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OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CITY ATTORNEY

2004 MAY 13 PM 4: 13 OAKLAND CITY COUNCIL

RESOLUTION NO. 78636 C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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**RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION AND  
ADOPTING THE HOUSING ELEMENT, AN ELEMENT OF THE GENERAL PLAN**

**WHEREAS**, California Government Code Section 65583 requires that the City prepare an update to the Housing Element of the General Plan; and

**WHEREAS**, the City's share of regional housing need is based on a plan prepared by the Association of Bay Area Governments (ABAG), the "Regional Housing Needs Determination" that was adopted in 2000; and

**WHEREAS**, under the ABAG plan, Oakland must accommodate 7,733 new housing units between 1999 and 2006 for the following income categories: 2,238 units (very low income); 969 units (low income); 1,959 units (moderate income); and 2,567 units (above moderate income); and

**WHEREAS**, the City hired the consultant team of Parsons Harland Bartholomew & Associates to prepare the Housing Element and environmental documentation; and

**WHEREAS**, the City published a draft Housing Element and invitation for public comments on June 1, 2003; and

**WHEREAS**, the City Planning Commission reviewed the draft Housing Element and recommended approval to the City Council; and

**WHEREAS**, the City Council reviewed and revised the draft Housing Element and directed the City Manager to submit the draft Housing Element to the State Department of Housing and Community Development (HCD) for review prior to City adoption of the element; and

**WHEREAS**, on December 12, 2003 the revised draft Housing Element was submitted to HCD for its 60-day review; and

**WHEREAS**, on February 13, 2004, HCD found that the Housing Element "adequately addresses the statutory requirements described in State housing element law (Article 10.6 of the Government Code)"; and

**WHEREAS**, an Initial Study/Mitigated Negative Declaration was prepared under the California Environmental Quality Act of 1970 ("CEQA") for the revised draft Housing Element; and

**WHEREAS**, the revised draft Housing Element and the Mitigated Negative Declaration were circulated for public review from February 27, 2004 to March 30, 2004;

**WHEREAS**, no comments were received on the revised draft Housing Element; and

**WHEREAS**, four comment letters were received in response to the Mitigated Negative Declaration; and

**WHEREAS**, the East Bay Municipal Utility District (EBMUD) recommended modifications to three mitigations measures (D.1-2, D.2-2, D.3-2a) regarding the potential use of recycled water; and

**WHEREAS**, these modifications do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect; and

**WHEREAS**, none of the review comments warranted modifications to the draft Housing Element; and

**WHEREAS**, a duly noticed public hearing on the Housing Element was held by the City Planning Commission on April 21, 2004; and

**WHEREAS**, the City Planning Commission, before taking action on the Element, recommended approval of the Mitigation Negative Declaration and made the required California Environmental Quality Act (CEQA) findings, and then subsequently voted in favor of recommending to the City Council adoption of the Housing Element; and

**WHEREAS**, the Housing Element was considered at the regular, duly noticed, meeting of the City Council on June 15, 2004; and

**WHEREAS**, the requirements of CEQA, the CEQA guidelines as prescribed by the Secretary of Resources, and the City of Oakland's environmental review regulations have been satisfied by the preparation of an Initial Study/Mitigated Negative Declaration, and that based on the Initial Study the Housing Element will not have a significant effect on the environment because mitigation measures have been incorporated as conditions of approval of the Element; and

**WHEREAS**, the City Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the adoption of the Housing Element; now, therefore, be it

**RESOLVED:** that the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and be it

**FURTHER RESOLVED:** that the City Council, as the final decision-making body for the lead agency, has independently reviewed, considered and analyzed the Initial Study/Mitigated Negative Declaration for the Housing Element, approves said Initial Study/Mitigated Negative Declaration and determines that the Resolution complies with CEQA, based upon the findings of the City Planning Commission; and be it

**FURTHER RESOLVED:** that the City Council, as the final decision-making body for the lead agency, hereby confirms, adopts and incorporates into this Resolution the CEQA findings made by the City Planning Commission prior to taking action in approving the Housing Element; and be it

**FURTHER RESOLVED:** that the City Council approves, as conditions of approval of the Housing Element, the Mitigation Measures and Monitoring Program contained as Attachment A to this Resolution; and be it

