

**CITY OF OAKLAND
AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: May 25, 2004

2004 MAY 13 PM 4: 13

**RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION AND
ADOPTING THE UPDATED HOUSING ELEMENT, AN ELEMENT OF THE
GENERAL PLAN (GP04-069)**

SUMMARY

The draft Housing Element, an element of the City of Oakland General Plan, has been submitted to the State and approved, and is now ready for final adoption. The Planning Commission held a public hearing on April 21, 2004, affirmed staff's environmental determination, and recommended approval of the draft Housing Element to the City Council. The City Council is requested to approve the draft Housing Element and submit it to the State Department of Housing and Community Development (HCD) for final certification.

FISCAL IMPACT

There are significant consequences for failing to adopt a Housing Element that is in compliance with State law. Both the City and private developers could be ineligible to receive State funds for affordable housing. The City would also be ineligible to receive funds from other State programs such as the Jobs/Housing Balance Grant Program. Finally, cities that are not in compliance are at risk of being sued for noncompliance. In extreme cases, the City's ability to issue planning approvals and building permits could be suspended.

BACKGROUND

The Housing Element is one of the seven mandated elements of the City's General Plan. The State requires each jurisdiction to update its General Plan Housing Element every five years. The last Housing Element was adopted June 9, 1992. Because the Legislature did not appropriate funding to complete Housing Needs Determinations, the State revised the schedule for updates and mandated the next Housing Element revision to cover the time period from January 1, 1999 through June 30, 2006.

Between January 2002 and June 2003, staff in CEDA's Planning and Zoning Division and Housing and Community Development Division prepared a draft Housing Element and the draft environmental documentation for the Housing Element, with the assistance of the consulting firm of Parsons Harland Bartholomew & Associates. In June 2003, a draft of the Housing Element was released for review by members of the public, housing interest groups, and market-rate housing developers. Staff prepared a PowerPoint presentation summarizing the Housing

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Element and presented it to the Planning Commission and City Council prior to submitting it to the State Department of Housing and Community Development (HCD) for review. Several members of the City Council raised issues regarding the concentration of poverty, rising crime rates, and public safety. Staff revised the document to underscore existing City policy by adding a new Policy 2.11 (Promote an Equitable Distribution of Affordable Housing Throughout the City) and added more background information and maps regarding the existing distribution of assisted housing and existing patterns of concentration of poverty and racial/ethnic groups. Staff also prepared a PowerPoint presentation showing the distribution of affordable housing and other economic and demographic data, and returned to the City Council with the revised document in October 2003. The City Council authorized staff to submit the revised draft Housing Element to the State Department of Housing and Community Development (HCD) for review.

The Housing Element is the only element of the General Plan that must be certified by a State agency. In December 2003 the revised draft Housing Element was sent to HCD for its 60-day review. On February 13, 2004 the City received a letter from HCD finding that the City's submission "adequately addresses the statutory requirements described in State housing element law." No additional information was requested and no revisions were required (see Attachment A). Oakland is one of a minority of cities that has obtained approval of its Housing Element on initial submission without the need to revise and resubmit the document to the State. The Housing Element is now proceeding through the City's approval process for final adoption.

On April 21, 2004, the Planning Commission held a public hearing on the draft Housing Element. Five people presented testimony. Comments were made regarding the accuracy of the rental housing information, opposition to revisions to the condominium conversion ordinance, policies to protect rental housing, whether the City really does have a housing shortage, and that the city should provide more affordable housing. Commissioners also commented that adjacent cities should do their fair share about providing affordable housing and that inclusionary zoning should be mandatory rather than voluntary. No changes were recommended to the draft Housing Element or the environmental documentation and the Planning Commission recommended approval of the Housing Element to the City Council (vote: 6 yes; 1 absent).

KEY ISSUES AND IMPACTS

The Housing Element is intended to address key issues pertaining to housing in Oakland. These include:

The need to accommodate future population growth by encouraging the development of adequate housing for all economic groups. Through the Regional Housing Needs Determination process, the State provides targets to regional Councils of Government. In the Bay Area, the Association of Bay Area Governments (ABAG) then allocates "fair share" numbers to each city and county in the region. State law requires that the City's Housing Element identify sufficient sites, appropriately zoned and with adequate services and infrastructure, to accommodate these units. The City is also required to identify and take actions to remove any governmental barriers to housing development.

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The need to develop and implement programs to address existing housing needs, particularly those of very low, low and moderate income households. As noted in many previous reports to the City Council, the City has a severe shortage of decent affordable housing available to very low and low income households. There are significant barriers to homeownership. Many households experience overcrowding or substandard conditions. The State requires that Housing Elements contain specific programs to address these needs.

There are significant consequences for failing to adopt a Housing Element that is in compliance with State law. Both the City and private developers could be ineligible to receive State funds for affordable housing. The City would also be ineligible to receive funds from other State programs such as the Jobs/Housing Balance Grant Program. Finally, cities that are not in compliance are at risk of being sued for noncompliance. In extreme cases, the City's ability to issue planning approvals and building permits could be suspended.

PROJECT DESCRIPTION

Contents of the Housing Element

State law mandates the contents of the Housing Element. These include

- an evaluation of the previous Housing Element
- an analysis of the City's population and housing characteristics and existing and future housing needs
- a land inventory and site analysis demonstrating that the City has a sufficient amount of land at appropriate densities for the development of housing
- identification of funding sources for housing programs
- an analysis of the city's policies and regulatory requirements to determine if any may be considered a constraint to housing
- policies, actions and an implementation schedule
- the City's quantified objectives of what is expected to be achieved over the term of the Housing Element.

The City's Housing Element draws on four existing City initiatives and planning documents: the Mayor's 10K Housing Initiative, the *Consolidated Plan for Housing and Community Development*, the *Land Use and Transportation Element* of the General Plan, and the Sustainable Community Development Initiative.

The Housing Element recognizes the need for more market-rate housing. The City's commitment to housing has been strengthened by the Mayor's 10K Initiative. The goal of bringing 10,000 residents to live in new downtown housing accomplishes a number of objectives for the City. Not only does it provide more housing in a convenient location, it also redevelops underutilized parcels downtown, fosters compact development near transit, and aims to make the downtown more active and financially viable. Other actions to support the development of

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market rate housing include continuing efforts to streamline the City's development review process and to publicize opportunities for new market rate housing.

The Housing Element's site inventory shows that there is a sufficient amount of land to accommodate residential growth (see Housing Element, Appendix C, Detailed Site Inventory). The inventory lists sites where housing can be constructed at reasonable densities in areas designated "Growth and Change" in the General Plan. These areas are identified as Downtown, Waterfront, Transportation Oriented Districts (BART Stations), and the major transportation corridors (International Blvd., MacArthur Blvd., Foothill Blvd., Telegraph Avenue). The higher densities provide more opportunities for affordable housing, particularly near convenient transit routes.

The sites analyzed in the draft Housing Element are based on existing site inventories and do not constitute an exhaustive analysis of all potential sites for residential development. Nonetheless, the site inventory shows that, in addition to sites with completed, active or proposed projects, the City has the capacity to accommodate development of at least 8,420 to 10,490 additional housing units, based on the density of recently completed projects on sites with comparable zoning and land use designations. This does not include continued development of single-family homes on infill lots, which adds approximately 200 to 400 units per year. As a result, both through actual production and through identification of suitable sites, the City has exceeded its requirement to provide suitable sites to accommodate its Regional Housing Needs Allocation as required under State law.

To address the specific housing needs of very low and low income residents, the Housing Element identifies ongoing programs that will be continued and new programs that have been implemented in 1999 or will soon be implemented (see Housing Element, Appendix D, Housing Program Directory). Despite limited resources, the City has made significant progress in meeting these needs through programs managed by the Housing and Community Development Division of CEDA and the Community Housing Services Division of the Department of Human Services. These include programs for development of new rental and ownership housing, programs to preserve and maintain existing housing including assisted housing at risk of conversion to market rate, promotion of homeownership opportunities, and programs to address the housing needs of the homeless, seniors, people with disabilities, and other populations with a need for housing with supportive services.

The Housing Element contains 8 Goals, 47 Policies, and 115 Action Programs. It also includes an Implementation Program table which identifies the agency responsible for each Action, the timeframe in which the action will be carried out, and the funding sources for each of the Actions (refer to the draft Housing Element Implementation Program Table 7-1, pages 7-27 to 7-43). Also included are the Quantified Objectives, the City's estimate on how many housing units it plans to construct, rehabilitate, and conserve by income category.

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Goals, Policies and Actions

The Housing Element covers the time period from January 1, 1999 through June 30, 2006. Because we are more than halfway through the time period some of the programs have already been implemented; some will be started before 2006; and others have been in place for several years and will continue to operate. Actual dates, funding sources, responsible entities and implementation dates can be found in the implementation program contained in Table 7-1 of the Housing Element.

Attachment B to this report contains a more detailed listing of the specific programs. The reporting of the new programs is separated into two time periods: those that were implemented between 1999 and 2002 and those that will be started between 2003 and 2006.

Following is a summary of the major goals:

- Goal 1: Provide Adequate Sites Suitable for Housing for All Income Groups
- Goal 2: Promote the Development of Adequate Housing for Low- and Moderate-Income Households
- Goal 3: Remove Constraints to the Availability and Affordability of Housing for All Income Groups
- Goal 4: Conserve and Improve Older Housing and Neighborhoods
- Goal 5: Preserve Affordable Rental Housing
- Goal 6: Promote Equal Housing Opportunity
- Goal 7: Promote Sustainable Development and Smart Growth
- Goal 8: Increase Public Access to Information through Technology

Progress Toward Meeting Housing Needs

The number of housing units assigned to each jurisdiction is a *goal* which the jurisdiction should strive to meet. Although State law does not require the City to physically develop these units, it does require that adequate sites be provided for their construction and that programs be implemented to facilitate their development.

The City's estimated housing need to meet projected growth is a total of 7,733 units to be provided between 1999 and 2006. Of that total, 2,238 are for very low income persons; 969 for low income persons; 1,959 for moderate income persons, and 2,567 units for above moderate income households.

By mid-2002, three and one-half years into the Housing Element's planning period, a total of 3,168 units, 41% of the total needed, had been built or were under construction. Nearly 1,200 units had received planning approval, and over 4,100 units were in predevelopment on sites where a specific number of units was already projected. Based on these developments alone, the City has already provided sufficient sites to meet the target for total units.

Progress Toward Meeting “Fair Share” Needs, 1999 to mid-2002

	Total Units	Units by Affordability Category			
		Very-low Income	Low Income	Moderate Income	Above Moderate Income
Oakland’s Housing Needs Allocation	7,733	2,238	969	1,959	2,567
Units Produced or Under Construction					
Units Completed 1999 to Mid-2002	2,097	277	518	407	895
Units Under Construction Mid-2002	1,071	97	107	224	643
Subtotal, Units Produced	3,168	374	625	631	1,538
Balance to be Provided	4,565	1,864	344	1,328	1,029
Units in Pipeline as of mid-2002¹	5,146	1,342		3,804	

¹ Includes nearly 1,200 market-rate units with planning approvals and 2,600 units in proposed projects. Affordable units in predevelopment include units covered by DDA or with City/Agency funding for site acquisition or development.

Note: Figures represent only new construction and do not include projects involving substantial rehabilitation or preservation of existing assisted housing.

Since mid-2002, when the above table was prepared for the draft Housing Element, an additional 1,200 units have been completed, are currently under construction, or are about to begin construction. This includes 400 units of housing affordable to very-low and low income households, and 800 market-rate units. These figures demonstrate that the City has not only planned to accommodate its fair share goals, but continues to make substantial progress toward actually building those units.

Quantified Objectives

Housing Element law does not require that the City actually produce all the units in the “fair share” goals, since production is dependent on many economic factors beyond the City’s control, and production of affordable housing in particular requires much greater subsidy resources than the City has.

The quantified objectives represent the City’s best estimate of what will actually be accomplished from implementation of the entire Housing Element program. These figures include substantial rehabilitation projects resulting in additional affordable units with long-term affordability controls, preservation of existing assisted housing, rehabilitation of the existing housing stock, and rebuilding of distressed public housing units under the HOPE VI program.

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Housing Element Quantified Objectives, 1999 – 2006

Activity Type	Number of Units by Affordability Level				
	Very Low	Low	Moderate	Above Moderate	Total
New Housing Construction¹	950	650	2,300	3,873	7,773
Housing Rehabilitation					
Substantial ¹	400	300	N/A	N/A	700
Moderate ²	200	140	N/A	N/A	340
Minor/Paint ²	1,500	700	N/A	N/A	2,200
Housing Conservation					
Preservation of At-Risk Housing ³	990	125	N/A	N/A	1,115
HOPE VI Revitalization of Public Housing	307				307

¹ Units already built, under construction, approved or funded, plus an estimate of additional very-low and low income units based on projected funds for affordable housing. Assumes that market-rate development will at a minimum meet the "fair share" numbers for moderate and above-moderate income housing.

² Units completed/underway to date plus estimate of additional units based on projected funding availability.

³ Assumes all high-risk units will be preserved.

General Plan and Zoning Analysis

The updated Housing Element is a requirement of State law and will replace the Housing Element adopted in 1992. The draft Housing Element is consistent with the *Land Use and Transportation Element* adopted in 1998 and all other Elements of the General Plan. While the City is currently working on the zoning maps to make them consistent with the General Plan map, approval of the Housing Element will not involve any changes to the General Plan land use map or zoning maps.

