



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT



**West Oakland
Environmental
Indicators Project**
know which way the wind blows



Steering Committee

October 2, 2024

Owning Our Air - West Oakland AB 617 Steering Committee Meeting

October 2, 2024 | 12:00 pm to 1:30 p.m.

Time	Item
12:10-12:15 pm (5 min)	Welcome and Co-Leads Report
12:10-12:20 pm (10 min)	Follow Up from Previous Meeting
12:20-12:35 pm (15 min)	Fossil Fuels/Truck history in West Oakland
12:35-1:00 pm (25 min)	Prescott Greening Updates
1pm-1:30 pm (30 min)	City Attorney of Oakland

Welcome and Co-Leads Report

WOCAP 2024 Schedule

Date	Meeting Type
Wednesday, November 6 4:00-7:00 pm DeFremery Park	Public Town Hall / Community Celebration

Health & Air Quality Dashboard: Community Peer Review

HOST:

- UCLA public health researchers and our partners at the AIRE Collaborative (WOEIP is a member)

WHY:

- Public dashboard developed for CARB to help support the AB 617 work that track the health impacts of air pollution that is scientifically valid and responsive to community concerns

WHAT:

- Review a (functional) mock-up of the dashboard to test if the tool is user-friendly and the metrics are understandable.
- Interactive focus group, so make sure to be at a laptop, computer, or tablet

WHEN:

- TOMORROW - Thursday, October 3 - 6-7:30pm

WHERE:

- Zoom Registration: bit.ly/DashboardReview24

A blurred background image of a meeting room with people seated at tables, overlaid with a blue gradient.

Follow-Up from September Meeting

September Meeting

- 5 Year Report
- Emissions Reduction Grants
- Enforcement Data
- Emissions Inventory





Trucks in West Oakland

Slides - context setting

Brian and Ms. M will this work?

Frontage Road Baseline Conditions

Multiple emission sources: I-880 Freeway, the Port of Oakland and stationary sources throughout the industrial area

Pollution-burden near Frontage road is among highest in California

West Oakland residents experience disproportionate pollution-related illnesses including respiratory diseases, heart disease and stroke, relative to the City of Oakland.





History
from early settlement to depreciating governmental actions and modern attempts at regulating industry and diesel truck impacts

1890s Oakland's First Neighborhood Established in West Oakland

(today's Prescott and South Prescott neighborhoods)



Industry (railroad yards, ship building, foundries and factories) **next to homes for workers**

“Melting pot”: African-American, Irish, Scandinavian, and German presences from the beginning (later Italian and E. European) factory owner lived alongside laborer

By **1915 Werner Hegemann's city plan for Oakland** noted West Oakland was mainly industrial and few homes were being built. The lack of new construction also simply meant that as a **residential neighborhood West Oakland was fully built up**

Neighborhood's reputation changed and those who could move out, did

1930s First Zoning

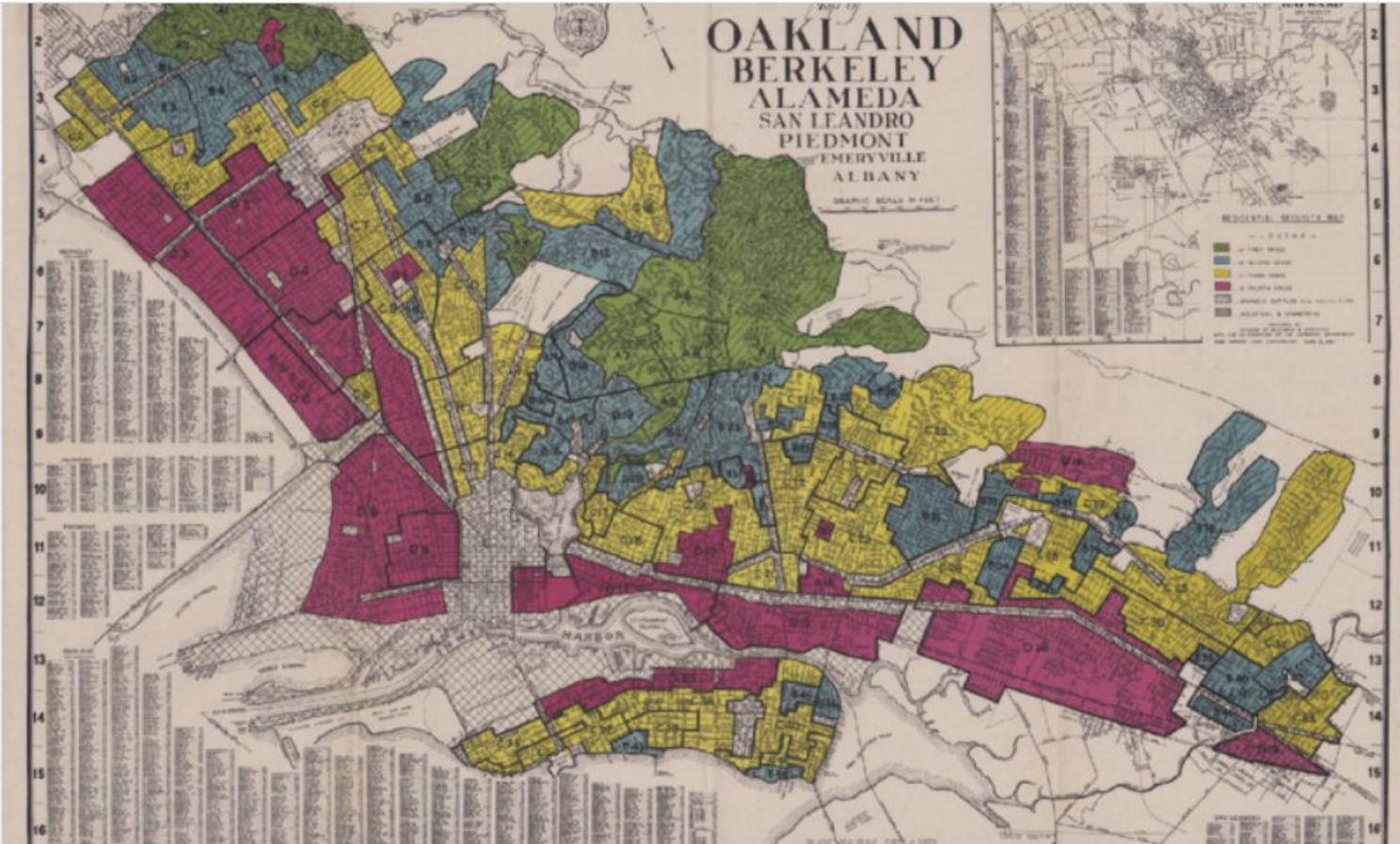
West Oakland (everything west of Market Street except a small residential core south and east of DeFremery Park that is today's Oak Center) zoned industrial

Not much industry ever actually replaced houses

Maintenance, morale, and property values suffered

1927 Harland Bartholomew's "Major Street Plan" shows a Superhighway wrapping around and through West Oakland on 3rd and Wood Streets





1933

“Residential Security” map: lending institutions deny residents access to capital investment which could improve the housing and economic opportunity of residents

Redlining effectively leaves African Americans without options to escape the polluted environment

Federally endorsed “slum clearance” program initiated first public housing (which demolished existing housing) in West Oakland amidst **strong community protest**

Community asserted they had a healthy neighborhood of sound, owner-occupied houses, strong neighborhood spirit, and a large African-American community

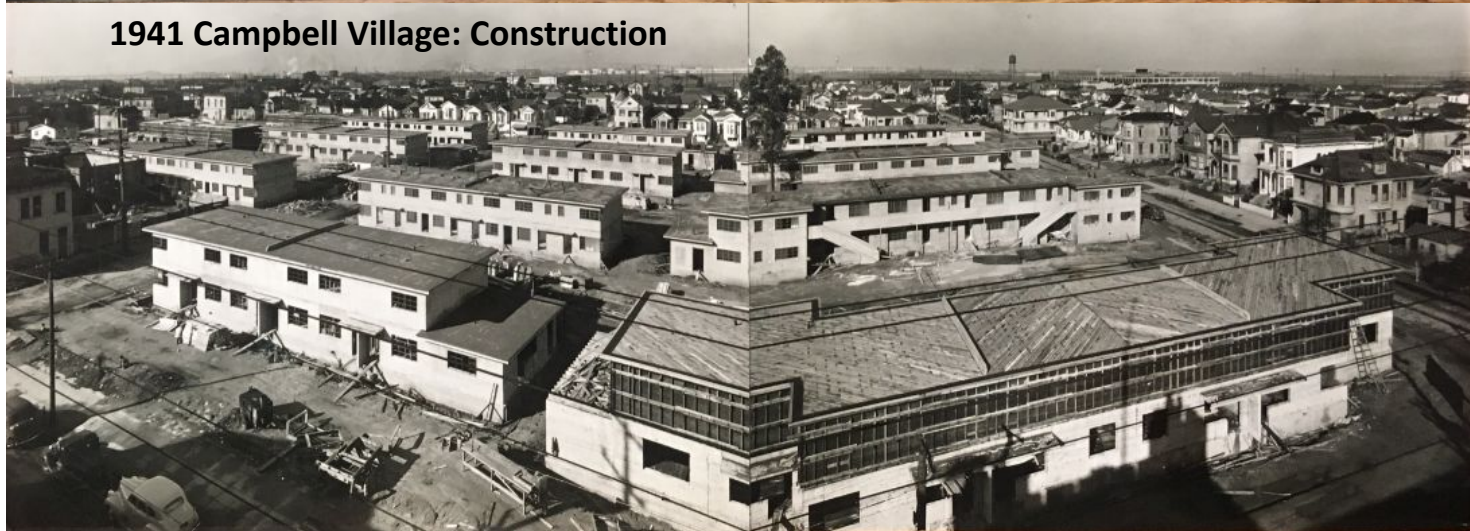
Eventually converted to defense worker housing

Photo Credit: Oakland Public Library History Room

1940 Campbell Village: Demolition



1941 Campbell Village: Construction



1940 Army fills in the outer harbor to make way for war related industry; labor recruiters brought large numbers of both white and black workers from the South; Oakland's African-American population more than quintupled during the war years