**FURTHER RESOLVED:** that the City Council hereby adopts the Housing Element as an element of the General Plan; and be it

**FURTHER RESOLVED:** that the City Council hereby authorizes and directs the City Administrator to file the adopted Housing Element with the California Department of Housing and Community Development for certification; and be it

**FURTHER RESOLVED:** that the City Administrator, within five (5) days of this approval, is directed to file a Notice of Determination with the Alameda County Clerk; and be it

**FURTHER RESOLVED:** that the record before this Council relating to the Housing Element includes, without limitation, the following:

1. the Housing Element, including all accompanying maps and papers;
2. all final staff reports, final decision letters and other final documentation and information produced by or on behalf of the City, including without limitation the Initial Study and Proposed Mitigated Negative Declaration and supporting final technical studies and appendices, and all related/supporting final materials, and all final notices relating to the General Plan Amendment and attendant hearings;
3. all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the general plan amendment; and all written evidence received by relevant City Staff before and during the public hearings on the general plan amendment;

4. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations and Oakland Fire Code; (c) Oakland Planning Code; (d) other applicant City policies and regulations; and, (e) all applicable state and federal laws, rules and regulations; and be it

**FURTHER RESOLVED:** that the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community and Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, 3<sup>rd</sup> Floor, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1<sup>st</sup> Floor, Oakland, California.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 15 2004, 2004


**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

## ATTACHMENT A

### MITIGATION MEASURES AND MONITORING PROGRAM CITY OF OAKLAND HOUSING ELEMENT

[Unless otherwise noted, the following Mitigation Measures are from the Land Use and Transportation Element Environmental Impact Report (LUTE EIR) dated February 1998]

#### I. AESTHETICS

Mitigation Measure F.2a: Develop guidelines or a “step back” ordinance for height and bulk for new development projects in the downtown area. Projects should be encouraged to be designed at pedestrian-scale on the street-side, with high towers or strong vertical elements stepping back from the street.

Monitoring Responsibility F.2a: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe F.2a: December 2006

Mitigation Measure F.2c: Define view corridors and, based upon these views, designate appropriate height limits and other requirements. Views of Lake Merritt, the Estuary, and architecturally or historically significant buildings should be considered.

Monitoring Responsibility F.2c: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe F.2c: December 2006

Mitigation Measure F.3a: Develop standard design guidelines for all Neighborhood Commercial areas that require continuous or nearly continuous storefronts located along the front yard setback, promote small scale commercial activities rather than large scale establishments at the ground level, restrict front yard parking lots and driveways, require small scale pedestrian-oriented signage, have a relatively low height limit, and promote the development of pedestrian friendly amenities at the street level. The standards design guidelines may be expanded to capture the unique or desired character of certain areas.

Monitoring Responsibility F.3a: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe F.3a: December 2006

Mitigation Measure F.3c: Develop design guidelines for parking facilities of all types.

Monitoring Responsibility F.3c: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe F.3c: December 2006

### III. AIR QUALITY

Mitigation Measure E.4: Where residential development would be located above commercial uses, parking garages, or any other uses with a potential to generate odors, the odor-generating use should be properly vented (e.g., located on rooftops) and designed (e.g., equipped with afterburners) so as to minimize the potential for nuisance odor problems.

Monitoring Responsibility E.4: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe E.4: Prior to approval of a building permit

Mitigation Measure E.5a: The following Basic Control Measures shall be implemented at all construction sites:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose debris *or* require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

Monitoring Responsibility E.5a: City of Oakland, Community and Economic Development Agency, Building Services Division; Public Works Agency

Monitoring Timeframe E.5a: During construction

Mitigation Measure E.5b: The following enhanced control measures shall be implemented at all construction sites when more than four acres are under construction at any one time:

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Monitoring Responsibility E.5b: City of Oakland, Community and Economic Development Agency, Building Services Division; Public Works Agency

Monitoring Timeframe E.5b: During and after construction

Mitigation Measure E.5c: BAAQMD dust control measures would be implemented by contractors of future development projects as outlined in BAAQMD *CEQA Guidelines* (1996) or any subsequent applicant BAAQMD updates. They are as follows:

- Any stationary motor sources (such as generators and compressors) to be located within 100 feet of any residence or school (sensitive receptors) would be equipped with a supplementary pollution control system on its exhaust as required by Bay Area Air Quality Management District (BAAQMD) and California Air Resources Board (CARB).
- To minimize construction equipment emissions, low-NOx tune-ups should be performed on all construction equipment. Contractors should be required to utilize equipment with recent (within 30 days) low- NOx tune-ups to minimize NOx emissions. This would apply to all diesel-powered equipment greater than 50 horsepower and periodic tune-ups (every 90 days) would be required for equipment used continuously for construction of a specific development.

