
**ATTACHMENT E: ALTA BATES SUMMIT MEDICAL CENTER, SUMMIT
CAMPUS SEISMIC UPGRADE AND MASTER PLAN PROJECT**

CONDITIONS OF APPROVAL

GENERAL CONDITIONS:

1. Approved Use

Ongoing: The project shall be constructed and operated in accordance with the authorized uses and facilities as described in the application materials, staff report and the plans dated April 2009 and as supplemented in October 2009 and in January 2010 and as amended by the following conditions. Any additional uses or facilities other than those approved with this approval, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

This action by the City Planning Commission (“this Approval”) includes the approvals set forth below. This Approval includes:

- a) Planned Unit Development permit approval of the Preliminary Development Plan for the Alta Bates Summit Medical Center, Summit Campus Seismic Upgrade and Master Plan project (the Project) and its associated buildings, parking garage, landscaping and public improvements pursuant to Oakland Planning Code Section 17.140 Planned Unit Development.
- b) Final Development Plan approval for Phase 1 of the Project including the Patient Care Pavilion, the new parking garage, on-site circulation improvements, and emergency generators pursuant to Oakland Planning Code Section 17.140.040.
- c) Minor Variance approval for a variance to off-street parking requirements pursuant to Oakland Planning Code Section 17.148.
- d) Conditional Use Permit approval for demolition of existing rooming units at Bechtel Hall pursuant to Oakland Planning Code Section 17.134.
- e) Approval of the Transportation Demand Management (TDM) Plan and Greenhouse Gas Reduction Plan for the ABSMC, in compliance with City of Oakland Standard Conditions of Approval TRANS-1 and EIR Mitigation Measure AIR-8.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing: Approval of the PUD Preliminary Development Plan is subject to a staged development plan and the requirement for approval of the first Final Development Plan for Phase 1 (which is included as part of these Approvals) within one year from the effective date of approval of the Preliminary Development Plan. The staged development plan allows for submittal of Final Development Plans for

subsequent phases of development (i.e., Future Phases) to be submitted concurrently with the Preliminary Development Plan or anytime; provided, however, that all phases of the Project are completed (i.e., Certificates of Occupancy or equivalent are issued) prior to year 2035. Proposed extensions to the one-year time limit for approval of the first Final Development Plan and proposed extensions or revisions to the stage development schedule, upon application filed at any time before said period has expired, shall be referred to the City Planning Commission, and the Commission may approve, modify, or deny such proposals. The decision of the Commission is appealable to the City Council.

3. Scope of This Approval; Major and Minor Changes

Ongoing: The applicant shall agree in writing to be bound, for himself or herself and his or her successors in interest, by the conditions prescribed for approval of the Planned Unit Development permit. The approved Final Development Plan shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses. Minor changes to the approved Preliminary or Final Development Plan, conditions of approval, standard conditions of approval, and/or mitigation measures may be approved by the Director of City Planning if such changes are consistent with the purposes and general character of the development plan. All other modifications shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP)

Ongoing: All mitigation measures identified in the Alta Bates Summit Medical Center, Sutter Campus Seismic Upgrade and Master Plan EIR (ABSME EIR) are included in the Standard Condition of Approval and Mitigation Monitoring Program (SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as **Attachment A** as conditions of approval of the project. The Standard Conditions of Approval identified in the ABSME EIR are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference, and adopted as a condition of approval. To the extent that there is any inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Developer or Applicant) shall be responsible for compliance with the recommendation in any submitted and approved technical reports, all applicable mitigation measures adopted and with all conditions of approval set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule

4. Conformance with other Requirements

- a) *Prior to issuance of a demolition, grading, P-job, or other construction related permit:* The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition of Approval 3.
- b) *Prior to issuance of each building permit:* The applicant shall submit building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation*Ongoing:*

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, Conditions, mitigation measures or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions or mitigation measures if it is found that there is violation of any of the Conditions or mitigation measures or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions and Mitigation Measures

With submittal of a demolition, grading, and each building permit: A copy of the approval letter and conditions and mitigation measures shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification*Ongoing:*

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect) action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to this development-related application or subdivision or (2) implementation of this approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing: The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Compliance Matrix

Prior to issuance of a demolition, grading, or each building permit: The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation compliance matrix that lists each condition of approval and/or mitigation measure, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and/or mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plan check/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

10. Severability

Approvals would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of competent jurisdiction, these Approvals would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

11. Job Site Plans

Ongoing throughout demolition, grading, and/or construction: At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and/or mitigations, shall be available for review at the job site at all times

12. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit: The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plan check review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

PROJECT SPECIFIC CONDITIONS:**13. Emergency Generator Testing**

Ongoing. The applicant shall determine and conduct routine testing of the two proposed new emergency generators proposed by the project on separate days or for a shorter duration rather than “both generators tested for one hour on the same day.” The applicant shall prepare and submit to the City of Oakland a Generator Testing and Operations Plan for review and approval and shall implement the approved plan.

14. Summit Street Closure

Pursuant to Future Phase Final Development Plans. The Preliminary Development Plan conceptually indicates the potential for closure of a portion of Summit Street, and the traffic impacts associated with this closure were analyzed in the EIR. However, any future plans for closure of this street as a public thorough-fare shall be required to be accompanied by a thorough analysis of the legal issues associated with a public street closure, a detailed study demonstrating how continued access, including emergency access and potential bus routing, would be maintained, and an analysis of internal campus circulation issues. Approval of the PDP shall not constitute approval of the closure of Summit Street prior to these and other issues being fully considered and approved pursuant to a Final Development Plan and potentially other necessary approvals for future phase development.

15. Assessment of Future Phase Parking Requirements

Prior to approval of future phase Final Development Plans. As a standard Condition of Approval cited in the EIR, the Project is conditioned on implementation of a Transportation Demand Management (TDM) Plan, and that TDM Plan is included in the Final EIR for the Project and approved as part of the Development Approvals. The goal of the TDM Plan is to reduce single-occupancy vehicle (SOV) trips associated with Phase 1 by 10% from the current baseline mode split and to reduce SOV trips in the long-term by 20% from the current baseline mode split. The Final EIR concludes that if the TDM Plan succeeds in achieving a 20% reduction in the current SOV rate it would fully compensate for the projected campus-wide off-street parking deficit under the Planning Code in future phases. This off-street

parking deficit is due to a lack of any additional off-street parking (beyond the Phase 1 parking garage) being included as part of any currently proposed future phase development. Prior to approval of any Final Development Plans for future phases of the project, ABSMC shall demonstrate, through the established TDM Plan's monitoring procedures, that the TDM Plan has succeeded in achieving the 10% reduction in single-occupancy vehicle trips as compared to the current baseline mode split and that the goal for a 20% reduction in single-occupancy vehicle trips associated with future phases is a reasonable and feasible expectation. If the 10% reduction goal has not been achieved, or if the 20% reduction goal is determined unlikely or infeasible, then Final Development Plans for future phase development within the campus shall be conditioned upon the provision of additional off-street parking capable of offsetting the parking deficit pursuant to Planning Code requirements, if the City so elects. The EIR evaluated a number of project alternatives that would be capable of increasing the total parking supply at buildout by adding more parking to the future phase construction and such alternatives shall be fully explored and developed should the TDM Plan not succeed in achieving its stated goals.

16. Samuel Merritt University Expansion Site – Architectural Design Requirements

Prior to approval of future phase Final Development Plans. Pursuant to Final Development Plans for any future phase that includes the Samuel Merritt University expansion building at the corner of Hawthorne and Elm Street, the architectural design for that building shall include an architectural feature (such as a bell tower or monument tower) to mark this location as a gateway entrance into the campus, street activating uses on the ground floor adjacent to Hawthorne, and bringing the façade of this future building to the street edge. These design conditions are intended to off-set or compliment the wide landscape buffer on the opposite side of Hawthorne along the parking garage.

17. Hawthorne Avenue Right-of-Way Streetscape Improvements

Pursuant to Phase 1 P-Job Approval. The landscape and streetscape improvements proposed within the public right-of-way in front of the new Patient Care Pavilion and the garage, as shown in the Final Development Plan for Phase 1, shall be continued in the same manner and character of design (e.g., trees spacing, tree species and other streetscape improvements) for the full length of the public right-of-way along Hawthorne from Webster Street to Telegraph Avenue, and on both sides of Hawthorne Avenue.

17A: Telegraph Avenue Driveway Entrance

Pursuant to building permit approval for the Phase 1 Parking Garage: The final landscape design for the Phase 1 parking garage shall provide for a further enhancement of the driveway entrance from Telegraph Avenue into the parking garage. The purpose of this enhancement is to provide for a strengthened sense of enclosure and gateway at the driveway's entrance at Telegraph Avenue. This shall be accomplished through the addition of an architectural element such as a steel trellis, posts, or other "gateway"-defining structural element that supplements (is in addition to) the currently proposed landscaping and trees. ABSMC shall submit for City staff review and approval a final landscaping plan addressing this issue, and shall implement the approved plan.

