

<b>Location:</b>	Citywide
<b>Assessor's Parcel Number:</b>	Citywide
<b>Proposal:</b>	Conduct a public hearing and recommend that the City Council certify the Final Environmental Impact Report (FEIR) for Phase 1 of the Oakland 2045 General Plan Update, and further recommend that the City Council adopt Amendments to the City's General Plan to update the Safety Element, adopt a new Environmental Justice Element to the General Plan, and adopt Planning Code, Zoning Map, and General Plan Text and Map Amendments to Implement Actions Proposed in Phase 1 of the City of Oakland 2045 General Plan Update
<b>Applicant:</b>	City of Oakland
<b>Phone Number:</b>	N/A
<b>Owner:</b>	N/A
<b>Case File Number:</b>	<b>GP21002; ZA 23002; GP21002-ER01</b>
<b>Planning Permits Required:</b>	N/A
<b>General Plan:</b>	Citywide
<b>Zoning:</b>	Citywide
<b>Environmental Determination:</b>	All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with non-substantive changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for Phase 1 of the Oakland 2045 General Plan Update.
<b>Historic Status:</b>	N/A
<b>City Council district:</b>	All
<b>Status:</b>	The Public Hearing Drafts of the Safety Element and Environmental Justice Element, Planning Code, Zoning Map, and General Plan Text and Map Amendments and the RTC/FEIR were published on July 26, 2023, and is available on the City's webpage at <a href="https://www.oaklandca.gov/topics/general-plan-update">https://www.oaklandca.gov/topics/general-plan-update</a>
<b>Staff Recommendation:</b>	Staff recommends that the Planning Commission conduct a public hearing, receive public comments, discuss and recommend that the City Council: (1) 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 (2) 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 in Exhibits and Attachments to the Planning Commission Staff Report, and Adopting California Environmental Quality Act Findings.
<b>Finality of Decision:</b>	Recommendation to City Council
<b>For further information:</b>	Lakshmi Rajagopalan: Phone: (510) 238-6751; email: <a href="mailto:generalplan@oaklandca.gov">generalplan@oaklandca.gov</a> .

**SUMMARY**

The Oakland 2045 General Plan Update (GPU) process began in late 2021 and is being undertaken in two phases: Phase 1 includes updates to the City of Oakland (City) General Plan Housing Element (approved by City Council on January 31, 2023), updates to the Safety Element, creation of City’s *first* Environmental Justice (EJ) Element, and associated Planning Code, Zoning Map, and General Plan Text and Map Amendments. A [Racial Equity Impact Analysis \(REIA\)](#) analyzes each of the Phase 1 Element updates as well as the proposed new EJ Element to support the development of equitable policies that are concrete, data-driven, outcome-oriented, and problem-solving. As part of California Environmental Quality Act (CEQA) review, the City has prepared an Environmental Impact Report (EIR) to address the City’s updates to its Safety Element and adoption of a new EJ Element, 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 2023-2031 Housing Element. All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with non-substantive changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for Phase 1 of the Oakland 2045 General Plan Update.

The [FEIR](#) and the Public Hearing Drafts of the [Safety](#) and [EJ](#) Elements, [Planning Code, Zoning Map, General Plan Text and Map Amendments](#), were published on July 26, 2023, and are available for review on the project’s webpage at <https://www.oaklandca.gov/topics/general-plan-update>.

The purpose of this public hearing is to receive comments from the Planning Commission and the public on the FEIR, Public Hearing Drafts of the Safety and EJ Element, Planning Code, Zoning Map, and associated General Plan Text and Map Amendments, before receiving the Commission’s recommendation to City Council on the following adoptions:

- An amendment to the Safety Element of the City of Oakland General Plan; and
- The Environmental Justice Element as a New Element of the City of Oakland General Plan; and
- Planning Code Text and Map Amendments and Conforming Amendments to the Land Use and Transportation Element of the City of Oakland General Plan, including General Plan Map Amendments, as provided in **Attachment C – Exhibits 1 through 15** and **Attachment D – Exhibits 1 and 2-**; and
- CEQA findings for the FEIR in **Attachment A**, which include certification of the FEIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations; and
- Standard Conditions of Approval and Mitigation Monitoring Reporting Program (SCAMMRP) in **Attachment B**.

## BACKGROUND AND LEGISLATIVE HISTORY

### General Plan Elements

California Government Code Section 65302 requires specific topics, also called "Elements," to be covered in a General Plan. Required General Plan topics include:

- Land Use
- Circulation
- Housing
- Conservation
- Open Space
- Noise
- Safety
- Environmental Justice

### *Safety Element Requirements*

Oakland's current Safety Element was adopted in 2004 and subsequently amended to incorporate the City's Local Hazard Mitigation Plan in 2012, 2016, and 2021. Pursuant to Senate Bill (SB) 1035, the City is required to review and update the Safety Element, as needed, every eight years, in line with the adoption of the General Plan Housing Element. SB 1035 and SB 379 (both amending Gov. Code § 65302) require all cities to address climate change adaptation and resilience in their General Plan Safety Element.

On July 19, 2022, the Oakland City Council adopted [Resolution No. 89345 C.M.S.](#), recognizing the disproportionate impacts of climate change on Black, Indigenous, People of Color (BIPOC) and low-income communities in Oakland and directing the City Administrator to engage in an equitable process for integrating climate resilience and mitigation strategies and policies into the General Plan. The City Council's direction is consistent with requirements of SB 1035 and SB 379.

### *Review by California Geological Survey of the Department of Conservation and Board of Forestry and Fire Protection*

Pursuant to Government Code Section 65302.5(a), the City is required to submit the draft Safety Element and technical studies used to develop the Element to the California Geological Survey of the Department of Conservation for a 45-day review period. In addition, pursuant to Government Code Section 65302.5(b), cities that contain Very High Fire Hazard Severity Zones (VHFHSZ) are required to submit their Safety Element to the Board of Forestry and Fire

Protection, and to local agencies that provide fire protection within their jurisdiction for review for a 90-day review period.

*Environmental Justice Element Requirements*

SB 1000, passed in 2016, requires that cities and counties with disadvantaged communities (referred to as *Environmental Justice Communities* or *EJ Communities in Oakland*<sup>1</sup>), adopt either a standalone Environmental Justice (EJ) Element or EJ policies throughout the General Plan Elements. These policies must aim to reduce health risks in EJ Communities, promote civic engagement in the public decision-making process, and prioritize programs that address the needs of disadvantaged communities. Under SB 1000, Oakland is required to adopt either an EJ Element or EJ policies throughout the General Plan Elements concurrent with updates to the Housing and Safety Elements. The City has opted to adopt *both* a standalone EJ Element *and* include EJ policies within the other General Plan Elements.

SB 1000 requires that an EJ Element include goals, policies, and objectives to reduce the unique or compounded health risks in “EJ Communities” that include, but are not limited to the seven topic areas listed below:

- Reduction of pollution exposure, including the improvement of air quality;
- Promoting safe and sanitary homes;
- Promoting food access;
- Promoting physical activity;
- Promotion of public facilities;
- Promote civic engagement in the public decision-making process;
- Prioritizing improvements and programs that address the needs of disadvantaged communities.

Oakland Municipal Code Section 2.29.170, specifies that “the City of Oakland will intentionally integrate, on a Citywide basis, the principles of ‘fair and just’ in all the City does in order to achieve equitable opportunities for all people and communities,” as well as City Council Resolution 89249: Declaring Racism A Public Health Crisis, states “the City of Oakland declares racism a public health crisis and recognizes the severe impact of racism on the well-being of Oakland residents and the City overall.” Oakland’s current regulatory setting for equity and environmental justice is consistent with SB 1000.

*Racial Equity Impact Analysis for the Safety and EJ Elements*

Oakland’s Municipal Code requires the City to intentionally integrate the principles of fairness and justice into “all the City does in order to achieve equitable opportunities for all people and communities.” The City’s Department of Race and Equity, established in 2015 to help the City achieve this goal, has advised that racial inequities cannot be eradicated unless directly addressed. To directly address Oakland’s racial disparities through the GPU process, the City

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<sup>1</sup> While State law uses the term “disadvantaged communities,” the City of Oakland has opted to use the term “Environmental Justice Communities,” in line with recommendations from the California Environmental Justice Alliance. This is based on the recognition that, in addition to identifying the problems and areas that are unfairly impacted (i.e., “disadvantaged”) by cumulative burdens, gaining equitable access to environmental benefits, investments, and other resources for low-income communities and communities of color is also an important aspect of environmental justice.

has adopted a racial equity framework, which calls for the development of a Racial Equity Impact Assessment (REIA) alongside all emerging or revised plans and policies to support development of equitable policies that are *concrete, data-driven, outcome-oriented, and problem-solving*.

The Safety and EJ Elements are accompanied by a [REIA](#) to ensure that both Elements prioritize policies to reduce the risks and harmful impacts the City’s most vulnerable and frontline communities face, whether the risks are from daily exposure to pollution or from structural disasters. The REIA provides an assessment of the proposed goals and actions in the draft EJ and Safety Elements, shedding light on the communities within Oakland that experience the greatest environmental justice and safety burdens. For each group of goals and actions, the analysis begins with a statement of who the action stands to benefit, and which parties may be, or perceive themselves to be, burdened by it. Next, the REIA identifies existing challenges and equity gaps that can limit each action’s effectiveness in reducing disparities. Finally, the REIA provides recommendations using visual icons (as shown in **Figure 1**) to strengthen each action or bolster implementation in ways that overcome existing barriers to achieving substantive equitable outcomes.

*Figure 1: Recommendations Legend for Safety and EJ Element REIA*

Recommendations Key	
	Dedicate resources to bridge equity gaps
	Create a framework for ongoing accountability
	Commit to co-developing solutions with impacted community members
	Reduce public health, safety, and environmental disparities
	Preserve or strengthens local assets

*Public Review of Safety and EJ Element*

The public review drafts of the Safety Element and new EJ Element were available on the Oakland 2045 General Plan Update website at: <https://www.oaklandca.gov/topics/general-plan-update> for a 90-day review period between March 24, 2023, to June 22, 2023. Comment letters and a summary of comments organized by element with staff responses are included as **Attachment G – G1 and G2**.

**Planning Code Amendments**

The Planning Code text and map amendments implement 18 actions proposed in the 2023-2031 Housing Element, one policy in the Safety Element, and one action in the Environmental Justice Element. These actions respond to increasing housing pressures, further fair housing, reduce environmental burden, address safety concerns due to natural and human-made hazards, and prompt many of the proposed revisions to the Planning Code. In addition, the Planning Code amendments also implement the following City Council directives to:

- Address the limited availability of housing options, reduced housing affordability, exclusionary zoning, and the racial and economic segregation impacts of single-family-only zoning in the city ([Resolution No. 88554 C.M.S.](#));
- Eliminate parking requirements for affordable housing projects of ten (10) units or less ([Resolution No. 89341 C.M.S.](#))
- Address conditional permitting requirements for healthcare activities for the residential area north of Children's Hospital between 53rd and 55th Streets and MLK and Highway 24 ([Resolution NO. 85601 C.M.S.](#)) and [associated April 15, 2015 supplemental report](#);
- Address the intensity of commercial and industrial activities close to residential such as ghost kitchens;
- Eliminate requirements for telecommunication facility applicants to establish a sinking fund in response to the [City Auditor's report](#); and
- Revise Open Space zoning regulations so that Park Uses consistent with a City-Council adopted Park Master Plan are permitted by right.

