

City of Oakley  
Planning Division



**CR-A (Commercial Recreation-Aquatic) District Zoning  
Text Amendment (RZ 02-21)**

**Initial Study/Negative Declaration**

**November 2021**

Prepared by



1501 Sports Drive, Suite A, Sacramento, CA 95834

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Appendix A Proposed Draft CR-A District Zoning Text Amendment

# INITIAL STUDY

## A. BACKGROUND

1. Project Title: CR-A (Commercial Recreation-Aquatic) District Zoning Text Amendment (RZ 02-21) Project
2. Lead Agency Name and Address: City of Oakley  
Planning Division  
3231 Main Street  
Oakley, CA 94561
3. Contact Person and Phone Number: Kenneth W. Strelo  
Principal Planner  
(925) 625-7000  
strelo@ci.oakley.ca.us
4. Project Location: Oakley, CA
5. Project Sponsor's Name and Address: Lauritzen Yacht Harbor  
115 Lauritzen Lane  
Oakley, CA 94561  
(925) 757-1916
6. Existing General Plan Designation: Commercial Recreation (CR)  
Commercial (CO)
7. Existing Zoning: CR-A (Commercial Recreation-Aquatic) District
8. Required Approvals from Other Public Agencies: None
9. Surrounding Land Uses and Setting:

The CR-A (Commercial Recreation-Aquatic) District consists of two areas in the City of Oakley: (1) parcels immediately east of State Route (SR) 160 and north of Lauritzen Lane, and (2) parcels adjacent to Big Break Road to the north of Big Break Regional Trail. The former area, to the east of SR 160, overlays Driftwood Marina and Lauritzen Yacht Harbor. The latter area, adjacent to Big Break Road, includes Big Break Marina and Foundation Contractors. Both sites are situated along the shoreline of the San Joaquin River Delta (Delta). Each area is within the vicinity of the 375.7-acre site planned for the Oakley Logistics Center, an approximately 2,249,544-square-foot (sf) light industrial logistics center approved by the City in 2019 that consists of seven industrial parcels and four open space lots. The CR-A District located adjacent to SR 160 is situated to the north of the Oakley Logistics Center's Parcel A and Lot 3. The CR-A District north of Big Break Regional Trail abuts the logistic center's northeast property line. The purpose of the CR-A District is to provide designated areas for preservation of natural features and to encourage marine-commercial and visitor-oriented uses in waterfront areas.

In addition, Planning Area 6 of the City-adopted East Cypress Corridor Specific Plan (ECCSP) contains two areas with CR land use designations, to which the CR-A District would apply. The two areas with CR land use designations in Planning Area 6 are generally located in the northern portion of the planning area, with one of the CR land use designations abutting the eastern side of Jersey Island Road and Dutch Slough, the latter of which is a portion of the Delta. The other CR land use designation in Planning Area 6 abuts the western side of Bethel Island Road within the northern City limits.

10. Project Description Summary:

The CR-A Zoning Text Amendment Project (proposed project) would amend the City's Zoning Ordinance to expand the list of permitted and conditional commercial uses allowed in the CR-A District. The proposed Zoning Ordinance amendment would modify subsections (a) Purpose and Intent, (b) Permitted Uses, (c) Uses Requiring a Conditional Use Permit (CUP), and (h) Other Regulations in Section 9.1.512 of the City's Municipal Code. In general, the proposed amendment serves to clarify the objectives of the CR-A District and add to the district's permitted uses and uses requiring a CUP in order to modernize the CR-A District in a manner more relevant to the current uses in the vicinity, particularly the Oakley Logistics Center.

11. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

In compliance with AB 52 (Public Resources Code [PRC] Section 21080.3.1), the City distributed project notification letters to representatives of the Amah Mutsun Tribal Band of Mission San Juan Bautista, Chicken Ranch Rancheria of Me-Wuk Indians, The Confederate Villages of Lisjan, Guidiville Indian Rancheria, Indian Canyon Mutsun Band of Costanoan, Muweka Ohlone Indian Tribe of the San Francisco Bay Area, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, North Valley Yokuts Tribe, The Ohlone Indian Tribe, Tule River Indian Tribe, and Wilton Rancheria. The letters were distributed on August 11, 2021.

A request for consultation was received from The Confederated Villages of Lisjan Chairperson Corrina Gould on August 25, 2021, to which a response was given, explaining that the proposed project does not include any specific development and is not site-specific. Additionally, the response to Gould noted that as part of compliance with AB 52 requirements, all tribes that have requested to be notified of future development applications requiring evaluation under CEQA would be apprised of such projects, including those that occur in the CR-A Districts. A meeting with Chairperson Gould occurred on September 22, 2021. Additional comments were not received from Chairperson Gould subsequent to the foregoing meeting. As such, consultation was concluded on October 5, 2021.

**B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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The environmental factors checked below would be potentially affected by this project, involving at least one impact that is “Potentially Significant” as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology and Soils             | <input type="checkbox"/> Greenhouse Gas Emissions         | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology and Water Quality   | <input type="checkbox"/> Land Use and Planning            | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                         | <input type="checkbox"/> Population and Housing           | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Transportation                   | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire                         | <input type="checkbox"/> Mandatory Findings of Significance |

### C. DETERMINATION

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On the basis of this initial study:

- I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

Kenneth W. Strelo, Principal Planner  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

City of Oakley  
\_\_\_\_\_  
For

## **D. BACKGROUND AND INTRODUCTION**

The following document is an Initial Study resulting in a Negative Declaration (IS/ND) prepared pursuant to the California Environmental Quality Act (CEQA), for the proposed project. This IS/ND has been prepared in accordance with CEQA, PRC Sections 21000 et seq., and the State CEQA Guidelines to evaluate the potential environmental impacts of the proposed project.

In December 2002, the City of Oakley adopted the Oakley General Plan and the Oakley General Plan Environmental Impact Report (EIR). The General Plan EIR is a program-level EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations [CCR], Sections 15000 et seq.). The General Plan EIR analyzed full implementation of the Oakley General Plan and identified measures to mitigate the significant adverse project and cumulative impacts associated with the General Plan. Pursuant to CEQA Guidelines Section 15150(a), the City of Oakley General Plan and General Plan EIR are incorporated by reference. Due to the current COVID-19 public health emergency, the City's Planning Division is closed to the public until further notice. Both the General Plan and General Plan EIR are available online at:

<https://www.ci.oakley.ca.us/departments/planning-zoning/reference-documents/>

The impact discussions for each section of this IS/ND have been largely based on information in the Oakley General Plan and the Oakley General Plan EIR.

## **E. PROJECT DESCRIPTION**

The following section includes a description of the project's location and setting as well as a discussion of the project components, and the discretionary approvals required for the proposed project.

### **Project Location and Setting**

The City of Oakley is located approximately 50 miles east of San Francisco in the northeastern region of Contra Costa County (see Figure 1). The incorporated City limits encompass approximately 8,064 acres. The City's west border is situated at the SR 4/SR 160 intersection, which provides access to the cities of San Francisco, San Jose, and Sacramento. The City is a Sacramento-San Joaquin Delta community, along with the cities of Pittsburg, Antioch, Brentwood, and the unincorporated areas of Bay Point, Bethel Island, Byron, and Knightsen. The San Joaquin River side of the Delta borders Oakley to the north, with unincorporated County territory to the east, the City of Brentwood to the south and the City of Antioch to the west. The City is among the State's youngest cities, having been incorporated since only July 1, 1999.

Further discussion of the CR-A District (see Figure 2) is provided below.

### **Commercial Recreation-Aquatic District**

The CR-A District comprises two areas in the City limits: (1) parcels immediately east of SR 160 and north of Lauritzen Lane, and (2) parcels adjacent to Big Break Road to the north of Big Break Regional Trail (see Figure 2). The former area, to the east of SR 160, overlays Driftwood Marina and Lauritzen Yacht Harbor. The latter area, adjacent to Big Break Road, includes Big Break Marina and Foundation Contractors. Each site is situated along the shoreline of the Delta and within the vicinity of the 375.7-acre site planned for the Oakley Logistics Center.

**Figure 1  
Regional Project Location**



**Figure 2**  
**Commercial Recreation-Aquatic District Locations**



Both CR-A District areas are located in the Northwest Oakley Planning Area. The Northwest Oakley Planning Area encompasses approximately 972 acres of land and is located generally north of Oakley Road and generally bounded by Big Break Road to the east, SR 160 to the west and the Delta to the north. The Northwest Oakley Planning Area has historically been dominated by the former DuPont facility to the north and other uses of industrial character along SR 4 and Main Street. The BNSF Railway mainline bisects the area. As noted in the City's General Plan, the City envisions the Northwest Oakley Planning Area as the primary employment center within Oakley.

Within the Northwest Oakley Planning Area, the purpose of the CR-A District is to provide designated areas for preservation of natural features and to encourage marine-commercial and visitor-oriented uses in waterfront areas. Currently, the CR-A District includes the following six permitted uses: artists' studios and galleries; boat storage/yards; marinas; park and recreation facilities; retail marine sales; and minor utilities, such as electrical distribution lines and underground water and sewer lines. The CR-A District currently allows for a range of additional uses through approval of a Conditional Use Permit or a Temporary Use Permit.

In addition, Planning Area 6 of the City-adopted ECCSP contains two areas with CR land use designations, to which the CR-A District would apply. The ECCSP encompasses approximately 2,546 acres within the eastern portion of the City limits and the City's Sphere of Influence (SOI) boundaries. Planning Area 6 consists of 631 acres and is generally situated in the northern and eastern portions of the ECCSP. The two areas with CR land use designations in Planning Area 6 are generally located in the northern portion of the planning area. The first CR land use designation, a 20.9-acre site, is within the SOI, but outside of the City limits. The site abuts the eastern side of Jersey Island Road and is adjacent to the Delta. The other CR land use designation, a 16.4-acre site, abuts the western side of Bethel Island Road within the northern City limits. Development of each of the foregoing areas in Planning Area 6 would require discretionary approval by the City, prior to project approval, in order to apply the CR-A District to the site. Therefore, at such time an application is made, development proposals specific to the foregoing sites would necessitate analysis of all environmental issue areas as required under CEQA, with potential impacts identified and applicable mitigation required to the maximum extent feasible. Thus, analysis of potential impacts associated with the currently proposed project is limited in this IS/ND to the City's current CR-A District areas, located in the Northwest Oakley Planning Area.

