

CHAPTER VII

Responses to Comments at the Planning Commission Public Hearing on the Draft EIR

The Planning Commission held a public hearing on the Draft EIR (DEIR) on March 22, 2006. The following is a summary of comments received at the public hearing, including the recommendations provided by the Landmarks Preservation Advisory Board (LPAB), followed by responses that address those topics. Most of the topics raised have been previously responded to in Chapter V (Master Responses) or Chapter VI (Responses to Written Comments). Therefore, several responses provided below reference previous response, as appropriate.

A. Environmental Topics Raised and Responses to Comments

The following topics were raised at the Planning Commission public hearing on the Draft EIR on March 22, 2006:

PH-1 Support for Consolidated Campus Alternative 4 - Several commenters stated support for Alternative 4 for a various reasons, primarily its elimination of Kaiser Development on the West Broadway site (Site 7).

Response: Master Response A in Chapter V of this document provides a thorough summary of comments provide regarding Alternative 4, responses to those comments, as well as a summary of the project sponsor's considerations regarding the feasibility of the Alternative.

PH-2 Omission of Shadow Analysis for Alternative 4 - Comment suggests that a shadow analysis of Alternative 4 is needed in the Draft EIR.

Response: The Consolidated Campus Alternative 4 analyzed in Chapter V (Alternatives) of the Draft EIR (DEIR p.V-32) includes a reduced-height and reconfigured hospital structure on Site 4 and would result in reduced shadow cast on Mosswood Park. It is a reasonable deduction that the shorter building would result in shorter shadows than the proposed project. Particularly since no significant shadow impact was identified for the project, the analysis conducted in the Draft EIR is to a level of detail adequate under CEQA.

PH-3 Pedestrian and Bicycle Safety and Impacts - Comment opines that the pedestrian and bike impacts should be considered significant and unavoidable and are inadequately analyzed.

Response: Regarding pedestrian safety, as part of the project and per Mitigation Measures B.1c and B.1d (DEIR pp. IV.B-28 and IV.B-29), signal timings along MacArthur Boulevard would be optimized and coordinated to reduce excessive speeding and increase vehicle and pedestrian safety. See Response to written comment M-4 in Chapter VI of this document regarding pedestrian injuries. Also see Master Response C in Chapter V of this document regarding the TDM Program.

Comment offers support of the proposed pedestrian bridges in order to facilitate ease of movement by seniors through the campus.

Response: Comment is noted.

PH-4 Effectiveness of Mitigation Measures on Traffic Congestion - Comment made that the City should reject mitigations that exacerbate traffic congestion.

Response: See Response to written Comment L-3 in Chapter VI of this document.

PH-5 Surface Parking Lot / Traffic on Manila Avenue Numerous comments made in opposition to the 34-space employee surface parking lot with access from Manila Avenue as well as concerns regarding the potential for significantly increased traffic on Manila resulting from the project. A recurring suggestion is total closure of Manila at West MacArthur Boulevard to prevent all access.

Response: The project sponsor has revised the project to remove the surface parking lot that would be accessed from Manila Avenue. See the discussion and analysis of this revision in Chapter II of this document.

Regarding traffic, the extension of the median on MacArthur Boulevard at Manila Avenue as required by Mitigation Measure B.3b would reduce potential cut-through traffic on Manila Avenue, and the further recommended improvements are identified in the Draft EIR (p. IV.B-52) that would further reduce potential cut-through traffic on Manila Avenue.

PH-6 Conversion of Residential Properties Acquired in Manila Avenue - Concern is expressed about the potential of residences on the east side of Manila Avenue being converted by Kaiser to medical or other land uses inconsistent with the residential character of the street.

Response: See Master Response D regarding the proposed Kaiser Permanente Zoning Regulations.

PH-7 Inappropriate Height and Scale of West Broadway MSB and/or Garage - Broad concern is presented regarding the height and mass of the West Broadway MSB and Garage in proximity to residential uses on Manila Avenue. Comments speak to its deletion from the project (consistent with Consolidated Campus Alternative 4) or significant lowering of height.

Response: The Draft EIR includes Reduced West Broadway Garage / Full Retail Alternative 3, which would reduce the height of the parking structure. The Draft EIR provides adequate analysis for the City to fully consider this alternative as it evaluates the project. .