*Direction from California Housing and Community Development Department*

In response to feedback from the California Housing and Community Development Department (State HCD) on the 2023-2031 Housing Element, the GPU team – staff and consultants created [Appendix J: Zoning Proposals](#) in the [2023-2031 Housing Element](#), which included a summary of preliminary draft zoning proposals to implement the proposed zoning, rezoning, and upzoning actions in the Housing Action Plan. Appendix J provided a high-level overview of the Missing Middle and Related Planning Code Amendments, AHO Zone and the Housing Sites Overlay Zone, Industrial Code Amendments, and a starting point for community discussions.

*Racial Equity Impact Analysis of the Planning Code Amendments*

The proposed Planning Code amendments further equitable implementation of 18 actions identified in the Housing Element, one policy in the draft Safety Element and one action in the draft EJ Element. **Attachment I** provides an analysis of how the proposed Planning Code amendments further equity by addressing the REIA recommendations for each of the 20 actions and policies.

*Public Review of Planning Code Amendments*

The public review draft of the Planning Code Amendments was available on the Oakland 2045 General Plan Update website at: <https://www.oaklandca.gov/topics/general-plan-update> for a 68-day review period between March 3, 2023, to May 9, 2023. Comment letters and a summary of comments organized by focus area with staff responses are included as **Attachment H – H1** and **H2**.

The discussion below provides an overview of (1) community engagement process and a summary of feedback received on the Safety and EJ Elements and Planning Code Amendments and staff responses; (2) key elements of the Public Hearing Draft Safety Element; (3) key elements of the Public Draft EJ Element; (4) Planning Code Text and Map Amendments; and (5) General Plan Text and Map Amendments.

## 1. COMMUNITY ENGAGEMENT PROCESS AND FEEDBACK

The City's General Plan Update (GPU) team began community engagement for Phase 1 of the Oakland 2045 GPU in Winter 2021, focused on housing, zoning, natural and human-made hazards, and environmental justice and industrial lands. The community engagement process places particular emphasis on engaging communities historically underrepresented and excluded from traditional planning processes and often most negatively impacted by City policies.

### **Community Outreach**

The GPU team solicited community feedback through a wide range of community events such as pop-ups, cultural events, townhalls, focused discussions and interviews, neighborhood workshops, online engagement such as videos, social media updates, multilingual community education factsheets, listserv updates, presentations to community groups and Neighborhood Councils (NCs) and Equity Working Group (EWG) meetings.

The GPU community engagement page (<https://www.oaklandca.gov/topics/meetings-and-events>) provides information on upcoming meetings and events as well as a recap of past events, including event and meeting summaries, workshop and townhall presentations and notes, meeting summaries and photos.

### **Study Sessions and Public Hearings**

Staff also conducted several study sessions with decisionmakers at the Planning Commission, Community and Economic Development (CED) Committee, Public Safety Committee (PSC), Oakland City Council, and public hearings at the Zoning Update Committee (ZUC) of the Planning Commission and the Landmarks Preservation Advisory Board (LPAB) to solicit input.

- ***Study Sessions on Safety and EJ Element***

Reports presented to the Planning Commission on [May 18, 2022](#), and to the CED Committee on [February 22, 2022](#) and [May 24, 2022](#), provided detailed information on the City's GPU process - including key background information provided in the [Map Atlas](#) and [Environmental Justice and Racial Equity Baseline](#). Staff also solicited feedback from the CED Committee on issues and priorities for the Safety Element Update and the new EJ Element. In addition, Staff presented the Draft Equity Framework to the City Council on [July 26, 2022](#). Staff reports presented to the Planning Commission on [September 21, 2022](#), the CEDC on [September 27, 2022](#), and to the PSC on [October 11, 2022](#), and [October 24, 2022](#), provided detailed information on the EJ and Safety Element requirements from the State, community engagement process and community feedback received. Staff also solicited feedback on key goals to address environmental justice issues, integrate climate resilience and public safety strategies, and advance equitable processes at these meetings.

Reports presented to the Planning Commission on [May 17, 2023](#), to the CED Committee on [June 27, 2023](#), and to the PSC on [July 11, 2023](#), provided a detailed overview of the

community outreach for Safety and EJ and solicited feedback on the Public Review Drafts Safety and EJ Elements.

Staff received positive feedback from CED Committee and PSC on the Safety and EJ Elements and community outreach. Specific recommendations included identifying opportunities to work in partnership with Council District offices on events, expanding youth outreach and engaging unhoused populations for Phase 2 of the General Plan Update process.

- ***Public Hearings and Study Sessions on Planning Code Amendments***

Staff held three duly noticed public hearings at the [March 15, 2023](#) and [April 12, 2023](#) ZUC meetings and at the [May 1, 2023](#) LPAB meeting and two study sessions at the [July 11, 2023](#) CED Committee and [July 18, 2023](#) Special City Council meetings.

The ZUC and LPAB reviewed the proposed Planning Code text amendments, took public testimony and provided feedback on the proposed amendments. Overall, staff received overwhelming support for the proposed Planning Code amendments. Specifically, Commissioners commended staff on the comprehensive and detailed nature of the proposal, the proposed environmental protection land code amendments in Industrial Zones to reduce pollution impacts, the increased densities to support housing in high-resource areas, incentives for affordable housing, and the revised parking standards. Specific recommendations included encouraging adaptive reuse of existing buildings, encouraging affordable and denser housing, identifying other corridors for height increase as part of Phase 2 GPU Update to the Land Use and Transportation Element, and removing references to “neighborhood character” from the zoning code as this language is historically racist.

The CED Committee reviewed the proposed amendments, took public testimony, and asked specific questions on project timeline and opportunity to provide additional feedback. The CEDC forwarded the item to the July 18 Special City Council meeting, with a direction to the administration to work with the Building & Construction Trades Council of Alameda County (BCTA) to discuss labor standards.

The City Council reviewed the proposed amendments, took public testimony, and asked clarifying questions on the process for incorporating public feedback. Specific recommendations included encouraging by right ministerial approvals for one hundred percent (100%) affordable housing projects, continuing to work with the community in specific neighborhoods on the General Plan Update process, working with stakeholders to achieve affordable housing projects, and analyze mechanisms where possible to incorporate labor standards.

Staff provided an update to the City Council on the meeting with representatives from BCTA and additionally provided a brief overview on Phase 2 of the GPU. As part of the GPU Phase 2 update to the Land Use and Transportation Element (LUTE) and the Open Space, Conservation,

and Recreation (OSCAR) Element; and creation of the proposed new Capital Facilities and Infrastructure Element, the City will study land use patterns that promote safe and convenient access to goods and services, address unique neighborhood needs, and support physical activity, including walking, bicycling, active transportation, recreation, and active play. An expansion of more allowed mixed uses within centers of residential neighborhoods will be studied, as opposed to just along transit corridors as designated in the existing LUTE.

### **Addressing Comments Received During the Public Review Period**

The public review drafts of the [Safety Element](#) and new [EJ Element](#) were available for a 90-day review period between March 24, 2023, to June 22, 2023 and the [Planning Code Amendments](#) were available for a 68-day review period between March 3, 2023, to May 9, 2023. Staff also received additional comments on the Planning Code Amendments prior to the 7.11.23 CED Committee meeting.

Staff received a combined total of more than 350 comments on the public review draft Safety and EJ elements from 17 comment letters, community meetings and events, and feedback submitted via Konveio - an engagement platform where community members were invited to add their specific feedback to both documents. Comment letters and a summary of comments organized by element with staff responses are included as **Attachment G – G1 and G2**.

Staff received 43 public comments (letters, emails, and in-person statements at hearings) from the community on the proposed Planning Code Amendments. Comment letters and a summary of comments organized by focus area with staff responses are included as **Attachment H – H1 and H2**.

In response to community feedback, staff have updated existing policies and actions and added new actions in the Safety and EJ Element. All recommendations needed to be reconciled with legal authority, resource constraints, conflicting objectives, actions requiring further Council direction, and/or better implementation through other planning or City policy.

CEQA-related comments are separately addressed in the Final EIR/Response to Comment document.

## **2. HEARING DRAFT SAFETY ELEMENT**

The Safety Element aims to protect residents, workers, and visitors from seismic and geologic hazards, fire hazards, hazardous materials, flooding, and other potential hazards that risk life and property. The Element uses an equity lens through its hazards analysis and prioritizes vulnerable communities in the development of its goals, policies, and actions. The Safety Element is rooted in an equity framework in accordance with the General Plan's [Vision Statement and Guiding Principles](#). The Safety Element's goals and policies prioritize "frontline communities," or vulnerable communities that will be affected "first and worst" from climate change and environmental hazard impacts. The Safety Element's racial equity focus is based on the frameworks established by the City's 2018 Oakland Equity Indicators Report, the 2020 Racial

Equity Impact Assessment and Implementation Guide for the Oakland’s 2030 Equitable Climate Action Plan (ECAP), and other previous studies that have laid the foundation to ensure that the City integrates equity and social justice into its policies, practices, and actions.

The Safety Element builds on the City’s [2021-2026 Local Hazard Mitigation Plan \(LHMP\)](#); addresses all state requirements; and serves as a central reference point for the City’s efforts to address safety and climate change issues, including earthquakes, floods, fires, toxic waste, and other hazards. The Safety Element includes overarching goals and policies to address natural hazards, fire and flood hazard management for critical facilities, non-conforming development to contemporary fire safe standards (e.g., road standards and vegetation hazards), emergency evacuation routes per SB 99, climate change adaptation, Sea Level Rise (SLR), drought, and identifies capital improvement programs to improve the City’s resilience to natural and human-caused hazards.