Monitoring Responsibility E.5c: City of Oakland, Community and Economic Development Agency, Building Services Division; Public Works Agency

Monitoring Timeframe E.5c: Before and during construction

## V. CULTURAL RESOURCES

Mitigation Measure G.2: Establish criteria and interdepartmental referral procedures for determining when discretionary City approval of ground-disturbing activities should be subject to special conditions to safeguard potential archaeological resources.

Monitoring Responsibility G.2: City of Oakland, Community and Economic Development, Planning and Zoning Division

Monitoring Timeframe G.2: Prior to approval of a grading and/or building permit

Mitigation Measure Cultural Resources-1 (New – in addition to the LUTE EIR): In accordance with CEQA Section 15064.5, should previously unidentified cultural resources be discovered during future construction, the applicant is required to cease work in the immediate area and an immediate evaluation of the find should be conducted by a qualified archaeologist or qualified paleontologist. If the find is determined to be an historic or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation to protect, preserve, remove or restore the artifacts uncovered should be available. Work may continue on part of the building site while historic or unique archaeological resource mitigation takes place.

Monitoring Responsibility CR-1: City of Oakland, Community and Economic Development, Planning and Zoning Division

Monitoring Timeframe CR-1: During project construction

Mitigation Measure Cultural Resources-2 (New – in addition to the LUTE EIR): In the event that any human remains are uncovered during future construction, there should be no further excavation or disturbance of the site until after the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required or such investigation has occurred and appropriate actions have been taken, and (if the remains are determined to be of Native American origin) the descendants from the deceased Native American(s) have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and nay associate grave good as provided in Public Resources Code Section 5097.98.

Monitoring Responsibility CR-2: City of Oakland, Community and Economic Development, Planning and Zoning Division

Monitoring Timeframe CR-2: During project construction

Mitigation Measure G.3a: Amend the Zoning Regulations text to incorporate the new preservation regulations and incentives.

Monitoring Responsibility G.3a: City of Oakland, Community and Economic Development, Planning and Zoning Division

Monitoring Timeframe G.3a: December 2006

Mitigation Measure G.3b: Develop and adopt design guidelines for Landmarks and Preservation Districts.

Monitoring Responsibility G.3b: City of Oakland, Community and Economic Development, Planning and Zoning Division

Monitoring TimeframeG.3b: December 2006

## **VII. HAZARDS AND HAZARDOUS MATERIALS**

Mitigation Measure M.5: Hazards to construction workers and the general public during demolition and construction shall be mitigated by the preparation and implementation of site-specific health and safety plans, as recommended by the Occupational Safety and Health Administration.

Monitoring Responsibility M.5: City of Oakland, Community and Economic Development Agency, Building Services Division; Public Works Agency

Monitoring Timeframe M.5: Prior to approval of a demolition, grading, or building permit



## **XI. NOISE**

Mitigation Measure L.3a: Establish design requirements for large-scale commercial development that requires adequate buffers from residential uses. Use of open space, recreation space, or transit installations as buffers should be encouraged.

Monitoring Responsibility L.3a: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe L.3a: Upon completion of the zoning code update (2005)

Mitigation Measure L.3b: Mixed residential/non-residential neighborhoods should be rezoned after determining which should be used for residential, mixed, or non-residential uses. Some of the factors that should be considered when rezoning mixed use areas include the future intentions of the existing residents or businesses, natural features, or health hazards.

Monitoring Responsibility L.3b: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe L.3b: Upon completion of the zoning code update (2005)

Mitigation Measure L.4: Where high density residential development would be located adjacent to existing lower density residential development, new development shall be designed to minimize noise impacts on any existing residential uses due to increased traffic on local roadways and increased parking activities.

