



# CITY OF OAKLAND

Bureau of Planning

250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612-2032

## **NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR PHASE I OF THE OAKLAND 2045 GENERAL PLAN UPDATE**

The City of Oakland's Bureau of Planning is preparing an Environmental Impact Report ("EIR") for Phase I of the Oakland 2045 General Plan Update ("Project"), which includes updates of the Housing Element and Safety Element, preparation of a new Environmental Justice Element, and conforming changes to the City's Planning Code, Zoning Map, and General Plan Map Amendments. The purpose of the EIR is to provide information about the potential impacts that the Project may have on the environment, identify feasible mitigation measures to minimize any significant impacts, and to analyze potential alternatives that may have reduced impacts.

The City is requesting comments on the scope and content of the EIR. A description of the proposed Project and its location, together with a summary of the probable environmental effects that will be addressed in the EIR, are included herein.

The EIR for the proposed Project is being prepared in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code §§21000 et seq.) and State CEQA Guidelines (Guidelines) (California Code of Regulations, Title 14, Division 6, Chapter 3, §§15000 et seq.). The City of Oakland is the Lead Agency for the Project and is the public agency that would consider approval of amendments to the Oakland General Plan necessary for the proposed Project. Pursuant to Guidelines §15082(a), upon deciding to prepare an EIR, the City as Lead Agency must issue a Notice of Preparation (NOP) to inform the Governor's Office of Planning and Research, trustee and responsible agencies, and the public of that decision. The City has not prepared an Initial Study; pursuant to California Environmental Quality Act Guidelines §15063(a), a Lead Agency may proceed directly with EIR preparation without an Initial Study if it is clear that an EIR will be required. The City has made this determination for the Project.

The purpose of the NOP is to provide information describing the proposed Project and its potential environmental effects to those who may wish to comment regarding the scope and content of the information to be included in the EIR. Guideline §15082(b) states: "... [E]ach responsible and trustee agency and the Office of Planning and Research shall provide the lead agency with specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility that must be included in the draft EIR. The response at a minimum shall identify: (A) The significant environmental issues and reasonable alternatives and mitigation measures that the responsible or trustee agency, or the Office of Planning and Research, will need to have explored in the Draft EIR; and (B) Whether the agency will be a responsible agency or trustee agency for the project." This NOP is being sent to responsible and trustee agencies and other interested parties. Responsible and trustee agencies are those public agencies, besides the City of Oakland, that have a role in considering approval and/or carrying out the project. The City encourages responsible and trustee agencies and the Office of Planning and Research to provide comments in response to this NOP to the City, so that the City can ensure that the Draft EIR meets the needs of those agencies. Once the Draft EIR is published, it will be sent to all responsible or trustee agencies and to others who respond to this NOP or who otherwise indicate that they would like to receive a copy and made available for public review and comment.

**SUBMITTING COMMENTS IN RESPONSE TO THIS NOP:** The City encourages comments that address the scope of the Draft EIR be submitted by **email to [generalplan@oaklandca.gov](mailto:generalplan@oaklandca.gov)**. Alternatively, comments may also be submitted in writing by **hand delivery or mail** to Lakshmi Rajagopalan, AICP, Planner IV, City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612 or **by fax** to (510) 238-6538. Ms. Rajagopalan may be reached **by phone** at (510) 238-6751.

Responses to the NOP must be received via one of the above methods by 5:00 p.m. on **Monday, May 2, 2022**. Please reference Case File Number GP21002; GP21002-ER01 in all correspondence. Comments and suggestions pertinent to the appropriate scope of analysis in the EIR are invited from all interested parties and will be received at the EIR Scoping Meeting noticed below.

Commenters should focus comments on potential impacts of the proposed Project on the physical environment. Commenters are encouraged to identify ways that potential adverse effects resulting from the proposed Project might be minimized and to identify reasonable alternatives and mitigation measures to the proposed Project.

**EIR SCOPING MEETING:** The **City of Oakland Planning Commission** will conduct a public scoping meeting on the EIR for Phase I of the Oakland 2045 General Plan Update on April 20, 2022 at **3:00 PM**. The hearing will be held on-line via Zoom, and the public may access the meeting information one week prior to the meeting at the following website: <https://www.oaklandca.gov/boards-commissions/planning-commission>.

