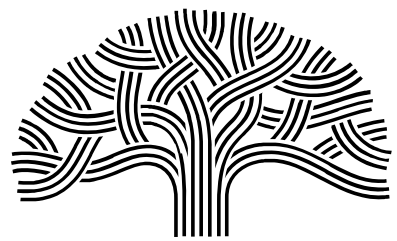
Oakland 2045 General Plan Update | Phase 1 Package

- Safety Element
- Environmental Justice (EJ) Element
- Planning Code Amendments
- Final Environmental Impact Report

Adoption Hearing | Community and Economic
Development Committee (CED)

September 12, 2023

Planning and Building Department



**CITY OF
OAKLAND**



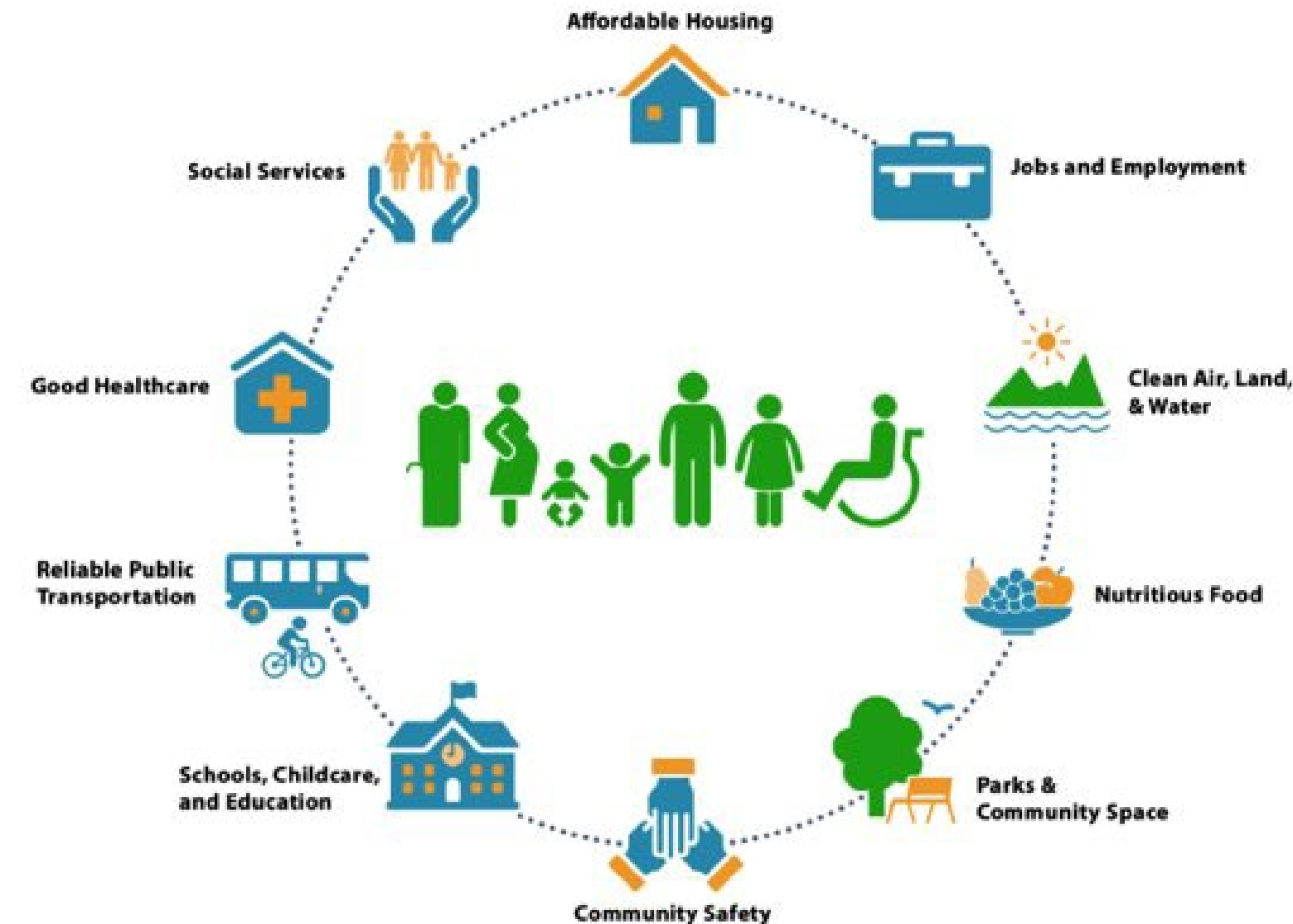
Agenda

- Overview of General Plan Update (GPU)
- Community Engagement Process and Feedback
- Phase 1 GPU Adoption
 - Safety Element
 - Environmental Justice (EJ) Element
 - Planning Code Amendments
 - Final Environmental Impact Report (EIR)
- Planning Commission Recommendation
- Revisions to Hearing Drafts
- Staff Recommendation
- Next Steps

Overview of General Plan Update (GPU)

2045 General Plan Update

- **Legal Basis** for development and conservation.
- Establishes citywide vision and supporting **goals, policies, and implementation measures**.
- **Eight** required Elements
- **Two Phase Approach to General Plan Update:**
- **Phase I (Winter 2021 – Fall 2023)**
 - 2023-2031 Housing Element (*Adopted January 31, 2023*)
 - Safety Element & Environmental Justice Element
 - Zoning Code and General Plan – Map and Text Amendments for Phase 1
 - Racial Equity Impact Assessment (REIA)
- **Phase II (From Fall 2023)**
 - Land Use and Transportation Element
 - Open Space, Conservation and Recreation Element
 - Capital Facilities and Infrastructure Element
 - Noise Element and Updates to the Zoning Code



Project Timeline

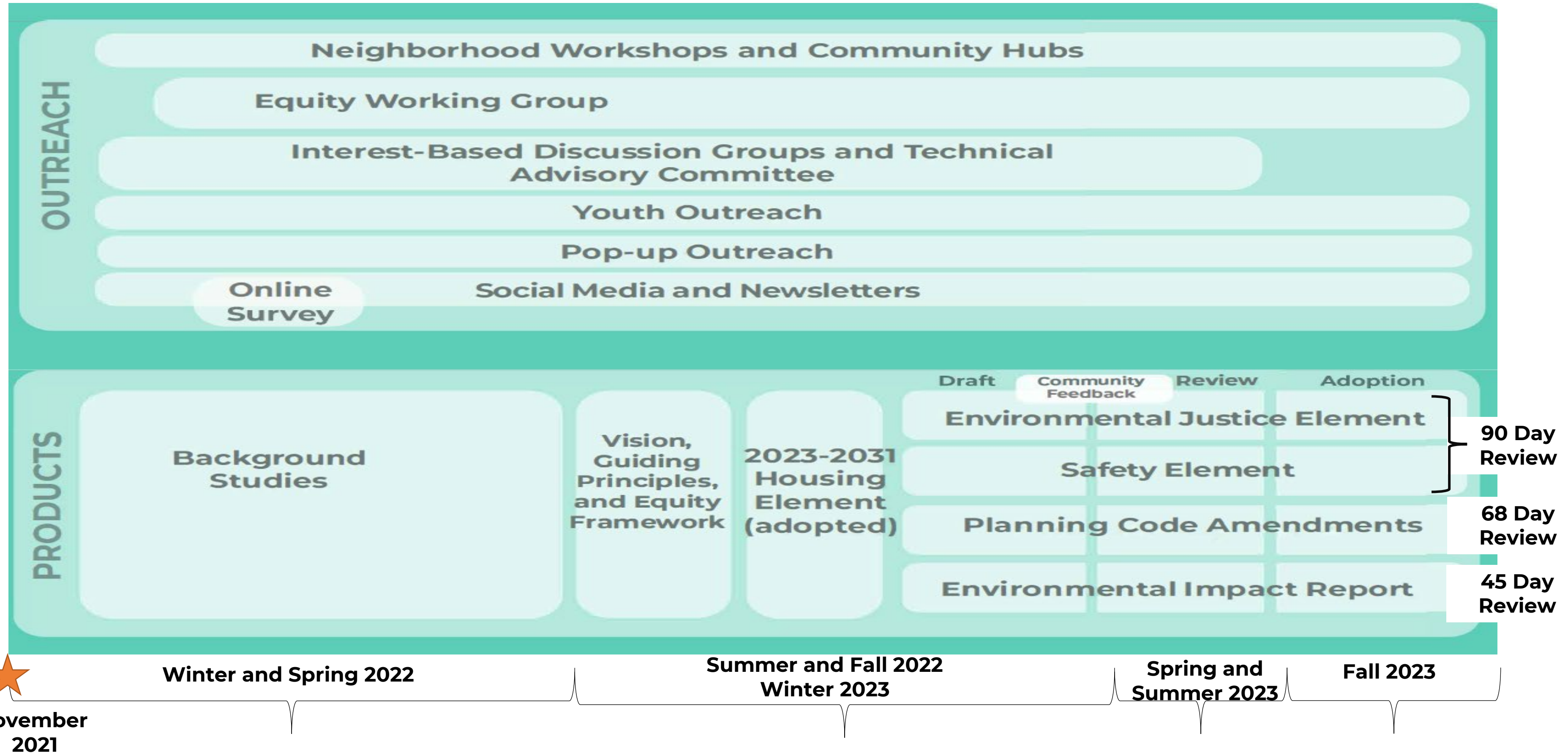




Image: Deeply rooted youth fellows and Unity council members at the Oakland General Plan table, Source: Karla Guerra