18. Webster Street Signage Improvements

Pursuant to Phase 1 P-Job Approval: ABSMC shall coordinate with City Transportation Services Department and Public Works to assess the potential needs and/or benefits associated with improved signage (speed limit signs, way-finding signs, bike route signs, potential stop signs as warranted by traffic

loads, shuttle stops and transit signage, etc.) along Webster Street from 30th Avenue to MacArthur Boulevard and develop a signage program for City review and approval. If determined necessary and/or desirable and approved by the City, ABSMC shall fund, or implement, at the discretion of the City, the City approved signage program.

19. Parking Management

TDM Plan modifications would occur concurrent with this approval, and implementation would be ongoing: The TDM Plan for the Project shall be modified to include the following additional parking management provisions. ABSMC shall implement the following, subject to review and approval by the City, to ensure that the provision of parking spaces in conjunction with measures to lessen parking demand would result in minimal adverse effects to project occupants and visitors and surrounding neighborhoods (where there are no restrictions on on-street parking and on-street parking is free), and that any secondary effects (such as on air quality due to drivers searching for parking spaces) would be minimized:

- a) Provide valet parking in the existing Providence and Merritt Garages, as well as in the new Phase 1 parking garage for employees.
- b) Implement an automated parking space counting system into the overall design and construction of the Phase 1 parking garage. Electronic changeable message signs shall be installed at parking entrances and at the major roadways providing access in the area to inform drivers of the location and number of available parking spaces. This would maximize utilization of all parking facilities and reduce excessive circulation and driver frustration.
- c) Designate and clearly sign or delineate parking areas for either employees or patients and visitors within the Phase 1 parking garage. Patients and visitors should be assigned to the lower levels and employees to the upper levels. Since employees generally have lower turn-over rates, assigning them to the upper levels reduces overall vehicle circulation in the garage.
- d) Regularly monitor parking occupancy for employees and patients/visitors and modify parking designations if necessary.
- e) Provide preferential parking for employee carpools at the parking garage, and regularly monitor carpool parking demand and supply and modify the carpool parking supply if necessary.

20. Signage

Prior to issuance of a certificate of occupancy for Phase 1: ABSMC shall develop for City review and approval a way-finding/signage program for major roadways in the area and within the campus to direct patients/visitors to the appropriate ABSMC parking facilities. ABSMC shall fund or implement, at the discretion of the City, the approved signage program.

21. Green Guidelines for Health Care

Prior to building permit approval and Ongoing: ABSMC shall implement all of the environmentally sustainable practices for the planning, design, construction, operations and maintenance of their facilities as contained in the "Sutter Health's Green Guide for Healthcare and Sustainability Practices" submitted as part of this Planned Unit Development application. Concurrent with submittal of hospital building plans to the State Office of Statewide Health Planning and Development (OSHPD), and prior to each City

building permit approvals, ABSMC shall report in writing to the City of Oakland Planning and Zoning Division of its implementation of these Sustainability Measures.

22. Special Exterior Lighting

Prior to building permit approval and Ongoing For exterior lighting, zone and control lights to allow for limiting night-time lighting to the Emergency Department, a small employee parking area, a small visitor parking area, pedestrian walkways, and circulation routes. Only light areas as required for safety and comfort. Do not exceed 80% of the lighting power densities for exterior areas and 50% for building facades and landscape features as defined in ASHRAE/IESNA Standard 90.1-2004, Exterior Lighting Section. ABSMC shall submit for City review and approval an exterior lighting plan addressing these issues and shall implement the approved plan.

23. Additional Construction Management Plan Requirements

Ongoing: The Construction Traffic Management Plan developed in the context of a larger Construction Management Plan as required by the City's Standard Conditions of Approval as included in the EIR and SCAMMRP address potentially significant impacts. The following project-specific additional measures shall be included:

- a) A set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours due to Hawthorne Avenue closure and reconstruction of the Hawthorne Avenue / Webster Street intersection.
- b) Coordinate construction staging of the parking structure with the Patient Care Pavilion (or the future phase medical office building if constructed concurrent with Phase 1) to ensure that major construction truck activities do not overlap.
- c) Provide a flag person to facilitate truck egress from the site to Telegraph Avenue via Hawthorne Avenue or obtain approval from the residents living on Elm Street to use that street to access Telegraph Avenue via 34th Street.
- d) Implement Mitigation Measure TRANS-1 as soon as possible to minimize the amount of time a flag person is required.

24. Pedestrian Crosswalk to Patient Care Pavilion

Pursuant to approval of the FDP for Phase 1: Submit for City review and approval, an enhanced mid-block pedestrian crosswalk plan to facilitate pedestrian flows along the walking desire line between the Patient Care Pavilion and the Providence Pavilion. Enhancements shall include ladder-crossing lines and pedestrian crossing signs on poles with flashing beacons. ABSMC shall implement the approved plan.

25. Truck Loading Space

Pursuant to approval of the FDP for Phase 1: Patient Care Pavilion, Submit for City review and approval a staging plan to accommodate one tractor-trailer delivery truck for trucks waiting to use an occupied lading berth and implement the approved plan.

26. Subdivision/Parcel Map Requirement

Prior to construction of the Phase 1 parking garage and Patient Care Pavilion, ABSMC shall apply for and receive approval from the City for a tentative subdivision map or parcel map and/or parcel map waiver (as applicable) to consolidate individual parcels where shared access is required (e.g., the existing Providence parking garage and the proposed new parking garage are on separate parcels but are intend to share access across current parcel boundaries, and the alignment of the proposed hospital driveway crosses over two current property boundaries).

UNIFORMLY APPLIED DEVELOPMENT STANDARDS¹**27. Landscape Requirements for Street Frontages**

Prior to issuance of a final inspection of the building permit. On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.

28. Landscape Maintenance

Ongoing. All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

29. Underground Utilities and Meter Shielding

Prior to issuance of each building permits: The applicant shall submit plans for review and approval of the Planning and Zoning Division, Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, plans that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground by the developer from the applicant's structures to the point of service. The plans shall show all electric and telephone facilities installed in accordance with standard specifications of the serving utilities.

- a) *Prior to Installation:* All electrical and telephone facilities, fire alarm conduits, street light wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Division.
- b) *Prior to issuance of each building permits:* The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing the location of any and all utility meters,

¹ These Uniformly Applied Development Standards include only those that are not included in the Standard Conditions of Approval / Mitigation Monitoring Program (SCAMMRP) prepared for the Project pursuant to the EIR.

transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.

30. Master Improvement Plan and Improvements in the Public Right-of-Way

Prior to Finalization of P-Job: The project sponsor shall submit a detailed improvement plan prepared by a licensed Civil Engineer, with all conditions and requirements as set forth in these Conditions of Approval, for the private property and the public rights of way, including but not limited to curbs, gutters, pedestrian ways, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design, specifications and locations of the water pumping facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking, accessibility and all other required public improvements required to comply with all applicable City standards, including the landscaping plans, the street tree locations, and planting specifications. This plan shall be reviewed and approved by the City Engineer. Encroachment permits shall be obtained as necessary for any applicable improvements.

- a) Those off-site transportation improvements specified in the SCAMMRP shall be completed in accordance with the timeframes specified in the SCAMMRP.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition and/or mitigations.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

31. Public Improvements (Specific)

Prior to issuance of any building permits: Final building and improvement plans submitted to the Building Services Division shall include the following components:

- a) Install additional standard City of Oakland streetlights.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facilities to current City standards.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g) Provide adequate fire department access and water supply, including but not limited to currently adopted fire codes and standards.

Prior to commencement of construction activity: Concrete sidewalks shall be constructed to connect the existing sidewalk to all internal sidewalks and paths. This sidewalk shall be constructed to the specifications of the Building Services Division and the Public Works Agency, and it shall be the applicant's responsibility to secure all necessary City permits, including but not limited to an encroachment permit.

32. Payment for Public Improvements

Prior to receiving first occupancy permit: The applicant shall pay for and install public improvements made necessary by the project.

33. Construction Management

Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit The project sponsor shall submit a Construction Phasing and Management Plan, incorporating all applicable mitigation measures contained in the MMRP for the Project. This plan shall also include the following additional measures and standards:

- a) A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.
- b) A fire safety management plan for all phases of work, including provisions for access, water and other protection measures during grading and construction activities.
- c) A construction litter/debris control plan to ensure the site and surrounding area is kept free of litter and debris.

34. Operational Noise-General

Ongoing. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

35. Phase I and/or Phase II Reports

Prior to issuance of a demolition, grading, or building permit. Prior to issuance of demolition, grading, or building permits the project applicant shall submit to the Fire Prevention Bureau, Hazardous Materials Unit, a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the project site. The reports shall make recommendations for remedial action, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer.

36. Lead-Based Paint/Coatings, Asbestos, or PCB Occurrence Assessment

Prior to issuance of any demolition, grading or building permit. The project applicant shall submit a comprehensive assessment report to the Fire Prevention Bureau, Hazardous Materials Unit, signed by a

qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACM), lead-based paint, and any other building materials or stored materials classified as hazardous waste by State or federal law.