**PROJECT TITLE:** Phase I of the Oakland 2045 General Plan Update (Case File No. GP21002; GP21002-ER01 )

**PROJECT LOCATION:** Approximately 49,910 acres bound by the physical jurisdictional boundaries of the City of Oakland, as shown in figures 1 and 2.

**PROJECT SPONSOR:** City of Oakland

**EXISTING CONDITIONS:**

Oakland is located on the eastern shore of the San Francisco Bay and is the county seat of Alameda County and geographic center of the Bay Area. The City is defined by the Bay and Estuary on the southwest, the crest of the Berkeley-Oakland Hills on the northeast and east, the city boundaries of Berkeley and Emeryville to the north, and the City of San Leandro boundary to the south. San Francisco is located just west across the Bay Bridge.

Oakland is at the crossroads of a significant portion of the Bay Area’s transportation network. Four interstates (I-80, I-880, I-980, and I-580) pass through the City. All Bay Area Rapid Transit (BART) lines traverse the City, serving eight stations. The City is also served by Amtrak, San Francisco Bay Ferry, and AC Transit. Oakland International Airport connects the City and the region to the rest of the world. The City is a regional employment center as well, and home to major corporations, institutions, and numerous small businesses. Because of Oakland’s historic legacy as the western terminus of the Transcontinental Railroad and current status as a major port, much of the waterfront is lined with industrial establishments. While some of these industrial areas have been converted to other uses, existing industrial uses proximate to residential uses remain, particularly in West and East Oakland. More information on Oakland’s land use pattern and transportation infrastructure can be found in the Map Atlas Report on the General Plan Update website at <<https://www.oaklandca.gov/topics/oakland-2045-general-plan-project-documents>.

Oakland's existing Housing Element, adopted in 2014, addresses housing needs from 2015 to 2023. Oakland is the third most populous city in the Bay Area, and the eighth largest in the state; it is also the fastest growing of the state's dozen largest cities, with the population growing nearly 13 percent since 2010. According to the Department of Finance, there were approximately 435,514 people and approximately 178,207 housing units in Oakland in 2021, with a housing vacancy rate of 5.9 percent. Cost-burdened households are defined as those who pay more than 30 percent of their income for housing. Nearly half of all residents experience some level of housing cost burden, although lower-income households and renters see higher than average rates of cost burden.

Oakland's current Safety Element was adopted in 2004 and addresses safety hazards within the City. Much of Oakland is located between two known active fault zones, the Hayward and San Andreas, and is vulnerable to seismic hazards such as ground shaking, liquefaction, and earthquake-induced landslides in the hills. The Oakland Hills is largely defined as being part of the wildland-urban interface (WUI), a zone where structures and other human development meets or intermingles with undeveloped wildlands, and is designated by CALFIRE as a Very High Fire Hazard Severity Zone (VHFHSZ). Areas of Oakland are subject to flooding, including along the shorelines of the San Francisco Bay, Oakland Estuary, and San Leandro Bay, with some flooding associated with Lake Merritt and Glen Echo Creek, as well as Arroyo Viejo, Lion, Sausal, and Peralta creeks. Oakland is vulnerable to the effects of coastal flooding caused by climate-change-induced sea level rise. More information on Oakland's existing geographic characteristics can be found in the Map Atlas Report, 2030 Equitable Climate Action Plan, and the 2021-2026 Local Hazard Mitigation Plan.

The City of Oakland experiences inequalities across the physical and social environment, as exemplified by differences in greenery, safety and services, economic success, land use, housing opportunities, and pollution burden. These conditions, driven by a history of discriminatory policies underlied by institutional racism, also have led to inequitable differences in health and opportunity by race and ethnicity in Oakland. Although addressing environmental justice is a relatively recent new requirement in general plans, the City of Oakland has taken significant strides to center and address racial disparities, including establishment of a Race and Equity Department in 2018. While a more robust methodology for identifying the most burdened communities is being developed, the State's designated initial screening tool, CalEnviroScreen 4.0, identifies census tracts in West Oakland and East Oakland (primarily west of I-580) as having some of the highest cumulative pollution burdens and socioeconomic vulnerabilities in the state. More information on environmental justice issues and disparities can be found in the Environmental and Racial Equity Baseline at <https://www.oaklandca.gov/topics/oakland-2045-general-plan-project-documents> and the 2018 Oakland Equity Baseline Report at <https://cao-94612.s3.amazonaws.com/documents/2018-Equity-Indicators-Full-Report.pdf>.