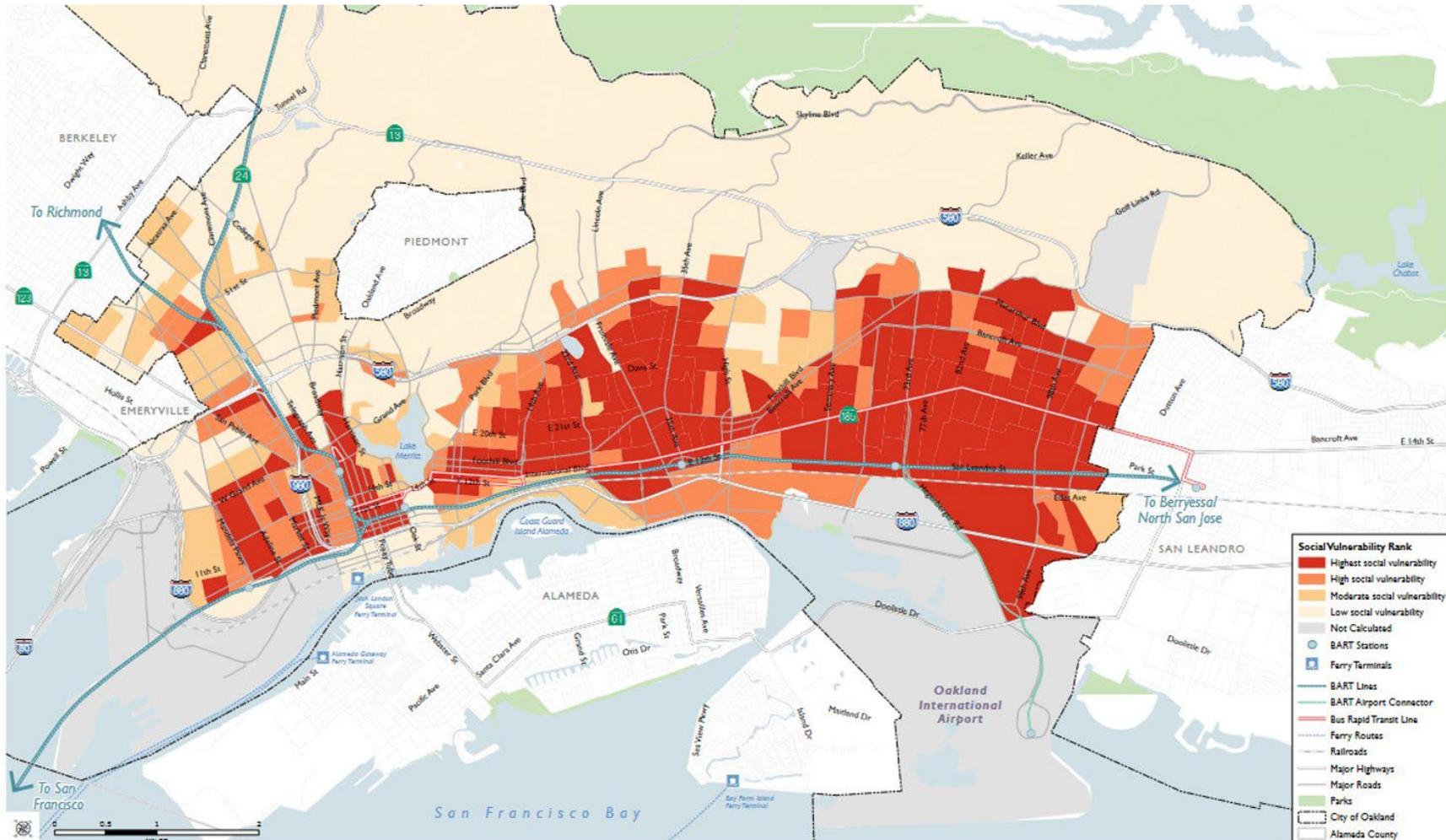
### **Vulnerable Communities**

Vulnerable, or frontline, communities face intersecting vulnerabilities, including racial discrimination, poverty, disability, housing insecurity, linguistic isolation, poor air quality, and more, which magnify climate threats. As a result, they are often the least able to adapt, resist, or recover from climate impacts. Frontline communities can change based on the specific threat or policy being considered. For example, vulnerable communities located on coastlines will be most severely impacted by sea level rise. The term “vulnerable communities” is used in the Safety Element and each section in the Element identifies which groups are most vulnerable to specific hazards.

**Figure 2** illustrates communities in Oakland with high social vulnerabilities where multiple contributors to vulnerability co-occur during Natural Hazards such as Seismic Hazards, Landslide Hazards, Fire Hazards, Flood Hazards, Dam Breach Inundation, and 100-year Coastal Flood events.

As shown in Figure 2, Oakland contains several neighborhoods that are primarily ranked under the highest and high social vulnerability risk categories. These neighborhoods include West Oakland, Chinatown and Downtown, Fruitvale, Central/East Oakland, and Elmhurst. There are 61 census tracts in Oakland that contain a ranking of highest social vulnerability, 47 that contain a high ranking, 32 that contain a moderate ranking, and 75 that contain a low ranking. Combined, the city’s highest social vulnerability census block groups are home to an estimated 176,466 individuals, about 41 percent of Oakland’s total population. This map aligns with the EJ Communities Map in **Figure 4**, illustrating the high social vulnerabilities also faced by EJ Communities.

Figure 2: Cumulative Social Vulnerability Map – City of Oakland



### **Safety Element Organization**

The City's updated Safety Element contains five chapters:

- Chapter 1: Introduction, which outlines key statutory requirements, community engagement process, and the Safety Element's relationship to other General Plan elements.
- Chapter 2: Natural Hazards, which includes geologic and seismic hazards, fire, flooding, and sea level rise.
- Chapter 3: Human-Made Hazards, which includes sites affected by hazardous materials and cleanup sites, issues related to climate change, airport hazards, and public safety.
- Chapter 4: Emergency Preparedness and Response, which provides information on the City's Emergency Preparedness and Response programs, agencies, and operations, Oakland's emergency alert systems, an analysis of evacuation routes, and describes current capital improvement needs relevant to emergency preparedness and response.
- Chapter 5: Goals, Policies, and Implementation Measures, which includes a summary of all the goals, policies, and actions.

Chapters 2-4 of the Safety Element also provide a summary of populations vulnerable to hazards; an outline of the institutional framework, including relevant agencies, regulations, and programs; and a set of goals and policies specific to that hazard or issue.

### **Safety Element Policy Framework**

The Safety Element presents a policy framework that reflects community feedback, local priorities and focuses on minimizing risks posed by natural and human-caused hazards that may impact residents' health and welfare.

The Safety Element's eight goals are:

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.

In response to feedback, staff have updated existing policies and actions and added new actions in the Safety Element (see [redline version of the Safety Element](#)). For a summary table of all the goals, policies, and actions relevant to each of the hazard topics discussed in the Safety Element, see **Attachment E** ([Chapter 5 of the Safety Element](#)). Comment letters received on the Safety

Element and a summary of comments organized by element with staff responses are included as **Attachment G – G1 and G2.**

### **Racial Equity Impact Analysis of the Safety Element**

The Racial Equity Impact Analysis of the Safety Element includes the following recommendations:

-  Co-develop both long-term plans to increase community resilience to natural disasters and immediate methods for distributing resources equitably during emergencies.
-  Develop green infrastructure in vulnerable neighborhoods to increase sustainability and surface permeability, reducing flooding.
  - Prioritize projects identified in community-driven plans, such as the East Oakland Neighborhood Initiative's plan, "Better Neighborhoods, Same Neighbors."
-  Tailor solutions to ensure the Oaklanders most vulnerable to climate disasters are not left behind.
  - Residents have identified text messaging as one of the most accessible ways to improve civic engagement and to spread information quickly during emergency events, such as with Amber Alerts.
  - Build neighborhood networks to reach everyone within each community, with plans for hard-to-reach households and people with limited mobility.
-  Increase public safety by reducing the need for traditional policing through use of alternative resources that build community capacity.

### **3. ENVIRONMENTAL JUSTICE ELEMENT**

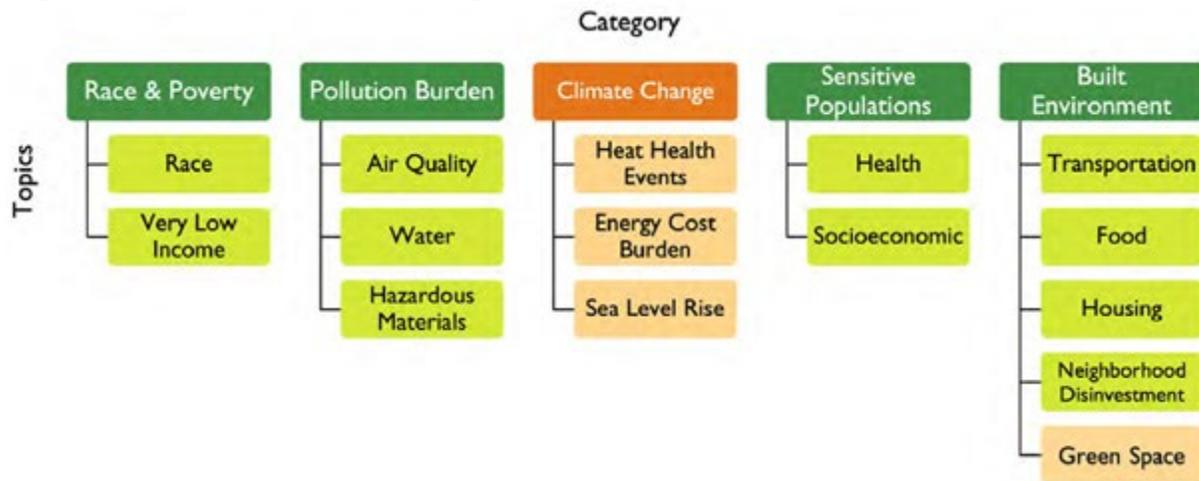
Oakland’s first Environmental Justice (EJ) Element serves as the foundation for achieving equity and environmental justice when planning for future growth and development in the City and builds upon Oakland’s current regulatory setting for equity and environmental justice. Oakland Municipal Code Section 2.29.170, specifies that “the City of Oakland will intentionally integrate, on a Citywide basis, the principles of ‘fair and just’ in all the City does in order to achieve equitable opportunities for all people and communities,” as well as City Council Resolution 89249: Declaring Racism A Public Health Crisis, states “the City of Oakland declares racism a public health crisis and recognizes the severe impact of racism on the well-being of Oakland residents and the City overall.”

Consistent with State requirements, the EJ Element addresses community-identified environmental justice issues related to reducing pollution exposure and improving air quality; promoting safe, healthy, and affordable homes; providing equitable public facilities; expanding healthy food access; promoting physical activity; improving civic engagement; and prioritizing improvements and programs that meet the needs of Environmental Justice Communities (EJ Communities).