Environmental Determination

An Initial Study was prepared and it was determined that a Mitigated Negative Declaration (MND) would be required (see Attachment C). The Mitigation Negative Declaration relies on the Environmental Impact Report that was prepared for the *Land Use and Transportation Element* adopted in 1998. In addition to the Mitigation Measures identified in the EIR for residential land uses, staff has also included new mitigation measures for Cultural Resources and Noise.

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The Mitigated Negative Declaration and the draft Housing Element were circulated for public review from February 27, 2004 to March 30, 2004. Public comments were received from the State Department of Toxic Substances Control, East Bay Municipal Utility District, and from the Lakeside Apartment Neighborhood Association. A summary of the comments and responses to the comments is included as Attachment D.

As a result of the public comments, the mitigation measures for the Utilities and Service Systems (water capacity) have been modified by adding a phrase about recycled water as recommended by EBMUD in its comment letter. Furthermore, a correction was also made to the mitigation measures adopted for the Oakland Unified School District. Staff had accidentally included the mitigation measures from the draft Environmental Impact Report. Those mitigation measures had been modified in the final EIR. The Mitigated Negative Declaration has been corrected to show the revised mitigation measures for OUSD (see Initial Study, Section XIII, Public Services). According to Section 15073.5(c) (4) of the *CEQA Guidelines*, it is not necessary to recirculate the Mitigated Negative Declaration if the "new information is added to the [mitigated] negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." The corrections merely clarify the mitigation measures; therefore, the Mitigation Negative Declaration does not need to be recirculated.

None of the comments received during the public comments period warrant changes to the draft Housing Element.

Environmental Findings

In certifying the proposed MND for the Housing Element, the City Council must make the following findings based on this staff report, the Mitigated Negative Declaration (MND), and the Administrative Record as a whole:

1. That the proposed MND was prepared by the City of Oakland as the Lead Agency and was properly circulated for public review and comment for 30 days.
2. That the proposed MND was independently reviewed and analyzed by the City Council and reflects the independent judgment of the City Council; that such independent judgment is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); that the City Council adopts the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
3. That the proposed MND identifies all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels; and that all of the mitigation measures identified in the proposed MND and again in the Mitigation Monitoring Program will be adopted and implemented.

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4. That the project complies with CEQA; and that the proposed MND was presented to the City Council, which reviewed and considered the information contained therein prior to acting on the development approvals for the project.
5. Recirculation is not required because the new information added to the mitigated negative declaration merely clarifies, amplifies, or makes insignificant modifications to the mitigated negative declaration.

Based on the analysis and discussion contained in this staff report and the administrative record as a whole, staff believes that the above listed findings can be made to certify the proposed MND.

SUSTAINABLE OPPORTUNITIES

The draft Housing Element contains goals, policies and actions to promote sustainable development and smart growth. The construction, rehabilitation, and conservation of affordable housing will result in economic benefits for Oakland residents and the housing supply is improved and expanded. Increased densities and compact development will foster environmental principles and smart growth development. The promotion of housing for all income levels acknowledges the needs of all people in the community and includes housing programs to meet their needs.

DISABILITY AND SENIOR CITIZEN ACCESS

The draft Housing Element recognizes the need for housing for people with disabilities and seniors and describes housing programs to address those needs.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council adopt the draft Housing Element and approve the Mitigated Negative Declaration and the Mitigation Monitoring Program. Adoption of the Housing Element is the final step in meeting State law requirements for update of the Housing Element. Because the Housing Element is fully consistent with the General Plan's *Land Use and Transportation Element*, the environmental determination that was made for that document can be applied as well to the Housing Element. As discussed above, staff believes the record adequately supports the findings in the proposed resolution to approve the Mitigated Negative Declaration.

ALTERNATIVE RECOMMENDATION

None

ACTION REQUESTED OF THE CITY COUNCIL

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Staff recommends that the City Council:

- (1) affirm staff's environmental determination and approve the attached resolution approving the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and direct staff to file a Notice of Determination with the Alameda County Clerk; and
- (2) adopt the attached resolution approving the Housing Element and direct staff to forward the Housing Element to the State Department of Housing and Community Development for certification.

Respectfully submitted,



CLAUDIA CAPPIO
Director of Development

Prepared by:
Margaret Stanzione, Planner IV
Strategic Planning Coordinator
Planning and Zoning, Strategic Planning

Jeffrey P. Levin, Housing Development Coord. IV
Housing Policy and Programs Coordinator
Housing and Community Development

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:


OFFICE OF THE CITY MANAGER

ATTACHMENTS:

- A. Letter from State Department of Housing and Community Development, February 13, 2004
 - B. Summary of Goals, Policies and Actions in the Housing Element
 - C. Initial Study/Mitigated Negative Declaration, February 27, 2004
 - D. Public comment letters and summary of comments and responses
 - E. Draft Housing Element
- (Also available on the City's website at www.oaklandnet.com/government/hcd/policy/housing_element.html)

DRAFT HOUSING ELEMENT

THIS DOCUMENT IS ON FILE AND
AVAILABLE FOR REVIEW AT THE
OFFICE OF THE CITY CLERK
AND IS AVAILABLE ON LINE AT

www.oaklandnet.com/government/hcd/policy/housing_element.html

Location of Office:

Office of the City Clerk
1st Floor, Records Section
One Frank Ogawa Plaza
Oakland, Ca. 94612

Office Hours 8:30 A.M. – 5:00 P.M.
Closed During Lunch Hour (12:00 P.M. – 1:00 P.M.)

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CITY ATTORNEY

2004 MAY 13 PM 4: 03 OAKLAND CITY COUNCIL

RESOLUTION No. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER _____

**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

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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, 3rd Floor, Oakland, California; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, California.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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

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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

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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:

- 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;

- 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 12th 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 66th 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 66th Avenue and I-880 northbound ramps; (c) Installation of traffic signal at the intersection of 66th 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

7

**COMMUNITY & ECONOMIC
DEVELOPMENT CMTE**

MAY 25 2004

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Division of Housing Policy Development

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February 13, 2004

2004 FEB 20 AM 11:10

Mr. Roy Schweyer
Director of Housing and Community Development
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5313
Oakland, California 94612

Dear Mr. Schweyer:

RE: Review of the City of Oakland's Draft Housing Element

Thank you for submitting Oakland's draft housing element received on December 15, 2003 along with supplemental revisions on February 11, 2004. As you know, the Department of Housing and Community Development (Department) is required to review draft housing elements and report our findings to the locality pursuant to Government Code Section 65585(b). Our review was facilitated by several telephone conversations with Mr. Jeffery Levin, the City's Housing Policy and Programs Coordinator.

We are pleased to find the draft element adequately addresses the statutory requirements described in State housing element law (Article 10.6 of the Government Code). Once the City has adopted the element, including the information received on February 11, 2004, and submitted the element to this Department, pursuant to Government Code Section 65585(g), the adopted element will be in full compliance with State housing element law. We commend Oakland for facilitating the development of over 1,700 units affordable to lower-income households since the beginning of the planning period and for efforts to encourage high density housing in transit areas and other housing opportunity sites.

We appreciate the dedication, efforts, and expertise of Mr. Levin throughout the course of our review. We look forward to receipt of Oakland's adopted housing element. If we can be of further assistance, please contact Michelle Woods of our staff at (916) 327-8881.

In accordance with requests pursuant to the Public Records Act, we are forwarding copies of this letter to the persons and organizations listed below.

Sincerely,

Cathy E. Creswell
Deputy Director

ATTACHMENT A

cc: Jeffery Levin, Housing Policy and Programs Coordinator
Mark Stivers, Senate Committee on Housing & Community Development
Suzanne Ambrose, Supervising Deputy Attorney General, AG's Office
Terry Roberts, Governor's Office of Planning and Research
Nick Cammarota, California Building Industry Association
Marcia Salkin, California Association of Realtors
Marc Brown, California Rural Legal Assistance Foundation
Rob Weiner, California Coalition for Rural Housing
John Douglas, AICP, Civic Solutions
Deanna Kitamura, Western Center on Law and Poverty
S. Lynn Martinez, Western Center on Law and Poverty
Alexander Abbe, Law Firm of Richards, Watson & Gershon
Michael G. Colantuono, Colantuono, Levin & Rozell, APC
Ilene J. Jacobs, California Rural Legal Assistance, Inc.
Richard Marcantonio, Public Advocates
Clifford Sweet, Alameda County Legal Aid Society
Mike Rawson, The Public Interest Law Project
David Booher, California Housing Council
Sue Hestor, Attorney at Law
James W. Sweeney, West Alameda Neighborhood Assoc.
Paul Campos, Home Builders Assoc. of Northern California
Shannon Dodge, Non-Profit Housing Association of Northern California
Eve Bach, Arc Ecology
William Litt, Bay Area Legal Aid
Allison Brooks, Livable Communities Initiative
Charlie Carson, Home Builders Association – Northern Division

Attachment B

Summary of Goals, Policies and Actions Contained in the Housing Element

Goal 1: Provide Adequate Sites Suitable for Housing for All Income Groups

New Programs 1999-2002

- Downtown Housing Program (10K Initiative)
Actions: Site identification, site acquisition, expedited review, sale of agency-owned property, and streamlined environmental review
- Availability of Land
Actions: Conduct an inventory of potentially developable sites.

New Programs 2003-2006

- Availability of Land
Actions: Update the City's Zoning Code and Zoning Map
- Appropriate Locations and Densities for Housing
Actions: Increase residential densities along major transit corridors, selected BART stations, in the Central Business District, and in the Jack London waterfront district; prepare residential/commercial mixed-use development standards; prepare residential/light industrial mixed use standards; prepare Transit-Oriented Development standards; review live/work housing standards

Continuing Programs

- Provide appropriate standards for secondary units, manufactured housing, and adaptive reuse of industrial buildings to increase the supply of housing.
- Continue to implement the "*Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations*" until the zoning update project is completed

Goal 2: Promote the Development of Adequate Housing for Low- and Moderate-Income Households

New Programs 1999-2002

- Density Bonus Program
Action: Adopt a Density Bonus Ordinance
- Expand Local Funding
Actions: Increase the Redevelopment Agency's Low and Moderate Income Housing set-aside; adopt a Jobs/Housing Impact Fee

- Affordable Housing Development Programs
Actions: Scattered site acquisition and rehabilitation, Affordable Housing Site Acquisition Program
- Affordable Home Ownership Opportunities
Actions: Lease-Purchase Program

New Programs 2003-2006

- Density Bonus Program
Action: Amend Density Bonus Ordinance consistent with State law
- Seek voluntary agreements for inclusion of affordable units in market-rate projects
Actions: Uptown project, case-by-case negotiation
- Affordable Home Ownership Opportunities
Actions: Community Land Trust program, new standards for resale controls on City-assisted homeownership development projects, revision of condominium conversion ordinance, Section 8 Home Ownership
- Equitable Distribution of Affordable Housing
Action: Provide incentives for location of City-assisted developments in areas of low concentration of poverty; reduce concentrations of poverty in large public housing developments

Continuing Programs

- Affordable Housing Development Programs
Actions: New Construction and Substantial Rehabilitation Housing Development Program, Housing Predevelopment Loan and Grant Program
- Affordable Home Ownership Opportunities
Actions: First Time Homebuyer Programs
- Seniors and Other Special Needs
Actions: Housing Development Program, Home Equity Conversion and Project Share, Access Improvement Program, provide housing for persons with AIDS/HIV, provide accessible units in new federally-assisted housing
- Large Families
Action: Housing development program ranking system to grant preference for larger units when awarding funds
- Rental Assistance
Action: Expansion of Section 8 vouchers

- Continuum of Care for the Homeless
Action: Outreach programs, support programs, shelter programs, transitional housing programs, development of permanent housing with appropriate supportive services, coordination with Alameda County, and support for legislative action to expand programs
- Equitable Distribution of Affordable Housing
Action: Continue to use Section 8 vouchers to assist very low income families obtain housing in a wider range of neighborhoods

Goal 3: Remove Constraints to the Availability and Affordability of Housing for All Income Groups

New Programs 1999-2002

- Flexible Zoning Standards
Action: Reduced group open space standards in downtown, reduced parking standards when close to transit
- Flexible Building Standards
Actions: Alternative building code standards

New Programs 2003-2006

- Expedite and Simplify Permit Processes
Action: Implement a one-stop permit process
- Flexible Zoning Standards
Action: Planned Unit Development zoning
- Environmental Constraints
Action: Seek funding for remediation of soil contamination on residential sites
- Development Fees and Site Improvement Requirements
Action: Consider impact fees while balancing need to minimize costs for new housing development

Continuing Programs

- Expedite and Simplify Permit Processes
Actions: Allow multifamily housing in specified residential and commercial zones, conditionally permit special needs housing in specified zones, assign priority to affordable housing, expedite environmental review, support secondary units.
- Development Fees and Site Improvement Requirements
Actions: Project review process and development agreements (to meet the needs of residential projects and to mitigate significant on- and off-site environmental impacts)

- Intergovernmental Coordination
Action: Coordinate multiple agency reviews when more than one level of government is required for project review
- Reduce Land Costs
Action: Site acquisition program for affordable housing
- Financing Costs
Actions: Access to low-cost financing for development, access to low-cost financing for home purchase
- Community Outreach and Education
Actions: Outreach and education programs to address community acceptance issues

Goal 4: Conserve and Improve Older Housing and Neighborhoods

New Programs 2003-2006

- Housing Rehabilitation Loan Programs
Action: Vacant Housing Acquisition and Rehabilitation Program