## **PROJECT DESCRIPTION:**

The Project, discussed in further detail below, will establish Housing Element programs, policies, and actions to meet existing and projected housing needs at all income levels of the City of Oakland; provide evidence of the City's ability to accommodate its Regional Housing Needs Allocation (RHNA) for the 2023-2031 period; identify rezoning and General Plan amendments needed to meet the City's housing goals; amend the City of Oakland's existing Safety Element to update and as necessary create policies, programs, and actions that protect Oaklanders from safety hazards, including those resulting from climate change; and adopt an Environmental Justice Element to address the unique and compounded health risks, including but not limited to those resulting from poor air quality, lack of public facilities, safe and sanitary homes, and limited food access, in communities most impacted by poor health outcomes and racial segregation.

### **Phase I Oakland 2045 General Plan Update Context**

The Oakland 2045 General Plan Update will guide the development of Oakland for the following two decades. Most of the City's current General Plan elements were adopted over 20 years ago. With this comprehensive update of the General Plan, the City has the opportunity to advance its commitment to create a "fair and just" city and undo past harms and inequity through more robust and equitable goals, policies, and implementation measures. Development of the 2045 General Plan Update includes a thorough and multi-pronged strategy for community engagement, including workshops, discussion groups, pop-up outreach, cultural events, youth engagement, online engagement methods, decisionmaker meetings, and more. The update process places particular emphasis on engaging communities historically underrepresented and excluded from traditional planning processes and often most negatively impacted by City policies. Initial guiding principles for the General Plan Update process include the following; detailed descriptions can be found at <https://www.oaklandca.gov/topics/general-plan-update-guiding-principles>:

- Equity and Environmental Justice
- Transparency
- Relevance and Clarity
- Focused Planning Process
- Flexible and Adaptable Process
- Strategic and Long-Range Thinking
- Inter-Agency Coordination
- Important Role of Community Based Organizations
- Youth Engagement
- Place-Based Approach

The General Plan Update will consist of two main phases, and this NOP addresses preparation of an EIR for Phase I:

- **Housing Element Update**
- **Safety Element Update**
- **New Environmental Justice Element**
- **Industrial Lands Policy**
- **Conforming changes to the Oakland Planning Code, Zoning Map, and General Plan.**

Phase I is expected to be conducted between 2021-2023 to adhere to State law mandates for completion of each of the above elements by 2023 (discussed below). The City will subsequently conduct Phase II of the General Plan Update between 2023 and 2025, which will include updates to the Land Use and Transportation (LUTE), Estuary Policy Plan (the Land Use Element for much of the land below Interstate 880 along the Oakland Estuary), Open Space, Conservation and Recreation (OSCAR), Noise, and preparation of a new Infrastructure and Facilities Element, including preparation of a separate EIR for which the City will issue a separate NOP.

#### **A. Housing Element Update:**

Purpose and Background - The Housing Element is one of the state-mandated elements of the General Plan. State law specifically requires the City to update the Housing Element of its General Plan by January 15, 2023, while making any changes to other elements of the General Plan needed to maintain internal consistency and undertaking any related changes to the City's Planning Code (Oakland Municipal Code Title 17). In accordance with State law, the eight-year planning period for the updated Housing Element will extend from 2023 to 2031; this is also referred to as the 6th Cycle Housing Element Update.