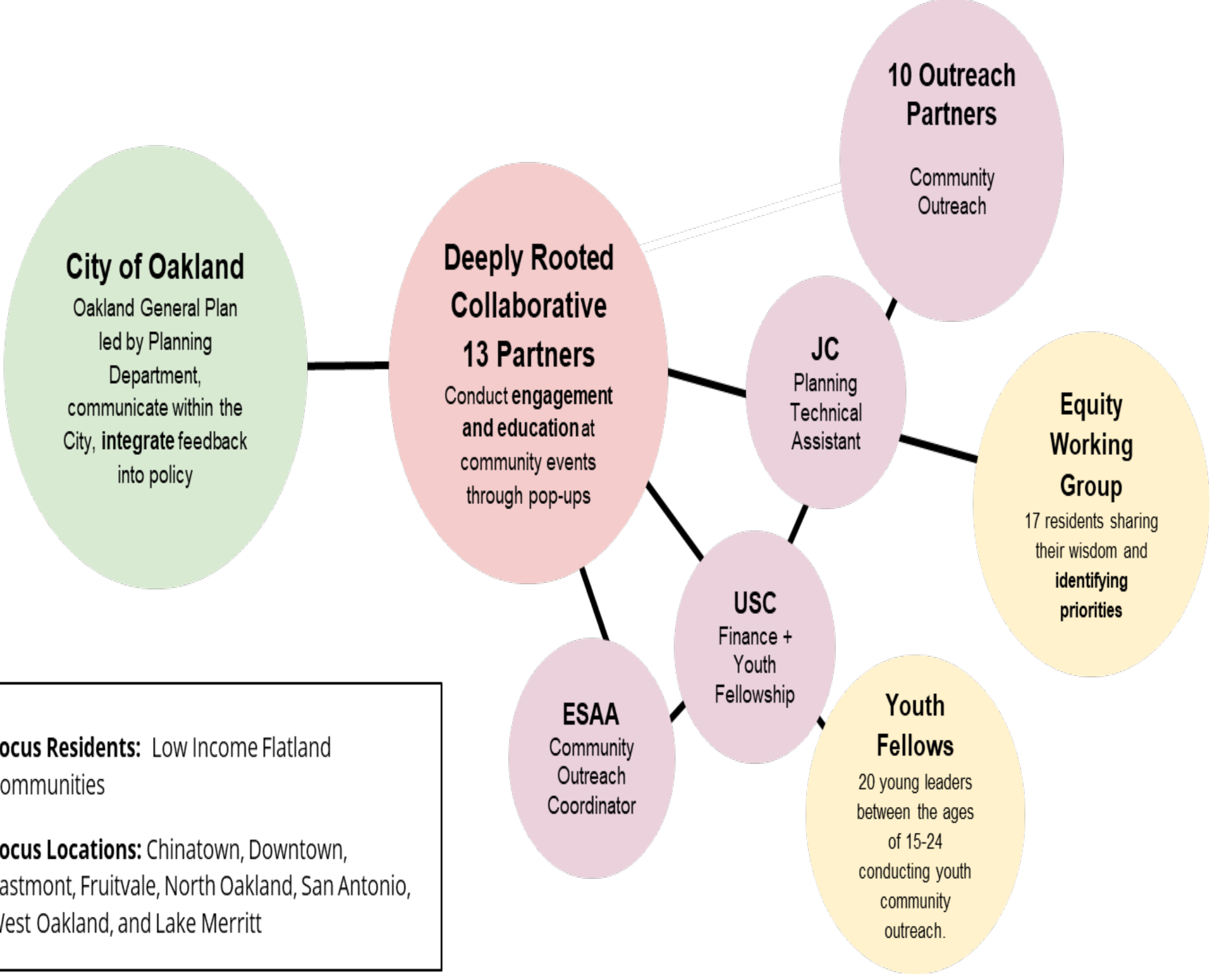


Community Engagement

Community Engagement At a Glance

- **Discussion Groups**
 - **3** Focus Groups on Safety – **13** Organizations participated
 - **2** Focus Group on EJ – **10** Organizations participated
 - **2** Focus Groups on Planning Code Amendments - **30** Organizations participated
 - **8** Discussion Groups – **50** organizations participated
- **Townhalls and Neighborhood Workshops** (in-person and virtual)
 - **7** workshops – Around **100** people
- **Interviews**
 - **12** Environmental Justice Advocacy Organizations
- **Presentations to Neighborhood Councils**
 - 40+ Presentations – Around **650** people
- Deeply Rooted Outreach (**4,452** people)
 - Cultural Events and Pop-ups
 - Youth Engagement
 - Equity Working Group (EWG) Meetings
- Multilingual Community Education Materials and Factsheets
- Online Engagement
 - Videos on Safety and EJ
 - EJ Hub and Online Survey
 - Social Media
- Community Tour of West Oakland
- Technical Advisory Committee (TAC)
- Study Sessions with Decisionmakers at PC, CED, PSC, CC
- Public Hearings at ZUC and LPAB

Deeply Rooted Community Outreach



Focus Residents: Low Income Flatland Communities

Focus Locations: Chinatown, Downtown, Eastmont, Fruitvale, North Oakland, San Antonio, West Oakland, and Lake Merritt

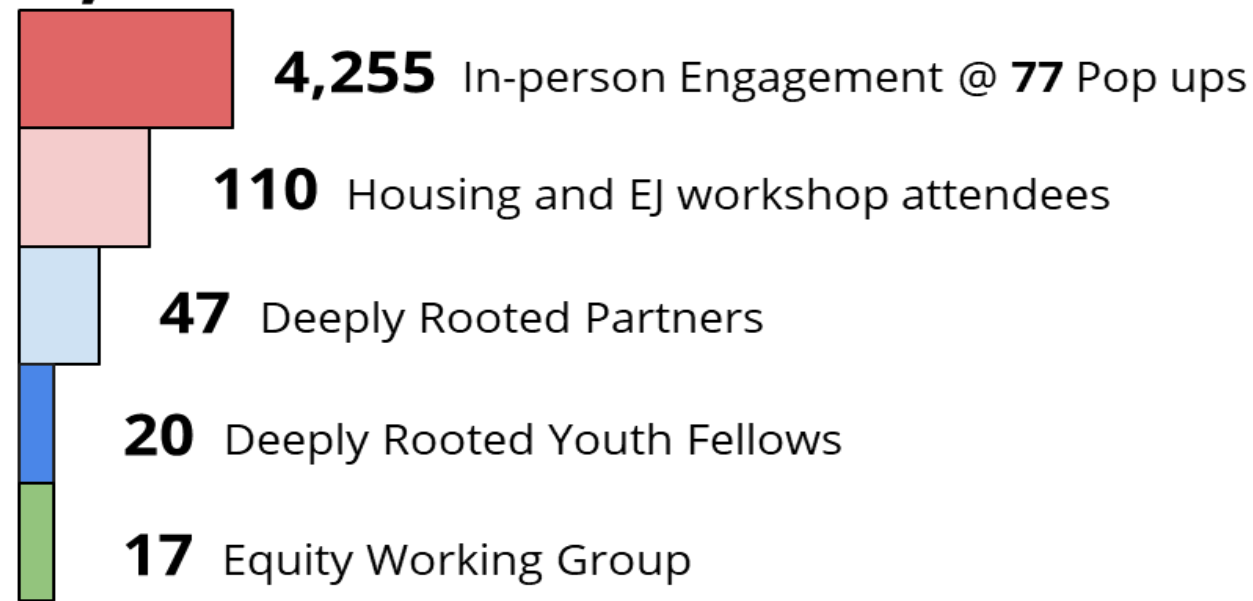
Community Partner	Outreach Geography/Community
Black Arts Movement Business District, CDC (BAMBD, CDC)	West Oakland (Lower Bottoms), Artists, flatland communities of color, those invested in the animation of BAMBD, CDC, and its stakeholders
CURYJ	Formerly Incarcerated, Black and Latinx Fruitvale
East Side Arts Alliance	Communities of color East, West, North Oakland, San Antonio, Fruitvale
House/Full of Black Women/Deep Waters Dance Theater	West Oakland
Lao Family Community Development, Inc.	South Asian American community
Malonga Arts Residents Association (MARA)	Black and Brown communities and partnership with members in Chinatown
Oakland Asian Cultural Center (OACC) / API Cultural Center	Asian American community Chinatown
The Black Cultural Zone (BCZ) Community Development Corporation	Black Community East Oakland
The Village in Oakland	Unhoused curbside communities in North Oakland, West Oakland, Downtown, and East Oakland
Unity Council	Latinx community Fruitvale
West Oakland Environmental Indicators Project (WOEIP)	Environmental Justice West Oakland
Just Cities	Equity Working Group and Deeply Rooted Partners
USC	Youth Fellows

Deeply Rooted Outreach

In-Person Outreach

November 2021 - June 2023

4,452 Overall Reach



Sample Demographics

Race/Ethnicity	%
Latinx	16%
Black	30%
Asian American	20%
White	11%
Multiracial	4%
Middle Eastern	1%
Other	2%
Native Hawaiian/Pacific Islander	2%
Native American/Indigenous or Alaska Native	3%
Caribbean Islander	2%
No Race/Ethnicity Collected/Selected	9%