37. Environmental Site Assessment Reports Remediation

Prior to issuance of a demolition, grading, or building permit. If the environmental site assessment reports recommend remedial action, the project applicant shall:

- a) Consult with the appropriate local, State, and federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and environmental resources, both during and after construction, posed by soil contamination, groundwater contamination, or other surface hazards including, but not limited to, underground storage tanks, fuel distribution lines, waste pits and sumps.
- b) Obtain and submit written evidence of approval for any remedial action if required by a local, State, or federal environmental regulatory agency.
- c) Submit a copy of all applicable documentation required by local, State, and federal environmental regulatory agencies, including but not limited to: permit applications, Phase I and II environmental site assessments, human health and ecological risk assessments, remedial action plans, risk management plans, soil management plans, and groundwater management plans.

38. Health and Safety Plan per Assessment

Prior to issuance of any demolition, grading or building permit. If the required lead-based paint/coatings, asbestos, or PCB assessment finds presence of such materials, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition, renovation of affected structures, and transport and disposal.

39. Litter Control

Prior to issuance of the first building permit for each Phase: A litter control plan that ensures that the premises and surrounding area are kept free of litter shall be submitted to and approved by the Zoning Administrator. The Plan shall include, but not be limited to:

- a) Distribution of proposed locations of litter receptacles on site and in the public right-of-way;
- b) A management schedule for keeping the premises and surrounding area in a one-block radius free from litter originating from the operation of the future medical center activities. The number of times per day litter is to be collected will be based on the results of a baseline study, to be completed by Kaiser within two months of Master Plan approval; and
- c) Sweeping and trash collection of the premises, the public sidewalk, and the gutter area of the public street immediately adjacent to the project, as needed to keep the area free of litter.

40. Landscape, Irrigation and Street Tree Permit

Landscape and Irrigation Plan, *Pursuant to Design Review*: The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged.

- a) Street Trees, *Prior to issuance of each building permit*: The number of street trees, their spacing and location and species types shall be subject to review and approval by the Public Works Agency and Building Services.
- b) Installation of Landscaping and Bonding, *Prior to issuance of certificate of occupancy*: The applicant shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.
- c) Landscaping Maintenance, *Ongoing*: All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

41. Parking and Driveways

Parking and Driveway Design, *Prior to issuance of building permit*: All parking and driveways shall be designed according to all City codes and be approved by the Building Services Division.

- a) Parking and Circulation Plan, *Prior to issuance of building permit and prior to final inspection*: The applicant shall submit a Parking and Traffic Circulation Plan for review and approval by the Planning and Zoning Division. This plan shall include wheel stops for all parking spaces, and pavement marking and striping that delineate the driveways and traffic paths to be used by the general public and deliveries. All wheel stops, pavement markings and striping, as approved by the Planning and Zoning Division shall be installed prior to final inspection.
- b) Parking Lot Lighting, *Ongoing*: The exterior lighting fixtures which serve the parking area shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, and that shall be adequately shielded to a point below the bulb and reflector, and that shall prevent unnecessary glare onto adjacent properties.
- c) Designated Carpool Parking, *Ongoing*: The applicant shall designate on-site parking spaces by marking, either with a small sign at the head of the parking stalls or stenciled lettering painted within the parking stalls that reads: "Carpool Parking Only".
- d) Recharge Stations for Electric Vehicles, *Prior to issuance of building permits and ongoing*: The applicant shall submit for review and approval of the Planning and Zoning Division, plans that

show parking spaces designed to accommodate and function as recharge stations for electric vehicles. Electrical conduit shall be stubbed in accordingly as part of construction of the project and shall be documented in the final building permit plans approved for the project.

42. Traffic Safety Signage

Upon completion of the public street improvements and prior to acceptance of such improvements by the City: The applicant shall implement a sign and pavement marking system consistent with City Standards, Fire Department standards, and Traffic Division requirements that clearly delineate the street frontages to be used for on-street parking, and those areas where parking is prohibited. Other directional traffic signs shall also be included in this system for all new and existing public street frontages of the project.

43. On-site Clean-up

Ongoing: The applicant shall clear litter and debris from the premises at least once daily, or as needed to maintain a litter free environment. A portable ashtray, if used, shall remain outside in a location near the entrance and common areas during all times that the building is open for business. The ashtray and litter receptacle shall be emptied as often as needed to prevent overflowing.

44. Right-of-way Clean-up

Ongoing: The applicant shall clear the sidewalk and gutter areas along the campus edge of litter and debris at least once daily or as needed to control litter. The applicant shall sweep or mechanically clean the sidewalk with steam or equivalent measures at least once per month.

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on May 19, 2010. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

ATTACHMENT B
Alta Bates Summit Medical Center, Summit Campus Seismic Upgrade and
Master Plan

CEQA FINDINGS

Certification of the EIR, Rejection of Alternatives
and Statement of Overriding Considerations

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the EIR prepared for the Alta Bates Summit Medical Center Summit Campus Seismic Upgrade and Master Plan ("the Project"), SCH # 2009012067.

2. These CEQA findings are attached and incorporated by reference into each and every staff report, resolution and ordinance associated with approval the Project.

3. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

4. The Project, which is the subject of the EIR, is intended to provide a long term vision for the campus in order to meet hospital and community needs, as well as to comply with state seismic safety requirements of SB 1953. The 20.40-acre project site is comprised of 27 parcels within and along the general confines of 30th Street, Telegraph Avenue, 34th Street, and Webster Street. The project is proposed as a Planned Unit Development with a Preliminary Development Plan for the overall Master Plan and a Final Development Plan for Phase 1. Phase 1 of the Master Plan includes demolition of the existing Bechtel Hall building which contains Samuel Merritt University classroom space and currently vacant student dormitories, and demolition of three (3) other small buildings and associated surface parking lots on the campus, followed by construction of a new 230,000 sq. ft. (11-story) acute care hospital plus a new approximately 1,067-space (7-level) parking garage. Future phases include longer-term campus-wide improvements including a new medical office building along Summit Street, a new Samuel Merritt University classroom expansion building on Elm Street, a fitness center, and potential closure of a portion of Summit Street (between 30th Street and Hawthorne Avenue) to create a new campus plaza.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

5. Pursuant to CEQA and the CEQA Guidelines, a Notice of Preparation (NOP) of a Draft EIR was published on January 26, 2009 then re-issued on March 13, 2009 to ensure all appropriate parties had received the NOP and had a chance to respond. An Initial Study was not prepared or attached to the NOP. On February 18, 2009, the Planning Commission conducted an EIR scoping session concerning the scope of the EIR. The public comment period on the reissued NOP ended on April 15, 2009.

6. A Draft EIR was prepared for the Project to analyze its environmental impacts. The Draft EIR was properly circulated for a 45-day public review period on December 21, 2009. Public Hearings on the Draft EIR were held on the January 20, 2010 meeting of the Planning Commission and on the February 8, 2010 meeting of the Landmarks Preservation Advisory Board.

7. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR, and additional information were published in a Final EIR on May 7, 2010. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings. The Final EIR was made available for public review on May 7, 2010, twelve days prior to the May 19, 2010 public hearing. The Notice of Availability/Notice of Release of the Final EIR was distributed to those state and local agencies who commented on the Draft EIR, posted on the project web site, and mailed and e-mailed to numerous individuals who have requested to specifically be notified of official City actions on the project and/or commented on the Draft EIR. Copies of the Draft and Final EIR were also distributed to those state and local agencies who commented on the Draft EIR, City officials including the Planning Commission, and made available for public review at the Oakland Main Library (124 14th 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. Pursuant to CEQA Guidelines, responses to public agency comments have been published and made available to all commenting agencies at least 10 days prior to hearing. The Planning Commission has had an opportunity to review all comments and responses thereto prior to consideration of certification of the EIR and prior to taking any action on the proposed project.

IV. THE ADMINISTRATIVE RECORD

8. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

- a. The EIR and all documents referenced in or relied upon by the EIR.
- b. All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the approvals, and the Project.
- c. All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR or incorporated into reports presented to the Planning Commission.
- d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR.
- e. All final applications, letters, testimony and presentations presented by the project sponsor and its consultants to the City in connection with the Project.
- f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.
- g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

h. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for the Project.

i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

9. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Director of City Planning, Community and Economic Development Agency, or his/her designee. Such documents and other materials are located at 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

10. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

11. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

12. The Planning Commission certifies that the EIR is adequate to support all actions in connection with the approval of the Project and all other actions and recommendations as described in the May 19, 2010 Planning Commission staff report. The Planning Commission certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

13. The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the EIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

14. The Planning Commission finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM

15. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Standard Conditions of Approval and Mitigation Monitoring and Reporting Program ("SCAMMRP") is attached and incorporated by reference into the May 19, 2010 Planning Commission staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The SCAMMRP satisfies the requirements of CEQA.

16. The standard conditions of approval and mitigation measures set forth in the SCAMMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some standard conditions of approval and mitigation measures define performance standards to ensure no significant environmental impacts will result. The SCAMMRP adequately describes implementation procedures and monitoring responsibility in order to ensure that the Project complies with the adopted standard conditions of approval and mitigation measures.