Based on the California Department of Housing and Community Development's (HCD's) requirements, the City of Oakland's 6th Cycle Housing Element (2023-2031) must identify housing sites for at least 26,251 units at specified levels of affordability (income limits/groups based on AMI, adjusted annually by HCD). The Housing Element Update would modify the policies described in the City of Oakland General Plan's

current housing element with the goal of ensuring a path for construction of the RHNA-assigned production target of 26,251 new housing units, including 10,261 affordable units, by 2031. The Housing Element would not directly approve any physical development but assumes that construction would be a reasonably foreseeable future outcome of the update. Also, in the absence of adoption of the Housing Element, it would be expected that the construction of housing would continue in the City on a path similar to what has occurred under current City regulatory requirements, with variation based on changed market conditions and state regulations. The EIR will utilize the existing conditions described above and analyze the impacts of the additional goals, policies, and actions in the Housing Element to assess any environmental impacts of the Project.

Regional Housing Needs Allocation - Housing elements must include an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels of affordability assigned to the City by the Association of Bay Area Governments (ABAG). ABAG assigns unit amounts to Bay Area jurisdictions based on a regional housing production target set by the California Department of Housing and Community Development (HCD), referred to as the Regional Housing Needs Allocation (RHNA). On December 16, 2021, ABAG adopted the Final RHNA, which distributed the regional housing need of 441,176 units across all local jurisdictions in the Bay Area.

The City must plan for its income-based housing allocation to address its share of the Bay Area region’s housing needs. Alameda County's 2021 Area Median Income (AMI) for a household of four persons is \$125,600. Income groups include: “very low income” (less than 50% of AMI); “low income” (51-80% of AMI); “moderate income” (81-120% of AMI); and “above moderate income” (greater than 120% of AMI). Within the 6th Cycle Housing Element Update, the City is required to plan for its fair share allocation of housing units by income group. Table 1 shows the RHNA breakdown of required units in Oakland across the four income categories for cycles 5 and 6, for comparison.

**Table 1. 2023-2031 Future Housing Need**

Income Group	5th Cycle RHNA (2015-2023)		6th Cycle RHNA (2023-2031)	
	Number	Percent	Number	Percent
Extremely-Low-Income (>30% AMI) <sup>1</sup>	1,030	7.0%	3,256	12.4%
Very-Low-Income (30%-50% AMI) <sup>1</sup>	1,029	7.0%	3,255	12.4%
Low-Income (50%-80% AMI)	2,075	14.0%	3,750	14.3%
Moderate-Income (80%-120% AMI)	2,815	19.1%	4,457	17.0%
Above-Moderate-Income (>120% AMI)	7,816	52.9%	11,533	43.9%
<b>Total</b>	<b>14,765</b>	<b>100.0%</b>	<b>26,251</b>	<b>100.0%</b>

1. Extremely-low-income housing need is assumed to be 50 percent of total very-low-income housing need.
2. AMI – Area Median Income. Per HCD, the 2021 AMI for Alameda County was \$125,600.

Source: ABAG, Final RHNA Plan, December 2021

Study Area / Housing Sites Inventory / Distribution - The Housing Element will reflect the new laws enacted by the State and outline equitable and effective strategies to address the community’s housing challenges, including housing for the unhoused. The Housing Element will also need to fully address new informational and actionable requirements around affirmatively furthering fair housing.

Based on HCD's requirements, the City's 6th Cycle Housing Element (2023-2031) must identify housing sites for at least 26,251 units at specified levels of affordability (income limits/groups based on AMI, adjusted annually by HCD). The City may decide to provide capacity for additional units as a buffer and for flexibility. To assemble this inventory, the City will identify pipeline projects that will receive a Certificate of Occupancy after June 30, 2022; City-owned vacant land; Bay Area Rapid Transit sites subject to AB 2923, which facilitates transit-oriented development; Accessory Dwelling Unit (ADU) projections; and units that may result from SB 9 lot splits. The City will also need to rezone identified sites, as necessary, to accommodate additional new units beyond known and "likely" housing sites and amend other elements of the General Plan (for example, the Land Use Element) to ensure that the General Plan as a whole remains consistent with the 6th Cycle Housing Element Update. As part of the Housing Element update, the City will also consider broader rezonings that could lead to more dense, compact development than currently exists in certain Oakland neighborhoods.