### Environmental Justice Communities

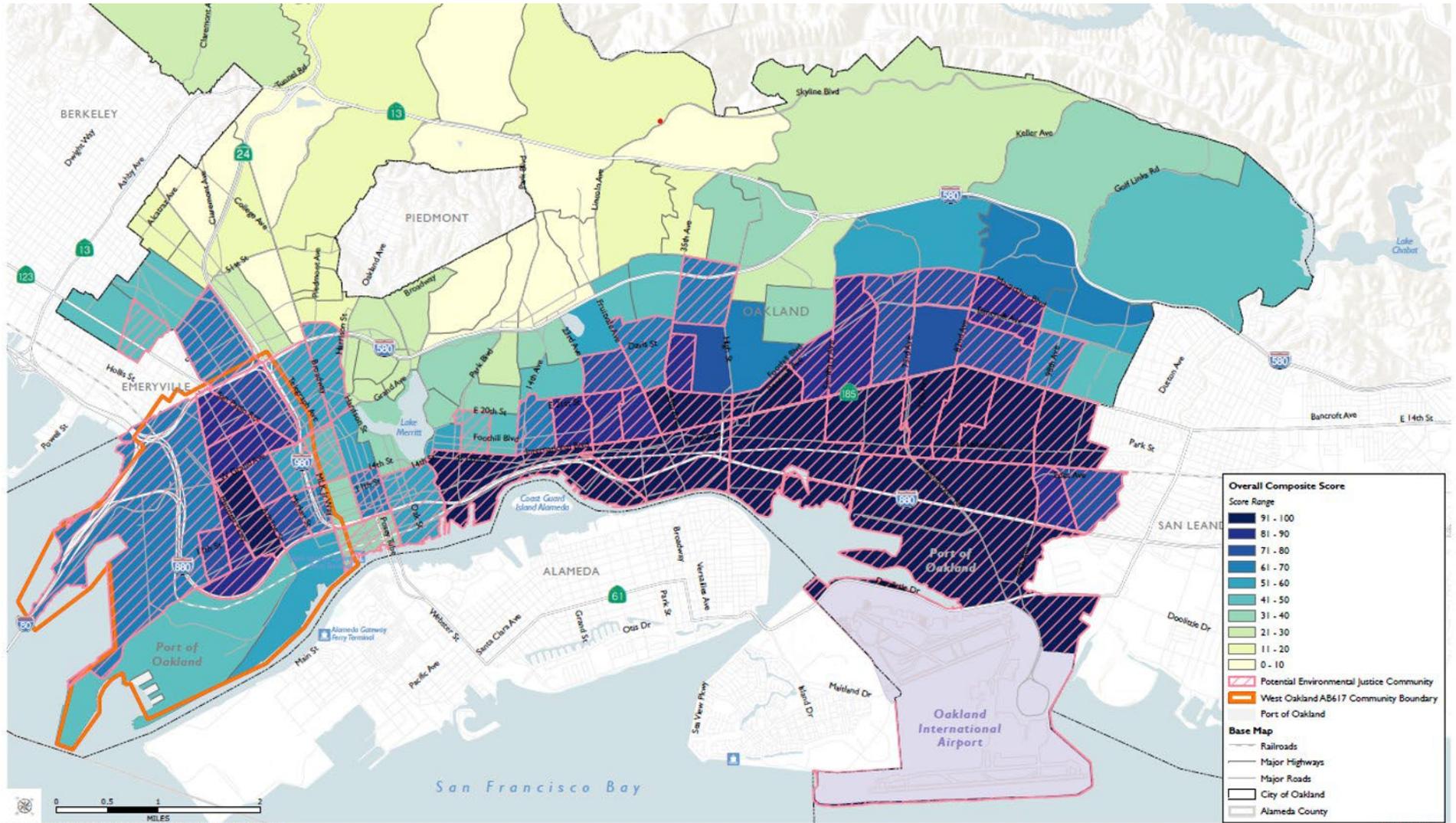
Identifying low-income communities most impacted by environmental justice issues (EJ Communities) is a core component of SB 1000 and one of the primary objectives of an EJ Element. The GPU team first prepared an [Environmental Justice and Racial Equity Baseline \(EJ Baseline Report\)](#) to identify and delineate existing social, economic, and environmental disparities by race and geography. Using an iterative process of modifying and refining the methodology, the final methodology includes 53 indicators grouped under five categories and 15 topics as shown in **Figure 3**.

Figure 3: EJ Communities Screening Indicators



There are 48 census tracts that have been identified as EJ Communities: 29 are in the top 25th percentile by composite score; 12 additional census tracts are in the top 10th percentile of any one of the category scores; and seven additional census tracts have lower scores, but are designated by CalEPA as SB 535 Disadvantaged Communities (as of May 2022). The EJ Communities Map is presented in **Figure 4**. Note that the community boundary for the East Oakland AB 617 Community Emissions Reduction Plan (CERP) is still being defined by the Community Steering Committee. Once defined, the EJ Communities Map will be updated to include those communities.

Figure 4: Environmental Justice Communities Map – City of Oakland



### **EJ Element Organization**

The EJ Element contains nine chapters:

- Chapter 1: Introduction, which presents the background and purpose of the EJ Element, including statutory requirements and outlines the City’s process and community engagement efforts undertaken to develop the Element.
- Chapter 2: Environmental Racism and Health Inequities in Oakland, which provides an overview of the historical development and planning decisions of the City which have shaped current conditions of environmental disparities and defines Oakland-specific EJ Communities.
- Chapter 3: Reducing Pollution Exposure and Improving Air Quality, which analyzes the pollution burden, especially on sensitive land uses, in the City from air pollution, water contamination, hazardous materials and toxics, and illegal dumping.
- Chapter 4: Safe, Healthy, and Affordable Homes, which details housing disparities in the City.
- Chapter 5: Expanding Healthy Food Access, which analyzes the City’s food network, including availability of food outlets, food availability, and food quality.
- Chapter 6: Equitable Public Facilities, which details the distribution of and investment in the City’s public facilities, such as infrastructure, school facilities, parks, and transportation and emergency services.
- Chapter 7: Promoting Physical Activity, which analyzes the barriers to physical activity and health in the city, such as mobility and safety, park access maintenance, and urban forest and greening.
- Chapter 8: Engaged Communities, which details the City’s community engagement efforts and challenges experienced, including an overview of the community engagement spectrum, linguistic isolation, internet access, and employment.
- Chapter 9: Implementation Actions and Programs, which concludes with a comprehensive table of actions to achieve the goals and policies set forth in the preceding chapters.

Chapters 3-8 of the EJ Element summarize baseline conditions within Oakland’s communities through the lens of six environmental factors and highlight EJ communities that experience the greatest disparities and/or vulnerabilities.

### **Environmental Justice Element Policy Framework**

There are 10 Goals in the EJ Element that focus on reducing health risks in EJ communities, improving healthy food access, promoting community engagement, and prioritizing improvements and programs that meet the needs of EJ Communities.

The EJ Element’s goals are:

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: Housing policies addressing renter protections/anti-displacement, affordable housing production, homelessness, and other topics are included in the 2023-2031 Housing Element.*

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

In response to feedback, staff have updated existing policies and actions and added new actions in the EJ Element (see [redline version of the EJ Element](#)). See **Attachment F** for a summary table of the goals, policies, and actions relevant to each of the environmental factors that address the unique needs of Environmental Justice Communities as identified in the EJ Element ([Chapter 9 of the EJ Element](#)).

Comment letters received on the Environmental Justice Element and a summary of comments organized by element with staff responses are included as **Attachment G – G1 and G2**.

### **Racial Equity Impact Analysis of the EJ Element**

The Racial Equity Impact Analysis of the EJ Element includes the following recommendations:

-  Prevent any new dirty businesses from being located in or near EJ Communities, through zoning amendments and other strategies. Seek to relocate existing dirty facilities elsewhere.
-  Support Low-Income Truck Owner-Operators to adopt alternatives.
-  Prioritize development of a green infrastructure program and vegetative buffers to protect EJ Communities.
-  Ensure landlords have ample incentives and resources to invest in energy efficiency and habitability upgrades that benefit low-income tenants.
-  Increase workforce development and local hires in EJ Communities.
-   Work with EJ organizations and residents to ensure that the benefits of all programs reach the neediest residents.
-   Tax polluters and invest in reducing pollution emissions and exposures.

#### 4. PLANNING CODE TEXT AND MAP AMENDMENTS

The proposed amendments to the Oakland Planning Code redefine certain zoning designations and change development standards to allow for a range of multi-unit or “missing middle” housing types and affordable housing in existing neighborhoods, including currently single-family-dominated neighborhoods; and along corridors, transit-proximate areas, and high resource neighborhoods. The proposed amendments encourage different housing types, incentivize affordable housing, reduce constraints on housing development, and protect areas and populations affected by pollution. The Planning Code Text and Map Amendments are included as **Attachment C – Exhibits 1 through 15** and on the [General Plan Update website](#).

##### **Planning Code Text Amendments**

The proposed text amendments are grouped into the following four sections:

1. Missing Middle Housing Type Code Amendments
2. Overlay Zones
3. Planning Code Amendments Focused on Environmental Protection in Industrial Zones
4. Other Planning Code Amendments

The Planning Code Text Amendments are included as **Attachment C – Exhibits 1 through 6**.

- **Changes Made Since July 11, 2023, Community and Economic Development Committee**  
Staff have made the following revisions to the Planning Code to include the following:
  - a. Updates to **Attachment C – Exhibit 5**
    - i) Chapter 17.09 DEFINITIONS - Section 17.09.040 Definitions
      - Updated definition for Affordable Housing to include language on income targeting, and long-term affordability requirements for rental and for-sale units.
      - Include a new definition of By Right Residential Approval outlining the ministerial approval process for specified residential projects.
    - ii) Chapter 17.136 DESIGN REVIEW PROCEDURE
      - Created a new Section 17.136.023 - Projects subject to By Right Residential Approval. Projects eligible for By Right Residential Approval under Chapter 17.95 (S-13 Combining Zone) or 17.96 (S-14 Combining Zone); and affordable housing projects where one hundred percent (100%) of the housing units, other than manager’s units, are restricted to very low-, low-, and moderate-income households, and not proposed on a site with a City, State, or National landmark or within an S-7 or S-20 Zone or an Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey shall not be subject to any design review procedure under Chapter 17.136 and shall instead be subject to the By Right Residential Approval procedure as defined in Section 17.09.040.
  - b. Updates to **Attachment C – Exhibit 3**
    - i) Updated references to By Right Approval to mean “By Right Residential Approval”
    - ii) Updated Section 17.95.010 to provide additional clarity that the provisions under S-13 Zone cannot be combined with Chapter 17.107 - Density Bonus and Incentive Procedure and State Density Bonus Law under Title 7, Division 1, Chapter 4.3 of the California Government Code.

- iii) Updated definitions in Section 17.96.020 for “Housing Sites Inventory”; “Prior Housing Element Sites”; and “Realistic Capacity”.
- iv) Updated Section 17.96.040, Required Majority Residential Use, to provide exemptions for Emergency Shelter Residential Activity or Emergency Housing Facility, and proposals on government-owned property that is not a disposition under the Surplus Lands Act or that is otherwise exempt from the Surplus Lands Act.
- c. Conformance to Assembly Bill (AB) 2923 (2018) baseline zoning standards for BART owned parcels -Updates to **Attachment C – Exhibit 1, Exhibit 2, and Exhibit 6**
  - Maximum parking requirements for residential activities in Section 17.116.060(2).
  - Maximum parking requirements for commercial activities in Section 17.116.080(B).
  - Shared parking requirements in Section 17.116.290(B)
  - Bicycle parking requirements in Section 17.117.090
  - Maximum nonresidential floor-area ratio in Section 17.54.140
  - Maximum height and number of stories in Section 17.97.070
  - Maximum non-residential floor-area ratio and number of stories in Section 17.101G.050

Comment letters received on the Planning Code Amendments and a summary of comments organized by focus area with staff responses are included as **Attachment H – H1 and H2**.