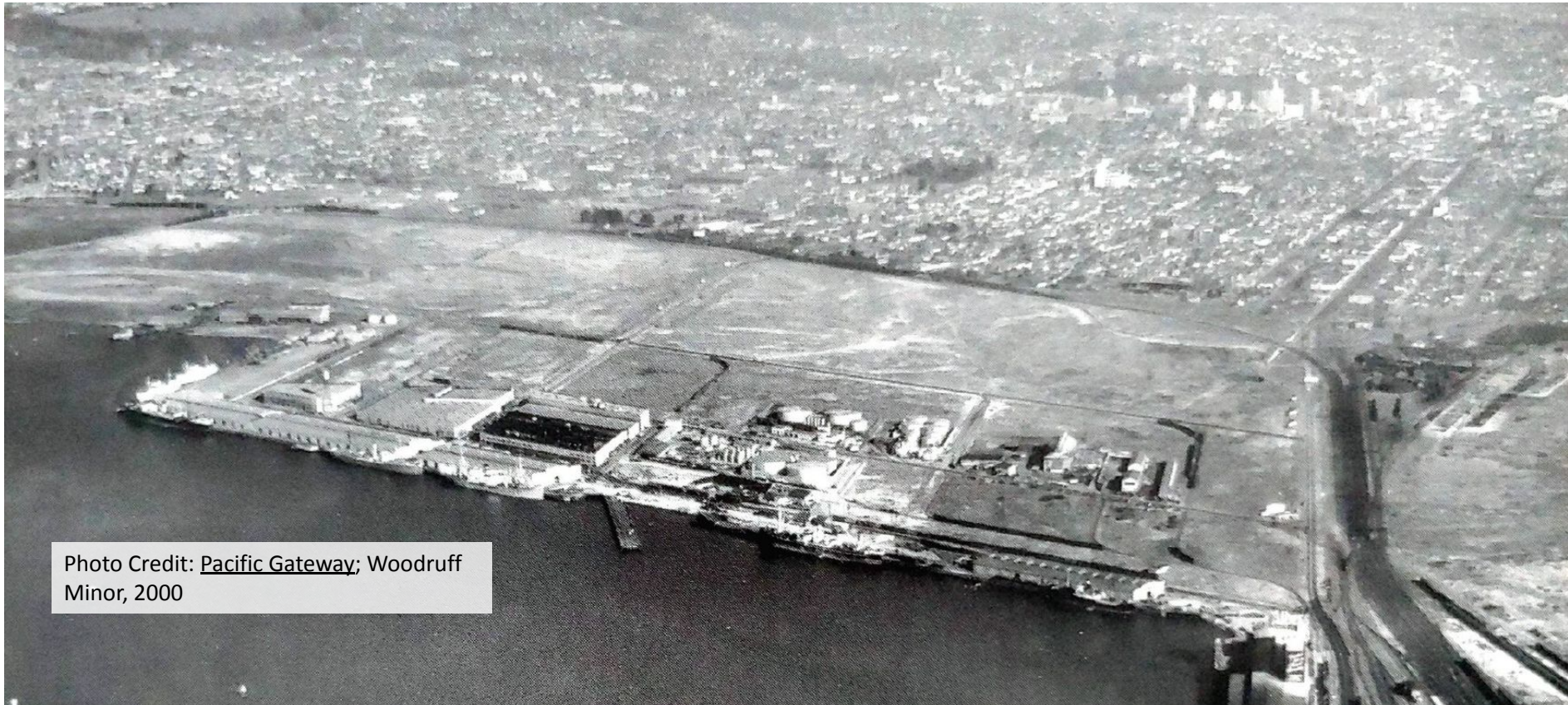


Photo Credit: [Pacific Gateway](#); Woodruff
Minor, 2000



Interstate 880 Cypress Street Viaduct

West Oakland in the mid-1980s

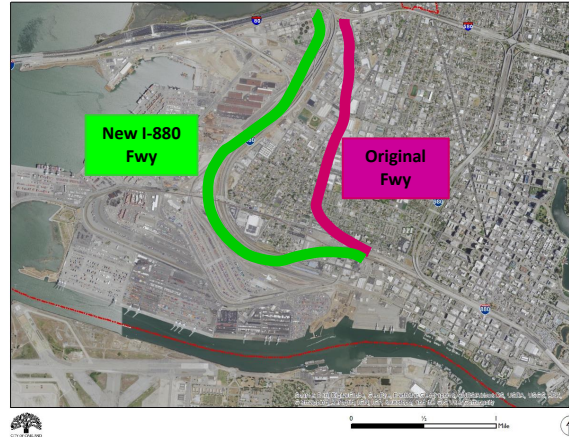
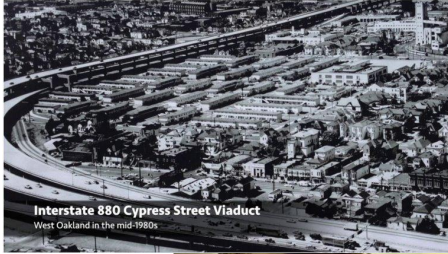
1950s – Caltrans uses “eminent domain” to remove nearly a thousand homes to build the Cypress Freeway

70 ft tall elevated double-decker freeway, would carry 100% of diesel-fueled trucks serving the region straight through the heart of West Oakland’s Black neighborhoods.



Frontage Road Construction, Zoning Changes and Modern Attempts to Regulate Truck Impacts

Frontage Road Built During the Re-Routing of the Collapsed Cypress (I-880) Freeway

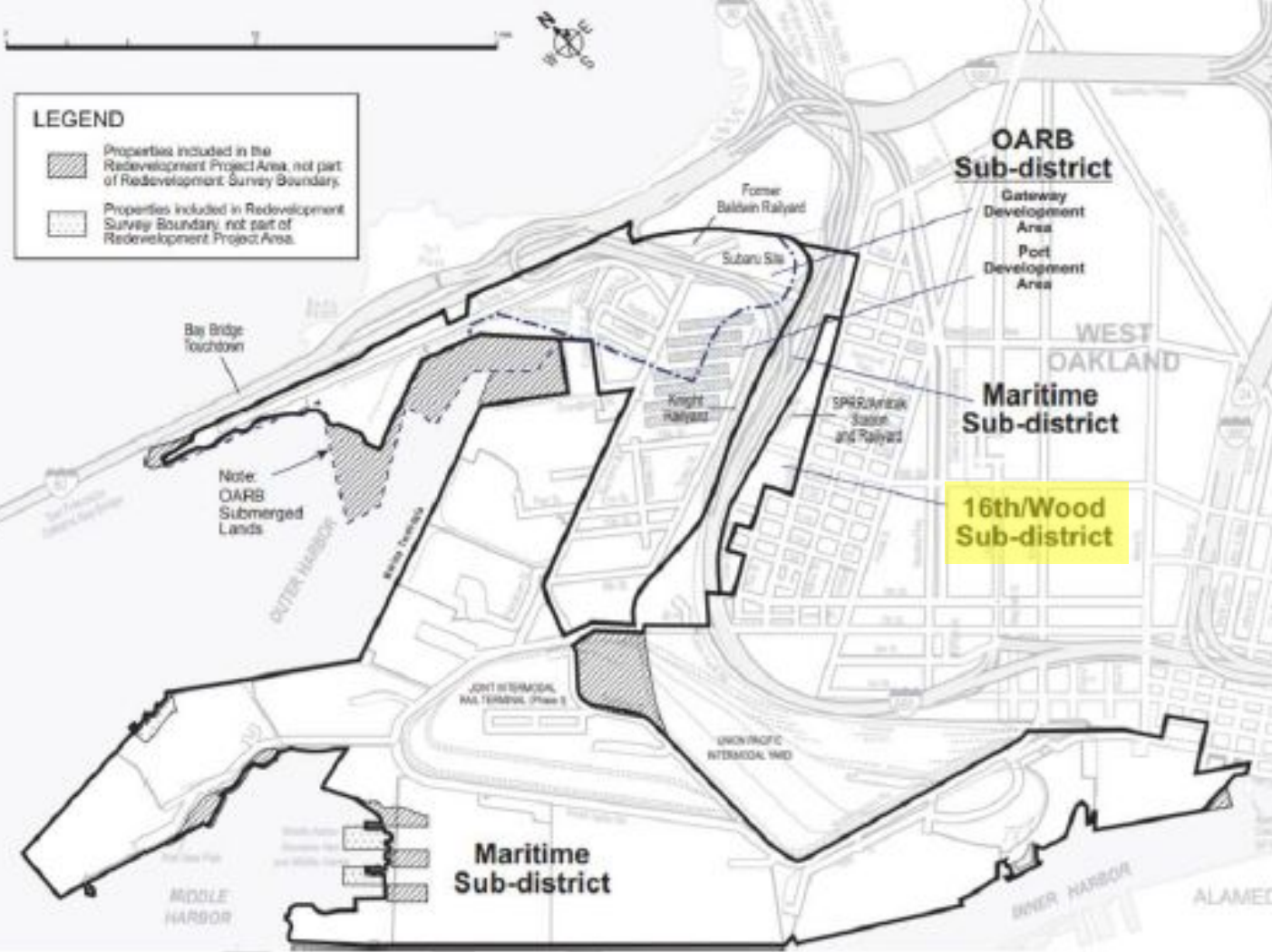


1950s Federal government used “eminent domain” to demolish thousands of homes to build the **Cypress Freeway (I-880) through the heart of West Oakland’s black neighborhood**. 1989 Cypress Freeway collapsed after Loma Prieta earthquake destroying 1¼ miles of I-880, killing 42

1990-1993 **Community protest against the original alignment** – wanted freeway eliminated from area and instead to extend around the former Oakland Army Base dubbed the “clean air alternative”; compromise reached for an alignment that improves access to the Port, thus advancing a business agenda, **Frontage Road was built adjacent to the re-routed I-880 freeway**.

1993 Freeway Agreement between Caltrans and City of Oakland identifies Frontage Road for trucks so trucks would not drive through the West Oakland community, never officially designated a truck route

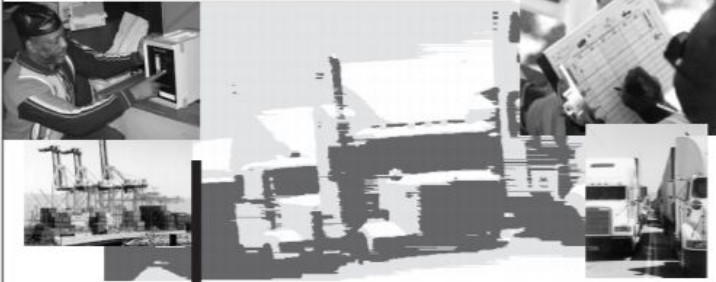
2011/2014 portion of Frontage Road “relinquished” from Caltrans to City of Oakland



2002 Oakland Army Base Redevelopment Plan

16th Street/Wood Sub-district (area just east of Frontage Road): identified for mixed-use, live-work, and light industrial development.