The Housing Element update must include policies and programs that address Oakland's housing needs, including significant rise in rents and home prices, income burdens, and gentrification and the risk of displacement. Adoption of the Housing Element is anticipated to result in increased below market rate housing production throughout the City, including potentially through the use of an affordable housing overlay zone, increased residential density in priority development areas and high resource areas consistent with the City's goals to affirmatively further fair housing, and greater allowances for missing middle, medium density housing in areas of the City that are currently limited to one-family and two-family residential facilities. The Housing Action Plan portion of the Housing Element will give consideration to all of these programs as well as consideration of revisions to existing development standards and other requirements that may act as a constraint on housing production.

- B. **Safety Element Update:** A comprehensive Safety Element update will build on the City's 2021- 2026 Local Hazard Mitigation Plan; address all state requirements; and serve 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 Update will include analysis and policy development regarding fire safe development codes, 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 and evacuation routes per AB 747 and SB99, emergency evacuation, climate adaptation, sea level rise, drought, and capital improvement programs to improve the City's resilience to natural and human-caused hazards. The Safety Element will include actionable strategies for addressing identified critical facility needs and enabling climate-smart development.
- C. **(New) Environmental Justice Element:** In accordance with SB 1000, the City will prepare a new Environmental Justice Element concurrent with the updates to the Housing Element and Safety Element. The purpose of the Environmental Justice Element is to address the unique or compounded health risks in "disadvantaged communities" within the City of Oakland. Building on issues identified in the Environmental Justice and Racial Equity Baseline at <https://www.oaklandca.gov/topics/oakland-2045-general-plan-project-documents>. Environmental Justice Element measures will include, but are not limited to, improving air quality, and promoting public facilities, food access, safe and sanitary homes, and physical activity. In addition, the element will serve to promote civic engagement in the public decision-making process and prioritize improvements and programs that address the needs of these communities.
- D. **Zoning Code and Map Update:** The Zoning Code and Map Update will primarily focus on identifying appropriate zoning and General Plan designations for housing opportunity sites to ensure consistency with

the new Housing Element, including sites, and ensuring compliance with State laws. Additionally for Phase 1, the Zoning Code and Map Update would likely include higher densities and heights on City and other publicly owned sites and along transit corridors and near BART stations, promoting “missing-middle” housing, reuse of existing malls (such as Eastmont Mall), and addressing conflicts between industrial and residential uses. The Map amendments will modify existing General Plan and zoning designations, as appropriate.

**PROBABLE ENVIRONMENTAL EFFECTS:** The EIR will analyze and disclose the direct and indirect potentially significant impacts that would result from implementation of the proposed Phase I of the Oakland 2045 General Plan Update in addition to other analysis scenarios that may be appropriate for the EIR. Where significant impacts are identified, the EIR will describe potentially feasible mitigation measures that could minimize significant adverse impacts (Guidelines §15126.4). The EIR will evaluate the full range of environmental issues contemplated for consideration under CEQA and the CEQA Guidelines, including but not limited to the following:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Circulation
- Tribal Cultural Resources
- Utilities
- Wildfire

The Hazards and Hazardous Materials section of the Draft EIR will discuss the potential impacts associated with housing development on sites identified as hazardous materials sites, known as the Cortese list, pursuant to Government Code Section 65962.5. Because the Project is citywide, many such sites are within the Project area. Interested parties can research individual sites using the various resources found at the following links:

<https://calepa.ca.gov/sitecleanup/corteselist/> or <http://www.epa.gov/enviro/sems-search>.

The Draft EIR will evaluate cumulative impacts of the proposed Project, including the effects of other past, present, and reasonably foreseeable projects in the vicinity (Guidelines §15130). The Draft EIR will also identify and examine a range of reasonable alternatives to the proposed Project, including, but not limited to, a No Project Alternative (Guidelines §15126.6).

March 28, 2022

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[DATE]  
Case File Number: GP21002; GP21002-ER01