PH-8 Scale of Replacement Hospital Tower - Comments stated concern with the height of the proposed tower on the Replacement Hospital and supported a lower and alternative tower configuration, primarily consistent with Consolidated Campus Alternative 4.

Response: See the environmental analysis of Alternative 4, including the effects associated with the lower, reconfigured tower, in Chapter V of the Draft EIR. See also Master Response 2 regarding the Consolidated Campus Alternative.

PH-9 Air Quality and Noise Impacts - Comments regarding air and noise impacts primarily focused on the perceived lack of analysis of these topics with respect to the Richmond area located east of Piedmont Avenue, south of MacArthur Boulevard.

Response: See Master Response A regarding impacts to the Richmond Area. Overall, these impacts are entailed in Impact C.2 (Air Quality) for air emissions, including those associated with the new central utility plant (CUP). Impact D.3 (Noise) addresses stationary operational noise impacts, including consideration of noise generated by the new CUP. Emissions are also addressed in Draft EIR Section IV.H which addresses public health and safety impacts.

PH-10 Construction Staging and Circulation - Comment addressed construction related impacts associated with staging, traffic, and circulation.

Response: The analysis conducted for the Draft EIR assesses the temporary impacts resulting from phasing and staging of project construction, as well as cumulative construction. Impact B.10 identifies a potentially significant impact resulting from the temporary effects to traffic flow and circulation, parking (and pedestrian safety), related specifically to construction activities (DEIR p. IV.B-59).

Generally, construction truck traffic that occurs during the peak commute hours (7:00 to 9:00 AM and 4:00 to 6:00 PM) could result in worse levels of service and higher delays at local intersections than during off-peak hours, however, the number of trucks is expected to vary as the construction activity varies on each construction site. The traffic associated with the construction of the project can be expected to negatively affect traffic flow in the project study area, particularly on Telegraph Avenue and 27th Street (construction worker parking) and on Broadway and MacArthur Boulevard around the project site. As discussed on Draft EIR page IV.B-62, truck routing plans have been developed by phase, with the intent being to direct construction traffic to major roadways, such as MacArthur Boulevard and Broadway. The analysis recognizes that during the construction period it may be necessary to close portions of the sidewalk

network, prohibit on-street parking, or temporarily relocate transit stops. Preliminary construction site logistic plans have been prepared, that address pedestrian circulation (minimizing sidewalk closures to the extent possible; provide covered pedestrian walkways); bicycle circulation (maintain open existing lanes on Broadway), transit circulation (AC Transit coordination on temporary transit stop relocations); on-street parking (minimize closures and metered spaces).

Standard Condition B.10 (DEIR p.IV.B-64) is identified to reduce the potentially significant construction period impacts to less than significant and specifically requires the implementation of traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. Details outlined in Standard Condition B.10 include measures that address the concerns raised by the comment, including scheduling of major truck trips and deliveries to avoid peak traffic hours, location of construction staging areas, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.

PH-11 Parking - Comments raised concerns that the project provided an over-abundance of parking, and related comments focused on neighborhood parking impacts and an expanded Residential Parking Permit (RPP) program.

Response: See Master Response C regarding the Oakland Kaiser Transportation Demand Management (TDM) Program. Also see the Response to written comment E-1 in Chapter VI of this document.

PH-12 Traffic Analysis Methodology - Comment asserts that the traffic analysis in the Draft EIR is not based on actual observation but modeled LOS. See Response to written Comment V-1 in Chapter VI of this document.

PH-13 Pedestrian Bridges - Comments vary regarding support or opposition to the proposed pedestrian bridges. They focus primarily on the detrimental effects of the bridges to street-level pedestrian activity as well as the merits of Kaiser Permanente's position that the pedestrian bridges are fundamental to its objective of providing integrated care at the Kaiser Permanente OMC.

Response: Chapter V of the Draft EIR includes an Underground Tunnels (Reduced Skybridges) Sub-Alternative for the City to consider. The effects of the proposed bridges are discussed in the Draft EIR relative to General Plan Policies (potential conflict with the Pedestrian Master Plan) and visual quality (views, shadow, light and glare). No significant environmental impacts are identified as a result of the proposal.

