

**Project Name:** Alta Bates Summit Medical Center- Summit Campus Seismic Upgrade and Master Plan

**Location:** 20.4-acre campus generally between Telegraph and Webster, and between 30<sup>th</sup> Street and 34<sup>th</sup> Street

**Proposal:** The ABSMC Seismic Upgrade and Master Plan is intended comply with state seismic safety requirements of SB 1953, as well as to provide a long-term vision for the campus in order to meet hospital and community needs. Phase 1 of the project includes demolition of Bechtel Hall and five other small buildings, and construction of a new 230,000 sq. ft. (11-story) acute care hospital, plus a new 1,067-space (7-level) parking garage and a new temporary surface parking lot at the corner of Hawthorne/Elm. Phase 1 construction is expected to begin in 2010 and continue through 2015. Future phases include longer-term improvements including a new Medical Office Building on Summit Street (potentially included in Phase 1), a Samuel Merritt University expansion building at Hawthorne/Elm, and closure of a portion of Summit Street between 30<sup>th</sup> Street and Hawthorne Avenue as a new campus plaza.

**Applicant:** Alta Bates Summit Medical Center, an affiliate of Sutter Health  
Shahrokh Sayadi, Project Director

**Phone:** 415-203-6345

**Owner:** Alta Bates Summit Medical Center, a Sutter Health affiliate

**Case File Number:** ER 09-0001, PUD 09-104, DR 09-105

**Planning Permits Required:** Planned Unit Development (Preliminary Development Plan for Master Plan, Final Development Plan for Phase 1); Design Review for Phase 1; Conditional Use Permit for demolition of existing rooming units (Bechtel Hall), zoning variance for off-street parking requirement shortfall

**General Plan:** Institutional

**Zoning:** S-1: Medical Center

**Historic Status:** There is one (1) potential historic resource on the project site at 418 30<sup>th</sup> Street which is proposed for demolition. This building has an OCHS rating of Dc3 (minor importance, not in an historic district) but a NRHP status code of 5S (eligible for local listing) as indicated on DPR Form 523B

**Environmental Determination:** Staff has previously determined that an EIR is required for the project, and a Notice of Preparation was distributed on March 13, 2009. The Notice of Availability of the Draft EIR was distributed on December 18, and the Draft EIR was published and made available to the public on December 21, 2009. The Draft EIR's 45-day public comment period is from December 21, 2009 to February 3, 2010

**City Council District:** 3

**Date Filed:** January 16, 2009

<b>Action to be Taken:</b>	No formal action; Receive public and Commission comments about information and analysis in the Draft EIR.
<b>Finality of Decision:</b>	No decision will be made on the Draft EIR at this time
<b>For Further Information:</b>	Contact: <b>Scott Gregory</b> , contract planner to the City at 510-535-6690, or by email at <a href="mailto:sgregory@lamphier-gregory.com">sgregory@lamphier-gregory.com</a>

**SUMMARY**

Pursuant to the California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (Draft EIR) has been prepared for the Alta Bates Summit Medical Center, Summit Campus Seismic Upgrade and Master Plan (ABSMC Master Plan) Project. The Draft EIR was released for public review on December 21, 2009 beginning a 45-day public comment period. The public comment period ends on February 3, 2010 at 4:00 p.m. The purpose of this January 20<sup>th</sup> hearing is to take comments on the adequacy of the Draft EIR. This meeting is not intended to take comments on the project merits and no decisions will be made on the EIR or proposed project at this hearing. After all comments are received, a Final EIR/Response to Comments document will be prepared. Future meetings will also be held with the Design Review Committee and ultimately the full Planning Commission to review detailed and finalized design plans for new structures, circulation improvements and other proposed changes at the ABSMC campus. The Planning Commission will then consider certification of the Final EIR and the project at a future meeting date.