**Table 1** provides a high-level overview of the Planning Code Text Amendments. See also **Attachment J – 7.11.23 Agenda Report to the CED Committee**.

*Table 1: Overview of Planning Code Text Amendments*

<b>Planning Code Text Amendments</b>	<b>Overview</b>
<p><b>1. Missing Middle Housing Type Code Amendments</b></p> <ul style="list-style-type: none"> <li>• Change development standards in single-family and low-density residential neighborhoods to allow for a range of small-scale multi-unit housing types.</li> <li>• Upzoning and height changes in commercial zones and along transit corridors</li> </ul>	
<p><b>a) Residential Zones</b> See <i>Attachment C – Exhibit 1</i></p>	<ul style="list-style-type: none"> <li>• Change development standards to allow for a range of small-scale multi-unit housing types in historically single-family neighborhoods and high resource neighborhoods such as Rockridge.</li> <li>• Applicable zones include Low-Density Residential Zones (Detached Unit Residential [RD], Mixed Housing Type Residential [RM], Urban Residential [RU], and Hillside Residential-4 [RH-4]).</li> <li>• New RD designation will combine RD-1 and RD-2 into one zone that allows up to 4 dwelling units on lots 4,000 square feet or larger.</li> <li>• Changes to Density in Mixed Housing Type Residential (RM) Zones, Hillside Residential-4 (RH-4) Zone, and Urban Residential (RU) Zones by simplifying and increasing the density steps in each of the four existing RM Zones, the RH-4 Zone, and the RU Zones to allow additional units with incrementally larger lot sizes and include updates to</li> </ul>

Planning Code Text Amendments	Overview
	<p>maximum height limits, reductions to minimum lot frontage and lot sizes, and reductions to setbacks.</p> <ul style="list-style-type: none"> <li>• Create a new residential facility type called “Two- to Four-Family Residential Facility” to replace the current “Two-Family Residential Facility” Type throughout the Planning Code.</li> <li>• Change the definition of a “Multifamily Residential Facility” from the current 3 or more units to 5 or more units.</li> <li>• Remove existing constraints on housing development by eliminating conditionally permitted densities and current requirement for a Major Conditional Use Permit (CUP) for 3 or more dwelling units in the RM-2 Zone; 7 or more dwelling units in the RM-3 or RM-4 Zone; and for any project that exceeds the basic or permitted density resulting in 7 or more dwelling units in the RU or CBD-R Zones.</li> <li>• Revise open space regulations to ensure that more of a lot’s buildable area can be dedicated to new housing units.</li> <li>• Reduction or elimination of parking requirements. <ul style="list-style-type: none"> <li>○ No minimum parking requirements for residential facility types within ½ mile of a major transit stop (as required by State law) and if located farther than ½ mile from a major transit stop a minimum of 0.5 parking spaces per unit is required (reduced from 1 parking space per unit).</li> <li>○ No minimum parking requirements within the S-15 Transit Zone, and D-CO-1 Zone in addition to the existing no minimum parking requirements in the CBD, D-LM, and S-2 Zones.</li> <li>○ Reduced maximum parking requirements in the CBD, S-15 Transit Zones, D-CO-1, D-LM, and S-2 Zones</li> </ul> </li> <li>• Conformance to Assembly Bill (AB) 2923 (2018) baseline zoning standards for BART owned parcels</li> </ul>
<p><b>b) Commercial Zones</b>  See <i>Attachment C – Exhibit 2</i></p>	<ul style="list-style-type: none"> <li>• Increase heights in commercial zones along corridors and near BART stations (CN, CC, CR, and S-15 Zones).</li> <li>• Increase permitted densities in residential neighborhoods near major corridors.</li> <li>• Increase heights and densities along existing transit corridors such as San Pablo, International, Foothill, Shattuck, Telegraph, College, Claremont, and MacArthur and in areas near high-capacity transit, near BART and Bus Rapid Transit (BRT) Stations.</li> <li>• Creation of a new Regional Commercial-2 (CR-2) Zone to allow residential as a permitted use.</li> <li>• Revised heights in the D-CO Coliseum Area District Zones to be consistent with Federal Aviation Administration (FAA) requirements.</li> </ul>
<p><b>2. Housing Overlays</b></p> <ul style="list-style-type: none"> <li>• Create and preserve affordable housing restricted for extremely low-, very low-, low-, and/or moderate-income households.</li> </ul>	

Planning Code Text Amendments	Overview
<ul style="list-style-type: none"> <li>Facilitate the production of housing on sites the City identified to meet its Regional Housing Needs Allocation (RHNA) pursuant to the City’s 2023-2031 Housing Element.</li> </ul>	
<p><b>a) S-13 Affordable Housing Overlay (AHO)</b>            See <i>Attachment C – Exhibit 3 – Chapter 17.95</i> and <i>3a – S-13 Map</i></p>	<ul style="list-style-type: none"> <li>The proposed new S-13 Combining Zone (Chapter 17.95) will provide for an optional local incentive program that developers can utilize instead of the State Density Bonus and Incentive Procedure (Planning Code Chapter 17.107 and Government Code Chapter 4.3. In addition, the AHO Zone program cannot be combined with any other local incentive program.</li> <li>By-right residential approvals for 100% affordable housing projects will apply in the AHO Zone.</li> <li>An applicant with an eligible affordable housing project will be allowed bonus height and relaxation of other listed development standards for applicable zones and an elimination of any maximum residential density standards.</li> </ul> <p><u><i>Exemptions from the Proposed S-13 Affordable Housing Overlay Zone</i></u>            The proposed S-13 Combining Zone would not be applied to the following:</p> <ul style="list-style-type: none"> <li>Parcels in the S-9 Fire Safety Protection Combining Zone; and</li> <li>Parcels with Designated City, State, and Federal Historic Landmarks.</li> </ul> <p>In addition, parcels in Historic Districts that are designated Areas of Primary Importance (API) as of the adoption date of the 2023-2031 Housing Element (January 31, 2023) are exempt from the higher height limit allowance.</p> <p><u><i>S-13 Affordable Housing Overlay in the Very High Fire Hazard Severity Zone</i></u>            Additions to the S-13 Combining (Overlay) Zone include commercial areas that have direct access to the freeway and include:</p> <ul style="list-style-type: none"> <li>Oak Knoll + Barcelona City-owned sites</li> <li>CC-1 Commercial zoned area near Redwood Road</li> <li>CN-3 Commercial zoned area near Mountain Blvd. near Woodminster Lane</li> <li>CN-3, CN-4, and RM-3 zoned area in the Montclair district (where Moraga Avenue goes to Mountain Blvd.)</li> <li>CN-4 zoned area near intersection of Seminary Avenue and Kuhnle Avenue.</li> </ul>
<p><b>b) S-14 Housing Sites Overlay</b>            See <i>Attachment C – Exhibit 3 – Chapter 17.96</i></p>	<ul style="list-style-type: none"> <li>The proposed new S-14 Combining Zone (Chapter 17.96) applies to all sites in the Housing Sites Inventory, included in Tables C5a, C5b, C-26, in <a href="#">Appendix C</a> of the 2023-2031 Housing Element</li> <li>Under the proposed S-14 Combining Zone, projects proposed must be a “majority residential use”. Projects that are not a majority residential use will only be permitted if they can demonstrate one of the following:</li> </ul>

Planning Code Text Amendments	Overview
	<ul style="list-style-type: none"> <li>A. Proposed development must include a total residential unit count that equals no less than one hundred percent (100%) of the site’s “realistic capacity” as estimated in the Housing Inventory.</li> <li>B. Proposed development is a non-residential development that is coordinated with the development of a site under the same ownership that is within ¼ mile of the proposed development’s site and that, when the square footage of both developments is considered together, meets the definition of a Majority Residential Use.</li> <li>C. The proposal is a use on government-owned property that is not a disposition under the Surplus Lands Act or that is otherwise exempt from the Surplus Lands Act. Notwithstanding Section 17.96.050, such uses are also exempt from minimum residential density requirements.</li> <li>D. The proposed development is an Emergency Shelter Residential Activity and/or Emergency Housing Facility permitted pursuant to Section 17.07.060.A.</li> <li>• Pursuant to State Law, the City will allow by-right development for projects with at least 20 percent of the units affordable to lower incomes on Prior Housing Element sites.</li> <li>• For projects proposed on parcels that included in Tables C5a, C5b, C-26, in <a href="#">Appendix C</a> of the 2023-2031 Housing Element and are not a prior Housing Element site, the City will allow by-right residential approval for projects if the project proposes at least as many lower- and moderate-income units and the project overall proposes at least as many total units as described as the Realistic Capacity for the parcel, and the project satisfies at least one of the following conditions: <ul style="list-style-type: none"> <li>○ At least twenty percent (20%) of the total housing units are restricted to very low-income households; or</li> <li>○ At least twenty-five percent (25%) of the total housing units are restricted to any combination of very low- and low-income household; or</li> <li>○ At least forty percent (40%) of the total housing units are restricted to any combination of very low, low, and moderate-income households.</li> </ul> </li> <li>• Under the proposed S-14 Combining Zone, projects shall not be eligible for By Right Approval if the project proposes development in phases or proposes more than one hundred thousand (100,000) square feet 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.</li> </ul>
<p><b>3. Planning Code Amendments Focused on Environmental</b></p>	<ul style="list-style-type: none"> <li>• Increase protections for land use activities most sensitive to pollution impacts, such as residential, schools, daycares, hospitals, senior care facilities, etc.</li> </ul>