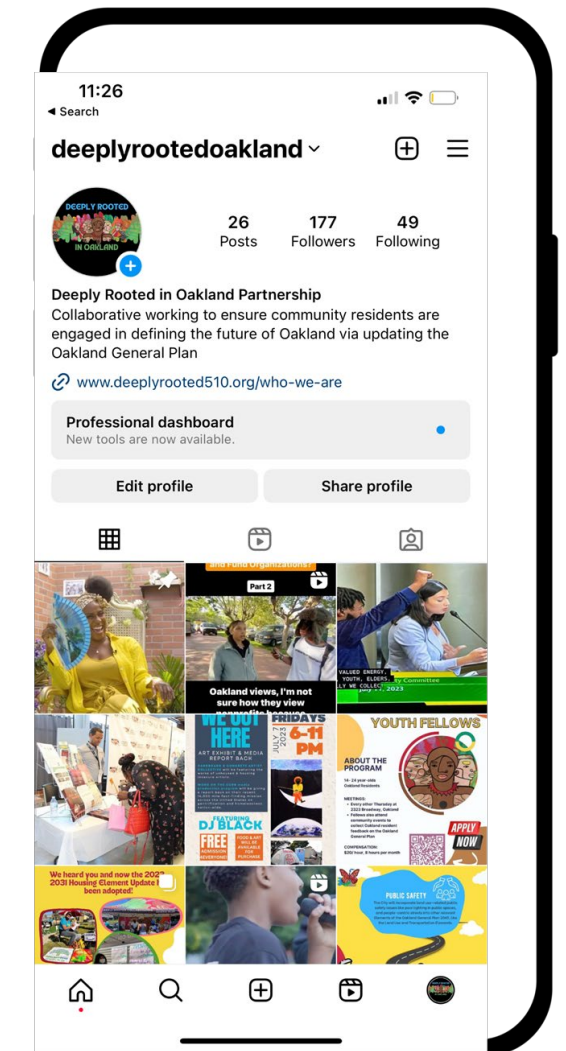
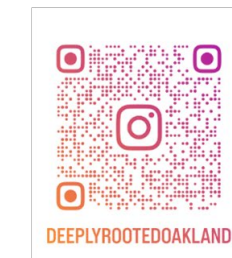
Outreach Through Social Media

November 2021 - June 2023

5,169 Overall Reach through Social Media



@deeplyrootedoakland
@dryouth_fellows



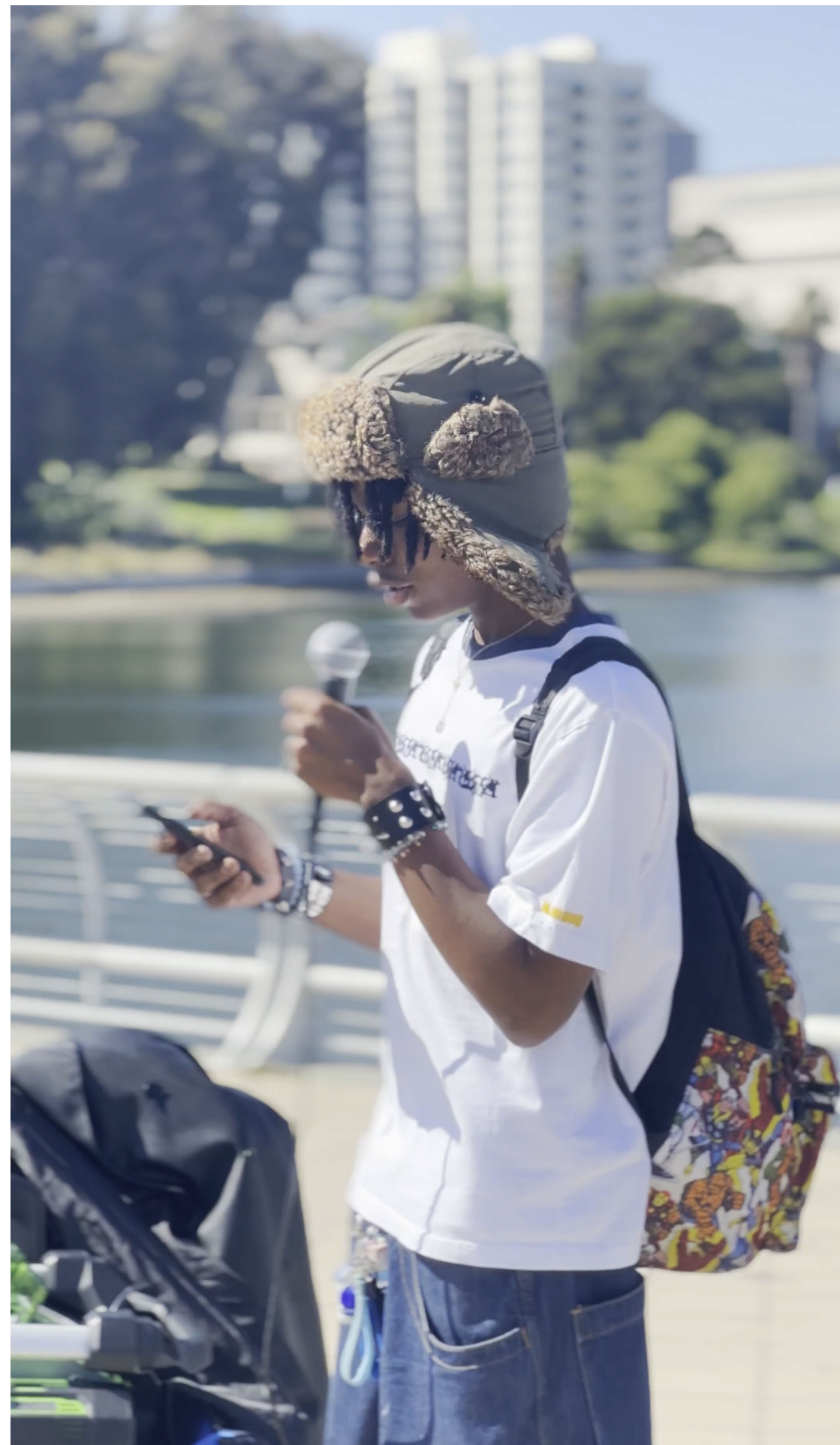
Deeply Rooted Youth Fellows



Oakland Youths Vision For The Town

- Gaining leadership skills in city planning, climate justice, public speaking and training peers to propose solutions
- Enhance Youth-focused Community Engagement Effort
 - **Paint & Educate**
 - **Digital Tree**
 - **I Am Poems**
 - **Collaborations:** Oakland Youth Commission, Save the Bay, Mycelium Youth Network, Frontline Catalysts, and more

Deeply Rooted Youth Fellows - Spoken Word



Deeply Rooted EJ Element Policy Recommendations

Healthy Food Access

- **Food recovery program:** Ensure free food providers maintain the quality of food. Food should not be bruised or near expiration.
- **Education and Awareness:** Provide nutritional education, plant medicine and cooking classes, with an emphasis on cultural and ancestral recipes.

Meaningful Engagement

- **Fund Capacity Building:** Capacity building should include educational training by field expert so that residents can make informed policy recommendations.

Air Pollution

- **Protect residents** who live near industrial areas, port and freeways by enforcements, providing air filters and re-routing trucks.

Trash/Waste Management

- **Reduce trash** on the streets in East and West Oakland by funding a cleaning team, increase enforcements for business for illegal dumping, provide trash bins, and public restrooms

Accessible Neighborhoods

- Create neighborhoods which are accessible by biking/walking in 15 min.
- **Parks Programming:** Create open gyms, playgrounds for youth, spaces for elders, designated areas for skateboarding, recreation areas for pets, and rugby fields in parks.

Deeply Rooted Safety Element Policy Recommendations

Emergency Response & Recovery

- **Resilience Hubs:** Create 8 resilience hubs in East Oakland. Distribute education materials regarding access and utilization of resilience hubs.
- **Community Training and Awareness:** Host a series of emergency preparedness workshops, include voices of residents who have survived past disasters.

Protection from flooding/ Sea level rise

- **Remove bans on rainwater catchment** Create a program for outreach and education of safe practices for rainwater catchment.

Neighborhood Safety

- **Adopt a compassion-centered approach in all City operations and projects** by not involving the police force in all enforcement efforts, and practicing restorative justice
- **Awareness campaigns and prevention/treatment initiatives** on drug use, gun violence, and sexual assault
- **Redirect funding** towards supporting alternatives to policing, affordable housing, jobs and healthy food, etc.

Deeply Rooted & EWG Concerns and Recommendations for Housing Sites Overlay

Community Concerns raised about the “By Right Development” Proposal:

- **Removes Community Voices & Democracy** and does not align with Federal and State EJ laws (eg, Biden EJ guidance and SB1000), and Oakland community goals of meaningful civic engagement of low-income communities of color.
- **Can exacerbate racial displacement** through market force displacement, in which market rate development that does not meet the affordability or quantity of units needed by residents leads to displacement through rising rents.
- The City’s Conditions of Approval and ECAP Checklist **don’t provide sufficient protections** against market force displacement of new market rate projects.

Deeply Rooted community members worry that “by right development” could lead to worse projects overall, alienate the communities they’re meant to serve, and perpetuate distrust of government.

Community Recommendations:

- **Comply with the City’s Racial Equity Impact Assessment (REIA) recommendations:**
 - “Consider adopting by-right development in accordance with objective and human design standards for housing developments on 6th cycle sites that: (a) include at least 30 percent deeply affordable housing in high resource areas and (2) include at least 50% affordable housing in low resource areas.”
- Integrate the City’s commitment in the Housing Element **to study the potential displacement of market rate housing projects in Oakland’s low-income communities of color**, as was successfully commissioned by the City Planning Department in 2005 for the West Oakland Wood Street Project
- **Exempt sites in low-income communities of color** such as Chinatown, West Oakland, North Oakland, San Antonio/Fruitvale, and East Oakland.
- Enact a meaningful **Inclusionary Zoning Policy** that requires on-site affordable housing.
- **Increase affordability requirement to:**
 - 50% affordable housing
 - Define affordability by Area Median Income of neighborhoods (instead of metropolitan area).

