

Oakland Environmental Justice Element – Goal 1 Policies and Actions

Adopted September 26, 2023

Policy

Action

GOAL EJ-1 Reduce Pollution, Mitigate the Impacts of Pollution on Existing Sensitive Land Uses, and Eliminate Associated Public Health Disparities.

EJ-1.1 Toxic Air Contaminants. Reduce the public’s exposure to toxic air contaminants through appropriate land use and transportation strategies, identified through the LUTE update in Phase 2 of the GPU process, particularly in Environmental Justice Communities and other areas most burdened by air pollution, as identified in **Figure EJ-12**

EJ-A.1 Amend the City’s Zoning code to include the following changes:

- Allow greater residential density in less-polluted areas, including existing single-family residential neighborhoods.
- Condition the permitting of heavy industrial uses within six hundred (600) feet or whatever minimum is required by State Law of a zone that permits residential activities.
- Establish special permit criteria for truck-intensive industrial activities located within six hundred (600) feet or whatever minimum is required by State Law of any zone that permits residential activities.
- Establish special performance standards and standard conditions of approval for Truck-Intensive Industrial Activities located within six hundred (600) feet or whatever minimum is required by State Law of any zone that permits residential activities.

EJ-1.2 Truck Emissions and Pollution Exposure. Minimize air pollution and exposure of sensitive uses to truck pollution, particularly in EJ Communities and other areas most burdened by air pollution, while recognizing the Port of Oakland’s role as the highest-volume shipping port in Northern California.

EJ-1.3 Industrial Uses Near Sensitive Land Uses. Ensure that heavy industrial uses are adequately buffered from residential areas, schools, and other sensitive land uses. In new developments, require adequate mitigation of air contaminant exposure and vegetative barriers near large stationary and mobile sources of air

- Amend the permit procedures for nonconforming Truck-Intensive Industrial Activities
- Condition the permitting of commercial kitchen operations designed for online ordering and food delivery.
- Modify the S-19 Health and Safety Protection Combining Zone to prohibit use of diesel generators as the primary source of power within six hundred (600) feet or whatever minimum is required by State Law from any Residential, Open Space, or Institutional Zone boundary.

Responsibility: Oakland Planning and Building

Timeframe: Short-term

EJ-A.2 Adopt more stringent air quality construction and operations requirements for development near or within industrially zoned land as part of standard conditions of approval.

Responsibility: Oakland Planning and Building

Timeframe: Medium

EJ-A.3 Work with BAAQMD and other partners in the region to explore creation of a grant program for installation and maintenance of air filtration devices/systems in existing buildings. Develop a list of priority buildings near heavy

pollution. Prioritize nature-based mitigation solutions such as vegetative barriers wherever feasible, and align with other greening opportunities such as canopy need, green stormwater infrastructure, and high heat areas to plan for multiple benefits.

EJ-1.4 Performance Standards. Develop zoning standards applicable to new industrial and commercial developments in order to minimize or avoid the potential for adverse effects related to air quality, noise, or safety on adjacent existing residential uses and Environmental Justice Communities, including the possibility of creating an overlay that focuses on air quality issues

industrial uses, including schools, nursing homes, and other sensitive uses within EJ Communities, AB617 designated communities, and areas most affected by air quality issues, shown in **Figure EJ-12**.

Responsibility: Oakland Planning and Building, Office of Sustainability and Resilience Division, City Administrator's Office

Timeframe: Medium

EJ-A.4 In partnership with representative groups from EJ Communities, develop a Carbon Sequestration Incubator in Oakland to incubate and develop green jobs in urban agriculture, urban forestry, green stormwater infrastructure maintenance and management, aquatic and riparian restoration, and/or other forms of carbon removal. Assess market opportunities, policy drivers, potential locations, and existing businesses and nonprofits that may benefit from collaborating in such a space. Establish a program for both voluntary and compliance GHG mitigation fees to be invested locally and fund the Incubator.

Responsibility: Oakland Public Works, Oakland Parks Recreation, and Youth Services Department, Office of Sustainability and Resilience Division, City Administrator's

*Office, Economic & Workforce
Development Department*

Timeframe: Medium

EJ-1.5 Regulate Polluting Uses. Develop more stringent permitting standards and limit the number of variances approved for new, high-intensity, industrial or commercial land uses near sensitive uses in Environmental Justice Communities. *See also Policy SAF-5.1 and EJ-1.15.*

EJ-A.5 As part of a feasibility study, implement an amortization pilot in AB617 areas, which allows the City to identify and prioritize nonconforming land uses (which could include existing polluting industries, truck intensive uses, autobody users, recycling uses, etc.) to phase out over time prioritizing areas within 1,000 feet of primarily residential impacted areas.