Monitoring Responsibility L.4: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe L.4: Ongoing

Mitigation Measure L.5a: The City should develop distinct definitions for home occupation, live/work and work/live operations; define appropriate locations for these activities and performance criteria for their establishment; and create permitting procedures and fees that facilitate the establishment of those activities which meet the performance criteria.

Monitoring Responsibility L.5a: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe L.5a: Upon completion of the zoning code update (2005)

Mitigation Measure L.5b: Avoid proliferation of existing incompatible uses by eliminating, through appropriate rezoning actions, pockets of residential zoning within predominantly industrial areas.

Monitoring Responsibility L.5b: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe L.5b: Ongoing. New zoning regulations which prohibit live/work conversions in industrial zones will be adopted with the zoning code update (2005)

Mitigation Measure L.5c: Establish performance-based standards which designate appropriate levels of noise, odors, light/glare, traffic volumes, or other such characteristics for industrial activities located near commercial or residential areas.

Monitoring Responsibility L.5c: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe L.5c: Upon completion of the zoning code update (2005)

Mitigation Measure L.5d: Develop performance zoning regulations which permit industrial and commercial uses based upon their compatibility with other adjacent or nearby uses.

Monitoring Responsibility L.5d: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe L.5d: Upon completion of the zoning code update (2005)

Mitigation Measure L.7: Future transit improvements shall be designed sufficiently so that future noise levels along these streets can be adequately estimated and considered in the design of future residential or other noise-sensitive developments.

Monitoring Responsibility L.7: City of Oakland, Community and Economic Development Agency, Planning Division and the City of Oakland, Public Works Agency, Transportation Services Division

Monitoring Timeframe L.7: Prior to construction

Mitigation Measure Noise-1 (New – in addition to the LUTE EIR): Standard construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction activities shall be allowed on weekends until after the buildings are enclosed without prior authorization of the Building Services and Planning Divisions of the Community and Economic Development Agency.

Monitoring Responsibility N-1: City of Oakland, Community and Economic Development Agency, Building Services and Planning and Zoning Division

Monitoring Timeframe N-1: Ongoing

Mitigation Measure Noise-2 (New – in addition to the LUTE EIR): To reduce daytime noise impacts due to construction, to the maximum feasible extent, the city shall require the applicant to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:

Mitigation Monitoring Reporting Program – City of Oakland Housing Element

- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems;
- An on-site complaint and enforcement manager shall be posted to respond to and track complaints;
- A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.);
- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible);
- Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels where feasible, which could achieve a reduction of 5dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; and
- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

Monitoring Responsibility N-2: City of Oakland, Community and Economic Development Agency, Building Services, and Planning and Zoning Division

Monitoring Timeframe N-2: Ongoing

Pile-Driving Requirements and Conditions (to be implemented if pile driving is required):

Mitigation Measure Noise-3 (New – in addition to the LUTE EIR): If pile-driving occurs as part of a project, it shall be limited to between 8:00 a.m. and 4:00 p.m., Monday through Friday, with no pile driving permitted between 12:30 and 1:30 p.m. No pile driving shall be allowed on Saturday, Sundays, or holidays without prior authorization of the Building Services and Planning Divisions of the Community and Economic Development Agency.

Monitoring Responsibility N-3: City of Oakland, Community and Economic Development Agency, Building Services, and Planning and Zoning Division

Monitoring Timeframe N-3: Ongoing

Mitigation Measure Noise-4 (New – in addition to the LUTE EIR): To further mitigate potential pile-driving and/or other extreme noise-generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This plan shall be submitted for review and approval by the city to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:

- Implement “quiet” pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions;
- Erect temporary plywood noise barriers around the entire construction site;
- Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.
- A third-party peer review, paid for by the applicant, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant.
- A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of deposit shall be determined by the Building Official and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan.

Monitoring Responsibility N-4: City of Oakland, Community and Economic Development Agency, Building Services, and Planning and Zoning Division

Monitoring Timeframe N-4: Ongoing

Mitigation Measure Noise-5 (New – in addition to the LUTE EIR): A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving construction noise:

- A procedure for notifying City Building Division staff and the Oakland Police Department;
- A list of telephone numbers (during regular construction hours and off-hours);
- A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;

Mitigation Monitoring Reporting Program – City of Oakland Housing Element

- Designation of a construction complaint manager for the project; and
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving activities.