### **Project Components**

The proposed project sets forth a number of text amendments to Section 9.1.512 of the City's Municipal Code, which pertains to the CR-A District. The text changes presented below are those submitted by the applicant, with proposed new text double underlined and proposed deleted text ~~struck through~~. City staff may recommend further refinements, such as additional standards for retail and office uses. However, the City's modifications would be more restrictive. Therefore, for the purposes of CEQA, the applicant's proposed modifications represent a worst-case analysis. Approval of the proposed text would implement the following changes into the Municipal Code:

#### **9.1.512 Commercial Recreation – Aquatic (CR-A).**

- a. Purpose and Intent. The CR-A Zone is designated in certain areas along the City's waterfront, which is part of the greater Sacramento-San Joaquin Delta. The Delta is a unique region that supports a wealth of natural resources, vibrant communities, agriculture, and recreation. The lands designated CR-A are within the Secondary Zone of the Delta, within the Contra Costa

County Urban Limit Line, within City limits, and within the Urban Interface Zone in the Delta Plan. The purpose of the CR-A District is to provide designated areas for preservation of natural features, and to encourage marine-commercial commercial, recreational and visitor-oriented uses in waterfront areas compatible with the waterfront and the natural features in the Delta. The intent is to provide new and protect existing commercial and recreational opportunities. The CR-A Zone will encourage uses that allow residents and visitors to enjoy and appreciate the waterways of the Delta. The proximity to the Delta is considered a further opportunity to enhance the overall quality of the area.

b. Permitted Uses. Uses permitted in the CR-A district shall be as follows:

1. ~~Artists' studios and galleries~~ Boat charter, rental, or sales. Boats include kayaks, canoes, stand up paddle boards, sail boats, wind sailing, jet skis, bass boats, cabin cruisers, electric boats, and similar watercraft;
2. Boat storage/yards. Indoor or outdoor storage of boats, including stack storage, which may include boat haul out, maintenance, and boat repair as an ancillary use;
3. ~~Marinas~~ Boat tours, including fishing guides and tours of the Delta;
4. ~~Park and recreation facilities~~ Docks and boat launches;
5. ~~Retail marine sales~~ Eating and drinking establishments, including restaurants, cafés, take-out, floating restaurants, take-out by boat, and dock dining. Drive-throughs not permitted;
6. ~~Utilities, minor (Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines)~~ Ferry services;
7. Fishing tournaments;
8. Houseboat charter, rentals, and sales;
9. Indoor storage of marine or recreational equipment and supplies;
10. Interpretive and educational facilities;
11. Marinas;
12. Marinas with recreational vehicle parks;
13. Marina mixed-use developments, including restaurants, offices, or retail shops;
14. Marine schools;
15. Offices;
16. Park and recreation facilities, including tent or recreational vehicle campgrounds;
17. Public safety facilities, including marine patrol, search and rescue, and reclamation district facilities;
18. Recreational vehicle repair and/or storage within enclosed structures;
19. Retail stores;
20. Studios and galleries for artists;
21. Utilities, minor (utilities and energy efficient improvements to buildings and structures).

c. Uses Requiring a Conditional Use Permit. In the CR-A district the following uses are permitted after the issuance of a conditional use permit:

1. ~~Boat charter, rental and sales~~ Boat storage/yards when including boat building or manufacturing;
2. ~~Boat storage/yards when including boat building or manufacturing~~ Commercial waterfront master plan with a residential component (Residential component subject to the lot and yard requirements, building height and other regulations of multiple family residential districts (M-9, M-12 and M-17) (Sections 9.1.406(e) through (h));
3. ~~Commercial filming (Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year)~~ Hotels and motels;

4. ~~Commercial recreation and entertainment (This classification includes cinemas, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/skating rinks, scale-model courses, tennis/racquetball courts, arcades or electronic games centers having three or more coin-operated game machines); Utilities, major (Generating plants, electrical substations, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification).~~
  5. ~~Eating and drinking establishments related to marina;~~
  6. ~~Hotels and motels;~~
  7. ~~Marine service stations (Establishments engaged in the retail sale of gasoline, diesel, and alternative fuels, lubricants, parts, and accessories for boats or ships);~~
  8. ~~Public safety facilities;~~
  9. ~~Utilities, major (Generating plants, electrical substations, above-ground electrical transmission lines, lone switching buildings, refuse collection, transfer recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification);~~
  10. ~~Yacht club; and~~
  11. ~~Commercial waterfront master plan with a residential component (Residential component subject to the lot and yard requirements, building height and other regulations of multiple family residential districts (M-9, M-12 and M-17) (Sections 9.1.406(e) through (h)).~~
- h. Other Regulations.
- i. ~~All new commercial development shall be consistent with the Commercial and Industrial Design Guidelines (See Appendix C of this chapter) and is subject to Design Review approval.~~
  - ii. ~~Fences, walls, hedges, uncovered decks, landings, patios, platforms, porches and terraces and similar structures not more than 6 feet in height, may be located within any required side yard to the rear of the front setback or within any required rear yard other than those abutting an alley. Fences, walls, hedges, and accessory structures shall be limited to 3 feet in height above natural grade in all required front yard setback areas;~~
  - iii. ~~Dock and Marina Regulations. Dock and marina projects may be allowed in the CR-A district based on the following criteria, as determined appropriate by the Community Development Director:~~
    1. ~~Proposed locations should be along waterways having an adequate channel width as defined by the State Harbors and Navigation Code;~~
    2. ~~Adequate public vehicular access and parking must be provided;~~
    3. ~~Off-site improvements, such as required access roads, must be capable of supporting the proposed development and subsequent use;~~
    4. ~~Adequate on-site sewage or public sewer disposal must be provided;~~
    5. ~~Adequate access for emergency response vehicles must be available;~~
    6. ~~Such uses should minimize the conflict with adjacent agricultural uses or natural resources;~~
    7. ~~Adequate potable water must be provided, as appropriate, for all recreational uses;~~
    8. ~~Encourage public access to the delta and shoreline in conjunction with new dock and marina projects. Such access may be achieved upon the subject property or through cooperative efforts with adjacent property owners.~~

1. All new commercial development shall be consistent with the Commercial and Industrial Design Guidelines (See Appendix C of this chapter) and is subject to Design Review approval;
2. Marinas include covered or un-covered berths, fuel docks, electric boat charging stations, launch ramps, marine maintenance and repair services, lubricants, parts, and accessories for boats, pump outs, convenience store, office, harbormaster living quarters, and related uses;
3. Boat and houseboat sales may be new or used vessels that are operable and seaworthy;
4. Public safety facilities may include outdoor storage of mobile trailers for disaster preparedness (levee failures, oil spills, earthquakes);
5. Fences, walls, hedges, uncovered decks, landings, patios, platforms, porches and terraces and similar structures not more than 6 feet in height, may be located within any required side yard to the rear of the front setback or within any required rear yard other than those abutting an alley. Fences, walls, hedges, and accessory structures shall be limited to 3 feet in height above natural grade in all required front yard setback areas; and
6. Marina and Dock Regulations. Marina and dock projects may be allowed in the CR-A district based on the following criteria, as determined appropriate by the Community Development Director:
  - a. Proposed locations should be along waterways having an adequate channel width as defined by the State Harbors and Navigation Code;
  - b. Adequate public vehicular access and parking must be provided;
  - c. Off-site improvements, such as required access roads, must be capable of supporting the proposed development and subsequent use;
  - d. Adequate on-site sewage or public sewer disposal must be provided;
  - e. Adequate access for emergency response vehicles must be available;
  - f. Such uses should minimize the conflict with adjacent agricultural uses or natural resources;
  - g. Adequate potable water must be provided, as appropriate, for all recreational uses; and
  - h. Encourage public access to the delta and shoreline in conjunction with new dock and marina projects. Such access may be achieved upon the subject property or through cooperative efforts with adjacent property owners.

### **Discretionary Actions**

Implementation of the proposed project requires the following discretionary action by the City of Oakley:

- Adoption of the IS/ND; and
- Approval of the Zoning Text Amendment.

## **F. ENVIRONMENTAL CHECKLIST**

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The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

**Potentially Significant Impact:** An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

**Less Than Significant with Mitigation Incorporated:** An impact that requires mitigation to reduce the impact to a less-than-significant level.

**Less-Than-Significant Impact:** Any impact that would not be considered significant under CEQA relative to existing standards.

**No Impact:** The project would not have any impact.

**I. AESTHETICS.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a-d. Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing. In general, a project’s impact to a scenic vista would occur if development of the project would substantially change or remove a scenic vista. As noted, the CR-A District areas are located along the shoreline of the Delta, which constitutes a scenic vista. However, while the proposed project would revise Section 9.1.512 of the City’s Municipal Code to expand the list of recreational and commercial uses allowed within the CR-A District, the proposed Zoning Text Amendment does not include any specific development proposals. All future development projects that could occur as a result of the proposed Zoning Text Amendment would be required to be consistent with all applicable policies, regulations, and standards related to the preservation of visual quality within the CR-A District, including those set forth in the City’s General Plan, Municipal Code, and Commercial and Industrial Design Guidelines. In particular, the Commercial and Industrial Design Guidelines include requirements with respect to building siting, setbacks, and orientation; landscape setbacks and buffers; and lighting to ensure new and renovated commercial development maintains a high level of visual quality and continuity with the City’s existing communities. The Commercial and Industrial Design Guidelines also require aquatic recreation uses to treat the waterfront as an entry, with attention given to views of a facility from the water. As part of the proposed Zoning Text Amendment, Section 9.1.512(h) of the Municipal Code would still require all new commercial development to be subject to Design Review approval, a process by which the City Planning Commission would review applications to ensure projects are consistent with applicable criteria set forth in the Municipal Code and Commercial and Industrial Design Guidelines.

In addition, conditional uses facilitated by the proposed amendment would be required to evaluate all environmental issue areas as mandated under CEQA, prior to project approval, and if necessary, provide mitigation. Therefore, uses requiring a CUP facilitated by the proposed amendment would be required to evaluate potential aesthetics-related impacts, with the analysis confirming to what extent the project is consistent with the applicable policies established by the CR and CO land use designations, as described in the Land Use Element of the City’s General Plan, and the regulations and standards set forth in Section 9.1.512 of the Municipal Code. Adherence to such regulations and

standards would ensure that future development proposals complement the Oakley Logistics Center and the City's shoreline and do not have a substantial adverse effect on the Delta or on public views of the Delta.

According to the California Department of Transportation's (Caltrans) Scenic Highway Mapping System, officially designated State scenic highways do not occur in the project vicinity. The nearest officially designated State scenic highway is a portion of Interstate 680 (I-680), located approximately 18.8 miles to the southwest of the nearest CR-A District.<sup>1</sup> Therefore, the proposed project would not damage scenic resources within a State scenic highway.

The CR-A District areas include existing structures and are located within the Northwest Oakley Planning Area, which consists of commercial and industrial uses. As such, the project area is considered urbanized. As discussed above, the proposed Zoning Text Amendment does not include any specific development proposals. All future development projects that could occur as a result of the proposed project would be required to comply with all applicable policies established by the CR and CO General Plan land use designations and the City's Municipal Code, including regulations and standards pertaining to light and glare established by Sections 9.1.1402 (Off-Street Parking) and 9.1.1606 (Temporary Use Permit) of the Municipal Code and those set forth by the Oakley Commercial & Industrial Design Guidelines. Compliance with all applicable regulations and standards would ensure future projects comply with the CR-A District and do not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Based on the above information, the proposed project would not have a substantial adverse effect on a scenic vista, substantially damage scenic resources within a State scenic highway, conflict with applicable zoning and other regulations governing scenic quality, or create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, the project would result in a **less-than-significant** impact.

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<sup>1</sup> California Department of Transportation. *Scenic Highways*. Available at: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed July 2021.

**II. AGRICULTURE AND FOREST RESOURCES.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘

**Discussion**

- a,e. According to the California Department of Conservation’s California Important Farmland Finder, the CR-A District areas are comprised entirely by Urban and Built-Up Land.<sup>2</sup> Additionally, the proposed project would not result in any direct development of land or cause any physical changes to the environment in the City. Accordingly, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, or otherwise result in the loss of Farmland to non-agricultural use. Therefore, **no impact** would occur as a result of the proposed project.
- b. The project area is not under a Williamson Act contract and is not designated or zoned for agricultural uses. Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and **no impact** would occur.
- c,d. The project area is not considered forest land (as defined in PRC Section 12220[g]), timberland (as defined by PRC Section 4526), and is not zoned Timberland Production (as defined by Government Code Section 51104[g]). Therefore, the proposed project would have **no impact** with respect to the conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

<sup>2</sup> California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed July 2021.