Wood Street Zoning District established: **industrial land rezoned to residential**



Clearing the Air

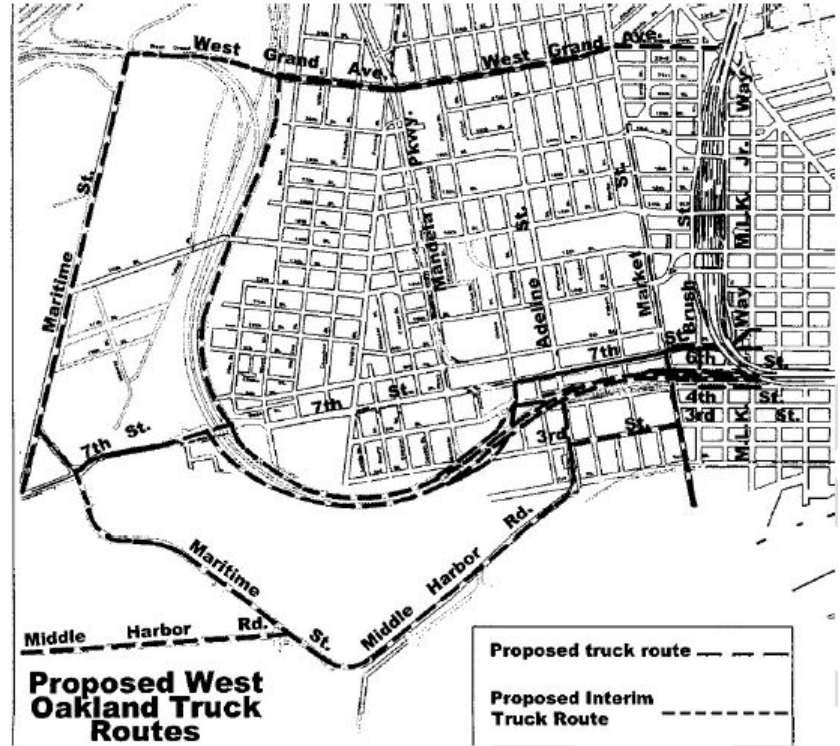
Reducing Diesel Pollution in West Oakland

"Black soot covers my window sills, my blinds, and my heating vents. It is a constant cleaning dance to even control it. No wonder, that my four grandchildren, my son and myself have asthma. There is also a Head Start and three child care centers in my building where many of the children also suffer from asthma. The air monitoring study has given me an idea of just what we are breathing each day"

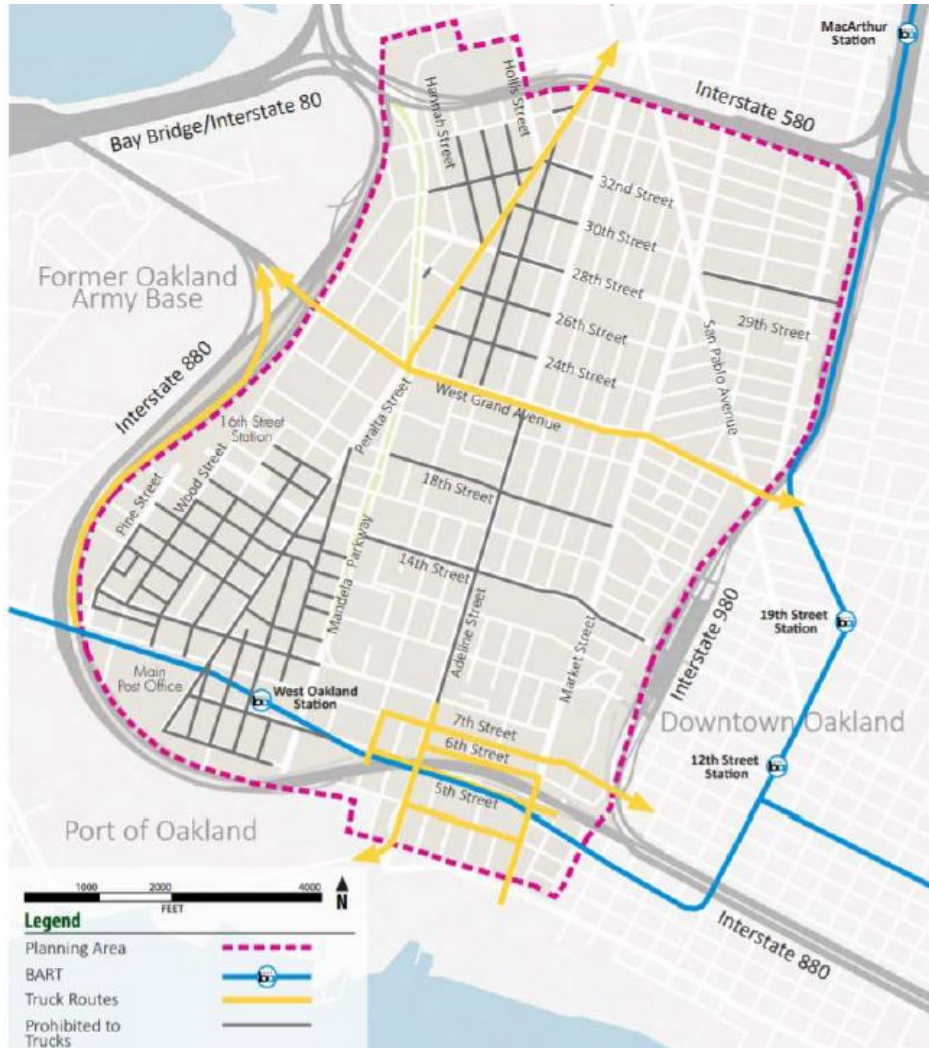
-Margaret Gordon, WO EIP Committee, Air Monitoring Study Participant

A West Oakland Environmental Indicators Project Report
by the Pacific Institute
in conjunction with the Coalition for West Oakland Revitalization
November 2003

2003-2005 Local residents proactively address diesel truck emissions with the City



In 2005, working with the community, City updates the municipal code to reduce truck traffic in and around residential communities; although **City Council Agenda Report designates I-880 Frontage Road as a truck route, municipal code never updated**



2014 West Oakland Specific Plan

- Frontage Road designated as a truck route on Fig. 5.4.1
- Policies to mitigate trucks:
 - Maintain truck routes to serve Port of Oakland activities, but prohibit additional encroachment of truck routes into West Oakland neighborhoods.
 - Enhance truck route enforcement and education to keep trucks off of neighborhood streets
 - Residential traffic calming to discourage truck traffic
- Policies to mitigate industry:
 - Encourage the relocation of toxic land uses
- Special Industrial Zones designated for West Oakland which make most heavy industrial uses prohibited

What is the Truck Management Plan (TMP)?

A requirement of Oakland Army Base Redevelopment Project Mitigation Measure 4.3-7 to reduce the effects of transport trucks on local streets in West Oakland

Addresses truck circulation and truck parking in West Oakland

Identifies actions and responsibilities across City departments and Port

Goals:

- Reduce disruption from trucks
- Communicate with truck drivers preferred routes
- Improve safety near Truck Routes

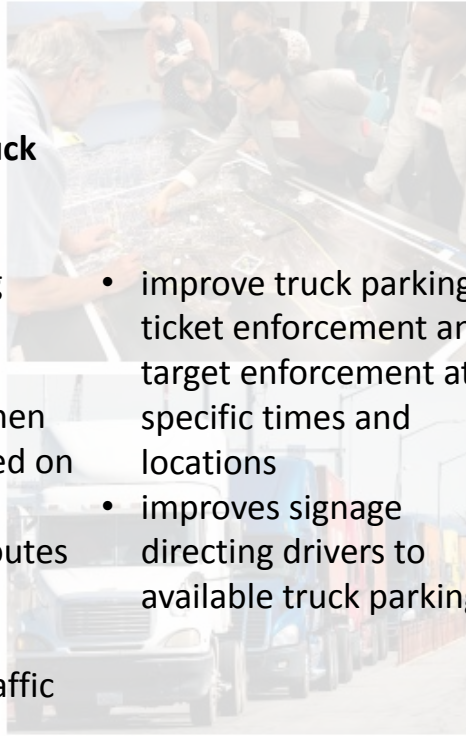
2019 City & Port Approve the West Oakland Truck Management Plan

TMP identifies Frontage Road as a truck route

Strategies Related to Trucks:

Implement West Oakland Truck Management Plan including:

- improve signage regarding existing truck routes
 - work with businesses on preferred routes to use when destinations are not located on truck routes
 - add to, or change, truck routes and prohibited streets
 - Implement traffic calming measures to keep truck traffic off residential streets
- improve truck parking ticket enforcement and target enforcement at specific times and locations
 - improves signage directing drivers to available truck parking



2019 AB 617 / West Oakland Community Action Plan

Implementation Structure:

Steering Committee

Decision-making body
 Membership composed of neighborhood residents, agency representatives, research/academia representatives

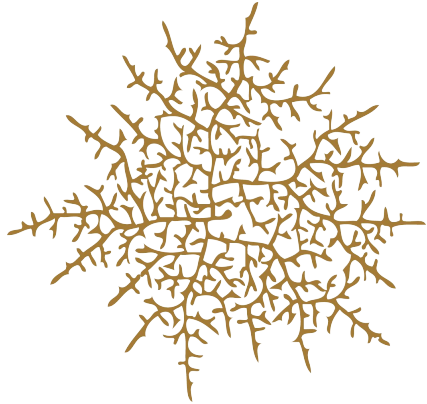
Co-leads Team

Guides Steering Committee
 Members include WOEIP, Air District, Youth Organization, City/Agency staff