Planning Code Text Amendments	Overview
<p><b>Protection in Industrial Zones</b>  See <i>Attachment C – Exhibit 4</i></p>	<ul style="list-style-type: none"> <li>• Reduce the allowed intensity of certain commercial and industrial activities permitted in the Housing and Business Mix (HBX) Commercial Zones to minimize impacts on the residential uses existing in and nearby these zones.</li> <li>• Require a CUP for certain heavier industrial uses in the Commercial Industrial Mix (CIX), General Industrial (IG), and Industrial Office (IO) Zones if located within 600 feet of a Residential Zone, to minimize impacts on the residential uses nearby;</li> <li>• Require truck-intensive uses to obtain special Conditional Use Permits/application of special performance standards and standard conditions of approval, including requirements related to buffering and landscaping.</li> <li>• Reduce land-use conflicts between residential and industrial zones.</li> <li>• Reduce expiration timelines for Nonconforming Uses and CUP termination timelines for truck-intensive uses.</li> </ul>
<p><b>4. Other Planning Code Amendments</b>  See <i>Attachment C – Exhibit 5 and Exhibit 6</i></p>	<ul style="list-style-type: none"> <li>• Comply with State law, and proposed changes intended to improve public noticing to include building occupants, not just owners; and streamline the project approval process.</li> <li>• Eliminate requirements for telecommunication facility applicants to establish a sinking fund in response to the Auditor’s report.</li> <li>• Revise Open Space zoning regulations so that Park Uses consistent with a City-Council adopted Park Master Plan are permitted by right;</li> <li>• Eliminate CUP requirements for certain activities, including but not limited to Full Service and Limited-Service Restaurants, Group Assembly, Personal Instruction and Improvement Services, Medical Service, and Consumer Service (laundromats).</li> <li>• Remove or reduce limitations to construction of new ground floor residential facilities in commercial zones.</li> <li>• Provide clarifications regarding specific activities, such as agricultural activities, sidewalk cafes, and other civic and commercial activities.</li> <li>• Create definitions for key terms such as in “Affordable Housing Cost”; “Affordable Rent”; “Employee Housing”; “Moderate-, Low- and Very Low-Income Households”; and “Food Desert” in Planning Code Section 17.09.040.</li> <li>• Updated definition for Affordable Housing to include language on income targeting, and long-term affordability requirements for rental and for-sale units.</li> <li>• Include a new definition of “By Right Residential Approval”, outlining the ministerial approval process for specified residential projects.</li> <li>• Specify that One hundred percent (100%) affordable housing projects restricted to very low-, low- and moderate-income households shall not be subject to any of the design review procedures under Chapter 17.136</li> </ul>

Planning Code Text Amendments	Overview
	<p>as long as they are not proposed on sites with a City, State, or National landmark or within an S-7 or S-20 Zone or an Area of Primary Importance (API) as determined by the Oakland Cultural Heritage Survey. These projects shall instead be subject to the By Right Residential Approval procedure as defined in Section 17.09.040.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Amendments specific to special housing needs such as Rooming Units and Efficiency Units, employee housing, Residential Care facilities, Transitional and Supportive Housing, low barrier navigation centers, and Emergency Shelters.</li> <li>• Revise Open Space zoning regulations so that Park Uses consistent with a City-Council adopted Park Master Plan are permitted by right;</li> <li>• Create Artisan Production Commercial Activities Designation.</li> <li>• Remove the Mini Lot Planned Unit Development provisions.</li> <li>• Revise regulations for fence, dense hedge, barriers, and similar freestanding structures.</li> <li>• Conformance to Assembly Bill (AB) 2923 (2018) baseline zoning standards for BART-owned parcels.</li> </ul>

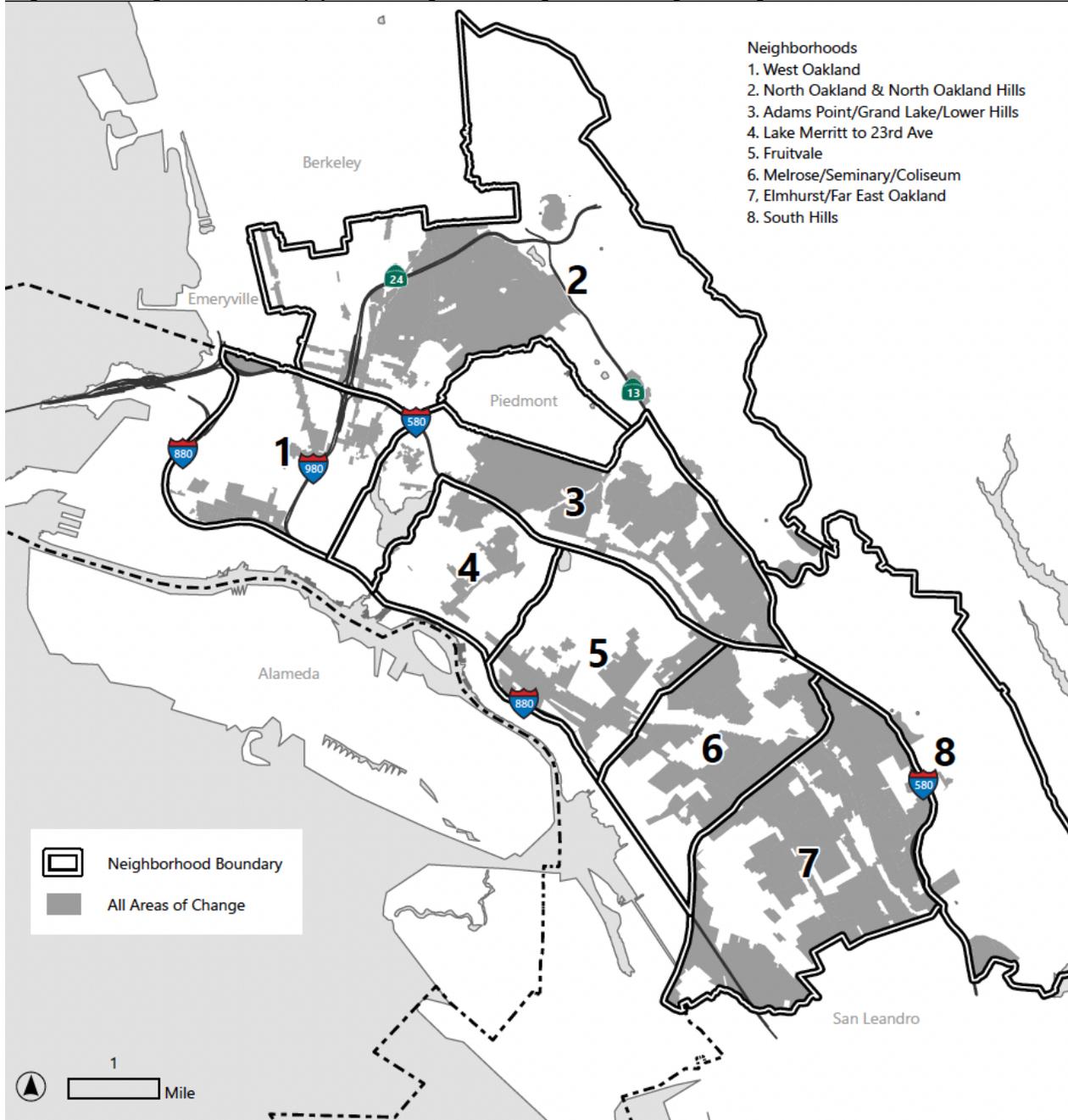
**Planning Code Map Amendments – Changes to Zoning and Height Area Maps**

This section provides an overview of proposed zoning and height area map changes. Due to the number and extent of the changes, the following summary focuses on large contiguous areas where substantive changes will occur.

Stippling has been used to distinguish areas with zoning and/or height area changes. Areas of change will be shown in black outlines and black stippling. Areas that are unshaded are proposed for no change to the underlying zoning and/or height area designation. See **Figure 5** for an example:



Figure 6: Neighborhood Key for Zoning, and Height Area Map Changes



**Table 2** provides a high-level overview of the changes to Citywide Zoning Maps and Height Areas and **Table 3** provides an overview of the geographically specific changes to neighborhoods and regions in the City. See also **Attachment J – 7.11.23 Agenda Report to the CEDC**.

*Table 2: Citywide Zoning and Height Area Map Changes*

**1. Citywide Zoning Map Changes**

- Changes to Detached Unit Residential (RD) Zone
  - All residential properties currently designated RD-1 and RD-2 will be rezoned to the new RD zoning designation.
  - Allows for up to four (4) dwelling units on lots 4,000 sf. or larger and two units on every parcel, without a Conditional Use Permit and regardless of the lot size.
  - See **Attachment C – Exhibit 7** for proposed citywide change to Detached Unit Residential (RD) Zoning.
- New Regional Commercial-2 (CR-2) Zone
  - A new Regional Commercial-2 (CR-2) Zone has been proposed to replace some of the existing CR-1 Zone to allow for residential uses along the portion of Hegenberger Road north of I-880. The current CR-1 Zone does not permit any residential uses.
  - See **Attachment C-Exhibit 14** for proposed CR-2 zoning map changes.
- Buffering: Several zoning changes are intended to buffer existing residential uses from the impact of nearby industrial uses and reduce potential land use conflicts through zone changes that have more restrictions on certain heavier industrial or commercial uses near Residential Zones. These zoning changes would occur on or near International Boulevard, High Street, and East 12th Street in central East Oakland, and along 66th Avenue and Hegenberger Road in the Coliseum and Airport areas.
- Split Zoning: There are many parcels throughout the city where the existing zoning boundary splits lots. Several “clean up” zoning changes are intended to ensure that zoning boundaries follow property lines to the extent feasible.

**2. Citywide Height Area Changes**

- a. All 60 foot-height areas would change to 65 feet
  - In order to effectively achieve six (6) stories within a permitted building envelope, the height limit has to be at least 65 feet, assuming the 15-foot height for the ground floor required in the zoning code and 10 feet for each story above ground. This update is intended to rectify this mathematical error.
- b. All 75 foot-, 85 foot-, and 90 foot-height areas would change to 95 feet

**3.** This change is intended to bring the Zoning Code’s height limits into better alignment with the California Building Code. In order to allow for maximum utilization of the building code’s most cost-effective multifamily residential construction types, the designated areas on the zoning height area map that are currently envisioned to accommodate up to 7-story buildings (the existing 75 foot-, 85 foot-, and 90 foot-height areas) all require a minimum permitted building height of 85-90 feet (in order to accommodate the minimum 15-foot height for the ground floor required by the Zoning Code and 10 feet for each story above ground). The proposal to go to 95 feet would allow for more sculpted rooftops, as well as accommodate a potential additional story within the allowed building envelope (for a potential total of 8 stories instead of the current allowance for 7). In summary, this proposed 95 ft. height limit is intended to further maximize utilization of the

building code’s most cost-effective construction types, and thus lower construction costs per residential unit.

