
Attachment E: Staff CEQA Determination AND Mitigation Monitoring & Reporting Program

Reliance on Previous Environmental Review

A Draft EIR prepared for the Kaiser Oakland Medical Center Master Plan was released on March 2, 2006 and the public comment period on the Draft EIR ended on April 17, 2006. The Final EIR was released on May 26, 2006. The *Kaiser Oakland Medical Center Master Plan EIR* was certified by the Oakland Planning Commission on June 6, 2006.

Pursuant to CEQA Guidelines Section 15162, “*When an EIR has been certified . . . for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines . . . one or more of the following:*”

- 1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR . . . due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects;*
- 2) *Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, . . . shows any of the following; (a) the project will have one or more significant effects not discussed in the previous EIR . . .; (b) significant effects previously examined will be substantially more severe than shown in the previous EIR; (c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (d) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.*

CEQA Guidelines Section 15163 enable lead agencies to prepare a supplemental EIR, rather than a subsequent EIR, if “*any of the conditions described in Section 15162 [above] would require preparation of a subsequent EIR, and only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed circumstances.*” CEQA Guidelines Section 15164 enables a lead agency to prepare an Addendum to the previous EIR “*if only minor technical changes or additions are necessary*”.

The following provides a discussion of the potential applicability of the requirements for subsequent or supplemental EIR or an Addendum, for the currently proposed Phase 2 Hospital Project.

Substantial Changes in the Project

Project Size: The Phase 2 Hospital project as proposed is generally consistent with the description of that project included in the June 6, 2006 *Kaiser Oakland Medical Center Master Plan* and its associated EIR. The square footage limitations for Phase 2 were set in the Master Plan at 1,017,000 square feet, whereas the Phase 2 project as analyzed in the Kaiser OMC Master Plan EIR was conservatively estimated at approximately 1,127,000 square feet as a potential “worst case” scenario.¹ Although the proposed Phase 2 Hospital design, at approximately 1,055,000 square feet, would slightly exceed the square footage limitations of the Master Plan by approximately 38,000 square feet (or an approximate 3.7% increase), Staff considers this increase in space to be generally consistent with the Master Plan, with no additional increase in the number of hospital beds or projected employment. Additionally, since the current proposal would not exceed that “worst case” scenario as analyzed in the EIR, no new significant effects or substantial increases in the severity of previously identified significant effects would result.

Revised Traffic Access and Signalization: Studies regarding access options to the campus, including access to the parking garage, have been underway since the Master Plan was approved. In response to concerns expressed by neighbors, the design for the various campus access points has been modified from the Master Plan as analyzed in the previous EIR. These modifications include relocating the truck driveway from Piedmont Avenue to Broadway, and eliminating direct access to the parking garage from Piedmont Avenue. The current design proposal for campus access now proposes a total of three driveways:

- The first driveway is a service drive located off Broadway immediately north of the I-580 overpass and behind the parking garage. It is for vehicles servicing the CUP, oxygen tank and the underground loading dock only.
- The second driveway is off Broadway just north of the service drive (further north of the I-580 overpass), and provides access to the parking garage. It would be signalized and provide both inbound and outbound access with both right turns and left turns on arrows allowed. In the Master Plan, this driveway was unsignalized, with the southbound left-turn from Broadway into the garage prohibited and all other movements allowed.
- A third driveway off Broadway would provide signalized access to the Main Entrance. The Main Entrance driveway is located about 200 feet north of the parking garage driveway on Broadway. It would serve as inbound and outbound access for visitors using the pick-up/drop-off and patient discharge area of the hospital. It would also serve as an in-bound entrance only to the parking garage (one a visitor enters the parking garage, they may only exit from the parking garage driveway). In the Master Plan, this entrance was signalized and provided both inbound and outbound access from the garage (Mitigation Measure B.1e).
- The fourth driveway would provide access to the Emergency Department off of Piedmont Avenue. Similar to that described above, this driveway would provide a continuation as an in-bound entrance only to the parking garage (one a visitor enters the parking garage, they may only exit from the parking garage driveway).

¹ Table III-3 of the March 2006 Draft EIR, page III-14, with corresponding employment projections used in the estimated trip generation rate for the project as shown on Table IV.B-8 on page IV.B-21.

Detailed traffic analysis of this modified campus access design has been completed, primarily to determine if both driveways on Broadway (the parking garage and Main entrance) should be signalized to serve the estimated 15,000 daily vehicles that would enter and exit the site, and to accommodate pedestrians that would cross Broadway. The analysis concluded that signalization of both the parking garage driveway and the Main Entrance on Broadway would not further deteriorate traffic operations along Broadway, and would not impact any additional intersection operations beyond those identified in the EIR (see **Exhibit E-1**, Fehr & Peers, June 2008).

