



*RESPONSE TO COMMENTS*

## **CITY OF OAKLEY FOCUSED GENERAL PLAN UPDATE**

DECEMBER 2021

*Prepared for:*

City of Oakley  
3231 Main Street  
Oakley, CA 94561

*Prepared by:*

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**D e N o v o P l a n n i n g G r o u p**

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A Land Use Planning, Design, and Environmental Firm





## INTRODUCTION

This document was prepared to provide a response to comments received on the Draft Focused General Plan Update (FGPU) and the environmental documentation, a Notice of Intent to Adopt a Negative Declaration (NOIND) and Initial Study, prepared for the FGPU project.

No new significant environmental impacts or issues, beyond those already covered in the Initial Study for the FGPU, were raised during the comment period. Responses to comments received during the comment period do not involve any new significant impacts or add “significant new information” that would require recirculation of the Negative Declaration/Initial Study pursuant to CEQA Guidelines Section 15073.5.

CEQA Guidelines Section 15073.5(a) states that:

*A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption.*

As defined by CEQA Guidelines Section 15073.5(b), a substantial revision means:

*(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or*

*(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.*

## LIST OF COMMENTERS

Table 2.0-1 lists the comments on the FGPU and NOIND/Initial Study that were submitted to the City of Oakley during the 40-day public review period for the FGPU and NOIND/Initial Study. The assigned comment letter or number, letter date, letter author, and affiliation, if presented in the comment letter or if representing a public agency, are also listed. Letters received are coded with letters (A, B, etc.).

**TABLE 2.0-1 LIST OF COMMENTERS ON DRAFT EIR**

RESPONSE LETTER	INDIVIDUAL OR SIGNATORY	AFFILIATION	DATE
A	Dan Muelrath	Diablo Water District	9/20/21
B	Tyson Zimmerman	Ironhouse Sanitary District	9/17/21
C	Zoe Siegel et al.	Greenbelt Alliance et al.	9/20/21
D	Paul Seger	Sierra Club	9/20/21
E	C.E. Elias	-	9/20/21
F	Ben Weise	-	9/24/21
G	Pamela Winter	-	9/20/21
H	Chris Lauritzen and Margaret Lauritzen	Business Owners/Lauritzen Yacht Harbor	9/20/21

### REQUIREMENTS FOR RESPONDING TO COMMENTS ON A NEGATIVE DECLARATION

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CEQA Guidelines Section 15074(b) requires that Oakley, as the lead agency, consider the proposed negative declaration together with any comments received during the public review process. This document demonstrates the City's consideration of comments on the NOIND/Initial Study and the Draft FGPU. It is noted that many of the comments focused on the Draft FGPU and did not address environmental issues and that responses to those comments are provided to ensure transparency in the consideration of all comments.

Responses to comments that address environmental issues specifically identify that the comment addressed the CEQA documentation for the project, the NOIND, or the Initial Study. These comments must be considered pursuant to CEQA Guidelines Section 15074(b).

### SUBSTANTIAL EVIDENCE

CEQA Guidelines Section 15073.5(d) states:

*If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.*

Several of the comments received indicated that an Environmental Impact Report (EIR) should be prepared for the project, indicating that the traffic, potential exposure to hazards, potential exposure to flooding, and cumulative impacts associated with water, sewer, and stormwater associated with sea level rise required examination in an EIR. In its review of the comments and the environmental documentation prepared for the project, the City has found no substantial evidence that the FGPU has the potential to have a significant effect on the environment. Refer to Responses to Comments A-2, A-6, A-7, A-8, A-15, A-16, C-2, D-1, D-6 through D-18, and E-3.

### RESPONSES TO COMMENT LETTERS

Written comments received during the public review process, a 40-day public review period from August 11 to September 20, 2021, are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Each letter is referred to by letter (i.e., Letter A), the comments within each letter are labeled sequentially (e.g., A-1, A-2, etc.) and each response addresses the individual comments by label (e.g., A-1, A-2, etc.).

Letter A



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September 20, 2021

Directors:  
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Scott R. Pastor  
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Kenneth L. Crockett  
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General Manager  
& Secretary:  
Daniel Muelrath

General Counsel:  
Wesley A. Miliband

Oakley City Hall  
Attn: Oakley City Council  
3231 Main Street,  
Oakley, CA 94561

**RE: City’s General Plan Public Review Draft August 2021 - CEQA Comments**

Mayor Higgins and Fellow Members of the Council:

Diablo Water District (District) has reviewed the City’s General Plan Public Review Draft - August 2021 (Plan) document and is providing comments below.

The District commends the City for aspiring to address Environment Justice and Climate Change and Adaption in the targeted Plan update. As most residents know, Oakley is uniquely situated in the heart of one of the State’s most important natural resources, the Delta. The current and future health of the Delta and surrounding terrestrial and aquatic systems is of the highest concern to the District and our customers. To address these concerns, the District adopted numerous community focused resolutions and regulations<sup>1</sup> that enhance environmental and groundwater protection, implement recycled water projects and commit to carbon neutrality by the end of 2027. These regulations are attached and should be cited or in part included in the General Plan update.

A-1

Based on the District’s legal and jurisdictional authorities regarding water and groundwater, the following comments are being provided to help make the General Plan inclusive and forward thinking while protecting the resources that are important to the District and City of Oakley residents.

**General Comments:**

- Although land use changes are not proposed in the Plan, the application of current Environmental Justice and Climate Change and Adaptation requirements and associated policies, plans and programs, plus the cumulative impact to water, sewer, stormwater, etc., needs to be considered via an Environmental Impact Report (EIR) rather than the proposed negative declaration.
  - Performing the EIR will allow the City to lead by example with robust and interactive participation by the public and local special district’s and governmental agencies.
- Given time delays since the Plan kickoff, the City has newly elected City Council members and a newly appointed Interim City Manager, all of whom should be able to

A-2

A-3

<sup>1</sup> Resolution 2021-02 Environmental Proactiveness, Resolution 2021-03 Groundwater Sustainability and Protection, Resolution 2021-04 Use and Integration of Recycled Water, Regulation 10 Groundwater Sustainability and Protection, and Regulation 11 Carbon Neutrality

guide the development of the targeted general plan update.	A-3 (cont.)
<ul style="list-style-type: none"> <li>• Population and demographic data reflects Department of Finance estimates and should be revised to reflect recently released 2020 census data.</li> </ul>	A-4
<ul style="list-style-type: none"> <li>• Two major components 1.) Environmental Justice and 2.) Climate Change and Adaptation are glossed over in the Plan and refer to a white paper that was issued in 2019. The white paper should be updated to reflect 2021 data and be fully incorporated into the Plan.</li> </ul>	A-5
<b>Land Use Element:</b>	
<ul style="list-style-type: none"> <li>• Stormwater runoff in East Cypress corridor developments is retained onsite; however, no analysis has been performed to determine impacts to groundwater flow, which also contributes to Marsh Creek and Delta flows via lateral subsurface movement.</li> </ul>	A-6
<ul style="list-style-type: none"> <li>• This section states flooding will occur in 100-year flood events, but no substantive mitigation/protection programs are discussed.</li> </ul>	A-7
<ul style="list-style-type: none"> <li>• There should be discussion of plans to analyze and mitigate developments impacts to groundwater quality.</li> </ul>	A-8
<b>Growth Management Element:</b>	
<ul style="list-style-type: none"> <li>• Typo for current District, max day demand 10.0 MGD, not 1.0 MGD</li> </ul>	A-9
<ul style="list-style-type: none"> <li>• Should state that District will be the retail recycled water agency when recycled water projects are implemented.</li> </ul>	A-10
<b>Open Space &amp; Conservation Element:</b>	
<ul style="list-style-type: none"> <li>• Climate change white paper was mentioned but should be fully incorporated into the Plan.</li> </ul>	A-11
<ul style="list-style-type: none"> <li>• The District encourages the City to set net zero carbon goal for city-controlled facilities as the District has done.</li> </ul>	A-12
<ul style="list-style-type: none"> <li>• Program section states, energy and water efficiency in excess of Title 24, but no policy/program to implement this. City shall work with the District to determine water efficiency requirements in excess of Title 24.</li> </ul>	A-13
<ul style="list-style-type: none"> <li>• Under programs add: City to update Water Efficient Landscape Ordinance to prohibit developer installed turf in new developments.</li> </ul>	A-14
<b>Community Health &amp; Safety Element:</b>	
<ul style="list-style-type: none"> <li>• Plan talks about 100- and 500-year floodplain but does not account for sea level rise plus floods. More specifics are required here on mitigation programs.</li> </ul>	A-15
<ul style="list-style-type: none"> <li>• Former DuPont site is only quickly addressed. The Plan needs to investigate risk of sea level rise causing groundwater elevation increases and potential lifting and shifting of pollutants.</li> </ul>	A-16

Thank you for your time and consideration, we look forward to future collaboration on this project.

Sincerely,

Diablo Water District Board of Directors

p.p. *Dan Muelrath*

**RESOLUTION NUMBER 2021 – 02**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF DIABLO  
WATER DISTRICT ADOPTING ENVIRONMENTALLY PROACTIVE  
ACTIONS.**

WHEREAS, the Board of Directors of Diablo Water District (“District”) held strategic planning sessions the week of January 11, 2021; and

WHEREAS, these sessions resulted in the desire to create a policy statement and modifications to the District’s regulations regarding proactive engagement in the development process for the protection of District assets and environmental resources as permissible by law; and

WHEREAS, the District deems the California Environmental Quality Act (“CEQA”) to be vitally important to ensuring the District continues to receive sufficient, safe, and reliable water supplies from surface and groundwater resources.

WHEREAS, climate change is anticipated to increase the length of droughts, severity of winter storms, increase sea levels, and impact delta health; and

WHEREAS, the failure to act responsibly now to protect the environment, may result in irreversible damage to the District’s ability to deliver high quality drinking water to its customers; and

WHEREAS, the District has generally identified the Delta and slough interfaces (earthen and water), Bethel Island, and the East Cypress Corridor areas within its service area to require additional design considerations to protect both physical assets, financial solvency, and environmental protection for purposes of long-term water supply reliability to District customers; and

WHEREAS, pumping water in the State of California is the single largest use of energy and emitter of greenhouse gases (GHGs); and

WHEREAS, the District desires to combat climate change by reducing GHGs within its control; and

WHEREAS, on March 10, 2021, the District adopted Resolutions 2021-03: Groundwater Sustainability and Protection, and Resolution 2021-04 Recycled Water Use, both of which support the efforts of environmental proactiveness; and

Resolution 2021 – 02

Page 2 of 3

WHEREAS, the District has reviewed this policy and has determined under the provisions of CEQA (codified at Public Resources Code, § 21000 *et seq.*) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 *et seq.*) that (a) adoption of the policy herein does not constitute a "project," pursuant to State CEQA Guidelines section 15378(a) because adoption of the policy does not have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and (b) even if adoption of the policy did constitute a "project" subject to CEQA, the action herein would be exempt from CEQA under State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of the policy may have a significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED THAT the Board of Directors of the Diablo Water District does hereby **RESOLVE**, **DETERMINE**, and **ORDER** as follows:

1. In order to ensure that District's customers continue to receive a safe, reliable water supply of high quality water, the District recognizes the need to protect the community's environment, the District supports responsible and sustainable growth of the community, which requires full compliance with CEQA, its underlying intent, case law, and other environmental compliance requirements; and
2. The District will work cooperatively with local land use authorities to ensure proper conditioning and plan reviews of future development projects; and
3. The District's risk and resiliency planning process will consider impacts from climate change and adaption strategies; and
4. The District shall actively participate in stakeholder groups that include but are not limited to: Delta health, climate change and sea level rise, and groundwater protection; and
5. Adoption of the policy herein does not constitute a "project," pursuant to CEQA Guidelines section 15378(a) because adoption of the policy does not have a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and
6. Even if adoption of the policy did constitute a "project" subject to CEQA, the action herein would be exempt from CEQA under State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of the policy may have a significant effect on the environment; and
7. The policy stated herein is approved and shall be implemented; and



Resolution 2021 – 02  
Page 3 of 3

8. Staff is directed to execute and file a Notice of Exemption for adoption of the policy as permitted by law.

\* \* \* \* \*

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of Diablo Water District at a meeting thereof held on March 10, 2021, by the following vote:

AYES: Tiernan, Kovalick, Crockett, Pastor, and Seger  
NOES: None  
ABSENT: None  
DATED: March 10, 2021

  
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Dan Muelrath, Secretary

**RESOLUTION NUMBER 2021 – 03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF DIABLO  
WATER DISTRICT ADOPTING GROUNDWATER SUSTAINABILITY  
AND PROTECTION MEASURES**

WHEREAS, the Board of Directors of Diablo Water District (“District”) held strategic planning sessions the week of January 11, 2021; and

WHEREAS, these sessions resulted in the desire to create a policy statement and modifications to the District’s regulations for the protection of groundwater use; and

WHEREAS, the California state legislature passed AB 3030 in 1992 that provided a framework for voluntary groundwater management; and

WHEREAS, in 2009 the California state legislature passed SB x7-6 that established the statewide California Statewide Groundwater Elevation Monitoring (“CASGEM”) program; and

WHEREAS, on September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package, composed of AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), collectively known as the Sustainable Groundwater Management Act (“SGMA”); and

WHEREAS, in 2007 the District adopted a Groundwater Management Plan; and

WHEREAS, the District serves as the regional monitoring agency under the state’s CASGEM program; and

WHEREAS, On March 22, 2017, the District approved Resolution No. 2017-4 that designates the District as a Groundwater Sustainability Agency (“GSA”); and

WHEREAS, SGMA provides authority to GSAs to monitor, manage, and regulate groundwater use within their subbasin; and

WHEREAS, the District is cooperatively working with neighboring GSAs to draft a single Groundwater Sustainability Plan (“GSP”); and

WHEREAS, the District through the GSP will develop an adaptive and proactive approach to groundwater sustainability while meeting and striving to exceed requirements of SGMA; and

WHEREAS, the District views the use of groundwater an integral part of its long-term water management approach; and

Resolution 2021 – 03

Page 2 of 3

WHEREAS, due to the proximity of the Delta, the District seeks to protect both the groundwater aquifer from saline intrusion and the Delta from adverse groundwater impacts; and

WHEREAS, additional groundwater monitoring wells should be located to facilitate data collection regarding groundwater quality, quantity and sustainability.

WHEREAS, the District encourages the use of Recycle Water to help offset or reduce groundwater pumping; and

WHEREAS, the County is the recognized permitting agency for wells in Contra Costa County; and

WHEREAS, the District is committed to the goal of facilitating the management of groundwater resources at the subbasin level, while leaving parcel level decisions to the private groundwater pumpers; and

WHEREAS, public agencies shall be the model in groundwater data transparency for their well facilities.

NOW, THEREFORE BE IT RESOLVED THAT the Board of Directors of the Diablo Water District does hereby **RESOLVE, DETERMINE, and ORDER** as follows:

1. The District will continue to work cooperatively with neighboring GSAs to ensure groundwater sustainability for the East Contra Costa Subbasin; and
2. Growth and development projects will be evaluated and commented on with groundwater quality and quantity protection in mind; and
3. District staff will enhance the monitoring well network in the District's service area; and
4. District staff will develop a regulation for Board adoption that enhances protection of groundwater levels and water quality; and
5. Prioritize the use of recycled water as a primary water source for locations using groundwater to supply water for landscaping and other non-potable uses; and
6. District staff will join industry associations that support the protection of groundwater; and
7. The District will engage with the well permitting agency, Contra Costa County, for successful implementation of the District's groundwater regulation; and

Resolution 2021 – 03  
Page 3 of 3

8. The policy stated herein is approved and shall be implemented.

\* \* \* \* \*

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of Diablo Water District at a meeting thereof held on March 10, 2021, by the following vote:

AYES: Tiernan, Kovalick, Crockett, Pastor, and Seger  
NOES: None  
ABSENT: None  
DATED: March 10, 2021



Dan Muelrath, Secretary

**RESOLUTION NUMBER 2021 – 04**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF DIABLO  
WATER DISTRICT ENCOURAGING THE USE AND INTEGRATION OF  
RECYCLED WATER AS A FUTURE WATER SUPPLY.**

WHEREAS, the Board of Directors of the Diablo Water District (“District”) held strategic planning sessions the week of January 11, 2021; and

WHEREAS, these sessions resulted in the desire to create a policy statement and modifications to the District’s regulations for recycled water use; and

WHEREAS, the State of California defines recycled water as, “*water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource*” California Water Code § 13050(n) (“Recycled Water”); and

WHEREAS, the District desires to pursue, when feasible and at the Direction of the Board, locally beneficial use of Recycled Water that supports the California Legislature’s declaration, “*It is the intention of the Legislature that the state undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.*” California Water Code § 13512; and

WHEREAS, the District views the use of Recycled Water within its service area as an integral part of its long-term water management approach; and

WHEREAS, the District encourages the use of Recycled Water to help offset or reduce groundwater pumping and surface water use; and

WHEREAS, the District has partnered with Ironhouse Sanitary District to find mutually beneficial uses of Recycled Water.

NOW, THEREFORE BE IT RESOLVED THAT the Board of Directors of the Diablo Water District does hereby **RESOLVE, DETERMINE, and ORDER** as follows:

1. The District shall work cooperatively with Ironhouse Sanitary District and Local Land Use Planning Authorities to encourage the use of Recycled Water; and
2. Recycled Water shall be evaluated in the District’s Urban Water Management Plan as a long-range alternative water supply; and

Resolution 2021 – 04

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3. District staff shall pursue state and federal funding for the planning, design, and construction of future Recycled Water project(s); and
4. District staff will develop a regulation to enhance the use of Recycled Water in the District’s service area; and
5. District staff will join industry associations that support the advancement of Recycled Water use.
6. The District shall establish a Recycled Water *ad hoc* committee to meet and confer with Ironhouse Sanitary District’s Board; and
7. The policy stated herein is approved and shall be implemented.