The current status of the environmental review for the project is as follows:

- Application for Environmental review filed January 16<sup>th</sup> 2009
- Notice of Preparation (NOP) issued January 23<sup>rd</sup> and re-issued on March 13<sup>th</sup> 2009
- EIR Scoping meeting before the Planning Commission held February 18<sup>th</sup> 2009
- Re-issued NOP comment period closed on April 15<sup>th</sup> 2009
- Notice of Availability / Notice of Issuance of a Draft EIR issued December 18, 2009
- Publication of Draft EIR, December 21, 2009

Several project documents are currently posted on the City’s Major Project website, including the Draft EIR. These documents can be found at the following link:

<http://www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/AltaBatesSummitMedicalCenter.html>

In addition, the applicant has held several informal community information meetings on January 28, 2009, March 16, 2009, and April 16, 2009.

**PROJECT DESCRIPTION****ABSMC Campus**

The existing ABSMC campus is located in the Central Oakland planning sub-area, south of I-580. The approximately 20-acre campus is bounded between Telegraph Avenue and Webster Street, and between 30<sup>th</sup> Street and 34<sup>th</sup> Street. The campus currently contains approximately 1.4 million square feet of medical-related building space including the 337-bed acute care hospital within the existing Merritt Pavilion. The project site consists of 25 separate parcels all currently owned by ABSMC, a Sutter Health affiliate.

**Project Components**

The proposed ABSMC Seismic Upgrade and Master Plan is designed to bring the acute care patient facilities at the Alta Bates Summit campus into compliance with current state law (SB 1953), which imposes seismic requirements to be implemented by January of 2013. Pursuant to SB 1953 criteria, the Merritt Pavilion is not eligible to be licensed as an acute care hospital after January 1, 2013 as it does not meet future state-mandated earthquake-resistant standards for hospitals. A primary objective of the proposed project is to replace the acute care patient facilities within the existing Merritt Pavilion with a new Patient Care Pavilion. So long as construction is commenced by January 1, 2011, construction of the new acute care facilities must be completed prior to January 1, 2015.

The Master Plan is also designed to provide a long-term cohesive vision for the ABSMC campus to ensure that it continues to meet both hospital and community needs well into the future.

Phase 1

Phase 1 of the Master Plan includes near-term projects to be completed by year 2015. These near-term improvements include demolition of six existing buildings to provide for construction of the following.

- A new 11-story approximately 230,000-square-foot Patient Care Pavilion (hospital) with 309 acute care beds is proposed to be constructed on the north side of Hawthorne Avenue adjacent and connected to the existing Merritt Pavilion. The new Patient Care Pavilion would replace the acute care patient facilities within the Merritt Pavilion. The Patient Care Pavilion building would consist of two major components, a patient care tower and a basement/rooftop central utility plant.
- The vacated space within the Merritt Pavilion would eventually be backfilled with non-acute care, medical-related uses.
- The Emergency Department would be relocated to a more central location within the Merritt Pavilion, in closer proximity to the new Patient Care Pavilion.
- A new seven-level, 1067-space, 392,800-square-foot parking garage would be constructed along the southern side of Hawthorne Avenue near Elm Street.
- A new temporary surface parking lot, also to be used for construction staging, would be provided on the north side of Hawthorne Avenue at Elm Street.

- Two new emergency generators would be installed at the rear (westerly edge) of the existing Merritt parking garage to serve the new Patient Care Pavilion.
- On-site circulation improvements (vehicle, pedestrian and bicycle) would be constructed to provide access to these new facilities.

The proposed Phase 1 Site Plan is presented in **Figure 1**.

#### Future Phases

The future phases of the Summit Campus Master Plan are presented in **Figure 2**. The proposed future phase plans include demolition of existing buildings at 418 30th Street, and 3023 and 3043 Summit Street (which are currently used as administrative office space), to make room for construction of the following.

