Recommend approval by the City Council of the Association of Bay Area Governments’ report “Taming Natural Disasters,” as Oakland’s Local Hazard Mitigation Plan.

**Location:** Citywide

**Assessor’s Parcel Numbers:** Citywide

**Proposal:** Adoption of the Association of Bay Area Governments’ report, “Taming Natural Disasters” as Oakland’s Local Hazard Mitigation Plan (LHMP) for 2010-2015; Include the Local Hazard Mitigation Plan by reference in the Safety Element of the Oakland General Plan.

**Applicant:** Strategic Planning Division

**Contact Person/Phone Number:** Devan Reiff, Planner II, 510-238-3550

**Owner:** N/A

**Planning Permits Required:** N/A

**General Plan:** All designations

**Applicable Zoning:** All zoning districts

**Environmental Determination:** A CEQA Addendum to the 2004 Safety Element Negative Declaration, and other previous CEQA documents, was prepared. As a separate and independent basis, several CEQA exemptions are applicable: CEQA Guidelines Sections 15060, 15061, 15300, 15304, 15330 and 15183.

**Historic Status:** N/A

**Service Delivery District:** All

**City Council District:** All

**Date Filed:** 1/10/12

**Status:** N/A

**Action to be Taken:** Recommendation to Council for adoption of Oakland’s Local Hazard Mitigation Plan (LHMP) for 2010-2015

**Staff Recommendation:** Recommend to Public Safety Committee of City Council, then to full Council for adoption of Hazard Mitigation Plan

**For Further Information:** Contact Devan Reiff, Planner II, at 510-238-3550; or by email: dreiff@oaklandnet.com

**SUMMARY**

The City of Oakland is updating its 2005 Local Hazard Mitigation Plan for the years 2010-2015 (“Oakland LHMP”), in consultation with staff at the Association of Bay Area Governments (ABAG), who produced “Taming Natural Disasters: A Multi-Jurisdictional Local Hazard Mitigation Plan for the San Francisco Bay Area” in 2010. The requested action by the Planning Commission is a recommendation to the City Council to adopt ABAG’s report, “Taming Natural Disasters,” as Oakland’s Local Hazard Mitigation Plan; and that the Oakland LHMP be included by reference to the Safety Element of the Oakland General Plan. The Oakland LHMP is Attachment A to this report.
The City is seeking the input of the public, on both a website1 and at this and other upcoming public hearings, in reviewing the priorities which the City assigned to the more than 300 strategies for hazards mitigation in the Oakland LHMP.

In order to be eligible for disaster assistance funding from the U.S. Federal Emergency Management Agency (FEMA), there is a deadline of March 24, 2012 for cities to adopt their Local Hazard Mitigation Plans.

BACKGROUND

Hazard mitigation is any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards. Hazard mitigation is most effective when a long-term plan is developed before a disaster occurs. A hazard mitigation plan identifies the hazards a community or region may face, assesses their vulnerability to the hazards and identifies specific actions that can be taken to reduce the risk from the hazards. The Federal Disaster Mitigation Act of 2000 (DMA 2000) outlines a process which cities, counties, and special districts can follow to develop a Local Hazard Mitigation Plan. Development of this plan is a requirement for certain benefits from CalEMA and FEMA, following a disaster.

To assist local governments in meeting this requirement, ABAG is the lead agency on the multi-jurisdictional Local Hazard Mitigation Plan (“MJ-LHMP”) for the San Francisco Bay Area. Because Oakland participated in the drafting of the MJ-LHMP, the City can now adopt and use all, or part, of this plan, in lieu of preparing an original Local Hazard Mitigation Plan. The MJ-LHMP has been adopted by ABAG, and over 100 other local jurisdictions are in the process of updating their Hazard Mitigation Plans2. For background, Oakland adopted the prior LHMP in 2005, under Council Resolution 79683.3

PROJECT DESCRIPTION

For ease of comprehension, this project description section is described in the following three sections:

A. Regulatory setting for disaster planning and adopting a hazard mitigation plan.
C. Oakland’s Local Hazard Mitigation Plan.

A. Regulatory setting for disaster planning and adopting a hazard mitigation plan

In 2006, State law clarified the requirements for a jurisdiction’s Hazard Mitigation Plan4. Specifically, a LHMP must contain:

1. An initial earthquake performance evaluation of public facilities that provide essential services, shelter, and critical governmental functions.

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1 See the City’s website: http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/OAK032857
2 See ABAG’s website for Hazard Mitigation, http://quake.abag.ca.gov/mitigation/.
3Available at: http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/OAK032857.
2. An inventory of private facilities that are potentially hazardous, including, but not limited to, multiunit, soft story, concrete tilt-up, and concrete frame buildings.