Inter-Agency Working Group

Shares information with Steering Committee
 Meets on an ad-hoc basis



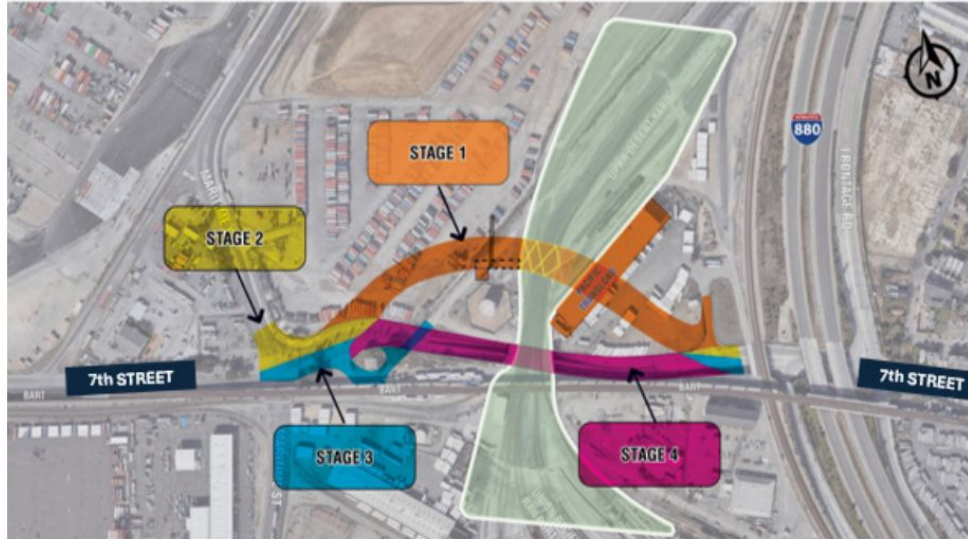
Prescott Greening

10.2.24

Updates:

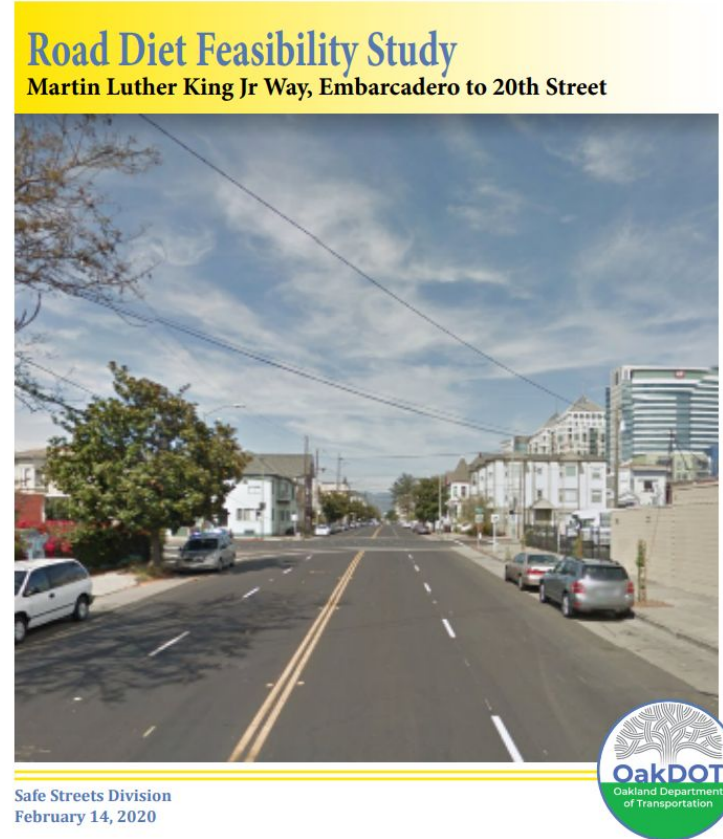
- Collaboration with the port of oakland
- Sent a draft plan to Caltrans
- Simulations
 - Update freeway model
 - More data from BAAQMD
 - More simulations of the typologies
 - Continuing to update our methodology
- Intermediate planting- reaching out to Trees Department
- Community visioning meetings

Collaboration with the Port & City of Oakland



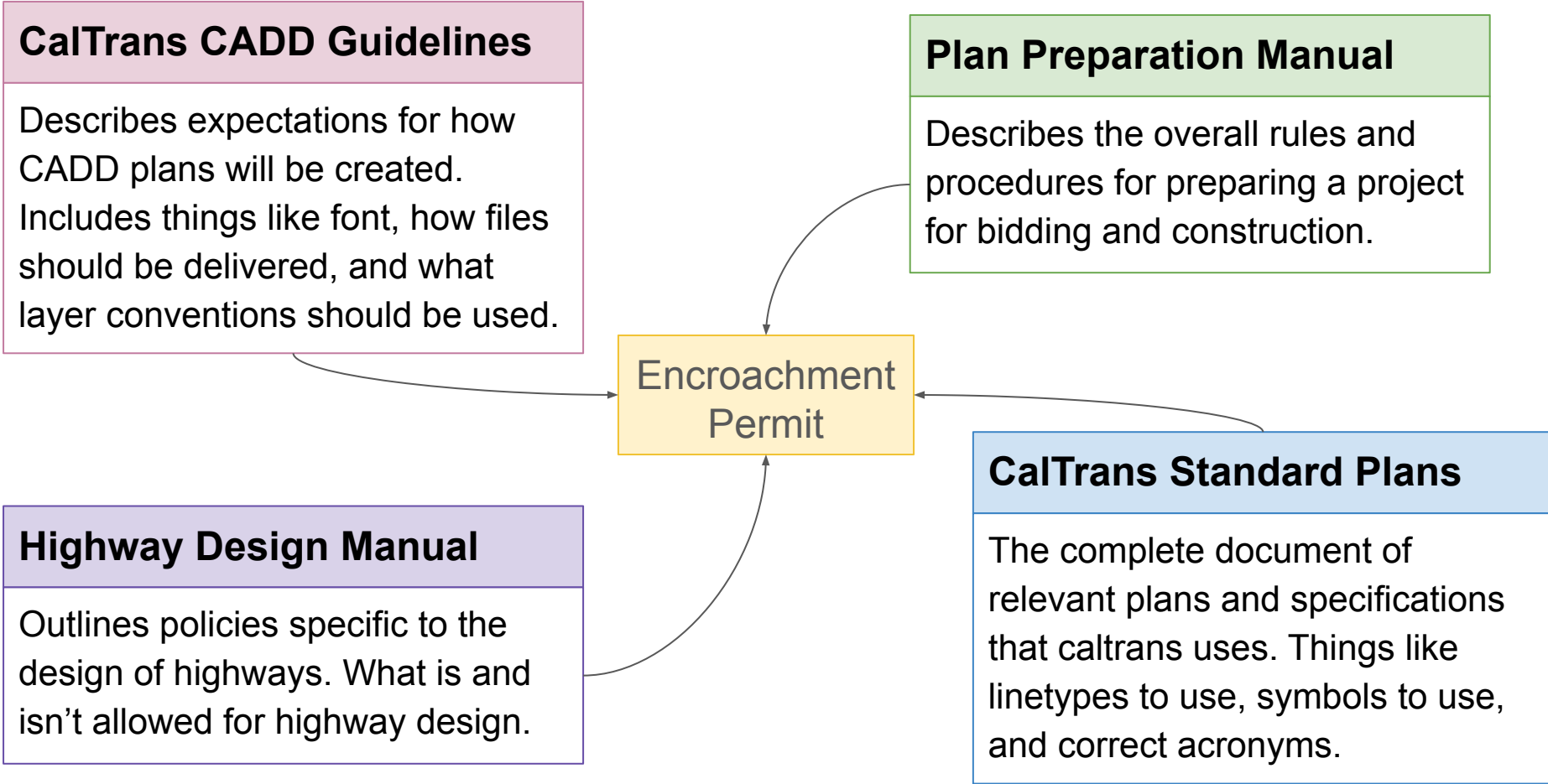
Project construction is located on 7th Street between Interstate 880 and Maritime Street.

GoPort update shared by Port



Study shared by City of Oakland

Documenting and cross referencing Caltrans Manuals



Project Narrative

Project Background

- PROJECT BACKGROUND:** The Prescott Caltrans project is a planting project along the Caltrans Interstate 880 freeway, adjacent to West Oakland's Prescott neighborhood, West Oakland experiences disproportionately high levels of air pollution, more than three times higher than the Bay Area average. Areas within the Prescott neighborhood are hotspots of pollution, with levels of particulate matter as high as 150 to 300% more than the ambient measurements inside West Oakland. In 2016, West Oakland was identified as a first-year priority in a state Community Air Protection Program under Assembly Bill 617. This initiates community-led emissions and exposure reduction programs in neighborhoods most impacted by pollution. The resulting plan, the West Oakland Community Action Plan (WOCAP), which was approved by the Bay Area Air Quality Management District (BAAQMD) and the California Air Resources Board (CARB) in 2019, identifies strategies to reduce source and exposure pollution in the Prescott neighborhood. The Prescott Project, funded by the California Air Resources Board (CARB) Supplemental Environmental Project (SEP) grant and the Metropolitan Transportation Commission, aims to reduce resident exposure to existing pollution by planting vegetated buffers along heavily trafficked roads. Vegetated buffers have been shown to reduce near road air pollution by as much as 60%. In preliminary models, planting buffers in the area along the Caltrans freeway showed to be a promising way to intercept air pollution before it reaches the Prescott neighborhood. The goal of the project is to now plant these buffers, and then monitor the air quality improvements to add to the literature about these intervention types.
- PROJECT OVERVIEW:** The Prescott Caltrans project proposes plantings along several unpaved areas along the Caltrans 880 freeway, in the right of way, in order to comply with highway setbacks for tree planting, new guardrails are being proposed along these planting areas. The aim of these drawings is to provide an overview as to the project area, show a conceptual landscape plan of the proposed vegetated buffer, and propose new guardrails along these planting areas.
- PLANTING AREA:** The Prescott Caltrans project is a planting project along the 880 freeway in West Oakland, Alameda County. This area of the route 880 is between post miles ALA 880 R33.3 and ALA 880 R34.5L, between east 44 (7th street) and east 46E (where the freeway begins to rise above ground and splits into the 80 west to San Francisco and the 80 east to San Rafael). This area of the freeway is between the railway to the west, and a frontage road to the east which is directly adjacent to the Prescott neighborhood. The planting areas consist of 4 unpaved areas totaling roughly 4.69 acres of land.

