



Oakley City Hall  
Attn: Kenneth Strelo,  
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**RE: Oakley Focused General Plan Update CEQA Notice of Intent to Adopt a Negative Declaration and Initial Study – September 2021**

Dear Kenneth Strelo,

Thank you for the opportunity to participate in providing feedback to the city's CEQA recommendation and General Plan Draft Elements. Sierra Club wants to be a part of the solution and we're proud to offer guidance on how Oakley can become a more equitable, sustainable and resilient community through the General Plan process.

This letter addresses several general flaws and inadequacies of the subject City's Intent to Adopt a Negative Declaration and Initial Study. We find the current proposal is not sufficient and does not warrant a Negative Declaration, but requires instead full CEQA analysis and the adoption of an Environmental Impact Report.

Also, these times are unusual and may be challenging in some ways, and with the limitations under COVID-19 and continued outbreaks of COVID mutations, that the Sierra Club feels that 40 days is inadequate to properly investigate the voluminous amount of background data to do justice for this young and burgeoning City, we therefore respectfully request that the City extend time for members of the public to review and comment on the plan by extending a minimum of 30 days.

Further, Sierra Club recommends that the General Plan Update be re-scoped to include broad and detailed discussion around all Elements/city projects within the Oakley 2040 General Plan, revised and recirculated for public review.

Due to the unfortunate limited time period allowed for responses, we are providing a small sampling of issues included in this letter to demonstrate the inadequacy of the Initial Study. We appreciate the City giving a few extra days for additional GPU comments.

Best,  
Paul Seger  
Sierra Club

It is particularly interesting that BCDC, that is referenced/referred to on multiple occasions and is considered an authority on a number of subjects by the city is not/was not included in the city's outside agencies and interested parties notification list inviting BCDC for comment or recommendations.

Why weren't all residents notified by a mailer? Was a flyer posted at library? Schools? Commercial centers? grocery stores?

**Transportation--- GHGs**

With the introduction of new traffic from Antioch to the Laurel Road, there will be significant impacts to the City. Oakley nearby Gas Stations, car washes and access to Brentwood; add to this the major housing developments included in the East Cypress Specific Plan which introduce further and massive impacts to

traffic, noise and ghg emissions by increased VMT are not adequately addressed by the initial study and require a full Environmental review. Laurel is a main arterial and current traffic studies fall short in addressing the general overall growth [new home building] of Brentwood, Antioch and Oakley.

Regarding **Focused General Plan Update Policies and Actions that Address Greenhouse Gas Emissions**, most of the policies prescribed by the City are described in terms so vague, generic and lacking in specific detail that they provide no clear commitment by the City to any specific actions. Such as items beginning with “encourage” “support” or “provide opportunities” provide no legal standing and also allows for obfuscation.

Vehicle Miles Traveled Analysis ( Table 3 page 55 Initial Study Focused General Plan Update) Table states residential VMT per capita existing conditions are 26.76 and above significance thresholds. This should trigger the need for a finding of potential significance. Furthermore, the document concludes cumulative plus project conditions will reduce VTM conditions to 22.49 or less than significant by 2040. The study asserts this will occur due to modifications suggested in the Focused General Plan Update such as new development at higher densities and expanding transit access. However, higher densities do not necessarily reduce VMT per capita and new transit systems are not in place. "Supporting extension of BART to Oakley " and promoting compact pedestrian oriented development are policies but cannot be used to project reductions in VMT per capita, especially when there is no indication an extension of BART to Oakley will occur. Hence further study needed ---A full EIR is required to analyze differences in several build out plans and transportation plans.

The critical claims in the Initial Study/Negative Declaration regarding GHG emissions analysis are:

Senate Bill 743 removes the use of Level of Service (LOS) for determining transportation impacts in environmental review. Instead, CEQA Guidelines now specify that Vehicle Miles Traveled (VMT) is the appropriate metric to evaluate transportation impacts. To comply with these new rules, local jurisdictions will need to define practices for conducting VMT analysis.

The OPR Technical Advisory on Evaluating Transportation Impacts in CEQA recommends that VMT thresholds for residential and employment-based land use projects be set at fifteen percent below the baseline VMT/capita or VMT/employee; reflected by proposed edits requiring projects to demonstrate GHG reduction greater than 15% and distinctions between CEQA-mandated VMT reduction and locally discretionary motor vehicle Level of Service standards.

Recommendation: Delete the following language in 3.1.b. “If it cannot be demonstrated prior to project approval that **VMT reductions greater than 15% and** levels of service will be met per Program 3.1.A, the City may consider the development but defer its approval until the standards can be met or assured.” This undermines the requirement in 3.1.a. to demonstrate the VMT reductions and LOS standards by **allowing some vague process of consideration but deferred approval. This invites manipulation and obfuscation.**

## CIRCULATION ELEMENT

Policies (p.3-45):

- Make the following edits **[in red font]** to ensure the General Plan is compliant with new CEQA guidelines for VMT reduction:
  - 3.1.4. Strive to maintain **Level of Traffic Stress LTS-2 for bicycle travel and** Level of Service D for motor vehicle traffic as the minimum acceptable service standard for **corridors and** intersections during peak periods (except those facilities identified as Routes of Regional Significance, or where pedestrian travel is prioritized).
  - 3.1.10. Create and maintain fee and other programs adequate to assure sufficient financing and land to maintain and achieve prescribed **bicycle Level of Traffic Stress and motor vehicle** Levels of Service.