**III. AIR QUALITY.**

*Would the project:*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a-c. Oakley is located within the Bay Area Air Quality Management District (BAAQMD). The BAAQMD is part of the San Francisco Bay Area Air Basin (SFBAAB) that includes the entirety of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the western portion of Solano County; and the southern portion of Sonoma County. The City of Oakley is located within the eastern boundary of the SFBAAB. California and the federal government have established air quality standards for various pollutants. The standards are used to determine attainment of State and federal air quality goals and plans. Generally, State regulations consist of stricter standards than federal regulations. Air quality standards are set at concentrations that provide a sufficient margin of safety to protect public health and welfare. BAAQMD has adopted thresholds of significance for various pollutants intended to maintain attainment of federal and State ambient air quality standards (NAAQS and CAAQS, respectively). The SFBAAB area is currently designated as a nonattainment area for the State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter (PM<sub>2.5</sub>), and State respirable particulate matter 10 microns in diameter (PM<sub>10</sub>) AAQS. The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour PM<sub>2.5</sub> federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal PM<sub>2.5</sub> AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation. The USEPA has not yet approved a request for redesignation of the SFBAAB; therefore, the SFBAAB remains in nonattainment for 24-hour PM<sub>2.5</sub>.

The proposed project consists of revisions to the text of the City of Oakley Zoning Ordinance and does not include any specific development proposals. However, approval of the proposed text amendment could result in reasonably foreseeable consequences related to development within the CR-A District areas. For example, the proposed amendment would allow for additional commercial and recreational uses within the CR-A District, which could help facilitate increased re-tenanting potential within existing buildings and/or development of new facilities. Nevertheless, while the proposed zoning text amendment would expand the list of permitted and conditional uses allowed within the two CR-A District areas, such uses would be consistent with the existing uses allowed within the zoning districts' respective CR and CO land use designations, as described in the Land Use Element of the City's General Plan. The General Plan EIR analyzed the potential

for buildout facilitated by the General Plan to conflict with or obstruct implementation of an applicable air quality plan; result in a cumulatively considerable net increase of any criteria pollutant for which the region is nonattainment; and/or expose sensitive receptors to substantial pollutant concentrations and concluded that with compliance with all applicable General Plan policies and programs, the foregoing air quality impacts would be reduced to a less-than-significant level. Among the policies and programs included in the General Plan, Policy 6.2.3 requires the General Plan to be implemented consistent with BAAQMD's Air Quality Management Plan, as periodically updated. Program 6.2.A requires that the City minimize impacts of new development by reviewing development proposals for potential impacts pursuant to CEQA and the BAAQMD Air Quality Handbook, and Program 6.2.C requires that the City, to the extent feasible, meet federal and State air quality standards for all pollutants. Therefore, because the expanded uses allowed by the proposed Zoning Text Amendment would be consistent with the General Plan and would comply with all applicable General Plan policies and programs, development facilitated by the proposed zoning text amendment would not result in new significant impacts beyond what were previously identified in the General Plan EIR.

In addition, conditional uses facilitated by the proposed amendment would be required to evaluate all environmental issue areas as mandated under CEQA, prior to project approval, and if necessary, provide mitigation. As such, commercial and recreational uses requiring a CUP that could occur as a result of the proposed project would be required to evaluate potential impacts related to air quality, with the analysis confirming to what extent a project is consistent with the applicable air quality plan, if the project would result in a cumulatively considerable net increase of criteria pollutants for which the region is nonattainment, and if the project would expose sensitive receptors to substantial pollutant concentrations. As part of assessing potential air quality impacts required under CEQA, projects requiring a CUP would be required to demonstrate that construction-related emissions would not exceed BAAQMD's thresholds of significance. Such projects would also be required to comply with all applicable BAAQMD rules and regulations. Applicable BAAQMD's regulations and rules include, but are not limited to, the following:

- Regulation 2: Permits
  - Rule 5: New Source Review of Toxic Air Contaminates
- Regulation 6: Particulate Matter and Visible Emissions
  - Rule 2: Commercial Cooking Equipment
  - Rule 3: Wood-burning Devices
- Regulation 7: Odorous Substances
- Regulation 8: Organic Compounds
  - Rule 3: Architectural Coatings
- Regulation 11: Hazardous Pollutants
  - Rule 2: Asbestos Demolition, Renovation and Manufacturing

Lastly, project facilitated by the proposed Zoning Text Amendment requiring a CUP would be required to implement all of the BAAQMD's Basic Construction Mitigation Measures, which include the following:

1. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

2. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
3. All vehicle speeds on unpaved roads shall be limited to 15 mph.
4. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
5. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage shall be provided for construction workers at all access points.
6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
7. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Based on the above information, the proposed project is not expected to increase emissions to exceed the thresholds of significance set by the BAAQMD, and a **less-than-significant** impact would occur.

- d. Typical sources of objectionable odors include industrial or intensive agricultural uses. The proposed project does not involve any industrial or intensive agricultural development, and therefore, would not include any odor-producing uses. The proposed project consists of revisions to the text of the City of Oakley Zoning Ordinance and does not include any specific development proposals. If reasonably foreseeable construction were to occur in the future, dust emissions from improvements would be subject to the BAAQMD's Basic Construction Mitigation Measures, which would act to reduce construction-related dust by requiring that haul trucks with loose material are covered and reducing vehicle dirt track-out. Furthermore, dust generated by interior improvements would be primarily retained within the building envelope, and would not disperse outside of the CR-A District areas or to nearby sensitive receptors. Therefore, the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, and a **less-than-significant** impact would occur.

**IV. BIOLOGICAL RESOURCES.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a-d, f. The southern portions of each CR-A District are located within the Urban Development Area of the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP). The East Contra Costa County HCP/NCCP provides take authorization for 28 listed and non-listed species and includes fees and requirements for impacts related to jurisdictional wetlands and waters. Listed species are species, subspecies, or distinct vertebrate population segments that have been added to the federal or State lists of endangered and threatened species, in accordance with the federal Endangered Species Act of 1973 and/or the California Endangered Species Act. The Urban Development Area is intended to accommodate urban growth. Activities within the Urban Development Area include, but are not limited to, the construction, maintenance, and use of residential, commercial, and industrial facilities; public service facilities; and recreational facilities. Development projects that would result in impacts to species protected under the East Contra Costa County HCP/NCCP would require an incidental take permit and be subject to all applicable fees and Avoidance and Minimization Measures (AMMs) set forth therein.

According to the City’s General Plan EIR, the City’s General Plan Planning Area supports a diverse assemblage of plant and wildlife species throughout several habitat types, many of which are covered species under the East Contra Costa County HCP/NCCP. The Planning Area also includes irrigated pasture, which could be considered wetlands under General Plan policies, and marsh habitats, which are considered sensitive habitats. In addition, the sloughs and canals within the Planning Area likely support special-status

species, which under CEQA, can include (1) plant and wildlife species that are formally listed, are proposed as endangered or threatened, or are candidates for such listing; (2) California Department of Fish and Wildlife (CDFW) Species of Special Concern; (3) U.S. Fish and Wildlife Service (USFWS) Birds of Conservation Concern; (4) sensitive species included in USFWS Recovery Plans; (5) CDFW special-status invertebrates; (6) plant species on California Native Plant Society (CNPS) Lists 1 and 2; and (7) birds and raptors protected under the Migratory Bird Treaty Act (MBTA) of 1918, which prohibits the destruction of active nests, eggs, and young. The sloughs and canals within the Planning Area may also function as wildlife corridors, which are important for the movement of migratory wildlife populations, as corridors provide foraging opportunities and shelter during migration. The potential for a particular habitat to support special-status species depends on numerous factors including microhabitat, human disturbance levels, and current site conditions. The General Plan EIR advises that changes in land use within habitats should be analyzed with regards to associated adverse effects to sensitive habitats and potential habitat for special-status plant and wildlife species.

As previously discussed, the CR-A District areas are located along the shoreline of the Delta. However, the CR-A Districts are heavily disturbed and consist of existing structures and improvements associated with Driftwood Marina, Lauritzen Yacht Harbor, Big Break Marina, and Foundation Contractors. Therefore, sensitive habitats and potential habitat for special-status plant and wildlife species are unlikely to exist on-site. In addition, the proposed project would merely serve to expand the list of recreational and commercial uses allowed within the CR-A District and does not include any specific development proposals. Future development projects that could occur as a result of the proposed Zoning Text Amendment would be required to be consistent with all applicable policies, regulations, and standards related to the preservation of biological resources, including those set forth in the City's General Plan, Municipal Code, and Commercial and Industrial Design Guidelines, as well as those required by the federal government and the State. General Plan Policy 6.3.3 requires land use planning to reduce the impact of urban development on important ecological and biological resources identified during application review and analysis. Policy 6.3.5 encourages preservation and enhancement of Delta wetlands, significant trees, natural vegetation, and wildlife populations, and Policy 6.3.6 encourages preservation of portions of important wildlife habitats that would be disturbed by major development, particularly adjacent to the Delta. Additionally, as part of the proposed amendment, Section 9.1.512(h) of the Municipal Code would still require future marina and dock projects within the CR-A District to minimize conflicts with natural resources. All new commercial development facilitated by the proposed Zoning Text Amendment would still be subject to Design Review approval, a process by which the City Planning Commission would review applications to ensure projects are consistent with applicable criteria set forth in the Municipal Code and Commercial and Industrial Design Guidelines. Furthermore, future uses located within the Urban Development Area of the East Contra Costa County HCP/NCCP would be required to apply for an incidental take permit under the East Contra Costa County HCP/NCCP and comply with all applicable fees and AMMs set forth therein. Section 9.2.712 of the City's Municipal Code establishes the HCP/NCCP Implementing Fees to which projects could be subject.

Conditional uses facilitated by the proposed amendment would be required to evaluate all environmental issue areas as mandated under CEQA, prior to project approval, and if necessary, provide mitigation. As such, commercial and recreational uses requiring a CUP that could occur as a result of the proposed project would be required to evaluate potential impacts related to biological resources, with the analysis confirming to what extent special-

status species, sensitive habitats, State or federally protected wetlands, and/or wildlife movement corridors and nurseries are present on-site. Should a potentially significant impact be identified, all future projects would be subject to mitigation to reduce the impact to a less-than-significant level, consistent with applicable federal, State, and local regulations and standards.

Lastly, the permitted and conditional uses that would be facilitated by the proposed Zoning Text Amendment would be generally similar to the existing commercial and recreational uses already allowed within the CR-A District. The General Plan EIR evaluated the potential for buildout of the General Plan to result in impacts to special-status species, sensitive habitats, jurisdictional wetlands, and/or wildlife movement corridors and nurseries and concluded that through compliance with all applicable General Plan policies, impacts would be reduced to a less-than-significant level. As future development within the CR-A Districts would be required to be consistent with all applicable policies set forth by the General Plan, the proposed project would not result in new significant impacts beyond what were previously identified in the General Plan EIR.

Based on the above information, the proposed project would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; on any riparian habitat or other sensitive natural community; or on State or federally protected wetlands. The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Finally, the project would not conflict with the provisions of an adopted HCP/NCCP or other local, regional, or State habitat conservation plan. Therefore, a **less-than-significant** impact would occur.

- e. The City's Municipal Code sets forth various requirements pertaining to the maintenance and protection of trees. Chapter 6.13 (Street Tree Maintenance and Protection) includes provisions related to the maintenance, protection, and replacement of street trees, defined as a tree intentionally planted or growing within a public right-of-way or public easement within the City, whether or not that tree is located within the physical front or corner side yard of a residence or other property. Additionally, Section 9.1.1112 of the Municipal Code includes requirements pertaining to the preservation of heritage trees, defined as a California native oak that measure at least 50 inches in circumference at 4.5 feet above grade or a tree of a species other than California native oak that measures at least 50 inches in circumference at 4.5 feet above grade and is either on an undeveloped property, located on public property or within the right-of-way, or located on private property and is found to provide benefits to the subject property as well as neighboring properties.