Monitoring Responsibility N-5: City of Oakland, Community and Economic Development Agency, Building Services, and Planning and Zoning Division

Monitoring Timeframe N-5: Ongoing

### **XIII. PUBLIC SERVICES**

Mitigation Measure D.5-1a: In reviewing major land use or policy decisions, consider the availability of police and fire protection services, park and recreation services, schools, and library services in the affected areas, as well as the impact of the project on current service levels.

Monitoring Responsibility D.5-1a: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division; Police Department; Fire Department; Oakland Unified School District; Life Enrichment Agency, Parks and Recreation, and Library Divisions.

Monitoring Timeframe D.5-1a: Ongoing

Mitigation Measure D.5-1b: Develop target ratios of police officers and firefighters to population for annual budgeting purposes. These ratios should be used to assess the feasibility and merits of service fees on new development which finance additional police officers and fire fighters.

Monitoring Responsibility D.5-1b: Oakland Police Department, Oakland Fire Department

Monitoring Timeframe D.5-1b: Ongoing

Mitigation Measure D.5-1c: Increase police foot patrols and cruisers in high visibility downtown areas and locate funding sources to support them.

Monitoring Responsibility D.5-1c: Oakland Police Department

Monitoring Timeframe D.5-1c: Ongoing

Mitigation Measure D.5-1d: Analyze the distribution of services provided by the public and privately operated civic and institutional uses, identify underserved areas of the City and increase services in those areas.

Monitoring Responsibility D.5-1d: City of Oakland, Community and Economic Development Department, Planning and Zoning Division

Monitoring Timeframe D.5-1d: Ongoing

Mitigation Measure D.5-1e: Solicit comments from the Oakland Police and Fire Departments on major new development proposals to ensure that law enforcement and fire protection impacts are appropriately addressed and mitigated.

Monitoring Responsibility D.5-1e: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division; Police Department; Fire Department

Monitoring Timeframe D.5-1e: Ongoing

Mitigation Measure D.6-1a: In reviewing major land use or policy decisions, consider the availability of police and fire protection services, park and recreation services, schools, and library services in the affected areas, as well as the impact of the project on current service levels.

Monitoring Responsibility D.6-1a: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division; Police Department; Fire Department; Oakland Unified School District; Life Enrichment Agency, Parks and Recreation, and Library Divisions.

Monitoring Timeframe D.-1a: Ongoing

Mitigation Measure D.6-1b: Develop target ratios of police officers and firefighters to population for annual budgeting purposes. These ratios should be used to assess the feasibility and merits of service fees on new development which finance additional police officers and fire fighters.

Monitoring Responsibility D.6-1b: City of Oakland Budget Office, Fire Department and Police Department

Monitoring Timeframe D.6-1b: Ongoing

Mitigation Measure D.6-1c: Explore retaining the existing Fire Stations at all three military bases to facilitate the provision of adequate public services to users of these sites as well as to surrounding properties.

Monitoring Responsibility D.6-1c: City of Oakland, Fire Department

Monitoring Timeframe D.6-1c: By December 2006

Mitigation Measure D.6-1d: Solicit comments from the Oakland Police and Fire departments on major new development proposals to ensure that law enforcement and fire protection impacts are appropriately addressed and mitigated during project planning and design.

Monitoring Responsibility D.6-1d: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division; Police Department; Fire Department

Monitoring Timeframe D.6-1d: Ongoing

Mitigation Measure D.7-1a: To reduce overcrowding, the School District should periodically conduct a review to determine if the following measures are feasible to implement:

- 1) reassigning students among district schools to account for changing populations and new development;
- 2) more efficient use of underutilized and/or abandoned school facilities;

If these measures do not reduce overcrowding, OUSD may have to expand existing schools or construct new schools. All of these measures would require varying amounts of funding.