The study/pilot should include an implementation plan that includes criteria to determine which industries to amortize. Criteria should include total cost of land and improvements; cost of moving and reestablishing the use elsewhere in the city; whether the use is significantly non-conforming; compatibility with existing land use patterns and densities; and possible threat to public health, safety, or welfare.

*Responsibility: Oakland Planning and Building
(in coordination with BAAQMD)*

Timeframe: Medium

EJ-1.6 Enhanced Enforcement. Prioritize code enforcement to address illegal land uses and activities that cause pollution and are hazardous to health in EJ Communities.

EJ-A.6 Prioritize and implement vegetative buffer projects, including those between industrial land and sensitive land uses, and along heavy-duty truck/goods movement

EJ-1.7 Truck-Related Impacts. For new warehouses and truck-related businesses, reduce impacts from truck loading and delivery including noise/vibration, odors, air pollution, and greenhouse gas emissions.

corridors and freeways as identified in specific plans and community plans, including EONI and WOCAP and the City's Priority Conservation Area/Sustainable Communities Plan (PCA).

Responsibility: Oakland Planning and Building

Timeframe: Short

EJ-A.7 As part of the LUTE update in Phase 2, evaluate residential/industrial conflicts, especially in areas such as West and East Oakland, and evaluate measures, including limiting additional residential development in high pollution areas and ensuring adequate buffering between industrial and residential land uses through land use designations.

Responsibility: Oakland Planning and Building

Timeframe: Short

EJ-A.8 As part of the LUTE update in Phase 2, explore modifications to truck routes and truck management in partnership with the Port of Oakland and WOIEP and Communities for a Better Environment. The West Oakland Truck Management Plan (WOTMP), approved by the City and Port of Oakland in 2019, should be used as the framework to explore modifications to truck routes.

EJ-1.8 Air Filtration. Consistent with the State's Building Energy Efficiency Standards for air filtration in effect as of January 1, 2023, require newly constructed buildings of four or more habitable floors to include air filtration systems equal to or greater than Minimum Efficiency Reporting Value (MERV) 16 (ASHRAE Standard 52.2), or a particle size efficiency rating equal to or greater than 50 percent in the 0.3-1.0 μm micrometer range and equal to or greater than 85 percent in the 1.0-3.0 μm micrometer range (AHRI Standard 680).

EJ-1.9 Electric Vehicle Charging. Require industrial and warehouse facilities and truck-attracting businesses to provide electrical connections for electric trucks and transport refrigeration units in support of CARB regulations.

Responsibility: OakDOT, Oakland Planning and Building

Timeframe: Short

EJ-A.9 Designate an adequate system of roads connecting port terminals, warehouses, freeways and regional arterials, and other important truck destinations that minimizes impacts to sensitive uses. This system should rely upon arterial streets away from residential neighborhoods.

Responsibility: OakDOT, Oakland Planning and Building

Timeframe: Short

EJ-A.10 Adopt requirements that new commercial and employment uses that generate truck traffic are located along existing truck routes to the extent feasible and work with project proponents to develop preferred truck routing that avoids sensitive land uses, such as schools, hospitals, elder and childcare facilities, and residences wherever feasible.

Responsibility: OakDOT, Oakland Planning and Building

Timeframe: Short

- EJ-1.10 Reduce Emissions from Port Operation.** Support Port of Oakland's efforts to reduce emissions as part of operation and compliance with CARB regulations. This could include:
- Support of zero-emission drayage truck operations through appropriate local ordinance amendments, including allowable

EJ-A.11 Work with OakDOT and Oakland Sustainability program to develop a zero emission Medium Heavy Duty Fleets Vehicle Charging Overlay Zone.

Responsibility: Oakland Planning and Building

Timeframe: Short (2025, as indicated in the State's Zero Emissions Vehicle Action Plan)

EJ-A.12 Work with Caltrans and other regional/state/federal agencies to promote the greening of Oakland's primary goods-movement freeways including equipping the freeways with ZEV truck infrastructure, developing strategic green canopies or lids, as well as installing vegetative buffers alongside freeway corridors.

Responsibility: Oakland Planning and Building, OakDOT

Timeframe: Medium

EJ-A.13 Coordinate with public agencies in the Bay Area region to catalyze the development and deployment of zero emission medium- and heavy-duty fleets and support development of shared charging hubs and resources. Support advocacy efforts for significant additional funding for retrofitting or replacing diesel

weight limits for single-axle, zero-emission trucks on local streets, and developing an investment plan for needed upgrades.