Safety Element Policy Framework

Safety Element Overview

- Requires cities to **address natural and human-made hazards, as well as climate change adaptation and resilience**
 - Seismic and geologic-related hazards
 - Flood hazards
 - Wildland and fire hazards
 - Evacuation routes
 - Hazardous materials
- Requires Climate and Vulnerability Assessment
- Review by California Geological Survey of the Department of Conservation and CalFIRE Board of Forestry and Fire Protection
 - **Formal review and approval by Board of Forestry on August 22, 2023**
 - ***Extensive and well written, community facing and accessible, good graphics and maps, interacts well with the City's Local Hazard Mitigation Plan (LHMP)***
- Goals + policies prioritize frontline / vulnerable communities affected first and worst by climate change and environmental hazard impacts



Safety Element Goals



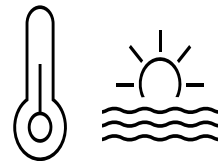
1. Minimize the risk to life and property caused by **seismic** and **geologic hazards**



2. Proactively prevent **urban fires** and exposure to **wildfire** and protect community members and property from fire danger



3. Protect people and property from **flooding**



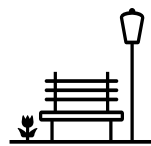
4. Proactively plan for impacts of **sea level rise** on people, property, and essential infrastructure



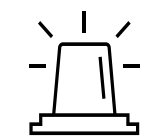
5. Minimize health and safety impacts related to the use, storage, manufacture, and transport of **hazardous materials**



6. Protect Oaklanders from **airport land use** hazards



7. Foster **feelings of safety** in all Oakland neighborhoods



8. Maintain an **emergency preparedness** and **response network** that keeps all Oaklanders informed, connected, and safe before, during, and after an emergency

Key Policies & Actions in Safety Element

- Increase training and educational materials for residents related to fire safety, hazards, and emergency preparedness, *SAF-8.10, SAF-8.11, SAF-A.14, SAF-A.31*
- Prioritize mental health in frontline communities in emergency services planning and recovery from hazard events, *SAF-7.3*
- Adopt an Ordinance requiring local development standards meet or exceed SRA Fire Safe Regulations and ensure that new development in the VHFHSZ meets or exceeds California Fire Code and California Building Code, *SAF-A.13*
- Disallowing new residential development/subdivisions in areas with less than two evacuation routes unless a development were to provide additional connections to ameliorate this condition, *SAF-2.3*
- Sea Level Rise Vulnerability Assessment, required of applicants proposing to develop in a future inundation area along with a Sea Level Rise Adaptation Plan for implementation, *SAF-4.5*
- Study compounding impact of sea level rise on groundwater threats in areas with hazardous facilities. Coordinate with adjacent jurisdictions to create a Shallow Groundwater Rise Vulnerability Assessment to understand its effects on people, the built environment, and water supply, *SAF-A.21*

Draft Safety Element - Community Input

General Topic Area	Community Input/Important Themes
Wildfire Prevention	<ul style="list-style-type: none"> ▪ Avoid or minimize development in the Very High Fire Hazard Severity Zone (VHFHSZ) where possible ▪ If necessary, require development that meets or exceeds State codes in the State Responsibility Areas (SRA) and VHFHSZ
Groundwater Rise	<ul style="list-style-type: none"> ▪ Account for contaminated groundwater rise in areas with contaminated soils and at risk of liquefaction and flooding
Mental Health	<ul style="list-style-type: none"> ▪ Prioritize mental health in emergency planning, response, and recovery
Climate Change	<ul style="list-style-type: none"> ▪ Worsening risk of wildfire/smoke impacts, sea level rise, flooding, and other effects ▪ Importance of green infrastructure/ecologically-sensitive solutions ▪ Opportunities for community leadership
Emergency Preparedness	<ul style="list-style-type: none"> ▪ Need for adequate evacuation routes ▪ Equity in emergency response- focus on most vulnerable groups, including people experiencing homelessness, linguistically isolated, seniors, and those without vehicles
Public Safety	<ul style="list-style-type: none"> ▪ Building upon Reimagining Public Safety project ▪ Crime-Prevention Through Environmental Design (CPTED) sensitive to context and cultural considerations

Key Changes in Public Hearing Draft

General Topic Area	Community Input/Important Themes
Emergency Preparedness	<ul style="list-style-type: none">▪ Added language for additional training and educational materials to build capacity of Oaklanders during hazard events, SAF-8.10, SAF-8.11
Development standards	<ul style="list-style-type: none">▪ New action to adopt a local ordinance requiring development standards meet or exceed State regulations for new projects in the Very High Fire Hazard Severity Zone (VHFHSZ), SAF-A.13
Community Education and Awareness	<ul style="list-style-type: none">▪ Closer collaboration with local organizations and community groups addressing sea level rise (SLR) adaptation through use of community-generated data critical to mapping SLR and community education, SAF-4.1▪ Provide fire safety and public education efforts to vulnerable populations related to development, property maintenance, and emergency preparedness in the VHFHSZ, SAF-A.14▪ Added a new action to establish a program that continually educates the public of enforcement policies and practices, and the roles of responsible agencies or departments for enforcement and assessing fines and/or penalties, SAF-A.31

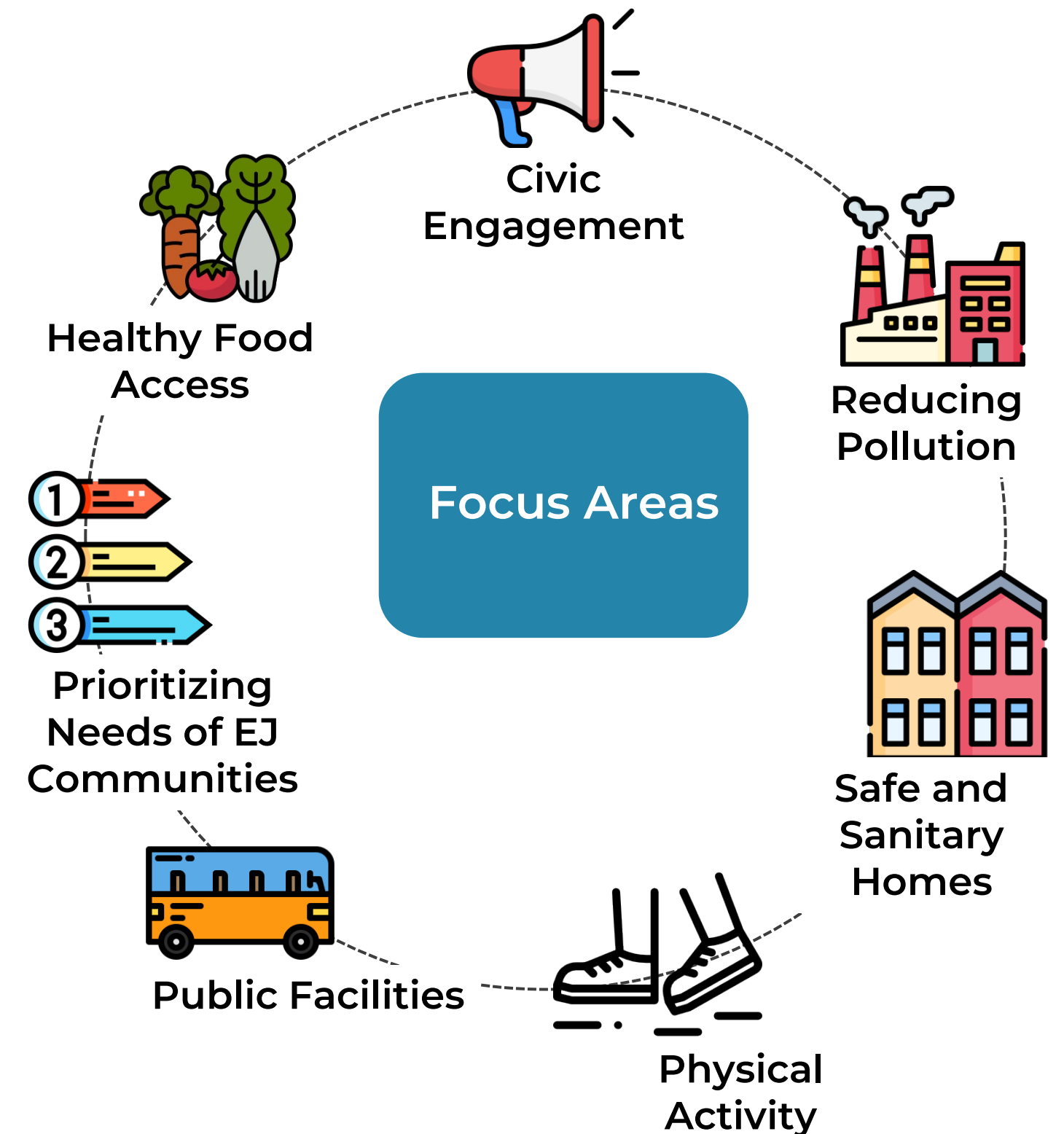
Key Changes in Public Hearing Draft

General Topic Area	Community Input/Important Themes
Contaminated Groundwater rise	<ul style="list-style-type: none">▪ Added new policy requiring that development on contaminated sites account for impacts of rising shallow groundwater through a vulnerability assessment and adaptation plan, SAF-4.4▪ Added new action calling on multi-jurisdictional collaboration to develop a Shallow Groundwater Rise Vulnerability Assessment, SAF-A.21
Personal health and wellness	<ul style="list-style-type: none">▪ Added language to explore funding opportunities to assist residents of EJ Communities to purchase indoor air filters, SAF-2.7▪ Added a new Policy prioritizing mental health in frontline communities in emergency services planning and recovery from hazard events, SAF-7.3
Forecast Models and Maps	<ul style="list-style-type: none">▪ Updated to be consistent with the third Uniform California Earthquake Rupture Forecast as recommended by the USGS, Chapter 2▪ Links to the most current maps for earthquake and tsunami hazards, Chapter 2

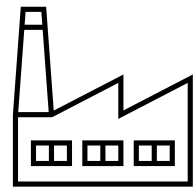
Environmental Justice (EJ) Element Policy Framework

EJ Element Overview

- SB 1000 requires cities and counties with disadvantaged communities (**EJ Communities**) to adopt EJ goals, policies, and actions in a standalone EJ Element or throughout the General Plan Elements.
- These goals, policies, and actions must:
 - Identify environmental justice communities
 - Reduce health risks in EJ communities;
 - Promote community engagement in the public decision-making process;
 - Prioritize improvements and programs that meet the needs of EJ communities.