17. The Planning Commission will adopt and impose the feasible standard conditions of approval and mitigation measures as set forth in the SCAMMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

18. The standard conditions of approval and mitigation measures incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the EIR. In the event a standard condition of approval or mitigation measure recommended in the EIR has been inadvertently omitted from the conditions of approval or the SCAMMRP, that standard condition of approval or mitigation measure is adopted and incorporated from the EIR into the SCAMMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

19. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts, standard conditions of approval and mitigation measures that are set forth in the EIR and summarized in the SCAMMRP. These findings do not repeat the full discussions of environmental impacts, mitigation measures, standard conditions of approval, and related explanations contained in the EIR. The Planning Commission ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the project sponsor as may be modified by these findings.

20. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the

EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

21. As a separate and independent basis from the other CEQA findings, pursuant to CEQA section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998; (b) feasible mitigation measures identified in the LUTE EIR were adopted and have been, or will be, undertaken; (c) this EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (hereafter called "Standard Conditions of Approval") have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts, and to the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval substantially mitigate environmental impacts (as detailed below); and (e) no substantial new information exists to show that the Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts.

SIGNIFICANT BUT MITIGABLE IMPACTS

22. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR, the SCAMMRP, and the City's Standard Conditions of Approval, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that mitigate or avoid potentially significant effects on the environment. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated through the implementation of Standard Conditions of Approval (which are an integral part of the SCAMMRP):

a. TRANS-1: Phase 1 of the proposed project, when added to existing traffic levels, would add more than 10 trips to Intersection #11-Telegraph Avenue / Hawthorne Avenue (Existing), which meets peak-hour volume signal warrants. This impact will be mitigated through the implementation of Mitigation Measure TRANS-1, which requires signalization at this intersection with related intersection modifications and improvements to meet current standards. To implement this measure, the project sponsor shall fund, prepare, and install the approved plans and improvements. This mitigation measure will reduce the potential impact to a less-than-significant level.

b. TRANS-3: Buildout of the proposed project, when added to existing traffic levels, would add more than 10 trips to Intersection #11-Telegraph Avenue / Hawthorne Avenue (Existing), which meets peak hour signal warrants. This impact will be mitigated through implementation of Mitigation Measure TRANS-1, described above. This mitigation measure will reduce the potential impact to a less-than-significant level.

c. TRANS-5: Phase 1 of the proposed project plus the MOB from Future Phases, when added to projected 2015 traffic levels, would add more than 10 trips to Intersection #11-Telegraph Avenue / Hawthorne Avenue (2015), which meets peak hour signal warrants. This impact will be mitigated through implementation of Mitigation Measure TRANS-1, described above. This mitigation measure will reduce the potential impact to a less-than-significant level.

d. TRANS-7: Buildout of the proposed project, when added to projected 2015 traffic levels, would add more than 10 trips to Intersection #11-Telegraph Avenue / Hawthorne Avenue (2015), which meets peak-hour signal warrants. To implement this measure, the project sponsor shall fund, prepare, and install the approved plans and improvements. This impact will be mitigated

through implementation of Mitigation Measure TRANS-1, described above. This mitigation measure will reduce the potential impact to a less-than-significant level.

f. TRANS-12: Under 2035 cumulative traffic conditions, buildout of the proposed project would add more than 10 trips to Intersection #11-Telegraph Avenue / Hawthorne Avenue (2035), which meets peak hour signal warrants. This impact will be mitigated through implementation of Mitigation Measure TRANS-1, described above. This mitigation measure will reduce the potential impact to a less-than-significant level.

g. TRANS-14: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #29-Broadway / 27th Street (2035), which would operate at LOS F during the PM peak hour under 2035 without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-14, which requires providing actuated traffic signal operation, optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection would maintain LOS F during the PM peak hour; however, the intersection delay would be improved over the unmitigated condition. This mitigation measure will reduce the potential impact to a less-than-significant level.

h. TRANS-16: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the average intersection vehicle delay by more than two seconds during the AM peak hour at Intersection #36-Broadway / 51st Street / Pleasant Valley Avenue (2035), which would operate at LOS F during both peak hours under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-16, which requires optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection would operate at LOS E during the AM peak hour; reducing the project's impact to less than significant.

i. TRANS-22: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #50-17th Street / Castro Street (2035), which would operate at LOS F during the PM peak hour under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-22, which requires optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection would operate at an acceptable LOS D during the PM peak hour; reducing the project's impact to less than significant.

j. TRANS-23: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the v/c ratio at Intersection #52-West MacArthur Boulevard / Market Street (2035), which would operate at LOS F during both peak hours under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-23, which requires optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection would operate at LOS E during both the AM and PM peak hours. LOS E is an unacceptable service level, but conditions would be better than the LOS F conditions under the 2035 Without Project condition. This mitigation measure will reduce the potential impact to a less-than-significant level.

k. TRANS-24: Parking garage driveways at 30th Street conflict at the mid-block pedestrian crossing. This impact will be mitigated through implementation of Mitigation Measure TRANS-24, which requires closing the existing entry driveway to the West Parking Garage. This mitigation measure will reduce the potential impact to a less-than-significant level.

l. TRANS-25: The planned pedestrian pathway connecting 30th Street and Hawthorne Avenue increases the “desire line” for pedestrians to cross 30th Street at the existing Mid-Block Pedestrian Crossing Area. This impact will be mitigated through implementation of Mitigation Measure TRANS-25, which requires aligning the pedestrian paths at the existing midblock crossing area and instillation of crosswalk ladder striping, curb extensions and a flashing overhead beacon. This mitigation measure will reduce the potential impact to a less-than-significant level

m. TRANS-26: The project will increase auto and bike traffic on Webster Street between the freeway ramp and 30th Street. Because Webster Street will be a bike boulevard, auto traffic and bike traffic will share the same space. This impact will be mitigated through implementation of Mitigation Measure TRANS-26, which requires installation of “sharrow” lane markings in the pavement and appropriate street signs along Webster Street between 30th Street and 34th Street to distinguish this segment as a bike boulevard. This mitigation measure will reduce the potential impact to a less-than-significant level..

n. TRANS-27: Summit Street Closure Conflicts with AC Transit Line 59. This impact will be mitigated through implementation of Mitigation Measure TRANS-27, which requires developing a contingency plan for re-routing line 59/59A to allow AC Transit to continue to provide service to the project site. This mitigation measure will reduce the potential impact to a less-than-significant level.

o. CUL-6: The project may adversely affect unidentified paleontological resources at the site. This impact will be mitigated through implementation of Mitigation Measure CUL-6, which requires a qualified paleontologist to design a monitoring and mitigation program consistent with Society of Vertebrate Paleontology Guidelines. This mitigation measure will reduce the potential impact to a less-than-significant level.

p. Other Potentially Significant Impacts: The following impacts will be less than significant because of the requirements contained in the City's Standard Conditions of Approval (which are included with the EIR mitigation measures in the SCAMMRP). Some Standard Conditions of Approval are not CEQA-related but are nevertheless included here for convenience and additional information provided to the decision-makers:

(1) Aesthetics: The Project will involve new lighting, as will other projects in the vicinity. Any potential impact of the new lighting will be reduced to a less than significant level through implementation of Standard Condition of Approval VIS-1 which requires approval of plans to adequately shield lighting to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

(2) Construction Traffic: Construction of the project and other nearby projects could affect traffic congestion and parking demand generated by construction workers. Potential construction-period traffic and parking impact will be reduced to a less than significant level through implementation of Standard Condition of Approval TRANS-1 and TRANS-2 which require implementation of the construction period TDM plan and other traffic management strategies to reduce traffic congestion and the effects of parking demand.

(3) Air Quality: Operation of Phase 1 of the proposed project would result in increased long-term emissions of criteria pollutants. This impact will be reduced to a less than significant level through the implementation of Standard Condition of Approval TRANS-1, which requires implementation of a Transportation and Parking Demand Management Plan. The interior air quality within project buildings could exceed acceptable indoor air quality levels. This impact will be

reduced to a less than significant level through the implementation of Standard Conditions of Approval AIR-4, which requires implementation of features found to reduce air quality risks including but limited to air filtration systems and fresh air exchange ratios and/or other appropriate features/measures to be incorporated into project building design, if necessary, to achieve acceptable indoor air quality.

(3) Biological Resources: The Project will result in removal of or damage to protected trees within or adjacent to the project site as well as potential impacts to protected birds and/or their nests. These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval BIO-2, BIO-3 and BIO-4, which require obtaining a tree removal permit for the City, tree replacement, and measures to protect existing trees not to be removed, Standard Conditions of Approval BIO-1 and BIO-5, which require measures to avoid removal of trees being used as nesting for raptors and measures to reduce the potential for bird collisions with buildings, and Standard Conditions of Approval VIS-1, NOI-1, NOI-2, and NOI-5, which will ensure appropriate lighting and noise reduction to reduce potential impacts to migrating or breeding birds.