Goals of this Schematic Drawing Set

- These drawings are representational, not based on an official survey, for the purpose of proposing the project for CalTrans review and preliminary permitting discussions. Official surveys will be conducted and/or acquired from CalTrans in a future phase of this project.
- GUARD RAILS:** 4 new guard rails are proposed for this project, totaling 0.71 miles. The overall goal of this project is to plant vegetated buffers to improve air quality, this entails planting trees near the roadway. Chapter 900 of the Highway Design Manual states that trees must have a 30' clearance from the edge of traveled way where they cannot be reached by errant vehicles due to safety concerns for drivers. However, in the case where the tree cannot be reached by an errant vehicle, such as when it is shielded behind concrete barriers of metal beam guardrails, large trees may be planted within the 30' limit, only requiring an 18" setback from the face of the barrier. Because of the pollution interception and carbon sequestration benefits of vegetated barrier plantings, we are proposing the construction of guardrails along this roadway to allow for more trees to be planted without compromising driver safety.
- LANDSCAPE PLANTING:** The proposed planting is a vegetated buffer. The goal of this type of planting involve planting trees into a thick windbreak that can intercept air pollution particles originating from the road. In order to be most effective the diameter of tree crowns should be touching when they reach a mature size, in order to minimize gaps between trees. The spacing is documented in the proposed landscape plan. The plants chosen will be drought tolerant and climate appropriate large evergreen trees. Trees that are low maintenance, have a long lifespan, and are more adaptable to changing climatic conditions will be prioritized for the design.
- GRUBBING:** There are not significant numbers of existing plants along this roadway, and almost all of the existing plant life is a few small shrubs and grass cover. During the grubbing stage trash will be removed. Then out, partly decayed organic matter such as leaves and twigs, will be removed along with the existing plants and shrubs, and stockpiled to reapply after completion of any final grading.
- SOIL PREPARATION:** Where possible topsoil will be preserved and incorporated with amendments back into the area.
- SOIL AMENDMENTS:** Soil amendments such as compost will be used to build healthy soils, sequester carbon, mitigate greenhouse gases, increase the water holding capacity of the soil, and add nutrients. Topical mulches will be utilized to reduce evapotranspiration.
- SPECIFICATIONS:** Details and specifications provided. Contractors expected to comply with all Caltrans standard landscape specifications.
- IRRIGATION:** More information will be needed from Caltrans before putting together irrigation plans. Whether or not there is existing irrigation in the project area has not yet been established. If there is not existing irrigation, we intend to investigate the feasibility of connecting the project to the EBMUD recycled water pipeline to provide 100% recycled water irrigation.
- MAINTENANCE CONSIDERATIONS:** In order to encourage safety of highway workers, we are proposing that maintenance vehicle pullouts in the design, in order to allow for easier access to the planting areas. Additionally our proposed designs place trees whose canopy diameter will not exceed the planting area even when fully grown, so regular pruning would not be necessary. The intention is to reduce or eliminate then need for maintenance activities.



PROJECT
PRESCOTT
GREENING

ADDRESS
1250 CALIFORNIA
STREET, WEST OAKLAND, CA 94612

hyphæ



DRAWN BY:
CHECKED BY:
DATE: JULY 2024

REVISIONS:

REV. PLAN

Sheet Name/Permit Item	Sheet #
Cover Sheet/Gen Notes	L-100
Location and/or Index Map	L-100
Site Plan	L-101
Existing Landscape Plan	not included in this set
Proposed Landscape Plan	L-102
Cross Sections	L-103
Existing Utilities Plan	not included in this set
Proposed Utilities Plan	not included in this set
Existing Plumbing/Irrigation Plan	not included in this set
Proposed Plumbing/Irrigation Plan	L-104
Electrical Plan	not included in this set
Planting Plan	not included in this set
Existing Pavement Plan	not included in this set
Street Improvement Plan	not included in this set
Striping Plan	not included in this set
Signal & Lighting Plan	not included in this set
Profile & Super-Elevation Plan	not included in this set
Traffic Control Plans	not included in this set
Traffic Impact Data	not included in this set
Drainage Plan	not included in this set
Hydrology Map & Calculations	not included in this set
Contingency Plans re: Encounters of Hazardous Waste	not included in this set
Environmental Documentation	not included in this set
Certification of Compliance w/ADA (form TR-0405)	not included in this set
Storm Water Pollution Control Plans	not included in this set
Grading Plan	not included in this set
Contour Grading Plan	not included in this set
Profile & Topography Plan	not included in this set
Structural Plan & Calculations	not included in this set
Concrete Barrier Specifications	L-105

SHEET TITLE:
COVER SHEET

L-100



NORTH - PROPOSED TREES



SOUTH - PROPOSED TREES



The plant circles on the above plan have been placed to demonstrate a possible vegetated buffer planting configuration. In order to act as an effective wind break the edges of the tree crowns should be touching when they reach a mature size, in order to minimize gaps between trees. The circles above represent 4 size classes of trees at mature size. The table below explains the size classes shown and what species they represent.

SIZE CLASS	Width fully grown	Example Species
VERY LARGE	30'+	<i>Cedrus atlantica</i> , <i>Pinus canariensis</i> , <i>Chamaecyparis lawsoniana</i>
LARGE	15-30'	<i>Cedrus deodara</i> , <i>Juniperus californica</i> , <i>Pseudotsuga menziesii</i>
MEDIUM	5-15'	<i>Calocedrus decurrens</i> , <i>Ligustrum japonicum</i> , <i>Taxus baccata</i> 'Stricta'
SMALL	3-5'	<i>Cupressus sempervirens</i> 'Compacta', <i>Juniperus virginiana</i> 'Taylor'

PROJECT:
**PRESCOTT
GREENING**

ADDRESS:
101 WEST
MOUNTAIN VIEW AVENUE
SANTA ANA, CA 92705

hyphae landscape architects

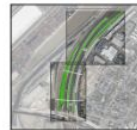


DRAWN BY:
CHECKED BY:
DATE: AUG 2024

REVISIONS:

DATE	DESCRIPTION

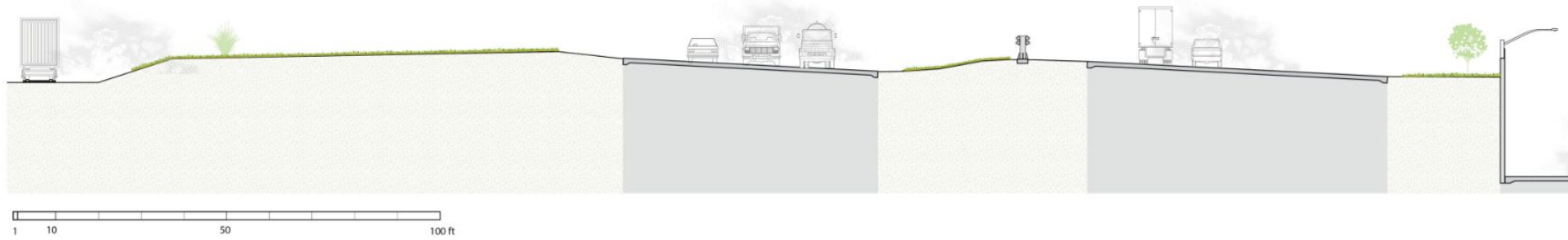
KEY PLAN



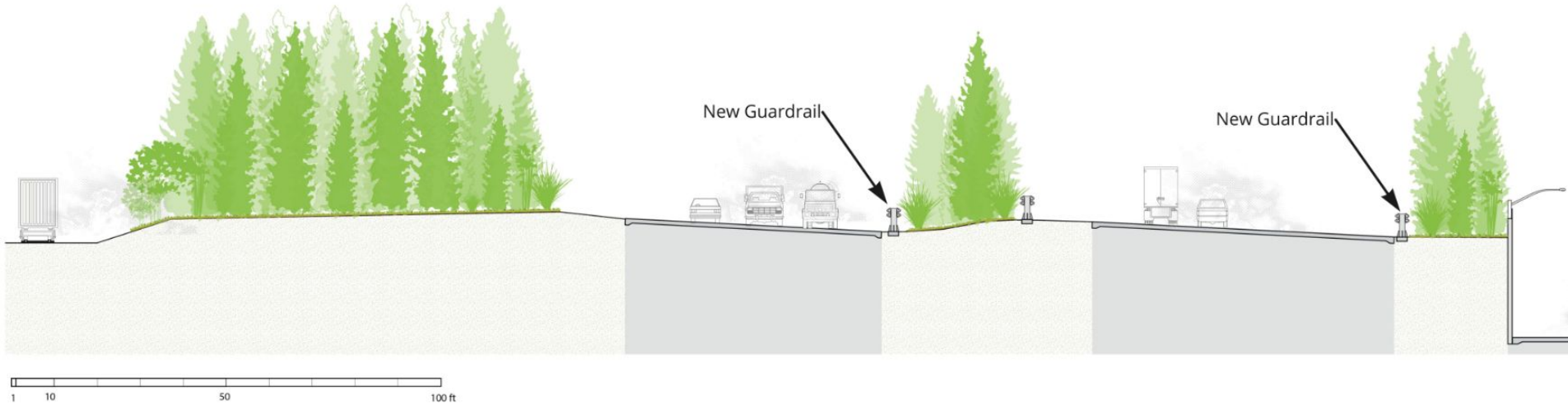
SHEET TITLE:
**LANDSCAPE PLAN
PROPOSED**