- A new one-story, 32,000-square-foot fitness center would be located at the top of the Phase 1 parking structure for use by ABSMC employees and Samuel Merritt University employees and students.
- A new five-story, 175,000-square-foot medical office building would be constructed on the west side of Summit Street near the 30<sup>th</sup> Street intersection.
- A new four-story, 72,500-square-foot building for use by Samuel Merritt University would be constructed on the site of the temporary surface parking lot developed in Phase 1, near Hawthorne Avenue / Elm Street.
- A 1-block section of Summit Street from 30<sup>th</sup> Street to Hawthorne Avenue would potentially be closed to through traffic to create a new, internal pedestrian plaza space for the campus.

Future phase construction activity on the site could occur after Phase 1 and any time prior to 2035. ABSMC has also requested the flexibility to construct the new medical office building along Summit Street concurrent with Phase 1, should circumstances warrant.

#### **Required Permits and Approvals**

In addition to certification of the EIR, the following actions and approvals are anticipated in order to approve the project:

- Planning Commission approval of a Planned Development (PD) permit pursuant to Planning Code Chapter 17.142, including a Preliminary Development Plan (PDP) for entirety of the Master Plan and a Final Development Plan (FDP) for Phase 1
- Design Review Committee review and Planning Commission approval of Design Review for Phase 1, pursuant to Planning Code Chapter 17.136.120
- Conditional Use Permit for demolition of rooming units within existing Bechtel Hall at 370 Hawthorne Avenue, pursuant to Planning Code Chapter 17.134
- Variance from the City's off-street parking requirements pursuant to Planning Code Chapter 17.116. At buildout, the project will result in a net increase of 705 new parking spaces compared to a Code requirement of 877 spaces, or a parking deficit under Code requirements of 172 parking spaces. Campus-wide, there is currently an off-street parking deficit under Code requirements of approximately 186 spaces (see further discussion below), and the 172 space

deficit resulting from the project would result in a net campus-wide deficit in off-street parking under Code requirements of 358 spaces.

- Approval of parcel map waivers, including lot line adjustments and lot combinations pursuant to Planning Code Chapter 17.158.180.J.
- City demolition, building, grading and tree removal permits for new construction

The Planned Development permit, Design Review approvals, conditional use permit and parking variance are discretionary permits that will require additional public hearings and approval before the Design Review Committee and the full Planning Commission.

The State of California Office of Statewide Health Planning and Development (OSHPD) has jurisdictional responsibility for enforcement of all building standards related to construction of acute care health facilities (i.e., the new Acute Care Patient Pavilion), and would issue all building and occupancy permits for these facilities to ensure compliance with the regulations mandated by SB 1953.

## **PUBLICATION AND DISTRIBUTION OF THE DRAFT EIR**

The Draft EIR was made available for public review on December 21, 2009. The Notice of Availability/Notice of Release of a Draft EIR was mailed to property owners within 300 feet of the project area, distributed to State and local agencies, posted on the project web site, and e-mailed to numerous individuals who have requested to specifically be notified of official City actions on the project. The Notice of Availability is attached to this report (see **Attachment 3**). Copies of the Draft EIR were also distributed to City officials including the Planning Commission, and made available for public review at the Oakland Main Library (124 14<sup>th</sup> Street), at the office of the Community and Economic Development Agency (250 Frank H. Ogawa Plaza, Suite 3315), and the on City's website, as referenced above.

## **SCOPE OF THE EIR**

The ABSMC Master Plan Project Draft EIR was prepared to evaluate environmental impacts of the proposed campus improvements described above. The following environmental topics are addressed in the Draft EIR:

- 4.1: Land Use Plans and Policies
- 4.2: Visual Quality and Shadows
- 4.3: Transportation, Circulation and Parking
- 4.4: Air Quality
- 4.5: Noise
- 4.6: Biological Resources
- 4.7: Cultural Resources
- 4.8: Geology, Soils and Geo-Hazards
- 4.9: Hazardous Materials and Hazards
- 4.10: Hydrology and Water Quality
- 4.11: Population, Housing and Employment
- 4.12: Public Services and Recreation
- 4.13: Utilities, Service Systems and Energy