\* \* \* \* \*

I hereby certify that the foregoing is a true and complete copy of a resolution duly and regularly adopted by the Board of Directors of Diablo Water District at a meeting thereof held on March 10, 2021, by the following vote:

AYES: Tiernan, Kovalick, Crockett, Pastor, and Seger  
NOES: None  
ABSENT: None  
DATED: March 10, 2021

  
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Dan Muelrath, Secretary

**DIABLO WATER DISTRICT**

**REGULATION NO. 10**

**Groundwater Sustainability and Protection**

**Section I. Purpose and Authority**

- A. Sustainable Groundwater Management Act (2014) and subsequent amendments to California Water Code.
- B. The purpose of this regulation is to balance and protect the interest of all that rely on a sustainable groundwater aquifer.

**Section II. Applicability**

- A. All groundwater extraction wells except residential wells; and/or
- B. New developments of 50 residential dwelling units (or equivalent).

**Section III. Requirements**

- A. New Development
  - 1. Shall install groundwater monitoring well(s)\* to be cited by the District per the following table:

Residential Dwelling Units (or equivalent)	Number of groundwater monitoring well(s)*
50 – 250	1
251 – 500	2
501 – 999	3
1000 +	To be determined by District Staff

\*Monitoring wells are to be deeded to the District as part of the Facilities Installation Agreement.

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Effective May 26, 2021

2. Irrigation water for parks, street medians, and other public landscaping that is proposed to be irrigated with groundwater or potable water shall:

- (a) Connect to the District's alternative water supply main lines;  
or
- (b) Connect to the District's recycled water supply main lines; or
- (c) If neither of the above are feasible, then the installed well shall be deeded to the District as part of the Facilities Installation Agreement.

B. Well Design Criteria

1. New wells are to be designed and installed with remote monitoring groundwater elevation equipment.
2. New wells that propose to extract more than 1 million gallons per month shall:
  - (a) Perform successful groundwater sustainability test pumping, subject to District approval, prior to operating the well; or
  - (b) Engage the District to run the District's most current groundwater hydraulic model that includes the proposed well and consumption. Groundwater hydraulic model will be a fee for service requested.



3. New wells that propose to extract more than 5 million gallons per month shall:
  - (a) If the District determines recycled water is not a feasible option, then successful groundwater sustainability test pumping must occur, subject to District approval, prior to operating the well; or
  - (b) Engage the District to run the District's most current groundwater hydraulic model that includes the proposed well and consumption. Groundwater hydraulic model will be a fee for service requested.

**Section IV. Groundwater Monitoring and Data Transparency**

- A. All new, non-residential wells shall grant the District access to their remote monitoring data network for groundwater elevation data.
- B. All new and existing public agency groundwater wells shall:
  1. Meter and report to the District volume of groundwater extractions monthly.
  2. Monitor bi-annual groundwater elevations at their wells.
  3. Perform water quality testing of their wells regardless of the end use of the water for: TDS, salinity, chlorides, iron, manganese, nitrates, and arsenic.
    - (a) Semi-annual testing for 3 years

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Effective May 26, 2021

- (b) Annual testing for 2 additional years
- (c) Bi-annual testing in perpetuity
- (d) Should changes in water quality be noted, then a location may be placed on a custom monitoring routine as determined by the District.

**Section V. Voluntary Consolidation of Existing Small Water Systems**

- A. The District will prioritize working with small water systems that are experiencing water quality issues.
  - 1. Initial efforts will include seeking grant funds to facilitate a consolidation feasibility study.
  - 2. Long-term efforts may include up to and including seeking grant funds for the construction of District facilities to reach to small water systems and voluntary consolidation.

**DIABLO WATER DISTRICT**

**REGULATION NO. 11**

**CARBON NEUTRALITY**

**Section I. Purpose and Authority**

- A. The purpose of this regulation is to establish the District’s requirement to be carbon neutral in its operations, buildings, transmission and treatment of water, fleet, and all other tangible business operations under its direct control. The District has adopted Resolution No. 2021-17 requiring net zero carbon emissions by the end of calendar year 2027, meaning a full offset of current and future emissions.

**Section II. Applicability**

- A. This regulation applies to current District facilities and operations and to new facilities and operations as they may come to exist in the future.

**Section III. Requirements**

- A. Existing facilities, operations, fleet, etc.
1. The District shall annually reduce its carbon emissions.
  2. Annually, projects shall be budgeted and funded that will help meet the year 2027 deadline.
- B. New facilities.
1. Offset calculations for solar or equivalent, require the developer of the District facility to produce 110% of the estimated annual energy

Regulation No. 11, Page 1 of 2  
Effective June 23, 2021

consumption of the site.

2. Energy is defined as the sum of estimated kWhs, therms, fuel, etc. (i.e., sources of greenhouse gas emissions).
3. Developers of new District facilities will be required to install solar onsite and/or pay into a District fund (via Facility Reserve Charges), so the District may install solar at one of its existing locations.

## Delta Diablo Water District (Letter A)

**Response to Comment A-1:** Delta Diablo Water District (DWD) commented on the environmental documentation prepared for the FGPU and the contents of the FGPU. DWD provided attachments including Resolution Number 2021-02, a resolution of the DWD Board of Directors adopting environmentally proactive actions, Resolution Number 2021-03, a resolution of the Board of Directors of DWD adopting groundwater sustainability and protection measures, Resolution Number 2021-04, a resolution of the DWD Board of Directors encouraging the use and integration of recycled water as a future water supply, and DWD Regulation No. 10, Groundwater Sustainability and Protection. DWD recommended that these documents be cited in the FGPU; these documents guide the actions of DWD and the FGPU discusses DWD’s role related to water supply and groundwater sustainability. These resolutions are noted for decision-maker consideration. DWD’s specific comment on the environmental documentation is addressed under Response to Comment A-2.

**Response to Comment A-2:** DWD recommended that an EIR evaluate the application of environmental justice and climate change and adaptation requirements and cumulative impact to water, sewer, stormwater. The environmental justice and climate change and adaptation policies and programs established by the FGPU provide for additional environmental protections beyond those established under the adopted General Plan. The FGPU does not result in any changes to areas identified for urbanization on the land use map, would not result in any increases in intensification of land uses that would result in increases to demand projected for water, sewer, and stormwater service. The commenter does not identify any components of the FGPU that have the potential to have a significant impact on the environment and does not identify provide any comments specific to the analysis presented in the Initial Study. No revisions to the Initial Study and findings are necessary.

**Response to Comment A-3:** The commenter indicated the newly-elected City Council members and newly appointed Interim City Manager should be able to guide the FGPU. This comment is noted. The FGPU will be provided to the elected City Council for review and consideration.

**Response to Comment A-4:** The commenter recommends use of 2020 Census data. The FGPU was prepared using the Department of Finance 2020 E-5 Population and Housing Estimates for Cities, Counties, and the State, released in May 2020. The White Papers, prepared in 2019, were prepared using the most recent U.S. Census American Community Survey data available at the time the data was accessed. The most recent Department of Finance E-5 data, which was published in May 2021, remains benchmarked to the 2010 Census (see <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>, accessed October 26, 2021). While redistricting data has been released, City-level data, such as household size, composition of housing stock, and other demographic data, from the U.S. Census Bureau’s 2020 census survey is not yet available. It is anticipated this data will be released at the City level in 2022 (<https://www.census.gov/programs-surveys/popest/about/schedule.html>, accessed October 8, 2021). No changes are necessary to the U.S. Census or Department of Finance data used for the project.

**Response to Comment A-5:** The commenter indicates that that two major components, Environmental Justice and Climate Change and Adaptation, are glossed over and refer to a White Paper which should be updated to reflect 2021 data and be incorporated into the Plan. The FGPU was initiated to ensure that the General Plan provides direction for addressing environmental justice and climate adaptation. The White Papers were prepared to provide a detailed analysis of each topic and to inform development of FGPU goals, policies, and programs. The findings of each White Paper are summarized in the FGPU and the reader is referred to the White Papers for more detailed explanation. The White Papers were prepared in 2019, presented to the City Council for discussion in 2019 and 2020, and remain applicable. No update to the White Papers is proposed for the FGPU.

**Response to Comment A-6:** The commenter indicates that stormwater runoff in East Cypress is retained onsite and that no analysis is performed to address effects on groundwater flow, which effect Marsh Creek and Delta flows. This is from the current General Plan (see pp.). The FGPU does not propose any changes to stormwater management for East Cypress. It is noted that groundwater recharge is discussed in the Open Space and Conservation Element. Program 8.2.9 in the Community Health and Safety Element encourages use of water detention facilities for use as groundwater recharge facilities.

**Response to Comment A-7:** The commenter indicates that no substantive mitigation/protection programs are discussed in the Land Use Element for 100-year flood events. Flood hazards, including those associated with the 100-year floodplain, are addressed in the Community Health and Safety Element, including Goal 8.2 and associated policies and programs.

**Response to Comment A-8:** The commenter recommends discussion of plans to analyze and mitigate development impacts to groundwater quality. Groundwater is addressed in the Open Space and Conservation Element, including discussion of groundwater recharge potential, the Growth Management Element, which has been revised to include additional information related to groundwater management and quality, and the Community Health and Safety Element, which has been revised to include additional measures to address groundwater quality. While the FGPU would not increase the intensity or footprint of urban development and is not expected to result in impacts to groundwater quality, the FGPU addresses water quality associated with development. The FGPU has been revised to include additional information related to groundwater quality in the Growth Management Element and the Community Health and Safety Element and to include new and revised measures to reduce the potential for future development to affect groundwater quality consistent with regional, state, and federal requirements. The FGPU includes revisions to Policies 4.9.3, 4.10.2, revisions to Programs 8.5.B, and new programs 4.10.H, 4.10.I, and 8.5.I to further address groundwater quality.

**Response to Comment A-9:** The commenter notes a typographical error for current DWD maximum daily demand. This has been corrected under the Water Services discussion of the Growth Management Element.

**Response to Comment A-10:** The commenter indicates that the Growth Management Element should state the DWD will be the retail recycled water agency when recycled water projects are implemented. This comment is noted for decision-maker consideration.

**Response to Comment A-11:** The commenter recommends that the climate change White Paper be fully incorporated into the General Plan. The Climate Adaption White Paper, published October 2019, was published separately from the General Plan due to the level of detail included in the white paper. The FGPU includes a summary of findings from the White Paper and the policy recommendations of the White Paper have informed the FGPU revisions to the General Plan.

**Response to Comment A-12:** The commenter encourages the city to set net zero carbon goal for city-controlled facilities as the DWD has done. This comment is noted for decision-maker consideration.

**Response to Comment A-13:** The commenter states that no policy or program is identified to implement energy and water efficiency in excess of Title 24 and indicates the City shall work with the DWD to determine water efficiency requirements in excess of Title 24. Program 6.2.A requires that development proposals be reviewed for air quality, toxic and hazardous emissions, and climate change impacts and use mitigation measures, including but not limited to use of energy-efficient and water-conserving systems in excess of Title 24 requirements, to reduce significant and potentially significant impacts.

**Response to Comment A-14:** The commenter recommends the City include a program to update Water Efficient Landscape Ordinance to prohibit developer installed turf in new developments. This recommendation is noted for decision-maker consideration.

**Response to Comment A-15:** The commenter indicates that the FGPU talks about the 100- and 500-year floodplain but does not account for sea level rise plus floods and indicates more specifics are needed on mitigation programs. Under the Sea Level Rise discussion on page 8-19 of the Community Health and Safety Element, it is noted that the sea level rise scenarios address the rise during a 100-year storm event under scenarios ranging from a 12-inch to 83-inch rise. Figure 8-6, which illustrates sea level rise under 12-inch, 24-inch, 36-inch, and 83-inch rise scenarios identifies that the depth of flooding shown is during a 100-year storm event for each scenario. Policy 8.5.3 addresses developing flood control and prevention measures to address rising waters and Program 8.5.5 requires measures to be addressed to ensure essential facilities and infrastructure significantly affected by sea level rise are accessible and undamaged during flood events. Program 8.5.E ensures that development and redevelopment substantially affected by sea levels or expanded 100-year flood areas address the potential for flooding. Program 8.5.G requires the City to maintain improvements and facilities designed to protect against flooding and sea level rise. In order to further ensure that 100-year flood events are considered when addressing sea level rise, Policy 8.5.1 is revised to require preparing for and adapting to sea level rise, including 100-year flood events. Program 8.5.6 is revised to ensure that 100-year flood events are addressed when prioritizing improvements and actions that protect vulnerable populations, essential facilities, and vital infrastructure from flooding due to sea level rise. Program 8.5.D requires new development projects in areas projected to be inundated by sea level rise, including 100-year flood events, to identify projected sea level rise in relation to proposed residences, buildings, and important infrastructure and to be designed to address sea level rise.

**Response to Comment A-16:** The commenter indicates that the former DuPont site is only quickly addressed and that the FGPU needs to investigate the risks of sea level rise causing groundwater elevation increases and potential lifting and shifting of pollutants. The FGPU does not provide detailed assessment of individual sites; the FGPU does not entitle development nor identify any individual development projects for approval. Specific effects associated with individual development projects, such as a proposal at the DuPont site, are addressed when a development application is submitted. The FGPU is revised to ensure potential hazards addressed by the commenter are addressed programmatically in the context of a General Plan. Program 8.5.B is revised to ensure that updates to the Local Hazard Mitigation Plan address potential exposure to hazardous materials associated with sea level rise and potential changes to groundwater levels. Program 8.5.D is revised to ensure that development projects address the effect of hazards associated with sea level rise.

Letter B



IRONHOUSE SANITARY DISTRICT

Board of Directors

Chris Lauritzen  
President

Susan Morgan  
Vice-President

Angela Lowrey  
Board Member

Dawn Morrow  
Board Member

Peter Zirkle  
Board Member

Chad Davisson  
General Manager

J. Leah Castella  
Legal Counsel

September 17, 2021

Oakley City Hall  
Attn: Oakley City Council  
3231 Main Street,  
Oakley, CA 94561

**RE: City’s General Plan Public Review Draft – August 2021**

Mayor Higgins and Fellow Members of the City Council:

Ironhouse Sanitary District (ISD) has reviewed the City’s *General Plan Public Review Draft - August 2021* (Plan) document and is providing comments below.

B-1

ISD applauds the City’s efforts in preparing an Update to the General Plan as well as including Environmental Justice and Climate Change and Adaptation.

General comments

- Population and demographic data reflects Department of Finance estimates and should be revised to reflect recently released 2020 census data.

B-2

Growth Management

*Wastewater Services*

ISD owns and operates a state of the art Water Recycling Facility. This facility treats wastewater and produces tertiary treated disinfected recycled water that may be used for a variety of beneficial uses to promote drought resiliency and water reuse, while also supporting Oakley's economy and protecting the environment. ISD is actively pursuing the highest beneficial usage of recycled water. The comments below more accurately reflect recycled water as a resource.

B-3

- Change Ironhouse Wastewater Treatment Plant (IWWTP) to Ironhouse Water Recycling Facility (IWRF)
- Change “ISD’s infrastructure includes gravity and pressure pipelines, pumping stations, the Ironhouse Wastewater Treatment Plant (IWWTP) and lands on the mainland and Jersey Island that are used for effluent disposal.” To “ISD’s infrastructure includes gravity and pressure pipelines, pumping stations, and the Ironhouse Water Recycling Facility (IWRF).”
- Change “The IWWTP has a current treatment capacity of 4.7 mgd dry weather flow and 8.6 mgd maximum wet weather flow pursuant to California Regional Water Quality Control Board

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Central Valley Region Order R5-2018-0090, adopted on December 7, 2018. The IWWTP’s average influent rate from 2015 through 2017 was 2.4 mgd.” to “The IWRf has a current treatment capacity of 4.3 MGD dry weather flow and 8.6 MGD maximum wet weather flow pursuant to California Regional Water Quality Control Board Central Valley Region Order R5-2018-0090, adopted on December 7, 2018. The IWRf ‘s average influent rate from 2015 through 2017 was 2.4 MGD.”

B-3 (cont.)

- Change “ISD will continue to be responsible for providing adequate infrastructure for collection, conveyance, treatment, and disposal. This will require that the District implement phased improvements to its infrastructure, including its treatment and disposal facilities, pump stations, force mains, and other pipelines.” To “ISD will continue to be responsible for providing adequate infrastructure for collection, conveyance, treatment, and recycling. This will require that the District implement phased improvements to its infrastructure, including its treatment and recycling facilities, pump stations, force mains, and other pipelines.”

*GOAL 4.9 Wastewater Services*

- Change the Goal “Assure the provision of sewer collection, treatment and disposal facilities that are adequate to meet the current and projected needs of existing and future residents.” To “Assure the provision of sewer collection, treatment and recycling facilities that are adequate to meet the current and projected needs of existing and future residents.”
- Under Policies
  - 4.9.1 Change “Coordinate future development with the Ironhouse Sanitary District to ensure facilities are available for proper wastewater disposal.” To “Coordinate future development with the Ironhouse Sanitary District to ensure facilities are available for proper wastewater management.”
  - 4.9.3 Change “Encourage beneficial uses of treated wastewater, including marsh enhancement and agricultural irrigation. Such wastewater reclamation concepts shall be incorporated into resource management programs and land use planning.” To “Encourage beneficial water reuse to improve regional groundwater quality. Water reclamation concepts shall be incorporated into resource management programs and land use planning.”
  - 4.9.4 Water conservation may reduce the flow into the sanitary sewer collection system and Water Recycling Facility. However, this is related to expansion of these systems and not the rehabilitation and renewal of aging infrastructure and facilities. These capital costs will exist even if the flows do not change. Consider removing this statement from Policies as 4.9.1 already states that facilities will be available to accommodate sewer collection, treatment and recycling needs of future developments.
- Under Programs
  - 4.9.D and 4.9.E Change “Ironhouse Sanitation District” to “Ironhouse Sanitary District”

B-4

Thank you for your time and consideration of our comments.