3. A plan to reduce the potential risk from private and governmental facilities in the event of a disaster.

The Oakland LHMP meets these three requirements. For item #3, the Oakland LHMP contains 360 strategies and actions to “reduce the potential risk from private and governmental facilities, in the event of a disaster.” The City is either already committed to these strategies as existing programs, or is considering, or studying, the strategies (see Appendix B of the LHMP, pages 25-62).

Preparing the 2010 Oakland annex to the multi-jurisdictional Local Hazard Mitigation Plan is a continuation of a planning process that has been in place since the early 1970s with the adoption of the City’s first Seismic and Safety Elements of the General Plan. The City of Oakland is a leader in the regional discussion of hazards, hazards mitigation and disaster recovery. For example, Oakland Councilmember Nancy Nadel continues to serve as chair of the ABAG Earthquake and Hazards Outreach Review Committee.

In addition to the Oakland LHMP, the City’s Office of Emergency Services recently comprehensively updated both the Emergency Operations Plan (specific tasks and duties for government staff, following a disaster), and the Regional Catastrophic Preparedness Program for Earthquake Incidents (containing plans for debris removal, mass care and sheltering, and volunteer and donations management, following a disaster). Together with the LHMP, these three plans constitute the specific response duties and obligations for the City’s staff, in advance of the next major disaster.

State law gives jurisdictions the opportunity to make their Local Hazard Mitigation Plan a part of a Safety Element of the General Plan. Oakland’s Safety Element, adopted in 2004, is the primary policy document for the City’s disaster planning efforts (see “General Plan Analysis” section, below). The action described in this report is not a General Plan Amendment; rather, it is a recommendation that the City Council adopt the Oakland LHMP by reference to the Safety Element. At a future action in the coming months (2012), the City will prepare a General Plan Amendment for a hearing and recommendation by the Planning Commission to the City Council to make the Oakland LHMP and its 360 strategies for disaster mitigation an incorporated appendix to the Safety Element of the General Plan - effectively updating the Safety Element with current City actions, and best practices for disaster planning. The California Emergency Management Agency has given the City instruction on this “two-step” adoption process. This will also give the public further opportunities to consider the priorities and strategies for hazards mitigation in the City.

Local governments who adopt a hazard mitigation plan may be eligible for the following benefits:

- A more disaster-resistant and resilient community and region;
Eligibility for hazard mitigation assistance programs including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, Flood Mitigation Assistance and Severe Repetitive Loss grant programs;

Eligibility for points under the National Flood Insurance Program’s Community Rating System;

Eligibility for waiver of the 6.25% local match for Public Assistance money after a disaster.

B. “Disasters” and “Hazard Mitigation” in the Multi-Jurisdictional Hazard Mitigation Plan

This section selects explanatory excerpts from the text of ABAG’s MJ-LHMP, ‘Taming Natural Disasters’:

The most significant of hazards affecting the Bay Area, based on our past history, as well as on the State Hazard Mitigation Plan, are related to:

- Earthquakes (surface faulting, ground shaking, liquefaction, landslides, and tsunamis), or
- Weather (flooding, landslides, wildfires, drought, and climate change).

The focus of the Multi-Jurisdictional Local Hazard Mitigation Plan (MJ-LHMP) is on natural hazards, that is, natural occurrences that can pose a risk of injury, loss of life, or damage to property. Other hazards relate to man-made conditions, including releases of hazardous materials, dam failures, energy shortages, and weapons of mass destruction. These other hazards are only addressed in this plan as they related to earthquake and weather-related hazards. The only one of these additional hazards that is readily mapped and analyzed is dam failure.

What are Disasters and How are They Related to Hazard Mitigation?

A disaster is a natural or man-made emergency whose response needs exceed available resources. When local government resources are exceeded, the California Governor’s Office of Emergency Services (State OES) is contacted and the Governor is requested to declare a State Disaster. When State resources are exceeded, State OES contacts the U.S. Department of Homeland Security’s Federal Emergency Management Agency (FEMA) and the President is requested to declare a National Disaster. This Presidential Declaration triggers funding resources for the public, the state, and local governments to use for clean-up, repair, recovery, and mitigation.

To deal with disasters, projects can be undertaken to prevent, or lessen, the impacts of future incidents, reducing the need for larger and larger response capability. For example, homes can be moved from areas suffering repeated floods. Buildings and infrastructure can be built to reduce expected damage in earthquakes. Wood shakes on homes in woodland areas can be replaced with asphalt shingles or tile. These actions are called mitigation. More specifically, the Stafford Act defines mitigation as “any sustained action taken to reduce or eliminate the

long-term risk to human life and property from hazards.” As mitigation activities are undertaken, the risks associated with disasters decrease.