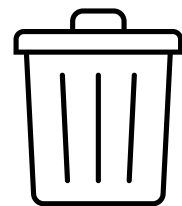
EJ Element Goals



1. **Reduce pollution**, mitigate the impacts of pollution on existing sensitive land uses, and eliminate associated public health disparities.

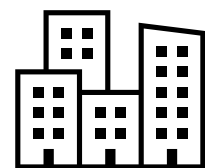


2. Protect Oakland **water supplies** from contamination.

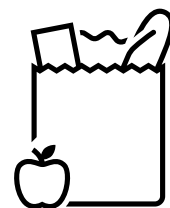


3. Prevent, reduce, and clean up **illegal dumping**.

4. Coordinate resources to improve **housing quality and habitability**.

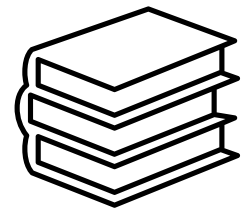


Note: Other important housing policies addressing renter protections/anti-displacement, affordable housing production, homelessness, and other topics are included in the Housing Element.



5. Support a **food system** that provides nutritious, affordable, culturally relevant, and affordable food to all Oaklanders.

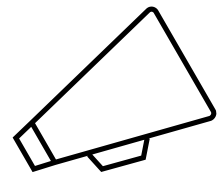
EJ Element Goals



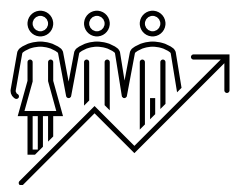
6. Support a network of **well-maintained community facilities** that are easily accessible, culturally supportive, and responsive to community needs.



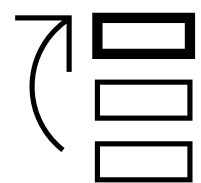
7. Create environments that support **physical activity, recreation, and healthy lifestyles** through safe, comfortable and ADA-compliant walkable, bikeable neighborhoods, with access to transit, green space, trees, paths, and parks.



8. Foster **meaningful civic engagement** and support community power- and capacity-building.



9. Expand **economic development**, income equality, and opportunity for all Oaklanders.



10. Prioritize improvements and programs **that meet the needs of environmental justice communities.**

Key Policies & Actions in EJ Element

- Increase air quality protections by **buffering heavy industrial uses from sensitive land uses**, creating **more stringent permitting standards** for new high-intensity industrial or commercial activities, and amending the zoning code to create **performance standards and special permit criteria for truck-intensive industrial activities**, *EJ-1.2, EJ-1.3, EJ-1.4, EJ-1.5, EJ-1.7, EJ-A.1, EJ-A.2*
- Increase education and enforcement around illegal dumping, *EJ-3.4 and EJ-3.5*
- Increase **coordination and collaboration with agency partners**, such as BAAQMD, Port of Oakland, etc. on issues such as ZEV infrastructure, truck parking, data collection, *EJ-1.17, EJ-A.3, EJ-A.13, EJ-A.14*
- Increase **community partnerships in engagement efforts, support capacity building of community members, and integrate community-led initiatives** into City planning and policy processes, *EJ-A.36, EJ-8.5, EJ-8.4, E*
- Fund and implement a **green infrastructure program** for projects that improve stormwater management, support biodiversity, and increases access to natural spaces *EJ-A.16, EJ-2.4,*
- Prioritize development of **full-service grocery stores** in EJ Communities and incentivize **urban agriculture** in new developments, *EJ-5.4, EJ-A.23*
- Enhance access to **parks & park programming** and equitably distribute public facilities, such as **libraries & public restrooms**, *EJ-6.6, EJ-7.8, EJ-7.9, EJ-7.10*

Key Changes in Public Hearing Draft

General Topic Area	Community Input/Important Themes
Air Quality and Pollution Reduction	<ul style="list-style-type: none">▪ Update “buffer” distance from 500’ to 600’ (or state minimum, if greater) for polluting activities near residential, <i>EJ-A.1</i>▪ Update air filtration systems to require MERV 16 filters (previously MERV 13), <i>EJ-1.8</i>▪ New actions about developing ZEV truck infrastructure, in partnership with other agencies, <i>EJ-A.11, EJ-A.12</i>
Healthy Neighborhoods	<ul style="list-style-type: none">▪ New policy and action about collaborating with community partners to support mental health programming and education/resources, <i>EJ-8.12, EJ-A.37</i>▪ New action about integrating community-led initiatives into City planning and policy processes, <i>EJ-A.36</i>▪ New action about developing a citywide greenway network, <i>EJ-A.30</i>
Civic Engagement, Investment, and Accountability	<ul style="list-style-type: none">▪ Clarify implementation timelines and create new action on reporting, <i>Chapter 9, EJ-A.40</i>

Planning Code Amendments

Overview of Planning Code Text Amendments –

Missing Middle Housing Type Code Amendments	Change development standards to allow for a range of small-scale multi-unit housing types in single-family neighborhoods and increase height and density in commercial zones + along transit corridors
S-13 Affordable Housing Combining (Overlay) Zone	Ministerial approval + incentives for 100% affordable housing projects
S-14 Housing Sites Combining (Overlay) Zone	Ministerial approval for identified sites in the 2023-2031 Housing Element Projects proposed must be majority residential use and must comply with minimum residential density requirements that equals no less than seventy-five percent (75%) of the Realistic Capacity
Pollution Reduction Code Amendments	Address the intensity of commercial and industrial activities close to Residential Zones
Other Planning Code Amendments	Facilitate special housing types, remove constraints on processing entitlements + streamline and simplify development approval process

Community Engagement & Feedback

2 focus groups, 1 townhall, 5 public meetings, 43 comment letters

Overwhelming Community Support for

- Missing Middle zoning provisions
 - More housing options so residents can afford to stay in their neighborhoods
 - Increasing density and supporting housing in high-resource areas
 - Upzoning along commercial corridors
- Prioritizing affordable housing through the Affordable Housing Overlay
- Incentivizing housing on sites identified in the Sites Inventory
- Increasing environmental protections and reducing health impacts from truck-related

businesses

- Support from BART riders and nearby residents for more density in Rockridge and height increase at the Rockridge BART station

Concerns regarding

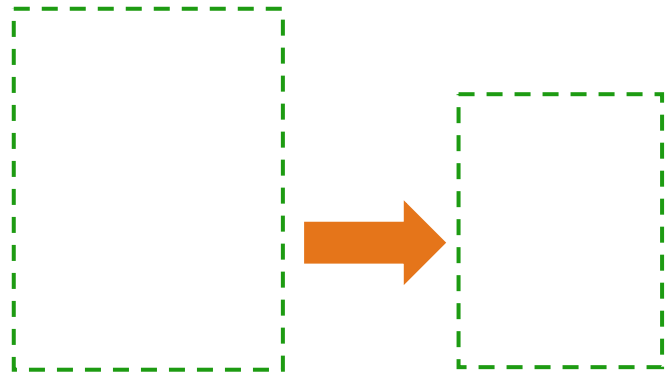
- Parking reductions impacting off-street parking
- Increased density, reduced setbacks, and smaller lot sizes
- Concerns for reduced yard space, loss of privacy
- Loss of neighborhood character
- Ministerial approval process
- No public notice of projects eligible for by-right approval

Citywide Zoning Changes

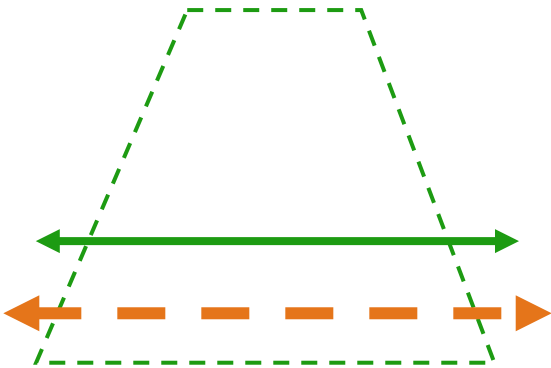
- **New Detached Unit Residential (RD) Zone**
 - Combine RD-1 and RD-2 into one zone that allows up to 4 dwelling units on lots 4,000 square feet or larger
- **Mixed Housing Type Residential (RM) Zones:**
 - Simplify and increase the density steps in each of the four existing RM Zones to allow two units on every parcel and 4+ units on lots 4,000 sf or greater
- **New Regional Commercial (CR-2) Zone** to allow for residential uses
- **Reduce land use conflicts** between industrial and residential uses
- **Fix existing split zoning** on parcels throughout the City

Additional “Missing Middle” Changes

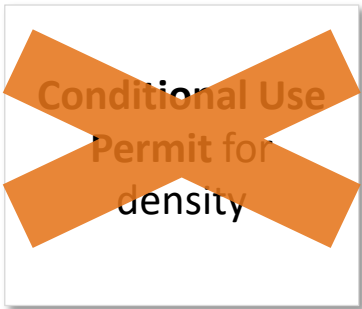
Other changes to encourage diverse housing types in single-family dominated neighborhoods and allow for a range of small-scale multi-unit housing types