As previously discussed, the proposed project does not include any specific development proposals. While the proposed Zoning Text Amendment would expand the list of commercial and recreational uses allowed in the CR-A District, all future development projects would be required to comply with Chapter 6.13 and Section 9.1.1112 of the Municipal Code. Future projects would also be required to be consistent with all applicable policies established by the CR and CO General Plan land use designations and set forth in the City's Commercial and Industrial Design Guidelines. As such, the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and a **less-than-significant** impact would occur.

**V. CULTURAL RESOURCES.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

**Discussion**

a-c. Historical resources are features that are associated with the lives of historically important persons and/or historically significant events that embody the distinctive characteristics of a type, period, region or method of construction, or that have yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation. Examples of typical historical resources include, but are not limited to, buildings, farmsteads, rail lines, bridges, and trash scatters containing objects such as colored glass and ceramics.

According to the City’s General Plan EIR, only a few archaeological or paleontological discoveries have been made in the City limits. However, given the history of the General Plan Planning Area, the City requires site evaluation prior to development of undeveloped areas and additional procedures in the event that artifacts are unearthed during construction. Most of the City’s historic resources date from the period of Oakley’s growth and development, roughly from 1901 to 1955. While the City does not include officially designated historic structures, numerous buildings, primarily in the old town area, are eligible for such designation or listing. The City intends to evaluate such resources and establish preservation policies and practices for qualified historic resources. The General Plan includes several policies and programs to preserve, protect, and renovate known and unknown historic, cultural, prehistoric, or archaeological resources in the Planning Area. For instance, Policy 6.4.1 requires that the City preserve areas that have identifiable and important archaeological or paleontological significance. Policy 6.5.2 requires that the character and setting of historic buildings be respected during remodeling and renovation of facades. Program 6.4.A requires that development proposals be assessed for potential impacts to significant archaeological resources, pursuant to Section 15064.5 of the CEQA Guidelines, and requires that a study be conducted by a professional archaeologist for projects located near creeks or identified archaeological sites to determine if significant archaeological resources are potentially present. Similarly, Program 6.5.C requires that development proposals be assessed for potential impacts to significant historic resources, pursuant to Section 15064.5 of the CEQA Guidelines, with studies required for structures that potentially have historic significance. The General Plan EIR concluded that through compliance with all applicable General Plan policies and programs, buildout facilitated by the General Plan would result in a less-than-significant impact.

As previously discussed, the proposed project does not include any specific development proposals. While the proposed Zoning Text Amendment would expand the list of commercial and recreational uses allowed in the CR-A District, all future development projects would be required to comply with all applicable General Plan policies and programs associated with the preservation and protection of known and unknown historic, cultural, prehistoric, and archaeological resources. As demonstrated, in general, the

policies require the preservation of all City, State, and federally designated historic sites and structures to the maximum extent feasible. Therefore, the proposed project would not cause a substantial adverse change in the significance of a cultural resource pursuant to Section 15064.5, or disturb any human remains. Thus, a ***less-than-significant*** impact would occur.

**VI. ENERGY.**

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

a,b. The proposed project consists of revisions to the text of the City of Oakley Zoning Ordinance and does not include any specific development proposals. While the proposed project would not directly result in increased energy use relative to existing conditions, approval of the proposed text amendments could result in reasonably foreseeable consequences related to future land use activity for certain land uses within the CR-A District areas, and additional energy use may occur. However, the lack of site-specific development applications, including the design and location of specific improvements, makes evaluation of the project’s energy usage highly speculative.

Any future building improvements would be subject to all relevant provisions of the most recent update of the California Building Standards Code (CBSC) (CCR, Title 24), including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and Building Energy Efficiency Standards would ensure that future tenant improvements for existing buildings and newly developed facilities within the CR-A District areas consume energy efficiently. Additionally, tenant improvements for existing buildings could improve energy efficiency due to the new standards required by the CBSC. As such, required compliance with the CBSC would ensure that the building energy use associated with future permitted uses would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to buildings within the project area would comply with the State’s Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030.<sup>3</sup> Thus, a portion of the energy consumed during operations would originate from renewable sources.

Based on the above, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a **less-than-significant** impact would occur.

<sup>3</sup> California Energy Commission. *Renewables Portfolio Standard – RPS*. Available at: <https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard>. Accessed July 2021.

**VII. GEOLOGY AND SOILS.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a-d. The CR-A District areas are located in the highly urbanized Northwest Oakley Planning Area and are heavily disturbed, consisting of existing structures and improvements associated with Driftwood Marina, Lauritzen Yacht Harbor, Big Break Marina, and Foundation Contractors. The proposed project does not include any specific development proposals; however, the proposed Zoning Text Amendment could facilitate new development proposals, which would consist of improvements or redevelopment of existing structures as well as development of new facilities in the CR-A District areas.

According to the City’s General Plan EIR, due to the General Plan Planning Area’s location within the seismically active Bay Area region, the potential for seismic hazards must be considered as future development occurs. The majority of the City is located on soils that have moderate to high potential for failure during seismic activity. The areas of greatest risk are located adjacent to the Delta, where saturated soils have the greatest potential for failure due to liquefaction. In addition to concern for ground failure, which can result from an earthquake on a distant fault, the City is also underlain by one fault and in close proximity to two faults that are inferred to be active. Should an earthquake originate on one of these faults, a fault rupture could potentially occur. Such an event could damage public infrastructure and severely damage buildings located directly above the fault. Due to the potential for various types of seismically related damage, the General Plan EIR notes that development in the City must be planned and constructed to standards to minimize the exposure of risks to people and property within the City limits.

Future development projects that could occur as a result of the proposed Zoning Text Amendment would be required to be consistent with all applicable policies, regulations, and standards related to geology and soils, including those set forth in the City's General Plan and Municipal Code as well as those required by the State. Such compliance would include adhering to existing regulations and standards established by the California Building Code (CBC) (Title 24 CCR, Part 2), as adopted by the City in Section 7.1.102 of the City's Municipal Code. The CBC requires that soils testing be completed on all graded building sites. As such, development of new facilities in the CR-A District areas would be required to evaluate on-site soils prior to construction, with all recommendations made by a registered civil engineer incorporated into project plans. Incorporation of the civil engineer's recommendations would ensure potential impacts related to seismicity, landslides, soil instability, and/or expansive soils are properly addressed prior to the commencement of construction. Additionally, all future projects would be required to comply with all applicable provisions set forth in Chapter 6.9 (Grading) and Chapter 6.11 (Stormwater Management and Discharge Control) of the Municipal Code. To ensure that projects have adhered to existing local and State regulations and standards, development proposals facilitated by the proposed Zoning Text Amendment would be reviewed for compliance by the City's Building Division during the Building Permit review process.

Additionally, conditional uses facilitated by the proposed amendment would be required to evaluate all environmental issue areas as mandated under CEQA, prior to project approval, and if necessary, provide mitigation. As such, commercial and recreational uses requiring a CUP that could occur as a result of the proposed project would be required to evaluate potential impacts related to rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure; landslides; substantial soil erosion or the loss of topsoil; geologic unit or soil instability that could result in landslide, lateral spreading, subsidence, liquefaction, or collapse; and expansive soil.

Lastly, the General Plan EIR evaluated the potential for buildout of the General Plan to result in impacts related to expansive soils, seismicity, and liquefaction and concluded that with compliance to all applicable General Plan policies, buildout of the Planning Area would result in a less-than-significant impact. As the proposed Zoning Text Amendment would be consistent with the CR and CO General Plan land use designations, future development proposals facilitated by the proposed project would not result in new significant impacts beyond what were previously evaluated in the General Plan EIR.

Based on the above information, the proposed project would not directly or indirectly cause potential substantial adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The project would not result in substantial soil erosion or the loss of topsoil. The project would not be located on a geologic unit or soil that is unstable or would become unstable and result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, and the project would not be located on expansive soil. Therefore, the project would result in a **less-than-significant** impact.

- e. Buildings within the CR-A District areas are connected to the Ironhouse Sanitary District's (ISD) existing public sewer system. Thus, the use of septic tanks or alternative wastewater disposal systems would not be applicable for existing, expanded, or new uses within the CR-A Districts. Therefore, **no impact** would result.

- f. As discussed in Section V, Cultural Resources, of this Initial Study, the proposed project does not include any specific development proposals. While the proposed Zoning Text Amendment would expand the list of commercial and recreational uses allowed in the CR-A District, all future development projects would be required to comply with all applicable General Plan policies and programs associated with the preservation and protection of known and unknown paleontological resources. As demonstrated, in general, the policies require the preservation of all unique paleontological resources or sites or unique geologic features to the maximum extent feasible. Therefore, the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Thus, a ***less-than-significant*** impact would occur.

**VIII. GREENHOUSE GAS EMISSIONS.**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a,b. Emissions of greenhouse gasses (GHGs) contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

A number of regulations currently exist related to GHG emissions, predominantly Assembly Bill (AB) 32, Executive Order S-3-05, and Senate Bill (SB) 32. AB 32 sets forth a statewide GHG emissions reduction target of 1990 levels by 2020. Executive Order S-3-05 sets forth a transitional reduction target of 2000 levels by 2010, the same target as AB 32 of 1990 levels by 2020, and further builds upon the AB 32 target by requiring a reduction to 80 percent below 1990 levels by 2050. SB 32 also builds upon AB 32 and sets forth a transitional reduction target of 40 percent below 1990 levels by 2030. In order to implement the statewide GHG emissions reduction targets, local jurisdictions are encouraged to prepare and adopt area-specific GHG reduction plans and/or thresholds of significance for GHG emissions.

Estimated GHG emissions attributable to future building improvements and additional vehicle miles traveled (VMT) that may indirectly result from project approval would be primarily associated with increases of carbon dioxide (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO<sub>2</sub> equivalents (MTCO<sub>2</sub>e/yr).

Implementation of the proposed Zoning Text Amendment to the CR-A District could facilitate future improvements to existing buildings and development of new structures; however, the lack of site-specific development applications, including the design and location of specific improvements, makes evaluation of the project’s GHG impacts highly speculative. Additionally, as discussed in Section XVII, Transportation, of this Initial Study, the CR-A District areas are located within 2.2 miles and 2.8 miles, respectively, of the Antioch Bay Area Rapid Transit (BART) Station, which is considered a major transit stop pursuant to PRC Section 21064.3. Furthermore, multiple Tri Delta Transit bus stops are located along Main Street, less than a mile south of the CR-A District areas, which provide

access from the CR-A Districts to the Antioch BART Station. Close proximity to transit is known to reduce VMT and associated mobile source GHG emissions. Lastly, all future building improvements that could occur as a result of the proposed Zoning Text Amendment would be required to comply with the current CBSC Building Energy Efficiency Standards. Required compliance with the CBSC would ensure that building energy use associated with future permitted uses would not be wasteful, inefficient, or unnecessary, which would help to further reduce GHG emissions associated with on-site operations (e.g., heating and cooling, lighting, irrigation).

Based on the above information, the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Therefore, a ***less-than-significant*** impact would occur.

