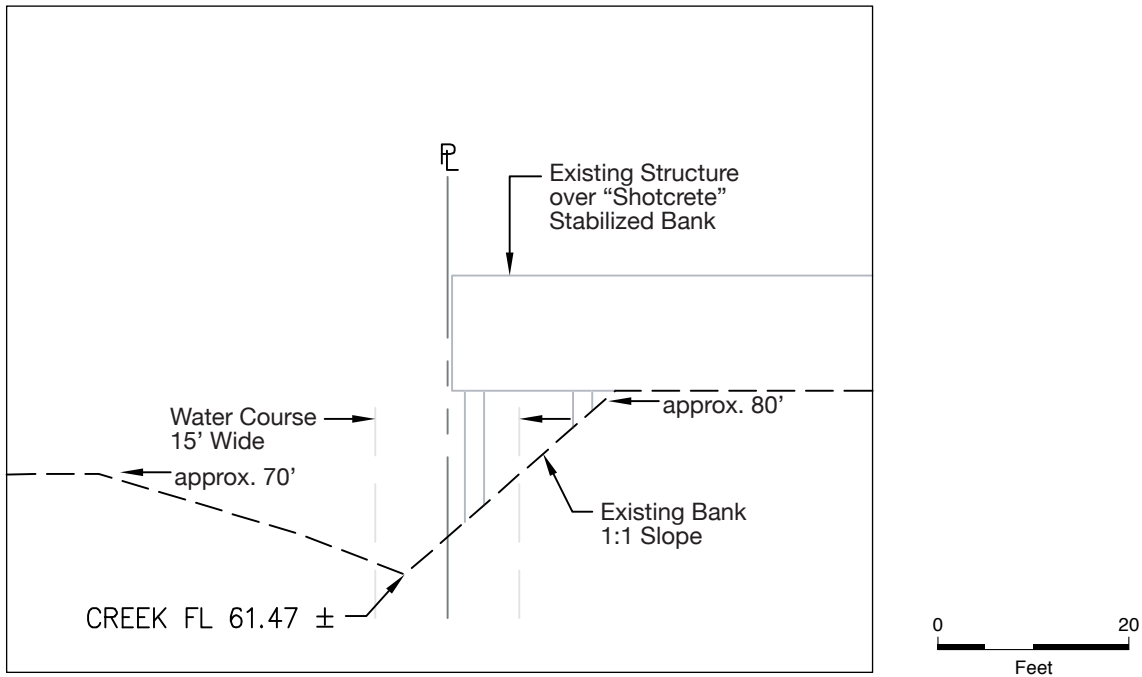
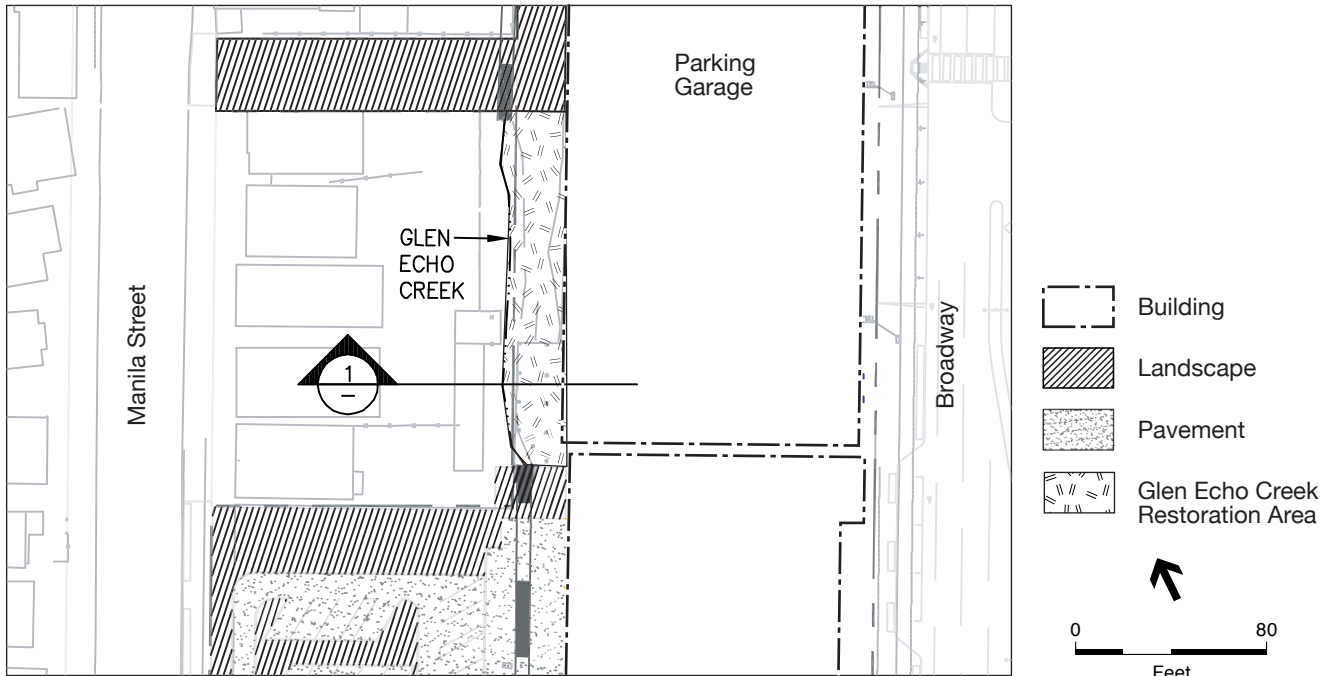