Chapter 5 of the Draft EIR includes the analysis of four categories of alternatives to the proposed project that meet the requirements of CEQA. A range of reasonable alternatives to the project have been identified that would feasibly attain most of the project's basic objectives, and avoid or substantially lessen many of the project's significant environmental effects. The four CEQA alternatives analyzed in Chapter 5 include:

- *Alternative 1: No Project Alternatives* - Variations of the legally mandated No Project Alternative include: a) closure of the Summit campus with no off-site relocation; b) removal of all acute care functions from the Merritt Pavilion with no backfill of this space for alternative uses; c) removal of all acute care functions from the Merritt Pavilion and backfilling this space with non-acute care functions; and d) seismic retrofit of the existing Merritt Pavilion.
- *Alternative 2: Reduced Program Alternative* – This alternative includes Phase 1 improvements only, including the backfill of the vacated space within the Merritt Pavilion with non-acute care functions.
- *Alternative 3: Avoidance of Presumed Historic Resource Impacts Alternative* – This alternative would either re-design the proposed new medical office building on Summit Street or construct a smaller medical office building to avoid demolition of the presumed historic resource at 418 30<sup>th</sup> Street.
- *Alternative 4: Maximum Avoidance of All Impacts Alternative* – This is a mitigated alternative that would include Phase 1 improvements only, with no backfill of the vacated space within the Merritt Pavilion.

Four additional planning-related, non-CEQA alternatives to the project are also considered in this Draft EIR. These alternatives may not lessen or avoid any of the significant adverse environmental effects of the project, but are evaluated primarily to consider variants to the project design that address aesthetic and parking issues. The planning alternatives analyzed in Chapter 5 include: a) a design for the new patient care pavilion that would consist of two, shorter towers; b) different design alternatives intended to reduce the bulk of the proposed new parking garage; c) different scenarios under which ABSMC would or would not continue to use the City-owned West Parking Garage located on 30<sup>th</sup> Street; and d) scenarios for providing all of the on-site parking necessary to meet anticipated demand (see below for a discussion of parking-related issues).

In addition, three other alternatives were considered for evaluation but not analyzed in detail because they were deemed infeasible. The alternatives considered to be infeasible include a smaller hospital with a reduced number of hospital beds, relocation of the proposed Patient Care Pavilion to another on-site location, and relocation of acute care functions from the existing Merritt Pavilion to an off-site location.

The Environmentally Superior Alternative is the variation on the No Project Alternative that would result in closure of the Summit campus with no off-site relocation of these facilities. Under CEQA, if a No Project alternative is identified as the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. In this case, the environmentally superior alternative that is not a No Project Alternative is identified in the Draft EIR as Alternative 4: Maximum Avoidance of Impacts. This alternative is defined as Phase 1 improvements only, with no backfill of the vacated space within the Merritt Pavilion and no future phase development.

**POTENTIALLY SIGNIFICANT IMPACTS IDENTIFIED IN THE DRAFT EIR**

All impacts and mitigation measures identified in the Draft EIR are summarized in Table 2-1 at the end of the Summary chapter, Chapter 2 of the Draft EIR. Table 2-1 also identifies all potential impacts and standard conditions of approval that would be applicable to the project, lists all recommended mitigation measures, and provides a conclusion as to the level of significance of the impact after recommended mitigation measures are implemented. Other than the impacts discussed below, all of the environmental effects of the project can be reduced to less than significant levels through implementation of standard conditions of approval or recommended mitigation measures.

The proposed project will result in significant and unavoidable impacts associated with the following topics:

**Air Quality and Greenhouse Gases Emission (GHG) Impacts**

The City of Oakland relies on the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines for guidance in evaluating air quality impacts of development projects, determining whether an impact is significant, and mitigating significant air quality impacts. The BAAQMD's current CEQA Guidelines were last updated in 1999.<sup>1</sup> Throughout 2009 the BAAQMD has been working to update their thresholds, and in December of 2009 the BAAQMD issued its most recent draft update to its CEQA Guidelines and Thresholds of Significance.<sup>2</sup> Although these Draft CEQA Thresholds and Guidelines are not yet approved as of the writing of this report, it is anticipated they will be adopted in the near future. Thus, in the interests of being conservative and providing as much information as possible, the Draft EIR includes a comparative review against these newly proposed (but not yet adopted) thresholds.