Continuing Programs

- Housing Rehabilitation Loan Programs
Actions: Rehabilitation loan programs for owner-occupied housing, rehabilitation loans for owner-occupied buildings with 2 to 4 units, rehabilitation programs for rental housing
- Blight Abatement
Actions: Anti-blight programs, housing code enforcement, housing receivership program
- Commercial District Revitalization
Actions: Neighborhood Commercial Revitalization program, façade improvement loans
- Housing Preservation
Action: Provide opportunities to purchase and relocate properties slated for demolition as for public improvement projects

Goal 5: Preserve Affordable Rental Housing

New Programs 2003-2006

- Preservation of Single Room Occupancy Hotels
Actions: Residential hotel study, seek expansion of project-based Section 8 assistance

Continuing Programs

- **Preservation of At-Risk Housing**
Actions: Annual monitoring and preservation, survey of owners of at-risk buildings, financial assistance for preservation projects
- **Support for Assisted Projects with Capital Needs**
Actions: Advocacy for state and federal financing, provide local funding for capital needs of older assisted housing projects
- **Rent Adjustment Program**
Actions: Continue rent adjustment program to moderate rent increases and prevent displacement
- **Preservation of Single Room Occupancy Hotels**
Actions: Residential hotel conversion/demolition protections
- **Limitations on Conversion of Residential Property to Non-Residential Use**
Action: Continue to implement Residential Property Conversion Ordinance

Goal 6: Promote Equal Housing Opportunity

New Programs 2003-2006

- **Promote Regional Efforts to Expand Housing Choice**
Action: Participate in regional housing needs determination process for 2006 – 2012

Continuing Programs

- **Fair Housing Actions**
Actions: Funding for fair housing organizations, housing search assistance for the disabled, affirmative fair marketing of all assisted housing developments
- **Reasonable Accommodations**
Action: Include provisions in City programs and policies to provide reasonable accommodations for persons with disabilities to ensure access to public facilities, programs, and services
- **Fair Lending**
Actions: Community credit needs assessment, promotions of community reinvestment activities, Linked Banking Ordinance, predatory lending controls

Goal 7: Promote Sustainable Development and Smart Growth

New Programs 2003-2006

- Sustainable Residential Development Programs
Actions: Promote green building design, re-use of building materials
- Infill Development
Action: Review property development standards to promote development on small infill lots
- Mixed Use Development
Actions: Consider development incentives, transit-oriented development

Continuing Programs

- Energy Conservation
Actions: Energy conservation standards, promotion of solar heating and cooling, technical assistance
- Compact Building Design
Action: Encourage compact building design

Goal 8: Increase Public Access to Information through Technology

New Programs 1999-2002

- On-Line Access to Information
Action: Public notices and documents online, new Housing and Community Development web site

New Programs 2003-2006

- Implement an Electronic Document Management System
Actions: Document access, permit processes and code enforcement, e-government services, customer relationship management
- Geographic Information System
Actions: Update parcel layer, web-based GIS

2004 HOUSING ELEMENT UPDATE INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

DOCUMENT SUBMITTED FOR PUBLIC REVIEW:

FEBRUARY 27, 2004

COMMENTS CAN BE SENT TO:

**CITY OF OAKLAND
COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
PLANNING AND ZONING DIVISION
STRATEGIC PLANNING UNIT
250 FRANK H. OGAWA PLAZA, SUITE 3330
OAKLAND, CA 94612**

**PREPARED FOR:
THE CITY OF OAKLAND**

PREPARED BY:



IN ASSOCIATION WITH:



**7
COMMUNITY & ECONOMIC
DEVELOPMENT CMTE
MAY 25 2004**

ATTACHMENT C

City of Oakland
File No. GP04-069/ER04-0002

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

1. Project Title: City of Oakland Housing Element Update

2. Lead Agency Name and Address:

City of Oakland
Community and Economic Development Agency
Strategic Planning
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

3. Contact Person and Phone Number:

Margaret Stanzione, Strategic Planning Coordinator
Phone: (510) 238-4932
E-Mail: mstanzione@oaklandnet.com

4. Project Location:

The City of Oakland is located at the eastern shore of the San Francisco Bay. The City encompasses 56 square miles of land and 24 square miles of water and is defined by the Bay and Estuary on the southwest, the crest of the Berkley-Oakland Hills on the northeast, and other urban areas on the north and south. Most of the development is located on the coastal shelf, which varies in width from two to four miles. Oakland is approximately 15 miles east of San Francisco and 90 miles southwest of Sacramento. Interstate 80 provides access to Oakland from the northwest, while Interstate 580 and 980 provides access from the southeast. Portions of the City are rolling or hilly, with elevations in the City limits ranging from sea level to 1,760 feet at Grizzly Peak. (Source: *City of Oakland General Plan Land Use and Transportation Element (LUTE) Environmental Impact Report, 1998*).

5. Project Sponsor's Name and Address:

City of Oakland
Community and Economic Development Agency
Strategic Planning
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612

6. General Plan Classifications: Citywide

7. Zoning: Citywide

8. Description of Project:

The 2004 Housing Element update is a statement by the City of Oakland of its current and future housing needs. The purpose of the Housing Element is to establish goals, policies, and programs that address identified housing needs. The City's Housing Element is based on eight goals that provide direction and guidance for meeting the City's housing needs through 2006.

1. Provide adequate sites suitable for housing for all income groups.
2. Promote the development of adequate housing for low- and moderate-income households.
3. Remove constraints to the availability and affordability of housing for all income groups.
4. Conserve and improve older housing and neighborhoods.
5. Preserve affordable rental housing.
6. Promote equal housing opportunity.
7. Promote sustainable development and smart growth.
8. Increase public access to information through technology.

The City's housing policies and strategies have been developed within a broader context that includes four major initiatives:

1. Update of the *General Plan Land Use and Transportation Elements* (1998)
2. Attraction of 10,000 Residents to Downtown Oakland (the "Mayor's 10K Initiative")
3. Promotion of Sustainable Development Policies and Practices
4. Affordable Housing Strategies

The Housing Element is prepared to meet the requirements of state law (Section 65580 – 65589.8 of the California Government Code). The Housing Element also addresses the needs of special population groups defined under state law (Section 65583 of the California Government Code), equal housing opportunity, housing rehabilitation, and housing subsidies for owners and renters.

The updated Housing Element covers a period of seven and one half years (January 1, 1999 to June 30, 2006), corresponding with the Association of Bay Area Government's (ABAG) *Regional Housing Needs Determination* (RHND) adopted March 2001. The RHND requires the City of Oakland to accommodate at least 7,733 new housing units (average 1,031 units per year) between 1999 and 2006.

Per the RHND, 2,238 units should be affordable to households earning no more than 50 percent of median income, 969 units should be affordable to households earning between 50 percent and 80 percent of median income, 1,959 units should be affordable to households earning between 80 percent and 120 percent of median income, and 2,567 units should be affordable to households earning more than 120 percent of median income. Sites on which

such housing may be constructed should permit adequate densities and contain infrastructure and services to increase the financial feasibility of producing housing affordable to low-income residents. The Housing Element does not require the City or others to construct the housing units allocated by the RHND. The Housing Element must, however, contain policies, programs, and other actions that demonstrate that the City can accommodate its regional housing allocation assigned by ABAG.

Housing potential on land suitable for residential development in Oakland is more than adequate to meet Oakland's RHND allocation. The City has identified 46 sites on which housing has been built since January 1999 or is currently under construction. These sites contain 3,168 units, or approximately forty percent of the City's total need. Identified housing unit potential to meet the balance of housing needs still to be provided within the planning period (4,565 units) totals approximately 13,730-15,800 units, including potential housing projects in predevelopment (5,316 units) and potential on additional housing opportunity sites (8,420-10,490 units). Based on this analysis, the total identified housing unit potential is more than three times larger than remaining need as identified by ABAG.

The 1998 *Land Use and Transportation Element* evaluated increases in residential density in the Old Oakland and Gateway neighborhoods (Downtown), near Jack London Square, at the Ninth Avenue Terminal and Fruitvale waterfront, and along sections of International, Foothill, and MacArthur Boulevards, Telegraph and San Pablo Avenue, and Martin Luther King Junior Way. Most of the opportunity sites identified in the Housing Element fall within these geographic areas. Based on an evaluation of its vacant land inventory and the distribution and density of residential land uses contained in the 1998 *Land Use and Transportation Element*, the City of Oakland has determined it can meet the requirements of accommodating its total RHND under existing zoning. The Housing Element does not contain any recommendations to rezone or change land uses on any properties identified in the vacant land inventory except in cases where rezonings are necessary to accomplish General Plan-Zoning conformance. As a result, implementation of the policies, programs, and other actions contained in the Housing Element will not change the pattern of development anticipated by the *LUTE*.

9. Surrounding Land Uses and Setting:

The project is a General Plan Amendment that will be applied citywide and includes the City of Oakland Planning Area (Figure II-2 – Planning Area Boundaries, *General Plan LUTE EIR*, page II-4).

10. Other Public Agencies Whose Approval Is Required:

Although the project does not require other public agency approvals, the City is required to submit the draft Housing Element to the California Department of Housing and Community Development (HCD), per Section 65585 of the California Government Code, and consider its findings on the draft Housing Element before it can be adopted as a General Plan Amendment.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

On the basis of this initial evaluation:

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 mitigation measures have been added to the project. 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" impact 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. 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 or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

2/27/04

Date

Claudia Cappio,
Director of Development

ENVIRONMENTAL SETTING

The City of Oakland includes a variety of residential, commercial, industrial, public, institutional, and open space land uses, as well as several major transportation hubs. The City is a continuation of urban development to the north and south; contains a regional airport and seaport; and is boarded by public open space owned by the East Bay Regional Park District to the east and the estuary to the west. The City is characterized by many individual neighborhoods, a variety of housing types, commercial nodes and transportation corridors, and industrial areas with many long time industries. Most of the new development in the City takes place on vacant, infill parcels or on lots that are underutilized or redeveloped. Compared to other areas in the Bay Area, Oakland is considered an urban environment.

The *Land Use and Transportation Element (LUTE)* adopted in 1998 assigned new land use designations to many parts of the City. The EIR prepared for the *LUTE*, certified in 1998, evaluated the environmental impacts of the *LUTE* and analyzed the likely growth potential for portions of the City to 2015, the horizon year of the *LUTE*.

The following evaluation provides information regarding impacts from residential development(s) as a result of the 2004 Housing Element's policies and programs. Implementation of the amendments to the Housing Element will not result in a change in land use patterns, a greater number of dwelling units than anticipated under the current General Plan, or a rate of housing construction greater than what has already been evaluated in the *General Plan LUTE EIR*. Furthermore, no substantial changes are proposed to the residential General Plan land use designations adopted in 1998; no information is introduced in the Housing Element which would result in substantial changes to the land use pattern; and no new information is being introduced. As a result, to a large extent, the General Plan *LUTE EIR* has been incorporated by reference in this Mitigated Negative Declaration. A copy of the General Plan *LUTE EIR* is available for public review at the City of Oakland, Community and Economic Development Agency, Strategic Planning, 250 Frank H. Ogawa Plaza, Suite 3330, Oakland, California 94612.

CEQA requires that an explanation of all answers except "no impact" answers be provided along with this checklist, including a discussion of ways to mitigate any significant effects identified. As defined here, a significant effect is considered a substantial adverse effect.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS – Would the project:

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| (a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input checked="" 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) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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"/> |

Comments to Section I, Questions (a), (b), (c), and (d):

The Open Space for Community Character section within the *Open Space, Conservation, and Recreation (OSCAR) Element* (Chapter 2, pages 2-64 – 2-67) applies specific standards for the protection of visual

quality and scenic views in Oakland, which will ensure that there are no significant aesthetic impacts. Views, streets, and gateways, along with architectural and landscape features are discussed in the *General Plan* with appropriate policies and programs to protect visual resources and scenic corridors (policies OS-10.1 – OS-10.4, pages 2-65 – 2-67). The Visual and Aesthetic Conditions section of the *LUTE EIR* (pages III.F-1 – III.F-12) adequately addresses the project’s potential impacts to aesthetic resources, and are incorporated by reference here. The *LUTE EIR* determined that development under the *General Plan* would not adversely affect existing visual resources with the implementation of *LUTE* goals, objectives, policies, and actions. Mitigation measures in the *LUTE EIR* require the development of design guidelines for height and bulk in the Downtown, for all Neighborhood Commercial areas, and for parking facilities to ensure the preservation of significant visual characteristics. Those mitigation measures are listed below:

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.

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.

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.

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

Potentially Significant Impact	Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURAL RESOURCES – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments to Section II, Questions (a), (b), and (c):

As discussed in the *General Plan OSCAR Element* and *LUTE* agricultural resources and/or land(s) currently zoned for agricultural uses are not present within Oakland’s planning area. The project is within an urbanized area that contains a mixture of commercial, residential, and industrial uses. There are no anticipated impacts to agricultural resources, as no new dwelling units would be constructed that

could potentially convert prime farmland, conflict with existing zoning for agricultural use(s), or result in the conversion of farmland to non-agricultural use(s).