(4) Cultural Resources: Construction of the project could cause substantial adverse changes to the significance of currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries. This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval CUL-1 and CUL-2, which impose requirements for specified procedures to be followed, including halting of construction activities and implementation of appropriate mitigation, should a cultural resource or human remains be discovered on-site during construction. Construction-related vibrations could potentially cracking or damage adjacent historic structures. This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval NOI-6, which requires a structural engineer or other appropriate professional to determine appropriate design means and methods of construction to ensure that vibration levels do not exceed the thresholds.

(5) Geology and Soils: Development in the project area could expose people or structures to seismic hazards such as groundshaking or liquefaction, could be subjected to geologic hazards including expansive soils, subsidence, seismically induced settlement and differential settlement, or could result in erosion. This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval GEO-1, Geo-2, GEO-3 and GEO-4, which require site-specific, design level, Fault Zone geotechnical investigations, erosion and sedimentation control plans and soils reports to be prepared, and recommendations from those reports to be implemented in the project design.

(6) Hazards and Hazardous Materials: Construction of the Project could result in exposure of construction workers, project occupants and/or the public to hazardous materials due to demolition of structures that could contain hazardous materials, disturbance of soil and groundwater that could have been impacted by historic hazardous material use, and onsite use of hazardous materials such as solvents during construction activities and operations. This impact will be reduced to a less than significant level through implementation of Standard Conditions of Approval HAZ-1, HAZ-2, HAZ-3, HAZ-4, HAZ-5, HAZ-6, HAZ-7 and AIR-3, which impose best management practices to protect groundwater and soils from new impacts and appropriate handle existing impacted groundwater and soils, and requirements for lead, asbestos, radon, and other vapor intrusion assessment and remediation, as well as Fire Services review and preparation of a Hazardous Materials Business Plan for the project.

(7) Hydrology/Water Quality: Project construction and operation would involve activities that could result in erosion and generation of pollutants that could be carried off site and/or alter the existing drainage pattern of the site and surrounding area. These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval HYD-1, HYD-2, HYD-3, HYD-4 and HYD-5, which require preparation of a post-construction Stormwater Pollution Management Plan, a Stormwater Pollution Prevention Plan, practices to reduce erosion and pollutants during construction and pollutant discharge during project operation, a maintenance agreement for stormwater treatment measures and demonstration of (or correction for) stormwater and sewer system capacities and condition.

(8) Noise: Project construction and operation would expose the public, nearby residents and businesses, and hospital patients, visitors and staff to noise. This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval NOI-1, NOI-2, NOI-3, and NOI-5, which require practices and procedures to reduce noise generation during construction and project operational noise on the surrounding area. The interior noise levels within hospital buildings, especially in rooms used for overnight use such as patient wards, could exceed the interior noise standard for hospitals. This impact will be reduced to a less than significant level through the implementation of Standard Conditions of Approval NOI-4, which requires noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures to be incorporated into project building design, if necessary, to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element.

(9) Public Services: Project construction and operation would result in increased demands on public services, particularly on Fire Services. These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval PUB-1 and PUB-2 which requires compliance with all applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines including but not limited to automatic extinguishing systems, water supply improvements and hydrants and fire department access, as well as preparation and approval of a separate fire safety phasing plan

(10) Utilities/Service Systems: Project construction and operation would result in increased solid waste, stormwater and wastewater generation. These impacts will be reduced to a less than significant level through the implementation of Standard Conditions of Approval HYD-2, HYD-3 and HYD-5, which require stormwater pollution prevention and stormwater management plans during construction and operations respectively, and confirmation of the capacity and condition of the stormwater and sewer system, and Standard Condition of Approval UTIL-1, which requires solid waste reduction and recycling.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

23. Under Public Resources Code sections 21081(a)(3) and 21081(b), and CEQA Guidelines sections 15091, 15092, and 15093, and to the extent reflected in the EIR and the SCAMMRP, the Planning Commission finds that the following impacts of the Project remain significant and unavoidable, notwithstanding the imposition of all feasible Standard Conditions of Approval and mitigation measures, as set forth below. A Standard Conditions of Approval that is applicable to all of the following traffic, air quality and greenhouse gas impacts is SCA TRANS-1, which requires implementation of the Transportation Demand Management (TDM) Plan prepared for the Project and included in the Final EIR and adopted as a condition of project approval. The TDM Plan provides a menu of mandatory trip reduction measures to be implemented in order to meet the targeted goal of a 10% reduction in single occupancy vehicle trips during Phase 1 and a 20% reduction in single occupancy vehicle trips through buildout as compared to the baseline condition. The TDM Plan's trip reduction

strategies are capable of reducing the project's vehicle trip generation to the greatest extent feasible; The Planning Commission also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given below.

24. TRANS-2: Phase 1 of the proposed project, when added to existing traffic levels, would add more than 10 trips to Intersection #44-West Grand Avenue / Brush Street (Existing), which meets peak hour volume signal warrants. This impact will be mitigated through implementation of Mitigation Measure TRANS-2, which requires signalization of the intersection providing actuated operation and signal communication with the existing signal interconnect on West Grand Avenue and making other necessary City-approved associated improvements. The project sponsor shall work with the City to perform a detailed intersection/signalization engineering design study to determine the most feasible design to implement, which improves intersection operations and minimizes any potential secondary impacts, in accordance with City standards, which may include measures not specified herein, or even an alternative to signalization of the intersection, but which result from the detailed study. Because several design alternatives may be acceptable, a final, detailed design plan for this intersection improvement shall be prepared, subject to review and approval of the City. Such a design may include measures not yet specified, or even an alternative to signalization of the intersection. The project sponsor shall be required to fund, prepare and install the approved plans and improvements. This impact is considered to be significant and unavoidable because the intersection is complicated and the specific improvements to be implemented must be finalized after a detailed intersection/signalization engineering design study is performed and a preferred, detailed design selected by the City. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

25. TRANS-4: Buildout of the proposed project, when added to existing traffic levels, would add more than 10 trips to Intersection #44-West Grand Avenue / Brush Street (Existing), which meets peak hour signal warrants. This impact will be mitigated through implementation of Mitigation Measure TRANS-2, described above. The project sponsor shall be required to fund, prepare and install the approved plans and improvements. This impact is conservatively deemed significant and unavoidable at this time because the intersection is complicated and the specific improvements to be implemented must be finalized after a detailed intersection/signalization engineering design study is performed and a preferred, detailed design selected by the City. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

26. TRANS-6: Phase 1 of the proposed project plus the MOB from Future Phases, when added to projected 2015 traffic levels, would add more than 10 trips to Intersection #44-West Grand Avenue / Brush Street (2015), which meets peak hour signal warrants. This impact will be mitigated through implementation of Mitigation Measure TRANS-6, which requires implementation of Mitigation Measure TRANS-2 with additional modifications to signal cycle length. To implement this measure, the project sponsor shall fund, prepare, and install the approved plans and improvements. This mitigation measure will reduce the potential impact to a less-than-significant level. This impact is conservatively deemed significant and unavoidable at this time because the intersection is complicated and the specific improvements to be implemented must be finalized after a detailed intersection/signalization engineering design study is performed and a preferred, detailed design selected by the City. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

27. TRANS-8: Buildout of the proposed project, when added to projected 2015 traffic levels, would add more than 10 trips to Intersection #44-West Grand Avenue / Brush Street (2015), which meets peak hour signal warrants. This impact will be mitigated through implementation of Mitigation Measure TRANS-2, described above, with changes to signal cycle length. To implement this

measure, the project sponsor shall fund, prepare, and install the approved plans and improvements. This mitigation measure will reduce the potential impact to a less-than-significant level. However, this impact is conservatively deemed significant and unavoidable at this time because the intersection is complicated and the specific improvements to be implemented must be finalized after a detailed intersection/signalization engineering design study is performed and a preferred, detailed design selected by the City. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

28. TRANS-9: Under 2035 cumulative traffic conditions, 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 Intersection #6-27th Street / Northgate Avenue / I-980 On-Ramps (2035), which would operate at LOS F during the PM peak hour under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-9, which requires optimization of signal timing and coordination of timing with adjacent intersections. To implement this measure, the project sponsor shall fund, prepare, and install the approved plans and improvements. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. This project impact would be significant and unavoidable because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure TRANS-9 without the approval of Caltrans. However, in the event that Mitigation Measure TRANS-9 could be implemented, the impact would be less than significant. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

29. TRANS-10: Under 2035 cumulative traffic conditions, 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 Intersection #7-Telegraph Avenue / Grand Avenue (2035). This impact will be mitigated through implementation of Mitigation Measure TRANS-10, which requires providing protected left-turn phases for all approaches, optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection would worsen the LOS F conditions over the unmitigated condition during the PM peak hour because the protected left-turn phasing mitigation worsens LOS. The protected left-turn phasing is necessary because of the high volume of left turning traffic conflicting with both oncoming traffic and pedestrians crossing the street. The protected left-turn phasing removes these conflicts but adversely impacts vehicle traffic flow. The impact remains significant and unavoidable even with the stated mitigation measure. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