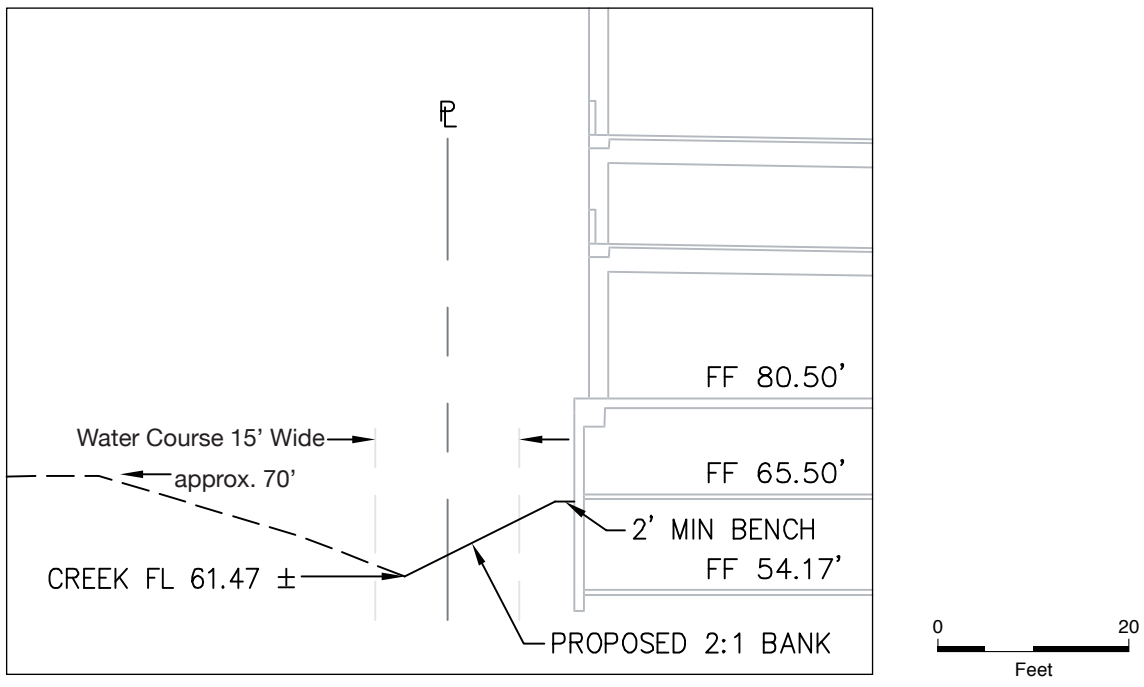
Plan View



Creek Profile



**Plan View**



**Creek Profile**

SOURCE: BKF

Construction of the parking structure on the east bank of the creek would require repair and stabilization to the existing creek bank (Standard Condition I.1b, below). Specifically, this would involve the removal of non-native vegetation, regrading, recontouring and revegetation, as would occur with implementation of Standard Condition G.1b (Creek Protection Permit Compliance). As shown in **Figures IV.I-4** and **IV.I-5**, the existing 1:1 slope would be reduced to an approximately 2:1 slope during construction of the garage. During construction, shoring would be installed to prevent bank failure, and upon completion of the parking garage construction, the eastern bank would be regraded and recontoured to a 2:1 slope.

Temporary impacts would result from the temporary dewatering or installation of a bypass culvert during demolition and construction of the parking structure during wet weather, as required by Standard Condition G.1c. Specifically, during demolition and construction activities, the active channel of Glen Echo Creek would pass through a temporary culvert and rain water leaders to ensure and maintain water quality. The temporary bypass culvert would maintain flows through the project area during these activities, and would be removed immediately after the completion of construction activities.

As a result of the above described activities, the project could also result in impacts to the streambed and banks under jurisdiction of CDFG. Potential impacts include sedimentation of channels downstream of the construction areas during construction of the demolition of existing structures and the construction of the parking facility. As would be required for all projects affecting creeks in Oakland or waters within federal or state jurisdictions, the project shall be required to comply with the following uniformly-applied standard conditions of approval of the City:

**Standard Condition I.1a: Prior to construction within the vicinity of Glen Echo Creek, the project sponsor shall obtain the necessary regulatory permits and authorizations from the Corps, RWQCB, CDFG and the City of Oakland, and shall comply with all conditions issued by applicable agencies. Required permit approvals and certifications shall include, but not be limited to the following:**