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY – Would the project:

(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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance – Air Quality Impacts

According to the Bay Area Air Quality Management District’s CEQA Guidelines and the City of Oakland, an air quality impact is considered significant if the project would:

- conflict with or obstruct implementation of the applicable air quality plan;
- violate or contribute substantially to an existing or projected air quality violation;
- result in a cumulatively considerable net increase of a non-attainment pollutant;
- violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation;
- result in substantial emissions or deterioration of ambient air quality. The significance thresholds recommended by the BAAQMD are considered to represent “substantial” emissions. These thresholds are 80 pounds per day (or 15 tons/year) for regional air quality pollutants, including ROG, NO_x, and PM₁₀. For carbon monoxide (CO), a project contributing to CO concentrations exceeding the State Ambient Air Quality Standard of 9 parts per million (ppm) averaged over 8 hours or 20 ppm for one hour. Any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact;
- result in the exposure to sensitive receptors or the general public to substantial levels of toxic air contaminants; or
- frequently expose sensitive receptors or members of the general public to objectionable odors.

The significance threshold for construction dust impacts is based on the appropriateness of construction dust controls. The BAAQMD guidelines provide feasible control measures for construction emission of PM₁₀. If the appropriate construction controls are implemented, then air pollutant emissions from construction activities would be considered less-than-significant.

Comments to Section III, Questions (a), (b), (c), (d), and (e):

Oakland is within the Bay Area Air Quality Management District (BAAQMD) that operates a network of monitoring sites throughout the Bay Area. During a five-year period (1990–1995) the state and federal standards for carbon monoxide were met every day at the Alice Street station monitoring site (*LUTE EIR*, page III.E-5). Potential impacts to air quality within the City, including those resulting from population increases, were analyzed as part of the *LUTE EIR* (Air Quality, pages III.E-1 – III.E-35). This analysis adequately addresses the project's impacts to air quality, and is incorporated by reference here. The mitigation measures related to air quality contained in the *LUTE EIR* are also incorporated by reference here. Based on this analysis and implementation of the OSCAR Element's Air Resources objectives, policies, and actions (policies CO-12.1 – CO-12.6, pages 3-52 – 3-58), and Mitigation Measures in the *LUTE EIR*, impacts to local air quality are mitigated to less than significant. The Mitigation Measures in the *LUTE EIR* are as follows:

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.

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.

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.

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.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES – Would the project:

(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 Game 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, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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 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?	<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 Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments to Section IV, Questions (a), (b), (c), (d), (e), and ((f):

The *General Plan OSCAR Element* provides for orderly growth in the planning area and includes provisions for the conservation of natural resources, including the protection and enhancement of sensitive biological resources (pages 3-40 – 3-46). The analysis contained in the LUTE EIR related to biological resources adequately addresses the project’s impacts to biological resources, and is incorporated by reference here. The LUTE EIR identifies no mitigation necessary of policies or actions within the *General Plan to preserve and protect biological resources within the City* (pages III.H-14 – III.H-20).

The objectives, policies, and actions within the Wildlife section of the OSCAR Element (Chapter 3, pages 3-49 – 3-50) ensure the protection of wildlife from the hazards of urbanization, which includes the protection and enhancement of migratory corridors for wildlife. Residential development proposed as a part of the project is not expected to adversely affect biological resources. Most anticipated development

will occur on infill sites within well-developed urban areas, which the General Plan does not designate as biologically sensitive.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES – Would the project?

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| (a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) 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"/> |
| (d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Thresholds of Significance – Historic Resource Impacts

Under CEQA guidelines, a project will normally have a significant effect on the environment if it will “disrupt or adversely affect a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic group or social group, or a paleontological site except as part of a scientific study.” The Public Resources Code defines “substantial adverse change” as “demolition, destruction, relocation or alteration,” activities that would impair the significance of an historical resource {Cal. Pub. Res. Code § 5020.1(q)}.

Comments to Section V, Questions (a), (b), (c), and (d):

Potential impacts to archaeological, historic, and cultural resources were analyzed as part of the *LUTE EIR* (pages III.G-1 – III.G-17). This analysis adequately addresses the project’s impacts to archaeological, historic, and cultural resources, and is incorporated by reference here. The mitigation measures contained in the *LUTE EIR* are also incorporated by reference here. The *EIR* identifies the paleontological remains and registered historic resources within the Central Business District “change” area, Estuary Shoreline “change” area, and Transit Corridor “change” area (Tables III.G-1 – III.G-4, pages III.G-2 – III.G-11). The *General Plan LUTE* and *Historic Preservation Element* proposes a series of policies and programs in order to protect and preserve the archaeological and historic resources in Oakland from the effects of increased development intensity (Historic Preservation Policies 3.1 and 3.9 (a) and *LUTE* Policies D1.1, D2.1, and N11.4). These policies address preserving design elements of historic buildings, architectural integrity, and ensuring that new development in historic districts are visually interesting and compatible in character with the surroundings.

With the implementation of *General Plan* policies and appropriate mitigation measures from the *LUTE EIR* (Mitigation Measure G.2, G.3a, and G.3b, pages III.G-13 – III.G.16), impacts to archaeological, historic, or cultural resources are less than significant and no new impacts are anticipated as a result of the project. Those mitigation measures are as follows:

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 conditional to safeguard potential archaeological resources.

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

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

In addition to the mitigation measures listed above, the following mitigation measures shall also apply:

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.

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.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS – Would the project:

(a) Expose people or structures to 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 for the area or based on other substantial evidence of a known fault?
- ii. Strong seismic ground shaking?
- iii. Seismic-related ground failure, including liquefaction?
- iv. Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- (b) Result in substantial soil erosion or the loss of topsoil?
- (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

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 creating substantial 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 waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Section VI, Questions (a), (b), (c), (d), and (e):

The principle active faults in the vicinity of the Oakland planning area are the Hayward Fault, San Andreas Fault, and the Calaveras Fault (page III.K-3). Construction located within liquefaction and landslide hazard zones are required to conduct a seismic investigation and recommend construction methods to mitigate potential seismic hazards identified (*LUTE EIR*, page III.K-19). The three types of soils within the Oakland planning area are the bay muds located along the shoreline and in the land filled areas, the alluvium and sand dune deposits located in the flatland and hills areas, and sandstones and shale fragments of the hill areas (*LUTE EIR*, page III.K-2). The City's *OSCAR Element* provides policies and actions to minimize the potential for soil erosion resulting from development on hillside areas (page 3-9). These programs require actions such as reviewing the grading ordinance every five years to keep it current with new construction methods and developing illustrated grading guidelines that accompany the City's grading ordinance (Action CO-2.4.1 and Action CO-2.4.2).

The *LUTE EIR* discusses a high shrink/swell potential in areas underlain by soils with high clay content. The *OSCAR Element* contains Policy CO-2.3 (page 3-9) and Action CO-1.1.3 (page 3-4), which require development on fill soils to make special provisions to safeguard against subsidence and to consider soil constraints (i.e., shrink/swell and low soil strength potential) in the design of buildings.

The *LUTE EIR* determined that the potential impacts from seismic activity, erosion, and geologic hazards are less than significant with the implementation of the policies and actions contained within the *OSCAR Element* (*LUTE EIR*, pages III.K-13 – III.K-20).

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. HAZARDS AND HAZARDOUS MATERIALS –

Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| (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 release of hazardous materials into the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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?
- (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 for people residing or working in the project area?
- (f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- (g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- (h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Comments to Section VII, Questions (a), (b), (c), (d), (e), (f), (g), and (h):

The City's *General Plan Environmental Hazards Element* discusses potential impacts resulting from hazards and hazardous materials that may endanger residents of Oakland or negatively affect the environment. The project is not expected to generate hazardous materials or expose residences to hazardous materials. Compliance with existing laws and implementation of the objectives, policies, and actions within the *Environmental Hazards Element* and the *OSCAR Element* would minimize potential public health impacts associated with use and presence of hazardous substances in Oakland to that of less than significant (*LUTE EIR*, pages III.M-1 – III.M-20). The following mitigation measure applies:

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.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HYDROLOGY AND WATER QUALITY –

Would the project:

- (a) Violate any water quality standards or waste discharge requirements?
- (b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- (c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (j) Result in inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Section VIII, Questions (a), (b), (c), (d), (e), (f), (g), (h), (i), and (j):

The implementation of the City's Grading Ordinance, Sedimentation and Erosion Control Ordinance, and Creek Protection, Stormwater Management, and Discharge Control Ordinance all protect water quality and water resources in Oakland (*LUTE EIR*, page III.I-7). The project will not increase impacts on water resources or the need for additional mitigation measures beyond those included in the *LUTE* and *OSCAR Element* (Policies CO-5.1, 5.2, 5.3, 5.4, 6.1, 6.2, 6.3, 6.5, 6.6, Policies W3.1, 3.2, 3.3, and Policies N7.2, and 7.6). An increase in water quality degradation and an increase in surface water runoff as a result of residential development cannot be completely eliminated; however, drainage and water quality will be reviewed and mitigation measures established during the environmental and/or planning review of specific projects and the routine implementation of the City's building, zoning, and subdivision standards.

Flooding potential exists in Oakland in areas with overbank flooding of streams, storm drain failure, dam failure, and tsunamis (*LUTE EIR*, page III.D-13). Policies and actions provided in the Water Resource section of the *OSCAR Element* (Chapter 3, page 3-12 – 3-23) address storm drainage facilities and the regulation of runoff, and provide flood reduction measures that would ensure new development would not worsen existing local flood hazards. Impacts to hydrology and water quality are less than significant with the implementation of the policies and actions contained within the *LUTE* and the *OSCAR Element* (*LUTE EIR*, pages III.I-5 – III.I-10) which shall apply to any housing projects that may be developed.

	Potentially Significant	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. LAND USE AND PLANNING – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Conflict with applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- (c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Thresholds of Significance - Land Use Impacts

According to the CEQA Guidelines, a project may be considered to have a significant effect on the environment, in terms of a land use impact, if the project would:

- fundamentally conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect and actually result in a physical change in the environment;
- require an exception (variance) to the policies and regulations in the General Plan, Planning Code, or Uniform Building Code, and the exception causes a fundamental conflict with policies and regulations in the General Plan, Planning Code, and Uniform Building Code addressing the provision of adequate light related to appropriate uses.
- displace large numbers of people;
- induce substantial growth;
- disrupt or divide the physical arrangement of an established community; or
- conflict with any applicable habitat conservation plan or natural community conservation plan.

Comments to Section IX, Questions (a), (b), and (c):

The updated Housing Element identifies housing conditions, trends, and needs and sets forth housing goals, policies, and programs for Oakland. The opportunities for housing development identified in the Housing Element focus on locations in downtown Oakland, along the major transportation corridors of the City, in transit-oriented districts near Oakland's BART stations, and near Jack London Square. Opportunities for housing development identified in the Element cover a range of housing densities, with many opportunities for urban density and mixed-use housing development.

Housing development envisioned in the Housing Element is consistent with the vision and specific land use designations, densities of development, and transportation systems set forth in the *Oakland General Plan LUTE* (pages 131 – 145). Although the Housing Element will not directly result in the development of any particular housing or sites, it identifies potential sites and policies supportive of programs for developing housing to meet Oakland's allocation of regional housing needs and an amount of housing development that is consistent with the development levels envisioned under the *LUTE*.

The Housing Element is consistent with housing development efforts underway as part of the Mayor's 10K Initiative to attract approximately 6,000 new residential units in downtown Oakland for 10,000 new downtown residents and will not physically divide the community. Anticipated housing development as a result of the project is also consistent with the *OSCAR Element* and the *Historic Preservation Element* of the *General Plan* and is generally consistent with neighborhood, area, and habitat conservation plans completed in recent years.

The *LUTE EIR* assumed the addition of about 12,000 households in Oakland between 1995 and 2015, based on *General Plan* policies and consideration of ABAG Projections '96 (the most current at the time

of the EIR analysis [1998]). The *LUTE EIR* assumptions included more household growth in Oakland than did the ABAG Projections '96. Total households estimated for Oakland and assumed in the *LUTE EIR* analyses was 144,031 households (1995) and 156,076 projected (2015), for an increase of 12,045.

Oakland's regional housing needs allocation (RHNA) as determined by ABAG identifies the need for development of 7,733 housing units at various income levels over the period January 1, 1999 to June 30, 2006. Comparison of that growth to the *LUTE EIR* growth assumption requires that the development of housing units under the RHNA be converted to growth of households residing in those units (accounting for a housing vacancy factor), and that the additional households be added to existing households in the base year to identify total households in the future (once the housing needs are met). This total was then compared to total households analyzed in the *LUTE EIR*.

The original ABAG calculations of regional housing need assumed the estimates of households in 1999 as determined by the State Department of Finance (DOF) E-5 Report. For Oakland, 144,979 households were identified by DOF, as of January 1, 1999. Assuming an average overall vacancy of four percent, the RHNA for Oakland of 7,733 additional housing units by June 30, 2006 would accommodate 7,424 additional households in Oakland. This amount of household growth over the base year total would result in 152,403 households in Oakland in the future; less than the total analyzed in the *LUTE EIR* (156,077 households). Thus, the potential residential development as a result of the Housing Element update is consistent with what was planned and projected under the analysis in the *LUTE EIR* (pages II.A-1 – II.A-32). Therefore, the analysis contained in the *LUTE EIR* related to Planning and Land Use adequately addresses the project's impacts on Planning and Land Use and is incorporated by reference here. No new impacts are anticipated.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. MINERAL RESOURCES – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| (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 checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Section X, Questions (a) and (b):

The *General Plan LUTE* identifies the Leona Quarry as Oakland's only active quarry (page III.K-3). This quarry is located on a southwest-facing slope at Edwards Avenue and I-580.