PH-14 Cumulative Housing Assumptions - Comment asserts that the Housing analysis in the Draft EIR understates future housing growth in Oakland, particularly in light of speculative Mayoral changes in the City.

Response: The Draft EIR analysis relies on [discuss Oakland Cumulative Scenario, based on ABAG Projections, etc.] As described on page IV-3 of the Draft EIR, under *Cumulative Analysis Context*, the housing forecasts for year 2025 (the cumulative analysis year for the EIR) that are assumed for the analysis in the EIR is based on the City of Oakland's updated and detailed Oakland Cumulative Growth Scenario and Land Use Database. The updated growth scenario and land use database incorporates recently released 2000 Census data, recent projections series from the Association of Bay Area Governments (ABAG), and considers foreseeable, future development projects in the area and Oakland to be completed by Year 2025 (the cumulative analysis year for the EIR). Also, the forecasted numbers used in the EIR are also consistent with the ABAG projections currently incorporated into the Alameda County Congestion Management Agency's (CMA) Travel Model. (The detailed assumptions of the scenario are included Appendix F to the Draft EIR.) Thus, the assumptions upon which the EIR analysis relies is consistent with documented regional projections and consistent with CEQA and all other EIRs prepared for the City of Oakland. To the extent that political speculation is consistent with these established projections, they are reflected in the EIR assumptions.

PH-15 Timing of Implementing Retail Uses (Non-CEQA) - Comments encourage the implementation of the full program of ground-floor retail uses occur in Phase 1.

Response: The Draft EIR includes Reduced West Broadway Garage / Full Retail Alternative 3, which would implement in Phase 1, the total 7,500 square feet of retail uses at the ground floor of the garage (in addition to reducing the height of the garage). The Draft EIR provides adequate analysis for the City to fully consider this alternative as it evaluates the project.

PH-16 Displaced Employees (Non-CEQA) – Comment states that existing employees would be affected by implementation of the Project, which would displace or relocate existing businesses along Broadway.

Response: The Draft EIR discusses under Impact J.2 (DEIR p.IV.J.24) that the project would have a less-than-significant impact regarding its displacement of existing businesses and jobs, which would “not occur in substantial numbers necessitating construction of replacement facilities elsewhere, in excess of that anticipated in the City's General Plan.”

PH-17 Project Design and Program (Non-CEQA) - Project should be tailored for the Kaiser Permanente OMC site.

Response: The comment addresses the appropriateness of the project design (massing, scale, etc.) and program given the size, configuration, and context of

the project site. To the extent that the project design and program results in impacts to physical environmental impacts under CEQA, they are identified and analyzed in the Draft EIR, with appropriate mitigation measures identified where feasible. The City ultimately will determine the appropriate of the design and scale of the project, particularly in light of Kaiser Permanente's operational objectives and site constraints that shape the configuration and phasing of the Master Plan.

The LPAB heard public testimony regarding the Draft EIR and the project at its meetings held at Oakland City Hall on March 13, 2006 and April 17, 2006, for the purpose of providing its own comments on the Draft EIR. The LPAB "comments" to the Planning Commission regarding the Draft EIR are summarized in its approval of the following motions at its April 17, 2006 hearing (motions passed unanimously):

PH-18 Historic Resource Determination of 3741-47 Broadway - At its meeting of March 13, 2006, the LPAB reviewed what it determined was a preponderance of evidence regarding the potential historical significance of the Honda dealership building at 3741-47 Broadway and concurred with consultant's and staff's recommendation that the building did not qualify as an historic resource under CEQA. Therefore, the project would not be demolishing a building considered to be a historic resource under CEQA, and thus would not result in a significant and unavoidable impact resulting from such an action. Resulting changes to the Draft EIR to eliminate this significant and unavoidable impact are detailed in Chapter III of this Final EIR.

PH-19 Interim Parking on Mosswood Park – A motion that Alternative 3, Option 3, not be considered by the City Council or Planning Commission in any form as a temporary or permanent measure. (*This pertains to the Reduced Development Alternative that would temporally provide parking for an interim shortfall on Mosswood Park. The Mosswood Park parking option was put forth by the Planning Commission for analysis and consideration.*)

Response: The Planning Commission will consider the analysis of the parking on Mosswood Park Option provided the Draft EIR as it deliberates the potential impacts and merit of the proposed project and all the other alternatives.