30. TRANS-11: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #8-Telegraph Avenue / 27th Street (2035), which would operate at LOS F during both peak hours under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-11, which requires providing protected left-turn phases for north- and southbound approaches, optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection operation would worsen the LOS F condition over the unmitigated condition during the AM and PM peak hours because the protected left-turn phasing mitigation worsens LOS. The left turn phasing is necessary because of the high volume of left turning traffic conflicting with both oncoming traffic and pedestrians crossing the street. The protected left-turn phasing removes these conflicts. The impact remains significant and unavoidable even with the stated mitigation measure. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

31. TRANS-13: Under 2035 cumulative traffic conditions, 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 Intersection #13- Telegraph Avenue / MacArthur Boulevard (2035). 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. This impact will be mitigated through implementation of Mitigation Measure TRANS-13, which requires providing protected left-turn phases for north- and southbound approaches, optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection would deteriorate from LOS E to LOS F during the AM peak hour, but PM peak hour operations would improve from LOS F to LOSE. The deteriorated conditions during the AM peak hour are due to the protected left-turn phasing mitigation. The protected left-turn phasing is necessary because of the high volume of left turning traffic conflicting with both oncoming traffic and pedestrians crossing the street. The protected left-turn phasing removes these conflicts. As a result, the impact remains significant and unavoidable even with the stated mitigation measure. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

32. TRANS-15: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the average intersection vehicle delay by more than six seconds during the AM peak hour at Intersection #34-Broadway / West MacArthur Boulevard (2035), which would operate at LOS E during the AM peak hour under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-15, which requires optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection operations would deteriorate from LOS E to LOS F during the AM peak hour. As a result, the impact remains significant and unavoidable even with the stated mitigation measure. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

33. TRANS-17: Under 2035 cumulative traffic conditions, buildout of the proposed project would add more than 10 trips to Intersection #39-Harrison Street / 29th Street (2035), which would meet peak-hour signal warrants under 2035 Without Project conditions. No mitigation is recommended. Signalization of this intersection was considered and rejected as a mitigation measure. The 29th Street corridor between Fairmount Avenue and Harrison Street is narrow (less than 30 feet wide) with on-street parking serving residential uses. The corridor, based on its design, was not intended to serve traffic traveling between the commercial corridors of Broadway and Telegraph Avenue and Harrison Street. Signalization could encourage additional traffic through the residential area along 29th Street. This impact would remain significant and unavoidable. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

34. TRANS-18: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the average intersection vehicle delay by more than two seconds during the PM peak hour at Intersection #41-Oakland Avenue / Perry Place / I-580 Off-Ramp (2035), which would operate at LOS F during both peak hours under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-18, which requires optimization of signal timing and coordination of timing with adjacent intersections. After implementation of this measure, the intersection would operate at LOS F during the PM peak hour but reduce the project impact to less than significant levels by improving intersection delay over the unmitigated condition. This intersection is under the jurisdiction of Caltrans so any equipment or facility upgrades must be approved by Caltrans prior to installation. This project impact would be significant and unavoidable because it is not certain that the measure could be implemented because the City of Oakland, as lead agency, could not implement Measure TRANS-9 without the approval of Caltrans. However, in the event that Mitigation

Measure TRANS-9 could be implemented, the impact would be less than significant. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

35. TRANS-19: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the average intersection vehicle delay by more than six seconds during the AM peak hour at Intersection #43-Piedmont Avenue / West MacArthur Boulevard (2035), which would operate at LOS E during the AM peak hour under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-19, which requires optimization of signal timing and coordination of timing with adjacent intersections. If this measure were implemented, the intersection would worsen the LOS E conditions (increase the vehicle delay) compared to the unmitigated condition during the AM peak hour. As a result, the impact remains significant and unavoidable even with the stated mitigation measure. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

36. TRANS-20: Buildout of the proposed project would add more than 10 trips to Intersection #44-West Grand Avenue / Brush Street (2035), which would meet signal warrants under 2035 Without Project conditions. This impact will be mitigated through implementation of Mitigation Measure TRANS-2 and TRANS-6, described above. After implementation of this measure, the intersection would continue to operate at LOS F during the AM and PM peak hours primarily because of the substantial increase in east/west traffic volumes assumed in this study. As a result, the impact remains significant and unavoidable even with the stated mitigation measure. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

37. TRANS-21: Under 2035 cumulative traffic conditions, buildout of the proposed project would increase the v/c ratio at Intersection #45-West Grand Avenue / San Pablo Avenue (2035), which would operate at LOS F during the PM peak hour under 2035 Without Project conditions. No feasible mitigations have been identified other than Mitigation Measure TRANS-2 and TRANS-6. As a result, the impact remains significant and unavoidable even with the stated mitigation measure. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

38. AIR-1: Activities associated with demolition, site preparation, and construction would generate short-term emissions of criteria pollutants, including suspended inhalable particulate matter and equipment exhaust emissions. (Less than Significant under existing BAAQMD Thresholds. If proposed BAAQMD Thresholds are adopted, this is a potentially significant Phase I impact for emissions of NO_x under the proposed Project and under the MOB Concurrent with Phase 1 scenario). This impact will be mitigated through implementation of Standard Conditions of Approval AIR-1, AIR-2 and AIR-3, which require reduction of construction-period dust and emissions and asbestos removal in structures, and through implementation of Mitigation Measure AIR-8, described below. This impact would be less than significant under existing BAAQMD thresholds but significant and unavoidable in Phase 1 if proposed BAAQMD thresholds are adopted. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

39. AIR-6: The proposed project would result in a cumulatively considerable contribution to a cumulative air quality impact from criteria pollutant emissions (Less than significant under existing BAAQMD Thresholds. If proposed BAAQMD Thresholds are adopted, this is a potentially significant Phase I impact for emission of NO_x under proposed Project and under the MOB Concurrent with Phase 1 scenario.) This impact will be mitigated through implementation of Standard Conditions of Approval AIR-1, AIR-2 and AIR-3 which require reduction of construction-period dust and emissions and asbestos removal in structures, and through implementation of Mitigation Measure AIR-8,

described below. This impact would be less than significant under existing BAAQMD thresholds but significant and unavoidable in Phase 1 if proposed BAAQMD thresholds are adopted. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

40. AIR-8: Construction and operation of the project would result in a cumulatively considerable increase in GHG emissions. (Significant if proposed BAAQMD Thresholds are adopted.) This impact will be mitigated through implementation of the Transportation Demand Management (TDM) Plan prepared for the Project and included in the Final EIR and adopted as a condition of project approval pursuant to Standard Condition of Approval TRANS-1, and through implementation of the Greenhouse Gases Emissions Reduction Plan (GHG Plan) prepared for the Project and included in the Final and adopted as a condition of project approval pursuant to Mitigation Measure AIR-8. , The GHG Plan is flexible and provides ABSMC a menu of options to explore and select in order to meet the targeted, performance based reduction goals including (in order of priority): GHG reduction measures capable of reducing the project’s operational emissions to the greatest extent feasible; additional GHG reduction measures that are to be implemented elsewhere within the ABSMC campus and/or elsewhere within the City of Oakland, the BAAQMD or the state to off-set the project’s operational emissions; payment of a one-time fee (e.g., an escrow account or endowment fund) to off-set the costs associated with implementation of certain City-wide GHG reduction strategies as may be identified in the City of Oakland’s Climate Action Plan; and the purchase of offset credits to reduce the residual emissions to less than the applicable CEQA significance threshold. While the measures in the GHG Plan could reduce the cumulative GHG emissions associated with the project, the actual reduction would depend on the combination and extent of the measures employed and the effectiveness of carbon off-sets to actually reduce GHG emissions. Therefore, the extent of potential reduction can not be known at this time and as a result, the residual impact of the proposed project’s cumulative contribution to GHG emissions (based on adoption of the proposed BAAQMD thresholds) is conservatively considered to be significant and unavoidable. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

41. 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 if proposed BAAQMD Thresholds are adopted.) This impact will be mitigated through implementation of the Transportation Demand Management (TDM) Plan prepared for the Project and included in the Final EIR and adopted as a condition of project approval pursuant to Standard Condition of Approval TRANS-1, and through implementation of the Greenhouse Gases Emissions Reduction Plan (GHG Plan) prepared for the Project and included in the Final and adopted as a condition of project approval pursuant to Mitigation Measure AIR-8. This impact would be less than significant under existing BAAQMD thresholds but significant and unavoidable if proposed BAAQMD thresholds are adopted. This potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations.

IX. FINDINGS REGARDING ALTERNATIVES

42. The Planning Commission finds that specific economic, social, environmental, technological, legal or other considerations make infeasible the alternatives to the Project as described in the EIR despite remaining impacts, as more fully set forth in the Statement of Overriding Considerations below. The only remaining significant unavoidable impacts of the Project that cannot be fully mitigated through the mitigation measures and standard conditions described in the EIR are project-specific transportation impacts with uncertain feasibility of mitigation, certain 2030 cumulative impacts to transportation, and air quality and greenhouse gas impacts that have been identified under the currently draft air district guidelines despite uncertainty about adoption of these new thresholds of significance.