**IX. HAZARDS AND HAZARDOUS MATERIALS.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

a,b. The proposed project involves approval of an amendment to a policy-level document, and thus, would not involve the routine transport, use, or disposal of hazardous materials. While the proposed Zoning Text Amendment could indirectly facilitate future development, the expanded list of land uses within the CR-A District would be either commercial or recreational, consistent with the applicable policies established by the CR and CO General Plan land use designations. Such uses are not typically associated with the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. In addition, it should be noted that the CR-A Districts currently include marinas, which have fueling locations for boats. The proposed Zoning Text Amendment would continue to allow for such uses, which would continue to be subject to all applicable State regulations to ensure refueling operations are conducted safely.

Maintenance and operation of the project area may use common cleaning products, fertilizers, and herbicides on-site, any of which could contain potentially hazardous chemicals; however, such products would be expected to be used in accordance with label instructions. Due to the regulations governing the use of such products, and the amount anticipated to be used in conjunction with future permitted land uses, routine use of such products would not represent a substantial risk to public health or the environment.

The CR-A District areas are highly developed and construction activities associated with future development would be reasonably expected to consist of improvement or redevelopment of existing structures as well as development of new facilities. Such activities could involve the limited use of heavy equipment, which would contain fuels and

oils, and various other products such as concrete, paints, and adhesives. However, contractors would be required to comply with all California Health and Safety Codes and local City ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. Thus, future construction activities in the CR-A District areas would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Based on the above, the proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. Thus, a **less-than-significant** impact would occur.

- c. The CR-A District areas are not located within one-quarter mile of an existing school. The nearest school to a CR-A District is the Vintage Parkway Elementary School at 1000 Vintage Parkway, approximately 0.6 mile to the southeast of the CR-A District adjacent to Big Break Road. Therefore, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, and **no impact** would occur.
- d. Government Code Section 65962.5 requires the California Environmental Protection Agency (Cal-EPA) to annually develop an updated Hazardous Waste and Substances Site (Cortese) List. The Department of Toxic Substances Control's Cortese List does not currently include any site or facility located within or adjacent to the boundaries of CR-A District areas.<sup>4</sup> The nearest listed site is approximately 3.1 miles to the southeast of the CR-A District adjacent to Big Break Regional Trail. Therefore, the proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and **no impact** would occur.
- e. The nearest airport to the CR-A District areas is Funny Farm Airport, a privately owned facility located approximately 6.2 miles to the southeast of the CR-A District adjacent to Big Break Road. Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area, and **no impact** would occur.
- f. The proposed project would consist of an amendment to a policy-level document that does not include site-specific development proposals. Any future building improvements within the CR-A District areas that could be indirectly facilitated by the project would not be expected to interfere with City regulations regarding emergency access. Therefore, the proposed project would not interfere with an emergency evacuation or response plan, and a **less-than-significant** impact would occur.
- g. Issues related to wildfire hazards are discussed in Section XX, Wildfire, of this Initial Study. As noted therein, the City of Oakley is located within a Local Responsibility Area (LRA), designated as a non-Very High Fire Hazard Severity Zone.<sup>5</sup> In addition the project area is

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<sup>4</sup> Department of Toxic Substances Control. *Hazardous Waste and Substances Site List*. Available at: <https://dtsc.ca.gov/dtscs-cortese-list>. Accessed July 2021.

<sup>5</sup> California Department of Forestry and Fire Protection. *Fire Hazard Severity Zones Maps*. Available at: <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps>. Accessed July 2021.

surrounded by existing development and is located in a highly urbanized setting. Therefore, the proposed project would not expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires, and **no impact** would occur.

**X. HYDROLOGY AND WATER QUALITY.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

**Discussion**

a,c,i-ciii. The proposed project consists of revisions to the text of the City of Oakley Zoning Ordinance and does not include any specific development proposals. Approval of the proposed Zoning Text Amendment could result in reasonably foreseeable consequences related to development within the CR-A District areas. The proposed amendment would expand the list of allowed commercial and recreational uses within the zoning district, which could result in re-tenanting within existing buildings as well as development of new facilities. However, all future development proposals that could occur as a result of the proposed project would be consistent with the CR and CO General Plan land use designations established for the CR-A Districts. Additionally, future development proposals would be required to comply with all applicable federal, State, and local water quality standards and waste discharge requirements as well as regulations pertaining to on- or off-site erosion, drainage, and stormwater runoff. Such compliance would include adhering to existing regulations and standards established by Chapter 6.11 (Stormwater Management and Discharge Control) of the Municipal Code. Per Section 6.11.204, new development within the City that creates or replaces one acre or more of impervious surfaces is required to comply with the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP), incorporating Best Management Practices (BMPs) to control sedimentation, erosion, and hazardous materials contamination of runoff during construction. In addition, projects subject to the development runoff requirements in the City’s NPDES permit are subject to performance standards set forth in the Contra Costa Clean Water Program’s *Stormwater C.3 Guidebook* to address post-construction phase

impacts on stormwater quality.<sup>6</sup> Furthermore, per Section 6.11.212 of the Municipal Code, all construction must conform to the requirements of the California Stormwater Quality Association's (CASQA) *Stormwater Best Management Practice Handbook* for construction involving new development and redevelopment, the Association of Bay Area Governments' (ABAG) *Manual of Standards for Erosion and Sediment Control Measures*, Chapter 6.9 (Grading) of the Municipal Code, and other generally accepted engineering practices for erosion control, as required by the City Engineer, when undertaking construction activities. Compliance with the aforementioned regulations and standards would ensure all future development that could be facilitated by the proposed Zoning Text Amendment would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality or substantially alter the existing drainage pattern of the project area in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Additionally, conditional uses facilitated by the proposed amendment would be required to evaluate all environmental issue areas as mandated under CEQA, prior to project approval, and if necessary, provide mitigation. As such, commercial and recreational uses requiring a CUP that could occur as a result of the proposed project would be required to evaluate potential impacts related to conflicts with water quality standards and waste discharge requirements as well as regulations pertaining to on- or off-site erosion, drainage, and stormwater runoff.

Based on the above information, the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality; result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, the project would result in a **less-than-significant** impact.

- b.e. The City of Oakley is provided potable water service by the Diablo Water District (DWD). DWD's primary water supply is treated surface water from the U.S. Bureau of Reclamation's Central Valley Project, purchased from the Contra Costa Water District (CCWD). Nevertheless, DWD has developed its own groundwater supply system to provide additional supply reliability. DWD and associated wells overlie the northwestern portion of the Tracy Subbasin, which is one of 16 subbasins in the San Joaquin Valley Groundwater Basin. However, when fully implemented, groundwater would comprise a maximum of only 20 percent of DWD's total supply.

According to DWD's 2020 Urban Water Management Plan (UWMP), from 2020 to 2040, DWD's water demand is estimated to increase from 2,105 million gallons (MG) to 4,580 MG. Still, such demand is projected to be well within DWD's projected water supply. In normal years, DWD is projected to have a 2040 supply of 5,395 MG. The 2040 single-dry year water supply is projected to be 6,205 MG. In multiple-dry years, the 2040 water supply is projected to range from 6,205 MG in the first year of drought to 5,658 MG in the fifth year of drought. Therefore, under normal, single-dry, and multiple-dry years, adequate water supply, including from groundwater sources, would be expected to be available to

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<sup>6</sup> Contra Costa Clean Water Program. *Stormwater C.3 Guidebook: Stormwater Quality Requirements for Development Applications – 7<sup>th</sup> Edition*. May 17, 2017.

the City. Furthermore, as noted in the 2020 UWMP, DWD's existing and future wells are located in a groundwater basin that has been studied since the late 1990s, and the groundwater basin is not considered to be over-drafted. Generally, when groundwater is withdrawn from an aquifer, groundwater levels are lowered around the well, creating a cone of depression. Additional pumping can increase the amount of drawdown and decrease the productivity of existing wells in the area. Under certain conditions, such actions could result in a lowered water table, which in turn, could adversely affect certain shallow wells, trees, and creeks. However, according to the 2020 UWMP, the potential for such impacts from DWD's groundwater supply system has been investigated several times and found to be low.

As previously discussed, the proposed Zoning Text Amendment to the CR-A District would be consistent with the applicable policies established by the CR and CO General Plan land use designations. As such, development that could be indirectly facilitated by the proposed project would be consistent with the General Plan. As part of estimating 2040 service conditions for the DWD, the 2020 UWMP relied on planning information from the City's General Plan. Therefore, because development facilitated by the proposed project would be consistent with the General Plan, the proposed project would not be expected to result in impacts to groundwater supplies beyond what were identified in the 2020 UWMP.

In addition, as previously noted, the CR-A District areas are heavily disturbed and consist of existing structures and improvements associated with Driftwood Marina, Lauritzen Yacht Harbor, Big Break Marina, and Foundation Contractors. As such, the CR-A District areas currently consist of impervious surfaces and have only limited recharge potential. Therefore, development facilitated by the proposed project would not interfere substantially with groundwater recharge.

Lastly, in accordance with the Sustainable Groundwater Management Act, DWD serves as a Groundwater Sustainability Agency (GSA). As a GSA, DWD assesses conditions in the local subbasin and is in the process of adopting a locally based Groundwater Sustainability Plan (GSP). Although the GSP has not yet been adopted, DWD still adheres to a voluntarily adopted Groundwater Management Plan (GMP), which includes managing groundwater conjunctively with DWD's surface water resources and supporting basin management objectives (BMOs) such as assessing groundwater basin conditions, avoiding overdraft, preserving groundwater quality, and avoiding impact to shallow groundwater. Development facilitated by the proposed project would be consistent with the General Plan and would not interfere with the DWD's GMP.

Based on the above information, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Therefore, the project would result in a **less-than-significant** impact.

- civ. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, the project area is located in Zone AE, which is an area subject to inundation by a 100-year flood event.<sup>7</sup> Therefore, the CR-A District areas are situated in a location where placement of structures could redirect or impede flood flows.

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<sup>7</sup> Federal Emergency Management Agency. *FEMA Flood Map Service Center, Map 06013C0163G*. Available at: <https://msc.fema.gov/portal/home>. Accessed July 2021.

As previously discussed, the proposed project consists of revisions to the text of the City of Oakley Zoning Ordinance and does not include any specific development proposals. Approval of the proposed Zoning Text Amendment could result in reasonably foreseeable consequences related to development within the CR-A District areas, as the proposed amendment would expand the list of allowed commercial and recreational uses in the CR-A District, which could result in re-tenanting within existing buildings as well as development of new facilities. However, all future development proposals that could occur as a result of the proposed project would be consistent with the applicable policies established by the CR and CO General Plan land use designations. In addition, future development proposals would be required to comply with all applicable federal, State, and local regulations and standards pertaining to flood flows. Such compliance would include adhering to existing regulations and standards established by Chapter 6.12 (Floodplain Management) of the Municipal Code. Section 6.12.124 of the Municipal Code requires a floodplain permit to be obtained from the City before issuance of a grading permit or building permit and commencement of development on any property within any flood hazard zone designated by the City. As part of obtaining a floodplain permit, applicants must provide project-specific information, including, but not limited to, proposed elevation, in relation to mean sea level, to which any structure would be floodproofed; all appropriate certifications required by the City; and description of the extent to which grading is proposed within the flood hazard zone. As part of ensuring compliance with the floodplain permit, per Section 6.12.130 of the Municipal Code, floodplain permits are subject to review by the City Engineer to ensure adherence to all FEMA requirements. Required compliance with all applicable regulations and standards would ensure development facilitated by the proposed project does not impede or redirect flood flows. Additionally, conditional uses that could be indirectly facilitated by the proposed zoning text amendment would be required to evaluate all environmental issue areas as mandated under CEQA, prior to project approval, and if necessary, provide mitigation.