PH-20 Shadow Effects on Mosswood Park Landscaping – A motion that the results of shadow studies on the park shall be evaluated by an independent certified arborist, who shall be engaged to look at the expected impacts on the heritage plantings as well as other landscaping.

Response: In response to the LPAB's motion, a certified arborist has conducted an assessment of the potential effects of increased shading from the project on all trees in Mosswood Park that would be affected by new shadow cast by the project. This assessment is provided in the *Mosswood Park Shading – Tree Shading Impact Report* provided in Appendix D of this Final EIR. This response

to the LPAB's comment summarizes the findings of that report and discusses the potentially significant impact that would occur and the mitigation measures that would reduce the potentially significant impact to less than significant.

Increased Shading. Sunlight is most critical to tree health in the spring season when trees produce their greatest growth. Consistent with the shadow diagrams analyzed in the Draft EIR, during the three months of spring, March 21 to June 21, an estimated 3.5 to 4.5 hours per day of new shading would occur during the morning hours. Coincidentally, the annual worst case period of increased shading on Mosswood Park (resulting from the Replacement Hospital and Garage) would occur in March. Therefore, the assessment of increased shading focuses specifically on shading effects during the spring season.

As documented in Draft EIR Figures IV-K.16 and IV.K-19, Mosswood Park is in full sun in by 9:00 a.m. during spring. For purposes of the detailed analysis presented in this Final EIR, enlarged with-project shadow diagrams of Mosswood Park at key times of day for each of the spring months have been prepared as Figures VII-1 through VII-8 provided at the end of this chapter. The following key project conditions are shown on or interpolated from these figures (as well as those provided in the Draft EIR)

- Mosswood Park is in full sun by at least noon year-round.
- On March 21 (worst study case, i.e., when there is the greatest *increase* in new project shadow compared to existing conditions, in spring and year-round) the park would be in full sun by approximately 10:30 a.m. - approximately 4.5 hours from sun-up.
- On June 21 (shortest shadows, spring and year-round) the park would be in full sun by approximately 9:30 a.m. – approximately 3.5 hours from sun-up.

Effects of Increased Shading. According the *May 21, 2006 Mosswood Park Shading - Tree Shading Impact Report* (Appendix D), “though there will be increased shading of the trees during spring months as a result of the new structures, the adverse impact upon tree health is expected to be minimal. This is because most of the trees are of species that are known to be shade tolerant and in good health” (p.3). However, there are six Giant Sequoia Redwoods (*Sequoiadendron giganteum*) that are in existing poor condition; existing conditions in the park are not suitable natural habitat for this species. This species is also less tolerant of shading. One of the six redwoods is located within 100 feet of Broadway, the area that would be most impacted by increased shadow from the project; two of the six are 100 to 200 feet from Broadway and would experience new shadow to a lesser extent; and the remaining three are beyond

200 feet from Broadway and would be least impacted by increased shadow from the project.

According to the report, the need for reduced moisture is a critical consideration when assessing the potential effects of increased shading on trees. Existing conditions in Mosswood Park that contribute to existing fair to poor tree health (in certain species) include poor soil gas exchange, excess moisture application, and most significant, compacted soils. Therefore, although increased shadow from the project would have minimal adverse effect on tree health, the EIR conservatively concludes that the increased shading on species in poor existing health attributable to existing less-than-optimal growing conditions for these species in Mosswood Park may adversely impact such trees.

Therefore, a new component of Impact E.4 (Effects to historic setting of historic resources) is added as follows:

Impact E.4b: Increased shadow resulting from construction of the Replacement Hospital and Garage would result in increased shadow that, combined with poor existing soils conditions, may adversely impact six (6) Giant Sequoia Redwoods that contribute to the historic setting of the J. Mora Moss House, a historic resource, and that are currently in poor health. (Potentially Significant)

The *Tree Shading Impact Report* identifies a number of possible treatments to address the existing soils conditions and compaction that would likely mitigate any potentially significant effects of the new shading on decreased plant energy reserves (plant health). The project would implement the following measures, which the City will incorporate as specific conditions of approval for the project:

Mitigation Measure E.4b.1: Prior to start of Phase 2 construction, the project sponsor shall coordinate with the City Arborist and perform an initial assessment to the six Redwood trees to determine, after the City's consideration of the following possible treatments outlined in the May 21, 2006 Mosswood Park Shading – Tree Shading Impact Report prepared by Stephen Batchelder (Appendix D to this Final EIR), specific treatments that would result in the most positive impact on the existing and future health of the Giant Sequoia Redwood trees in poor existing condition and located within the area of new shadow cast by the Replacement Hospital and Garage. Possible Treatments include, but are not limited to, the following, subject to review and determination by the City Arborist:

1. **Water Audit** – A water audit that would provide information on the amount of water being applied to and around the affected trees and the uniformity with which the watering occurs. The water audit would also evaluate soil type and infiltration rate, or consider

adjustments to eliminate water spray within 10 to 20 feet from the base of affected trees.

2. **Mulch** – Create mulch areas around affected trees to reduce soil compaction and restrict mowing equipment in areas where mower damage on the affected trees is evident. The mulch will further reduce the need for supplemental irrigation water.
3. **Soil Amendment** – Implement a good-quality compost in the area of affected trees. Limit fertilization to areas where poor conditions are identified through soil and leaf tissue analyses.
4. **Treatment of Soil Compaction** – Possible treatments include, without exclusion:
 - a) **Radial Trenching** – A method used to mitigate and replace soil inside the tree root protection zone. Soil is removed from trenches that are 8-12 inches wide and 18-36 inches deep. Trenches are excavated in direct lines toward the base of the tree using air spade, hydraulic excavation or hand careful hand excavation. Backfill can be amended soil, structural soil, a mix of sand and compost, or any combination deemed to be appropriate for the situation.
 - b) **Vertical Core Venting** – A that procedure that creates vertical holes, usually about 2-inches in diameter, that extend down through compacted soil. The holes can be from 18-inches to over 3-feet deep. Holes are spaced from 6-inches to 2-feet depending upon the site soil conditions. Holes are crated with an augur, water jet or using an air spade.
 - c) **Water Jet** - A procedure that uses high-pressure water and a probe to create air passages in the soil. Primary reason for use is mitigation for compacted soil. Water Jet can be used in conjunction with liquid fertilization only when soil and leaf tissue analysis indicate nutrient limitation.

The Project sponsor shall fund the evaluation and implementation of the approved treatment plan and shall pay for periodic monitoring of the effectiveness of the plan and implementation of any necessary revisions to the plan.

Significance After Mitigation: Less than Significant

Additionally, for clarity, Impact E.4 (Effects to historic setting of historic resources) is revised as follows:

Impact E.4a: The project would construct new and substantially larger medical facilities in the vicinity of historic resources. Other than the issue of shadows from these buildings on Mosswood Park, the size of these new larger facilities would not affect their historic setting. (Less than Significant)

PH-20 Hospital Tower Location - Motion that the tower portion [of the hospital] shall be set back from Broadway (as in DEIR Figure IV.K-1, 3-D figure of the Project Buildout) in order to minimize the additional shading that would happen on the park.

Response: The project sponsor has not altered the proposed development or building design of the Replacement Hospital site (Site 4). The proposal is consistent with that analyzed in the Draft EIR.