Implementation Programs (p.3-46):

**3.1.A. Prior to approval of all projects, demonstrate that VMT reduction greater than 15%, traffic levels of service and multi-modal performance standards will be maintained, or that a funding mechanism and timeline has been established which will provide the infrastructure to meet the standards. Ensure that developers fund traffic impact studies that identify on-site and off-site effects and mitigations, and that they contribute appropriate funding for on-site and off-site improvements.**

- 3.1.B. If it cannot be demonstrated prior to project approval that VMT reductions greater than 15% and levels of service will be met per Program 3.1.A, the City may consider the development but defer its approval until the standards can be met or assured. In the event that a signalized intersection exceeds the applicable level of service standard, the City may approve projects if the City can establish appropriate mitigation measures, or determine that the intersection or portion of roadway is subject to a finding of special circumstances, or is a route of regional significance. Mitigation measures specified in the action plans shall be applied to all projects that would create significant VMT impacts on such regional routes, as defined by the Authority in consultation with local agencies and as permitted by law.
- 3.1.C. Monitor VMT reductions on an annual basis community-wide and intersection bicycle Levels of Traffic Stress and motor vehicle Levels of Service on a biannual basis at key reporting intersections.
- 3.1.D. Implement circulation improvements required to mitigate the effects of growth and to maintain the CEQA-mandated VMT reduction and locally discretionary motor vehicle Level of Service standards. Prioritize mobility improvement projects based on multi-modal travel volume, traffic safety, pedestrian and bicyclist safety, availability of funding, impact on VMT, and other measures of need as appropriate.
- 3.1.H. Mandate for mitigation of VMT impacts and otherwise generally encourage and promote car pools, vanpools, alternative work hours, employee shuttles, and other incentives to reduce single-occupant vehicle trips.

5. Hydrology and Water Quality ----Flooding-" Substantial areas of the city are subject to flooding, especially along the coast and northeast of the Contra Costa Canal" ( Initial Study pg. 68) which could pose a potentially significant impact to existing and future development., and place the health and safety of residents at risk. **Studying specific details as each project comes forward is not sufficient to guarantee the safety of the entire area that is quite large.** A program EIR or a full EIR is needed, not the proposed project by project stand alone environmental review.

**Evaluating each project separately could potentially fail to identify and measure significant cumulative impacts.**

This is the second area of potentially significant impact; two or more areas of potentially significant impacts trigger the need for a complete EIR.

6. How does the rezoning from the large Business Park area to light industrial likely increase emissions, GHG, pollutants and the potential for hazardous materials?

This will occur within city limits but the potentially significant impacts [traffic, noise, GHG emissions] have not been addressed in the Focused General Plan Update. This zoning change could potentially increase hazards.. **Evaluating each land use/project separately after the zoning change could potentially fail to identify and measure significant cumulative impacts caused by the re-zoning from Business Park to light industrial.** Furthermore, health risks from oil drilling in close proximity to residential

neighborhoods has not been addressed. **Therefore, the Hazards and Hazardous Materials section has not been adequately addressed in the Focused General Plan Update.** Third reason for a Program or full EIR.

#### ENVIRONMENTAL JUSTICE WHITE PAPER:

- Replace "may" with "shall": (p22; p26/68) "The following policies ~~may~~ shall be used to address environmental justice concerns in Oakley"
  - The purpose of the Environmental Justice Element is declared on page 6:
  - "Based [on] Government Code Section 65302, as amended by SB 1000, the General Plan's Environmental Justice Element or integrated environmental justice policies **must seek to reduce** the unique or compounded health risks in the City's DAC by addressing the following topics, at a minimum: pollution exposure, including air quality, public facilities, food access, safe and sanitary homes, and physical activity, and by providing a policy framework to encourage civil engagement."
  - The word "may" does not obligate the lead agency to take any specific action(s) to reduce the unique or compounded health risks enumerated in the EJ White Paper.
  - Because the Draft General Plan Update uses the word "may" here instead of "shall", it is failing to commit to any policies or programs that might reasonably be expected to reduce the unique or compounded health risks enumerated in the EJ White Paper.
  - As a result, the Draft General Plan Update is, on its face, inadequate to meet the requirements of Government Code Section 65302, as amended by SB 1000.
  - Unless this error in the Draft General Plan Update is corrected, the lead agency will be unable to defend itself from inevitable legal action that would become necessary to remedy this obvious legal flaw in the document.