Reduce minimum lot size standards



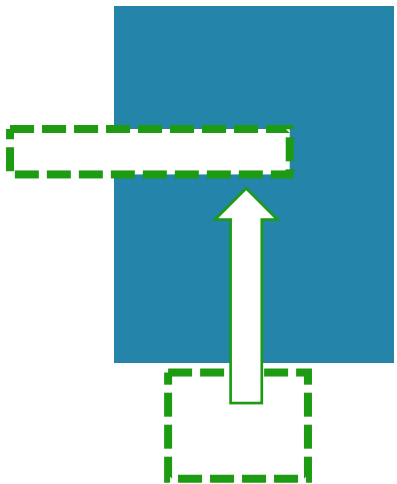
Reduce setbacks



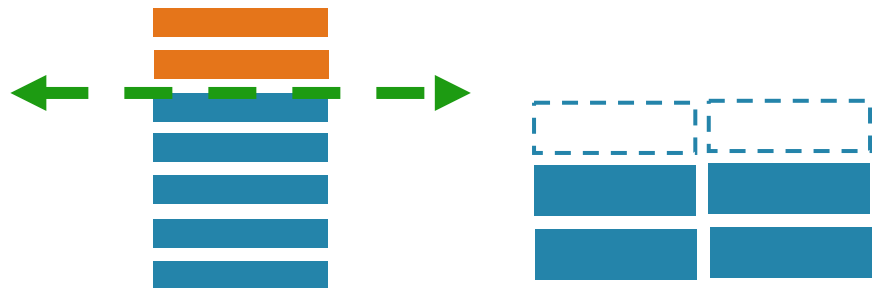
Eliminate conditionally permitted densities



Reduce or eliminate parking requirements



More flexibility for open space



Increased height limits and allowable density

Citywide Height Area Changes

- **60 foot-height areas to change to 65 feet**
 - Effectively achieve six (6) stories within a permitted building envelope
- **75 foot-, 85 foot-, and 90 foot-height areas to change to 95 feet**
 - Bring the Zoning Code's height limits into better alignment with the California Building Code
 - Allow for maximum utilization of the building code's most cost-effective multifamily residential construction types (Types 3 and 5)
 - Lower construction costs per residential unit.

New Combining (Overlay) Zones

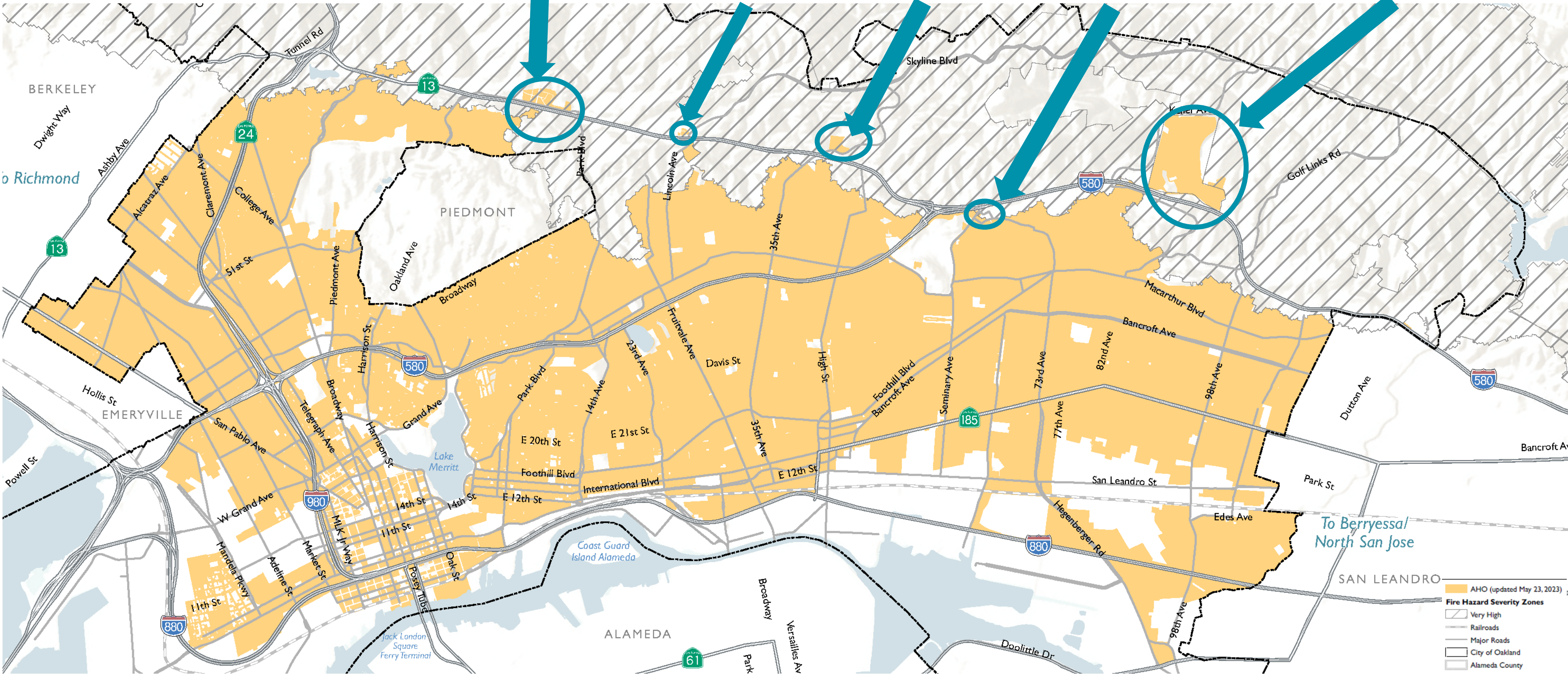
- **S-13 Affordable Housing Overlay Zone:** Facilitate the creation of affordable housing through ministerial approval, increased height & density, and relaxed development standards for 100% affordable housing projects in residential and commercial zones
- **S-14 Housing Sites Overlay Zone:** Facilitate housing opportunities in areas where the City intends for housing to be built by giving housing sites ministerial approval

S-13: Affordable Housing Combining (Overlay) - AHO Zone

- Implements **Action 3.3.5** of the 2023-2031 Housing Element
- Applies to **projects with 100% affordable units** in residential and commercial zones
 - If a parcel is <15,000 square feet, projects can be 20% affordable to very-low/lower incomes and 20% affordable to moderate incomes
- **By-Right (Ministerial) approval, CEQA exemption, and non-appealable**
 - Possibility of extending streamlined approval provisions for qualifying mixed-income projects
- Bonus height, relaxed development standards, and elimination of density maximums within the envelope
- Optional program in lieu of the State Density Bonus program.
- The AHO zone would not apply in:
 - Parcels in the S-9 Fire Safety Protection Combining Zone; and
 - Parcels with Designated City, State, and Federal Historic Landmarks.
- **Limited application in the Very High Fire Hazard Severity Zone (VHFHSZ)** to commercial areas with direct freeway access

AHO Map

- 1. Montclair District
- 2. Mountain Blvd near Woodminster
- 3. Redwood Rd
- 4. Seminary and Kuhnle Ave
- 5. Oak Knoll and Barcelona sites



S-14: Housing Sites Combining (Overlay) Zone

- Implements **Action 3.4.10** of the 2023-2031 Housing Element
- Applies to all sites in the Housing Sites Inventory

Income Category	Previous Housing Element Cycles (2007-2014 and 2015-2023)		Sixth Housing Element Cycle (2023-2031)	
	Sites	Number of Dwelling Units	Sites	Number of Dwelling Units
Low Income (LI)	23	962	165	7,692
Moderate Income (MI)	143	3,158	60	1,183
Above Moderate Income (AMI)	20	2,997	310	11,886
Total	175	7,117	408	20,761

- Projects proposed must be **majority residential use**
- Each project must comply with minimum residential density requirements that equals **no less than seventy-five percent (75%) of the Realistic Capacity**
- **By Right Residential Approval** for projects meeting specific requirements