- **Impact AIR-1:** Activities associated with demolition, site preparation, and construction would generate short-term emissions of criteria pollutants (NO<sub>x</sub>), suspended inhalable particulate matter and equipment exhaust emissions. (*Significant and Unavoidable if proposed BAAQMD Thresholds are adopted*)
- **Impact AIR-6:** The proposed project would result in a considerable contribution to cumulative air quality impacts due to the emission of criteria pollutants from vehicles and stationary sources. (*Significant and Unavoidable if proposed BAAQMD Thresholds are adopted*)
- **Impact AIR-8:** Construction and operation of the project would result in a cumulatively considerable increase in GHG emissions. (*Significant and Unavoidable if proposed BAAQMD Thresholds are adopted*)
- **Impact AIR-9:** The project would conflict with an applicable plan, policy or regulation of an appropriate regulatory agency adopted for the purpose of reducing greenhouse gas emissions. (*Significant and Unavoidable if proposed BAAQMD Thresholds are adopted*)

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<sup>1</sup> BAAQMD, "Assessing the Air Quality Impacts of Projects and Plans", 1999

<sup>2</sup> BAAQMD, CEQA Guidelines Update - Thresholds of Significance, December 9, 2009 – preceded by proposed CEQA Thresholds of Significance of November 9, 2009; Revised Draft CEQA Threshold Options and Justification Report of October 2009; and Draft CEQA Threshold Options Report of April 2009

### Cultural Resource Impacts

The property at 418 30th Street is rated under the Oakland Cultural Heritage Survey as Dc3, with D - indicating minor importance; c - indicating potentially of secondary importance if restored, and 3 - indicating it is not located in an historic district. However, this property is presumptively considered an historical resource under CEQA because it was previously surveyed and listed in the California Register with a National Register status code of "5S" (which indicates that it is an individual property eligible for local listing), and was determined eligible for local listing by Planning Staff. Staff will be bringing this issue to the Landmarks Board in early February to consider whether the property definitely warrants preservation as a Heritage Property. If so, it will be treated as a CEQA historic resource. If not, it would not be considered a CEQA historic resource and its demolition would result in less than significant impacts. Until the City's evaluation is completed, it is presumptively considered a CEQA historic resource whose demolition is conservatively considered to be significant and unavoidable.

- **Impact CUL-4:** Future Phases of the proposed project would demolish the presumed historic resource at 418 30th Street. (conservatively assumed to be Significant and Unavoidable).

### Transportation, Circulation and Parking Impacts

#### Existing plus Project, and 2015 plus Project Scenarios

Although several intersections are significantly affected by project-generated traffic under Existing and 2015 scenarios, mitigation measures are identified that are capable of reducing the impacts in those earlier-year scenarios to less than significant, with the following exception.

- **Impacts TRANS-2:**<sup>3</sup> Significant and unavoidable traffic impacts occur at the intersection of *West Grand Avenue / Brush Street* under Existing and 2015 scenarios. This impact is conservatively deemed significant and unavoidable because further study is required to determine the feasibility of the recommended mitigation measure. If, after submission of final design plans, the improvements identified in the mitigation measure are determined to be feasible, this impact would be reduced to a less than significant level.

#### 2035 Buildout Scenarios

All other significant and unavoidable intersection operation impacts identified in the Draft EIR occur only under the 2035 Buildout scenario. No feasible mitigation measures are available that reduce the following significant 2035 Buildout impacts to less than significant levels.

- **Impact TRANS-10:** Buildout of the proposed project would degrade the vehicle level of service from an acceptable LOS E to an unacceptable LOS F during the PM peak hour at the intersection of *Telegraph Avenue / Grand Avenue*.
- **Impact TRANS-11:** Buildout of the proposed project would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at the intersection of *Telegraph Avenue / 27th Street*, which would operate at LOS F during both peak hours under 2035 Without Project conditions.