- **U.S. Army Corps of Engineers (Corps): *Section 404*.** Permit approval from the Corps shall be obtained for the placement of dredge or fill material in waters of the U.S., if any, within the interior of the project site, pursuant to Section 404 of the federal Clean Water Act.
- **Regional Water Quality Control Board (RWQCB): *Section 401 Water Quality Certification*.** Certification that the project will not violate state water quality standards is required before the Corps can issue a 404 permit, above.
- **California Department of Fish and Game (CDFG): *Section 1602 Lake and Streambed Alteration Agreement*.** Work that will alter the bed or bank of a stream requires authorization from CDFG.
- **City of Oakland: *Creek Protection Permit*.** Work within 20 feet of the center line of a creek within the City of Oakland requires a Category 4 Creek Protection

**Permit. As detailed in Standard Condition G.1b (Creek Protection Permit Compliance), information to be included in the City's permit application includes a Creek Restoration Plan and hydrologic analysis (per Standard Condition I.1b).**

The project sponsor is preparing for submittal to the City a Creek Protection Permit application in accordance with City guidelines and consultation with City staff. The draft protection measures in the Creek Protection Plan are summarized in Standard Condition G.1b and included (as drafted) in **Appendix I** to this EIR. Implementation of BMPs to maintain water quality and control erosion and sedimentation as outlined in Standard Conditions G.1a (NPDES Permit for Construction Activities) and G.1b (Creek Protection Permit Compliance), and Standard Condition G.1c (Temporary Bypass Culvert) also address the impact to Glen Echo Creek as a jurisdictional water of the U.S. **Figure IV.I-6** shows the restoration landscape plan and detailed planting list.

As identified in Standard Condition G.1b (Creek Protection Permit Compliance), the project shall be required to comply with the following uniformly-applied standard conditions of approval that the City would apply to all projects requiring a Category 4 Creek Protection Permit, and is preparing to submit such requirements to the City for review and approval:

**Standard Condition I.1b : The project sponsor shall prepare for review and approval by all applicable review and permitting agencies, a Restoration and Mitigation Plan (RMP) that shall outline specific measures to restore the daylighted portion of Glen Echo Creek. Specific measures proposed by the project and included in the RMP include, but would not necessarily be limited to, the following:**

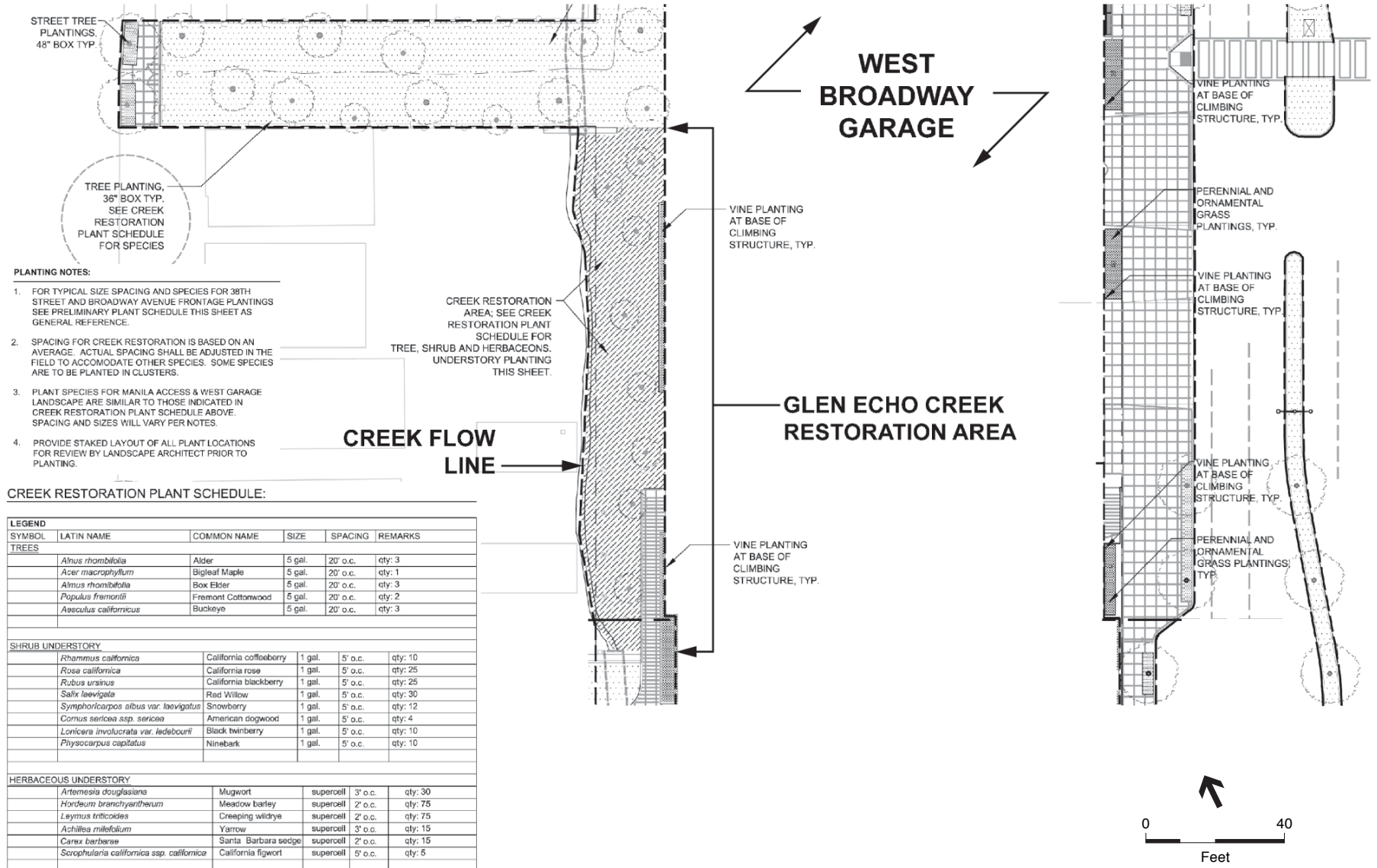
- **Upon completion of construction of the West Broadway parking garage in Phase 1 (Site 7), the eastern bank of Glen Echo Creek shall be regraded and recontoured to maximum 2:1 slope. (See Figure IV.I-5 of this EIR.)**
- **Native riparian vegetation shall be planted to provide bank stabilization and to restore the daylighted reach of the creek and to provide riparian habitat. The RMP shall outline what species of native plants shall be planted. (See Figure IV.I-6 of this EIR.)**
- **Plantings shall include trees and understory that are native to the area and that provide both bank stabilization and riparian habitat. (See Figure IV.I-6 of this EIR.)**
- **Monitoring of the restored areas shall continue for a period of five years after implementation of the restoration planting. The project sponsor or qualified designees shall prepare and submit annual monitoring reports to the Corps, RWQCB, CDFG, and City of Oakland. The RMP shall outline monitoring methods and success criteria for each of the monitoring years and at the end of the five-year monitoring period.**
- **The RMP shall provide contingency measures to be implemented in the event one or more success criteria are not met.**