In 2002, the City Council approved a residential project for the Quarry site, consistent with the *General Plan LUTE* Policies. The loss of mineral resources was determined to be less than significant in the Leona Quarry EIR, because the impact of the proposed residential project on the overall available aggregate reserves of Rhyolite in the South San Francisco Bay P-C Region is insignificant because the overall aggregate reserves would remain in deficit despite the inability to extract aggregate from Leona Quarry. Overall, the redevelopment of the quarry site, along with the complete restoration and revegetation of the existing slopes, would be considered to be a beneficial impact because residential development is more consistent with the surrounding community.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XI. NOISE – Would the project result in:

(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance – Noise Impacts

According to the CEQA Guidelines and the City of Oakland, the project would have a significant impact on the environment if it would:

- expose persons to or generate noise levels in excess of standards established in the Oakland General Plan or applicable standards of other agencies;
- exceed City-adopted state land use compatibility guidelines for all specified land uses (City of Oakland, 1997) as follows:
 - multifamily residential land uses—DNL 60 dBA or less is normally acceptable, DNL 60 to 70 dBA is conditionally acceptable, and DNL 70 to 75 dBA is normally unacceptable;
 - commercial and office uses—DNL 67 dBA or less is normally acceptable, DNL 67 to 75 dBA is conditionally acceptable; or
 - should conditionally acceptable noise levels exist or result from the project, new construction or development should undertake a detailed analysis of noise reduction techniques and noise insulation features shall be included in project;
- exceed the operational standards of the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050). If existing ambient noise levels exceed the applicable noise level standard, the standard shall be adjusted to equal the ambient noise level;
- exceed California Noise Insulation Standards (CCR Part 2, Title 24) for multi-family dwellings, hotels, motels, dormitories and long-term care facilities (and may be extended by local legislative action to include single family dwellings) of 45 dBA Ldn or CNEL inside the dwelling unit;
- expose persons to or generate excessive ground-borne vibration or ground-borne noise levels;

- result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, as described below:
- an increase of 5 dBA at the receptor property boundary; or
- cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project or exceed temporary construction standards of the City of Oakland Noise Ordinance, except if an acoustical analysis is performed and all feasible mitigation measures imposed, including the standard City of Oakland noise reduction measures adopted by the Oakland City Council on January 16, 2001; or
- if the ambient noise level exceeds the applicable noise level standards above, the standard shall be adjusted to equal the ambient noise level. During the hours of 7 p.m. to 7 a.m. on weekdays and 8 p.m. to 9 a.m. on weekends and federal holidays, noise levels received by any land use from construction or demolition shall not exceed the applicable nighttime operational noise level standard.

Comments to Section XI, Questions (a), (b), (c), (d), (e), and (f):

The *LUTE EIR* identifies Oakland's existing noise environment as primarily caused by traffic on major highways, including Interstate 880, Interstate 980, Interstate 580, State Highway 24, State Highway 13, and major arterial streets (page III.L-2). The noise analysis contained in the *LUTE EIR* adequately addresses the project's noise impacts and is incorporated by reference. In addition to roadways, other major sources of noise include industrial uses, aircraft noise associated with the operation of Metropolitan Oakland International Airport, Bay Area Rapid Transit (BART), and railroad facilities of the Union Pacific Railroad.

The goal of reducing or eliminating the effects of noise on Oakland residents within the *General Plan Noise Element* protects Oakland residents from excessive noise levels (page 31). Policies and programs within the *Noise Element* allow for proposed projects with regard to noise-sensitive land uses, such as residential development (pages 37 – 40). With these policies implemented and the review of site specific, individual development projects for their compatibility with the existing and future noise environment in accordance with the Oakland Noise Ordinance, no significant noise impacts are anticipated. Mitigation Measures included in the *LUTE EIR* are as follows:

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.

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.

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.

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.

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

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.

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

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.

In addition to the mitigation measures listed above, the following mitigation measures shall also apply:

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.

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:

- 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.

File-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.

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.

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 even of a problem;
- 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.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. POPULATION AND HOUSING – Would the project:

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Section XII, Questions (a), (b), and (c):

The City’s RHND allocation could result in the potential construction of 7,733 new residential units; however, these new units are part of the residential development projected and planned for under the *General Plan LUTE* and analyzed within the *LUTE EIR* (pages III.C-1 – III.C-11). Therefore, the analysis contained in the *LUTE EIR* related to population and housing adequately addresses the project’s impacts on population and housing and is incorporated by reference here. Potential impacts as a result of this projected development have been analyzed and mitigated, as necessary, through policies and programs within the *General Plan*. No new impacts to population and housing are anticipated as a result of the project, and according to the *LUTE EIR* (pages III.C-1 and III.C-2), development under the *General Plan LUTE* will most likely result in continued population growth, as projected under the current development policies.

In addition, the project recommends various housing programs to assist in providing housing for low- and moderate-income households, and as a result, the project will minimize displacement of existing residents, as it facilitates the accommodation of an adequate range of housing for City residents.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. PUBLIC SERVICES – Would the project result in:

Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 following public services:

- | | | | | |
|------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| (a) Fire protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Police protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Schools? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Parks? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) Other public facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments to Section XIII, Questions (a), (b), (c), (d), and (e):

Potential impacts to public services, including fire and police protection, schools, library services, and maintenance of public facilities were analyzed in the *LUTE EIR* (pages III.D-20 – III.D-38). This analysis adequately addresses the project’s impacts on public services and is incorporated by reference here. The project will not affect the ability of the City’s public services to meet the demands of Oakland residents. Mitigation measures included in the *LUTE EIR* associated with police and fire services, increased school enrollment, and increased library patronage, in conjunction with the assessment of infrastructure fees on residential developments will mitigate impacts associated with the provision of public services from the 7,733 potential new residential units to less than significant (Mitigation Measures for police services; D.5-1a, b, c, d, and e; Mitigation Measures for fire services D.6-1a, b, c, and d; Mitigation Measures for school services D.7-1a, b, c, d, e, f, g, and h; and the Mitigation Measure for library services D.8-1). Those mitigation measures are listed below:

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.

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.

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

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.

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.

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.

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.

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.

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.

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) an other funding mechanisms available to the OUSD by state law or local ordinances, including those measures identified in the OUSD's 1996 Developer Fee Justification Study.

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.

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.

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.

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.

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.

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.

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

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 financial options (including without limitations the alternatives outlines 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.

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.

Oakland does not anticipate the rate of population growth through 2006 (the planning period for the Housing Element) to exceed that anticipated by the *LUTE EIR*. Implementation of the objectives and policies in the *LUTE* will allow the City to supply infrastructure and services to the additional 7,733 potential new residential units needed to accommodate the City's RHND. Some localized impacts may occur due to the increase in residential land uses in specific areas, such as traffic congestion, parking, etc. These potential localized impacts associated with future projects will be evaluated, as required, in subsequent environmental reviews as site specific development plans are submitted to the City.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. RECREATION – Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (a) 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"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) 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"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Section XIV, Questions (a) and (b):

The potential impacts from new residential development on parks, open space, and recreation were analyzed as part of the *LUTE EIR* (pages III.D-39 – III.D-44). This analysis adequately addresses the project’s impacts on recreational facilities and is incorporated by reference here. The mitigation measures contained in the *LUTE EIR* related to recreation are also incorporated by reference here. Chapter 4 of the *OSCAR Element* discusses recreation resources and identifies objectives to maintain, preserve, and expand parklands (pages 4-25 – 4-68). The policies provided in the *OSCAR Element* reduce park and recreation impacts that could occur as a result of future development pursuant to the *LUTE* and provide for funding opportunities to maintain parklands (policies REC-3.1, 3.2, 3.3, 4.1, 6.1, 6.2, 6.3, 7.1, 10.1, and 10.2). Development consistent with the *LUTE* is projected to increase population of Oakland by 26,000 by the year 2015. To maintain the City’s level of service standard, another 104 acres of local parkland has been identified as a need to serve this growth increment (*LUTE EIR*, page III.D-41).

The *LUTE EIR* determined that impacts to recreation due to increased service demands are less than significant with existing policies included in the *OSCAR Element*. Residential development resulting from this project is not expected to increase the demand for park services beyond that which has already been mitigated by the *LUTE EIR*.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XV. TRANSPORTATION/TRAFFIC – Would the project:

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|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| (a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) Substantially increase hazards due to a 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"/> |
| (e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Thresholds of Significance – Traffic Impacts

According to CEQA Guidelines, a project would normally have a significant effect on the environment if it would “cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections.” Specifically, the City of Oakland’s standard criteria were used to determine if the project would result in a significant traffic impact. A project-generated increase in traffic is considered to be significant if it meets any of the following criteria:

- at a study intersection that is located within the Downtown area¹, the project would cause the existing or future baseline level of service (LOS) to degrade to worse than LOS E.
- at a study intersection *that is located outside the Downtown area*, the project would cause the existing or future baseline level of service LOS to degrade to worse than LOS D.
- at a study intersection *outside the Downtown area* where the existing or future baseline level of service is LOS E, the project would cause the service level to degrade to LOS F, or would cause the average vehicle delay to increase by four or more seconds.
- at a study intersection *for all areas* where the existing or future baseline level of service is LOS E the project would cause the service level to degrade to LOS F, or would cause the average delay for any of the critical movements to increase by six or more seconds.
- at a study intersection *for all areas* where the baseline level of service is LOS F, the project would cause (a) the total average vehicle delay to increase by two or more seconds, (b) an increase in the average delay for any of the critical movements of four or more seconds; or (c) an increase in volume-to-capacity (v/c) ratio of more than three percent (if delay values cannot be measured accurately).

A significant project-related traffic impact also would occur if the project:

- would substantially increase traffic hazards to motor vehicles, bicyclist, or pedestrians due to a design feature (e.g. sharp curves or dangerous intersections), incompatible uses (e.g. farm equipment), or increases in volumes of motor vehicles, bicyclists, or pedestrians.
- would result in inadequate emergency access for the project site.
- results in a parking demand (both project-generated and project-displaced) that would not be met by the project’s proposed parking supply or by the existing parking supply within a reasonable walking distance of the project site.
- would generate added transit ridership that would increase the peak-hour load factor higher than 1.25 passengers per seat for AC Transit buses, and 1.35 passengers per seat for BART, and the additional transit trips would contribute more than two percent to the peak-hour transit ridership for transit lines serving the project site.

¹ Downtown is defined in the *Land Use and Transportation Element* of the *Oakland General Plan* as the area generally bounded by West Grand Avenue on the north, Lake Merritt and Channel Park to the east, the Oakland Estuary to the south and I-980 / Brush Street to the west; the project is not within that area, but may affect intersections in this area.

Comments to Section XV, Questions (a), (b), (c), (d), (e), (f), and (g):

The development of 7,733 potential new residential dwelling units will require development procedures and a review process that imposes requirements and improvements for adequate traffic, pedestrian, bicycle circulation, and parking facilities. New residential developments must comply with the *General Plan LUTE* for minimizing future circulation impacts (pages 127 – 145). The project is not anticipated to result in inadequate emergency access, parking capacity, or conflict with other adopted policies, plans, or programs that support alternative transportation.

The *LUTE EIR* focuses its analysis on General Plan program-level impacts and the Downtown and Coliseum Showcase District project impacts. This analysis adequately addresses the project’s impacts on traffic and is incorporated by reference here. The *LUTE EIR* proposes the following mitigation measures (pages III.B-18 – III.B-31):

1. Mitigation Measure B.1 – Implement roadway improvements and transit improvements to reduce congestion on arterial roadways.
2. Mitigation Measure B.3 – Increase the cycle length to 120 seconds resulting in a LOS level D at the intersection of 12th Street and Brush Street.
3. Mitigation Measure B.4 – (a) Installation of traffic signal at the intersection of 66th 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 66th Avenue and I-880 northbound ramps; (c) Installation of traffic signal at the intersection of 66th Avenue and Oakport Street and widen Oakport Street; and (d) Widen the northbound approach at High Street and Coliseum Way.

These mitigation measures are incorporated by reference in this project. As a result of development anticipated in the *LUTE*, implementation of the above mitigation measures reduces impacts associated with transportation and circulation to less than significant. Again, applicable project-specific impacts that could result from new residential development under the Housing Element will be evaluated on case-by-case basis, as required, through an appropriate level of environmental review under CEQA.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
| (f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comments to Section XVI, Questions (a), (b), (c), (d), (e), (f), and (g):

Development consistent with the *LUTE*, including that of 7,733 potential new residential units, would result in an increase demand for utilities and service systems needs. However, the increase in residential development would not significantly impact the City's ability to meet the public service demands for wastewater treatment, as they are already accounted for in the *General Plan LUTE EIR* analysis.

Impacts associated with utilities and service systems were analyzed in the *LUTE EIR* (pages III.D-1 – III.D-20). This analysis adequately addresses the project's impacts on utilities and service systems and is incorporated by reference. Those impacts directly related to an increase in residential development include increases in water demand requiring localized improvements to the water delivery system, the continued construction of hill area subdivisions with acknowledged drainage problems, and increases on solid waste services. These impacts were analyzed as part of the *LUTE EIR* as potential significant impacts. Mitigation provided in the *LUTE EIR* for capital improvement needs (Mitigation Measures D.1-2 and D.2-2), storm water drainage as a result of hill area development (Mitigation Measure D.3-2a, b, c, and d), and increases in solid waste services (Mitigation Measures D.4-1a, b, and c) reduces impacts to utilities and service systems to less than significant. No additional impacts on utilities and service systems are anticipated from the project. The mitigation measures contained in the *LUTE EIR* are listed below:

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.

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.

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.

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.

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.

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.