S-14: Housing Sites Combining (Overlay) Zone

- **By Right Residential Approval Requirements**

- **For Sites from Prior Housing Element Cycles (4th and 5th Cycle):**

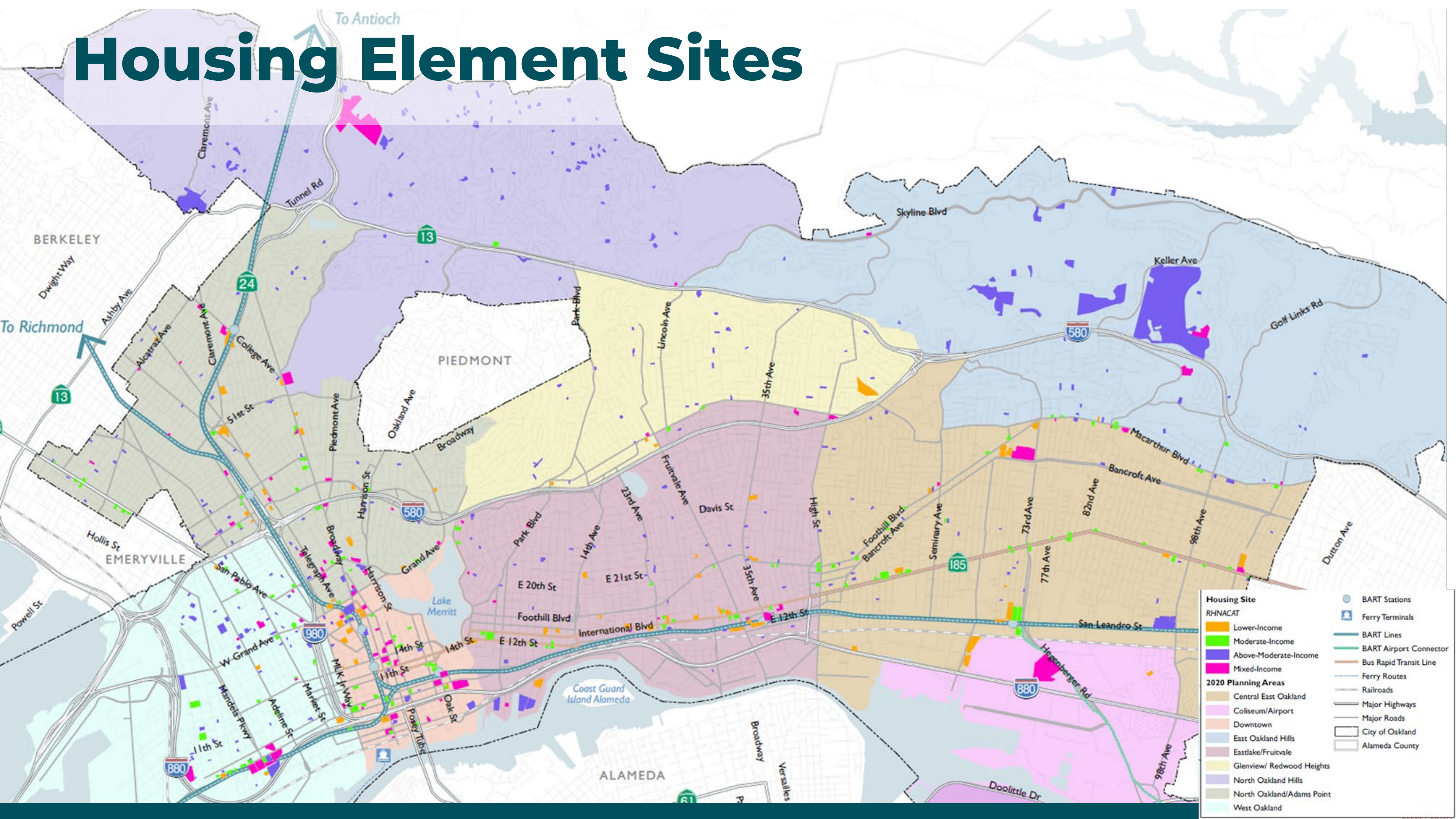
- Pursuant to State Law, the City must allow by-right development for projects with 20 percent units affordable to lower incomes.

- **For Sites Not Used in Prior Housing Element Cycles (6th Cycle)**

1. Project proposes at least as many lower- and moderate-income units
2. Project proposes at least as many total units as described as the capacity for the parcel AND;
3. Meets one of the following conditions
 - At least 20% of the housing units are restricted to very low-income households; OR
 - At least 25% of the housing units restricted to any combo of low and very low-income households; OR
 - At least 40% of the housing units restricted to any combo of low, very low, & moderate-income households

Exception: Under the proposed S-14 zone, projects shall not be eligible for By Right Approval if the project proposes development in phases or proposes more than 100,000 sf of floor area unless one hundred percent (100%) of the housing units, other than manager's units, are restricted to very low-, low- and moderate income residents.

Housing Element Sites



Environmental Protection Requirements in Industrial Zones

- **Purpose:** Increase protection for nearby sensitive receptors (residential zones, schools, daycares, hospitals, etc.)
- **Components:**
 - Reduce the allowed intensity of commercial and industrial activities permitted in the Housing and Business Mix (HBX) Commercial Zones, particularly HBX-1, to minimize impacts on residential uses;
 - Require certain heavier industrial uses in the Commercial Industrial Mix (CIX), General Industrial (IG), and Industrial Office (IO) Zones to obtain a CUP if located within 600 feet of a Residential Zone
 - Require truck-intensive uses to obtain special Conditional Use Permits/application of special performance standards and standard conditions of approval
 - Reduce land-use conflicts in industrial zone
 - Amend expiration timelines for Nonconforming Uses and CUP termination timelines for truck-intensive uses

Other Planning Code Amendments – Components

- Revise public noticing requirements to include building occupants, not just owners
- Clean up and clarify Planning Code language where necessary, remove inconsistencies
- Create definitions for key terms such as Affordable Housing
- Clarify permitted agricultural activities, approval of sidewalk cafes, and review process for other civic and commercial activities
- Remove + reduce limitations to construction of new ground floor residential facilities in commercial zones
- Extend Planning entitlement periods to further support a project's ability to move forward into the building permit stage and ultimately into construction and completion.
- Remove barriers in the Planning Code to the approval of Emergency Shelters
- Update special housing regulations to comply with State Law

Final Environmental Impact Report (FEIR)

Final EIR

- **Analyzes potential physical environmental impacts** of the proposed City of Oakland Planning Code, Zoning and Height Area Maps, and General Plan text and map amendments implementing its 2023-2031 Housing Element, updates to its Safety Element and the new Environmental Justice Element.
- **Timeline**
 - EIR Scoping Session - April 20, 2022
 - Draft EIR 45-Day Comment Period – March 24, 2023, and May 9, 2023
 - Planning Commission Meeting – April 19, 2023
 - Comments also received at LPAB Meeting – May 1, 2023
 - Comments received from 4 public agencies, 3 organizations, and 4 individuals
 - Final EIR published on July 26, 2023

Significant and Unavoidable Impacts

- **Aesthetics (Wind and Shadow)**

- AES-4: Shadows
- AES-6: Wind Hazards
- AES-7: Cumulative Aesthetics, Wind, and Shadow. Air Quality, Toxic Air Contaminants:

- **Air Quality Impact**

- AIR-3 (Criteria Air Pollutant Emissions)
- AIR-5 (On-Site Exposure to Toxic Air Contaminants)
- AIR-6 (Exposure of Sensitive Receptors to Fine Particulate Matter and Toxic Air Contaminants)
- AIR-8 (Cumulative Exposure of Sensitive Receptors to Fine Particulate Matter and Toxic Air Contaminants)

- **Cultural Resources**

- CUL-1 (Historic Architectural Resources)
- CUL-4 (Cumulative)

- **Hazards**

- Hazards Impact HAZ-6
- Wildfire Impact WLD-1 (Impairment of Emergency Response Plan or Emergency Evacuation Plan)

Infeasible Mitigation Measures

- **Mitigation Measure AES-1 (Impacts related to Shadows)**
 - Conflicts with objectives of the Proposed Project
 - Conflicts with the height and density allowance provided under the Oakland Planning Code
- **Mitigation Measure AES-2 (Impacts related to Wind)**
 - Conflicts with objectives of the Proposed Project
 - Conflicts with the height and density allowanced provided under the Oakland Planning Code
 - Conflicts with City's proposal to adopt objective design standard review and other streamlining measures
- **MM AES-1 and AES-2 are infeasible**
 - 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

Project Alternatives

- **Alternative 1 - No Project**

- 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

- **Alternative 2 - No Affordable Housing Overlay Buffer Zone on parcels in the Very High Fire Hazard Severity Zone Alternative**

- Results in approximately 250 fewer units in the Oakland Hills than Proposed Project

- **Alternative 3 - No Missing Middle**

- Results in approximately 1,500 fewer medium density units in the single-family neighborhoods than the Proposed Project
- Reduce hazards and wildfire impacts => Environmentally Superior Alternative
- 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 Plan

Planning Commission Hearing and Recommendation

Planning Commission Hearing - Feedback

- Planning Commission Public Hearing on August 2, 2023
- 13 public comments and questions
 - **Support** for proposed amendments
 - Carefully **evaluate implications** of any additional requirements imposed on Planning Code Amendments to identify potential impacts on our housing production
 - Identify **Interstate 880 as a barrier** in the Environmental Justice Element
 - **Noticing for residential projects** subject to By-Right Residential Approval
 - Incorporate **construction workforce standards** related to healthcare and apprenticeship requirements to the proposed S-14 Housing Sites Combining Zone
- Commission Discussion and Feedback
 - Identify **Interstate 880 as a barrier** in the Environmental Justice Element.
 - **Noticing requirements** for specified residential projects subject to By Right Residential Approval
 - Staff should explore ways to use the **City's Online Permitting System to provide project information**
 - **Construction workforce standards related to healthcare and apprenticeship requirements** proposed by the Building & Construction Trades Council of Alameda County (BTCA) in their letters dated May 19, 2023, and August 1, 2023

Planning Commission Recommendation

1. Adopt the CEQA findings for Phase 1 of the Oakland 2045 General Plan Update, which include certification of the EIR, rejection of two mitigation measures as infeasible; rejection of alternatives as infeasible, and a Statement of Overriding Considerations;
2. Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP);
3. Adopt a Resolution Approving the Following Actions:
 - A. Certifying the Environmental Impact Report And Making Related California Environmental Quality Act Findings;
 - B. Adopting an Amendment to the Safety Element of the City of Oakland General Plan;
 - C. Adopting the Environmental Justice Element as a New Element of the City of Oakland General Plan; And
 - D. Adopting Conforming Amendments to the Land Use and Transportation Element of the City of Oakland General Plan, including General Plan Map Amendments, As Part of Implementation of the Recently Adopted 2023-2031 Housing Element; And;
4. Adopt an Ordinance Adopting Planning Code Text and Map Amendments to Implement Actions Proposed in Phase 1 of the City of Oakland 2045 General Plan Update, as provided and Adopting California Environmental Quality Act Findings, with the following revisions recommended by the Planning Commission:
 - a. That additional zoning standards such as lot coverage, lot frontage, and average lot width requirements be struck from the Missing Middle Code Package; and
 - b. The general Planning Code Amendments, under Section 17.108.140C.2.a, be amended to add the words “for safety and security” after “public safety hazard.”
- With the additional recommendation moved by Commissioner Sugrue and passed by the Planning Commission on a 4-2 vote (one absent), that the City Council adopt construction workforce standards as part of the General Plan Update under the guidance from staff.