**Standard Condition I.1c: If required by permits and authorizations for the project, the project sponsor shall provide compensatory mitigation for temporary and/or permanent impacts to Glen Echo Creek. If deemed appropriate by the permitting agencies, mitigation can be provided by a donation of funds for off-site riparian restoration. If required, compensatory mitigation will be provided at a minimum of 1.1:1 ratio.**

*Summary*

The project would obtain and comply with all required regulatory permit approvals and certifications to address impacts to potentially jurisdictional waters under federal, state, regional, and/or local jurisdiction, namely Glen Echo Creek. Adherence to these permits and regulations which would be uniformly applied as conditions of approval by the City, (in addition to implementation of Standard Conditions G.1a and G.1b that require standard regulatory permit approvals and compliance), the potential impacts to these waters would be reduced to less than significant.

**Significance After Implementation of Standard Conditions:** Less than Significant.



SOURCE: nbj

Kaiser Permanente OMC Master Plan Project . 204438  
**Figure IV.1-6**  
 Proposed Creek Restoration Landscape Plan

### **“Expanded Campus” Project Variant**

The Expanded Campus Variant, which would incorporate the motel and apartment building and residence located at the northeast corner of Manila Avenue and West MacArthur Boulevard in to the project site, would also result in a potentially significant impact to potentially jurisdictional wetlands or waters of the U.S., Glen Echo Creek. This project variant would require the project sponsor to relocate the existing Glen Echo Creek culvert, which runs underground through the motel property, to be re-routed from the project site. The City would not permit new construction over this existing culvert. As a result, Standard Conditions I.1a and I.1b, above, would apply to reduce the potentially significant impact to less than significant. No additional mitigation would be required. (Also see Section IV.G, Hydrology and Water Quality.)

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### ***Impacts to Special Status Species***

#### **Impact I.2: Installation of the temporary bypass culvert within Glen Echo Creek waterway (Standard Condition G.1c) during Phase 1 (West Broadway MSB and parking structure) would result in temporary disturbance to pond turtle habitat. (Potentially Significant)**

The location where construction-related activities would impact the presence of the western pond turtle is presumed based on 1) occurrence of suitable habitat, 2) CNDDDB occurrence, or 3) the result of ESA biological assessment indicating presence.

Western pond turtles have the potential to occur within the Glen Echo Creek waterway adjacent to Site 7. Temporary impacts to pond turtles would occur during dewatering and installation of the bypass culvert within the creek. Permanent impacts such as individual mortality resulting from heavy equipment or other construction activities could occur within or adjacent to pond turtle habitat. It is not anticipated that the project would pose operational impacts to pond turtle habitat after the construction is complete. The project does not include characteristics (structurally or operationally) that would increase human activity or other adverse impacts within the creek and pond turtle habitat. As would be required for all projects affecting special status species, the project is required to comply with the following uniformly-applied standard conditions of approval of the City, consistent with General Plan Policies:

**Standard Condition I.2: Prior to the installation of the temporary bypass culvert (Standard Condition G.1c) and construction activities, a qualified biologist shall perform pond turtle surveys within Glen Echo Creek. Surveys may include nests as well as individual turtles. The project biologist shall be responsible for the survey and for the relocation of adult turtles to an appropriate area with suitable habitat outside the project area. Construction shall not proceed until the project area can be deemed free of turtles. The temporary bypass culvert shall be screened both upstream and downstream to prevent individual turtles from entering the bypass culvert and project area.**