Goal of the MJ-LHMP and the Oakland Annex:
To maintain and enhance a disaster-resistant region by reducing the potential loss of life, property damage, and environmental degradation from natural disasters, while accelerating economic recovery from those disasters.

Commitments
The overall goal of the MJ-LHMP is being addressed by asking all local governments in the Bay Area to adopt formal resolutions in support of the following eight commitments areas. These commitments are not organized by hazard, but by the types of services supplied either directly, or indirectly, by local governments. Chapters in the report, “Taming Natural Disasters” accompany each of the commitment areas, outlining the problem and highlighting mitigation activities that are currently taking place to address the problem. With this organization, each of the Bay Area’s cities and counties should find ways to address these major commitments by reducing identified risks. **Together, we are committed to increasing the disaster resistance of the infrastructure, health, housing, economy, government services, education, environment, and land use systems in the Bay Area.**

“Taming Natural Disasters” provides 360 strategies for hazard mitigation, organized into the following categories:

1. **Infrastructure**
   Bay Area transportation and utility facilities and networks are vital lifelines during and following disasters, as well as in the functioning of our region and its economy.

2. **Health**
   Bay Area facilities, networks, and systems providing care of sick and those with special needs need to be resilient after disasters for these systems will need to care for additional injured at the same time as those currently cared for are stressed.

3. **Housing**
   Bay Area residents need to have safe and disaster-resistant housing that is architecturally diverse and serves a variety of household sizes and incomes.

4. **Economy**
   Safe, disaster-resilient, and architecturally diverse downtown commercial areas, business and industrial complexes, and office buildings are essential to the overall economy of the Bay Area.

5. **Government Services**
   Bay Area city and county governments, as well as community services agencies, provide essential services during and immediately following disasters, as well as critical functions during recovery, that need to be resistant to disasters.

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6 Source – 44 CFR Section 201.2 pertaining to Section 322 of the Stafford Act, 42 U.S.C. 5165.
6. Education
Safe and disaster-resistant school, education, and childcare-related facilities are critical to the safety of our children, as well as to the quality of life of Bay Area families.

7. Environment
Disaster resistance needs to further environmental sustainability, reduce pollution, strengthen agriculture resiliency, and avoid hazardous material releases in the Bay Area.

8. Land Use
Land use change needs to be accompanied by a respect for hazardous areas and facilities, as well as recognize the interconnected nature of the Bay Area.7

C. Oakland’s Local Hazard Mitigation Plan

Oakland’s Local Hazard Mitigation Plan (LHMP) ranks each of the 360 strategies 8 provided in the “Taming Natural Disasters” Report, using the following scale:

- **Existing Program.** Mitigation strategy is an existing program for the selected jurisdiction and is adequately funded.
- **Existing Program, Underfunded.** Mitigation strategy is an existing program for the selected jurisdiction, but additional funds are needed to fully implement the strategy (new in 2009-2010).
- **Very High.** This is an unofficial program which will be adopted by the local government immediately upon adoption of its annex.
- **High.** The jurisdiction has plans to implement the strategy as soon as funding and resources allow; funding currently being sought.
- **Moderate.** The jurisdiction has plans to implement the strategy as soon as funding and resources allow; but funding is not currently being sought.
- **Under Study.** Implementation of this strategy is actively under study by a specific department or agency within the jurisdiction; not just to be studied at a future date.
- **N/A.** This strategy is not applicable, not appropriate, or not cost-effective.
- **NYC.** This strategy has never been considered by the jurisdiction.

The City’s preparation of this 2010 Annex to the MJ LHMP focused on reviewing pre-existing programs, identifying any gaps that may lead to disaster vulnerabilities, in order to work on ways to address these risks through mitigation. Because of Oakland’s ongoing disaster planning efforts, and due to the close collaboration with ABAG in its preparation of the 2010 MJ LHMP for the region, the priorities which the City assigned the 360 strategies in the 2005 Oakland LHMP are much the same as the priorities this 2010 Oakland LHMP.

The City has accomplished several important mitigation measures, since the 2005 Oakland LHMP, including:

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• **Adoption of a Soft-Story survey by ordinance** (12966 C.M.S., 2009). The new ordinance mandates that owners of certain residential buildings provide simple and low-cost information to the City about their building's ground-floor structural supports (dimensions, materials, photographs, floor plan). It does not require any type of structural retrofit. To promote participation in the program, the City sent certified letters to owners of record to approximately 1,500 apartment buildings of 5 or more units that had been previously identified as potentially having soft stories (large open spaces on the ground floor).