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.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| (a) Does the project have the potential to 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, 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"/> |

Comments to Section XVII, Questions (a), (b), and (c):

- a. Residential development proposed as a part of the project is not expected to adversely affect air, biological resources, or cultural resources, or degrade the quality of the environment where there is biologically sensitive habitat due to anticipated development occurring only on infill sites within well-developed urban areas.
- b. The proposed project will not require the rezoning of additional vacant land to accommodate the City's housing allocation. New residential units constructed under the 2003 Housing Element are part of the residential development projected and planned for under the *General Plan LUTE* and analyzed within the *General Plan LUTE EIR*. There are no new major projects, other than those already included and planned for in the growth projections under the *LUTE*, expected during the current Housing Element planning period (1999 – 2006). Therefore, cumulatively considerable impacts of the project have already been analyzed and mitigated, as necessary, through policies and programs within the existing *General Plan*. Thus, the 2003 Housing Element update would not contribute to significant unmitigated cumulative impacts. Although, if a project comes before the City that is deemed appropriate for housing but would require a land

use re-zone, a project specific assessment of cumulatively considerable growth inducing impacts would be conducted as part of the development review process. There are no new cumulative effects; therefore, a Subsequent EIR is not required.

- c. No new impacts are anticipated as a result of the project that have not already been analyzed and evaluated as part of the *General Plan LUTE EIR*. Based on this analysis, the proposed project is not expected to have environmental effects that will cause substantial adverse affects on the residents of Oakland or surrounding communities, either directly or indirectly.

SUMMARY OF HOUSING ELEMENT MITIGATION MEASURES

[Unless otherwise noted, the following Mitigation Measures are from the Land Use and Transportation 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.

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.

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.

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

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.

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.

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.

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.

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 conditional to safeguard potential archaeological resources.

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.

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 any associated grave goods as provided in Public Resources Code Section 5097.98.

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

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

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.

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.

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.

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.

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.

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

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.

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

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.

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.

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:

- 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.

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.

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.

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;
- 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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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) an 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.

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.

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.

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.

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.

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.

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.

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

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.

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.

XV. TRANSPORTATION/TRAFFIC

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

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

Mitigation Measure B.4: (a) Installation of traffic signal at the intersection of 66th 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 66th Avenue and I-880 northbound ramps; (c) Installation of traffic signal at the intersection of 66th Avenue and Oakport Street and widen Oakport Street; and (d) Widen the northbound approach at High Street and Coliseum Way.

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.

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.

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.

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.

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.

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.

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.

RESOURCES CONSULTED:

1. *City of Oakland General Plan Noise Element* (September 1974).
2. *City of Oakland General Plan Environmental Hazards Element* (September 1974).
3. *City of Oakland General Plan Historic Preservation Element* (March 1994).
4. *City of Oakland General Plan Open Space, Conservation, and Recreation Element* (June 1996).
5. *City of Oakland General Plan Land Use and Transportation Element Notice of Preparation and Initial Study* (March 1997).
6. *City of Oakland General Plan Land Use and Transportation Element Draft Environmental Impact Report* (October 1997).
7. *City of Oakland General Plan Land Use and Transportation Element Final Addendum to the Draft Environmental Impact Report* (February 1998).
8. *City of Oakland General Plan Land Use and Transportation Element* (March 1998).
9. *City of Oakland Bicycle Master Plan* (July 1999).
10. *City of Oakland Pedestrian Master Plan* (November 2002).
11. *City of Oakland Public Review Draft Housing Element* (April 2003).

NEGATIVE DECLARATION PREPARERS:

1. Margaret Stanzone, Strategic Planning, Community and Economic Development Agency, City of Oakland
2. Linda Hausrath, President, Hausrath Economics Group
3. Tracey Ferguson, Associate Planner, PARSONS
4. Christy Consolini, Environmental Planner, PARSONS
5. Steve Smith, Technical Editor, PARSONS

Responses to Comments Received on the Mitigated Negative Declaration for the Housing Element during the 30-day review period

1. East Bay Municipal Utility District (March 30, 2004)

Comments:

1a. Several comments pertained to specific conditions of approval to be added to project applications regarding water service and wastewater treatment.

1b. That the Mitigated Negative Declaration includes a provision that recycled water be considered for use in any new development or redevelopment within EBMUD's recycled water project area.

Responses:

1a. Comments regarding available wastewater capacity are addressed in the *Land Use and Transportation Element*, Final Environmental Impact Report (FEIR), p. III, D-10.

1b. Mitigation Measures D.1-2, D.2-2, and D.3-2a have been modified to read, "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."

2. State Department of Toxic Substances Control (March 25, 2004)

Comment:

2a. The Initial Study should also evaluate potential impacts from sites that may or have the potential to be contaminated with hazardous substances.

Response:

2a. Potential impacts and mitigation measures are addressed in the LUTE FEIR, p. III, M-13, Impact M.4 and Mitigation Measure M.4. Following existing laws and regulations reduces the impact to less-than-significant and no additional mitigation measures are required.

3. Cynthia L. Shartzler, Co-Chair, Lakeside Apartment Neighborhood Association, (March 30, 2004)

Comments:

3a. How can the City retroactively "cover" a period of more than five years when in fact it did not meet State law? Were there goals, policies, and programs that effectively addressed housing needs?

3b. Projects approved by the Planning Commission beginning in the summer of 2003 do not comply with Mitigation Measures F.2a, F.2c, F.3a regarding aesthetics. The projects proposed at 160 14th Street/Madison and 1331 Harrison Street will have substantial adverse effects on scenic vistas.

3c. S-17 downtown residential guidelines were not adopted until September 2003, so how can they be applied retroactively?

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COMMUNITY & ECONOMIC
DEVELOPMENT CMTE
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3d. Why develop and adopt design guidelines for landmarks and preservation if they are not followed?

3e. The City approves individual projects and does not consider the cumulative impacts of traffic.

3f. The statement “Residential development proposed as part of the project is not expected to adversely affect air, biological resources, or cultural resources, or degrade the quality of the environment where there is biologically sensitive habitat due to anticipated development occurring only on infill sites within well-developed urban areas” is an inadequate and incorrect generalization.

Responses:

3a. The State-mandated Housing Element time period is from January 1, 1999 to June 30, 2006. All cities started their Housing Element updates a little later than 1999 because the allocation of the regional housing needs numbers was not yet complete. Many cities adopt Housing Elements later than the 5 year mandated period, and this does not invalidate the Housing Element. The goals, policies and programs in the approved and certified 1992 City of Oakland Housing Element are being followed by the City until the new Housing Element is adopted in the next several months.

3b. Although the city has not adopted official guidelines for development projects in the downtown and in Neighborhood Commercial areas, it applies the concepts discussed in the mitigation measures, to the greatest extent, when reviewing projects. The comments made about residential projects proposed at 14th/Madison and 1331 Harrison Street are specific to those projects and not the draft Housing Element. Furthermore, aspects of both projects were discussed in public hearings before the Planning Commission and City Council.

3c. The S-17 Downtown Residential Open Space Combining Zone was adopted for open space areas within downtown residential projects; they are not residential design review guidelines. This ordinance allows the amount of open space in downtown projects to be reduced and specifies how and where it can be provided. Prior to adoption of the S-17 combining zone, applicants were able to achieve reductions in open space for downtown residential projects by applying for variances.

3d. Design guidelines for landmarks and preservation have not yet been developed and are expected to be prepared after the zoning code update project is completed. The current design review process, however, takes into consideration the landmark status or landmark status potential of a building or a site while a proposed project is being reviewed. Comments regarding the Jack London Square project are specific to that project and not the draft Housing Element.

3e. Traffic impacts for this amount of housing were considered in the Environmental Impact Report for the *Land Use and Transportation Element*. The EIR acknowledged that there were significant and unavoidable impacts and identified a number of potential transit and roadway improvements that could reduce congestion (p. III.B-20). The EIR further stated that “...given the uncertainty about funding for future transit and roadway improvements, it is not possible to determine that the levels of service would be sufficiently improved to reduce impacts to a less-than-significant level.” A Statement of Overriding Consideration was approved for the EIR.

In looking at individual projects, the City does in fact look at cumulative traffic impacts. Cumulative impacts of traffic are considered when reviewing every project. The City's projected growth in households and employment, compiled by the Association of Bay Area Governments (ABAG), is distributed throughout the City by traffic zone. This information is given to the Congestion Management Agency which maintains the Countywide traffic model. The household and/or employment information for each individual project is "fed" into the model so that the outcome shows the cumulative impacts of existing and projected development.

3f. The potential environmental impacts for the amount of housing projected to be constructed in the Housing Element has been analyzed in the EIR for the *Land Use and Transportation Element*. The Mitigation Measures adopted in that document, as well as the new ones added to the Mitigated Negative Declaration, are expected to reduce those impacts to less-than-significant.

4. Orna Sasson, Co-Chair, Lakeside Apartment Neighborhood Association,
(March 29, 2004)

Comments:

4a. The Initial Study/Mitigated Negative Declaration (MND) refers to eight housing goals but says nothing about forwarding those goals.

4b. The analysis of population and employment trends should discuss the trends in Alameda County and the City of Oakland.

4c. Oakland has more affordable housing than the surrounding communities and has already built 6,000 units downtown.

4d. Mitigation Measure F.2c is supposed to define view corridors. The hills surrounding the City should also be included.

4e. There is no height limit in Oakland.

4f. Mitigation Measures F.3a and F.3c deal with parking. How restrictive will the regulations be?

4g. High rise development planned for the downtown area not far from Lake Merritt, which is listed as a wildlife preserve, is a concern as the lake is listed as a wildlife preserve.

4h. The City needs a more liberal definition of what would cause a substantial adverse change in the significant of a historical resource. Research and studies should be done on sites before new projects are proposed so that there are no surprises.

4i. The projects at Jack London square will be built on Native American shell mounds.

4j. The Forest City project will be built over old Chinatown.

4k. Many of the planned developments, particularly affordable and low income developments, are building on toxic soil.

4l. Concern was expressed about residents living on toxic sites and drinking contaminated water.

4m. A comment was made about displacing large numbers of people and dividing communities. Specific reference was made to the Jack London Square project and the Uptown project.

4n. Public services are already inadequate and more people in more housing can result in more conflicts and crime. It does not make sense to have target ratios if we cannot afford to hire the police and fire services. We cannot keep up with the needs we have now. Until we can take care of the existing residents, we should have a moratorium on new development.

4o. The mitigation measures for transportation and traffic impacts cannot adequately address the issues we have now. The roads are in dire condition.

4p. Regarding the adequacy of parking, there is not enough parking downtown and downtown residential development is not constructed with enough parking. No parking variances should be allowed.

4q. Many of the mitigation measures use the word “consider.” This allows too much wiggle room. There should be clear cut standards and if the developer cannot meet them he/she should not be allowed to build.

4r. It is impossible to mitigate earthquake impacts on tall buildings. We can build earthquake resistant buildings but we cannot build earthquake proof buildings.

4s. Rather than spend housing funds on building more housing, we should conserve and improve our existing housing.

Responses:

4a. The MND was circulated with the draft Housing Element. The Housing Element includes a number of policies and action programs to implement the goals. These were not repeated in the MND.

4b. The draft Housing Element includes the latest data from the 2000 census. Both Alameda County and the City of Oakland increased in population since the 1990 census (see page 3-73 of the draft Housing Element).

4c. Oakland does have more affordable housing than the surrounding communities and is well on its way to providing 6,000 units downtown.

4d. The City has not yet adopted guidelines for downtown residential development, including view corridors.

4e. There are height limits in certain zones in Oakland. Most of the zones in downtown Oakland do not have a height limit with the exception of Old Oakland, where the height limit is 50 feet.

4f. Design guidelines have not yet been adopted for parking facilities. Parking and circulation, however, are considered through the design review process and other standards in the zoning code.

4g. No development is proposed in the areas that are needed for the protection of wildlife.

4h. Refer to State law and the City’s Historic Preservation General Plan Element.

4i. The Jack London Square project is not residential (the draft Housing Element focuses on residential projects). The Jack London Square project is undergoing a comprehensive environmental review and archaeological resources will be addressed in that context.

4j. The Forest City project (“Uptown Project”) is a residential project. A project-specific environmental impact report has been prepared for that project in which the archaeological resources were reviewed.

4k. All contamination is cleared from a site before it can be used for residential development; therefore, no residents are directly exposed to hazardous substances.

4l. Contaminated water is monitored by the State Water Resources Control Board and the Regional Water Quality Control Board. Drinking water is distributed by the East Bay Municipal Utility District (EBMUD). All water is treated prior to being distributed for consumption.

4m. Although most of the housing projects projected in the draft Housing Element will be constructed on vacant infill sites, on sites with large industrial buildings, or residential and commercial areas that can be redeveloped, it is true that larger redevelopment projects can cause people to be relocated. Redevelopment law, however, provides protections for residents and tenants being displaced by a project and provides financial assistance to help with relocation.

4n. Comment noted.

4o. See comment 3e. above.

4p. The City’s policies are to limit on-site parking downtown because it is believed that there is sufficient access to public transportation.

4q. At times the word “consider” needs to be used because implementation often depends on finances. If the funding is available, and the mitigation measure is feasible, then the developer should be required to do it.

4r. Comment noted.

4s. The draft Housing Element does include policies and action programs for the preservation and conservation of existing housing. The City also manages a number of programs that allow residents to apply for loans or grants to improve their homes.