**Significance After Implementation of Standard Condition:** Less than Significant.

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**Impact I.3: Construction activities on Site 7 adjacent to Glen Echo Creek during Phase 1 (West Broadway MSB and parking structure) would result in disturbance to nesting habitat for breeding raptors and passerine birds including nesting Cooper's hawk. (Potentially Significant)**

Raptors and passerine birds (song birds) nest in areas upstream of the project area and within the larger eucalyptus trees along Glen Echo Creek. CDFG Code Sections 3503 and 3503.5, and the Migratory Bird Treaty Act protect raptors and passerines and their eggs and nests from incidental 'take.' The larger eucalyptus and maple tree located along the bank of Glen Echo Creek would be removed for construction of the West Broadway parking structure. Removal of these trees and other vegetation has the potential to cause incidental 'take' of a protected raptor nest that could occur within these trees.

As stated in Impact I.2, it is not anticipated that the project would pose operational impacts to nesting habitat after the construction is complete. The project will introduce replacement trees as required by the City of Oakland Tree Preservation and Removal Ordinance (see Impact I.4). As would be required for all projects affecting special status species, the project is required to comply with the following uniformly-applied standard conditions of approval of the City, consistent with General Plan Policies.

**Standard Condition I.3: To the extent feasible, removal of the large trees and other vegetation suitable for nesting shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during this period, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting birds or raptors. If the survey indicates that potential presences of nesting birds or raptors, the results would be coordinated with CDFG and suitable avoidance measures would be developed and implemented. Construction shall observe the CDFG avoidance guidelines which are a minimum 500-foot buffer zone surrounding active raptor nests and a 250-foot buffer zone surrounding nests of other birds. Buffer zones shall remain until young have fledged.**

**Significance After Implementation of Standard Condition:** Less than Significant.

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***Impacts to Protected Trees***

**Impact I.4: The project would conduct construction activities near several protected trees and would potentially remove approximately 34 protected trees located within or adjacent to the project site and would conducted these activities in compliance with the City of Oakland's Tree Preservation and Removal Ordinance. (Potentially Significant)**

The Oakland Tree Preservation and Removal Ordinance (Oakland Municipal Code Chapter 12.36) requires the project sponsor to obtain a permit from the City of Oakland Office of Parks and Recreation for the removal of protected trees or if work associated with project construction

might damage or destroy a protected tree. A “protected tree” is a coast live oak that is four inches or larger in diameter measured at breast height (dbh), or any other tree species nine inches in diameter or larger at dbh, except eucalyptus and Monterey pine. The removal of a protected tree would require that an appropriate replacement tree be planted on the project site for each tree removed from the project site.

As shown in **Table IV.I-2**, there are 62 protected trees, as defined by the Tree Preservation and Removal Ordinance on or near the project site (excluding protected trees located within the Caltrans property, discussed below). Of the 62 protected trees, the project would require removal of 34 trees, and measures for tree preservation are identified for the remaining 28 trees that have the potential to be impacted due to being close to construction areas or to documented poor tree health conditions.

A total of 27 protected trees are located within Caltrans right-of-way abutting I-580, immediately south of the Replacement Hospital parking structure and central utility plant (Site 4). The project does not propose removal of any of these trees, however, the consulting arborist for the project has indicated that, due to the close location of several of these trees or their roots to where construction activity may occur, potentially 13 of these trees may experience severe adverse effects (Batchelder, 2005, 2006b, provided in **Appendix E** to this EIR). (Trees within Caltrans property are discussed in detail under *Phase 2 (Site 4) and Trees within Adjacent Caltrans Right-of-Way*, below). A tree survey list and map of all trees on and near the project site is provided in the Kaiser Oakland Medical Center (OMC) Masterplan Preliminary Tree Survey Report provided in **Appendix E** to this EIR (Batchelder, 2005).

**TABLE IV.I-2  
SUMMARY OF PROTECTED TREES AND POTENTIAL FOR REMOVAL AND RISK**

	Protected Trees on and Adjacent to Project Site	Protected Trees to be Removed	Protected Trees “At Risk”
Kaiser Property	45	30	15
City Property	17	4	13
Caltrans Property (incl. Redwoods along I-580)	27	13 <sup>a</sup>	14 <sup>b</sup>
<b>TOTAL</b>	89	47	42

<sup>a</sup> Trees not affirmatively identified for intentional removal, but that may likely be severely and adversely impacted due construction activity; a conservative determination is made for purposes of this EIR.

<sup>b</sup> Trees that may be impacted due to poor health or proximity to construction activity, but that are not expected to be severely impacted due to tree preservation measures identified in this EIR.