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<sup>3</sup> This intersection impact is also identified as Impact TRANS -4, -6 and -8 under differing traffic scenarios.



- **Impact TRANS-13:** Buildout of the proposed project would degrade PM peak-hour operations from LOS E to LOS F (and increase the average intersection delay by more than two seconds) during the PM peak hour at the intersection of *Telegraph Avenue / MacArthur Boulevard*. In addition, buildout of the proposed project would increase the average intersection vehicle delay by more than four seconds (under prevailing LOS E conditions) during the AM peak hour.
- **Impact TRANS-15:** Buildout of the proposed project would increase the average intersection vehicle delay by more than six seconds during the AM peak hour at the intersection of *Broadway / West MacArthur Boulevard*, which would operate at LOS E during the AM peak hour under 2035 Without Project conditions.
- **Impact TRANS-17:** Buildout of the proposed project would add more than 10 trips to the intersection of *Harrison Street / 29th Street*, which would meet peak-hour signal warrants under 2035 Without Project conditions.
- **Impact TRANS-19:** Buildout of the proposed project would increase the average intersection vehicle delay by more than six seconds during the AM peak hour at the intersection of *Piedmont Avenue / West MacArthur Boulevard*, which would operate at LOS E during the AM peak hour under 2035 Without Project conditions.
- **Impact TRANS-20:** Buildout of the proposed project would add more than 10 trips to the intersection of *West Grand Avenue / Brush Street*, which would meet signal warrants under 2035 Without Project conditions.
- **Impact TRANS-21:** Buildout of the proposed project would increase the v/c ratio at the intersection of *West Grand Avenue / San Pablo Avenue*, which would operate at LOS F during the PM peak hour under 2035 Without Project conditions.

The following traffic impacts are considered significant and unavoidable because it is not certain that the recommended mitigation measure could be implemented. The City of Oakland, as lead agency, could not implement the mitigation measures identified in this EIR at these locations without the approval of Caltrans. However, in the event that the mitigation measure could be implemented, the impact would be less than significant

- **Impact TRANS-9:** Buildout of the proposed project would increase the vehicle delay to a critical movement by more than four seconds during the AM and PM peak hour at the intersection of *27th Street / Northgate Avenue / I-980 On-Ramps*, which would operate at LOS F during the PM peak hour under 2035 Without Project conditions.
- **Impact TRANS-18:** Buildout of the proposed project would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at the intersection of *Oakland Avenue / Perry Place / I-580 Off-Ramp*, which would operate at LOS F during both peak hours under 2035 Without Project conditions.

In order to approve the proposed project, the City would have to adopt Statements of Overriding Consideration for these significant unavoidable impacts.

## **PARKING-RELATED ISSUES**

Although not considered a CEQA issue, the Draft EIR nevertheless contains a detailed discussion about the parking associated with the existing campus, the proposed project and the overall

(cumulative) parking situation at build-out, both in terms of meeting City Code requirements and expected demand. The following table summarizes the parking under various scenarios:

	Municipal Code <sup>3</sup>			Parking Demand		
	<u>Supply<sup>1</sup></u>	<u>Code Req'mt</u>	<u>Surplus/ (Deficit)</u>	<u>Supply<sup>2</sup></u>	<u>Demand</u>	<u>Surplus/ (Deficit)</u>
<b>Existing</b>	<b>1,712</b>	<b>1,898</b>	<b>(-186)</b>	<b>2,729</b>	<b>2,788</b>	<b>(-59)</b>
Project, Phase 1	814	298	516	799	366	433
<b>Existing plus Phase 1</b>	<b>2,526</b>	<b>2,196</b>	<b>330</b>	<b>3,528</b>	<b>3,154</b>	<b>374</b>
Project, Future Phases	-109	579	(-688)	-114	884	(-998)
Total Project, Buildout	705	877	(-172)	685	1,250	(-565)
<b>Existing plus Project Buildout</b>	<b>2,417</b>	<b>2,775</b>	<b>(-358)</b>	<b>3,414</b>	<b>4,038</b>	<b>(-624)</b>