*Table 3: Geographically Specific Changes to the Zoning Map and Height Areas in Neighborhoods and Regions of the City*

<b>Neighborhoods</b>	<b>Proposed Changes</b>
<p><i>1) <u>West Oakland</u></i>                      The West Oakland area includes those areas bounded by I-580 and the Emeryville border on the north, I-880 on the west and south, and Harrison Street on the east.</p> <p>See <b>Attachment C – Exhibit 8</b></p>	<p>Proposed changes to the zoning and height area maps include increased heights and densities in the area surrounding the West Oakland BART Station pursuant to AB 2923; along the San Pablo Avenue and 7th Street corridors connecting to downtown; and in neighborhood areas throughout this district that have been identified as suitable for more infill housing.</p>
<p><i>2) <u>North Oakland and North Hills Area</u></i>                      North Oakland includes the Golden Gate, Temescal, Rockridge, and Piedmont Avenue neighborhoods, as well as other areas roughly located “above” Highway 580, and “below” Highway 13 in the area between Piedmont, Emeryville, and Berkeley. The North Hills area is generally located above Highway 13 between Berkeley on the north and Redwood Road on the south. It includes Claremont Hills, Hiller Highlands, parts of Upper Rockridge, Piedmont Pines, Montclair, and the Joaquin Miller/ Butters Canyon area.</p> <p>See <b>Attachment C – Exhibit 9</b></p>	<p>Proposed changes to the zoning and height area maps include increased heights and densities in the area surrounding the Rockridge BART Station pursuant to AB 2923; along the upper Broadway, Claremont, and Telegraph Avenue corridors; and in neighborhood areas outside of the High Fire Hazard Severity District that have been identified as suitable for more infill housing. A key change includes rezoning the Rockridge BART Station area from RM-1 to S-15 Transit Oriented Commercial Development Zone and increasing the proposed height to 175 feet.</p>
<p><i>3) <u>Adams Point/Grand Lake/Lower Hills</u></i>                      The Adams Point – Grand Lake area includes two adjoining geographic areas on either side of Interstate 580. Adams Point roughly corresponds to the triangle formed by Interstate 580, Lake Merritt, and the Harrison/Oakland corridor. The Grand Lake area is located between I-580, Oakland Avenue, Park Boulevard, and the City of Piedmont and includes the Rose Garden neighborhood, the Grand Lake shopping and residential districts, and the Trestle Glen/Crocker Highlands neighborhood. The Lower Hills area includes the triangular area bound by Highway 13 on the east, I-580 on the west, and the City of Piedmont on the</p>	<p>Proposed changes to the zoning and height area maps include increased heights and densities in portions of the RM-zoned areas of Adams Point; along the commercially zoned portions of MacArthur and Mountain Boulevards; and in neighborhood areas throughout this district that have been identified as suitable for more infill housing</p>

<b>Neighborhoods</b>	<b>Proposed Changes</b>
<p>north. It includes Glenview, Dimond, Upper Dimond, Laurel, Redwood Heights, Lincoln Heights, and Oakmore.</p> <p>See <b>Attachment C – Exhibit 10</b></p>	
<p>4) <u>Lake Merritt to 23rd Avenue</u>                      This geographic area includes neighborhoods below Interstate 580, east of Lake Merritt extending as far as 23rd Avenue.</p> <p>See <b>Attachment C – Exhibit 11</b></p>	<p>Proposed changes to the zoning and height area maps include increased heights and densities on or near International Boulevard with the Bus Rapid Transit (BRT) route and 14<sup>th</sup> Avenue; and in neighborhood areas throughout this district that have been identified as suitable for more infill housing.</p>
<p>5) <u>Fruitvale</u>                      The Fruitvale area is located between Interstate 580 and Interstate 880, from 23rd Avenue eastward. The eastern boundary of this area is generally located ¼ to ½ mile east of High Street.</p> <p>See <b>Attachment C – Exhibit 12</b></p>	<p>Proposed changes to the zoning and height area maps include increased heights and densities in the area surrounding the Fruitvale BART Station pursuant to AB 2923; on or near major transit corridors such as International Boulevard (with BRT), Fruitvale Avenue, and High Street; and in neighborhood areas throughout this district that have been identified as suitable for more infill housing.</p>
<p>6) <u>Melrose/Seminary/Coliseum</u>                      This area extends eastward from the boundary between Council Districts 5 and 6 below Interstate 580. Its northern boundary varies but is roughly ½ to ¼ mile east of High Street, approximately aligned with the Maxwell Park neighborhood and 51st Avenue in the Melrose District. The southern boundary is 73rd Avenue. This area includes Millsmont, Seminary and Havenscourt areas, Eastmont Mall and environs, Melrose, Fairfax, and the area around the Oakland Coliseum.</p> <p>See <b>Attachment C – Exhibit 13</b></p>	<p>No zoning or height changes are proposed for the Mills College campus.</p> <p>Proposed changes to the zoning and height area maps include increased heights and densities in the area surrounding the Eastmont Mall to promote reuse of commercial centers for housing pursuant to AB 2011 and Coliseum BART Station pursuant to AB 2923; on or near International Boulevard, Macarthur Boulevard, Foothill Boulevard, Bancroft Avenue, and Hegenberger Road; and in lower-density neighborhood areas throughout this district that have been identified as suitable for more infill housing.</p>
<p>7) <u>Elmhurst/ Far East Oakland</u>                      The Elmhurst/ Far East Oakland area extends from 73rd Avenue eastward to the San Leandro border. Its upper boundary is Interstate 580, and its lower boundary is Oakland Airport. This area includes Sobrante Park, Tassaforonga, Brookfield Village, Columbia Gardens, Las Palmas, Toler Heights, Foothill Square, Stonehurst, Elmhurst Park, Webster Tract, Castlemont,</p>	<p>Proposed changes to the zoning and height area maps include increased heights and densities in the areas on or near Hegenberger Road, International Boulevard, Macarthur Boulevard, Alvingroom Court, and 98th Avenue; and in lower-density neighborhood areas throughout this district that have been identified as suitable for more infill housing, and zoning map changes to CR-2. Additional changes include reducing the heights in the area near Hegenberger Road and Doolittle Drive, and along Hegenberger</p>

<b>Neighborhoods</b>	<b>Proposed Changes</b>
Woodland, Fitchburg, Highland, Iveywood, Golf Links, Cox, Arroyo-Viejo, and Durant Square.  See <b>Attachment C – Exhibit 14</b>	Drive, per the Port of Oakland’s request, to avoid impacts to Oakland Airport and comply with Federal and State standards.
8) <u>South Hills</u> The South Hills encompass the land above Highway 580 (and a short portion of Highway 13) from Redwood Road south to the San Leandro border. This area includes the Ridgemont, Hillcrest Estates, Balmoral, Parkridge, Leona Heights, Surrey/Hansom, Sequoyah, Oak Knoll, Chabot Park, and Sheffield Village neighborhoods, among others.  See <b>Attachment C – Exhibit 15</b>	Proposed changes to the zoning and height area maps include increased heights and densities in neighborhood areas outside of the High Fire Hazard Severity Zone that have been identified as suitable for more infill housing.

**Racial Equity Impact Analysis of Planning Code Text and Map Amendments**

The [proposed planning code text and map amendments](#) implement policies set forth in the adopted Housing Element, proposed updates to the Safety Element, and proposed new Environmental Justice (EJ) Element. A Racial Equity Impact Analysis (REIA) was conducted for the [2023-2031 Housing Element](#) and the [Safety](#) and [EJ](#) Elements. The REIA provides an analysis of who stands to benefit or be burdened by the proposed policies and actions in each Element, outlines existing challenges, and identifies equity gaps. The REIA provides recommendations to strengthen each action or bolster implementation in ways that overcome existing barriers to achieving substantive equitable outcomes. The proposed zoning amendments further equitable implementation of 18 actions identified in the Housing Element, one policy in the draft Safety Element and one action in the draft EJ Element. **Attachment I** provides an analysis of how the proposed zoning code amendments further equity by addressing the REIA recommendations for each of the 20 actions and policies.

**5. GENERAL PLAN TEXT AND MAP AMENDMENTS**

The [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.

Proposed map amendments include revisions to land use designations to ensure future development is compatible with surrounding existing, entitled, and future land uses and proposed zoning changes.

The proposal also includes changing the General Plan designations in some areas near High Street and 66th Avenue from the heaviest industrial designation (General Industry and

Transportation) to the less-intensive “Business Mix” industrial designation to minimize impacts on nearby Residential Zones.

Text amendments to the General Plan Land Use and Transportation Element (LUTE) are focused on increasing the allowable density/intensity (units per acre) for residential projects in most land use classifications throughout the City (not including Hillside Residential); facilitating development of accessory dwelling units; allowing twice the density for efficiency units and rooming units in areas designated as Urban Residential, Neighborhood Center Commercial, Community Commercial, Regional Commercial, Central Business District, and Housing and Business Mix; and allowing unlimited density for residential projects satisfying the affordability thresholds in an affordable housing overlay so long as they are otherwise consistent with zoning requirements. Text amendments are included as **Attachment D – Exhibit 1** and the proposed changes to allowed residential density are summarized in **Table 4**.

The maps indicate the existing zoning, and height and General Plan land use designations and proposed changes to zoning, height, and General Plan land use designation for all parcels. See **Attachment D – Exhibit 2** for proposed General Plan map amendments.

*Table 4: Proposed Changes to Allowed Residential Density, LUTE*

Existing Land Use Designation	Existing Allowed Density (principal units per gross acre)	Proposed Allowed Density (principal units per gross acre)
Detached Unit Residential	11	15
Mixed Housing Type Residential	30	35
Urban Residential	125	165
Neighborhood Center Mixed Use	125	165
Community Commercial	125	165
Regional Commercial	125	165
Housing and Business Mix	30	50

## **ENVIRONMENTAL DETERMINATION**

The City of Oakland has prepared an Environmental Impact Report (EIR) for Phase I of the Oakland 2045 General Plan Update pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to analyze 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 its adoption of a new Environmental Justice Element.

An EIR Scoping Session was held at the [April 20, 2022](#), Planning Commission meeting to solicit comments from the Planning Commission and the public on the types of information and analysis that should be considered in the General Plan Update Draft EIR.

The Phase I Oakland 2045 General Plan Update Draft EIR was available for a 45-day comment period between March 24, 2023, and May 9, 2023. The City Planning Commission held a public meeting to receive comments on the Draft EIR on [April 19, 2023](#).

The [Final EIR](#) was published on July 26, 2023 and is available on the City's webpage: <https://www.oaklandca.gov/topics/general-plan-update> and on its Current Environmental Review Documents webpage at <https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-present>.

### **Proposed Project**

The Phase I Oakland 2045 General Plan Update EIR analyzes the impacts of each component of the Phase I GPU package currently under consideration: the Safety Element update, the new Environmental Justice Element, the proposed Planning Code, Zoning Map, and Height Map changes, and the General Plan text and map amendments, which together constitute the “Proposed Project” that is the subject of the EIR.

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, the 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.

### **Significant But Mitigatable Impacts**

As detailed in Chapter 4 of the EIR, the following environmental topics include issue areas where there were potentially significant impacts that will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated, through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP): Aesthetics; Air Quality; Biological Resources; Cultural and Tribal 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; Utilities and Service Systems; and Wildfire. See **Attachment A: CEQA Findings** for a description of the significant but mitigable impacts and applicable SCA and mitigation measure(s) and **Attachment B: SCAMMRP**.

### **Significant and Unavoidable Environmental Impacts**

The proposed project will result in significant and unavoidable impacts associated with the following environmental topics: Aesthetics (Shadow, Wind, and Cumulative Shadow and Wind), Air Quality (Criteria Air Pollutant Emissions, On-Site Exposure to Toxic Air Contaminants, Exposure of Sensitive Receptors to Fine Particulate Matter and Toxic Air Contaminants, and Cumulative Exposure of Sensitive Receptors to Fine Particulate Matter and Toxic Air Contaminants), Cultural Resources (Historic Architectural Resources, and Cumulative), and

Hazard/Wildfire, most of which could not be reduced below adopted thresholds of significance by standard conditions of approval and/or mitigation measures. The impacts of the Proposed Project would remain significant even with implementation of identified mitigation measures. An overview of all significant and unavoidable environmental impacts is provided below.