Sincerely,



Tyson Zimmerman (on behalf of Ironhouse Sanitary District Board of Directors)  
Assistant General Manager

450 Walnut Meadows Drive, Oakley CA 94561 • (925) 625-2279 • Fax: (925) 625-0169

### Ironhouse Sanitary District (Letter B)

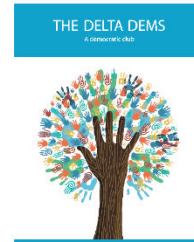
**Response to Comment B-1:** Ironhouse Sanitary District (ISD) submitted a letter providing a general comment related to demographic data and specific comments on the Growth Management Element of the FGPU. No comments were made on the environmental documentation.

**Response to Comment B-2:** The commenter recommends use of 2020 Census data. The FGPU was prepared using the Department of Finance 2020 E-5 Population and Housing Estimates for Cities, Counties, and the State, released in May 2020. The White Papers, prepared in 2019, were prepared using the most recent U.S. Census American Community Survey data available at the time the data was accessed. The most recent Department of Finance E-5 data, which was published in May 2021, remains benchmarked to the 2010 Census (see <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/>, accessed October 26, 2021). While redistricting data has been released, City-level data, such as household size, composition of housing stock, and other demographic data, from the U.S. Census Bureau's 2020 census survey is not yet available. It is anticipated this data will be released at the City level in 2022 (<https://www.census.gov/programs-surveys/popest/about/schedule.html>, accessed October 8, 2021). No changes are necessary to the U.S. Census or Department of Finance data used for the project.

**Response to Comment B-3:** The commenter recommends several changes to reflect ISD's recycled water treatment capabilities and data related to treatment capacity and influent rates. These changes are made to the Growth Management Element under the Wastewater Services heading.

**Response to Comment B-4:** The commenter recommends changes to the Growth Management Element, specifically Goal 4.9, Policies 4.9.1, 4.9.3, and 4.9.4, and Programs 4.9.D and 4.9.E. Goal 4.9, Policies 4.9.1 and 4.9.3, and Programs 4.9.D and 4.9.E have been revised as recommended. Policy 4.9.4 has been retained, but revised to reference that water conservation will reduce the demand for sewer treatment and collection associated with future growth, rather than just reducing the need for sewer system improvements.

Letter C



September 20th 2021

Oakley City Hall  
 Attn: Oakley City Council  
 3231 Main Street  
 Oakley, CA 94561

**RE: Comments on City’s General Plan Public Review Draft – September 2021**

Dear Mayor Higgins, Fellow Members of the Council, Kenneth Strelo, and Joshua McMurray:

Thank you for the opportunity to participate in providing feedback to the General Plan Draft Elements. The undersigned organizations and individuals write to offer guidance on how Oakley can become a more equitable, sustainable and resilient community through the General Plan process.

This is a once in a two+ decade moment for Oakley to make pivotal progress on climate change by modernizing local policies to harness the power of nature to protect shorelines and take advantage of the numerous climate benefits of open space to sequester carbon, protect biodiversity and drive development into existing communities. It is clear from the Draft General Plan that Oakley is concerned about these issues, however we believe that there are a number of areas that could be strengthened.

C-1

**EIR:** The addition of Environmental Justice and Climate Change and requirements and associated policies, plans and programs; plus the cumulative impact to water, sewer, stormwater, etc. needs to be taken into account via an Environmental Impact Report (EIR) rather than the proposed negative declaration. **A negative declaration is not sufficient for the substantial changes being made.** Performing the EIR will allow the City to lead by example with robust and interactive participation by the public and local special district’s and governmental agencies. Furthermore, with a RHNA allocation of 1,058, this new growth will likely require a rezoning program in order for HCD to certify it which would likely require another update to the General Plan and EIR.

C-2

**Engagement and Timing:** The draft General Plan states that “Oakley General Plan was developed with extensive community input and reflects the community’s vision for Oakley.” It appears that your definition of extensive includes 2 workshops and a survey. This is an unacceptable level of engagement even during a global pandemic. There needs to be more outreach to the community about the General Plan and there should be more time allowed to review the General Plan and EIR. This issue is further illuminated by our [engagement letter to the city council](#) in September 2021.

C-3

**Accuracy of Data:** The population and demographic data presently reflects Department of Finance estimates and should be revised to reflect recently released 2020 census data.

C-4

<p><b>Strengthening community and natural environment resiliency through climate adaptation and emergency planning efforts:</b> On a big picture level, climate change and environmental justice appear to be mentioned as an afterthought at the end of the document. In order to <b>prioritize climate change</b>, we recommend bringing the sea level rise and climate impacts sections up highway and fully integrating them into other elements. Furthermore, carbon sequestration does not appear to be mentioned and can be a critical ghg reduction tool and blue carbon sequestration in particular could be an effective way to utilize shorelines and marshes.</p>	C-5
<ul style="list-style-type: none"> <li>• There should be discussion of plans to analyze and mitigate developments impacts to groundwater quality.</li> </ul>	C-6
<ul style="list-style-type: none"> <li>• The General Plan mentions the 100- and 500-year floodplain but does not account for sea level rise plus floods and groundwater flooding. More details are required here on mitigation programs.</li> </ul>	C-7
<p><b>Public Protection and Disaster Planning:</b> The General Plan states that disaster planning is conducted on a countywide scale (8-16). That is not a reasonable disaster plan. Oakley needs to have a more substantial disaster plan and identify resilience hubs that can be deployed in the event of a smoke, wildfire, flood or earthquake event.</p>	C-8
<p><b>Design healthy resilient neighborhoods that have the tools to protect communities from a multitude of climate hazards:</b> Ensure you are using consistent sea level rise numbers and build beyond the FEMA minimum. This is a long term visioning document and sea level rise numbers will only increase. We urge you to build to a higher standard now in order to protect your community and your financial assets in the future. Protect and restore marshlands that can act as buffers for sea level rise and future flooding events.</p>	C-9
<p><b>Community Vision:</b> Climate change and environmental justice need to be front and center in this document. They should be stated in the community vision statement (page 1-5) and be a principle foundation (1-6).</p>	C-10
<p><b>Require implementation of a Climate Action and Resiliency Plan:</b> this must include a baseline greenhouse gas (GHG) emissions inventory for both community wide and city operations, that is reviewed and adjusted on an annual basis to ensure GHG reduction goals are met or exceeded.</p>	C-11
<p><b>Connect open space to protect wildlife and ecosystem:</b> There needs to be more focused policies on protecting valuable open space from sprawl, creating buffers for wildfire and open space protection from climate impacts. Given the impacts of climate change and loss of biodiversity, we need to create more wildlife corridors and opportunities for carbon sequestration and preservation of valuable natural and working lands.</p>	C-12
<p><b>Ensure accountability to the goals and priorities laid out in the General Plan:</b> Add a section to all staff reports that reviews impact on sustainability, resiliency, and equity; as well as fiscal impact. Mandate annual reporting on general plan progress be posted on the front page of the city website with a clear dashboard that indicates progress on implementation plans. And clear visuals of how the city is meeting its greenhouse gas reduction goals. Provide for systematic reviews of General Plan progress and associated metrics that are transparent, engage the community, and demonstrate measurable equitable outcomes consistent with the Plan's intent.</p>	C-13
<p><b>Set goals: Example, 2.10.7. By X year</b> Require the planting of street trees throughout the City to define and enhance the character of the street and the adjacent development.  <b>OR Plant X number of street trees (~25% increase) in the sidewalk tree wells to complete the street tree network by 2040</b></p>	

Please see **Attachment A** for a more detailed description of specific policy changes and suggestions. We look forward to continuing to work with you to make Oakley more sustainable and resilient and hope that the upcoming Housing Element offers more opportunities for engagement than the General Plan update did.

C-14

Regards,

**Zoe Siegel**  
Greenbelt Alliance

**Elsa Santiago**  
Oakley Residents United

**Lynda Deschambault**  
Contra Costa Climate Leaders

**Liz Elias**  
Delta Democrats of Contra Costa, Oakley  
Residents United

**Paul Seger**  
Sierra Club, Delta Democrats of Contra Costa

**Gaynell Caston-Braxton**  
Delta Democrats of Contra Costa

**Shelly Fitzgerald**  
Oakley Residents United

**Leslie McKinnon**  
Lifetime Oakley Resident

**Rob and Julie Fierros**  
Oakley Residents

**Randi Adler**  
Oakley Residents United

**Conan Moats**  
Oakley Residents United

**Wietske Medeme**  
Sierra Club and Bay Area Green New Deal  
Alliance

**Jaime Zesati**  
Delta Democrats of Contra Costa

**Lu Kovalick**  
Sierra Club and Delta Democrats of Contra  
Costa

**Appendix A: Oakley Specific Policy Comments**

In order for Oakley city to adapt and thrive in the face of the climate crisis, the General Plan needs to set goals that are not just incremental, but ambitious and transformative. In addition to the [original 2020 letter](#) from 15+ Contra Costa Environmental advocacy organizations below are specific policy recommendations from this draft. C-15

**Red** = additions to existing policies  
**Green** = new suggested policies and actions

**Section 2.1 General Land Use**

2.1.1. Maintain an adequate supply of **flood and liquefaction safe** land to support projected housing, employment, service, retail, recreational, educational, and institutional needs for the community. C-16

**Policy recommendations**

**Implementing Action:** Integrate urban greening into planned and future city infrastructure projects, including road improvements, parks, and private development. C-17

**Goal 2.2 Residential**

2.2.10. Locate residences away from areas of excessive noise, **flood risk** smoke, dust, odor, and lighting, and ensure that adequate provisions, including buffers or transitional uses, are made to ensure the health and well-being of existing and future residents. C-18

**Policy:** Prepare current and future developments for climate impacts.

**Suggested implementing Actions:**

- Development Standards. Review development standards to ensure that new developments and substantial remodels in at-risk areas incorporate low-impact, resilient, infrastructure and are protected from potential impacts of flooding from sea level rise and significant storm events.
  - Real estate disclosure Require sellers of real estate to disclose permit conditions related to coastal hazards, or property defects or vulnerabilities, including information about known current and potential future vulnerabilities to sea level rise, to prospective buyers prior to closing escrow.
  - Require and incentivize green infrastructure in future developments and when possible, use green infrastructure as a preferred alternative
  - Implement improvements to move or protect critical public assets threatened by sea-level rise or rising groundwater.
- C-19

**Goal 2.4 Industrial**

2.4.2. Ensure there is adequate land available to accommodate desired industrial development. This includes light industrial and utility energy uses in appropriate locations, and excludes heavy industrial uses.

**Implementation Program: Ensure the desired industrial development does not put adjacent communities at greater health risk.**

C-20

**Goal 2.6 Open Space and Recreation**

2.6.9. Prohibit development on lands designated by FEMA as flood-prone until a risk assessment and other technical studies have been prepared and have shown that the risk is acceptable. **Please explain how risk will be determined acceptable.**

C-21

**GOAL 2.9 Project Design/Design Excellence**

**Suggested Implementation Action:**

- By X year, City departments should develop their own policies and procedures for capital projects to assess carbon sequestration opportunities, prioritize biodiversity and green infrastructure, and maximize local native plants.
- Adopt a comprehensive and multi-departmental strategy to integrate greening into new city project planning and development.
- Support the implementation of forest management practices that protect existing carbon stocks by reducing the risk of catastrophic wildfire, while sequestering more carbon by growing large, mature trees and moving surplus biomass to the soil carbon pool via mulching in place, prescribed fire, conservation burns and off site uses, including compost and mulch production.

C-22

**GOAL 2.10 Corridors Pathways Streetscapes Edges**

**Suggested policy:**

Develop policies and procedures to assess carbon sequestration opportunities, prioritize biodiversity and green infrastructure, and maximize local native plants.

C-23

**Suggested Implementing Actions**

- Support the implementation of forest management practices that protect existing carbon stocks by reducing the risk of catastrophic wildfire, while sequestering

<p>more carbon by growing large, mature trees and moving surplus biomass to the soil carbon pool via mulching in place, prescribed fire, conservation burns and off site uses, including compost and mulch production.</p> <ul style="list-style-type: none"> <li>● By X year, pilot appropriate carbon sequestration techniques as part of ongoing ecological restoration of degraded habitats</li> <li>● Require new development to manage stormwater runoff through implementation and maintenance of green infrastructure</li> </ul>	C-23 (con't)
<p><b>Goal 3.6: Regional Coordination</b>          3.6.2. Work with other agencies to address multi-jurisdictional issues affecting Oakley, <b>including sea level rise planning and regional habitat connectivity.</b></p>	C-24
<p><b>Goal 4.1 Growth Control</b>  <b>Policy:</b> Reduce or prohibit development in the most hazardous areas. Hazards and climate impacts to consider are earthquake liquefaction, flooding (riverine and sea level rise), groundwater infiltration, landslide, and wildfire. This strategy can also expand to create beneficial uses, such as open space, flood mitigation and recreation, for non-developable high hazard lands.  <b>Suggested Implementing Actions:</b></p> <ul style="list-style-type: none"> <li>● Require new development to plan for and protect against 42 inch 100-year storm events plus an additional 36 inches of sea-level rise. Ensure that the design of future developments incorporate flood protection measures to protect improvements from a 100-year storm event and anticipated sea level rise.</li> <li>● Restrict or limit construction of new development in zones or overlay areas that have been identified or designated as hazardous areas to avoid or minimize impacts to coastal resources and property from sea level rise impacts.</li> </ul>	C-25
<p><b>Goal 4.3 Community Building</b>          Suggestion: Incorporate resilience hubs into community facilities to prepare communities for impending climate disruption.</p>	C-26
<p><b>Goal 4.4 Fire Protection and Emergency services</b>  <b>Suggested Implementing Actions</b>          Design new development to minimize fire hazards. Densities, land uses, and site plans should reflect the level of wildfire risk and evacuation capacity at a given location.</p>	C-27



**Suggested policy** Prioritize increasing greenbelts as strategic locations for wildfire defense through policy and planning

**Suggested Implementing Actions**

- Identify existing greenbelts and the best locations for new greenbelts for wildfire defense and risk reduction. Incorporate these locations into comprehensive wildfire planning at regional, county, city, and community levels and in all Municipal Service Reviews.
- Establish Best Management Practices for natural and working lands by habitat types to return beneficial wildfire regimes, managing natural and working lands in ways that are sensitive to native habitats while increasing urban greening and carbon sequestration to the greatest extent feasible.

C-28

**Goal 4.10 Drainage Facilities**

**4.10.3.** Recognize the unique flooding constraints of the areas north and east of the Contra Costa Canal. **Question:** How will you recognize this? What does recognize mean?

C-29

**Suggested Policy:**

Proactively pursue nature-based and science-based planning and implementation adaptation and mitigation strategies for sea level rise, groundwater rise, and land subsidence.

**Suggested Implementing Actions**

- Encourage innovative green (nature-based) shoreline protection measures where most practical and feasible, such as wave attenuation projects, natural reef development areas, and ecologically friendly measures to combat sea level rise.
- Consider and prepare for the impacts of rising groundwater levels on private and public property. Develop a model of groundwater levels across the city, either by expanding and adopting regional groundwater models or creating a new model with more locally specific data. Model the impact of sea level rise and drought on groundwater and project groundwater elevations and salinity at mid- and end-of-century levels.

C-29

**6.6 Open Space Resources**

**Suggested Implementing Actions**

- Require sustainable landscaping practices and a rating system (such as the Bay-Friendly Rated Landscape Program from ReScape California) for new landscapes built within the jurisdiction.
- Reduce barriers to encourage Williamson Act use in high hazard areas. Streamline provisions within the community's zoning ordinance, including

C-30

fees and internal routing for application approvals, to reduce barriers to use of the Williamson Act for preservation of agricultural lands and/or open space. This can aid in carbon sequestration, protection of food supply, inland floodplain protection, or sensitive habitats to offset costs and provide additional land to mitigate climate change impacts.

- The Williamson Act encourages the preservation of land for open space, forestry and agricultural operations through an easement and reassessment of the property.

C-31

**8.2 Flood Hazards**

**Suggested Implementing Actions**

- Require new development to plan for and protect against 42 inch 100-year storm events plus an additional 36 inches of sea-level rise. Ensure that the design of future developments incorporate flood protection measures to protect improvements from a 100-year storm event and anticipated sea level rise. Encourage innovative green (nature-based) shoreline protection measures where most practical and feasible, such as wave attenuation projects, natural reef development areas, and ecologically friendly measures to combat sea level rise.
- Wetlands Reversion - Develop an inventory of the city's drainage system and assess for potential wetlands reversion to adapt to sea level rise.
- Develop a program to work with public and private landowners to decrease the risk of flooding by advancing watershed management projects that reduce and/or store runoff during rainfall events, including the installation of green infrastructure and Low Impact Development (LID) practices, and improve the condition in the floodplain, for example through floodplain restoration or improvement.
- Establish a City ordinance requiring that project proponents explore the potential for nature-based adaptation measures before considering hardened structures, which can direct wave energy onto adjacent shorelines and exacerbate erosion. Require incorporation of ecologically friendly features along seawalls and hardened shorelines (when possible) and where shoreline hardening exists or is planned, including public access for people walking or bicycling on seawalls or levees.