Revisions to Hearing Drafts

Staff Revisions to Public Hearing Drafts

- Revisions to the EJ Element: Staff updated **Policy EJ 7.11 to identify Interstate 880 as a barrier.**
- Updates to Planning Code:
 - Lot Coverage, Lot Frontage, and Average Lot Width
 - **Removed the maximum lot coverage standards for three or more units** in the Detached Unit Residential (RD) Zone and Mixed Housing Type Residential (RM-2 and RM-3) Zones
 - Staff did not remove the maximum lot coverage and maximum FAR requirements in the Hillside Residential (RH-4) Zone as three or more units are not allowed in the zone.
 - Oakland Planning Code does not use the term “Average Lot Width.” Planning Code currently allows exceptions to lot width mean and street frontage requirements in Sections 17.106.010 and 17.106.020. Staff have **updated Section 17.106.020** to clarify that this exception applies to both minimum street frontage and minimum lot width mean requirements.
 - **Updated Sections 17.108.140B.2.a, and 17.108.140C.2.a** to clarify that the Director of City Planning or his or her designee can grant an exception to the use of restricted materials for fences or walls by making a determination that it would increase safety and security or in instances where trespassing can constitute a public safety hazard.

Imposing Construction Workforce Standards in the General Plan – S-14 Housing Sites Combining Zone

- The complete package of Planning Code Amendments for the Phase 1 General Plan Update **implement 18 key actions** outlined in the adopted and certified Housing Element, actions in the EJ and Safety Element and **several City Council Directives** that will further fair housing, **maintain the Housing Element’s compliance** and certification with the State HCD, and **uphold the “Prohousing Designation”** that was awarded to the City by the State in 2022
 - **Received tremendous support** from the Oakland community, and our Planning Commissioners
- S-14 Housing Sites Combining Zone/Overlay implements **Action 3.4.10 of the 2023-2031 Housing Element**, meet State Law requirements for sites in the previous Housing Element Cycles and seeks to streamline development that provides a minimum percentage of affordable housing to meet the RHNA affordable numbers.
 - Projects proposed must be **majority residential use** and must comply with minimum residential density requirements that **equals no less than seventy-five percent (75%) of the Realistic Capacity**

Income Category	Previous Housing Element Cycles (2007-2014 and 2015-2023)		Sixth Housing Element Cycle (2023-2031)	
	Sites	Number of Dwelling Units	Sites	Number of Dwelling Units
Low Income (LI)	23	962	165	7,692
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Total	175	7,117	408	20,761

Imposing Construction Workforce Standards - Context

April and May 2023

April 25, 2023

BTCA meeting #1 with Dep. City Attorney

May 3 2023

BTCA meeting #2 with GPU Planning staff

May 19, 2023

First comment letter in response to DEIR after close of DEIR comment period (May 9, 2023)

Incorporate construction workforce standards related to healthcare and apprenticeship in the S-13 and the S-14 Overlay Zones and City's Standard Conditions of Approval (SCA).

July 2023

July 11, 2023 CED Meeting

BTCA provided public comment
CED Committee directed staff to meet with BTCA Representatives

July 14, 2023

Meeting #3 with BTCA and provided clarifications on the intent and scope of the proposed S-13 and S-14 Combining Zones

July 18, 2023 City Council Meeting

Staff provided an update on BTCA Meeting #3

BTCA provided public comment

July 20, 2023

State HCD follow up #1 on Planning Code Adoption Timelines

August 2023

August 1, 2023

BTCA submitted revised comment letter - Incorporate construction workforce standards in the S-14 Overlay Zone and City's SCA

August 2, 2023 Planning Commission Meeting

BTCA provided public comment

Additional recommendation from PC that "The City Council adopt construction workforce standards as part of the General Plan Update under the guidance from staff."

August 3, 2023

State HCD follow up #2 on Planning Code Adoption Timelines and City's commitment to implementing actions credited for Housing Element Compliance

August 7, 2023

Meeting #4 with BTCA to discuss comment letter

August 16, 2023 and August 23, 2023 – Meetings with State HCD

State's **determination of compliance** of the City's Housing Element based on the City's **commitment to remove constraints to development** and **significantly increase housing production** to meet the City's RHNA allocation

Any additional requirements on development that were not originally included in the 2023-2031 Housing Element Programs **should be carefully evaluated to identify potential impacts on housing production**

August 18, 2023, August 21, 2023, August 28, 2023 – Meetings with BTCA

8/18/23 - Meeting #5 – Discuss BTCA letter

8/21/23 - Meeting #6 – BTCA provided an update for a revised proposal

8/28/23 – Meeting #7 – Revised letter from BTCA stating that they are working on providing the updated language for proposed construction workforce standards and that these proposed standards will apply to housing projects of 50 units or more (*staff have not received the updated language*)

September 2023

September 1, 2023 – City and BTCA Joint Meeting with State HCD

Action 3.4.10 in Housing Element – ministerial process with a specified timeline

Potential to cause other actions to slip and will not have a beneficial impact on the 8-year Planning Period

Adding construction workforce standards is in addition to original program

Any **additional requirements needs to carefully evaluated** and then submitted to the State for review

Minimum 60 days for the State to review the amended Housing Element

Increases timeline by 5 months

Adopt Code Amendments implementing 18 Actions in the Housing Element As-Is

Continue the labor discussions along with any necessary amendments to the Housing Element, if needed, after adoption

Imposing Construction Workforce Standards in the General Plan – Guidance from State HCD

- State HCD's **determination of compliance of the City's Housing Element** (Article 10.6 of the Government Code) is based on the City's commitment to remove constraints to development and significantly increase housing production to meet the City's RHNA allocation.
 - **Action 3.4.10** in Housing Element – **commits to ministerial process** in the S-14 Zone with a specified implementation timeline
 - Adding construction workforce standards is an additional requirement to the original program
 - **Potential to cause other 17 actions to slip** and not have a beneficial impact on the 8-year Planning Period to meet the City's RHNA Allocations
- Any additional requirements on development should be **carefully evaluated to identify potential impacts on the City's housing production commitments within the certified Housing Element** and submitted to the State for review.
 - Evaluation needs to be conducted
 - Increases timeline by at least 5 months after evaluation is complete - Housing Element Amendment, Community Review, State HCD Review, Planning Commission, City Council Adoption
 - **Minimum 60 days** for the State to review the amended Housing Element
 - Based on the evaluation, State HCD may decide whether any impact crosses a threshold requiring further amendment to the City's Housing Element in order to maintain certification.
- **Adopt Code Amendments implementing 18 Actions** in the Housing Element As-Is

Imposing Construction Workforce Standards in the General Plan - Staff Conclusion

- Planning staff are unable to recommend inclusion of the proposed construction workforce standards
 - Need sufficient time to **analyze impacts of imposing construction workforce standards** on the S-14 Zone towards meeting our housing production goals and maintaining our Housing Element's compliance status.
 - Need to **conduct community engagement** on the inclusion of the proposed workforce standards and findings from the evaluation
- **Comprehensive GPU Phase 1 Adoption Package** – Safety Element, Environmental Justice Element, Final EIR, Planning Code and Map Amendments, General Plan Text and Map Amendments
 - Received **tremendous support** from the Oakland community and our Planning Commissioners
- Continue the labor discussions along with an evaluation and necessary amendments to the Housing Element, if needed, after adoption

Recommendation

Staff Recommendation

Staff recommends that the City Council conduct a public hearing, receive public comments, close the public hearing, and

1. Adopt the CEQA findings for Phase 1 of the Oakland 2045 General Plan Update
2. Adopt the Standard Conditions of Approval and Mitigation Monitoring Reporting Program
3. Adopt a Resolution Approving the Following Actions:
 - Certifying the Environmental Impact Report And Making Related California Environmental Quality Act Findings;
 - Adopting an Amendment to the Safety Element of the City of Oakland General Plan;
 - Adopting the Environmental Justice Element as a New Element of the City of Oakland General Plan; And
 - Adopting Conforming Amendments to the Land Use and Transportation Element of the City of Oakland General Plan, including General Plan Map Amendments, As Part of Implementation of the Recently Adopted 2023-2031 Housing Element; And
4. Adopt an Ordinance Adopting Planning Code Text and Map Amendments to Implement Actions Proposed in Phase 1 of the City of Oakland 2045 General Plan Update

Next Steps

Upcoming Milestones

- **Fall 2023 – Adoption Hearings for Phase 1 General Plan Update**
 - September 19, 2023 – City Council Meeting - Certification of the Final Environmental Impact Report for Phase 1 of the City of Oakland 2045 General Plan Update and Adoption of the Safety and Environmental Justice Elements and the Planning Code Text and Map Amendments
 - October 3, 2023 – City Council Second Reading
- **Late Fall 2023 - Phase II General Plan Update Kickoff**
 - Land Use and Transportation (LUTE), Open Space, Conservation and Recreation (OSCAR), Noise, Capital Facilities and Infrastructure
- More info on past and upcoming events:
<https://www.oaklandca.gov/topics/meetings-and-events>

LEARN MORE

To learn more about the **General Plan Update**, visit the website below and sign up for updates:

bit.ly/OaklandGPU