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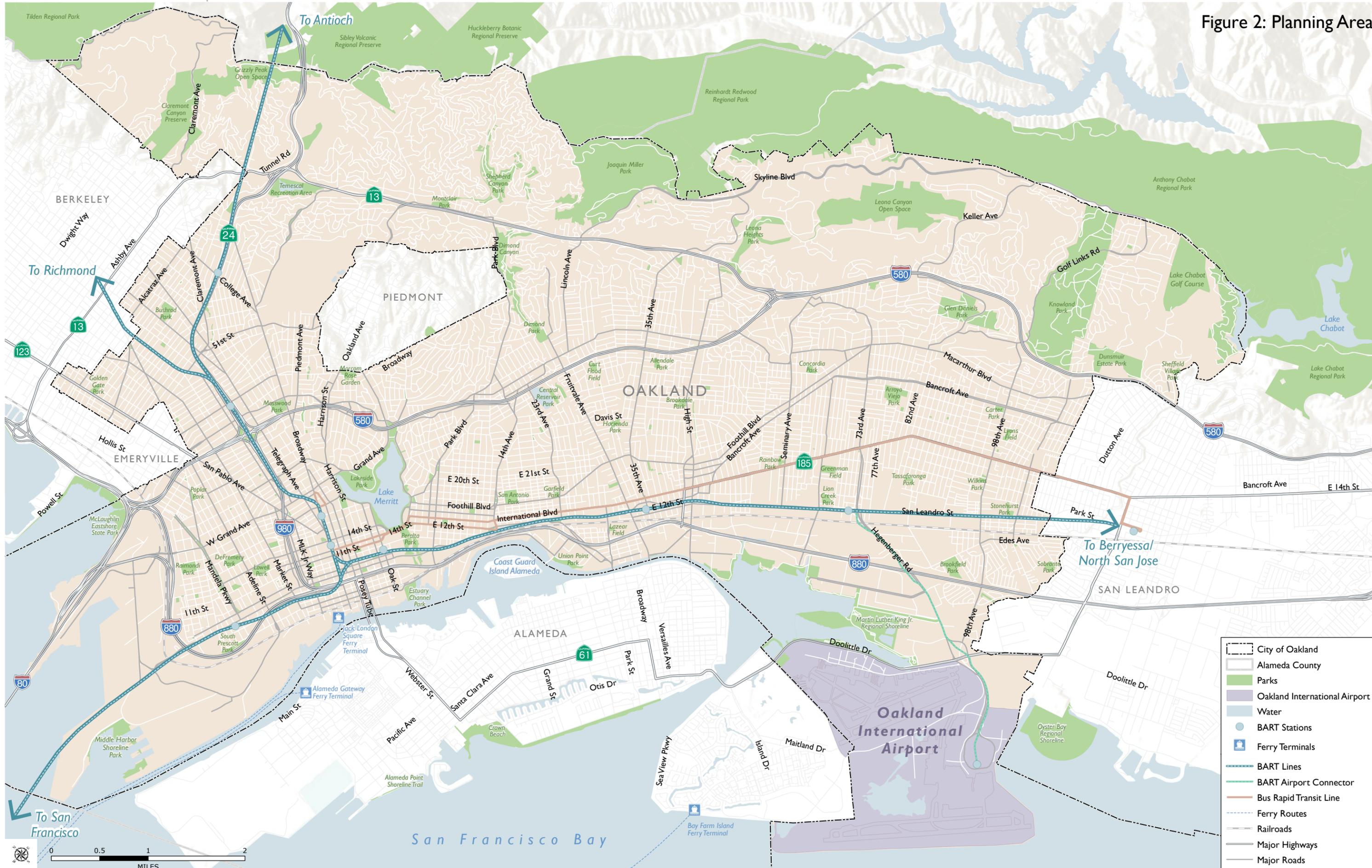
Ed Manasse, Bureau of Planning  
Environmental Review Officer

Attachments:

[Figure 1, Regional Context, and Figure 2, Planning Area]



Figure 2: Planning Area



SOURCE: City of Oakland, 2021; ALAMEDA County GIS, 2021; BCDC Open Data Portal, 2021; Dyett & Bhatia, 2021

\*Note: The jurisdiction includes the Bay and the first 100 feet inland from the shoreline around the Bay. It also includes open water, marshes, and mudflats of greater San Francisco Bay including Suisun, San Pablo, Honker, Richardson, San Rafael, San Leandro and Grizzly Bays and Carquinez Strait. The jurisdiction also includes portions of most creeks, rivers, sloughs, and other tributaries that flow into San Francisco Bay, as well as salt ponds, duck hunting preserves, game refuges, and other managed wetlands that have been diked off from San Francisco Bay.