#### Additional Policy Comments

3.2.4 ( pg. 59 Initial Study (IS)..... Through the Design Review process, provide sidewalks on all roads, except where safety considerations preclude sidewalks. ( deleted part of sentence)

3.2.B Add **Require bicycle only lanes, use green striping on road and pole barriers to preclude drivers from using bike lanes.**

(IS pg.61)

3.3.1. ....Support right-of-way design and amenities **such as bus stops with a roof and enclosed on three sides** ----consistent will local...

(Initial Study pg. 59)

3.3.3 **Require** transit providers....( IS pg 59)

3.3.5 Add **Require bus only lanes and bike only lanes in commercial areas, near schools, parks, libraries, public services. Use stripped pole barriers to preclude drivers from using bike lanes. Bike lanes should be painted in green stripes to remind drivers.**

(IS pg 59)

3.5.2 Design a roadway system.....results in safe speeds on city streets; **including the use of speed bumps where appropriate.**

(IS pg 59)

3.5.G Add **Consider Speed Bumps and other traffic calming measures in areas with high accident**

**rates.** (IS pg. 61)

6.2.2 (L) Identifying baseline air pollutant and greenhouse gas emissions within city limits and city sphere of influence. Identify air pollutants near oil drilling. (IS pg. 59)

( Does Oakley have an emission reporting station? If not ask for one in this policy---Livermore has one at the airport. )

(M) **Require** energy efficiency measures in City operations and facilities and use of low carbon or clean fuels for city vehicle fleets. **Require clean fuels or roof solar panels for all existing and new city buses.** (IS pg. 59)

6.2.4 Add-- **Incentivize roof top solar panels on city facilities and require rooftop solar panels on all new commercial and industrial buildings.** (IS pg.59)

6.2. A---point (A) ADD **Require identified polluters to reduce emissions/pollutants ( landfill, industrial companies, oil drilling,etc.)**

point (B) **Increase** public transit stops

point (F) **Require and incentivize employer trip reduction programs,**

point (I) Use of alternative or clean energy sources; **incentivize solar panels on built**

**environments**

**Add point (K) Reduce the use of small diesel engines citywide, especially landscaping equipment.** (IS pg. 61)

8.4.2 Ensure that new critical facilities **are not placed in known flood zones** and are placed in areas that minimize...(IS pg.66)

8.4.3 **Incentivize** participation in Community Emergency Response Team....(IS pg. 66)

8.4.4 **Enlist volunteers to register residents** with the City ....(IS pg.66)

8.4.6 Clearly communicate.....in the event of a disaster or an emergency **with written materials in Spanish and English and use symbols as deemed appropriate.** (IS pg. 66)

ACTIONS (IS pg.66)

8.3.C ADD **Inform neighborhoods near oil drilling of the impacts of oil drilling on health. Prohibit new residential development in areas with known hazardous materials.** (IS pg.66)

Add 8.5.F **Require flood insurance for all developments in flood zones and flood prone areas.** (IS pg. 66)

Policies

4.8.11 Coordinate with DWD.....to identify, monitor...ADD **industrial areas, airport (PFAs) and area near oil drilling** .....and address ( IS pg.70)

8.2.2 Maintain and periodically update---**at least every five years or sooner if needed** ---- City flood safety plans (IS pg. 70),

8.2.2 (continued) ...to demonstrate appropriate solutions, **acquire adequate flood insurance to cover potential damage or losses** or be denied. (IS pg 71)

8.2.3 Project applicants shall demonstrate that project ....would not result in peak flow runoff to adjacent lands or drainage facilities...

( *How close is Oakely to capacity now during winter months?*) (IS pg. 71)

8.5.3 Develop flood control and prevention measures.....ADD **within the next five years or sooner.....** to protect the City....(IS pg. 71)

8.5.4 Change....Locate essential facilities and vital infrastructure...( IS pg. 71)

8.5.5.Where **current and future** essential facilities and infrastructure.....develop measures **within the next five years or sooner.....**(IS pg.71)

#### Policies Public Services

2.6.7 Site new park ....higher density residential uses...ADD **and under served areas including the mobile park area first.** (IS p. 92)

7.1.1 Add **Parks should be built in each new residential area.** (IS pg. 82)

7.1.2 Add **Require trails and paths for the disabled ---wheelchair accessible---in all parks, new and existing. Include playground equipment for disabled children such as special swings, slides, etc in all new parks.** (IS pg. 82)

**Delete top two bullet points on page 89....lead agency should NOT be able to revise estimates based on professional judgement**  
(IS pg. 89)

6.2.6 Encourage transportation modes.....vehicle use. ADD sentence **Require all buses to use clean fuels or roof solar panels in place of gasoline or diesel fuels.** (IS pg. 95)

#### **Actions pg. 97**

6.2.A point B Incorporation of public transit stops...ADD **within walking distance with a minimum of a three sided enclosure and a roof.**

point C...Add **with bike only lanes, green stripping for such lanes and poles placed in street to prevent drivers from using lanes.**

point F **.Require Employer trip reduction programs.** (ride sharing, carpooling, company buses)