Planning and Transportation Services Department staffs have reviewed this proposed design modification and found it superior to the Master Plan's original access scheme. Transportation Services Department has reviewed the technical issues associated with signal cycles and intersection operations, and the recommendations of these technical studies have been incorporated into modified conditions of approval for the project.

The Kaiser OMC Master Plan EIR conclusions continue to be valid for the Phase 2 design, and no new significant effects or substantial increases in the severity of previously identified significant effects would result.

Changes in Circumstances

Staff is unaware of any substantial changes that have occurred with respect to the circumstances under which the project will be undertaken which might require revisions of the previous EIR. The recently completed *MacArthur BART Transit Village EIR* (FEIR publication date of May 23, 2008) presents the newest environmental information for the surrounding area. (Note that the MacArthur BART Transit Village Project was assumed as a reasonably foreseeable project in the Kaiser OMC Master Plan EIR.) Table IV.C-9 of that EIR presents the latest existing conditions for intersection levels of service in the surrounding area. These current levels of service are consistent with those presented in the Kaiser OMC Master Plan EIR, indicating no substantial changes in circumstances that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Moreover, the MacArthur BART EIR confirmed the projected increase in severity of cumulative traffic impacts over time, as had been projected in the Kaiser EIR. In particular, the LOS at MacArthur/Broadway is projected to increase from LOS D in 2010 to LOS E by 2015 and eventually to LOS F by 2030. This projected increase in traffic congestion is not a substantial change in circumstances under which the project is undertaken, but rather a longer-term view of the same circumstances that had been identified in the Kaiser OMC Master Plan EIR.

New Information

Staff is unaware of any new information of substantial importance to indicate that the Phase 2 Hospital project will have one or more significant effects not discussed in the previous EIR, or that significant effects previously examined will be substantially more severe than shown in the previous EIR. The only new information developed pursuant to Design Review for Phase 2 is greater clarity and detail with respect to the design of the building. There is no new information with regard to the height, mass, operations or construction of the project which would lead to new significant environmental effects.

Staff is similarly unaware of any new economic, social, environmental, technological, legal or other information that would now make feasible any of the alternatives to the Project as described

in the Kaiser OMC Master Plan EIR that were previously found infeasible. There are also no new mitigation measures or standard conditions beyond those described in the previous EIR that would substantially reduce certain near-term 2010, 2025 conditions-with-Project, and 2025 cumulative impacts to transportation, circulation and parking, or certain direct and cumulative impacts to air quality.

Conclusions:

As discussed above, there are no changes in the project, changes in circumstances or new information that would require preparation of a Subsequent EIR. There is also no new conditions that would require minor additions or alterations to the prior EIR that would necessitate a Supplemental EIR pursuant to CEQA Guidelines Section 15163, nor are there any minor technical changes or additions necessary that would require preparation of an Addendum to the previous EIR, pursuant to CEQA Guidelines Section 15164. Given that none of the requirements for preparation of a Subsequent or Supplemental EIR or an Addendum have been met, no additional environmental review is required.

Applicable Mitigation Measures

Numerous mitigation measures and conditions of approval from the OMC Master Plan EIR are applicable to the Phase 2 Hospital project. The Mitigation Monitoring & Reporting Plan (MMRP) for Phase 2 has been prepared for approval by the Planning Commission concurrent with consideration of Design Review approval, and is included in the staff report as **Attachment F**.

The Phase 2 MMRP is derived directly from the OMC Master Plan MMRP. The OMC Master Plan MMRP includes several mitigation measures that are applicable only to the previously approved Phase 1 Medical Office Building on Broadway. Those Phase 1 mitigation measures were applied to the Phase 1 approvals, and are not applicable to this current Phase 2 project and are not included.

Additionally, the revised vehicular access to the site includes relocating the truck driveway from Piedmont Avenue to Broadway and eliminating direct access to the parking garage from Piedmont Avenue. Therefore, certain mitigation measures from the OMC Master Plan MMRP that were intended to address Piedmont Avenue truck traffic issues (Measures B.7i and B.7j) are no longer applicable.

Only one condition of approval from the OMC Master Plan EIR is required prior to approval of Design Review for Phase 2. That condition of approval is as follows:

Condition G.4a: The project sponsor shall implement site design/landscape characteristics as feasible, which maximize infiltration (where appropriate), provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from the site have been reduced to maximum extent possible. Where feasible, the project shall introduce measures to help reduce the rate and volume of stormwater runoff.

The Phase 2 design complies with this condition of approval, as shown on Sheets C-02 and L-01 of their design submittal. Sheet L-01 shows the site design including landscaped areas for stormwater detention and filtration through natural planting areas. The goal for these landscaped areas is to reduce 10% of the site runoff as compared to the original site. Sheet C-02 shows where planter drains will then connect to the site's storm drain system and surrounding curbs.