#1



March 30, 2004



Margaret Stanzione
Strategic Planning Coordinator
City Of Oakland - Planning and Zoning Division
250 Frank Ogawa Plaza, Suite 3330
Oakland, CA 94612-2032

Dear Ms. Stanzione:

Re: Notice of Intent To Adopt a Mitigated Negative Declaration for the City of Oakland Housing Element Update, Oakland

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to review the Mitigated Negative Declaration for the City of Oakland Housing Element Update in Oakland. As a responsible agency, EBMUD wants to ensure that the Mitigated Negative Declaration sufficiently evaluates how the goals, policies, actions and strategies of the City of Oakland Housing Element Update could generate development and changes in land use within the project area, and whether they could impact EBMUD's interests as detailed in the following paragraphs.

WATER SERVICE

The City of Oakland is served by 32 Pressure Zones, at service elevation ranges from 0-1300 feet. The Mitigated Negative Declaration for the Draft Oakland Housing Element does not reference specific development projects. However, any developments associated with the implementation of the goals, objectives or actions of the Oakland Housing Element Update will be subject to the following general requirements, once applications for water service are submitted to EBMUD.

Main extensions to provide adequate domestic water supply, fire flows, and system redundancy, at the project sponsor's expense, will be required to serve any developments. Pipeline and fire hydrant relocations or replacements due to modifications to existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. Project sponsors should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to specific developments, once development plans have been finalized. Engineering and installation of new and relocated pipelines and services often require substantial lead-time, which should be provided for in the project sponsor's development schedule.



City staff has confirmed that growth projections referenced in the City of Oakland Housing Element Update are the same as that described and analyzed in the EIR certified for the 1997 Land Use and Transportation Element (LUTE) of the Oakland General Plan. The LUTE projects population growth of 6.5 percent and household increases of 8% between 1995 and 2015. The City of Housing Element Update states that approximately 5,146 residential units are currently in "pre-development" (have received planning approvals/entitlements) but are not yet constructed, and that there is a potential for construction of an additional 8,420 to 10,490 additional units in the future. Please note that as of January 1, 2002, any new development with at least 500 dwelling units triggers a requirement for a Water Supply Assessment (WSA), pursuant to Sections 10910-10915 of the California Water Code. The time frame for preparation of a WSA is approximately 90 days to complete from the day the request was received.

The City of Oakland Housing Element Update presents an opportunity to incorporate water conservation measures in future Oakland housing developments. EBMUD would request that the City of Oakland include in its conditions of approval a requirement that any project sponsor's comply with the Landscape Water Conservation Section of the Municipal Code of the City of Oakland, Article 10, Chapter 7. EBMUD staff would appreciate the opportunity to meet with future project sponsor's to discuss water conservation programs and best management practices applicable to the project area. A key objective of this discussion will be to explore timely opportunities to expand conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

WASTEWATER

The District's Main Wastewater Treatment Plant is anticipated to have adequate dry weather capacity to treat the proposed wastewater flow from this project, provided this wastewater meets the standards of the District's Environmental Services Division. However, the City of Oakland's Infiltration/Inflow (I/I) Correction Program set a maximum allowable peak wastewater flow from each sub basin within the City and the District agreed to design and construct wet weather conveyance and treatment facilities to accommodate these flows. The District prohibits discharge of wastewater flows above the allocated peak flows for a sub basin because conveyance and treatment capacity for wet weather flows may be adversely impacted by flows above this agreed limit. The developer for this project needs to confirm with the City of Oakland Public Works Department that there is available capacity within the sub basin flow allocation and that it has not been allocated to other developments. The projected peak wet weather wastewater flows from this project need to be determined to assess the available capacity within the sub basin. Suggested language to include in the Negative Declaration is as follows: "The City of Oakland Public Works Department has confirmed that there is available wastewater capacity within Sub basin (*insert sub basin number here*) that is reserved for this project."

Margaret Stanzione

March 30, 2004

Page 3

In general, the project should address the replacement or rehabilitation of the existing sanitary sewer collection system to prevent an increase in I/I. Please include a provision to control or reduce the amount of I/I in the environmental documentation for this project. The main concern is the increase in total wet weather flows, which could have an adverse impact if the flows are greater than the maximum allowable flows from this sub basin.

WATER RECYCLING

The project description on page 2 of the Initial Study lists eight "goals that provide direction and guidance for meeting the City's housing needs through 2006." Included in these goals is goal number seven, "Promote sustainable development and smart growth." In accordance with this goal and the City's Sustainable Community Development Initiative, recycled water should be considered for use in any new development or redevelopment within EBMUD's recycled water project area.

On pages 28 and 37, please amend Mitigation Measures D.1-2, D.2-2, and D.3-2b to read "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."

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning, at (510) 287-1365.

Sincerely,



WILLIAM R. KIRKPATRICK
Manager of Water Distribution Planning

WRK:GAA:sb
sb04_089.doc



Department of Toxic Substances Control

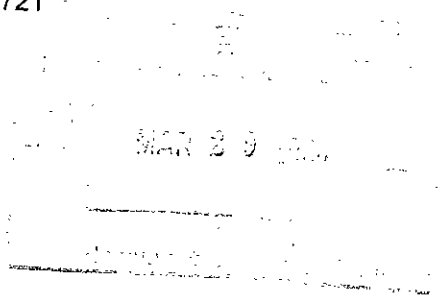


Terry Tamminen
Agency Secretary
Cal/EPA

Edwin F. Lowry, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

March 25, 2004



Ms. Margaret Stanzione
City of Oakland
Community and Economic Development Agency
Strategic Planning
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, California 94612

Dear Ms. Stanzione:

Thank you for the opportunity to comment on the City of Oakland 2004 Housing Element Update Initial Study/Mitigated Negative Declaration [no SCH number]. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

This document updates the City's existing Housing Element and establishes goals, policies and programs to address identified housing needs. As part of updating the Housing Element, the City evaluated potential impacts from residential development(s). Section VII, Hazards and Hazardous Materials of the Initial Study includes a mitigation measure to protect construction workers and the general public during demolition and construction by preparation and implementation of a health and safety plan. The Initial Study should also evaluate potential impacts from sites that may or have the potential to be contaminated with hazardous substances. We understand that specific projects have not been identified, but the Housing Element Update should address how these issues will be addressed. A site assessment should be conducted at all sites that will be redeveloped and then based on the findings of this report, sampling of soil, air and/or groundwater may be necessary to evaluate the potential risks posed by the site to future residents. If the risks are found unacceptable, remediation activities would be necessary prior to development of the site. For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the

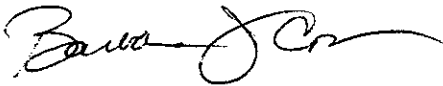
Ms. Margaret Stanzone
March 25, 2004
Page 2

removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact Lynn Nakashima of my staff at (510) 540-3839 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Barbara J. Cook, P.E., Chief
Northern California - Coastal Cleanup
Operations Branch

Enclosures

cc: without enclosures

Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Odili Ojukwu
City of Oakland
Public Works Agency – Environmental Services
250 Frank Ogawa Plaza, Suite 5301
Oakland, California 94601

March 30, 2004

Ms. Claudia Cappio, Director of Development, ccappio@oaklandnet.com
 Ms. Margaret Stanzione
 City of Oakland
 Community & Economic Development Agency
 Strategic Planning Unit
 250 Frank H. Ogawa Plaza Suite 3330
 Oakland, CA 94612

Re: Draft Housing Element Notice of Intent to Adopt Mitigated Negative Declaration

Dear Ms. Cappio and Ms. Stanzione:

Please find below comments noting that the 2004 Housing Element Update: Initial Study/Mitigated Negative Declaration is both inadequate and misleading.

1. **Proposed retroactive period beginning January 1, 1999 "...prepared to meet the requirements of State law (Section 65580-65589.8 of the California Government Code)" and "...to establish goals, policies, and programs that address identified housing needs."**

It is unconscionable that the City of Oakland is proposing to retroactively "cover" a period of more than five years, January 1999 to present, when in fact it did not meet state law. In addition, did it have goals, policies, and programs that effectively addressed housing needs?

Beginning June 2003, I have attended public meetings where residents protested that the City of Oakland did not meet State law. At no time in those public meetings did staff or the Planning Commission acknowledge this fact. Nor do I recall this being acknowledged in staff reports. One wonders whether the City of Oakland has acknowledged this fact in past or current litigation.

2. Significant Negative Impacts of projects and developments approved between January 1, 1999 to present.

2.1. Aesthetics

Many projects approved by the Planning Commission beginning in the summer of 2003, during the period that I have followed the process, do not comply with the Mitigation Measures F.2a, F.2c, F.3a.

On page 6 it states, "Mitigation measures in the LUTE EIR require the development of design guidelines for height and bulk in the Downtown, for all Neighborhood Commercial areas, and for parking facilities to ensure the preservation of significant visual characteristics."

The design guidelines for the S-17 Downtown Residential guidelines, which do capture the "...unique or desired character..." of the Lakeside Apartment historic district were not approved until September 3, 2003, therefore how can Mitigation Measure F.3a infer that negative impacts have been mitigated retroactive to January 1, 1999?

For example, the height, bulk, mass, and variances in the setback requirements proposed at 160 14th Street adjacent to the Madison Street Temple and the historic Lakeside Apartment district will:

- 1) Have a substantial adverse effect on a scenic vista;
- 2) Substantially degrade the existing visual character or quality of the site and its surroundings;

The current 14th Street side elevation view of the four-story 1908-1909 Madison Street Temple, an architecturally and historically significant building, has been a significant Oakland feature for more than fifty years. Constructing an eight-story building blocking this view will have a significant negative impact on this scenic vista and the character of the Lakeside Apartment district, characterized by two and three story buildings such as the three story 1905-1906 Noah Candler Kendall House at 1410 Jackson. A PDF walking tour of the buildings that characterize this district is available on-line at www.oaklandlana.org.

The variance granted in setback would not make the corner of Madison and 14th "pedestrian friendly." Nor will it be consistent with the widened sidewalks which "should have a minimum dimension of ten feet beyond the minimum width of the existing sidewalk" noted in the S-17 Residential guidelines to "provide opportunities for recreation and interaction within an urban community."

The 19-story building proposed at 1331 Harrison Street adjacent to the 8-story Hotel Oakland, which is on the National Register, is another example where the S-17 Downtown Residential guidelines were ignored. The proposed 19-story building is in marked contrast to the Frank G. Mar Community Housing development at 13th and Harrison which is an example of sensitive design and comparable height and broken up massing adjacent to the historic Hotel Oakland.

In addition, it seems likely that the alignment of the proposed building at 1331 Harrison will not support a "pedestrian friendly" street level for the Hotel Oakland seniors who regularly walk. A 19-story downtown project with similar alignment "could result in wind speeds over 36 mph" (Uptown ESA Sept 2003, p.261).

The proposal to remove the old-growth sidewalk trees at 160 14th Street and the threat to the redwood adjacent to 1331 Harrison Street are other examples of the significant adverse impacts on our scenic vistas (and conflicts with local tree preservation policies; Biological Resources, p.9)

2.2. Cultural Resources

Mitigation Measure G.3 b notes "develop and adopt design guidelines for Landmarks and Preservation."

The obvious question is what is the point of adopting guidelines, e.g., S-17 Downtown Residential Guidelines, if they are ignored?

Or, once they are in place to protect landmarks or the waterfront (Estuary Plan) instead of requiring development/ redevelopment projects to comply, the projects are approved with the view that the guidelines and plans will be amended, although perhaps not five years retroactively, as proposed for this Draft Housing Element.

In Jack London Square, although not currently proposed as residential, public concerns have been raised regarding the proposed mass, scale, and height of buildings that would have a significant negative impact on the scenic vista. Also, they would negatively impact the existing visual character and surrounding site of Heinold's First and Last Chance Saloon, a building on the National Register.

2.3. Transportation/Traffic

Since the project will have a potentially significant negative impact and "Exceed, either individually or cumulatively, a level of service standards established by the county congestion management agency for designated roads or highway" this 2004 Housing Element Update: Initial Study/Mitigated Negative Declaration is woefully inadequate.

Oakland residents from Lakeside Apartment historic district, Chinatown, Jack London, etc. have protested the City's project-by-project approval of projects. Specifically neighborhood activists have protested that the City of Oakland:

- 1) has not adequately analyzed cumulative negative impacts of "traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections);"
- 2) has not adequately analyzed cumulative negative impacts of increased traffic hazards to motor vehicles, bicyclists, or pedestrians due to increases in volumes;
- 3) has not adequately analyzed inadequate emergency access; and
- 4) has not adequately analyzed and addressed cumulative parking demand (both project-generated and project displayed), etc.

The statement on page 26 "The project is not anticipated to result in inadequate emergency access, parking capacity..." is insufficient and not substantiated.

Proposing to ignore these cumulative impacts for the period 1999 through 2006 are in and of themselves a potentially significant impact on the City of Oakland and its respective neighborhoods.

This project has impacts that the City has argued are individually limited.

However they are cumulatively considerable and they have not been sufficiently addressed in Section XVII, Mandatory Findings of Significance nor in this 2004 Housing Element Update: Initial Study/Mitigated Negative Declaration now proposing, in Spring 2004, to make its applicable period effective from January 1, 1999 to June 30, 2006.

2.4. Mandatory Findings of Significance

On page 29 Comments to Section XVII, Mandatory Findings of Significance, the following statement is an inadequate and incorrect generalization. "Residential development proposed as part of the project is not expected to adversely affect air, biological resources, or cultural resources, or degrade the quality of the environment where there is biologically sensitive habitat due to anticipated development occurring only on infill sites within well-developed urban areas."