Source: Batchelder, 2006b

As would be required for all projects that involve the removal of, or construction activity in proximity to, Oakland protected trees, the project is required to comply with the following uniformly-applied standard conditions of approval of the City, consistent with General Plan policies and prescribed by Chapter 12.36 of the Oakland Municipal Code. These standard conditions would be implemented to reduce Impact I.4 regarding compliance with the Tree Preservation and Removal Ordinance to less than significant:

**Standard Condition I.4a: Adequate protection shall be provided during the construction period for any trees which are to remain standing. Measures deemed necessary by the Tree Reviewer in consideration of the size, species, condition and location of the trees to remain may include any of the following:**

- 1. Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.**
- 2. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.**
- 3. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.**
- 4. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.**
- 5. If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Office of Parks and Recreation of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require**

replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

6. All debris created as a result of any tree removal work shall be removed by the applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.

**Standard Condition I.4b: Replacement plantings shall be required in order to prevent excessive loss of shade, erosion control, groundwater replenishment, visual screening and wildlife habitat in accordance with the following criteria:**

1. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
2. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Ancutis merciesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbelluiana californica* (California Bay Laurel).
3. Replacement trees shall be of twenty-four (24) inch box size, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
4. Minimum planting areas must be available on site as follows:
  - a. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
  - b. For all other species listed in #2 above, seven hundred (700) square feet per tree.
5. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
6. Plantings shall be installed prior to the issuance of a certificate of occupancy, subject to seasonal constraints, and shall be maintained by the applicant until established. The Tree Reviewer may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the applicant's expense.

**Standard Condition I.4c: Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.**

**Standard Condition I.4d: The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the Tree Reviewer.**

In addition to the above standard conditions of approval required by the City, the Kaiser Oakland Medical Center (OMC) Tree Impact Report prepared for by the consulting arborist for the project (Batchelder, 2006b, provided in **Appendix E** to this EIR) recommends implementation of the following tree protection measures, which the City will incorporate as specific conditions of approval for the project:

**Standard Condition I.4e: Implement the following recommended General Tree Protection Activities, to the extent feasible and subject to review and approval by the City's Public Works Agency and Office of Parks and Recreation:**

1. ***Completion of Tree Protection.*** All designated tree protection measures shall be in place and approved by the project arborist prior to the beginning of construction activity, subject to final approval by the City's Public Works Agency and Office of Parks.
2. ***Pre-Construction Meeting.*** Personnel working on site shall be provided an orientation to tree preservation measures and rules by the monitoring arborist.
3. ***Monitoring Tree Health and Stability.*** The need and frequency of monitoring will be determined by the extent to which the trees are compromised during pruning and construction activities.
4. ***Tree Protection to Remain During Construction.*** None of the recommended preservation guidelines or activities shall be removed before completion of construction activities with out approval of the project arborist.
5. ***Heath Mitigation.*** Tree health mitigation treatments will depend on the level of pruning and root loss that occurs. Possible activities could include water application, the use of compost or compost tea and sugar water solution application. Procedures known as radial trenching and core venting can be used as well as structural soils, as described in the Tree Impact Report provided as Appendix E of the EIR.

### **Tree Assessment by Development Site**

#### **Phase 1 (Site 7).**

Based on the West Broadway MSB Tree Survey Report (Batchelder, 2006a, provided in **Appendix E** of this document), 24 protected trees exist within the area bound by Broadway, Manila Avenue, West MacArthur, and 38th Street which includes Glen Echo Creek and Site 7 where the West Broadway MSB and garage would be constructed. Of the 24 protected trees in

this area, 11 trees are proposed for removal. Three of the protected trees to be removed are City street trees along Manila Avenue and that are in poor health and structure due to previous pruning for power line clearance. The other eight protected trees to be removed are located on Kaiser property along Manila Avenue, within Glen Echo Creek, or within the commercial properties that currently exist on Site 7. Most of these trees also are in poor health (over-mature, structurally problematic, weak stem attachments, possible root failure) or in conflict with adjacent native trees nearby. A total of five trees would be removed to accommodate the creek restoration project (including three Eucalyptus trees, which are not protected trees under the City's Tree Ordinance). The West Broadway MSB Tree Survey Report also assesses trees located on adjacent private property, and none are proposed for removal for development of the project. Of the existing trees that would remain on or near Site 7, two London Plane trees (15-16 dbh) that are City of Oakland street trees located on Broadway (near West MacArthur Boulevard) are considered at risk due to their proximity to proposed construction activities. Given the proximity of the proposed West Broadway MSB to the Broadway right-of-way, protection of these trees may be difficult. Considerations include the not yet known level of underground utility work that will be required during construction in this area, as well as the significant amount of pruning that would be required during construction activities. These constraints are not fully known for this EIR analysis and may ultimately require removal of these protected trees as well. As recommended in West Broadway MSB Tree Survey Report, the project would implement the following specific tree preservation guidelines for the two London Plane trees, which the City will incorporate as specific conditions of approval for the project:

**Standard Condition I.4f: Implement the following recommended London Plane Tree Preservation Guidelines, to the extent feasible and subject to review and approval by the City's Public Works Agency and Office of Parks and Recreation:**