If current sources of funding including the existing school mitigation fees (developer school impacts fee), and increases in state funding are insufficient to pay for the cost of these mitigating overcrowding, the OUSD should formulate and implement specific measures to raise additional funds. Funding sources which may be considered by OUSD include:

- 1) adjustments of school mitigation fees on commercial and residential development;
- 2) the creation of special assessment or Mello Roos districts or annexation to a Community Facilities District;
- 3) sale of surplus OUSD property; and
- 4) any other funding mechanisms available to the OUSD by state law or local ordinances, including those measure identified in the OUSD’ s 1996 Developer Fee Justification Study.

Monitoring Responsibility D.7-1a: Oakland Unified School District

Monitoring Timeframe D.7-1a: Ongoing

Mitigation Measure D.7-1b: In reviewing major land use or policy decisions, the City will consider the availability of police and fire protection services, park and recreation services, schools, and library services in the affected areas and the impact of the project on current service levels. The City will consult with the School district regarding potential impacts on school facilities early in the planning process.

Monitoring Responsibility D.7-1b: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division; Police Department; Fire Department; Oakland Unified School District; Life Enrichment Agency, Parks and Recreation, and Library Divisions.

Monitoring Timeframe D.7-1b: Ongoing

Mitigation Measure D.7-1c: Support the School District’s efforts to use local bond issues and voter approved assessment districts as a means of providing adequate school facilities.

Monitoring Responsibility D.7-1c: Oakland Unified School District; City of Oakland

Monitoring Timeframe D.7-1c: Ongoing

Mitigation Measure D.7-1d: Where feasible and appropriate, encourage the inclusion of child care centers in major residential and commercial developments near transit centers, community centers, and schools.

Monitoring Responsibility D.7-1d: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division

Monitoring Timeframe D.7-1d: Ongoing

Mitigation Measure D.7-1e: Continue to assist the Oakland Unified School District in securing all of the fees, grants, and other financial resources possible.

Monitoring Responsibility D.7-1e: City of Oakland, Oakland Unified School District

Monitoring Timeframe D.7-1e: Ongoing

Mitigation Measure D.7-1f: Work with the School District to coordinate land use and school facility planning and continue efforts by the City to collect impact fees and monitor the school capacity impacts of new development.

Monitoring Responsibility D.7-1f: Oakland Unified School District; City of Oakland, Community and Economic Development Agency, Planning and Zoning Division, and Building Services Division

Monitoring Timeframe D.7-1f: Ongoing

Mitigation Measure D.7-1g: The Office of Parks and Recreation, Real Estate Division of the Office of Public Works, and the Oakland Unified School District should assess the use of City and school-owned parcels for use as civic, institutional, or recreational facilities.

Monitoring Responsibility D.7-1g: City of Oakland, Life Enrichment Agency, Office of Parks and Recreation; Community and Economic Development Agency, Real Estate Division; Oakland Unified School District

Monitoring Timeframe D.7-1g: Ongoing

Mitigation Measure D.7-1h: Support state and federal legislation to promote affordable, safe, high-quality child care, including children with special needs.

Monitoring Responsibility D.7-1h: City of Oakland, Human Services Agency; Office of the Mayor

Monitoring Timeframe D.7-1h: Ongoing



Mitigation Measure D.7-1i: The District should develop, in cooperation and coordination with the City, a Master Facilities Plan, which shall be periodically updated. The Plan shall provide a comprehensive view of the District’s current and projected facilities, alternatives to reduce overcrowding (including without limitation the alternatives outlined in Mitigation measure D.7-1a), and financing options (including without limitation the alternatives outlined in Mitigation Measure D.7-1a).

After the approval of the Master Facilities Plan, the City and District shall enter into an MOU that shall establish a continuing procedure for coordinating residential and commercial development and exploring the imposition of mutually agreed upon reasonable and feasible mitigation measures to reduce the impacts on school facilities.

Monitoring Responsibility D.7-1i: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division; Oakland Unified School District

Monitoring Timeframe D.7-1i: Master Facilities Plan completed; currently being revised

Mitigation Measure D.8-1: In reviewing major land use or policy decisions, consider the availability of police and fire protection services, park and recreation services, schools, and library services in the affected areas, as well as the impact of the project on current service levels.

Monitoring Responsibility D.8-1: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division; Police Department; Fire Department; Oakland Unified School District; Life Enrichment Agency, Parks and Recreation, and Library Divisions.