Notes: 1. The supply of parking spaces under Municipal Code requirements includes only those existing and proposed off-street parking spaces maintained and reserved for ABSMC, which excludes the City-owned West Garage  
 2. The supply of parking as compared to ITE demand includes all on-street parking, proposed parking and all parking currently used by ABSMC (including the City-owned West Garage)  
 3. The information contained in this table differs from the presentation contained in Table 4.3-37 if the Draft EIR. This table is based on the City-owned West Garage not qualifying as Code-required off-street parking for ABSMC. Table 4.3-37 of the Draft EIR includes the West Garage in its calculations, but text in the Draft EIR further clarifies that if the West Garage were not made available to the project, parking deficiencies would be substantially higher.

Municipal Code Requirements

As indicated in the table above, the ABSMC campus has a current deficit of 186 off-street parking spaces, would have a surplus of 330 off-street parking spaces after completion of Phase 1, and would result in a deficit of 358 off-street parking spaces at Buildout pursuant to Municipal Code requirements. This calculation does not include the City-owned West Garage on 30<sup>th</sup> Street, which contains 477 parking spaces. This parking garage is not included in the above calculations for Code-required off-street parking supply because the Planning Code (Chapter 17.116.180 and 190) stipulates that:

“Whenever . . . any required off-street parking . . . facilities are located on a lot other than the lot containing the activity served, the owner or owners of both lots shall prepare and execute to the satisfaction of the City Attorney, and file with the Alameda County Recorder, an agreement guaranteeing that such facilities will be maintained and reserved for the activity served, for the duration of said activity”, and that,

“Facilities which are intended to meet the off-street parking and loading requirements of the zoning regulations shall be made permanently available to, and maintained so as to permit utilization by the . . . employees . . . of the activity or activities served.”

As the owner of the West Garage, the City has not executed an agreement with ABSMC guaranteeing that garage will be maintained for use by ABSMC, nor is there any permanent reservation for the use of that garage by ABSMC activities. Thus, ABSMC needs and has applied for a parking variance.

If the City and ABSMC were to agree that the West Garage be made permanently available and maintained for utilization by ABSMC activities, the campus would have a current surplus of 291 off-street parking spaces, would have a surplus of 807 off-street parking spaces after completion of Phase 1, and would result in a surplus of 119 off-street parking spaces at Buildout, as shown on Table 4.3-37 (pg.4.3-108) of the Draft EIR. Without such an agreement, the parking deficit at the campus would be as shown in the table above, and an off-street parking variance would need to be considered.

#### Effective Parking Supply and Demand

The Draft EIR also provides an analysis of the full parking supply available and in use by ABSMC, compared to projected parking demand as calculated using ITE<sup>4</sup> parking demand rates. Under this analysis, all on-street parking spaces within the campus and all off-street parking spaces controlled or used by ABSMC are considered as “supply”. As indicated in the table above, the ABSMC campus has a current deficit of 59 parking spaces, would have a surplus of 347 parking spaces after completion of Phase 1, but would result in a deficit of 624 parking spaces at Buildout as compared to effective demand. If the West Garage were no longer available for Summit’s use, there would be a deficit of 1,119 spaces at Buildout as compared to effective demand.

The City’s Standard Conditions of Approval require preparation of a Transportation Demand Management Plan (TDM Plan). Work on that TDM Plan is currently underway and the results will be included in the Final EIR/Response to Comments Document. That TDM plan is expected to include a final parking strategy that may address such options as increasing parking supply on- or off-site and decreasing parking demand by providing programs intended to promote use of alternative modes of travel other than single-occupant vehicles. The Draft EIR also includes several non-CEQA alternatives that explore both on-site and off-site parking options intended to address the projected parking shortfall.