C-32

**Policy:** Support ongoing studies and monitoring of groundwater rise and subsidence. There is a strong need for additional data and monitor of groundwater rise, subsidence and water tables.

C-33

**Implementing Actions:**

Complete a geologic and/or hydrographic study that describes how the unique ground subsidence and liquefaction issues will interact with sea level rise. The study should include recommendations and implementation measures. Obtain subsidence data that will be used to inform a subsidence mitigation and adaptation study.

C-33 (cont.)

**Goal: Advance jurisdiction wide collaboration to continually refine nature-based climate solutions that sequester carbon, restore ecosystems, mitigate flooding and conserve biodiversity.**

**Policy:** Develop policies and procedures to assess carbon sequestration opportunities, prioritize biodiversity and green infrastructure, and maximize local native plants.

C-34

**Implementing Actions:**

- By X year, City departments should develop their own policies and procedures for capital projects to assess carbon sequestration opportunities, prioritize biodiversity and green infrastructure, and maximize local native plants.
- By X year, develop best practices guidelines for improving or maintaining carbon sequestration and retention, while preserving biodiversity and ecosystem services, in the soil, plants, and natural habitats.
- By X year, complete a watershed carbon case study and quantify the value of carbon storage provided by protecting this natural area.

### Greenbelt Alliance, Contra Costa County Climate Leaders, Sierra Club, The Delta Dems, Et al. (Letter C)

**Response to Comment C-1:** The Greenbelt Alliance Et al. (Greenbelt Alliance) commented on the environmental documentation prepared for the FGPU, community outreach efforts, and the contents of the FGPU, including an attachment with recommended changes to FGPU goals, policies, and programs. The comments are addressed in the following responses, with Response to Comments C-2 and C-3 addressing specific comments related to the environmental documentation.

**Response to Comment C-2:** The commenter indicates that the addition of environmental justice and climate change requirements EIR evaluate the application of environmental justice and climate change and adaptation requirements and cumulative impacts to water, sewer, stormwater, etc. need to be taken into account via an EIR rather than the proposed negative declaration. The commenter indicates their belief that a negative declaration is not sufficient for the substantial changes being made. The commenter also indicates that performing the EIR will allow the City to lead by example with robust and interactive participation. See Response to Comment A-2 related to the environmental justice and climate change and adaptation requirements and cumulative impacts to water, sewer, stormwater. See Response to Comment C-3 related to opportunities for community input and participation.

The commenter also indicates that with a RHNA (regional housing needs allocation) of 1,058, this new growth will likely require a rezoning program in order for HCD (the State Housing and Community Development Department) to certify it which would likely require another update to the General Plan and EIR. This comment is noted. The FGPU focuses on revisions to the General Plan to address requirements of State law related to environmental justice, circulation, and climate adaptation. Housing Element requirements, including the RHNA, will be addressed in a separate update to the Housing Element following adoption of the RHNA and based on the State's adoption schedule for Housing Elements.

**Response to Comment C-3:** The commenter indicates that the FGPU states that "Oakley General Plan was developed with extensive community input and reflects the community's vision for Oakley." and concludes that the City's definition of extensive includes two workshops and a survey, indicating this is unacceptable. The commenter indicates that more outreach is needed to the community about the General Plan and more time to review the General Plan and EIR. The commenter refers to their engagement letter to the City Council, sent in September 2021.

The General Plan reflects community engagement that occurred during the development of the General Plan, from roughly 2000 through 2002, and community engagement for the FGPU. During development of the General Plan, 26 public meetings were held, including public workshops, City Council/Planning Commission working sessions, Planning Commission hearings, and City Council hearings, from 2000 through 2002 to form the vision for the General Plan, identify issues to be addressed and goals, policies, and programs, consider land use map alternatives, and develop the Oakley General Plan. During development of the General Plan from 2000 through 2002, community input was used to develop the Land Use Map and Land Use Designation.

The FGPU included two Visioning Workshops in 2019, a community survey, a series of four study sessions with the City Council in 2019 and 2020, a 40-day period for public review of the FGPU and Initial Study in 2021, and a public hearing for adoption in early 2022. Given the focused nature of the FGPU, the City considers the workshops, survey, study sessions, public review period, and public hearing to have provided the community with extensive opportunities for input. It is noted that the FGPU continues to implement the broad vision and goals of the General Plan as adopted in 2002 and does not include significant modifications to land use designations or the Land Use Map, does not change locations identified for urbanization, and would not increase the density or intensity of land uses.

Accuracy of Data in Draft FGPU

**Response to Comment C-4-** The commenter recommends use of 2020 Census data. See Response to Comment A-4.

Climate Adaptation and Emergency Planning in Draft FGPU

**Response to Comment C-5:** The commenter recommends that in order to prioritize climate change, that the sea level rise and climate impact sections are brought up highway, which appears to mean identified earlier in the document, and fully integrating them into other elements. Goal 6.2 and associated policies and actions of the Open Space and Conservation Element addresses reductions in greenhouse gas emissions related to climate resiliency. Goal 8.5 of the Community Health and Safety Element addresses reducing risks through climate adaptation strategies. While no changes are proposed to the organization of the Draft FGPU, this comment is noted for the decision-makers’ consideration. The commenter also indicates that carbon sequestration is not mentioned and that carbon sequestration can be a critical greenhouse gas reduction tool and blue carbon sequestration could be an effective way to utilize shoreline and marshes. Policy 6.2.9 has been revised to include carbon sequestration as a potential approach to reduce greenhouse gas emissions. Policy 8.5.2 has been revised to address the role of the coastal ecosystem in providing for carbon sequestration.

**Response to Comment C-6:** The commenter recommends a discussion of plans to analyze and mitigate development impacts to groundwater quality. See Response to Comment A-8.

**Response to Comment C-7:** The commenter indicates that the General Plan mentions the 100-year and 500-year floodplain, but does not account for sea level rise plus floods and groundwater flooding, noting that more details are required on mitigation programs. See Response to Comment A-15.

**Response to Comment C-8:** The commenter indicates that disaster planning conducted on a countywide scale, as stated in the General Plan, is not a reasonable disaster plan and that Oakley needs to have a more substantial disaster plan, including resilience hubs that can be deployed in the event of identified disaster types. The FGPU addresses the requirements associated with safety and hazards identified in State law, including protection from any unreasonable risks associated with the effects of seismic hazards, including surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; geologic hazards including slope instability leading to mudslides and landslides; subsidence; liquefaction; flooding; and wildland and urban fires. As part of the FGPU effort, the FGPU provides more detailed maps that the current General Plan in order to better identify the location and extent of potential hazards.

The Countywide disaster-planning efforts includes the Contra Costa County Local Hazard Mitigation Plan (LHMP) prepared in 2018 which identifies risks associated with various types of hazards and disasters at the regional and local scale, identifying the potential for critical facilities and infrastructure and the population and/or buildings in Oakley to be affected under a range of hazards-related scenarios, including dam failure, earthquake, 10-year/100-year/500-year flood, landslide, and wildfire. The Community Health and Safety Element has been revised to include additional information related to the LHMP, including information specific to Oakley, on page 8-12 and to ensure Oakley participates in future updates to the LHMP (see Programs 8.4.G and 8.4.H). In addition to regional planning efforts, the City of Oakley has an Emergency Operations Plan (EOP) that addresses the City’s emergency operations procedures in the event of natural hazards, such as earthquakes, floods, levee breaks, wildland fires, and extreme weather, and technological/man-made hazards, including hazardous materials release, major vehicle accident, train accident, airplane crash, civil disturbance, and terrorism. The Community Health and Safety Element has been revised to include additional information related to the EOP on pages 8-13 and 8-14 and to ensure that future updates to the EOP address hazards associated with climate change and adaptation (see Programs 8.4.H and 8.4.I).

**Response to Comment C-9:** The commenter indicates that consistent sea level rise numbers be used and that the City build beyond the FEMA minimum, indicating this is a long-term visioning document and sea level rise numbers

will only increase. The commenter is referred to Goal 8.5 and associated policies and programs, which exceed FEMA requirements by ensuring that development addresses projected sea level rise, including projected 100-year flood events. These projected scenarios exceed the current 100-year floodplain, which must be addressed under FEMA requirements.

**Response to Comment C-10:** The commenter indicates that climate change and environmental justice need to be front and center and that they should be stated in the community vision statement on page 1-5 and be a principle foundation on page 1-6. The community vision statement reflects the community input received when the General Plan was originally developed in the early 2000s and the Community Vision Principles were prepared to reflect the input from the community provided as part of the additional community visioning conducted for the FGPU in 2019. This comment is noted for the decision-makers consideration.

**Response to Comment C-11:** The commenter indicates that a Climate Action and Resiliency Plan must be implemented, including a baseline greenhouse gas emissions inventory. The commenter is referred to program 6.2.B which has been revised to require a Climate Action Plan to be adopted and implemented by 2025 and to Program 6.2.C which requires the Oakley Community-Wide and Local Government Operations GHG Emissions Inventory to be updated by 2025 and regularly thereafter.

**Response to Comment C-12:** The commenter indicates there need to be more focused policies on protecting valuable open space from sprawl and creating buffers for wildfire and open space protection from climate impact, indicating the need for more wildlife corridors, opportunities for carbon sequestration, and preservation of valuable natural and working lands. It is noted that the FGPU focuses on addressing climate adaptation, environmental justice, and updating the General Plan to remove outdated or incorrect information and does not include a re-envisioning of the land use map nor changes to the location or extent of land planned for urbanization or protection. However, Goal 6.3 and associated policies and programs provide for preservation of important ecological and biological resources, including open space, preservation of contiguous portions of important wildlife habitats, and preservation and expansion of natural features, including stream corridors, wetlands, sensitive habitats, and open space. Program 6.3.G has been revised to address opportunities to create contiguous open space corridors. Policy 8.5.2 and 8.5.F have been revised to include protection and enhancement of open space and natural areas related to restoration and capacity building projects to address sea level rise and provide for carbon sequestration. See also Response to Comment C-5 related to carbon sequestration.

**Response to Comment C-13:** The commenter indicates that accountability for the goals and priorities laid out in the General Plan and annual reporting of the City's General Plan implementation needs to occur, and visuals should be provided associated with greenhouse gas reduction goals. The commenter provides an example of how specific timelines can be added to implementation programs. Goal 1 and associated policies and programs have been added to the Introduction and Implementation Element of the General Plan to address timing, reporting, and transparency related to General Plan implementation. Goal 1 and associated policies and programs and been added to the Introduction and Implementation Chapter of the General Plan to ensure that General Plan implementation is monitored with annual progress reports made available to the public and decision-makers. This comment, including the recommendations regarding greenhouse reduction reporting and recommendation for a dashboard on the City's website to provide an overview of General Plan progress, is noted for the decision-makers consideration.

**Response to Comment C-14:** The commenter refers to Attachment A regarding more detailed policy changes and suggestions and provides closing remarks. The recommendations in Attachment A are addressed in Responses to Comments C-15 through C-34.

**Response to Comment C-15:** The commenter indicates that the General Plan needs to set goals that are not just incremental, but ambitious and transformative, in order for Oakley to adapt and thrive in the climate crisis. The commenter indicates that in addition to the comments from their original 2020 letter specific policy

recommendations are made based on this draft [of the FGPU]. The commenter’s 2020 recommendations were reviewed when preparing the Draft FGPU. The additional recommendations made based on the Draft FGPU are addressed in Responses to Comments C-16 through C-33 below.

**Response to Comment C-16:** The commenter recommends that Policy 2.1.1 be revised to specify “flood and liquefaction safe” land related to maintaining an adequate supply of land to support housing, employment, and other needs of the community. Recognizing that flood, liquefaction, and other hazards are addressed on a project-by-project basis as well as through siting land uses, the Community Health and Safety Element provides policies to ensure that the community, including future development of housing, employment, educational, and other uses is protected from flooding (see Goals 8.2 and 8.5 and implementing policies and programs) and liquefaction (see Goal 8.1 and implementing policies and programs).

**Response to Comment C-17:** The commenter recommends that the City include a policy to integrate urban greening into planned and future city infrastructure projects, including road improvements, parks, and private development. Policy 2.8.C is added to the Land Use Element to ensure that landscaping, including trees and landscaped areas, is integrated into planned and future city infrastructure projects and into private development projects.

**Response to Comment C-18:** The commenter recommends that “flood risk” be added to the identified issues of concern that residences should be located away from. Recognizing that flood, liquefaction, and other hazards are addressed on a project-by-project basis as well as through siting land uses, the Community Health and Safety Element provides policies to ensure that the community, including housing, is protected from flooding (see Goals 8.2 and 8.5 and implementing policies and programs).

**Response to Comment C-19:** The commenter recommends that a policy be added to prepare current and future developments for climate impacts, as well as a list of implementing actions to review development standards to address flooding from sea level rise and significant storm events, to provide real estate disclosures related to sea level rise, to implement green infrastructure in future developments, and to implement improvements to move or protect critical public assets threatened by sea-level rise or rising groundwater. Policy 8.5.D has been revised to provide more detail regarding approaches to address sea level rise effects on new development. Policy 8.5.E has been added to update the City’s development standards to address the effect of sea level rise if a scenario for sea level rise is established by the State, BCDC, FEMA, or similar agency for planning and development purposes. Policy 8.5.5 addresses ensuring essential facilities and infrastructure in areas anticipated to be affected by sea level rise remain accessible and undamaged. No changes were made related to real estate disclosures.

**Response to Comment C-20:** The commenter recommends that an implementation program that ensures the desired industrial development does not put adjacent communities at greater health risk be provided in relation to Program 2.4.B has been revised to require industrial development projects to be reviewed for adverse impacts to adjacent communities and to require that adverse impacts be reduced or mitigated. Program 8.7.A provides additional protection for disadvantaged communities by requiring all development proposals, planning project, and infrastructure projects be reviewed to ensure that potential adverse impacts to disadvantaged communities are identified and reduced and that measures to improve quality of life are included in projects.

**Response to Comment C-21:** The commenter asks, in relation to Policy 2.6.9, how risk will be determined acceptable. Policy 2.6.9 is revised to provide explanation of how risk will be acceptable (e.g., the project is located outside of the 100-year flood zone or includes measures to ensure that development would be accessible during flood events and that structures are designed to be outside of the 100-year flood area or to withstand flood events). It is noted that the Goal 8.2 and associated policies and actions provide additional detail regarding the approach to addressing flood hazards

**Response to Comment C-22:** The commenter recommends implementation actions for Goal 2.9, Project Design/Design Excellence, including that City departments develop their own policies and procedures for capital

projects to assess carbon sequestration opportunities, prioritize biodiversity and green infrastructure, and maximize local native plants; adopt a comprehensive and multi-department strategy to integrate greening into new city project planning and development; and to support the implementation of forest management practices. The suggestions are noted for decision-maker consideration. It is noted that the City does not have significant forested areas or areas associated with high or very high fire hazard severity zones.

**Response to Comment C-23:** The commenter recommends, in relation to Goal 2.10, that a policy be added to assess carbon sequestration opportunities, prioritize biodiversity and green infrastructure, and maximize local native plants and that implementing actions be added to support the implementation of forest management practices, pilot appropriate carbon sequestration techniques as part of ongoing ecological restoration of degraded habitats, and requiring new development to manage stormwater runoff through implementation and maintenance of green infrastructure. Policy 2.10.B has been added to incorporate natural features and native plants to support biodiversity and carbon sequestration when designing and maintaining corridors, pathways, streetscapes, and edges. Goal 6.3 and associated policies and programs encourage the preservation of the important ecological and biological resources and include revisions to Policies 6.3.1 and 6.3.2 to support biodiversity, carbon sequestration, and use of native plants. Program 4.10.I has been added to review and update the Stormwater Management and Discharge Control Ordinance to reflect the most recent federal and State standards, including best management practices related to use of low impact development and green infrastructure techniques. It is noted that the City does not have significant forested areas or areas associated with high or very high fire hazard severity zones.

**Response to Comment C-24:** The commenter recommends that Policy 3.6.2 be revised to include sea level rise planning and regional habitat connectivity as multi-jurisdictional issues to be addressed. Policy 3.6.2 is intended to address issues related to circulation. Program 6.3.D has been revised to include regional habitat connectivity as an issue to be addressed in participation with regional, state, and federal agencies and Program 8.5.G monitors regional, state, and federal efforts related to adapting to climate change in order to identify opportunities for participation.

**Response to Comment C-25:** The commenter recommends that Goal 4.1 be revised to reduce or prohibit development in the most hazardous areas and suggests implementing actions to require new development to plan for and protect against 42-inch 100-year storm events plus an additional 36 inches of sea-level rise and to restrict or limit construction of new development in hazardous areas. The Growth Management Element is an optional element that has been prepared to specifically address the Contra Costa Transportation Authority Growth Management Program. The Community Health and Safety Element addresses hazards, including seismic hazards, liquefaction, flooding (including flooding associated with sea level rise), landslide, and wildfire. This comment is noted for decision-maker consideration.

**Response to Comment C-26:** The commenter recommends that the City incorporate resilience hubs (community institutions that educate residents about preparedness and impacts of climate change) into community facilities to prepare communities for impending climate disruption. Policy 8.4.1 addresses public education related to local and regional disaster and emergency response planning and has been revised to include collaboration and sharing of resources with community institutions and Program 8.4.E has been revised to include climate preparedness in relation to encouraging schools, neighborhood associations, and other interested groups in educating the public about first aid and disaster preparedness.