Monitoring Timeframe D.8-1: Ongoing

## **XV. TRANSPORTATION/TRAFFIC**

Mitigation Measure B.1: Implement roadway improvements and transit improvements to reduce congestion on arterial roadways.

Monitoring Responsibility B.1: City of Oakland, Public Works Agency, Transportation Services Division; BART, AC Transit

Monitoring Timeframe B.1: Ongoing

Mitigation Measure B.3: Increase the cycle length to 120 seconds resulting in a LOS level D at the intersection of 12<sup>th</sup> and Brush Street.

Monitoring Responsibility B.3: City of Oakland, Public Works Agency, Transportation Services Division

Monitoring Timeframe B.3: December 2006 (estimate)

Mitigation Measure B.4: (a) Installation of traffic signal at the intersection of 66<sup>th</sup> Avenue and I-880 southbound ramps and re-stripe the lanes of the southbound off-ramp; (b) Installation of traffic signal at the intersection of 66<sup>th</sup> Avenue and I-880 northbound ramps; (c) Installation of traffic signal at the intersection of 66<sup>th</sup> Avenue and Oakport Street and widen Oakport Street; and (d) Widen the northbound approach at High Street and Coliseum Way.

Monitoring Responsibility B.4: City of Oakland, Public Works Agency, Transportation Services Division; Caltrans

Monitoring Timeframe B.4: As resources become available

## **XVI. UTILITIES AND SERVICE SYSTEMS**

Mitigation Measure D.1-2: Review major new development proposals to determine projected water (including potential recycled water use), wastewater, and storm drainage loads compared with available water, recycled water, sewer, and storm drain capacity. Where appropriate, determine appropriate capital improvement requirements, fiscal impacts, and funding sources prior to project approval.

Monitoring Responsibility D.1-2: East Bay Municipal Utility District and the City of Oakland, Public Works Agency

Monitoring Timeframe D.1-2: Ongoing

Mitigation Measure D.2-2: Review major new development proposals to determine projected water (including potential recycled water use), wastewater, and storm drainage loads compared with available water, recycled water, sewer, and storm drain capacity. Where appropriate, determine appropriate capital improvement requirements, fiscal impacts, and funding sources prior to project approval.

Monitoring Responsibility D.2-2: East Bay Municipal Utility District and the City of Oakland, Public Works Agency

Monitoring Timeframe D.2-2: Ongoing

Mitigation Measure D.3-2a: Review major new development proposals to determine projected water (including potential recycled water use), wastewater, and storm drainage loads compared with available water, recycled water, sewer, and storm drain capacity. Where appropriate, determine appropriate capital improvement requirements, fiscal impacts, and funding sources prior to project approval.

Monitoring Responsibility D.3-2a: East Bay Municipal Utility District and the City of Oakland, Public Works Agency

Monitoring Timeframe D.3-2a: Ongoing

Mitigation Measure D.3-2b: Require major new development to include a combination of on-site and off-site drainage improvements to ensure that such projects do not create downstream erosion or flood hazards, or adversely impact the City’s ability to manage stormwater runoff.

Monitoring Responsibility D.3-2b: City of Oakland, Public Works Agency

Monitoring Timeframe D.3-2b: Prior to the approval of grading and/or building plans

Mitigation Measure D.4-1a: Continue to implement programs that reduce the amount of solid waste generated in the City by encouraging recycling, composting, and other activities consistent with the City’s Source Reduction and Recycling Element.

Monitoring Responsibility D.4-1a: City of Oakland, Environmental Services

Monitoring Timeframe D.4-1a: Ongoing

Mitigation Measure D.4-1b: Support solid waste collection, recycling, and disposal rates that are sufficient to cover the cost of adequate, efficient service delivery.

Monitoring Responsibility D.4-1b: City of Oakland, Environmental Services and Alameda Waste Management

Monitoring Timeframe D.4-1b: Ongoing

Mitigation Measure D.4-1c: Establish guidelines and incentives for the recycling of construction and demolition debris and the use of recycled concrete and other recycled projects in the construction of new buildings, roads, and infrastructure.

Monitoring Responsibility D.4-1c: City of Oakland, Public Works Agency, Environmental Services

Monitoring Timeframe D.4-1c: December 2002