- **Aesthetic Impact AES-4: Shadows, AES-6: Wind Hazards and AES-7: Cumulative Aesthetics, Wind, and Shadow.** The Proposed Project and future development under the Proposed Project could include mid- and high-rise buildings that may cast shadows on solar collectors, passive solar heaters, public open space, or historic resources, or otherwise result in inadequate provision of adequate light. Adoption of the Proposed Project, even with adherence to existing Standard Conditions of Approval (SCAs) and draft mitigation measure AES-1 would result in a significant and unavoidable impact related to shadows. Adoption of the Proposed Project and future development under the Proposed Project could also result in adverse wind conditions that exceed 36 miles per hour for more than one hour during daylight hours in cases where structures 100 feet in height or taller are proposed for development, even with adherence to existing SCAs and draft Mitigation Measure AES-2. 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. As discussed below, mitigation measures AES-1 and AES-2 have been determined to be infeasible based on conflicts with objectives of the Proposed Project.

**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).** Construction of future development under the Proposed Project would potentially include demolition and removal of existing structures, excavation, site preparation, construction of new buildings, paving, and application of architectural coatings. Future development under the Proposed Project could site sensitive receptors near existing major sources of Toxic Air Contaminants (TACs) including major highways I-580, I-880, and I-980, the Oakland Ferry Terminal, the Oakland Airport, and the Port of Oakland. Although existing City SCAs and Mitigation Measure AIR-1 would reduce impacts, the impact would remain significant and unavoidable. Adherence to the Title 24 Building Code requirements, proposed policies, and SCA 23; and implementation of Mitigation Measure AIR-2 would minimize the health risks to new receptors. Both construction and operation of future development under the Proposed Project could generate TAC emissions that could cause significant health risk impacts. Although the adherence to proposed policies, SCAs, and Mitigation Measures AIR-3, AIR-4, AIR-5, and AIR-6 would reduce the health risk impacts from future projects, the impact would remain significant and unavoidable. Cumulative impacts associated with the siting of sensitive receptors near existing sources of TACs and the health risk impact from construction and operation of individual projects would be significant and unavoidable, even with application of proposed mitigation measures.

- **Cultural Resources Impact CUL-1 (Historic Architectural Resources), CUL-4 (Cumulative).** – Development facilitated by streamlining actions and policies within the Housing Element Implementation (HEI) could result in damage to or destruction of historic architectural resources. Development under the Proposed Project combined with cumulative development in the Plan Area and its vicinity, including past, present, existing, approved, pending, and reasonably foreseeable future development, would contribute considerably to a significant adverse cumulative impact to cultural resources. Implementation of General Plan policies, Oakland Planning Code 17.136.075 (Regulations for Demolition or Removal of Designated Historic Properties and Potentially Designated Historic Properties and Potentially Designated Historic Properties), existing SCAs, and Mitigation Measure CUL-1 (Identify Architectural Historic Resources) would reduce potential impacts, but not to a less-than-significant level for the Plan Area and its vicinity.
- **Hazards Impact HAZ-6 and Wildfire Impact WLD-1 (Impairment of Emergency Response Plan or Emergency Evacuation Plan)**  
Six evacuation scenarios (tsunami, dam failure, 100-year/500-year flooding, and three wildfire) were modeled, and it was 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.

In the event that increased housing density in Very High Fire Hazard Severity Zone and/or Wildland-Urban Interface areas impairs emergency evacuation during a wildfire because it causes congestion and overcapacity problems that preclude timely and safe evacuation, a significant impact would occur. The City would be required to periodically update its emergency response and evacuation plan(s) as required under AB 747 and the City's Safety Element detailed in policies SAF-8.1, Emergency Response, and SAF-8.2, Emergency Services Review. In addition, policies SAF-8.10 and SAF-8.11 promote identification of public facilities and critical facilities to be used in emergencies requiring evacuation. However, the policies described above for the updated Safety Element would not clearly and adequately mitigate potential evacuation interference caused by congestion and over-capacity issues on I-580 that would result from increased density. No additional mitigation has been identified that can feasibly reduce this impact to less than significant. Therefore, the impact would be significant and unavoidable.

### **Infeasible Mitigation Measures**

The City may reject a mitigation measure recommended in an EIR if it finds that it would be infeasible to implement the measure because of specific economic, legal, social, technological, or other considerations. The City will have to adopt findings regarding infeasible mitigation measures (see **Attachment A: CEQA Findings**).

The City finds the following mitigation measures infeasible.

- **Mitigation Measure AES-1:** Mitigation Measure AES-1 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 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.

Mitigation Measure AES-1 is infeasible based on it conflicting with the height and density allowed provided under the Oakland Planning Code, as well as 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.

- **Mitigation Measure AES-2:** Mitigation Measure AES-2 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. The effectiveness of these mitigation strategies 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.

Mitigation Measure AES-2 is infeasible based on it conflicting with the height and density allowed provided under the Oakland Planning Code, as well as conflicting with the City's goals and objectives for the Project. 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.

### **CEQA 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. These alternatives include Alternative 1: The No Project Alternative, Alternative 2: The No Affordable Housing Overlay Buffer Zone on parcels in the Very High Fire Hazard Severity Zone Alternative, and Alternative 3: The No Missing Middle Alternative.

- **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. Buildout of Alternative 2 is estimated to result in 250 fewer affordable units when compared with the Proposed Project Buildout Program. The Draft EIR analysis assumed the Affordable Housing Overlay (AHO) Zone would include areas within 1,000 feet in either direction from

Highway 13 and I-580 corridor that are outside the S-9 Fire Safety Protection Combining Zone. Many of the parcels included within this 1,000-foot buffer area were parcels located in the designated VHFHSZ. Alternative 2 would include all components of the Proposed Project, including most of the provisions of the AHO, with the exception of parcels in the VHFHSZ within the AHO 1,000-foot buffer area surrounding the Highway 13 and I-580 corridor. Buildout of Alternative 2 is estimated to result in 250 fewer affordable units when compared with the Proposed Project Buildout Program. In addition, Alternative 2 will not include the following commercial areas with direct access to the freeway identified in the VHFHSZ for inclusion in the AHO. following commercial areas with direct access to the freeway would be included:

- Oak Knoll + Barcelona City-owned sites;
  - CC-1 Commercial zoned area near Redwood Road;
  - CN-3 Commercial zoned area near Mountain Blvd. near Woodminster Lane;
  - CN-3, CN-4, and RM-3 zoned area in the Montclair district (where Moraga Avenue turns into Mountain Blvd.);
  - CN-4 zoned area near intersection of Seminary Avenue and Kuhnle Avenue.
- **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.

As presented in the EIR, the alternatives were described and compared with each other and with the proposed project. The EIR found that 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. 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.

The EIR further found that 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. 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.

After the No Project Alternative, Alternative 3, the No Missing Middle Alternative, was identified as 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 City of Oakland General Plan 2023-2031 Housing Element Housing Action Plan to address systemic housing inequity and affirmatively further fair housing.

**Responses to Draft EIR Comments (Final EIR)**

The Phase I Oakland 2045 General Plan Update Draft EIR was available for a 45-day comment period between March 24, 2023, and May 9, 2023.

City staff received comments on the Draft EIR from four public agencies, three organizations and four individuals. Additional oral comments were provided at the Planning Commission hearing on April 19, 2023. Responses to all of the comments provided by agencies, organizations and individuals are provided in the Final EIR/Response to Comment document, including certain revisions and changes to text in the Draft EIR. None of these changes to the Draft EIR involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from that presented in the Draft EIR. Recirculation of the Draft EIR is not warranted.

In summary, City Planning staff recommends the Planning Commission recommend that the City Council adopt the CEQA findings in **Attachment A**, which include certification of the EIR, rejection of two mitigation measures as infeasible, rejection of alternatives as infeasible, and a Statement of Overriding Considerations.

**ACTION REQUESTED OF THE PLANNING COMMISSION**

Staff recommends that the Planning Commission conduct a public hearing, receive public comments, close the public hearing, and recommend that the City Council;

- (1) Adopt the CEQA findings for Phase 1 of the Oakland 2045 General Plan Update Oakland in **Attachment A**, 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) in **Attachment B**;
- (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 in **Attachment C- Exhibits 1 through 15** and **Attachment D – Exhibits 1 and 2** to the Planning Commission Staff Report and Adopting California Environmental Quality Act Findings.

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Approved for forwarding to  
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**ATTACHMENTS:**

- A. Attachment A: CEQA Findings: Certification of the EIR, Rejection of Alternatives and Statement of Overriding Considerations
- B. Attachment B: Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)
- C. Attachment C: Planning Code Text and Map Amendments
  - Exhibit 1 – Missing Middle Code Package – Residential Zones
  - Exhibit 2 – Amendments to Commercial Zones
  - Exhibit 3 – Draft S-13 Affordable Housing Combining Zone and S-14 Housing Sites Combining Zone
  - Exhibit 3a – S-13 Combining Zone Maps
  - Exhibit 4 – Planning Code Amendments Focused on Environmental Protection in Industrial Zones
  - Exhibit 5 – General Planning Code Amendments
  - Exhibit 6 – Minor Code Amendments to S- and D- Zones
  - Exhibit 7 – Detached Unit Residential (RD) Zone Map Changes
  - Exhibit 8 – West Oakland Area Zoning and Height Area Map Changes
  - Exhibit 9 – North Oakland and North Hills Area Zoning and Height Area Map Changes
  - Exhibit 10 – Adams Point/Grand Lake/Lower Hills Area Zoning and Height Area Map Changes
  - Exhibit 11 – Lake Merritt to 23rd Avenue Zoning and Height Area Map Changes

- Exhibit 12 – Fruitvale Area Zoning and Height Area Map Changes
- Exhibit 13 – Melrose/Seminary/Coliseum Area Zoning and Height Area Map Changes
- Exhibit 14 – Elmhurst/ Far East Oakland Area Zoning and Height Area Map Changes
- Exhibit 15 – South Hills Area Zoning and Height Area Map Changes
- D. Attachment D: Proposed General Plan Amendments
  - Exhibit 1 – General Plan Land Use and Transportation Element (LUTE)
  - Exhibit 2 – General Plan Map Amendments
- E. Attachment E: Safety Element - Summary Table of Goals, Policies and Actions
- F. Attachment F: Environmental Justice Element – Summary Table of Goals, Policies and Actions
- G. Attachment G: Comment Letters Received on the Public Review Draft Safety Element and EJ Element and Staff Responses
  - G1: Comment Letters on Safety and EJ Element
  - G2: Staff Responses
- H. Attachment H: Comment Letters Received on the Planning Code Text and Map Amendments and Staff Responses
  - H1: Comment Letters on Planning Code Text and Map Amendments
  - H2: Staff Responses
- I. Attachment I: Analysis of REIA Recommendations
- J. Attachment J: 7.11.23 Agenda Report to the CED