**Response to Comment C-27:** The commenter recommends, in relation to Goal 4.4, that an implementing action be included to design new development to minimize fire hazards and that densities, land uses, and site plans should reflect the level of wildfire risk and evacuation capacity at a given location. Oakley is not located within a very high fire hazard severity zone. Program 4.4.E ensures that fire safety and control features are included in building and development plans. This comment is noted for decision-maker consideration.



**Response to Comment C-28:** The commenter recommends prioritizing increasing greenbelts as strategic locations for wildfire defense and identifies implementing actions. Oakley is not located within a very high or high fire hazard severity zone. This comment is noted for decision-maker consideration.

**Response to Comment C-29:** The commenter asks, in relation to Policy 4.10.3, how the City will recognize the unique flooding constraints on the areas north and east of the Contra Costa Canal and what recognize means. Recognize means that the City acknowledges the existence of flooding issues in this area. This policy is from the adopted General Plan. The City has worked cooperatively with Contra Costa Water District and their partner agencies on their ongoing undergrounding projects to protect the Contra Costa Canal and adjacent lands from potential flooding. Policy 4.10.3 is revised to clarify that the City will work cooperatively with Contra Costa Water District to address potential issues associated with the Contra Costa Canal, including flooding, water quality, and drainage.

**Response to Comment C-30:** The commenter suggest a policy to proactively pursue nature-based and science-based planning and implementation adaption and mitigation strategies for seal level rise, groundwater rise, and land subsidence and suggests implementing actions to encourage green (nature-based) shoreline protection measures to combat seal level rise and to consider and prepare for the impacts of rising groundwater levels, including developing a model of groundwater levels across the City and modeling the impact of sea level rise and drought on groundwater. The City's approach to addressing climate adaptation, including sea level rise, is addressed under Goal 8.5 and associated policies and programs. Policy 8.5.1 has been revised to reference State and regional modeling efforts as well as science-based data in preparing for and adapting to anticipated seal level rise and fluctuations and changes in weather conditions and Policy 8.5.2 includes nature-based approaches in adapting to sea level rise. Policy 8.5.1 will encourage Diablo Water District, as the local Sustainable Groundwater Agency, to monitor groundwater levels, identify potential effects on groundwater quality due to sea level rise and drought, and to provide this information to the City and for the next update to the Contra Costa County Local Hazard Mitigation Plan.

**Response to Comment C-31:** The commenter recommends, in relation to Goal 6.6., that the City include actions to require sustainable landscaping practices and a rating system and to reduce barriers to encourage Williamson Act use in high hazard areas. These suggestions are noted for decision-maker consideration.

**Response to Comment C-32:** The commenter recommends, in relation to Goal 8.2, that the City require new development to plan for and protect against 42-inch 100-year storm events plus an additional 36 inches of sea level rise, develop an inventory of the City's drainage system and assess for potential wetland revision, advance watershed management projects that reduce and/or store runoff during rainfall events, and require project proponents to explore the potential for nature-based adaptation measures before considering hardened structures.

**Response to Comment C-33:** The commenter recommends that the City support ongoing studies and monitoring of groundwater rise and subsidence, including completion of a geologic and/or hydrographic study that describes, and includes recommendations to address, how subsidence and liquefaction issues interact with sea level rise. Program 8.5.1 is added to encourage Diablo Water District, as the local Sustainable Groundwater Agency to monitor groundwater levels, identify potential effects to groundwater levels, water quality, subsidence, and liquefaction, due to sea level rise and drought, and recommendations to address the effects of changing groundwater levels and provide this information to the City and for the next update to the Contra Costa County Local Hazard Mitigation Plan.

**Response to Comment C-34:** The commenter recommends the City adopt a goal to advance jurisdiction-wide collaboration to continually refine nature-based climate solutions that sequester carbon, restore ecosystems, mitigate flooding, and conserve biodiversity, and provides supporting policies and programs, including efforts to assess carbon sequestration, best practices for improving or maintaining carbon sequestration, and completing a

watershed carbon case study and quantifying the value of carbon storage provided by protecting this natural area. While the Draft FGPU does not use the same language identified by the commenter, it includes a goal to minimize risks to life, property, the economy, and the environment through climate adaptation strategies that enhance and promote Oakley's community resiliency. The Draft FGPU has been revised to recognize the role of the ecosystem, consider State and regional modeling efforts, and science-based data in preparing for and adapting to climate change, to provide for and encourage carbon sequestration, and support biodiversity. These suggestions, particularly related to developing methods to assess carbon sequestration, developing best practices related to carbon sequestration, and completing a watershed carbon case study, are noted for decision-maker consideration.

Letter D



Oakley City Hall  
 Attn: Kenneth Strelo,  
 Principal Planner City of Oakley  
 Planning Division  
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 CA 94561  
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 Email: strelo@ci.oakley.ca.us

**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.

D-1

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.

D-2

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.

D-3

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.

D-4

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

D-5

**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

D-6

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.

D-6 (con't)

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.

D-7

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.

D-8

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.

D-9

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.

D-10

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.**

D-11

- 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.

D-12

- 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.

D-13

- 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.

D-14

- 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.

D-15

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.**

D-16

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

D-17

<p>neighborhoods has not been addressed. <b>Therefore, the Hazards and Hazardous Materials section has not been adequately addressed in the Focused General Plan Update.</b> Third reason for a Program or full EIR.</p>	<p>D-17 (con't)</p>
<p>ENVIRONMENTAL JUSTICE WHITE PAPER:</p> <ul style="list-style-type: none"> <li>• Replace "may" with "shall": (p22; p26/68) "The following policies <del>may</del><b>shall</b> be used to address environmental justice concerns in Oakley" <ul style="list-style-type: none"> <li>• The purpose of the Environmental Justice Element is declared on page 6:</li> <li>• "Based [on] Government Code Section 65302, as amended by SB 1000, the General Plan's Environmental Justice Element or integrated environmental justice policies <b>must seek to reduce</b> 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."</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> </li> </ul>	<p>D-18</p>
<p><b>Additional Policy Comments</b>  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)</p>	<p>D-19</p>
<p>3.2.B Add <b>Require bicycle only lanes, use green striping on road and pole barriers to preclude drivers from using bike lanes.</b>  (IS pg.61)</p>	<p>D-20</p>
<p>3.3.1. ....Support right-of-way design and amenities <b>such as bus stops with a roof and enclosed on three sides</b> ----consistent will local...  (Initial Study pg. 59)</p>	<p>D-21</p>
<p>3.3.3 <b>Require</b> transit providers....( IS pg 59)</p>	<p>D-22</p>
<p>3.3.5 Add <b>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.</b>  (IS pg 59)</p>	<p>D-23</p>
<p>3.5.2 Design a roadway system.....results in safe speeds on city streets; <b>including the use of speed bumps where appropriate.</b>  (IS pg 59)</p>	<p>D-24</p>
<p>3.5.G Add <b>Consider Speed Bumps and other traffic calming measures in areas with high accident</b></p>	<p>D-25</p>

## RESPONSES TO COMMENTS

rates. (IS pg. 61)	D-25 (con't)
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. )	D-26
(M) <b>Require</b> energy efficiency measures in City operations and facilities and use of low carbon or clean fuels for city vehicle fleets. <b>Require clean fuels or roof solar panels for all existing and new city buses.</b> (IS pg. 59)	
6.2.4 Add-- <b>Incentivize roof top solar panels on city facilities and require rooftop solar panels on all new commercial and industrial buildings.</b> (IS pg.59)	D-27
6.2. A---point (A) <b>ADD Require identified polluters to reduce emissions/pollutants ( landfill, industrial companies, oil drilling,etc.)</b>	
point (B) <b>Increase</b> public transit stops	D-28
point (F) <b>Require and incentivize employer trip reduction programs,</b>	
point (I) Use of alternative or clean energy sources; <b>incentivize solar panels on built environments</b>	
<b>Add point (K) Reduce the use of small diesel engines citywide, especially landscaping equipment.</b> (IS pg. 61)	
8.4.2 Ensure that new critical facilities <b>are not placed in known flood zones</b> and are placed in areas that minimize...(IS pg.66)	D-29
8.4.3 <b>Incentivize</b> participation in Community Emergency Response Team....(IS pg. 66)	D-30
8.4.4 <b>Enlist volunteers to register residents</b> with the City ....(IS pg.66)	D-31
8.4.6 Clearly communicate.....in the event of a disaster or an emergency <b>with written materials in Spanish and English and use symbols as deemed appropriate.</b> (IS pg. 66)	D-32
ACTIONS (IS pg.66)	
8.3.C <b>ADD Inform neighborhoods near oil drilling of the impacts of oil drilling on health. Prohibit new residential development in areas with known hazardous materials.</b> (IS pg.66)	D-33
Add 8.5.F <b>Require flood insurance for all developments in flood zones and flood prone areas.</b> (IS pg. 66)	D-34
Policies	
4.8.11 Coordinate with DWD.....to identify, monitor... <b>ADD industrial areas, airport (PFAs) and area near oil drilling</b> .....and address ( IS pg.70)	D-35
8.2.2 Maintain and periodically update--- <b>at least every five years or sooner if needed</b> ---- City flood safety plans (IS pg. 70),	D-36
8.2.2 (continued) ...to demonstrate appropriate solutions, <b>acquire adequate flood insurance to cover potential damage or losses</b> or be denied. (IS pg 71)	D-37



<p>8.2.3 Project applicants shall demonstrate that project ....would not result in peak flow runoff to adjacent lands or drainage facilities... ( <i>How close is Oakely to capacity now during winter months?</i>) (IS pg. 71)</p>	<p>D-38</p>
<p>8.5.3 Develop flood control and prevention measures.....ADD <b>within the next five years or sooner.....</b> to protect the City....(IS pg. 71)</p>	<p>D-39</p>
<p>8.5.4 Change....Locate essential facilities and vital infrastructure...( IS pg. 71)</p>	<p>D-40</p>
<p>8.5.5.Where <b>current and future</b> essential facilities and infrastructure.....develop measures <b>within the next five years or sooner.....</b>(IS pg.71)</p>	<p>D-41</p>
<p>Policies Public Services</p>	
<p>2.6.7 Site new park ....higher density residential uses...ADD <b>and under served areas including the mobile park area first.</b> (IS p. 92)</p>	<p>D-42</p>
<p>7.1.1 Add <b>Parks should be built in each new residential area.</b> (IS pg. 82)</p>	<p>D-43</p>
<p>7.1.2 Add <b>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.</b> (IS pg. 82)</p>	<p>D-44</p>
<p><b>Delete top two bullet points on page 89....lead agency should NOT be able to revise estimates based on professional judgement</b> (IS pg. 89)</p>	<p>D-45</p>
<p>6.2.6 Encourage transportation modes.....vehicle use. ADD sentence <b>Require all buses to use clean fuels or roof solar panels in place of gasoline or diesel fuels.</b> (IS pg. 95)</p>	<p>D-46</p>
<p>Actions pg. 97</p>	
<p>6.2.A point B Incorporation of public transit stops...ADD <b>within walking distance with a minimum of a three sided enclosure and a roof.</b></p>	
<p>point C...Add <b>with bike only lanes, green stripping for such lanes and poles placed in street to prevent drivers from using lanes.</b></p>	<p>D-47</p>
<p>point F .<b>Require Employer trip reduction programs.</b> (ride sharing, carpooling, company buses)</p>	

### Sierra Club (Letter D)

**Response to Comment D-1:** The commenter, Sierra Club, provides introductory comments. The commenter indicates their letter addresses flaws and inadequacies associated with the Intent to Adopt a Negative Declaration and Initial Study and further indicates their belief the project requires an Environmental Impact Report. Specific comments related to the environmental analysis are addressed below in Responses to Comments D-2 through D-17.

**Response to Comment D-2:** The commenter states they feel 40 days is inadequate to investigate the background data and requests an extension of time to review and comment on the FGPU. The background materials prepared for the FGPU were presented to the City Council at study sessions in 2019 and 2020 and have been available on the City's website for review by the public following the initial publication and review of each item by the City Council. The California Environmental Quality Act requires a minimum of 30 days for the public review period for a proposed negative declaration or mitigated negative declaration (CEQA Guidelines Section 15073(b)). A specific time period is not established for public review of amendments to the General Plan. The City provided the Notice of Intent to Adopt a Negative Declaration (NOIND), Initial Study, and the Draft FGPU for a 40-day public review period, from August 11, 2021 through September 20, 2021, which exceeds the minimum required 30-day public review period for the NOI. This comment is noted for decision-maker consideration.

**Response to Comment D-3:** The commenter recommends that the General Plan Update be rescoped to include broad and detailed discussion around all elements/city projects within the General Plan, revised, and recirculated for public review. It is noted that the commenter refers to a 2040 General Plan. The FGPU is not a 2040 General Plan, but rather is a focused update to the Oakley General Plan. The FGPU project had a narrow scope of work that focused on updating the General Plan to address requirements of State law related to climate adaptation, environmental justice, and multi-modal transportation and was not intended to be a comprehensive update to the City's General Plan. This comment is noted for decision-maker consideration.

**Response to Comment D-4:** The commenter notes that BCDC (San Francisco Bay Conservation and Development Commission) is referenced on multiple occasions, considered an authority on a number of subjects by the City, and is not/was not included in the City's outside agencies and interested parties notification list inviting BCDC comment or recommendation. This comment is noted. BCDC is not a responsible or trustee agency for this project under the California Environmental Quality Act and was not included as no permits or approvals from BCDC are necessary. However, BCDC will be included in the notification list for future notices related to this project.

**Response to Comment D-5:** The commenter asks why all residents were not notified by mailer and questions how where notification was provided. CEQA Guidelines Section 15072(b) requires the City, as lead agency, to mail the NOI to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give notice of the NOI by at least one of the following procedures to allow the public the review period provided under Section 15105:

- (1) Publication at least one time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas.
- (2) Posting of notice by the lead agency on and off site in the area where the project is to be located.
- (3) Direct mailing to the owners and occupants of property contiguous to the project. Owners of such property shall be identified as shown on the latest equalized assessment roll.

The City posted the NOI on the City website and at Oakley City Hall, outside the gym at Delta Vista Middle School, and outside the library at Freedom High School.

**Response to Comment D-6:** The commenter indicates that with the introduction of new traffic from Antioch to the Laurel Road, there will be significant impacts to the City, including nearby gas stations, car washes, and access to

Brentwood and indicates that adding the housing included in the East Cypress Specific Plan introduce further and massive impacts to traffic, noise, and greenhouse gas (GHG) emissions by increased vehicle miles travelled (VMT) are not adequately addressed by the Initial Study and require a full environmental review. The Laurel Road extension was planned in the adopted Oakley 2020 General Plan. Laurel Road has been improved and extended beyond the City limits. The Laurel Road interchange became operational in February 2008 when the SR 4 Bypass opened. The FGPU project does not modify or change plans for Laurel Road. The East Cypress Corridor Specific Plan project was adopted in 2006; the FGPU does not modify or change the approved East Cypress Corridor Specific Plan project. Environmental effects associated with Laurel Road and the East Cypress Corridor Specific Plan are associated with previously approved projects and are not affected by the FGPU. No changes to the Initial Study are required to address this comment.

**Response to Comment D-7:** The commenter states that the FGPU policies that address GHG emissions are vague, generic, and lacking in specific detail and provide no clear commitment by the City to specific actions. The FGPU includes policies and programs that are mandatory and are required to be applied to all projects and actions of the City and the FGPU also includes policies and programs that serve as guidance or are permissive, recognizing that the FGPU is a long-term document, that agencies and organizations are involved that are outside of the City's jurisdiction, and that the City may require discretion in determining the appropriate action for future projects, given that the General Plan is a long-range planning document and specific details regarding future projects, future actions, and actions of outside agencies are either not available or under the City's control at the time of the FGPU preparation. This comment does not address the Initial Study, including the analysis of potential environmental impacts and the determinations of significance for environmental impacts. The commenter provides additional detail in subsequent comments and those specific instances are addressed in the subsequent Responses to Comments.

**Response to Comment D-8:** The commenter states that under existing conditions the residential VMT per capita is 26.76 and above significance thresholds, indicating that this should trigger a finding of potential significance. The threshold of significance is based on a 15% reduction to the City's existing residential and employment VMT rates ( $26.76 \times 85\% = 22.75$  residential VMT). As the threshold is based on a reduction in existing VMT, the threshold is, by definition, less than existing conditions. The potential significance of the project's impact is based on whether the project has the potential to exceed the threshold. It is noted that the FGPU project does not involve significant changes to the City's land use map and focuses on developing additional policies and actions to address climate adaptation, environmental justice, and mobility. However, with the shift from evaluating transportation impacts based on VMT rather than level of service, the Initial Study includes an assessment of existing VMT and VMT with development of uses allowed under the General Plan. No revisions to the Initial Study are warranted due to the threshold of significance and existing VMT levels.

The commenter also states that the Initial Study asserts that the reduction in VMT will occur due to modifications associated with the FGPU such as new development at higher intensities and expanding traffic access. The commenter states that higher densities do not necessarily reduce VMT per capita and new transit systems are not in place. The commenter states that an EIR is required to analyze differences in several buildout plans and transportation plans. The evaluation of VMT provided in Table 4 of the Initial Study identifies existing residential and employment VMT per capita. The cumulative plus project conditions includes development associated with buildout of the FGPU but does not include any reductions for increases in density, proximity to transit, or other measures included in the FGPU. The VMT analysis is based solely on the land use designations and associated growth. While FGPU policies and programs referenced under Response b) in Section XVII, Transportation, on page 90 of the Initial Study would serve to further reduce VMT, no reductions were taken for these policies and programs in the VMT modeling. Therefore, these policies and programs would provide for additional improvement beyond that shown in Table 4. No revisions to the Initial Study are warranted as no reductions to the modeling were made based on anticipated improvements to VMT associated with implementation of the policies and programs described on page 90 of the Initial Study.