• **Basic earthquake retrofit standards and fees.** To encourage homeowners to complete life- and property-saving retrofits, City Council approved Oakland Municipal Code Chapter 15.30.050, which incorporated basic retrofit standards into the City’s Municipal Code and established a flat retrofit permit fee of $250. Currently, any homeowner of a one- to-two story, single family or duplex residence who desires to retrofit for seismic safety is eligible for the $250 flat retrofit permit fee, provided the retrofit plan meets the current seismic strengthening standards.

• In addition to these two earthquake hazards mitigation programs, Oakland Emergency Services staff still participate in the quarterly Emergency Management Board meetings to coordinate with local stakeholders; as well as ABAG’s Lifelines Infrastructure and Hazards Review Committee.

**GENERAL PLAN ANALYSIS**

The *Safety Element* of Oakland’s Oakland General Plan was adopted in November 2004, and is still a current and accurate statement of the City’s goals, policies and actions towards mitigating safety hazards.9

The *Safety Element* establishes three broad goals which establish the overall framework for the mitigation of safety hazards in Oakland. These goals are expanded into specific policies and detailed actions in the *Safety Element*:

• Protect the health and safety of Oakland residents and others in the city by minimizing potential loss of life and injury caused by safety hazards;
• Safeguard Oakland’s economic welfare by reducing potential property loss, damage to infrastructure, and social and economic dislocation and disruption resulting from safety hazards;
• Preserve Oakland’s environmental quality by minimizing the potential damage to natural resources from safety hazards.

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9 The *Safety Element* can be purchased from the City’s Community and Economic Development Agency, 250 Frank Ogawa Plaza, Suite 3315, Oakland, CA 94612; or downloaded for free from the City’s website, http://www2.oaklandnet.com/Government/o/CEDA/o/PlanningZoning/s/GeneralPlan/DOWD009020
ENVIRONMENTAL DETERMINATION

A CEQA Addendum was prepared for the Oakland LHMP (“2011 Addendum”, Attachment B); the Addendum is related to the 2004 Safety Element Negative Declaration, and other previous CEQA documents.

The City prepared an Initial Study (dated September 15, 2004), which evaluated the environmental impacts of the Safety Element of the General Plan, and the City Council adopted a Negative Declaration and approved the Safety Element on November 16, 2004, via Resolution No. 78915 C.M.S. (“2004 ND”). The 2004 ND relied, in part, on the 1998 Land Use and Transportation Element EIR and the 2006 Open Space Conservation and Recreation Element of the General Plan (OSCAR) Negative Declaration. In addition, the City has prepared and adopted/certified (a) the 2005 Noise Element Negative Declaration; and (b) the 2010 Housing Element EIR. Collectively these California Environmental Quality Act (CEQA) reviews are known as the “Previous CEQA Documents.” No legal actions were filed challenging the Previous CEQA Documents and thus they are presumed valid. In addition, on November 3, 2008, the City Council adopted Standards Conditions of Approval/Uniformly Applied Development Standards, via Ordinance No. 12899.

On a separate and independent basis, the present CEQA analysis, as an Addendum to the Previous CEQA documents, demonstrates that no further/additional CEQA review is required to adopt the Oakland Local Hazard Mitigation Plan. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including, without limitation, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163, are present, in that:

(1) there are no substantial changes to the project that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents;

(2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and

(3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were as adopted, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents; or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents, and which would substantially reduce significant effects of the project, but the City declines to adopt them.

Further, each as a separate and independent basis from the other CEQA findings, the Planning Commission finds the project exempt from CEQA review according to exemptions cited in the CEQA addendum (including CEQA Guidelines Sections 15060, 15061, 15300,15304, 15330 and 15183).
RECOMMENDATION

1) Affirm staff's environmental determination; 2) recommend the City Council approve the Association of Bay Area Governments’ Multi-Jurisdictional report, “Taming Natural Disasters” as the City of Oakland’s Local Hazard Mitigation Plan; 3) recommend the Oakland LHMP be made an implementation appendix of the Safety Element of the Oakland General Plan.

Prepared by:

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Planner II

Approved for forwarding to the City Planning Commission by:

SCOTT MILLER
ZONING MANAGER

ERIC ANGSTÄDT
DEPUTY DIRECTOR, CEDA

ATTACHMENTS:

A. Oakland Annex to 2010 Association of Bay Area Government’s Local Hazard Mitigation Plan, “Taming Natural Disasters”
B. CEQA Addendum