Based on the above information, the proposed project would result in a ***less-than-significant*** impact.

- d. As discussed under question 'civ' above, the CR-A District areas are located in Zone AE, which is an area subject to inundation by a 100-year flood event. However, as previously detailed, the proposed project would not include any specific development proposals, and development indirectly facilitated by the proposed Zoning Text Amendment would be required to comply with all applicable regulations and standards related to protections against flood hazards, including those set forth in Chapter 6.12 (Floodplain Management) of the Municipal Code. Tsunamis are defined as sea waves created by undersea fault movement, whereas a seiche is a long-wavelength, large-scale wave action set up in a large closed body of water such as a lake or reservoir. While the CR-A District areas are located along the shoreline of the Delta, according to the California Department of Conservation's Tsunami Hazard Area Map, the City is not located within a Tsunami Hazard Area.<sup>8</sup> Therefore, the proposed project would not be subject to risks associated with tsunamis. Lastly, the General Plan EIR assessed the potential for buildout of the General Plan Planning Area to result in impacts related to seiches and concluded that through compliance with all applicable General Plan policies, the impact would be less than significant. As previously discussed, development facilitated by the proposed Zoning

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<sup>8</sup> California Department of Conservation. *CGS Information Warehouse: Tsunami Hazard Area Map*. Available at: [https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=ts\\_evacuation](https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=ts_evacuation). Accessed July 2021.

Text Amendment would be consistent with the policies established by the CR and CO General Plan land use designations and adhere to all applicable regulations and standards set forth by the Municipal Code. As such, development facilitated by the proposed Zoning Text Amendment would not result in impacts beyond what were previously identified in the General Plan EIR.

Based on the above information, the proposed project would not risk release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone. Therefore, the project would result in a ***less-than-significant*** impact.

**XI. LAND USE AND PLANNING.**

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a. A project risks dividing an established community if the project would introduce infrastructure or alter land uses so as to change the land use conditions in the surrounding community, or isolate an existing land use. While the proposed project does include an amendment to Section 9.1.512 of the City’s Zoning Ordinance to expand the list of commercial and recreational uses allowed within the CR-A District, any future indirect land use activity would occur within the established zoning district and would not change the land use conditions in the surrounding community. Additionally, the proposed project does not include any specific development proposals, and thus, would not cause any direct changes to the physical environment of the project area.

Therefore, the proposed project would not physically divide an established community, and a **less-than-significant** impact would occur.

b. As discussed above, the proposed project consists of revisions to the text of the City of Oakley Municipal Code and does not include any specific development proposals. Approval of the proposed Zoning Text Amendment could result in re-tenanting within existing buildings as well as development of new facilities in the CR-A District areas. However, all future development proposals that could occur as a result of the proposed project would be required to be consistent with the applicable policies established by the CR and CO General Plan land use designations and would adhere to all applicable federal, State, and local policies, regulations, and standards. Therefore, the proposed project would not cause a significant environmental impact due to conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and a **less-than-significant** impact would occur.

**XII. MINERAL RESOURCES.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>

**Discussion**

a,b. According to the General Plan EIR, impacts related to mineral resources were not found to be significant. The only mineral resource currently mined in the City is sand; however, mining is not a permitted use within the CR-A District. Contra Costa County has crushed rock, shale, sand, and sandstone deposits, but such areas are located far enough from the City as to have no impact.

Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Thus, **no impact** would occur.

**XIII. NOISE.**

Would the project result in:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

a,b. Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. Additionally, similar to noise, vibration consists of an amplitude and frequency and involves a source, a transmission path, and a receiver. A person’s perception to vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Given that the proposed project does not include any specific development proposals and would not cause any direct changes to the physical environment of the project area, implementation of the proposed Zoning Text Amendment would not directly result in the generation of increased noise and/or vibration levels within the City. While the proposed amendment could indirectly facilitate increased land use activity within the CR-A District areas, all future development proposals that could occur would be consistent with the respective General Plan land use designations established for the zoning districts and would be required to adhere to all applicable policies set forth in the Noise Element of the General Plan. In addition, the CR-A District areas are located in the Northwest Oakley Planning Area, which consists of commercial and industrial uses. As such, the existing setting generally lacks land uses that would be considered sensitive to noise. For any sensitive receptors that could be potentially impacted by future development within the CR-A Districts, such as the single-family residential community located approximately 570 feet to the south of the CR-A District adjacent to Big Break Road, future development projects would be required to comply with all applicable regulations and standards related to noise and vibration set forth by the City’s Municipal Code. Per Section 4.2.208 of the Municipal Code, construction activities associated with future projects would be restricted to occurring only between 7:30 AM and 7:00 PM, Monday through Friday, and 9:00 AM and 7:00 PM, on weekends and holidays.

Conditional uses facilitated by the proposed amendment would be required to evaluate all environmental issue areas as mandated under CEQA, prior to project approval, and if necessary, provide mitigation. As such, commercial and recreational uses requiring a CUP

that could occur as a result of the proposed project would be required to evaluate potential impacts related to noise, with the analysis confirming to what extent a project could generate a substantial increase in temporary or permanent ambient noise levels and/or excessive groundbourne vibration or noise levels.

Lastly, the permitted and conditional uses that would be facilitated by the proposed zoning text amendment would be generally similar to the existing commercial and recreational uses already allowed within the CR-A District. The General Plan EIR evaluated the potential for buildout of the General Plan to result in noise-related impacts and concluded that through compliance with all applicable General Plan policies and programs, impacts related to ambient noise and groundborne vibration levels would be reduced to less than significant. As future development within the CR-A Districts would be required to be consistent with all applicable policies set forth by the General Plan, the proposed project would not result in new significant impacts beyond what were previously identified in the General Plan EIR.

Based on the above information, the proposed project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the City's General Plan or generate excessive groundborne vibration or groundborne noise levels. Thus, a **less-than-significant** impact would occur.

- c. The nearest airport to the CR-A District areas is Funny Farm Airport, a privately owned facility located approximately 6.2 miles to the southeast of the CR-A District adjacent to Big Break Road. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels as a result of being located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and **no impact** would occur.

**XIV. POPULATION AND HOUSING.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

a,b. The proposed project does not include any specific development proposals, and thus, direct development would not occur as a result of the proposed project. In addition, the City’s existing residential zoning districts would not be affected by the proposed Zoning Text Amendment, as the amendment would expand only the list of commercial and recreational uses allowed in the CR-A District areas. Therefore, the proposed project is not expected to induce substantial population growth in the area.

Based on the above information, the project would not induce substantial unplanned population growth in the project area, either directly or indirectly, or displace substantial numbers of existing people or housing, and a **less-than-significant** impact would occur.

**XV. PUBLIC SERVICES.**

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a-e. The proposed project consists of amending Section 9.1.512 of the City’s Municipal Code to expand the list of commercial and recreational uses allowed within the CR-A District and does not include any specific development proposals. While the proposed amendment could indirectly facilitate increased land use activity within the CR-A District areas, all future development proposals that could occur would be consistent with the respective General Plan land use designations established for the zoning districts and would be required to comply with all applicable General Plan policies and programs and regulations and standards related to public services set forth in the City’s Municipal Code.

The CR-A District areas are currently serviced by the East Contra Costa Fire Protection District (ECCFPD). The ECCFPD has three fire stations, each staffed by three firefighters. Station 53 is located at 530 O’Hara Avenue, approximately 1.4 miles to the southeast of the CR-A District adjacent to Big Break Road. ECCFPD provides fire, rescue, and emergency medical services (EMS) throughout a service area spanning 249 square miles. Pursuant to General Plan Policy 4.2.5 and Policy 4.2.6, all development within the City is required to pay a fair share of the cost to ensure satisfactory operations of existing public facilities and services, construction of new facilities, and/or expansion of services. As such, development indirectly facilitated by the proposed project would be subject to Section 9.2.504 of the Municipal Code, which establishes the City’s Fire Impact Fee. Revenue raised by payment of the Fire Impact Fee may be transferred to the ECCFPD to defray the costs for upgrades to or construction of new public facilities necessary for fire protection services. Given the fact that the CR-A Districts are highly developed, future development facilitated by the proposed Zoning Text Amendment would be unlikely to significantly increase the need for additional fire protection services in the City. Furthermore, future development projects requiring a CUP would be required to undergo evaluation of all environmental issue areas as mandated under CEQA, and if necessary, provide mitigation to address all potential environmental impacts. Therefore, future conditional uses facilitated by the proposed project would be required to assess potential impacts related to public services prior to project approval. Based on the above information, development indirectly facilitated by the proposed project would be required to pay a fair share to the cost associated with the provision of fire protection services and would not result in substantial adverse physical impacts associated with the provision of new or physically altered ECCFPD facilities.

The CR-A District areas are currently serviced by the Oakley Police Department (OPD). The OPD is located at 3231 Main Street, approximately 1.1 miles southeast of the CR-A District adjacent to Big Break Road. OPD consists of a traffic unit, investigations unit, and a patrol division comprised of three beats, and works in conjunction with the Contra Costa Sheriff's Office to provide law enforcement to the City. The Contra Costa County Sheriff's Office provides personnel, dispatch, records, and basic equipment services to OPD. Development indirectly facilitated by the proposed project would be subject to Section 9.2.404 of the Municipal Code, which establishes the City's Public Facilities Fee. Revenue raised by payment of the Public Facilities Fee is used to defray the costs for City-owned public facilities. Therefore, development indirectly facilitated by the proposed project would be required to pay a fair share to the cost associated with the provision of police protection services and would not result in substantial adverse physical impacts associated with the provision of new or physically altered OPD facilities.

The City is primarily served by the Oakley Union Elementary School District (OUESD) for elementary schools and middle schools. The OUESD is comprised of seven elementary schools and two middle schools. High schools in the area are within the Liberty Union High School District (LUHSD), with City residents attending Freedom High School or LaPaloma High School. Additionally, the Antioch Unified School District contains 17 schools, five of which enroll Oakley students. Future development indirectly facilitated by the proposed project would be unlikely to result in impacts to the foregoing school districts, as such development would be commercial or recreational and would not induce population growth. In addition, future development within the CR-A Districts would be subject to all applicable development fees levied by the school districts in the region. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "legislative or adjudicative act involving the planning, use, or development of real property." (Government Code 65996[b]). Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer of a future project would be deemed to be "full and complete mitigation." Therefore, according to SB 50, the payment of the necessary school impact fees for future projects would be full and satisfactory CEQA mitigation.

Impacts related to parks and recreation are discussed in Section XVI, Recreation, below.

Based on the above, the proposed project would have a **less-than-significant** impact related to the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts.

**XVI. RECREATION.**

Would the project:

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<b>✘</b>	<input type="checkbox"/>

**Discussion**

a,b. The proposed project consists of amending Section 9.1.512 of the City’s Zoning Ordinance to expand the list of commercial and recreational uses allowed within the CR-A District and does not include any specific development proposals. Thus, direct development would not occur as a result of the proposed project. In addition, as discussed in Section XIV, Population and Housing, of this Initial Study, the City’s existing residential zoning districts would not be affected by the proposed Zoning Text Amendment and the project is not expected to induce substantial population growth in the area. Therefore, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities.