L-102

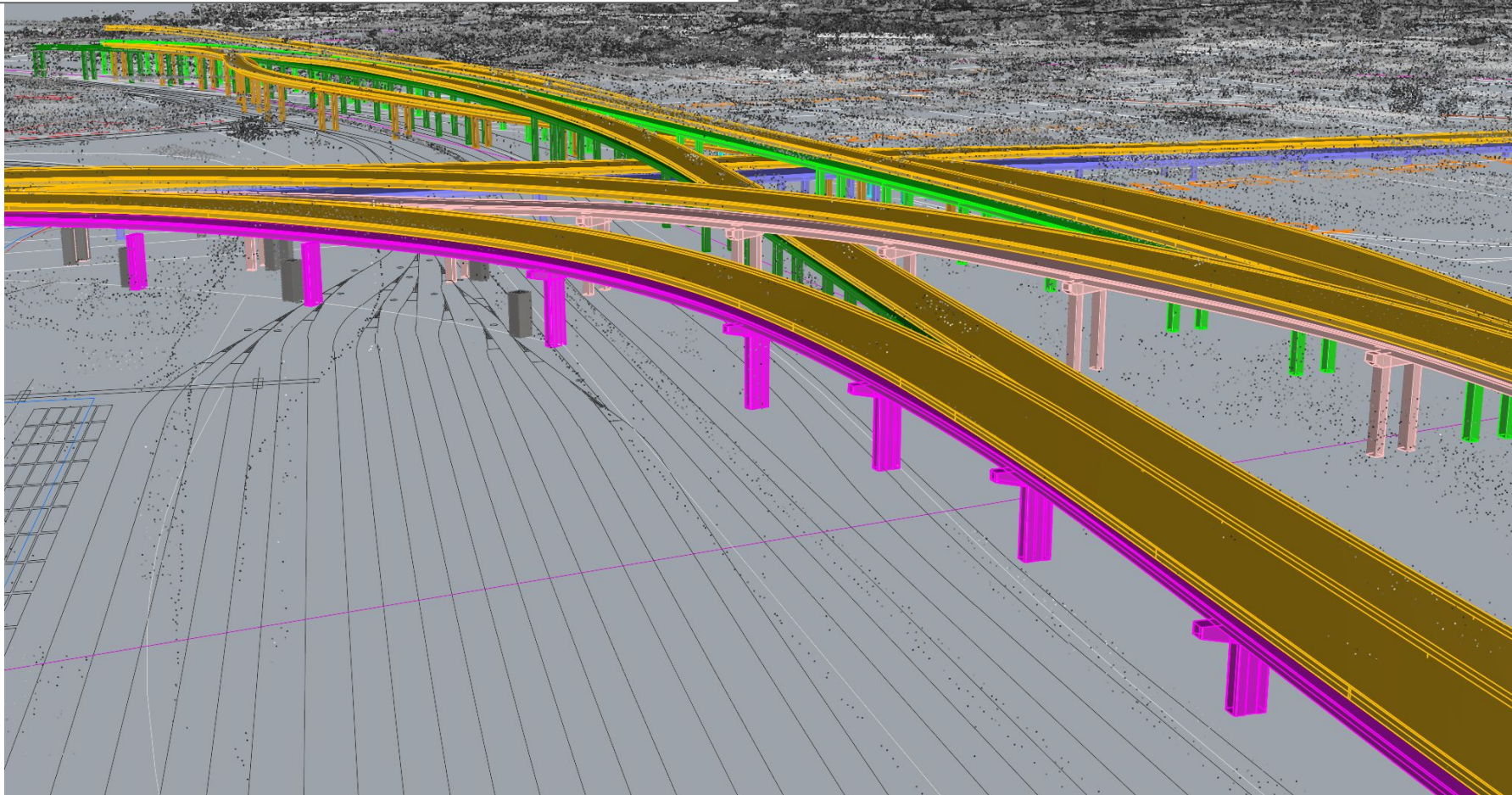
Caltrans Freeway ROW - Existing

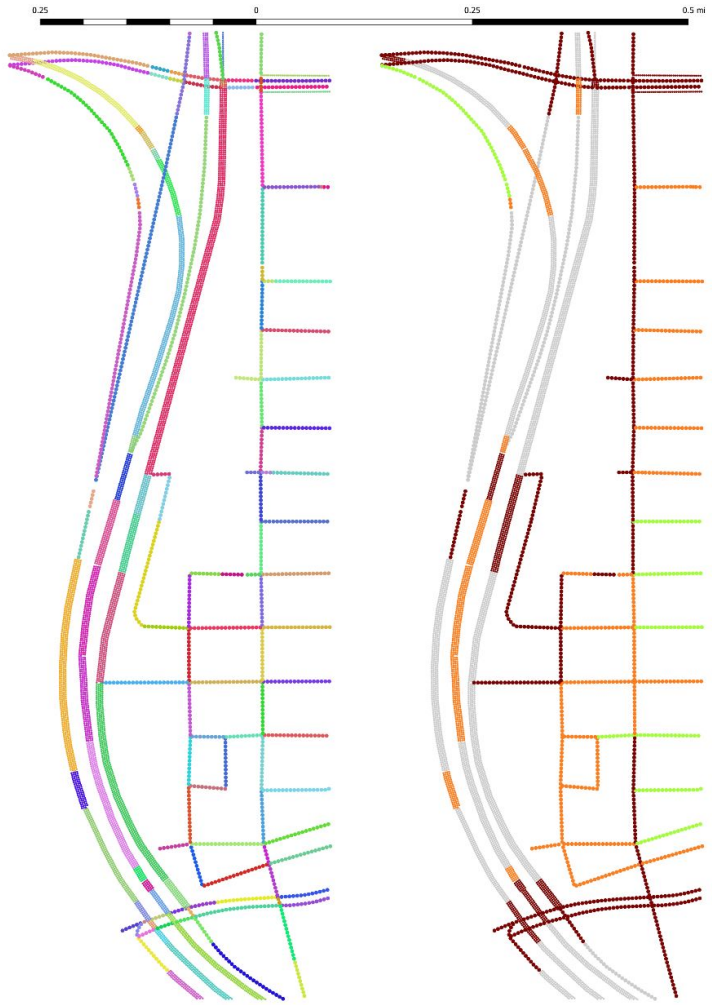


Caltrans Freeway ROW - Proposed



Update to model of freeways





Classed by Segment

Classed by PM 2.5 Emissions in g/s

NOTES:

BAAQMD data was delivered in related tables. The AERMOD inputs geometry is clipped to the hyphae study area of interest (AOI). Each spot is a many-sided polygon representing a volume. The volumes were modeled at unlinked rates (1 g/s) and scaled after the fact. The actual rates are given in a separate table by segment ID and link ID. The figure on the right shows that many polygons do not have values. The values are the result of a table join of concatenating segment ID and link ID and joining this to the AERMOD input table that has a matching attribute for the two part segment and link ID together.

Questions:

- Why are many of the features not finding a corresponding emissions rate?

PRESCOTT

Client name

Address

City



DRAWN BY:

CHECKED BY:

ISSUE DATE:

DATE	DESCRIPTION

KEY PLAN



LEGEND:

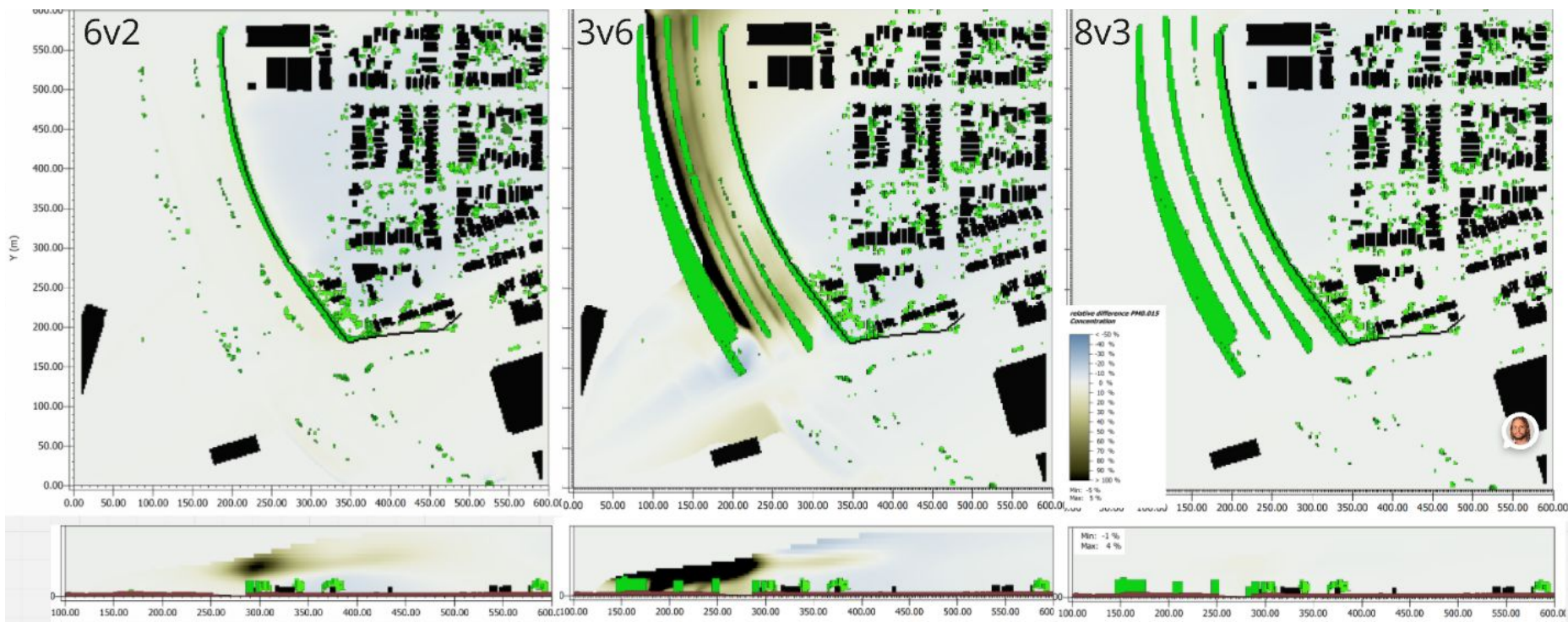
- External
- BAAQMD 2024
- baaqmd_intake_processing_wkg -- onroad_t_wd_all_volumes_config_ackclip_join_pm25emis
- 0 - 0.000000012
- 0.000000012 - 0.000000083
- 0.000000083 - 0.0000247152
- baaqmd_intake_processing_wkg -- onroad_t_wd_all_volumes_config_ackclip_join_pm25emis

SHEET TITLE:

**AERMOD
Volumes
Emissions
Rates**

Assistance from BAAQMD in updating our emissions estimates





Layered the completed simulations in order to compare them to each other

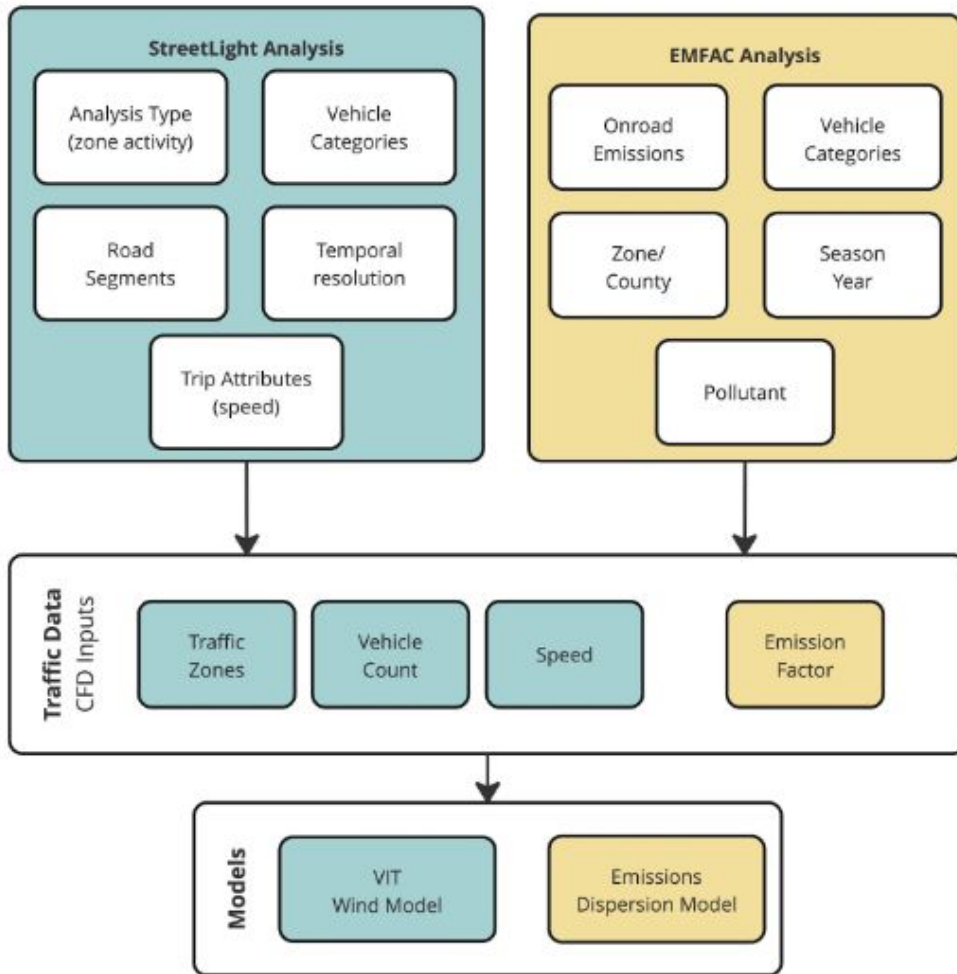
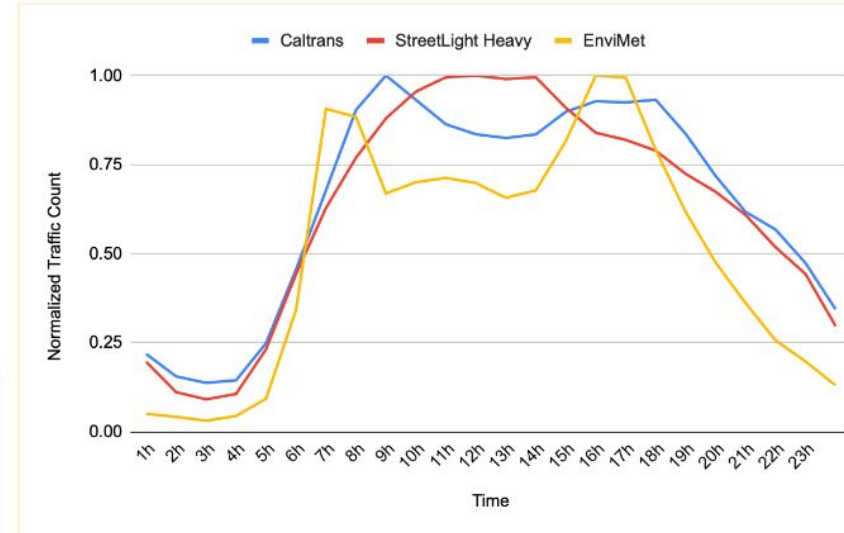
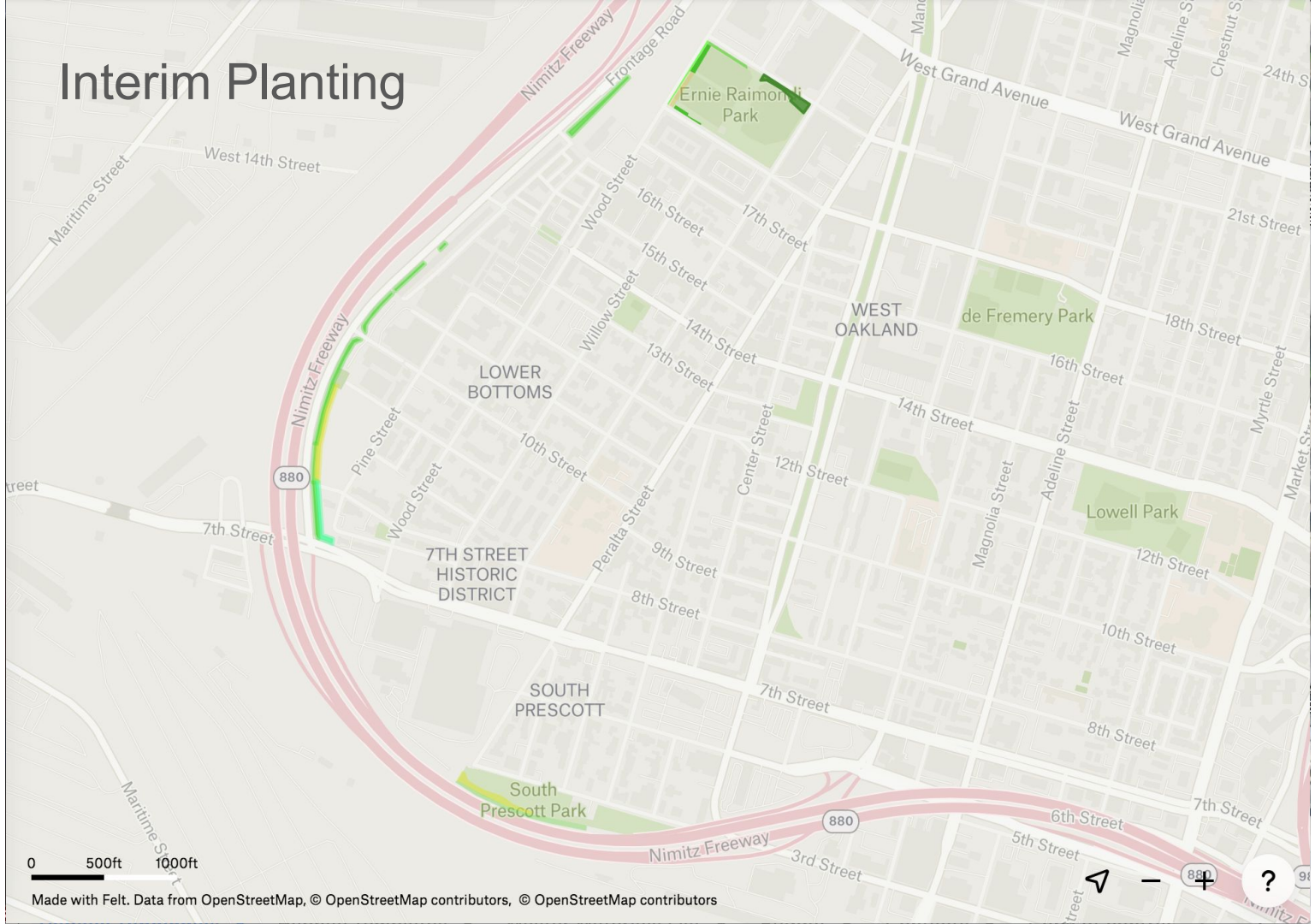


Chart of histogram of traffic counts segmented by traffic type and road type (?)
 - compare AERMOD, ENVI-met, Streetlight, Caltrans AADT

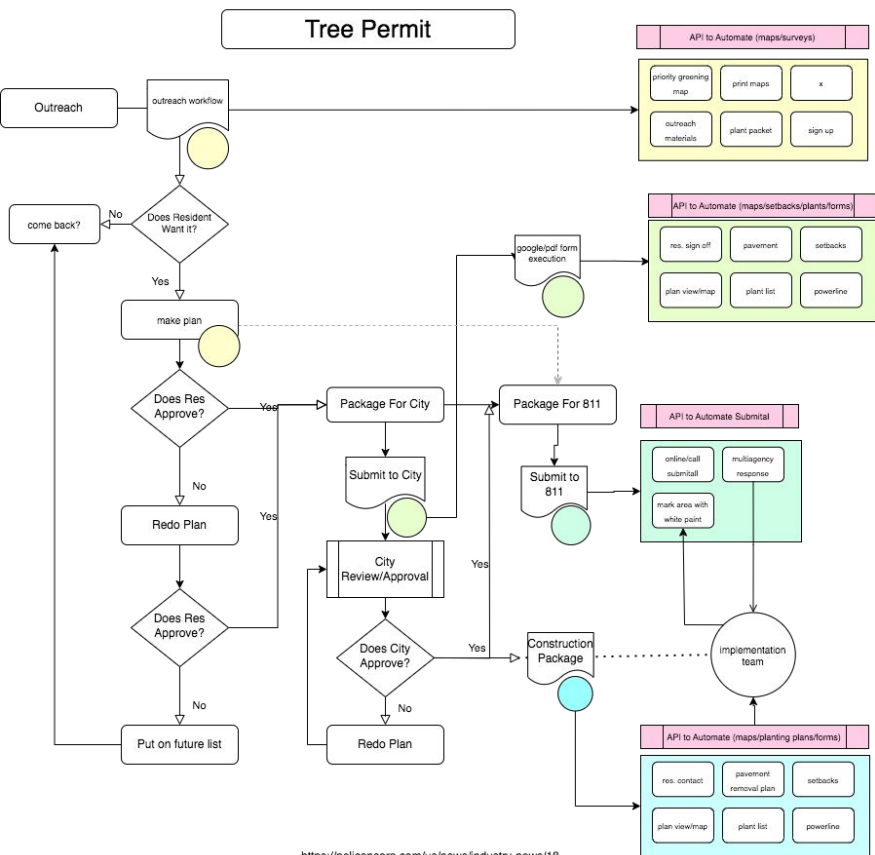
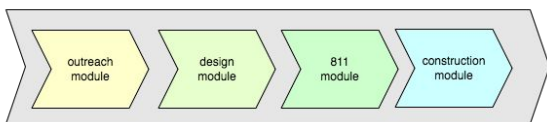