1. ***Pruning.*** Clearance pruning should be conducted for both London Plane Trees located within the City of Oakland right-of-way along Broadway (on Site 7). All pruning should be conducted in accordance with Appendix 2 to *Pruning Standards*, published by Western Chapter, International Society of Arboriculture. Pruning should be directed by a qualified project arborist, subject to review and approval by the Oakland City Arborist.
2. ***Trunk and Scaffold Protection.*** The London Plane trees should be protected from mechanical damage as follows:
  - a) Wrap trunk and all exposed limbs of each tree with orange plastic fencing to a thickness of two inches.
  - b) Strap 2-inch by 4-inch boards to the trunk and scaffold branches of each tree in locations where damage is most likely to occur.
  - c) Extra trunk protection can be provided by strapping one to four straw bales (place on end) around the base of each tree.
3. ***Root Protection.***

- a) **Allow the cement sidewalk to remain in place until the end of construction activity to provide the best root protection.**
  - b) **If the cement sidewalk is removed, the treatment for all exposed areas within 15 feet of the base of each tree (surface roots and soils) must be protected with a 12-inch thick layer of wood chips, with a 1-1/8-inch piece of plywood placed on top of the wood chips.**
  - c) **Excavation within 15 feet of the base of each tree is to be conducted under the supervision of a qualified arborist. Excavation within this area is to be conducted by hand digging or with the use of a tool referred to as the “air spade.” This method of removing soils from around tree roots uses air pressure to minimize root damage. Generally requires a compressor with the minimum capacity of 150 cubic feet per minute and requires pre-wetting of soil for best results.**
4. ***Pest Management Program.* Health monitoring will determine if there are any serious problems with the London Plane trees. Potential problems include Powdery Mildew, anthracnose and sycamore scale. The presence of such pathogens and pests are an indication of low energy reserves (poor health). If pathogens or insects are found to be present at a damaging level, appropriate measures can be prescribed for control by the project arborist until the tree’s natural resistance returns, subject to review by the City Arborist.**

#### **“Expanded Campus” Project Variant**

The Expanded Campus Variant would incorporate the existing motel and apartment building and residence located at the northeast corner of Manila Avenue and West MacArthur Boulevard into the project site. As a result, two additional protected trees (one on private property; one City street tree) near this intersection would likely be removed and replaced given the proximity of these trees to this portion of the expanded Site 7.

**Phase 2 (Site 4) and Trees within Adjacent Caltrans Right-of-Way.** According to the Kaiser OMC Tree Impact Report (Batchelder, 2006b, provided in **Appendix E** to this document), there are 14 trees located on Site 4 and that would be removed to develop the Replacement Hospital, garage, and central utility plant on Site 4 in Phase 2. None of these trees are protected trees under the City’s Tree Ordinance..

Immediately south of Site 4 are 27 protected trees located on Caltrans property. Of this total, 25 are Coast Redwoods that line the north edge of I-580 adjacent to where the new construction on Site 4 would occur. These redwoods range from 12 to 30 inch dbh and 30 to 70 feet in height.

As introduced above, the project does not propose the removal of these trees, however, because many have roots that extend onto the project site and close to the proposed construction area (specifically shoring for the parking structure), 13 of these trees may be severely and adversely impacted, despite the implementation of tree and root protection measures identified by the consulting arborist on the project. The Tree Impact Report (Batchelder, 2006c, provided in **Appendix E** to this EIR) provides a conservative preliminary assessment of which trees could be

most severely impacted based on the distance between where shoring activities would occur and where major tree roots exist. Roots located close to proposed shoring activities could be severed during this work. Final determinations for tree removal would be based on observation of actual roots that are severed or impacted.

The following specific procedures and guidelines are recommended to reduce potential damage to all Coast Redwoods adjacent to Site 4, and the City will incorporate these recommendations as specific conditions of approval for the project:

**Standard Condition I.4g: Implement the following recommended Coast Redwood Tree Preservation Guidelines, to the extent feasible and subject to review and approval by the City's Public Works Agency and Office of Parks and Recreation:**

1. ***Maintain Fence.*** Maintain the existing chain-link fencing in place during construction activities, to the extent feasible.
2. ***Protect Main Stem.*** Protect vulnerable areas by securing two-inch by four-inch board to the main upright stem(s) of the trees where possible damage could occur.
3. ***Root Protection.*** Cover the bank and exposed roots with four layers of burlap or other acceptable material and an outer layer of geotextile fabric. The burlap is used to a depth of three feet. Alternatively, protected tree roots with a 12-inch thick layer of wood chips, with either a metal plate or 1-1/8-inch piece of plywood placed on top of the wood chips at critical root areas. The project arborist should direct placement of root protections.
4. ***Construction Details.*** Develop and consider specific construction details that aim to limit the amount of tree roots that would be cut to accommodate construction. Specific details would address a) the location and spacing of soldier piles at the perimeter of the excavation area; and b) the design and placement of shoring relative to the soldier beams.
5. ***Trenching.*** Consider trenching wide enough to allow for root inspection by the project arborist.
6. ***Root Pruning.*** Consider additional cutting of the bank to allow root pruning by hand.
7. ***Health Mitigation.*** Health mitigation treatments would be prescribed based on the site conditions and level of adverse impact suffered by the trees, but should be administered before adverse impacts occur. Possible treatments include the following mulching (to prevent soil compaction); installation of temporary water system where roots are lost; compost and compost tea; sugar-water solutions applied to cut roots; removal of existing asphalt to expand soil surface; soil and leaf tissue analysis prior to fertilizing; and regular health monitoring for insects, disease, and soil moisture conditions.