SOURCE: nbj

Kaiser Permanente OMC Master Plan Project . 204438

Figure VII-1
Project Shadow - 9AM March 21



SOURCE: nbj

Kaiser Permanente OMC Master Plan Project . 204438

Figure VII-2
Project Shadow - 12PM March 21



SOURCE: nbbj

Kaiser Permanente OMC Master Plan Project . 204438

Figure VII-3
Project Shadow - 9AM April 21



SOURCE: nbbj

Kaiser Permanente OMC Master Plan Project . 204438

Figure VII-4
Project Shadow - 12PM April 21



SOURCE: nbbj

Kaiser Permanente OMC Master Plan Project . 204438

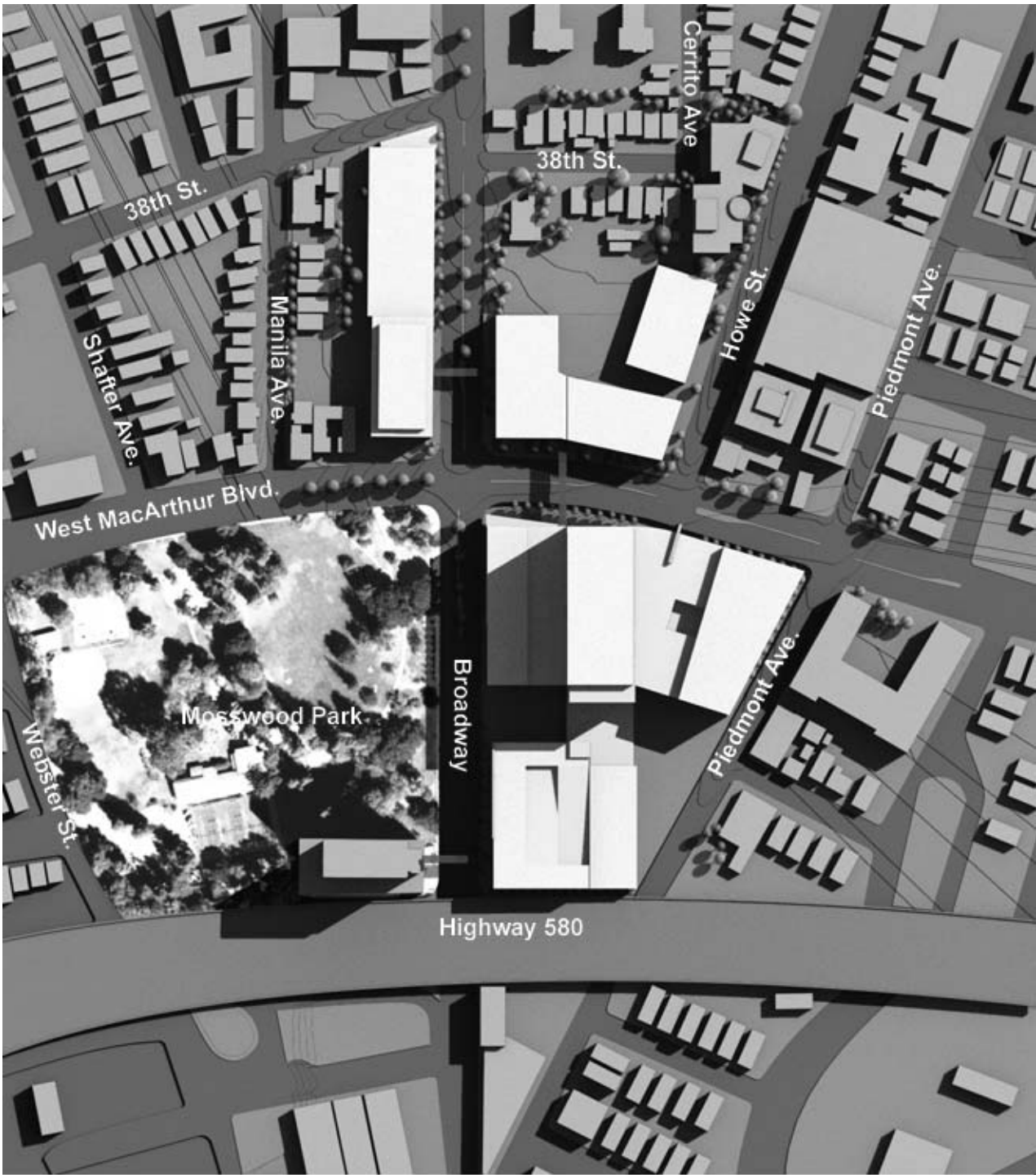
Figure VII-5
Project Shadow - 9AM May 21



SOURCE: nbbj

Kaiser Permanente OMC Master Plan Project . 204438

Figure VII-6
Project Shadow - 12PM May 21



SOURCE: nbbj

Kaiser Permanente OMC Master Plan Project . 204438

Figure VII-7
Project Shadow - 9AM June 21



SOURCE: nbbj

Kaiser Permanente OMC Master Plan Project . 204438

Figure VII-8
Project Shadow - 12PM June 21