The proposed project could indirectly result in the development of new recreational facilities; however, such projects would be required to comply with all applicable General Plan policies pertaining to the CR-A District’s respective land use designations and all applicable regulations and standards set forth in the City’s Municipal Code. Development indirectly facilitated by the proposed project would be subject to the City’s Park Impact Fee, established by Section 9.2.104 of the Municipal Code. Revenues raised by payment of the Park Impact Fee are used to defray the costs associated with design, engineering, and construction of new park facilities. Furthermore, conditional uses facilitated by the proposed amendment would be required to evaluate all environmental issue areas as mandated under CEQA, prior to project approval, and if necessary, provide mitigation. As such, commercial and recreational uses requiring a CUP that could occur as a result of the proposed project would be required to evaluate potential impacts related to recreation, with the analysis confirming to what extent a project could increase the use of existing neighborhood and regional parks or other recreational facilities and/or have an adverse physical effect on the environment.

Based on the above information, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, a **less-than-significant** impact would occur.

**XVII. TRANSPORTATION.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a. The law has changed with respect to how transportation-related impacts may be addressed under CEQA. Traditionally, lead agencies used level of service (LOS) to assess the significance of such impacts, with greater levels of congestion considered to be more significant than lesser levels. Mitigation measures typically took the form of capacity-increasing improvements, which often had their own environmental impacts (e.g., to biological resources). Depending on circumstances, and an agency’s tolerance for congestion (e.g., as reflected in its general plan), LOS D, E, or F often represented significant environmental effects.

Pursuant to SB 743, the Natural Resources Agency promulgated CEQA Guidelines Section 15064.3 in late 2018. Section 15064.3 became effective in early 2019. Subdivision (a) of the section provides that “[g]enerally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, ‘vehicle miles traveled’ refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision (b)(2) below (regarding roadway capacity), a project’s effect on automobile delay shall not constitute a significant environmental impact.” Please refer to Question ‘b’ for a discussion of VMT.

A discussion of potential impacts related to transit facilities and services, bicycle facilities, and pedestrian facilities is provided below.

**Roadway Facilities**

General Plan Policy 3.1.1 establishes LOS D as the minimum acceptable service standard for most City intersections during peak periods. In addition, General Plan Program 3.1.A requires that prior to approval, all projects must demonstrate that traffic LOS and performance standards will be maintained or that a funding mechanism and timeline has been established, which would provide the infrastructure to meet such standards. Therefore, a nexus exists for the City to require a project to ensure General Plan consistency through project conditions of approval.

Given that the proposed project does not include any specific development proposals and would not cause any direct changes to the physical environment of the project area, implementation of the proposed Zoning Text Amendment would not directly affect roadway volumes in the project vicinity. While the proposed amendment could indirectly facilitate increased land use activity within the CR-A District areas, all future development proposals that could occur would be consistent with the respective General Plan land use

designations established for the CR-A Districts and would be required to adhere to all applicable policies set forth in the Circulation Element of the General Plan and all applicable regulations and standards set forth in the City's Municipal Code and Commercial and Industrial Design Guidelines. Additionally, any future indirect land use activity would occur within the established zoning district and would not change the land use conditions in the surrounding community. Lastly, given that the amendment would expand only the list of commercial and recreational uses allowed in the CR-A District areas, the proposed project is not expected to induce substantial population growth in the area.

Based on the above information, the proposed project would not result in General Plan inconsistency, with respect to policies and programs related to LOS.

### **Transit, Bicycle, and Pedestrian Facilities**

Transit services surrounding the City include BART trains and Tri Delta Transit buses. Public transportation in the project vicinity includes the Antioch BART Station, which is located within 2.2 miles and 2.8 miles, respectively, of the City's two CR-A District areas. Additionally, multiple Tri Delta Transit bus stops along Main Street, less than a mile south of the CR-A District areas, link the Northwest Oakley Planning Area to the Antioch BART Station. With respect to bicycle and pedestrian facilities, the Big Break Regional Trail is located within the vicinity of the easterly CR-A District, approximately 780 feet to the south of the zoning district's southern property line. In addition, according to the City's Parks, Trails, and Recreation Master Plan 2020, an East Bay Regional Park District Multi-Use Regional Trail is planned in the project vicinity and would be located to the south of each CR-A District area. Lastly, a pair of City Multi-Use Trails are planned to the east and west of the westerly CR-A District.

As previously discussed, future development indirectly facilitated by the proposed Zoning Text Amendment would be confined to being implemented within the boundaries of the CR-A Districts. As such, future development would not result in direct impacts to existing or proposed transit, bicycle, and/or pedestrian facilities within the project vicinity. Additionally, future development would be required to comply with all applicable policies, regulations, and standards set forth in the City's General Plan and Municipal Code, which would ensure future development is consistent with City's Parks, Trails, and Recreation Master Plan 2020. Furthermore, while the proposed Zoning Text Amendment would expand the list of permitted and conditional uses allowed within the CR-A District areas, such uses would be consistent with the uses already allowed by the zoning district's General Plan land use designations. The General Plan EIR assessed the potential for buildout facilitated by the General Plan to result in impacts to transit, bicycle, and pedestrian facilities and concluded that with compliance to all applicable General Plan policies and programs, such impacts would be reduced to a less-than-significant level. As development facilitated by the proposed project would be consistent with the General Plan and be required to adhere to all applicable policies and programs, such development would not result in impacts beyond what were identified in the General Plan EIR.

### **Conclusion**

Based on the above, the proposed project would not result in new conflicts with applicable City standards related to roadway, transit, bicycle, or pedestrian facilities. Thus, a **less-than-significant** impact would occur.

- b. The proposed project does not include any specific development proposals and would not cause any direct changes to the physical environment of the project area. As such, implementation of the proposed Zoning Text Amendment would not directly affect VMT in the project vicinity.

While the proposed project could indirectly facilitate development within the CR-A District areas, such development would be implemented within a heavily urbanized area and would be consistent with the permitted and conditional uses already allowed by the zoning district's General Plan land use designations. As such, VMT generated by way of future development within the CR-A District areas would be generally similar to the VMT generated by the zoning district's existing land uses and would not represent a significant increase in VMT above the project area's existing setting. In addition, as discussed in Section 'a', above, the project area includes multiple bus stops along Main Street, less than a mile south of the CR-A District areas, that link the Northwest Oakley Planning Area to the Antioch BART Station, located within 2.2 miles and 2.8 miles, respectively, of the City's two CR-A District areas. The project area also includes existing and proposed regional trails. Altogether, the existing and proposed transit, bicycle, and pedestrian facilities in the project area would further aid in the reduction of VMT generated by future development within the CR-A Districts.

Based on the above information, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a ***less-than-significant*** impact would occur.

- c,d. The proposed project does not include any specific development proposals, nor do the proposed amendment to the CR-A District chapter of the City's Municipal Code grant any entitlements for development that would result in design hazards or affect emergency access within the City of Oakley. While the proposed amendment could indirectly facilitate increased land use activity for certain uses within the CR-A District areas, future development would be required to comply with applicable City engineering standards related to access and roadway design.

Based on the above, the proposed project would not substantially increase hazards due to design features or incompatible uses, or result in inadequate emergency access. Therefore, the project would result in a ***less-than-significant*** impact.

**XVIII. TRIBAL CULTURAL RESOURCES.**

*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a,b. As discussed in Section V, Cultural Resources, of this Initial Study, the proposed project does not include any specific development proposals. While the proposed Zoning Text Amendment would expand the list of commercial and recreational uses allowed in the CR-A District, all future development projects would be required to comply with all applicable General Plan policies and programs associated with the preservation and protection of known and unknown cultural resources, including Tribal Cultural Resources.

In compliance with AB 52 (PRC Section 21080.3.1), the City distributed project notification letters to representatives of the Amah Mutsun Tribal Band of Mission San Juan Bautista, Chicken Ranch Rancheria of Me-Wuk Indians, The Confederate Villages of Lisjan, Guidiville Indian Rancheria, Indian Canyon Mutsun Band of Costanoan, Muweka Ohlone Indian Tribe of the San Francisco Bay Area, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, North Valley Yokuts Tribe, The Ohlone Indian Tribe, Tule River Indian Tribe, and Wilton Rancheria. The letters were distributed on August 11, 2021. A request for consultation was received from The Confederated Villages of Lisjan Chairperson Corrina Gould on August 25, 2021, to which a response was given, explaining that the proposed project does not include any specific development and is not site-specific. Additionally, the response to Chairperson Gould noted that as part of compliance with AB 52 requirements, all tribes that have requested to be notified of future development applications requiring evaluation under CEQA would be apprised of such projects. A meeting with Chairperson Gould occurred on September 22, 2021. Additional comments were not received from Chairperson Gould subsequent to the foregoing meeting. As such, consultation was concluded on October 5, 2021.

Based on the above information, the proposed project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource. Thus, a **less-than-significant** impact would occur.

**XIX. UTILITIES AND SERVICE SYSTEMS.**

*Would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a-c. The proposed project would amend a policy-level document that does not include any specific development proposals, and thus, would not directly result in the relocation or construction of new or expanded utilities. Development within the CR-A District areas has been previously anticipated by the City, and associated impacts related to water, wastewater treatment, storm water drainage, electric power, natural gas, and telecommunications facilities have been evaluated in the General Plan EIR.

As discussed in Section X, Hydrology and Water Quality, of this Initial Study, water service for the project area is provided by the DWD, which primarily relies on treated surface water from the U.S. Bureau of Reclamation's Central Valley Project, purchased from the CCWD. However, DWD has developed its own groundwater supply system to provide additional supply reliability. When fully implemented, groundwater would comprise a maximum of only 20 percent of DWD's total supply. According to DWD's 2020 UWMP, DWD's water demand is estimated to increase to 4,580 MG by 2040. Such demand is projected to be well within DWD's projected water supply. In normal years, DWD is projected to have a 2040 supply of 5,395 MG. The 2040 single-dry year water supply is projected to be 6,205 MG. In multiple-dry years, the 2040 water supply is projected to range from 6,205 MG in the first year of drought to 5,658 MG in the fifth year of drought. Therefore, under normal, single-dry, and multiple-dry years, adequate water supply, including from groundwater sources, would be expected to be available to the City.

Additionally, ISD provides sanitary sewer collection and treatment for the project area, including the project site. Per the Sanitary Sewer Management Plan, the ISD maintains 125 miles of collection system pipelines and 15.9 miles of force main pipelines, as well as

34 sewer lift stations.<sup>9</sup> The ISD owns and operates a 4.3 million gallons per day (MGD) Wastewater Treatment Plant (WWTP) located at 450 Walnut Meadows Drive in the City of Oakley. Given that the proposed project does not include any specific development proposals, and any future land use activity that could be indirectly facilitated by the project would be relatively small compared to the size of the service area of the ISD, adequate capacity for the WWTP to serve any future development facilitated by the project would be available. Additionally, as previously discussed, all such future development projects that could occur as a result of the proposed Zoning Text Amendment would be required to comply with all applicable General Plan policies and programs and all applicable regulations and standards set forth in the City's Municipal Code and Commercial and Industrial Design Guidelines. Consistency with all applicable City policies, regulations, and standards would ensure potential impacts related to wastewater treatment capacity are reduced to a less-than-significant level.

Based on the above information, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Sufficient water supplies would be available to serve the project and reasonably foreseeable future development during normal, dry and multiple-dry years, and the project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, the proposed project would result in a **less-than-significant** impact.