There are three protected trees within Caltrans property that are not Coast Redwoods, and one tree, a 45-foot tall Blackwood Acacia is recommended for removal due to its existing structurally unsound and hazardous condition.

**Phase 3 (Site 2).**<sup>4</sup> According to the Kaiser OMC Tree Impact Report (Batchelder, 2006b, provided in **Appendix E** to this document), 50 protected trees exist within and along the area bound by Broadway, Howe Street, MacArthur and 38th Street (Site 2). Of this total, 25 protected trees are proposed for removal to allow development of the Central Administration MSB and parking facilities in Phase 3. The remaining 25 protected trees on or around Site 2 are considered at-risk due to their proximity to proposed construction activities or existing poor tree health conditions.

#### **“Expanded Campus” Project Variant**

The Expanded Campus Variant would incorporate the existing automotive repair use and service station use on MacArthur Boulevard at Howe Street and Piedmont Avenue, respectively. As a result, approximately 3-4 additional protected trees located between these two uses would likely be removed and replaced given their central location on the property.

#### **Summary**

As shown in the Kaiser Permanente Master Plan and Conceptual Landscaping plan (**Figure III-3**) (Chapter III, Project Description), the project proposes an extensive new street tree planting plan (and other landscaping within street medians and adjacent to new buildings). A final landscape plan will require review and approval by the City Tree Services Department of the Office of Parks and Recreation (OPR) Agency.

Tree removal and replacement trees will require approval by the Oakland Public Works Agency and OPR, respectively, and would be done pursuant to the City’s Tree Preservation and Removal Ordinance. Specifically, the project sponsor will be required to prepare and submit a tree planting plan outlining the location, species, and size of proposed replacement trees. Review and approval by Caltrans regarding activities affecting trees within its right-of-way may also be required. As a condition of the City’s approval of a Tree Permit to ensure the preservation of trees during construction, to the extent feasible, the City may require the project sponsor to implement specific pre- and during-construction-period tree protection measures *in addition to* those identified above in Standard Conditions I.4a through I.4d, and in addition to those that Kaiser has identified for consideration and implementation (Standard Conditions I.4e through I.4g). Therefore, the project would not fundamentally conflict with the Tree Preservation and Removal Ordinance, and the impact would be reduced to less than significant.

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<sup>4</sup> Totals stated for Site 2 are the total of Site 2 and Site/Area 8, a sub-area of Site/Area 2, as described in the Tree Impact Report (Batchelder, 2006b). The geographic area described by Site/Area 2 and Site/Area 8 is essentially Site 2 of the project: Broadway to Howe Street, and MacArthur Boulevard to 38th Street.

Temporary and or direct impacts to nesting habitat that could result from tree removal are addressed in Impact I.3, above.

**Significance after Implementation of Standard Conditions:** Less Than Significant.

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### ***Impacts to Common Species***

#### **Impact I.5: Construction of project facilities could result in impacts to common plant and animal species. (Less than Significant)**

Construction of the project could result in disturbance to, or direct mortality of, common plant and wildlife species. Direct impacts to wildlife species include both mortality of resident species and habitat loss and degradation. Mortality would include road kills, destruction of burrows for gophers and other fossorial, and destruction of nesting habitat for birds outside of the nesting season. Temporary construction-related disturbances may include displacement of animals due to construction noise and loss of habitat. The temporary bypass culvert to be installed within Glen Echo Creek (Standard Condition G.1a) could temporarily disrupt a migratory corridor for common wildlife species moving upstream or downstream within the creek waterway.

**Mitigation:** None Required.

### **Cumulative Impacts**

#### **Impact I.6: The project would not make a contribution that is “cumulatively considerable” to any cumulative impact on biological resources. (Less than Significant)**

In order for there to be a cumulative significant impact of the project, two conditions must apply: first, there must be a cumulative impact to biological resources that would occur as the result of the project and other projects and, second, the project must make a “cumulatively considerable” contribution to the cumulative impact (CEQA Guidelines Sec. 15130(a)). Because the project would result in no permanent adverse impacts to biological resources, the project could not make a considerable contribution to any cumulative impact.

The project and future projects within the City would be required to comply with regulatory permits and authorizations intended to off-set permanent impacts to jurisdictional waters of the U.S., including wetlands, as well as permanent impacts to vegetation communities and wildlife habitats. Regulatory permits and authorizations require all projects to compensate for losses to wetlands and other habitats within their respective jurisdictions. Future development within the city would be required to comply with uniformly-applied conditions of approval and ordinances regarding water quality, and creek and tree protection. The project will not contribute to impacts to biological resources and therefore does not contribute cumulatively with other reasonably

foreseeable projects in the vicinity. Therefore, the effect of the project on biological resources, in combination with other foreseeable projects, would be less than significant.

**Mitigation:** None Required.

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