43. The EIR evaluated a reasonable range of alternatives to the original project that was described in the Draft EIR. The Draft EIR identified eleven alternatives to the proposed project. Of those eleven identified alternatives, three were not analyzed in detail as explained in the Draft EIR. The Planning Commission adopts the EIR's analysis and conclusions eliminating these three alternatives from further consideration. Each reason given in the EIR for rejecting an alternative constitutes a separate and independent basis for finding that particular alternative infeasible, and, when the reasons are viewed collectively, provides an overall basis for rejecting an alternative as being infeasible.

44. The eight potentially feasible alternatives analyzed in the EIR represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project. These alternatives include: (1.1) No Project / Close Summit Campus, No Relocation Offsite; (1.2) No Project / Remove All Acute Care from Merritt Pavilion, No Backfill; (1.3) No Project / Remove All Acute Care from Merritt Pavilion, Backfill with Non-Acute Care; (1.4) No Project / Seismic Retrofit of Existing Merritt Pavilion; (2) Phase 1 Only, With Non-Acute Care Backfill at Merritt Pavilion; (3.1) Redesigned New MOB to Avoid Demolition of 418 30th Street; (3.2) Smaller New MOB to Avoid Demolition of 418 30th Street; and (4) Maximum Avoidance – Phase 1 Only, No Backfill at Merritt Pavilion. Additionally, the EIR analyzed four planning alternative that address urban design objectives and parking supply, but may not meet the CEQA requirement for reducing one or more significant impacts of the Project. These alternatives includes: (5) Two Shorter Patient Care Pavilion Towers; (6) Reduced Garage Bulk Scenarios; (7) West Garage (Sponsor-Controlled) Parking Sites; and (8) Full On-site Parking During Future Phases. As presented in the EIR, the alternatives were described and compared with each other and with the proposed project. Alternative 4: Maximum Avoidance – Phase 1 Only, No Backfill at Merritt Pavilion was identified as the environmentally superior alternative.

45. Alternative 3.1: Redesigned New MOB to Avoid Demolition of 418 30th Street has been incorporated into the project. Under this alternative, the new MOB proposed along Summit Street has been redesigned to avoid demolition of 418 30th Street, a potentially historic resource. In order to maintain the same square footage as the proposed project while avoid demolition of the potentially historic resource, the footprint of the MOB would be reduced, but its height would be increased to eight stories tall. All other aspects of the proposed project remain the same.

46. The Planning Commission certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the Planning Commission's independent judgment as to alternatives. The Planning Commission finds that the Project, incorporating avoidance of the historic building as presented in Alternative 3.1, provides the best balance between the project sponsor's objectives, the City's goals and objectives, the Project's benefits as described below in the Statement of Overriding Considerations, and mitigation of environmental impacts to the extent feasible. Of the non-CEQA Alternatives discussed in the EIR, the current Project incorporates Alternative 5.5.2 Scenario 1: Stepped Corner for Reducing the Garage Bulk but does not incorporate the non-CEQA alternatives of two shorter patient care towers (Alternative 5.5.1), the more substantial step-down garage design (Alternative 5.5.2 Scenario 2), adding off-site parking (Alternative 5.5.3), or adding additional parking on site (Alternative 5.5.4). These non-CEQA alternatives were considered but rejected as not meeting the project objectives, but findings regarding their rejection are not necessary. The seven other CEQA alternatives proposed and evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible, and, when the reasons are viewed collectively, provide an overall basis for rejecting the alternative as being infeasible.

47. (1.1) No Project / Close Summit Campus, No Relocation Offsite: In this scenario, the existing Summit campus closes by December 31, 2012 to comply with state law. No aspect

of the proposed project would be developed. ABSMC would discontinue the emergency department and all other acute care services at the ABSMC Summit Campus and would not relocate their acute care and medical center facilities to another location. The facilities that currently house acute care and hospital functions would remain unused after ABSMC's departure. This alternative would avoid all of the Project's potentially significant and mitigable impacts and the significant and unavoidable. This alternative is rejected as infeasible because (a) it would not replace outdated structures, equipment and technology so would not meet seismic safety requirements of SB 1953 or energy and design objectives of the Green Guide for Health Care; (b) it would disrupt existing services rather than providing for continuation of a full range of comprehensive health care services at this Pill Hill location; (c) it would not enhance ABSMC's commitment to enhance the health and wellbeing of Oakland and the Bay Area or build upon the legacy of Dr. Samuel Merritt; (d) it would result in the loss of medical and related jobs and would not create construction jobs; (e) it would not result in an attractive and lasting contribution to Oakland's urban fabric and skyline; and (f) it would not increase cohesiveness and capacity in an efficient and clinically safe environment or expand the availability of parking.

48. (1.2) No Project / Remove All Acute Care from Merritt Pavilion, No Backfill. In this scenario, the existing ABSMC hospital closes by December 31, 2012 to comply with state law and would not include any aspects of the proposed project. All existing buildings and other improvements on the project site would remain in their existing condition without any physical or structural changes. ABSMC would not retrofit the existing acute care facilities within the Merritt Pavilion, and would discontinue the acute care and emergency department services at the Summit Campus. The facilities that currently house acute care and emergency department functions will remain unused. Alternative 1.2 differs from Alternative 1.1 in that the existing nonacute care hospital services, such as the pharmacy and clinical services, currently provided by ABSMC would continue to operate on the project site. This alternative would avoid all of the Project's significant and unavoidable impacts and most of the significant and mitigable impacts, with reduced significant and mitigable impacts remaining related to operational air quality and GHG impacts. This alternative is rejected as infeasible because (a) it would not replace outdated structures, equipment and technology so would not meet seismic safety requirements of SB 1953 or energy and design objectives of the Green Guide for Health Care; (b) it would disrupt existing services rather than providing for continuation of a full range of comprehensive health care services at this Pill Hill location; (c) it would not enhance ABSMC's commitment to enhance the health and wellbeing of Oakland and the Bay Area or build upon the legacy of Dr. Samuel Merritt; (d) it would result in the loss of medical and related jobs and would not create construction jobs; (e) it would not result in an attractive and lasting contribution to Oakland's urban fabric and skyline; and (f) it would not increase cohesiveness and capacity in an efficient and clinically safe environment or expand the availability of parking.

49. (1.3) No Project / Remove All Acute Care from Merritt Pavilion, Backfill with Non-Acute Care. In this scenario, the existing ABSMC hospital closes by December 31, 2012 to comply with state law and would not include any aspects of the proposed project. All existing buildings and other improvements on the project site would remain in their existing condition without any physical or structural changes. ABSMC would not retrofit the existing acute care facilities, and would discontinue all acute care and emergency department services within the Merritt Pavilion. All other medical center services, such as the pharmacy and clinical services, would continue at the Summit Campus. ABSMC would not relocate their acute care and medical center facilities to another location. The facilities that currently house acute care and hospital functions would be backfilled with non-acute care uses, which are consistent with the existing zoning and General Plan land use classifications. This alternative would result in the same land use, geological, and population impacts; similar but substantially reduced cumulative GHG emissions and policy impacts, operational air quality impacts, intersection and transit impacts, construction-period noise impacts, hazardous materials impacts, public services impacts, and utility impacts; and would avoid all other impacts. This alternative is rejected as infeasible because

(a) it would not replace outdated structures, equipment and technology so would not meet seismic safety requirements of SB 1953 or energy and design objectives of the Green Guide for Health Care; (b) it would disrupt existing services rather than providing for continuation of a full range of comprehensive health care services at this Pill Hill location; (c) it would not enhance ABSMC's commitment to enhance the health and wellbeing of Oakland and the Bay Area or build upon the legacy of Dr. Samuel Merritt; (d) it would not create construction jobs; (e) it would not result in an attractive and lasting contribution to Oakland's urban fabric and skyline; and (f) it would not increase cohesiveness and capacity in an efficient and clinically safe environment or expand the availability of parking.

50. (1.4) No Project / Seismic Retrofit of Existing Merritt Pavilion. Many of the 17 separate buildings that comprise the Merritt Pavilion are classified as SPC-1. By January 1, 2013, SB 1953 requires that all buildings utilized for acute care services must meet a minimum standard of SPC-2. In this scenario, rather than constructing a new Patient Care Pavilion, ABSMC would seismically retrofit all current SPC-1 buildings so that they meet the SPC-2 requirement on or before January 1, 2013, and would also install brace systems for certain support systems to ensure that all buildings used for acute care services meet the Non-Structural Performance Category 3 (NPC-3) requirement which also becomes applicable on January 1, 2013. This would be the extent of the improvements on the Summit Campus under this no-project scenario. This scenario differs from the three previous no-project scenarios in that ABSMC would continue to offer all acute care services. This alternative would avoid construction period emissions and hydrology and water quality impacts, impacts to historical archaeological and paleontological resources, and visual quality impacts; and result in the same impact related to land use, geological, and hazardous materials. All the other identified impacts would be similar but substantially reduced under this alternative. This alternative is rejected as infeasible because (a) it would not replace outdated structures, equipment and technology so would not meet energy and design objectives of the Green Guide for Health Care; (b) it would not enhance ABSMC's commitment to enhance the health and wellbeing of Oakland and the Bay Area or build upon the legacy of Dr. Samuel Merritt; (c) it would not create as many construction jobs; (d) it would not result in an attractive and lasting contribution to Oakland's urban fabric and skyline; and (e) it would not increase cohesiveness and capacity in an efficient and clinically safe environment or expand the availability of parking.