**Response to Comment D-9:** The commenter references language in the Initial Study related to removing the use of Level of Service (LOS) standards and using VMT, based on the CEQA Guidelines. The commenter notes that the OPR Technical Advisory on Evaluating Transportation Impacts recommends VMT thresholds be set at 15% below the baseline VMT per capita or VMT per 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 LOS standards. The comment recommends that language in Program 3.1b be deleted, however, the commenter's edit in red appears to add language rather than delete language. As discussed in the Initial Study, the project would reduce VMT in comparison to existing conditions and would result in less than significant impacts based on the criteria recommended by the Governor's Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA. Programs 3.1.A and 3.1.B require projects to demonstrate that traffic levels of service and multi-modal performance standards will be maintained; these programs are not intended to address VMT pursuant to CEQA. For clarification, Programs 3.1.A and 3.1.B are combined. Program 3.1.E is added to the FGPU to require development, infrastructure, and other discretionary projects to be reviewed for VMT impacts, consistent with the requirements of CEQA and further requires that projects consider reasonable and feasible project modifications, such as increase density or diversification of uses, and other measures to reduce vehicle trips and trip length.

**Response to Comment D-10:** The commenter recommends that the City establish level of traffic stress (LTS) 2 for bicycle travel under Policies 3.1.4 and 3.1.10 in order to ensure the General Plan is compliant with the CEQA Guidelines for VMT reduction. As discussed under Response to Comment D-8, the VMT analysis for the FGPU did not assume any reductions in travel associated with the existing or proposed FGPU policies or programs, but based the analysis on the buildout of the land use map. Buildout of the land use map, including the revisions associated with the FGPU, would not result in VMT that exceeds the thresholds as discussed in Section XCII, Transportation, under Response b) in the Initial Study. Therefore, it is not necessary to demonstrate additional reductions to VMT. The recommendation to use LTS-2 for bicycle travel is noted for decision-maker consideration.

**Response to Comment D-11:** The commenter recommends that Program 3.1.A specify VMT reduction greater than 15% as a performance standard to be demonstrated prior to project approval. As described under Response to Comment D-9, Program 3.1.A is not intended to address VMT requirements pursuant to CEQA. As discussed under Response to Comment D-9, Program 3.1.E has been added to the FGPU to ensure that VMT impacts are addressed pursuant to CEQA.

**Response to Comment D-12:** The commenter recommends that Program 3.1.B be revised to specify VMT reductions greater than 15% as a standard for projects and to specify that mitigation measures should be applied to projects that would create significant VMT impacts. As described under Response to Comment D-9, Program 3.1.B is not intended to address VMT requirements pursuant to CEQA. As discussed under Response to Comment D-9, Programs 3.1.A and 3.1.B have been consolidated and Program 3.1.E has been added to the FGPU to ensure that VMT impacts are addressed pursuant to CEQA.

**Response to Comment D-13:** The commenter recommends that the City revise Policy 3.1.C to monitor VMT reductions on an annual basis community-wide and expand bi-annual monitoring to include bicycle LTS. As previously discussed, the Initial Study did not base analysis of VMT reductions on any additional reductions associated with implementation of FGPU policies and programs. Therefore, this policy and revisions thereto are not necessary to ensure that the FGPU results in a less than significant impact associated with transportation, including VMT. Program 3.7.D, which addresses the City's participation in regional land use and transportation planning efforts, is revised to include efforts to monitoring jurisdiction-level VMT and the performance of bicycle and pedestrian facilities on a regular basis.

**Response to Comment D-14:** The commenter recommends that Program 3.1.D be revised to specify "CEQA-mandated VMT reduction and locally discretionary motor vehicle" LOS in related to circulation improvements to mitigate effects of growth and maintain LOS standards. Program 3.1.D is revised to include VMT reductions of at

least 15% but does not include the recommended language to distinguish the motor vehicle LOS as locally discretionary as that language is not necessary and may result in confusion as to whether the LOS standard is intended to be discretionary on a project-by-project basis.

**Response to Comment D-15:** The commenter recommends that Program 3.1.H be revised to mandate, rather than encourage, the identified actions for mitigation of VMT impacts. As previously discussed, the Initial Study did not base analysis of VMT reductions on any additional reductions associated with implementation of FGPU policies and programs. Therefore, this policy and revisions thereto are not necessary to ensure that the FGPU results in a less than significant impact associated with transportation, including VMT. This recommendation is noted for decision-maker consideration.

**Response to Comment D-16:** The commenter references language in the Initial Study related to areas of the City subject to flooding, noting studying specific details as each project comes forward is not sufficient to guarantee the safety of the entire area that is quite large. The commenter indicates that a program EIR or full EIR is needed and that evaluating each project separately could potentially fail to identify and measure significant cumulative impacts. The FGPU is not a comprehensive update to the General Plan, but rather is a focused update to address climate adaptation, environmental justice, and multi-modal circulation as described in the Initial Study. The FGPU does not involve significant changes to the land use map and, as previously described, focuses on establishing policies and programs to address climate adaptation, environmental justice, and multi-modal circulation. As described in the Initial Study, the FGPU does not change the location of areas designated for urbanization and development and does not increase the densities or intensities of allowed land uses. Therefore, the FGPU does not result in or increase the potential for uses to be exposed to flooding. The FGPU does establish new and revised policies and programs to provide for additional protection from flooding, including the new and revised policies discussed on pages 69 through 72 of the Initial Study, in relation to hydrology, flooding, and drainage patterns. No changes to the Initial Study are necessary.

**Response to Comment D-17:** The commenter asks how the rezoning from Business Park to Light Industrial increases emissions, GHG, pollutants, and the potential for hazardous materials. The commenter indicates that the zoning change could increase hazards and that evaluating each land use and project separately after the zoning change could potentially fail to identify and measure significant cumulative impacts caused by the rezoning from Business Park to Light Industrial. The commenter indicates that Hazards and Hazardous Materials has not been adequately addressed, indicating this is a reason for a program or full EIR. The adopted General Plan allows for light industrial uses in the range of uses allowed under the Business Park designation (see pages 2-16 and 2-17). Neither the Business Park designation nor the Light Industrial designation accommodate heavy industrial uses. The Light Industrial designation that would be applied by the FGPU reduces the range of allowed uses under the Business Park designation to focus on Light Industrial uses and would reduce the Floor Area Ratio (FAR) from 2.0 to a less intensive 0.67. As both designations allow for Light Industrial uses, the FGPU does not involve any changes that would result in hazards, pollutants, or other adverse impacts that are not accommodated under the adopted General Plan. The Transportation analysis provided in Section XVII addresses potential VMT impacts associated with the changes in anticipated employment that would occur with narrowing the designation from Business Professional to Light Industrial. No revisions to the Initial Study are necessary.

The commenter also indicates that health risks from oil drilling close to residential neighborhoods has not been addressed. The FGPU does not include any land use changes that would result in placing residential neighborhoods in proximity to oil drilling. No revisions to the Initial Study are necessary.

**Response to Comment D-18:** The commenter recommends modifications to the Environmental Justice White Paper. These comments are noted. The Environmental Justice White Paper was developed to provide background information related to environmental justice, including information related to disadvantaged communities, and to identify the proposed approach to addressing environmental justice in the FGPU for City Council discussion at a

study session for the FGPU. The commenter is referred to the Community Health and Safety Element for the goals, policies, and programs proposed to address environmental justice through the FGPU.

### Additional Policy Comments

The following comments were made under a heading Additional Policy Comments and provide recommendations for modifications to policies but do not include any discussion of the adequacy of the FGPU or the Initial Study associated with the recommendations.

**Response to Comment D-19:** The commenter recommends deleting language in Policy 3.2.4 that would remove the exception to providing sidewalks in areas with very low pedestrian volumes. This comment is noted for decision-maker consideration.

**Response to Comment D-20:** The commenter recommends revising Program 3.2.B to require bicycle-only lanes, use green striping and pole barriers to preclude drivers from using bike lanes. This comment is noted for decision-maker consideration.

**Response to Comment D-21:** The commenter recommends modifying Policy 3.3.1 to identify design amenities such as bus stops with a roof and enclosed on three sides. This comment is noted for decision-maker consideration.

**Response to Comment D-22:** The commenter recommends modifying Policy 3.3.3 to change the language to “Require transit providers...” rather than “Encourage transit providers...”. The City does not have jurisdiction to direct transit providers to improve transit routes, frequency, and level of service.

**Response to Comment D-23:** The commenter recommends that Policy 3.3.5 be revised to require bus only lanes and bike only lanes in commercial areas, near schools, parks, libraries, and public services and to use striped pole barriers to preclude drivers from using bike lanes. This comment is noted for decision-maker consideration.

**Response to Comment D-24:** The commenter recommends revising Policy 3.5.2 to include consideration of including the use of speed bumps where appropriate. Rather than revise Policy 3.5.2, which provides broader guidance, Policy 3.5.3 is revised to identify use of traffic-calming measures where appropriate in the approach to maintain roadway facilities to maximize safety.

**Response to Comment D-25:** The commenter recommends that Program 3.5.G be revised to include “consider speed bumps and other traffic-calming measures in areas with high accident rates.” While specific identification of speed bumps is not included, Programs 3.5.B and 3.5.G are revised to include traffic calming measures in areas with high accident rates.

**Response to Comment D-26:** The commenter recommends that Policy 6.2.2 be revised to modify paragraph (a), incorrectly labeled as paragraph (L) in the Initial Study, as follows: “Identifying baseline air pollutant and greenhouse gas emissions within city limits and city sphere of influence. Identify air pollutants near oil drilling.” And to modify paragraph (c), incorrectly labeled as paragraph (M) in the Initial Study, as follows: “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.” The commenter also asks whether Oakley has an emission reporting station, indicating if not, to ask for one in this policy. Policy 6.2.2 is revised to include the language related to identifying pollutants and GHG emissions within City limits and the Sphere of Influence and air pollutants near intensive industrial and energy uses (rather than specifying oil drilling) to the extent data is available, and to request an emission reporting station. Policy 6.2.2 is also revised to change “Encourage” to “Require” in paragraph (c) but not to require clean fuels or roof solar panels for all existing and new city buses as the City does not operate the regional transit system. It is noted that this policy already addresses use of low-carbon or clean fuels in City vehicle fleets.

**Response to Comment D-27:** The commenter recommends Policy 6.2.4 be revised to add “Incentivize roof top solar panels on city facilities and require rooftop solar panels on all new commercial and industrial buildings.” This comment is noted for decision-maker consideration.

**Response to Comment D-28:** The commenter recommends Program 6.2.A revise the following paragraphs:

- Add “Require identified polluters to reduce emissions/pollutants (landfill, industrial companies, oil drilling, etc.)”;
- change “Incorporation of” to “Increase” in relation to public transit stops;
- (f) Add “Require and incentivize” to the beginning of the phrase;
- Add “; incentivize solar panels on built environments”; and
- Add new paragraph (k) “Reduce the use of small diesel engines citywide, especially landscaping equipment.

Program 6.2.A is revised to require projects that exceed BAAQMD, State, or Federal emissions levels to reduce emissions of pollutants, to add “Include” in relation to public transit stops, and to add “Require” in relation to employer trip reduction programs and clarify that employer trip reductions programs are required for development projects with 50 or more employees, and to include renewable energy in addition to energy-efficient and water-conservation related to methods to exceed Title 24 requirements. This program is directed at the review of new development projects, not general City measures and thus reducing citywide use of small diesel engines is not appropriate to apply to individual development projects.

**Response to Comment D-29:** The commenter recommends that Policy 8.4.2 be revised to ensure that new critical facilities are not placed in known flood zones. Policy 8.4.2 ensures that critical facilities are located in areas that minimize exposure to potential natural hazards and requires that critical facilities are designed and equipped to remain operational in the event of a disaster. The Draft FGPU does not propose any locations for new critical facilities. The comment is noted for decision-maker consideration.

**Response to Comment D-30:** The commenter recommends that Policy 8.4.3 be revised to incentivize, rather than encourage, participation in Community Emergency Response Team training. This comment is noted for decision-maker consideration.

**Response to Comment D-31:** The commenter recommends that Policy 8.4. be revised to enlist volunteers to register residents, rather than encourage residents to register, with the City and County emergency notification systems. This comment is noted for decision-maker consideration.

**Response to Comment D-32:** The commenter recommends Policy 8.4.6 be revised to provide written materials in Spanish and English in the event of a disaster and use symbols as deemed appropriate. Policy 8.4.6 is revised to include, when appropriate, providing written materials in English and Spanish and/or using symbology.

**Response to Comment D-33:** The commenter recommends Program 8.3.C be revised to inform neighborhoods near oil drilling of the impacts of oil drilling on health and to prohibit new residential development in areas with known hazardous materials. The Draft FGPU does not propose or include any changes that would result in new or modified oil drilling activities nor place residential uses in proximity to known hazardous materials. This comment is noted for decision-maker consideration.

**Response to Comment D-34:** The commenter recommends that Program 8.5.F be revised to require flood insurance for all developments in flood zones and flood prone areas. The Draft FGPU does not change any locations for development in relation to flood zones and flood hazard areas. This comment is noted for decision-maker consideration.

**Response to Comment D-35:** The commenter recommends Policy 4.8.11 be revised to specify that industrial areas, airport (PFAs), and areas near oil drilling will be included in coordination with DWD. Policy 4.8.11 addresses all

land uses and activities that could result in contamination of groundwater supplies and is not limited to specific uses.

**Response to Comment D-36:** The commenter recommends Policy 8.2.2 be revised to specify that flood safety plans will be updated at least every five years or sooner if needed. Policy 8.2.2 is revised to ensure that flood safety plans are reviewed at least every five years or sooner if needed and updated as necessary to ensure flood protection.

**Response to Comment D-37:** The commenter recommends that Policy 8.2.2 be revised to require development to acquire adequate flood insurance to cover potential damage or losses. The Draft FGPU does not change any locations for development in relation to flood zones and flood hazard areas. This comment is noted for decision-maker consideration.

**Response to Comment D-38:** In relation to Policy 8.2.3 and its requirement that project applicants demonstrate that the project would not result in increases in peak flow runoff to adjacent lands or drainage facilities, the commenter asks how close Oakley is to capacity now during winter months. The Draft FGPU does not include any changes that would result in increased development footprints or increases in drainage. The capacity of the City's stormwater system varies by location. The City of Oakley and Contra Costa County Flood Control and Water Conservation District review development proposals to address flood control. Where there is a capacity issue, development is required to ensure potential issues are addressed.

**Response to Comment D-39:** The commenter recommends that Policy 8.5.3 be revised to require the City to develop flood control and prevention measures to protect the City from climate change within the next five years or sooner. While Policy 8.5.3 provides direction to City decision-makers and is intended to provide for on-going development of flood control and prevention measures to address sea level rise, the FGPU programs indicate timing (where appropriate) and specific actions the City will take. Programs 8.5.A and 8.5.B have been revised to specify that updates to the City's Emergency Operations Plan and the Contra Costa County Local Hazard Mitigation Plan address effects of climate change.

**Response to Comment D-40:** The commenter recommends that Program 8.5.4 be revised to remove "To the extent feasible," in relation to locating essential facilities and vital infrastructure outside of areas anticipated to be significantly affected by sea level rise. The Draft FGPU does not change any locations for future urbanization and potential development. This comment is noted for decision-maker consideration.

**Response to Comment D-41:** The commenter recommends that Program 8.5.5 be revised to develop measures within the next five years or sooner to address essential facilities and infrastructure located in areas anticipated to be significantly affected by sea level rise. Program 8.5.5 is revised to ensure that such measures are developed and implemented at least 20 years prior to the projected sea level rise.

**Response to Comment D-42:** The commenter recommends that Policy 2.6.7 be revised to site new park and recreation facilities where they will serve underserved areas including the mobile home park area first. Recognizing that new park facilities may be sited in conjunction with new development and not be located in an area that will serve underserved mobile home parks, Policy 2.6.7 is revised to include increasing park access for underserved areas including areas with higher density residential uses and mobile home parks, where appropriate, as an additional issue for consideration when siting new park and recreation facilities.

**Response to Comment D-43:** The commenter recommends that Policy 7.1.1 be revised to add that parks should be built in each new residential area. Policy 7.1.1 establishes the ratio of parkland needed to serve Oakley and does not address siting factors. Policy 7.1.2 (see 6<sup>th</sup> bullet point) ensures that the City of Oakley Parks, Trails, and Recreation Master Plan is updated as needed to ensure that the City develops new neighborhood and community parks in new residential neighborhoods as growth occurs.



**Response to Comment D-44:** The commenter recommends that Policy 7.1.2 be revised to require wheelchair-accessible trails and paths for the disabled in new and existing parks and to include playground equipment for disabled children in all new parks. Policy 7.1.2, 4<sup>th</sup> bullet point is revised to clarify that accessible parks and recreation facilities, amenities, and programs are provided in new and existing parks and clarifies that disabled residents include those with a physical disability that requires wheelchair accessibility.

**Response to Comment D-45:** The commenter recommends that the top two bullet points on page 89 of the Initial Study should be deleted, noting that the lead agency should not be able to revise estimates based on professional judgement. The commenter is referred to CEQA Guidelines Section 15064.3(b)(4) which states:

“Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project’s vehicle miles traveled, and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.”

The CEQA Guidelines explicitly provide for lead agencies to use professional judgement based on substantial evidence. No changes to the Initial Study are necessary.

**Response to Comment D-46:** The commenter recommends that Policy 6.2.6 be revised to require all buses to use clean fuels or roof solar panels in place of gasoline or diesel fuels. See Response to Comment D-28.