- d,e. Solid waste collection services within the City of Oakley are provided under a franchise agreement with Mt. Diablo Resource Recovery. Mt. Diablo Resource Recovery provides both solid waste pickup and recycling pickup for commercial businesses within the City, as well as processing of demolition and recycling waste. The solid waste collected by Mt. Diablo Resource Recovery is hauled to the Recycling Center and Transfer Station (RCTS) in Pittsburg, which is operated by Contra Costa Waste Service. Residential, commercial, and industrial waste is processed at this transfer facility and the residual material is hauled to Potrero Hills Landfill located in Solano County to the north. The Potrero Hills Landfill has a maximum permitted daily throughput of 4,330 tons, with a remaining capacity of 13,872,000 cubic yards. The anticipated closure date for the landfill is 2048.<sup>10</sup>

As discussed previously, the proposed project does not include any specific development proposals. While the proposed Zoning Text Amendment could indirectly facilitate an increased amount of land use activity, any increases in solid waste generation could be accommodated by the remaining capacity at the Potrero Hills Landfill. Additionally, implementation of General Plan policies would expand solid waste reduction and recycling efforts put in place by the City of Oakley. Future Development would also be required to comply with Chapter 4.20 (Solid Waste Collection and Regulations) of the City's Municipal Code, which includes standards related to solid waste, recycling, and green waste collection and disposal. Therefore, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Thus, a **less-than-significant** impact would occur.

<sup>9</sup> Ironhouse Sanitary District. *Sewer System Management Plan* [pg. 1-3]. April 2017.

<sup>10</sup> CalRecycle. *SWIS Facility/Site Activity Details Potrero Hills Landfill (48-AA-0075)*. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1194?siteID=3591>. Accessed July 2021.

**XX. WILDFIRE.**

*If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:*

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘

**Discussion**

a-d. According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resource Assessment Program, the City of Oakley is located within a LRA, designated as a non-Very High Fire Hazard Severity Zone. Furthermore, the City is not located within or adjacent to any Very High Fire Hazard Severity Zones or State Responsibility Areas. The project area is surrounded by existing development and is located in a highly urbanized setting. Therefore, the proposed project would not be expected to be subject to or result in substantial adverse effects related to wildfires, and **no impact** would occur.

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE.**

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a. As discussed in Section IV, Biological Resources, and Section V, Cultural Resources, of this Initial Study, although implementation of the proposed zoning text amendment could facilitate increased land use activity within the City’s CR-A District areas, the proposed project does not include specific development proposals, and thus, would not cause direct changes to the physical environment. Additionally, the CR-A District areas are highly disturbed and have been previously developed.

Considering the above, the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce or impact the habitat of fish or wildlife species; 3) cause fish or wildlife populations to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory. Therefore, a **less-than-significant** impact would occur.

b. As demonstrated in this Initial Study, all potential environmental impacts that could occur as a result of project implementation would be less-than-significant. Additionally, compliance with applicable General Plan policies, Municipal Code standards, and standard permit conditions would ensure that future land use activity would be consistent with development that was previously anticipated in the City’s General Plan. The project area is in a highly urbanized setting. As such, buildout of the CR-A District areas with the allowable land uses discussed in the Municipal Code was considered in the cumulative analysis of buildout of the General Plan, and thus, the proposed project’s cumulative impacts would be **less than significant**.

c. As described in this Initial Study, any land use activity indirectly occurring pursuant to the proposed project would comply with all applicable General Plan policies, Municipal Code standards, and other applicable local and State regulations included herein. In addition, as discussed in the Air Quality, Geology and Soils, Hazards and Hazardous Materials, Greenhouse Gas Emissions, and Noise sections of this Initial Study, the proposed project

would not cause substantial effects to human beings, including effects related to exposure to air pollutants, geologic hazards, GHG emissions, hazardous materials, and excessive noise. Therefore, the proposed project's impact would be ***less than significant***.

## G. SOURCES

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The following documents are referenced information sources used for the purpose of this Initial Study:

1. California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed July 2021.
2. California Department of Conservation. *CGS Information Warehouse: Tsunami Hazard Area Map*. Available at: [https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=ts\\_evacuation](https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=ts_evacuation). Accessed July 2021.
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**APPENDIX A**

**PROPOSED DRAFT CR-A DISTRICT ZONING TEXT AMENDMENT**

## **Draft Commercial Recreation – Aquatic District Zoning Text Amendment**

The text changes presented below are those submitted by the project applicant for the proposed Commercial Recreation – Aquatic District Zoning Text Amendment. The proposed new text is shown in double underline and the proposed deleted text is ~~struck through~~. City staff may recommend further refinements, such as additional standards for retail and office uses. However, the City's modifications would be more restrictive. Therefore, for the purposes of CEQA, the applicant's proposed modifications represent a worst-case analysis. Approval of the proposed text would implement the following changes into the Municipal Code:

### **9.1.512 Commercial Recreation – Aquatic (CR-A).**

- a. Purpose and Intent. The CR-A Zone is designated in certain areas along the City's waterfront, which is part of the greater Sacramento-San Joaquin Delta. The Delta is a unique region that supports a wealth of natural resources, vibrant communities, agriculture, and recreation. The lands designated CR-A are within the Secondary Zone of the Delta, within the Contra Costa County Urban Limit Line, within City limits, and within the Urban Interface Zone in the Delta Plan. The purpose of the CR-A District is to provide designated areas for ~~preservation of natural features, and to encourage marine commercial~~ commercial, recreational and visitor-oriented uses ~~in waterfront areas compatible with the waterfront and the natural features in the Delta. The intent is to provide new and protect existing commercial and recreational opportunities.~~ The CR-A Zone will encourage uses that allow residents and visitors to enjoy and appreciate the waterways of the Delta. The proximity to the Delta is considered a further opportunity to enhance the overall quality of the area.
- b. Permitted Uses. Uses permitted in the CR-A district shall be as follows:
  1. ~~Artists' studios and galleries~~ Boat charter, rental, or sales. Boats include kayaks, canoes, stand up paddle boards, sail boats, wind sailing, jet skis, bass boats, cabin cruisers, electric boats, and similar watercraft;
  2. Boat storage/yards. Indoor or outdoor storage of boats, including stack storage, ~~which may include boat haul out, maintenance, and boat repair as an ancillary use;~~
  3. ~~Marinas~~ Boat tours, including fishing guides and tours of the Delta;
  4. ~~Park and recreation facilities~~ Docks and boat launches;
  5. ~~Retail marine sales~~ Eating and drinking establishments, including restaurants, cafés, take-out, floating restaurants, take-out by boat, and dock dining. Drive-throughs not permitted;
  6. ~~Utilities, minor (Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines)~~ Ferry services;
  7. Fishing tournaments;
  8. Houseboat charter, rentals, and sales;
  9. Indoor storage of marine or recreational equipment and supplies;
  10. Interpretive and educational facilities;
  11. Marinas;
  12. Marinas with recreational vehicle parks;
  13. Marina mixed-use developments, including restaurants, offices, or retail shops;
  14. Marine schools;
  15. Offices;
  16. Park and recreation facilities, including tent or recreational vehicle campgrounds;
  17. Public safety facilities, including marine patrol, search and rescue, and reclamation district facilities;

- 18. Recreational vehicle repair and/or storage within enclosed structures;
- 19. Retail stores;
- 20. Studios and galleries for artists;
- 21. Utilities, minor (utilities and energy efficient improvements to buildings and structures).

c. Uses Requiring a Conditional Use Permit. In the CR-A district the following uses are permitted after the issuance of a conditional use permit:

- 1. ~~Boat charter, rental and sales~~ Boat storage/yards when including boat building or manufacturing;
- 2. ~~Boat storage/yards when including boat building or manufacturing~~ Commercial waterfront master plan with a residential component (Residential component subject to the lot and yard requirements, building height and other regulations of multiple family residential districts (M-9, M-12 and M-17) (Sections 9.1.406(e) through (h));
- 3. ~~Commercial filming (Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year)~~ Hotels and motels;
- 4. ~~Commercial recreation and entertainment (This classification includes cinemas, theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/skating rinks, scale model courses, tennis/raquetball courts, arcades or electronic games centers having three or more coin-operated game machines);~~ Utilities, major (Generating plants, electrical substations, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification).
- 5. ~~Eating and drinking establishments related to marina;~~
- 6. ~~Hotels and motels;~~
- 7. ~~Marine service stations (Establishments engaged in the retail sale of gasoline, diesel, and alternative fuels, lubricants, parts, and accessories for boats or ships);~~
- 8. ~~Public safety facilities;~~
- 9. ~~Utilities, major (Generating plants, electrical substations, above-ground electrical transmission lines, lone switching buildings, refuse collection, transfer recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification);~~
- 10. ~~Yacht club; and~~
- 11. ~~Commercial waterfront master plan with a residential component (Residential component subject to the lot and yard requirements, building height and other regulations of multiple family residential districts (M-9, M-12 and M-17) (Sections 9.1.406(e) through (h)).~~

h. Other Regulations.

- i. ~~All new commercial development shall be consistent with the Commercial and Industrial Design Guidelines (See Appendix C of this chapter) and is subject to Design Review approval.~~
- ii. ~~Fences, walls, hedges, uncovered decks, landings, patios, platforms, porches and terraces and similar structures not more than 6 feet in height, may be located within any required side yard to the rear of the front setback or within any required rear yard other than those abutting an alley. Fences, walls, hedges, and accessory structures shall be limited to 3 feet in height above natural grade in all required front yard setback areas;~~

iii. ~~Dock and Marina Regulations. Dock and marina projects may be allowed in the CR-A district based on the following criteria, as determined appropriate by the Community Development Director:~~

- ~~1. Proposed locations should be along waterways having an adequate channel width as defined by the State Harbors and Navigation Code;~~
- ~~2. Adequate public vehicular access and parking must be provided;~~
- ~~3. Off-site improvements, such as required access roads, must be capable of supporting the proposed development and subsequent use;~~
- ~~4. Adequate on-site sewage or public sewer disposal must be provided;~~
- ~~5. Adequate access for emergency response vehicles must be available;~~
- ~~6. Such uses should minimize the conflict with adjacent agricultural uses or natural resources;~~
- ~~7. Adequate potable water must be provided, as appropriate, for all recreational uses;~~
- ~~8. Encourage public access to the delta and shoreline in conjunction with new dock and marina projects. Such access may be achieved upon the subject property or through cooperative efforts with adjacent property owners.~~

1. All new commercial development shall be consistent with the Commercial and Industrial Design Guidelines (See Appendix C of this chapter) and is subject to Design Review approval;

2. Marinas include covered or un-covered berths, fuel docks, electric boat charging stations, launch ramps, marine maintenance and repair services, lubricants, parts, and accessories for boats, pump outs, convenience store, office, harbormaster living quarters, and related uses;

3. Boat and houseboat sales may be new or used vessels that are operable and seaworthy;

4. Public safety facilities may include outdoor storage of mobile trailers for disaster preparedness (levee failures, oil spills, earthquakes);

5. Fences, walls, hedges, uncovered decks, landings, patios, platforms, porches and terraces and similar structures not more than 6 feet in height, may be located within any required side yard to the rear of the front setback or within any required rear yard other than those abutting an alley. Fences, walls, hedges, and accessory structures shall be limited to 3 feet in height above natural grade in all required front yard setback areas; and

6. Marina and Dock Regulations. Marina and dock projects may be allowed in the CR-A district based on the following criteria, as determined appropriate by the Community Development Director:

a. Proposed locations should be along waterways having an adequate channel width as defined by the State Harbors and Navigation Code;

b. Adequate public vehicular access and parking must be provided;

c. Off-site improvements, such as required access roads, must be capable of supporting the proposed development and subsequent use;

d. Adequate on-site sewage or public sewer disposal must be provided;

e. Adequate access for emergency response vehicles must be available;

f. Such uses should minimize the conflict with adjacent agricultural uses or natural resources;

g. Adequate potable water must be provided, as appropriate, for all recreational uses; and

h. Encourage public access to the delta and shoreline in conjunction with new dock and marina projects. Such access may be achieved upon the subject property or through cooperative efforts with adjacent property owners.