- Provision of data or staff time to study of the effects on truck flow and congestion due to increasing visits from larger container ships, the feasibility of an off-terminal container yard that utilizes zero-emission trucks to move containers to and from the marine terminals, and the potential efficiency gains from increasing the number of trucks hauling loaded containers on each leg of a roundtrip to the Port.

EJ-1.11 Building Electrification. Continue to enforce compliance with Oakland’s Building Electrification Ordinance, which requires new and newly renovated buildings to be natural gas-free and support the transition of existing buildings to natural gas alternatives in order to improve safety and air quality and reduce health risks. This could include:

- Ensuring that all new developments reduce on-site natural gas combustion through electrification of heating and cooking technologies.

trucks with zero-emission EV trucks, prioritizing a just transition approach by including economic support for independent truckers to compensate for lost wages while waiting for retrofitted or new EV trucks.

Responsibility: Office of Sustainability and Resilience Division, OakDOT, City Administrator’s Office, Oakland Planning and Building

Timeframe: Ongoing

EJ-A.14 Work with the Port of Oakland to establish permanent locations for parking and staging of Port-related trucks and cargo equipment, i.e., tractors, chassis, and containers. Such facilities will provide long-term leases to parking operators and truck owner-operators at competitive rates. Such facilities will be at the City or Port logistics center or otherwise not adjacent to Oakland residents who are disproportionately impacted by poor air quality.

Responsibility: City Administrator’s Office, Planning and Building, OakDOT

Timeframe: Medium

EJ-1.12 Construction Site Impacts. Through standard conditions of project approval, code enforcement, and other regulatory mechanisms, require new development to minimize disturbances of natural water bodies and natural drainage systems caused during construction and to implement measures to protect areas from road dust, erosion, and sediment loss.

EJ-1.13 Emissions from Construction Activities. Require projects to implement construction air pollution and greenhouse gas emissions controls and applicable mitigation strategies for all construction sites to the maximum extent feasible. Refer to Best Construction Practices and Best Available Retrofit Control Technology (BARCT) recommended by BAAQMD.

EJ-1.14 Reduced Exposure to Air Pollution for Project Occupants. Incorporate measures to improve indoor air quality and reduce exposure to air pollution in new development projects.

EJ-1.15 Sensitive Uses. Coordinate with BAAQMD and community partners in evaluating human exposure to toxic air contaminants, particularly in Environmental Justice Communities, and impose conditions as appropriate on projects to protect public health and safety beyond those in the City's 2020 standard conditions of approval.

EJ-1.16 Community Air Protection. On an ongoing basis, support BAAQMD, community members, businesses, and other stakeholders in developing and implementing Community Air Monitoring Plans, Community Emissions Reduction Plans, and other air pollution control initiatives pursuant to AB 617. Supportive City actions may include:

- Participation on steering committees and technical advisory committees.

- Co-investments that leverage additional funding for actions in EJ Communities.
- Utilization of community-collected air quality data in policy development and evaluation.
- Co-development of a public information campaign targeting residents living 1,000 feet of freeways that focuses on education about air pollution mitigation measures.
- Contracts with community partners and other air pollution monitoring organizations to obtain more granular pollution data.

EJ-1.17 Data-Informed Efforts. Collaborate with BAAQMD, community organizations, and other stakeholders, to use air quality monitoring data to inform area-specific improvement actions outside of AB 617-related efforts. Such actions may include:

- Prioritizing areas for capital investments with co-benefits for air quality, such as the planting of trees, green stormwater infrastructure for flood management, and installation of EV charging infrastructure. Ideally, to maximize resiliency, co-benefits will address multiple climate and environmental hazards.
- Integrating air quality improvement actions into planning efforts, such as new specific plans, master plans, or area plans that will guide development in impacted areas.
- Limiting the establishment of new sources of air pollutants in areas with elevated levels of pollutant concentrations unless appropriate mitigation is implemented.
- Obtaining and using hyperlocal data along with community ground-truthing to more accurately inform development of air quality improvement strategies that are most effective and responsive to

the needs of EJ Communities. This data will be accessible for residents to utilize.

- Seeking opportunities to enhance existing air monitoring efforts, such as by working with BAAQMD and helping to expand the current monitoring network, especially where sensitive uses are within close proximity (within 500 feet) of pollution sources.
- Partnering with industrial and warehouse facility owners, community-based environmental and energy justice organizations to install rooftop solar PV systems to power EV charging stations.

EJ-1.18 Impact Assessment and Mitigation. Continue to use BAAQMD modeling tools and guidance documents as appropriate to identify and mitigate air quality impacts from proposed development projects.

EJ-1.19 Regional Coordination. Support air quality planning efforts led by other local, regional, and State agencies while simultaneously leveraging City authority and resources to focus on reducing air pollution burden in EJ Communities.