**Response to Comment D-47:** The commenter recommends that Program 6.2.A, paragraph (B) be revised to require public transit stops within walking distance with a minimum of a three sided enclosure and a roof, paragraph (C) be revised to include bike-only lanes with green stripping for lanes and poles placed in street to prevent drivers from using lanes, and paragraph (F) be revised to require employer trip reduction programs. f. These recommendations were made previously; see Responses to Comments D-26 and D-28.

## Letter E

**From:** C. E. Elias [mailto:[c.e.elias.48@gmail.com](mailto:c.e.elias.48@gmail.com)]  
**Sent:** Monday, September 20, 2021 4:09 PM  
**To:** Kenneth Strelo  
**Subject:** General Plan Update Comment

Elizabeth Elias \* 70 W. Bolton Rd. \* Oakley, CA. \* 94561

September 20, 2021

Ken Strelo and Oakley City Council

Dear Mr. Strelo and Whomever Else It May Concern:

This letter is being written to protest the extreme rush to pass the draft general plan without due consideration or input from the public. To try and classify a couple of surveys (with such low response rates as to be a statistical zero) as “extensive public input” is highly disingenuous. Especially given the covid situation, there has been virtually no effort whatsoever to engage the public in this process. This smacks of Oakley's usual lack of transparency and dictatorship mentality.

E-1

A new council majority was just voted in, in the hopes of eliminating this “business as usual” habit, but it seems the new members have just rolled over and fallen in line. That is unfortunate, as it does not bode well for the future of Oakley.

There MUST be additional time for public input, and this process must be postponed for a minimum of 30 (thirty) days! There is no other reasonable and fair way to proceed.

Let me begin with Mr. Pope's “go ahead” vote on the East Cypress (Hotchkiss Tract) proposal. When he was assured that levees would be built, he went ahead and said essentially, “Okay, fine. Do it.” Let's please the developers at all costs, even at the cost of future potential lawsuits when those homes flood due to sea level rise.

E-2

And flood they will. Such a vote is the height of irresponsibility and ignorance. Levees can be breached and/or overtopped. (Remember Hurricane Katrina and what happened in New Orleans?) Who will foot the bill for that once the developer is long gone? Shunting the cost onto the residents of that area, or the rest of the population would be grossly unfair, given that such a situation could be avoided in the first place by not building there!

This area is, in fact, part of the ecosystem that filters our drinking water, and should *never* be built upon.

E-3

Next are several items requiring EIR reviews. A negative declaration is not a reasonable, ethical, or honest option. Some things, such as the above-mentioned tract, simply cannot be

“mitigated.” You cannot reasonably just state that such reports were done at the time of the prior general plan. Things have changed drastically, and are simply not the same as they were 20 years ago when that plan was made. Things change. Things change. Things change. In case I have not made that point clear enough, ***things change***, and a *new* EIR must be done for ***each and every project within the new plan!***

E-3 (con’t)

Trying to rush this through is a blatant attempt to circumvent both the legally required public input and CEQA mandates. We the citizens demand a fair and honest public hearing, and we expect to be heard and listened to. We expect our wishes to be acted upon by the people we elected ***to represent us***, and **not** the desires of the former city manager and his cohorts.

E-4

Sincerely,

Liz Elias

### Liz Elias (Letter E)

**Response to Comment E-1:** The commenter states they are protesting the extreme rush to pass the draft General Plan without due consideration or input from the public and indicates that to try and classify a couple of surveys with low response rates as extensive public input is highly disingenuous. The commenter states there has been virtually no effort whatsoever to engage the public in this process. The commenter states their opinion of the process and opinion of the new council majority. This comment does not address the adequacy of the environmental documentation. The commenter is referred to Response C-3, which discusses City's outreach for the General Plan and the outreach for the FGPU, which includes two Visioning Workshops in 2019, a community survey, a series of four study sessions with the City Council in 2019 and 2020, a 40-day period for public review of the FGPU and Initial Study in 2021, and a public hearing for adoption in early 2022.

**Response to Comment E-2:** The commenter provides comments related to votes on the East Cypress/Hotchkiss Tract proposal and their opinion related to the potential for homes associated with the proposal to flood, asking who will pay for the flooding once the developer is gone. The commenter also states that the area filters the drinking water and should never be built on. This comment addresses a separate project and does not address the FGPU. The FGPU does not include any approvals or modifications associated with the East Cypress Specific Plan and related projects. This comment is noted for decision-maker consideration.

**Response to Comment E-3:** The commenter indicates that a negative declaration is not a reasonable, ethical, or honest opinion, noting the issues raised under Comment E-2 cannot be mitigated. The commenter states that things have changed drastically since reports were done at the time of the prior General Plan and that a new EIR must be done for each and every project within the new plan. The FGPU is not a new General Plan, but rather revises the General Plan to include policies and programs related to climate adaptation and environmental justice. The FGPU does not identify any changes to areas anticipated for urbanization, does not include significant changes to the land use map, and would not increase or intensify development potential. The Initial Study identifies the potential of the FGPU to result in significant impacts on the environment, including the potential to result in flooding or changes in drainage patterns (see Initial Study, Section X, Hydrology and Water Quality). The FGPU does not have the potential to result in a significant impact on the environment as discussed in the Initial Study. No changes to the NOIND or Initial Study are necessary to address this comment.

**Response to Comment E-4:** The commenter indicates that trying to rush the project through is a blatant attempt to circumvent both the legally required public input and CEQA mandates and demands a fair and honest public hearing, indicating their expectations. The FGPU process began in 2019 and, as discussed under Response to Comment E-1, included two public workshops, four City Council study sessions (each open to the public with opportunities for the public to comment on the presented information) and a 40-day public review period for the Draft FGPU and NOIND/Initial Study. The public review period for the NOIND/Initial Study exceeded the 30-day public review period required under CEQA Guidelines Section 15073(b). Prior to a decision on the FGPU, the City Council will review public input received during the public review of the Draft FGPU and NOIND/Initial Study, will conduct a public hearing providing the community an additional opportunity for comment, and will consider public input.

Letter F

**From:** Ben Weise [mailto:[ben.p.weise@gmail.com](mailto:ben.p.weise@gmail.com)]  
**Sent:** Friday, September 24, 2021 2:55 PM  
**To:** Kenneth Strelö <[Strelö@ci.oakley.ca.us](mailto:Strelö@ci.oakley.ca.us)>  
**Subject:** General Plan Update Comments

Dear Ken Strelö,

First and foremost, thanks for working to update the General Plan and for leading the effort. I'm a resident of the city, speaking only for myself.

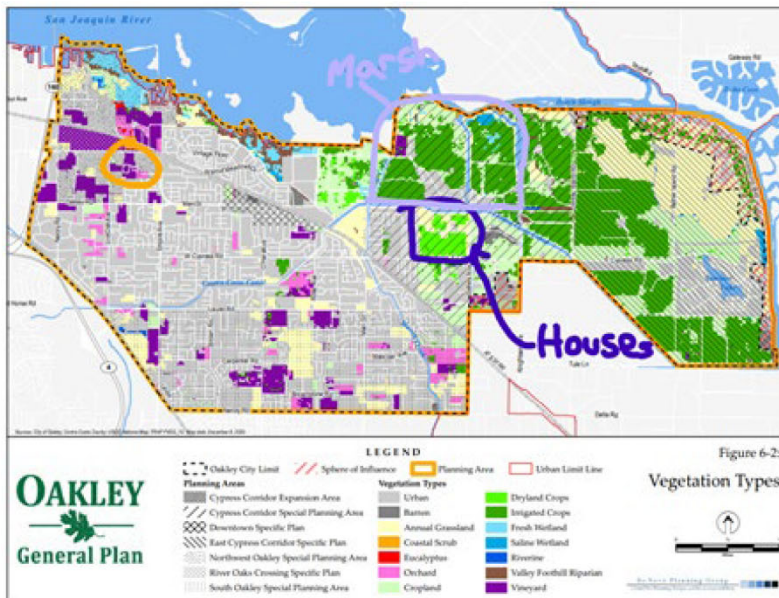
I offer some small comments as it pertains to some of the maps produced in the Draft General Plan as of the August 2nd, 2021 version.

Namely, looking at Figure 6-2: Vegetation Types, I'm guessing that this input layer is old as it is not current. For starters, it seems to indicate that the near to be completed Dutch Slough Tidal Marsh Restoration is dryland/irrigated crops/cropland. This may be impacting Table 6-1 Agricultural Lands in the Planning Area totals. Likewise, Table 6-1 does not reflect that there are active irrigated pasture lands within the City Limits. This may be accounted for elsewhere, but I don't see that information tabulated, and it should count as active agriculture.

Another portion of the Figure 6-2 vegetation types seems to indicate active orchards within the Dutch Slough which is not at all accurate. My concern stems mostly from outdated data within this context leading to goals that may not be achievable. I'd suggest re-examining Figure 6-2, and the other maps as needed to verify what is indeed out there. This map also indicates an active vineyard south of Main Street that is currently being developed into a housing development. Finally, there's another dryland crop/annual grassland area north of East Cypress and west of Sellers Ave that is entirely a housing development.

F-1

F-2



I believe the intentions and goals with the land are good, I just believe that they've been formed on inadequate and old data that does not currently reflect what is actually happening on the ground in Oakley at present. Given how rarely these opportunities come around to completely update a General Plan, we should be using the best available data, or update the data to reflect what is happening currently as best we can.

F-3

Thanks so much.

Ben Weise  
 Oakley Resident

### Ben Weise (Letter F)

**Response to Comment F-1:** The commenter provides introductory comments, thanking City staff for working to update the General Plan and indicates they have comments related to some of the maps.

**Response to Comment F-2:** The commenter states that Figure 6-2, Vegetation Types, is not current and indicates that Dutch Slough Tidal Marsh Restoration area is dryland/irrigated crops/cropland. The commenter indicates this may be impacted Table 6-1, Agricultural Lands in the Planning Area, totals and that Table 6-1 does not reflect that there are active irrigated pasture lands within the City limits. The Draft FGPU did not include a parcel-level survey of existing conditions, but rather updated existing condition information based on existing data. Specifically, Table 6-1 and Figure 6-2 are based on the California Department of Forestry and Fire Protections CALFIRE Fire and Resource Assessment Program (FRAP) data as accessed on December 8, 2020; this data is prepared in cooperation with California Department of Fish and Wildlife VegCamp program and extensive use of USDA Forest Service Region 5 Remote Sensing Laboratory data, to provide the "best available" land cover data available for California into a single comprehensive statewide data set. The FRAP data has not been updated since the figure was prepared in December 2020 and Figure 6-2 has been reviewed to ensure consistency with the most recent available FRAP data. The FRAP data does not capture some of the recent development in Oakley, including development northwest of East Cypress Road on both the east and west side of Sellers Avenue and development south of Main Street and east of Live Oak Avenue. These revisions have been manually made to Figure 6-1. However, the vineyard noted by the commenter in the Dutch Slough area is correct and is an approximately 14-acre vineyard that was retained as part of the Dutch Slough Tidal Marsh Restoration project. A note has been added to Figure 6-2 indicating that while it is based on best available data developed by CalFIRE and the California Department of Fish and Wildlife to identify vegetation types, changes have occurred since the data was prepared and that a site-specific review of individual parcels must be undertaken to identify current vegetation conditions prior to making any decisions related to vegetative conditions. Table 6-1 is updated to correspond to the specific agricultural categories (Orchard, Cropland, Dryland Crops, Irrigated Crops, and Vineyard) in Figure 6-2 and to identify the source of the data.

**Response to Comment F-3:** The commenter indicates their belief that the intentions and goals with the land are good, but that they have been formed on inadequate and old data that does not reflect what is happening on the ground and recommends use of best available data or updating the data to reflect what is happening currently as best as possible. Figure 6-2 is revised to identify additional areas urbanized since the FRAP data was developed and to include a note that the figure is based on best available data and should be reviewed at the site-specific level prior to making any decisions based on the information included therein.

Letter G

**From:** Winter, Pamela (PNOL) [mailto:[PamelaWinter@chevron.com](mailto:PamelaWinter@chevron.com)]  
**Sent:** Monday, September 20, 2021 3:46 PM  
**To:** Kenneth Strelo  
**Subject:** Public Comments for City of Oakley General Plan Update

I just learned last minute that public comments to a general plan update are due today. I will make this quick due to the deadline but have much more documentation an previous conversations with the city on this issue that are pushed off and never addressed. My concern, traffic noise /public health & safety. I have brought this up many times (attached some of the correspondence) -have gone to planning meeting, sent emails, etc – and concerns are never taken seriously.

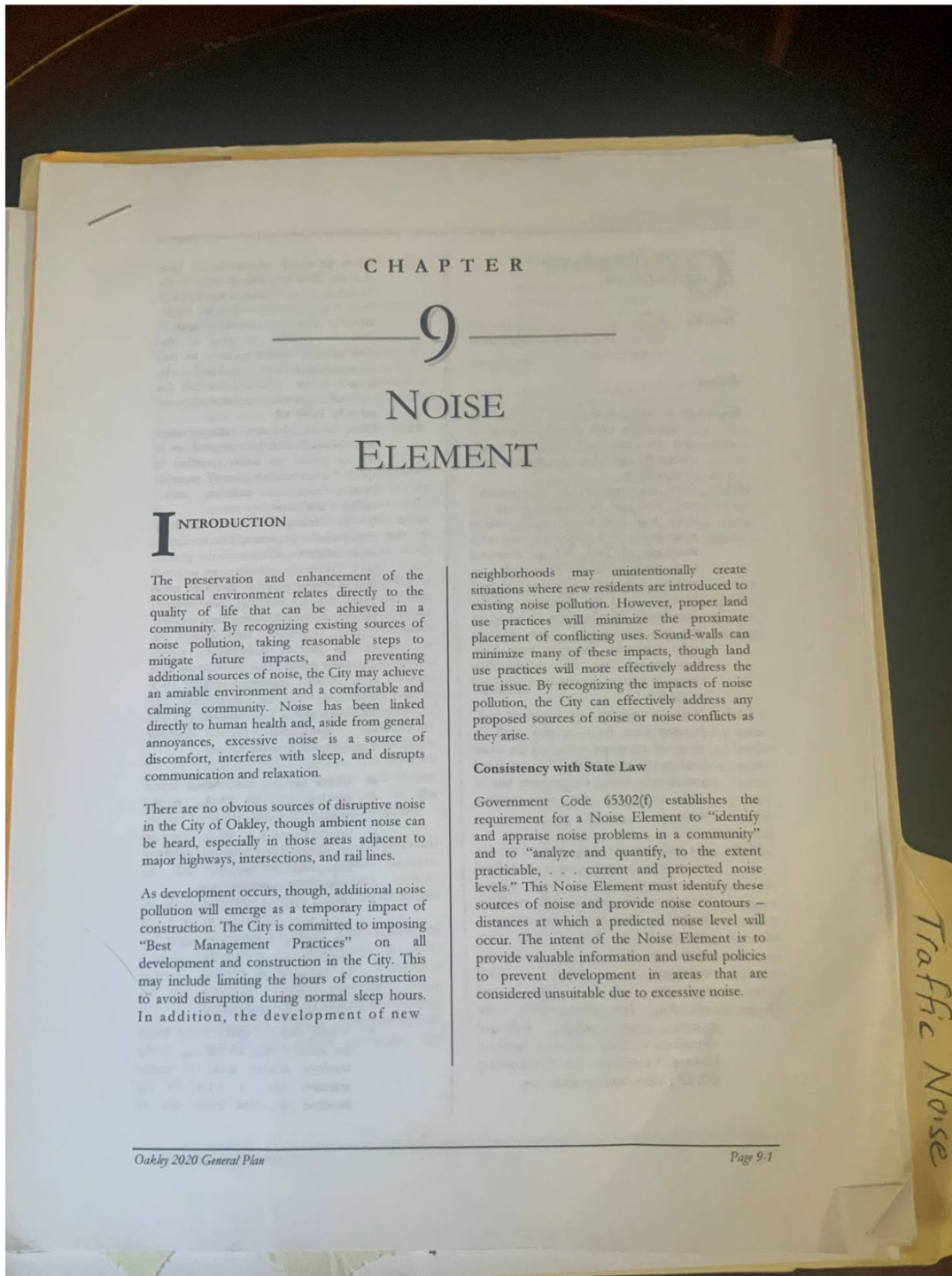
G-1

To summarize: - I live off Laurel Road and have since it was a 2 lane road., We knew the long term intent to expand to 4 lanes. We were also told NO TRUCKS will be allowed, and they were not for many years. In early 2015 the noise on Laurel became exponentially worse. Unbearable, could not be in the backyard. In trying to figure out what was going on I noticed trucks were going down the road which had never been allowed. I looked into it and talked to neighbor councilman, etc and learned Nov. of 2014 the council voted to change Laurel to a truck route. My issue is that change pushed the allowed decibels outlined in the 202 Oakley general plan – Chapter 9. This has never been addressed – I have been told the truck traffic was “temporary”: due to constructions – LOL! When the trucks his the manholes the noise has half the house jumping through the roof. It is not healthy and I believe damaging the hearing to me and my family due to this decision not to mention the other impacts from the noise.

G-2

I am not seeing the noise problem addressed in the updated proposal. Could you please let me know what the plans are to correct this? I am happy to chat about it further.

Thank you.