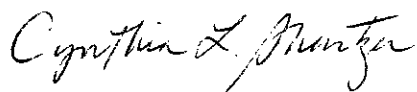
For example regarding cultural resources on such an infill site within a "well-developed urban area," in a September 2, 2003 letter to City of Oakland Planner Neil Gray re: Case File Number CMDV03-230, Anna Naruta—an historical archaeologist who specializes in historic urban environments—stated:

...A brief look at the landuse history of 160 14th Street raises issues about potential subsurface cultural remains with great significance to research questions in Oakland history. For example, the 1889 Sanborn map shows the property at 160 14th Street was part of the houselot for Mayor Samuel Merritt's mansion. Merritt owned the land since 1853 and established the mansion by 1863, according to an August 27, 1961, Oakland Tribune feature. The Tribune also reports that as part of his household, Dr. Merritt employed a Chinese man identified as Sam Kee to cook for daily needs and Merritt's elaborate business and political dinners. The 1912 Sanborn map shows that subsequently the two parcels now referenced as 160 14th Street were the site of two-story residences: one at the corner owned by lumberer Henry M. Wilson and the adjacent lot owned by Dr. Samuel Merritt's sister and heiress (and therefore, according to an 1891 Oakland Enquirer article, one of the richest woman in California).

Given the landuse history of the property, there may still be significant archaeological resources that would be adversely affected by the planned construction. The potential research significance of these subsurface remains is broad; they could be important resources in researching topics including—but not limited to—City and State formation processes in California, the unique experiences of Californians during the Civil War, 19th and early-20th century labor practices in the household, culture contact and inter-ethnic relations.

In closing, based on the facts regarding the unique historic setting of this project, the proposed building at 160 14th Street will substantially alter the immediate surroundings of the landmark Madison Street Temple such that the historical significance of the landmark and the historic Lakeside Apartment District of which it is a primary contributor may be materially impaired. An EIR should be prepared.

Respectfully submitted,



Cynthia L. Shartzer
1528 Alice Street, Apt. 12
Oakland, CA 94612
510-763-7173

Co-Chair, Lakeside Apartment Neighborhood Association
Website: www.oaklandlana.org Email: oaklandlana@yahoo.com

City of Oakland
C.E.D.A
Planning and Zoning unit

This is in regards to the initial study/ M.N.D.
of the 2004 Housing Element Update.

On page 2, item 8; Description of Project ; the document states that the city's Housing Element is based on eight goals, including (4) Conserve and improve older housing and neighborhoods, and (5) Preserve affordable rental housing. Yet the document suggests nothing further to forward those goals, which are the most cost effective way to provide good quality, low cost housing which in many cases already benefit our community.

Also on page 2 the document says that the Housing Element is prepared to meet the requirements of state law Section 65580-65589.8. Section 65583(a)(1) states " an analysis of population and employment trends and documentation of projections and a quantification of the locality's share of the regional housing need...." A complete and honest analysis would include the fact that both Alameda County and the city of Oakland are losing population. Oakland has more affordable housing than the surrounding communities. We have surpassed our A.B.A.G. requirements and we have already built the 6000 units asked for by the mayor's 10 k initiative.

The same section, in a different part (D) (c) (4) also states that it is important to "conserve and improve the condition of existing affordable housing stock.

Now jumping to page 5 of the document: Item I, AESTHETICS. Some of the projects could substantially damage scenic resources as mentioned in (b) to a potentially significant extent. So it can be quite a bit more than "less than significant impact"

Under mitigation measure F.2c, it is suggested that the housing element define view corridors. I would suggest that the beautiful hills that surround and frame our city should also be considered as a "view corridor". It is an outrage that there is no height limit in our city! This same mitigation measure also states that "views of... architecturally or historically significant buildings should be considered". The planned project at 160 14th St will certainly block the view of such a building, Yet the city has been distressingly unresponsive to this.

Mitigation measure F.3a and F.3c deal with parking. If you restrict front yard driveways how are cars going to get into those lots? Will lots behind buildings be safe? clearly we need parking so we can leave our cars and enjoy the city.

Jumping to page 9 BIOLOGICAL RESOURCES. Although the document declares that there would be "less than significant impact on all points" the amount of high rise development planned for the downtown area not far from Lake Merritt, which is listed as a wildlife preserve is of concern. this could significantly disrupt migration patterns of some of the bird species who visit lake Merritt while on their migration or stay here seasonally.

Jumping to item V, CULTURAL RESOURCES on page 10

The document asks "would the project cause a substantial adverse change in the significance of a historical resource as defined.... Once again, the project at 14th and Madison needs mentioning. If we want to preserve the special beauty of our city we need to use a definition of substantial adverse change that is far more liberal than only the most catastrophic damage to our resources which benefit the whole city.

The projects at Jack London square will be built on Native American shell mounds. The forest city project will be built over old Chinatown. in many cases, with proper and thorough research it would be possible to predict with a fair degree of accuracy what we would be likely to find underground. Such a study should be done in every case. Instead of these findings being a surprise, prior research can give both the developer and the city the opportunity to figure out what precautions are appropriate. I propose that such a study should be used as part of a mitigation for concerns regarding cultural resources. These reports should be of a quality which would make them worthy of a U.C. Berkeley archive. Personally I'd love to read them!

Jumping to item VII, HAZARDS AND HAZARDOUS MATERIALS on page 12. Oakland is rife with brownfields. We used to have many service stations, many of which closed in advance of stricter closing measures which came about in the 1980's

many of the chemicals left behind to leach into our soil and groundwater ~~are~~ carcinogenic or otherwise toxic. Lead, which used to be used commonly in gasoline, is particularly dangerous to young children. We may be looking at a cancer cluster in the near future. many of the planned developements particularly the so called 'affordable and low income' developments will be built on toxic soil. The tenants may be able to afford a unit but they may have to pay with their lives or the lives of their children. Mitigation measure M.5 is pretty vague and only speaks to hazards during demolition and construction. It does not speak to the long term exposure residents will be subject to. Low income tenants may not be able to afford to sue or even be aware that they can and should. If these become 'ownership units' it does no one a favor to stick them with a toxic unit. A suitable mitigation should include legal and medical aid and insurance to residents and former residents, full disclosure that they are moving into a unit built on a toxic lot.

My concerns on item VIII. HYDROLOGY AND WATER QUALITY on page 13 are basically the same asmy concern regarding toxic lots. With both cases at the minimum residents should be kept informed about both the potential toxicity of the land they live on and the water they drink. The document calls all this "less than significant impact" but if it were you or your child who was poisoned it would be very significant.

Jumping to item IX LAND USE AND PLANNING onpage 14. Some of the planned developements will divide established communities. Yet the document calls this a less than significant impact. in the discussion on page 15 (Thresholds of significance - Land Use impacts) the document sites C.E.Q.A. and states: "a project may be considered to have a significant effect on the environment, in terms of land use impact, if the project would:... Displace large numbers of people (people have been callously displaced from the area where the forest city project will be built and an artist colony in the Jack London Square area. The city is using "eminent domain" inappropriately) . Induce substantial growth (Which is exactly the/pointed intent of all this) or "Disrupt or divide the physical/arrangement of an established community" (which I've already discussed.) clearly, according to this document these cannot be considered as having less than significant impact.

Jumping to XII. POPULATION AND HOUSING on page 21. The document claims that there would be lessthan significant impacts on all counts . Even though the intent is to induce substantial population growth it is foolish to assume that this will not cause very significant impacts and we should not assume that just because the politicians think it's a good idea that it will be magically free of bad consequences.

I do not know if all the people in the forest city area, some of whom were living inextreme low income housing were all able to find new housing. Certainly they had to find housing away from the people they relied upon. For some of these people it may have been catastrophic.

Jumping to item XIII PUBLIC SERVICES. All items here were checked as "potentially significant unless mitigated". We are already as a city, in deep trouble where public services are concerned. we have closed several fire stations including one by Jack London square. we rotate out other fire stations.

As it is now we have a notorious murder rate. the police are already stretched way too thin. High density housing lends itself to situations leading to more police being needed to keep the peace. When people are all jammed together they annoy each other more, they have more conflicts and if you look at crime statistics you will find a correlation between density and crime. We can't afford the crime we're dealing with already.

Mitigation such as having "target ratios" of police and fire service are meaningless if we can't afford them. if we increase police foot patrols and cruisers in high visibility downtown areas East Oakland is going to demand services too, and rightfully so. We can't leave East Oakland without protection for downtown developments sake. If we ask the police and firemen what to do as suggested in the document as a mitigation they will say hire more cops and fire personnel and keep the stations open. Im in favor of consulting with them but we can't keep up with the needs we have now.

In so far as the schools are concerned some of our schools are slated for closure and some of the rest are not necessarily doing an adequate job. Our schools are under state control. Shuffling around students who at least would like some continuity is callous. it is also like

moving the deck chairs on the Titanic. As a mitigation, it is pretty meaningless; but merely saying you will "consider" these problems is even less of a mitigation. Saying something will be considered is vague. I'D feel more secure with a mitigation saying that unless the city of Oakland can adequately provide services to it's current citizens, which it isn't doing, and afford to do the same for newcomers ,it should hold a moratorium on new development until it can.

Jumping to page 25 item XV TRANSPORTATION / TRAFFIC The document does concede a potentially significant impact that it may exceed,"either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways." The suggested mitigations seem far from adequate to correct the problem. Also, our roads are in dire condition.

Under (f)the document asks if the project will result in inadequate parking capacity. The document checks 'no significant impact. this is certainly not close to truth in the downtown area, where many projects are planned. our lack of parking has a bad effect on businesses. we have not built housing with adequate parking and as the lots we rely on are built with insufficient parking and displace parkers we have a serious problem. On page 26 the document states " A significant project related impact also would occur if the project: results in a parking demand (both project generated and project displaced) that would not be met by the project's proposed parking supply or by the existing parking supply within a reasonable walking distance of the project site"we should allow no parking variances.

In several cases the mitigation is simply that things should be "considered." To merely "consider" something is in no way a mitigation. A mitigation should not have so much wiggle room as to be a meaningless sop. A mitigation should be a clear course of action which has teeth. otherwise it becomes too capricious and neither the developer nor the communities interests are served. We deserve clearcut and very high standards. If the developer can't meet them the developer should not be allowed to build.

Jumping out of order to page 11, item VI GEOLOGY AND SOILS. The document asks: Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving... earthquake fault.... Although we can build earthquake resistant buildings we cannot build earthquake proof buildings. Tall, narrow buildings tend to have a higher center of balance and be less stable than short squat buildings. We cannot turn off the hayward fault which runs through Oakland and may be connected to the Calaveras Fault So therefore we have a potentially very significant impact we cannot currently mitigate. I looked at photographs from the Northridge quake and some fairly new and modern buildings had very severe damage. We should build earthquake resistant buildings, but we should be honest and say they are not earthquake-proof and we are looking at a potential disaster. I don't think we are prepared with emergency disaster services even for the people we have now .At some point we'll have a big quake along the Hayward Fault. ⁴Loa Prieta was near Los Gatos.

We are not at the beginning of trying to reach our housing goals. we have already exceeded them. yet, like an obsessive compulsive disorder patient we keep acting like we have a housing shortage when we really dont. We should spend our housing funds on conserving and improving existing housing.

we should consider the hills as a view corridor and impose a height limit on all new construction. we should not allow our most beautiful historic structures to be blocked off.

We should have careful and thoroughly researched reports prior to excavation to let us know what, if any, historic finds are likely and we can decide how best to handle archeology finds, based on hired university consultants.

People who move into projects built on brownfields should have a full disclosure given to them before they move in and should be informed of the health consequences. this disclosure should not protect the developer or the city from lawsuits.

We should not be callous towards our citizens. We should not displace them, Shuffle their kids from school to school at our convienenc~~e~~; misuse eminent domain or divide communities.

If we can't provide adequate services to all our citizens we should hold a moratorium on new development until we can.

We should not pretend that inducing a population growth will be magically free of bad consequences and we do need more parking downtown.

sincerely, *Orna Sasson*

Orna Sasson, Co-chair L.A.N.A.

Lakeside apartments neighborhood assoc.



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Jan Boel
Acting Deputy
Director

April 2, 2004

Margaret Stanzone
CEDA - Planning and Zoning
250 Frank Ogawa Plaza
Oakland, CA 94612

Subject: 2004 Housing Element Update -- City of Oakland
SCH#: 2004032020

Dear Margaret Stanzone:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on April 1, 2004, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2004032020
Project Title 2004 Housing Element Update -- City of Oakland
Lead Agency Oakland, City of

Type Neg Negative Declaration
Description Update of the Housing Element, and element of the Oakland General Plan.

Lead Agency Contact

Name Margaret Stanzione
Agency CEDA - Planning and Zoning
Phone 510-238-4932 **Fax**
email
Address 250 Frank Ogawa Plaza
City Oakland **State** CA **Zip** 94612

Project Location

County Alameda
City Oakland
Region

Cross Streets

Parcel No.

Township

Range

Section

Base

Proximity to:

Highways 80, 980, 5804
Airports Oakland
Railways yes
Waterways Oakland Estuary S.F. Bay
Schools Oakland
Land Use Citywide Project - Various

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Noise; Public Services; Septic System; Sewer Capacity; Toxic/Hazardous; Traffic/Circulation; Water Supply

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Office of Historic Preservation

Date Received 03/02/2004 **Start of Review** 03/02/2004 **End of Review** 04/01/2004

7
**COMMUNITY & ECONOMIC
DEVELOPMENT CMTE**
MAY 25 2004