51. (2) Phase 1 Only, With Non-Acute Care Backfill at Merritt Pavilion. Under this alternative, ABSMC would complete only the Phase 1 portion of the proposed project. This alternative would consist of the new Patient Care Pavilion, including relocation of the emergency department, the new parking garage, and limited site improvements, as described in Section 3.5.1 in Chapter 3, Project Description. None of the new buildings or site improvements proposed for the future phases (which could occur at anytime between 2015 and 2035) would be implemented. This means that three buildings proposed for demolition and replacement as part of the future phases would remain in use for non-acute care services. ABSMC may subsequently determine that some or all of these buildings may require upgrading or replacement at a future date if they are to remain usable, although this cannot be determined at this time. This alternative would avoid significant and unavoidable intersection impacts; and would have the same impacts in relation to construction period emission, land use, geology and soils, hazardous materials, and population. All the other identified impacts would be similar but substantially reduced under this alternative. This alternative is rejected as infeasible because (a) it would replace only one of four outdated structures, the remaining of which may not meet seismic safety requirements of SB 1953 or energy and design objectives of the Green Guide for Health Care; (b) it would disrupt some existing services rather than providing for continuation of a full range of comprehensive health care services at this Pill Hill location; (c) it would enhance ABSMC's commitment to enhance the health and wellbeing of Oakland and the Bay Area or build upon the legacy of Dr. Samuel Merritt, but to a lesser degree than under the proposed Project; (d) it would not create as many construction jobs; (e) it would result in some change toward an attractive and lasting contribution to Oakland's urban fabric and skyline,

though less than under the proposed Project; and (f) it would not substantially increase cohesiveness and capacity in an efficient and clinically safe environment .

52. (3.1) Redesigned New MOB to Avoid Demolition of 418 30th Street.

Under this alternative, ABSMC would redesign the new MOB proposed along Summit Street in future phases to avoid demolition of 418 30th Street, a potentially historic resource. In order to maintain the same square footage as the proposed project while avoid demolition of the potentially historic resource, the footprint of the MOB would be reduced, but its height would be increased to eight stories tall. All other aspects of the proposed project would remain the same. This alternative would avoid the significant and unavoidable historical resources impacts while all other impacts would remain the same or similar. This alternative would meet all project objectives, only partially reducing the Project’s ability to meet the objective to replace outdated structures with new structures meeting seismic and “green” energy and design objectives. Because of its ability to reduce impacts without substantially compromising objectives, this alternative has not been rejected, but rather has been incorporated into the project.

53. (3.2) Smaller New MOB to Avoid Demolition of 418 30th Street.

Under this alternative, ABSMC would complete all of Phase 1 and a smaller MOB to avoid demolition of 418 30th Street, a potentially historic resource. The footprint would be small enough to avoid demolition of the potentially historic building at 418 30th Street. This alternative would continue to involve demolishing the buildings at 3023 and 3043 Summit Street as for the proposed project. For purposes of this alternative, the size of the MOB (and the ground floor retail space) is reduced by a third (a total floor area of approximately 116,666 square feet), but the height would remain the same as the proposed project at five stories. This alternative would avoid significant and unavoidable impacts to historic resources and some mitigable intersection impacts; and would significantly reduce impacts related to GHG and air quality emissions, intersection operation, construction period emissions, archaeological and paleontological resources, hydrology and water quality, public services and utilities. This alternative is rejected in favor of the similar alternative 3.1, which has been incorporated into the project. This alternative would not provide for the same size facility and services as under the proposed Plan or alternative 3.1 and while some mitigable impacts would be further reduced under this alternative as compared to alternative 3.1, it would not provide the same level of benefits, such as increasing the capacity of high-quality health care services and retaining and creating as many medical and construction jobs.

54. (4) Maximum Avoidance Alternative – Phase 1 Only, No Backfill at Merritt Pavilion.

Alternative 4 is a variation of the proposed project designed to avoid all significant impacts identified for the proposed project. Overall, this alternative avoids demolition of the presumably historical resource at 418 30th Street by only developing Phase 1 (since that building would be demolished in future phases). This alternative would avoid all new significant intersection operations impacts by only developing Phase 1 and not backfilling vacated space in the Merritt Pavilion with medical office and administrative support uses. Alternative 2, which has similar impacts to this maximum avoidance alternative, differs from this alternative in that under Alternative 2 the Merritt Pavilion is backfilled with MOB and administrative uses, while here, no such backfill occurs. While it may be impractical for ABSMC to maintain vacant existing space (approximately 109,142 square feet) within the Merritt Pavilion after the new Patient Care Pavilion is constructed (since no backfill would occur), there is no other Phase 1 component that could be reduced to avoid or lessen the SU intersection impacts identified to occur with Phase 1. The only other Phase 1 project component is the new parking garage, which does not generate project trips. Alternative 4 does not consider a reduced Patient Care Pavilion since ABSMC has designed and programmed the new facility to ensure operational and spatial efficiencies, clinical safety, and adequate in-patient capacity (beds) in the Merritt Pavilion to maintain quality health care service to the community. This alternative is rejected as infeasible because (a) it would replace only one of four outdated structures, the remaining of which may not meet seismic safety

requirements of SB 1953 or energy and design objectives of the Green Guide for Health Care; (b) it would not create or retain as many construction jobs or medical and related jobs; (c) it would not result in as significant of a contribution to an attractive and lasting change in Oakland's urban fabric and skyline; (d) it would not increase cohesiveness and capacity in an efficient and clinically safe environment or expand the availability of parking to the same degree as under the proposed Project; and (e) it may be impractical for ABSMC to maintain vacant existing space within the Merritt Pavilion after the new Patient Care Pavilion is constructed.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

55. The Planning Commission finds that each of the following specific economic, legal, social, technological, environmental, and other considerations and the benefits of the Project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval. The remaining significant adverse impacts identified above are acceptable in light of each of these overriding considerations that follow. Each individual benefit/reason presented below constitutes a separate and independent basis to override each and every significant unavoidable environmental impact, and, when the benefits/reasons are viewed collectively, provide an overall basis to override each and every significant unavoidable environmental impact.

56. The Project will replace the acute care patient facilities at the Merritt Pavilion, so as to meet and exceed the seismic safety requirements of SB 1953, and create new seismically safe acute care facilities for the community at the earliest practicable date and within mandated state deadlines.

57. The Project will continue to provide a full range of health care services on centrally located and easily accessible Pill Hill, one of Northern California's largest concentrations of acute care and other medical facilities, both during and after project completion.

58. The Project will further ABSMC's 100-year tradition of commitment to Oakland and the Bay Area, and ABSMC's mission of enhancing the health and wellbeing of people in the communities they serve through compassion and excellence, by continuing to provide comprehensive services and facilities designed to meet the health care needs of the diverse communities of the greater East Bay area.

59. The Project will ensure that the new Patient Care Pavilion is an efficient and clinically safe environment by providing the latest best practices in hospital design, including: 1) all private single-patient inpatient rooms, 2) spatial layouts that promote the ability of staff to work with patients and decrease time spent in paperwork and support tasks, 3) integration of the new Patient Care Pavilion with the existing Merritt Pavilion, and 4) optimal departmental adjacencies that minimize horizontal circulation and promote safe patient flow throughout the hospital.

60. The Project will provide high-quality health care services in next generation, state-of-the-art, patient care and emergency facilities providing a comforting, healing environment, through the replacement of outdated structures, equipment and technology.

61. The Project will expand the availability of on-site parking with easy access to new and existing medical facilities within the Summit Campus.

62. The Project will enhance the Summit Campus' cohesiveness and capacity to serve the community, and improve aesthetics through the construction of new medical office

buildings, classrooms, an employee fitness center, street level retail space, enhanced pedestrian linkages, substantial green space and other facilities.

63. The Project will capitalize on the concentration of medical offices and other medical support services which have developed in the Pill Hill area since ABSMC's predecessors, Providence Hospital, Samuel Merritt Hospital, and Peralta Hospital, first opened over a century ago, by continuing to provide acute care services on the Summit Campus.

64. The Project will create a visually interesting and effective project design in harmony with the neighborhood which would provide an attractive and lasting contribution to Oakland's urban fabric and skyline.

65. The Project will efficiently reuse existing building sites within the existing Summit Campus, including maximizing the clinical usefulness of those portions of the existing Merritt Pavilion that are eligible to remain in acute care service and those portions of the existing Merritt Pavilion that would remain but must be removed from acute care service.

66. The Project will construct all new facilities in a cost-effective manner without using public tax dollars.

67. The Project will minimize displacement and disruption of existing services and facilities, including acute care and emergency services, during and after construction.

68. The Project will maintain and create needed medical, construction, and related jobs in Oakland.

69. The Project will continue to build upon the history and legacy of Dr. Samuel Merritt, along with the century of history at Samuel Merritt University.

70. The Project will meet the contemporary energy and design objectives of the Green Guide for Health Care, a best practices guide for healthy and sustainable building design, construction, and operations for the healthcare industry.