Land Compatibility for Community Noise Environments

- Land Use Category: Residential, Single Family, Duplex, Mobile Homes
- 50 - 60 dB - Normally acceptable
- 55 - 70 dB - Conditionally acceptable
- 70 - 75 dB - Normally Unacceptable
- 75 - 85 dB - Clearly Unacceptable

When Laurel road was originally tested for the general plan - dBs were:

Table 9-5  
 PREDICTED EXISTING TRAFFIC NOISE LEVELS  
 OAKLEY, CALIFORNIA  
 Laurel Road E of O'Hara at 100 ft - 52.6dB  
 Laurel Road W. of Empire at 100ft - 54.1 dB

Predicted Levels at FULL BUILDOUT OF THE CITY OF OAKLEY:

Table 9-6  
 PREDICTING PREFERRED ALTERNATIVE BUILD OUT TRAFFIC NOISE LEVELS  
 OAKLEY, CALIFORNIA

Laurel Road E. of Neroly at 100 ft 60.3db  
 Laurel Road E. of Empire at 100 ft 63.8db  
 Laurel Road E. of Brown at 100ft 63.8db  
 Laurel Road E. of O'Hara at 100 ft 62.3

As mentioned in my previous post, my reading when trucks go by are in the 90+dB range - not good.

Delete

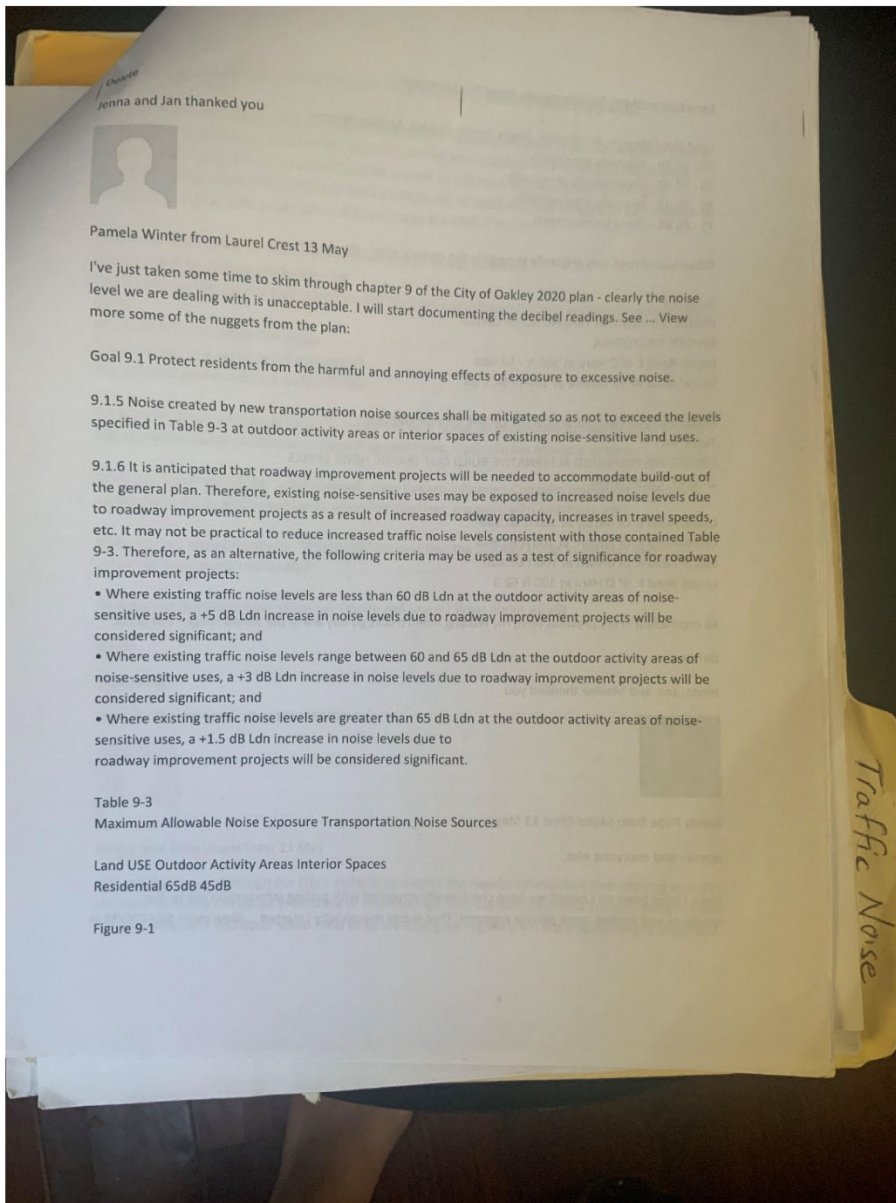
Jenna, Jan, and Maxine thanked you



Randy Pope from Laurel Crest 13 May

Jenna - and everyone else,

Since I have been on Council we have consistently struggled with getting information out to our residents and getting more people engaged. That is one reason why I started ... View more NEXTDOOR in



**Pamela Winter** ●●  
Global Security & Office Facilities (GSOFF) Technical Platform Manager  
[pamelawinter@chevron.com](mailto:pamelawinter@chevron.com)

6001 Bollinger Canyon Rd.  
San Ramon, CA 94583  
Mobile +1 925 354 1488

Pamela Winter (Letter G)

**Response to Comment G-1:** The commenter identifies concerns with traffic noise and associated public health and safety, noting they have brought this up many times. The commenter lives off Laurel Road and knew it would expand to four lanes, but anticipated there would be no trucks allowed. The commenter indicates that in November 2014 the City Council voted to change Laurel Road to a truck route, that the change exceeded the decibels in the 2002 Oakley General Plan, Chapter 9, and that this has not been addressed. The commenter asks what the plans are to correct this.

The FGPU does not include any changes to designated truck routes and the Draft FGPU did not include any changes to the Noise Element. The FGPU is revised to include Program 9.1.B to ensure that the City reviews development, roadway, and other infrastructure projects for potential to exceed noise standards and requires mitigation where projects would exceed standards.

Letter H

September 20, 2021

Ken Strelo, Principal Planner  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

Re: Oakley Focused General Plan Update

Dear Mr. Strelo,

We appreciate the opportunity to comment on the Oakley General Plan Update. We own and operate the Lauritzen Yacht Harbor at 115 Lauritzen Lane. The Lauritzen Yacht Harbor was constructed in 1959 and has been in continuous service as a family owned and operated marina for over 60 years. Our comments are intended to help strengthen and improve the Focused General Plan Update policy document in the areas that involve the Oakley waterfront.

H-1

*The Delta Plan*

The Delta Stewardship Council adopted the Delta Plan in 2013. The entire City of Oakley is within the legal boundaries of the Sacramento-San Joaquin Delta and is subject to the Delta Plan. The City is within the Secondary Zone, and part of an Urban Interface Zone along the City’s northern shoreline. Since this is the first substantial update to the City’s General Plan since 2000, it is extremely important the City consult with the Delta Stewardship Council and comply with the procedures for “Covered Actions” and the “Certification of Consistency” with the Delta Plan.

H-2

The General Plan Update should identify and acknowledge the Delta Stewardship Council, Delta Protection Commission, and the Delta Plan.

*Waterfront Recreation*

The General Plan Update (GPU p. 7-17) did not carry over all of the language from the current General Plan regarding waterfront recreation. The Current General Plan includes a “Community Waterfront Vision” and “Waterfront Opportunities”, which have important concepts that should be retained. We recommend these sections be restored in the General Plan Update to read as follows:

*“Community Waterfront Vision”*

*The development of a waterfront community along the shoreline in Oakley would give unique opportunities for people to enjoy commercial, recreation and residential mixed uses in the City. Many cities currently have successful and thriving waterfront mixed uses, which could serve as reference models if Oakley had such future development opportunities.*

H-3

*“Waterfront Opportunities”*

*Oakley’s waterfront opportunities include marinas, the EBRPD Big Break Shoreline, and the Antioch-Oakley Regional Shoreline. There are three privately owned marinas*

*within the City limits – Big Break Marina, Lauritzen Yacht Harbor, and Driftwood Marina. There are many examples of marinas that have become destination places by allowing restaurants, retail, hotels, and offices as compatible uses. Waterfront mixed use facilities allow the non-boating public to come to the shoreline and enjoy the view of boats in the Delta and support local businesses in a unique and scenic environment.*

*In addition, potential waterfront opportunities exist at Dutch Slough, a future 100-acre community park north of E. Cypress Road. Plans for Dutch Slough include a wetlands preserve, special purpose facilities and community recreation.*

There are three marinas within the City limits. The marinas would benefit if there were opportunities to renovate facilities and become economically diversified and environmentally sustainable. The City has not explored successful and thriving waterfront mixed uses which could serve as reference models. The City should not give up on the marinas as opportunity sites for people to enjoy commercial, recreation and mixed uses on the waterfront, as envisioned in the current General Plan.

H-3 (con't)

The marinas are an important resource for the Delta. The Delta has seen a significant loss of marinas in the past 20 years. It would be very difficult to build a new marina in the Delta because of the plethora of regulations and agencies involved. If a marina is lost, it is likely lost forever. This is a concern for the Delta.

The “Community Waterfront Vision” and “Waterfront Opportunities” should be added back to the General Plan Update to promote waterfront mixed uses in areas designated Commercial Recreation or Commercial in the General Plan.

***Land Use Matrix***

The Land Use Matrix on page 2-19 of the General Plan Update shows the Commercial Recreation Zone is only compatible with the General Plan land use designation with the same name, “Commercial Recreation”. Lauritzen Yacht Harbor and Driftwood Marina are consistent with the matrix, so they are okay. However, Big Break Marina and the two sites in the East Cypress Corridor Specific Plan (in the Commercial Recreation Zone) are within the General Plan Land Use Designation of “Commercial” (see Figure 2-2 of the General Plan Update). Big Break Marina and ECCSP’s zoning would be inconsistent with the Land Use Matrix in the General Plan Update. The City would have to follow up with a zone change on those properties to be consistent with the new General Plan. This discrepancy or oversight should be addressed in the Update.

H-4

***Parks and Recreation Element missing Policies***

The General Plan Update for Parks and Recreation Element Goal 7.4 “Special Purpose Facilities” has only 5 policies (GPU p. 7-25). The current General Plan for the same has 12 policies. One of the policies that was omitted is Policy 7.4.12, which promotes the development or preservation of public or private marinas with boat launching, berthing facilities, fuel dock, waste pump-out station, restrooms, showers, laundry facilities, bait/tackle/food store, day use, overnight camping and RV parking areas, fishing pier, and restaurant.

H-5

This is a critical policy to support the sustainability of marinas in Oakley. This policy should be added back to the policies in the General Plan Update. Since it is clearly a land use policy, it may be more appropriate to add it to the Land Use Element. We recommend it read as follows:

H-5 (con't)

*Promote the development or preservation of private marinas with boat launching and berthing facilities, dry storage, boat repair, new and used boat sales, haul and engine repair facilities, fuel dock and waste pump-out station, restrooms and showers, laundry facilities, bait/tackle/food store, day use, overnight camping and RV parking areas, fishing pier, restaurant, hotel, offices and other compatible uses.*

*The Great California Delta Trail*

The General Plan Update identifies regional trails in the Parks and Recreation Element. One of the trails has since been promoted to state-level significance in the Delta. The proposed EBRPD Multi-Use Trail, also known as the Big Break to Antioch Pier Regional Trail, is an important segment of the Great California Delta Trail. The Great California Delta Trail is a recreational corridor extending through five Delta Counties linking to the San Francisco Bay Trail and Sacramento River Trail. The Great California Delta Trail is set forth in Public Resources Code Sections 29770(d) and 58525855 (The Great California Delta Trail Act). The proposed segment of this trail should be recognized for its local, regional, and state importance by identifying it as the “The Great California Delta Trail” in the General Plan Update.

H-6

*Bikeway Network Plan*

Figure 3-8 of the General Plan Update shows the bikeway network plan for the City. The figure shows a proposed Class 2 bike lane through the Contra Costa Logistics Center. This was recently eliminated.

H-7

*Plan Bay Area 2040*

The Regional Transportation Plan and “Sustainable Communities Strategy” is an important document to consider as part of the General Plan Update. There are numerous advantages if a City’s General Plan is deemed consistent with the Sustainable Communities Strategy. For example, *Delta Plan “Covered Actions” do not include plans, programs, or projects within the Delta’s Secondary Zone that a metropolitan planning agency has determined are consistent with a Sustainable Communities Strategy.*

H-8

Thank you for considering our comments in the General Plan Update. Please feel free to contact me if there are any questions.

H-9

Warm regards,

Chris Lauritzen  
Lauritzen Yacht Harbor

Margaret Lauritzen  
Lauritzen Yacht Harbor

## Chris Lauritzen and Margaret Lauritzen (Letter H)

**Response to Comment H-1:** The commenter provides introductory comments, indicating they own the Lauritzen Yacht Harbor, which has been a family-owned and operated marina for over 60 years and that their comments are intended to strengthen and improve the FGPU in relation to the Oakley waterfront. The commenter's specific concerns and comments are addressed in the following responses to comments.

**Response to Comment H-2:** The commenter indicates that the Delta Stewardship Council adopted the Delta Plan in 2013 and notes that the City of Oakley is within the legal boundaries of the Sacramento-San Joaquin Delta, identifies applicable zones, and recommends that the City consult with the Delta Stewardship Council and comply with the procedures for covered actions and the certification of consistency with the Delta Plan. The Open Space and Conservation Element is updated to include information related to the Delta Plan and to include Goal 6.8 and policies and programs to support Delta protection.

**Response to Comment H-3:** The commenter indicates that the FGPU did not carry over all of the language from the current General Plan regarding waterfront recreation, including language for Community Waterfront Vision and Waterfront Opportunities, which they recommend be restored in the FGPU and provide recommended language. The commenter indicates that the marinas are an important resource for the Delta and there has been a significant loss of marinas in the past 20 years, noting it would be difficult to build a new marina due to the plethora of regulations and agencies involved. The deletion of the Community Waterfront Vision statement was an oversight and is restored to the Parks & Recreation Element on page 7-17, with the deletion of the specific reference to Rio Vista and Suisun City as examples of communities with thriving waterfronts. The Waterfront Opportunities text was largely retained, with revisions to reflect current conditions including the Dutch Slough Tidal Restoration project and the adjacent community park, under the Waterfront Recreation heading on page 7-17. The Waterfront Opportunities heading has been added to this discussion, along with some of the recommended revisions to highlight waterfront opportunities.

**Response to Comment H-4:** The commenter indicates that the Land Use Matrix on page 2-19 shows the Commercial Recreation zone is only compatible with the Commercial Recreation land use designation, noting that the Lauritzen Yacht Harbor and Driftwood Marina are consistent with the matrix but the Big Break Marina is zoned Commercial Recreation but is designated Commercial by the General Plan. The FGPU does not include any changes to the land use designations or the zoning for this area. Table 2-4, General Plan/Zoning Compatibility Matrix, is updated to include the Commercial Recreation zone as consistent with the Commercial land use designation as this is reflective of the current application of the zone and designation.

**Response to Comment H-5:** The commenter indicates Goal 7.4, Special Purpose Facilities, has only five policies while the current General Plan has 12 policies. The commenter notes that Policy 7.4.12 is omitted, which promotes the development or preservation of public or private marinas and specifies a range of uses and amenities. The commenter recommends that it be added back in and provides suggested language. The policy was omitted as the Parks & Recreation Master Plan, adopted in 2007, incorporated many of the policies and programs from the General Plan. The FGPU includes language to support continued implementation of the Parks & Recreation Master Plan, which includes a goal and policy for Development or preservation of a private or public marina with boat launching and berthing facilities, fuel dock and waste pumpout station, restrooms and showers, laundry facilities, bait/tackle/food store, day use, overnight camping and RV parking areas, fishing pier, and restaurant for the Big Break and Dutch Slough Shoreline. Policies 7.4.6, 7.4.7, and 7.4.8 are added to the FGPU to reflect the intent of the adopted General Plan for shoreline recreation facilities and Program 7.4.D is added to ensure that the Parks and Recreation Master Plan continues to support a range of special purpose facilities, including facilities that provide waterfront recreation opportunities. It is noted that the commenter's language adds dry storage, new and used boat sales, haul and engine repair facilities, hotel, and offices to the uses listed for private and public marinas. The FGPU is not intended to expand the range of uses in the Commercial Recreation area or increase or intensify uses, so these recommendations are not included but are noted for the decision-makers consideration.

**Response to Comment H-6:** The commenter indicates that the FGPU identifies regional trails in the Parks and Recreation Element and indicates that the proposed EBRPD trail is the Great California Delta Trail that has been promoted to state-level significance and provides information related to the trail. The commenter recommends that the proposed segment of this trail be identified as The Great California Delta Trail in the FGPU. Figure 7-3 is revised to identify the Great California Delta Trail segment.

**Response to Comment H-7:** The commenter indicates that the proposed Class 2 bike lane shown on Figure 3-8 through the Contra Costa Logistics Center was recently eliminated. Figure 3-8 is revised to remove the referenced segment of the Class 2 bike lane.

**Response to Comment H-8:** The commenter indicates that the Regional Transportation Plan and Sustainable Communities Strategy is an important document to consider as part of the FGPU, noting that Delta Plan “Covered Actions” do not include plans, programs, or projects within the Delta’s Secondary Zone that a metropolitan planning agency has determined are consistent with a Sustainable Communities Strategy. The FGPU maintains the land use pattern of the existing General Plan, as amended separately from the FGPU, with the exception of an adjustment to refine a designation in a single area. The FGPU has been prepared to continue to the growth and development pattern for Oakley that was reflected in the adopted General Plan and the adopted Regional Transportation Plan and Sustainable Communities Strategy. The FGPU provides additional programs promoting sustainable growth, including measures to encourage reduction of greenhouse gas emissions, including vehicle trip reductions, support sustainable growth that is reflective of the City’s natural resources and ecosystem, and reduce exposure to potential hazards.

**Response to Comment H-9:** The commenter provides closing remarks.