#### **ERRATA/MINOR DISCREPANCIES IN THE DRAFT EIR**

Staff would like to point out that we have already noticed a number of minor errors and/or inconsistencies in the Draft EIR. These minor errors and inconsistencies are indicated below, and will be corrected in the Final EIR/Response to Comment document:

- Page 4.2-47 includes the statement that “Phase 1 of the proposed project’s impact with respect to shadows would be potentially significant.” However, this is an incorrect conclusion based on the preceding analysis which demonstrates that any additional shadows generated by the project would be incremental and would not substantially impair the function of a building that may use solar heating, would have a less than significant shadow impact on the historic significance of the of the adjacent Parks Chapel A.M.E. Church, and would have a less than significant impact on the shadowing of adjacent public or quasi-public open space.

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<sup>4</sup> Institute Of Traffic Engineers, *Parking Generation*, 2004

- Figure 3-5 (pg. 3-14) incorrectly shows the proposed emergency generators as being located to the west of and immediately behind the Merritt Health Education Center, whereas these generators are proposed to be located to the west of and immediately behind the Merritt parking garage as shown on Figure 3-4 (pg. 3-13).
- Although Table 5-6 of the Draft EIR indicates that a variation on the No Project Alternative would result in no environmental effects and would thus be the Environmentally Superior Alternative, this conclusion is not stated on pg. 5-44 under the topic of the Environmentally Superior Alternative.
- Alternative 4 is inconsistently referred to as either the Fully Mitigated Alternative or the Maximum Avoidance Alternative. Although Alternative 4 is identified as the environmentally superior alternative other than a No Project alternative, it is not fully mitigated. It would contribute to significant and unavoidable cumulative traffic impacts, and to significant and unavoidable air quality impacts based on proposed BAAQMD Draft Thresholds. Thus, its correct title should be the Maximum Avoidance Alternative.

## CONCLUSION

All comments received on the Draft EIR will be considered by the City prior to finalizing the EIR and making a decision on the project. Comments on the Draft EIR should focus on the adequacy of the EIR in discussing possible impacts on the physical environment, ways in which potential adverse effects might be minimized, and alternatives to the project in light of the EIR's purpose to provide useful and accurate information about such factors. Comments on the Draft EIR may be made at the January 20<sup>th</sup> public hearing or in writing to the Community and Economic Development Agency, attention Scott Gregory - Contract Planner Re: Case No. ER 09-0001; c/o Gary Patton, Deputy Director of Planning and Zoning; City of Oakland, Community and Economic Development Agency, Planning Division; 250 Frank H. Ogawa Plaza, Suite 3315; Oakland, California 94612. Comments may also be submitted by e-mail to [sgregory@lamphier-gregory.com](mailto:sgregory@lamphier-gregory.com).

Comments must be received prior to the comment period deadline (4:00 p.m. on February 3, 2010). An additional hearing will be held on February 8, 2010 before the Landmarks Preservation Advisory Board to address the issue of whether the property at 418 30<sup>th</sup> Street warrants designation as a Heritage Property. Comments from that hearing will also be considered as part of the Draft EIR review. After all comments are received, a Final EIR/Response to Comments document will be prepared and the Planning Commission will consider certification of the Final EIR at a future meeting date.

This meeting is not intended for public comments on the project merits. Again, it should be noted that staff anticipates that the Design Review Committee will hold additional public meeting(s) to review the merits of the proposed project prior to the Planning Commission meeting to take action on the Final EIR and the proposed project.

**RECOMMENDATIONS:**

Staff recommends that the Planning Commission take public testimony on the Draft EIR and provide comments to staff on the Draft EIR.

Prepared by:

*Scott Gregory*

Scott Gregory, Contract Planner

Approved for forwarding to the City Planning Commission:

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GARY PATTON

Deputy Director of Planning and Zoning

Attachments:

1. Site Plan - Proposed Phase 1 of the Summit Campus Master Plan
2. Site Plan - Future Phases of the Summit Campus Master Plan
3. Notice of Availability / Notice of Release of a Draft EIR for the ABSMC Master Plan Project