Interim Planting



0 500ft 1000ft

Made with Felt. Data from OpenStreetMap, © OpenStreetMap contributors, © OpenStreetMap contributors



Immediately Plantable

- Forensics / discovery
 - Find out if there is existing irrigation
 - Check out the status of existing trees, if they need to be removed
- Community Engagement
 - Show design ideas to the community
- Permitting
 - Show designs to David Moore
 - This may involve some back and forth because we want to push the city towards vegetated buffer style plantings
- Pricing
 - Get prices for trees and irrigation
- Submit final plan to the city
- Planting

Next Steps

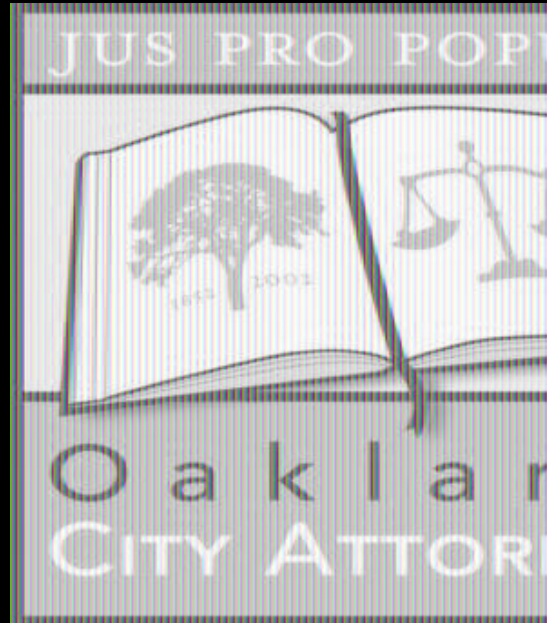
- We are planning a Community Visioning Meeting for January
 - The goal of this meeting is to have an in depth design session with members of the community to co-create a vision for frontage road
- Before this meeting we plan to:
 - Have more information about feasibility from our meetings with the port and city
 - Have met with the trees department about permits
 - Have submitted another package to Caltrans to get feedback from staff





City Attorney

Oakland City Attorney's Office Affirmative Litigation



Introduction to Affirmative Litigation Division

What we do:

- Main role: investigating and filing civil lawsuits against private actors for violating local, state, or federal laws, and occasionally against public actors (such as the Trump Administration)
- We also conduct out of court enforcement activities (warning letters, demand letters, citations, out of court settlements, etc.)
- We focus on matters where other methods of enforcement through City agencies have failed or are inadequate.

Who we represent:

- The City of Oakland (Oakland as a municipal corporation) and The People of Oakland (all people in Oakland as a collective)

Introduction to Affirmative Litigation Division

What we don't do:

- Represent individuals
- Assist in administrative processes like filing complaints with City Departments (we can refer you to the right department and will send you our reporting guide)
- Defend the City in litigation (a different Unit in the City Attorney's Office does that)
- Criminal enforcement (the DA's Office does that)
- Typically, we don't draft ordinances or advise City Council (our Advice Unit does that).
- Mediate disputes between Oaklanders, or intervene in private disputes between neighbors (e.g., boundary disputes)

Introduction to Affirmative Litigation Division

Who we target:

- **Community Lawyering and Civil Rights Unit (CLCR):** often targets **larger scale cases and businesses** who are harming Oaklanders. Focus on environmental, racial, and economic injustice. For example:
 - We sued local employers for violating minimum wage and sick leave laws
 - We sued major opioid manufacturers for contributing to the opioid crisis
 - We sued lead paint companies for knowingly marketing toxic products to children and communities of color.
- **Neighborhood Law Corps (NLC):** typically targets **local actors**, including business owners or operators and landlords. Focus on tenant protection, substandard housing, public nuisance, illegal dumping, and other health and safety issues. For example:
 - The NLC + CLCR sued Santos Engineering for the dangerous dust from its debris hauling
 - We sued a local landlord for faking a City red tag and evicting tenants
- **Housing Justice Initiative (HJI):** targets **larger landlords** in Oakland. Focus on tenant protection, including combatting harassment and discrimination and keeping tenants housed. For example:
 - We sued a local real estate and taxi empire for systematically violating tenants' rights
 - We are investigating major corporations engaging in shady tactics against Oakland tenants

Authority

1. Local public nuisance
2. Enforce all of Oakland law (Oakland Municipal Code)
3. Delegated authority to City Attorney to enforce certain state and federal laws



1. Public Nuisance

“The occurrence of anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to **interfere with the comfortable enjoyment of life or property**, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, which affects-at-the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal”



1. Public Nuisance

- Actual physical interference with land
 - E.g., encroachments, obstructions, deposits of material or pollution
- Other activity that interferes with the use or enjoyment of land
 - E.g., noxious odors, dust, noise, nearby amusements, keeping certain kinds of animals



Authority

2. Enforce all of Oakland law
(Oakland Municipal Code)

For example:

- Zoning violations
- Building code violations
- Minimum Wage and Paid Sick Leave violations



Environmental Justice Work

Santos Engineering

The City's lawsuit against Santos Engineering alleged, among other things, that defendants had created and maintained a public nuisance. The bases for these claims included:

- Defendants violated Oakland zoning code and Oakland's traffic code by routing commercial trucks through residential streets
- The City Administrator's Office had issued a Notice to Abate to the property owner, citing their unpermitted recycling and waste-related operations as an ongoing public nuisance and requiring abatement of the public nuisance within 30 days or else imposition of \$500 per day penalties.





CONFIDENTIAL

MY Child
Breathes
HERE

Security
Cameras in Use

PROFITS WHILE
POISONING
OPENLY DEFIES
THE LAW!!!

CONFIDENTIAL

Santos Engineering Result

- Injunction ordering Santos to cease doing business and vacate the property
- Santos shall not have any business in Oakland for ten years
- \$360,000 civil penalties



Environmental Justice Work

- Climate Change Litigation
 - The City Attorney is suing the five major fossil fuel manufacturers for their deception and misrepresentation campaign which exacerbated climate change
- PCB Litigation
 - The City Attorney joined a class action lawsuit against Monsanto for polluting storm drains and waterways with toxic Polychlorinated Biphenyls (PCBs).



Monsanto Litigation Result

- The City received \$7.5 million to address contamination in stormwater drains and public water bodies



Ideal Climate Change Litigation Result

- Abatement fund to fund adaptation to climate change harms including flooding, air quality issues, and extreme heat
- Damages to recoup City expenditures on adaptation efforts
- Other relief depending on litigation result



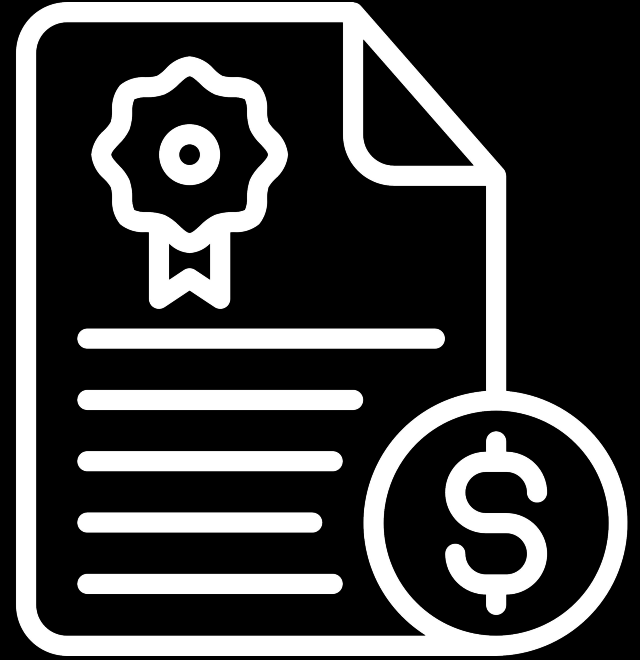
Civil Protection of the People of Oakland Ordinance (OMC 1.10)

- In July 2023, Oakland City Council passed the Civil Protection of the People of Oakland Ordinance, OMC Chapter 1.10
- This ordinance details the City Attorney's authority to bring civil lawsuits to secure compliance with Oakland laws and recover a range of remedies as a result of violations of the law.
- Core elements of OMC 1.10:
 - Authority: Clarifies power to enforce Oakland laws.
 - Remedies: Clarifies power to secure compliance with Oakland laws and deter future violations; Positions City Attorney to advance racial equity in outcomes for Oakland residents.
 - Equity: City Attorney and court must be guided by equity.

Remedies

1. Civil penalties
2. City costs
3. Attorneys' fees and costs
4. Declaratory relief
5. Injunctive relief
6. Equitable relief

Note: These are subject to statute of limitations and judicial interpretation



Equitable Relief

- Abatement (nuisance)
- Restitution

- Disgorgement of profits
- Receivership

JUS PRO POPULO

Law in the Service of the Public

OMC 1.10 regulations and new actions

- You can find implementing regulations for OMC 1.10 on the City Attorney's website: [Rules and Regulations » Oakland City Attorney](#)
- On September 4, 2024, the City Attorney sued Southwest Airlines for paid sick leave violations under Oakland's paid sick leave ordinance (OMC Chapter 5.92) and the CA Labor Code. We also sued them under OMC 1.10, seeking civil penalties and disgorgement of profits.
 - (Note: In January 2024, the Oakland City Attorney gained authority to enforce certain provisions of the CA Labor Code through AB 594.)
- We are doing investigations into local public nuisance and tenant protection issues that may result in new 1.10 actions in the near future.

Contact Us

You can reach all three units of the Affirmative Litigation Division at:

Email: LawCorps@oaklandcityattorney.org

Phone: (510) 238-6628



Evaluation

Monthly Post-Meeting Evaluation Survey

- You have time now to complete the survey
 - www.woeip.org/wocap-sc-survey
- We will also email the link after the meeting

Adjourn



Blue sign with text and symbols.

RESERVED
PARKING
ONLY

RESERVED
PARKING
ONLY

New Business

(new standing agenda item)

- No content here this month
- This is a placeholder where every month
 - the Co-Leads can offer information about new items in response to a Steering Committee request
 - Co-Leads can solicit Steering Committee feedback on or assess interest in new items.
 - Be a space for SC to request future agenda items